



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
JUNE 18, 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 18, 2020, **Work Session at 4:00pm to 5:30pm** and **Regular Meeting at 06:15 PM** Mountain Time (US and Canada)
Topic: 2020/06/18 Regular Council Meeting

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/86307818746>

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Or Telephone:

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TIME	ITEM	WORK SESSION	ACTION
4:00-5:30p	2. Joint Meeting with the Glenwood Springs Rural Fire Board on The Gallagher Amendment		
6:05pm	Meeting Set-up		
		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)		
	7. Council Comments/Update on Boards and Commissions		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.</i>		
	A. Minutes from April 16 and April 30, 2020 Regular meeting		

- B. Award of Bid 2020-019: Water, Sewer, and Roadway Construction Contract for 22 nd Street
- C. Resolution 2020-23; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Authorizing Execution of an Intergovernmental Agreement with the Colorado Department of Revenue Regarding Sales and Use Tax Software.
- D. 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 (SECOND READING)
- E. 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 (SECOND READING).
- F. Ordinance No 17, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs Amending Section 120.040.020(11) Removing Parking Enforcement Language from the Glenwood Springs Municipal Code (SECOND READING)
- G. 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 to receive sales tax in the General Fund instead of Capital Projects Fund (SECOND READING)

ACTIONS AND/OR PRESENTATIONS

6:25pm	9.	06-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095)	Discussion and/or Action
6:55pm	10.	Award of Cable Bid BD2020-025 for 24 reels of 500MCM Cable to Western United Electric for \$110,378.40.	Discussion and/or Action Presentation
7:05pm	11.	Resolution 2020-22; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting a Fats, Oils and Grease (FOG) Policy	Discussion and/or Action
7:20pm	12.	Ordinance 15, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Sections of Title 070 of the Municipal Code regarding Use Regulations - to address errors that require correction and provisions that need clarification or modification in the Land Use Code (FIRST READING)	Discussion and/or Action
7:30pm	13.	Review of Multimodal Options for a Vibrant Economy (MOVE) Study Progress	Information/Discussion
7:50pm	14.	Collaboration Agreement with Garfield County BOCC for CARES Funding for COVID-19 Response	Discussion and/or Action
8:00pm	15.	Report from City Administration A. City Manager -Community Center Update B. City Attorney C. Correspondence Incoming/Outgoing Letter to CML endorsing Charlie Willman for Exec board	Discussion and/or Action
8:05pmpm	16.	Adjournment	



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Joint Meeting with the Glenwood Springs Rural Fire Board on The Gallagher Amendment

Action Requested: Matt Gianneschi, COO of Colorado Mountain College will provide a summary of the Gallagher Amendment and the status of related legislative activity.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: This amendment to the Colorado State Constitution impacts property tax collection in Glenwood Springs' for the Fire Department, GID and DDA.

Issues: NA

Staff Recommendation: NA

UNDERSTANDING THE GALLAGHER AMENDMENT'S IMPACT ON RURAL COLORADO

Matt Gianneschi, Chief Operating Officer

GALLAGHER AMENDMENT

- Established in 1982
- Requires the sum total of property taxes collected statewide to maintain a ratio of **55% non-residential and 45% residential**
- Fixes the **non-residential** property assessment at 29% of total valuation; residential assessments float downward (currently 7.15% of valuation).
- If tax revenues are ever out of balance (according to the 55/45 rule above), **residential assessments are reduced**.
 - In response, many districts increase mill levies (including “overrides”) to offset losses in residential revenues, which shifts local “tax efforts” to businesses.

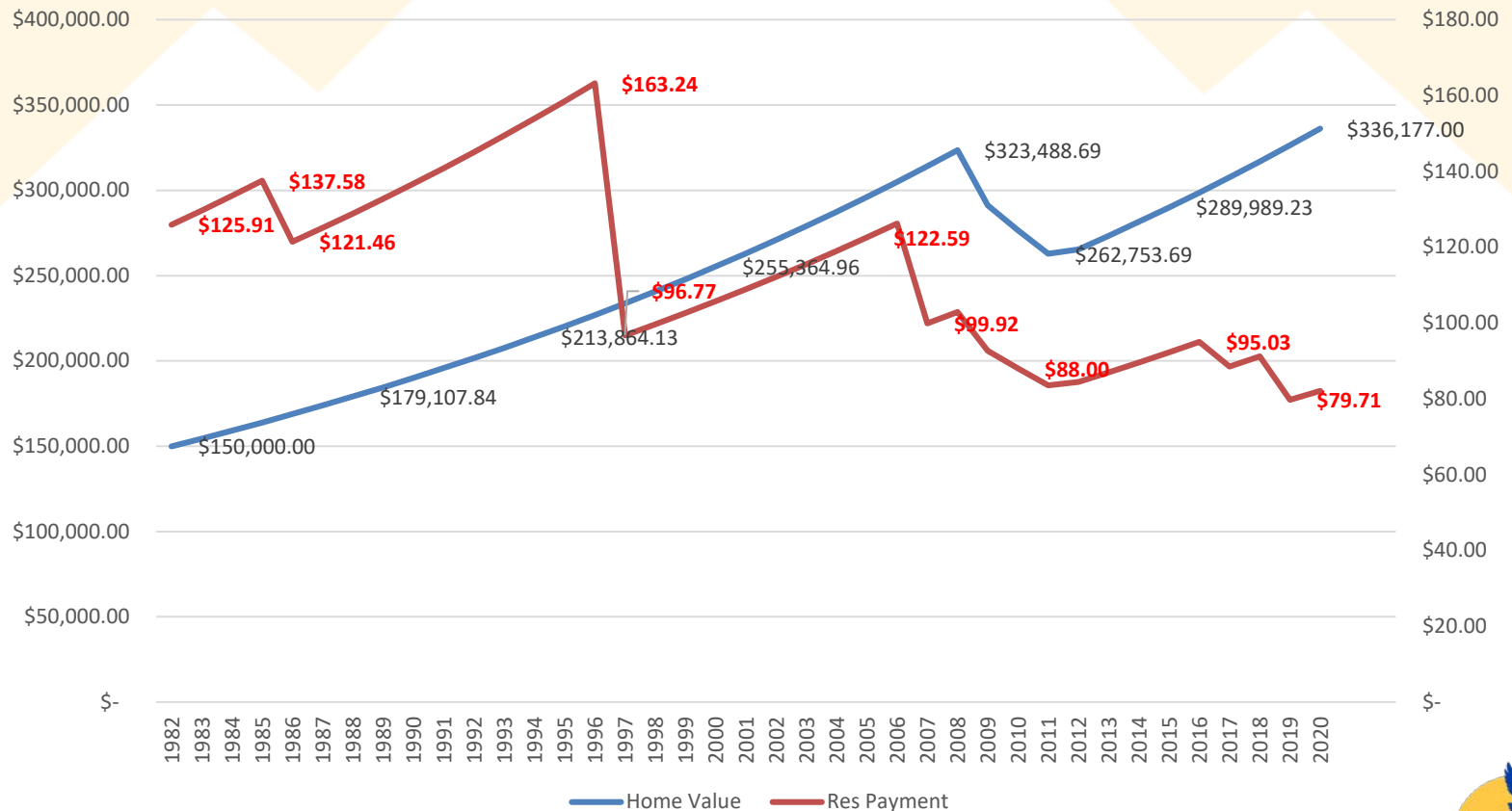
GALLAGHER ASSESSMENT RATE

(Source: Colorado Department of Local Affairs)

Year	Non-residential	Residential
1986	29%	21.00%
1987	29%	18.00%
1997	29%	10.36%
2007	29%	7.96%
2017	29%	7.20%
2019	29%	7.15%
2021	29%	5.88% (projected)

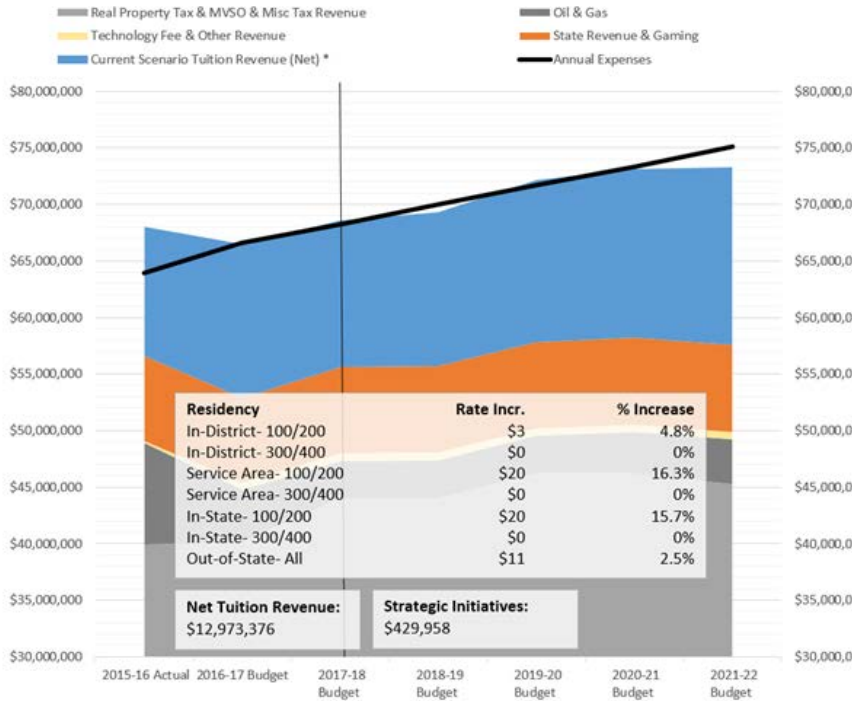
GALLAGHER: THEORETICAL ILLUSTRATION OF IMPACT OF ASSESSMENT CHANGES

Example of \$150,000 Home (in 1982) with 3% Annual Assessment Growth
(Minus Recession)
@3.997 Mills

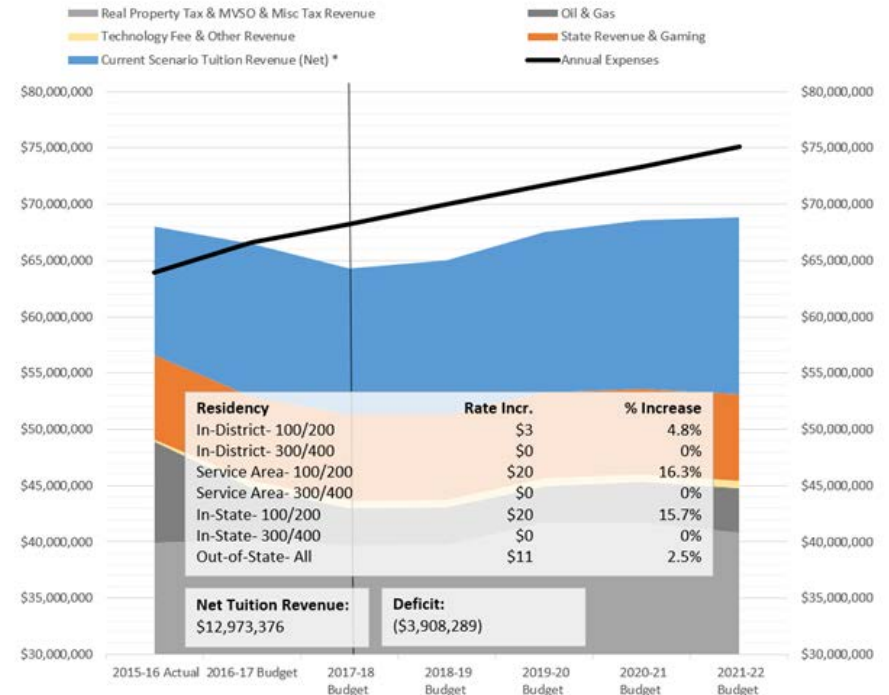


CMC EXAMPLE: PROJECTION VERSUS ACTUAL (APRIL 2017)

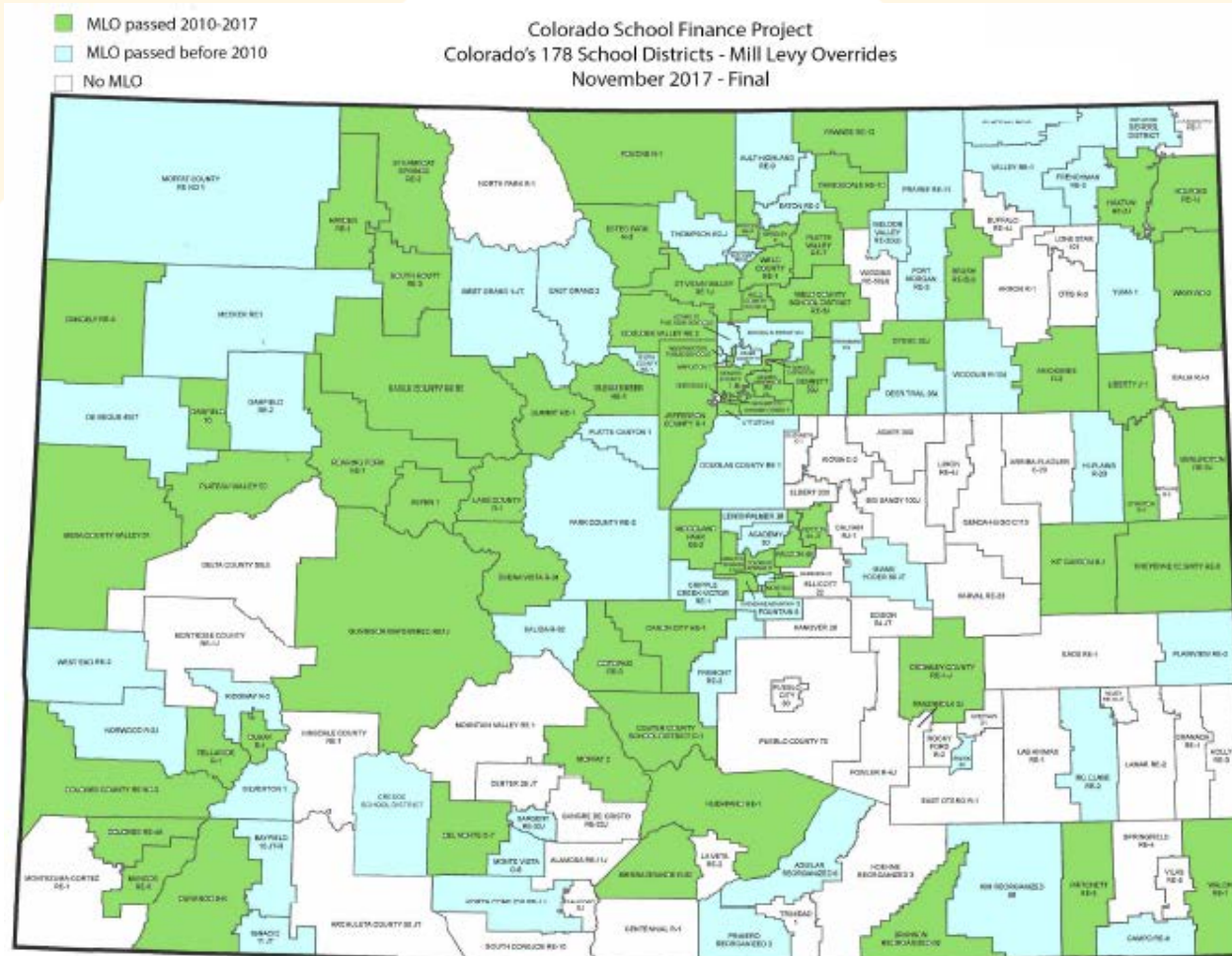
Five Year Revenue and Expenditure Forecast



Five Year Revenue and Expenditure Forecast



GALLAGHER'S EFFECT ON SCHOOL DISTRICTS (MILL LEVY OVERRIDES):



Data: CDE & Secretary of State
Chart: Colorado School Finance Project

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2020 REFERRED MEASURE

- On June 10, the Colorado Senate passed a bill, with a bi-partisan super-majority, to add a question to the November 2020 general election ballot.
 - *As of the writing of this presentation, the bill was under consideration in the House.*
 - Senator Bob Rankin is a co-sponsor of the bill.
- The proposed measure would refer a question to:
 - Strike the 55/45 ratio
 - Strike the mandatory assessment levels for residential and non-residential properties
 - Allow the legislature to adjust assessment rates
 - Includes a five-year “no change” phase in period

Matt Gianneschi
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MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
April 16, 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, Gretchen Ricehill; Assistant Director for Economic and Community Development, Michael Gardner; Broadband Superintendent, and Hannah Klausman; Senior Planner.

2. Pledge of Allegiance

Mayor Godes led in the Pledge of Allegiance.

3. Agenda Changes & Conflicts

Councilor Willman – Noted he would need to leave the Executive Session early due to a conflict.

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 other towns in the area were concerned about businesses insurance claim denials due to closing during the pandemic.
- Discussed budget forecasting and other important information that may need to be addressed more frequently than just at regular meetings.

Mayor Pro Temp Kaup – Expressed the importance of City Council reviewing the City budget numbers and projections. She noted as soon as the budget information was available, council should review it.

Councilor Davis – Noted the local financial impact of the pandemic won't be clear until May 20th with sales tax reports.

Councilor Voorhees and Councilor Hershey – Discussed being comfortable giving the City staff time to review the budget before making a presentation to City Council.

Councilor Willman, Councilor Hershey, Mayor Pro Tem Kaup, and Mayor Godes – Discussed holding special meetings. It was noted that special meetings can be scheduled as needed. A special meeting was scheduled for April 30, 2020.

Councilor Hershey - Made note that he did not believe City Council should micromanage the budget.

Councilor Voorhees, Mayor Pro Tem Kaup, Councilor Stepp, and Mayor Godes – Discussed Councilor Voorhees' idea of moving meetings to the afternoon. It was noted evening meetings work well for most people.

Mayor Godes – Suggested looking into public participation electronically when City Council meetings return to physical meetings.

Mayor Pro Temp Kaup, Councilor Willman, and Councilor Hershey– Discussed City Council taking the same pay cut that the main City staff took. Councilor Hershey noted that he would like to see that pay cut as voluntary.

6. COVID-19 Update

City Manager Debra Figueroa - Presented an update on this item. She noted the following:

- The City did not receive the grant for the community garden expansion.
- Staff is working with the Chamber of Commerce and the DDA on a business assistance program that would be presented to City Council during the first meeting in May. They are also working on FAB grant recommendations.
- Requested considering granting \$20,000 to Lift-Up to go towards food for Glenwood Springs residents. The grant money would come out of the money budgeted for the Housing Stipend for City employees.

All Councilors spoke in favor of granting \$20,000 to Lift-Up.

7. Council Comments

Councilor Hershey - Suggested City Council taking a 10% pay cut.

Councilor Stepp – Made note of the RFTA study on the City of Glenwood Springs Facebook page.

Mayor Godes - Noted the importance of the RFTA study within our community.

Councilor Willman, seconded by Councilor Voorhees, moved that City Council take a 20% pay cut of their monthly salaries until the end of 2020 or if the financial conditions change earlier.

The motion passed unanimously.

ACTIONS AND/OR PRESENTATIONS

8. Discussion on Implementation Schedule for Broadband

Matt Langhorst; Public Works Director and Michael Gardner; Broadband Superintendent - Presented on this item.

Matt Langhorst requested City Council allow the broadband project to move from a five-phase project in five years to a two-year project. He noted some phases would move very quickly. It was also noted the broadband network would mostly be installed over the electric system. The broadband contract will cover roughly 10% of Glenwood Springs.

Michael Gardner discussed the growth of broadband over the years.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Hershey moved that the City stop the broadband process and as an alternative look to pursue grants and money for a private organization/company to pursue broadband with the City, for the City, and to stop this program as a government project.

Motion failed for lack of a second.

Mayor Pro Temp Kaup moved, seconded by Mayor Godes, that the City move forward with the two-year buildout based on the financing proposal being discussed that day.

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

Motion passed.

9. Award of Broadband Financing

Steve Boyd; COO - Presented on this item. He discussed the financing and noted the contract with Alpine Bank would be 9 million dollars over 20 years; interest only for the first three years.

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 Pro Tem Kaup to authorize staff to proceed to obtain financing and generally the terms and conditions set forth in the agenda packet with Alpine Bank.

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

Motion passed.

10. Award of Broadband Construction RFP BD2020-007 for Phase 1 of the Fiber to Home Build Out - 2020

Matt Langhorst; Public Works Director noted staff recommendation was to award the broadband fiber to home construction based on RFP BD2020-007 for Phase 1 to Light Works Fiber and Consulting for the dollar amount of \$185,836.68.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Mayor Pro Tem Kaup, seconded by Councilor Davis moved that the City award Phase 1 of the broadband fiber to the home construction from RFP BD2020-007 to Light Works Fiber and Consulting in the amount of \$185,836.68.

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

Motion passed.

11. Resolution 2020-18; A Resolution of the City Council of the City of Glenwood Springs, Colorado Authorizing the Sole Source Procurement of the Broadband Operations Support System Software for Last Mile FTTP Implementation

Matt Langhorst; Public Works Director discussed the current operating software that will need to be replaced with new software.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Voorhees, seconded by Councilor Stepp moved to approve the award to Great Lakes Data System for the Broadband OSS system for a budget amount of \$145,340.

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

Motion passed.

12. Planning file: #10-20 Consideration of an Appeal of a Planning and Zoning Commission denial of a Special Use Permit for a Personal Care Boarding Home as provided for in Municipal Code section 070.030.030(c)(4). The Appeal was filed November 26, 2019 per the requirements of 070.060.070(c). **Open the public hearing and will be open until the next “regular” City Council meeting on May 7, 2020.**

Gretchen Ricehill; Assistant Director for Economic and Community Development - Gave background on this item. She noted on November 26, 2019 the Planning and Zoning Commission heard and reviewed the special use permit request for a personal care boarding home at 1713 Grand Ave. The application was denied by the Planning and Zoning Commission.

Yesenia Gonzalez Hernandez; Applicant and Sumner Schacter; Presenter - Presented the appeal. Sumner Schacter noted he recused himself from the November 26, 2019 Planning and Zoning Commission meeting as he assisted with the SUP request. He made note the SUP request met criteria per the City staff report and addressed the specific concerns of the Planning and Zoning Commission. He also discussed City Council approval was conditional upon licensure by the State Department of Health, the building department, and planning department. He requested granting the appeal and noted belief that the Planning and Zoning Commission denial was in error.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Willman, seconded by Mayor Pro Temp Kaup moved to continue the public hearing on planning item #10-20 appeal from tonight’s date until the next regularly scheduled council meeting on May 7, 2020.

Motion passed unanimously.

13. Ordinance No. 8, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending Standards in the Glenwood Springs Municipal Code Related to Accessory Dwelling Units (FIRST READING)

Hannah Klausman; Senior Planner - Gave background on this item. She made note that staff recommended approval of Planning Item #01-20 Code Text Amendments—Title 070 Accessory Dwelling Unit Standards amendments with the following recommended findings.

The Code amendment is;

- i. Is consistent with the Comprehensive Plan and other City policies;
- ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to substantial changes in conditions and/or policy; and
- v. Is consistent with the general purpose and intent of this Code.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Davis, seconded by Councilor Hershey moved to pass Ordinance No. 8, Series of 2020, Amending Standards Relating to Accessory Dwelling Units as proposed and recommended by staff.

Motion passed unanimously.

14. Ordinance No 9, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs Amending the 2020 Appropriation Ordinance to Reflect Actual Revenues and Expenditures During The First Quarter of Fiscal Year 2020 (ONE READING)

Steve Boyd; COO noted the City formally appropriates changes to the budget quarterly. Q1 changes include two increases in spending:

1. \$100,000 General Fund for costs related to COVID-19 (Council 3/12/20)
2. \$350,000 A&I Fund for ROW acquisition on S. Midland (Council 4/2/20)

The Ordinance was also noted to remove two items that were duplicated in the A&I Budget. 1. \$5.5 million for South Bridge 2. \$3.103 million for Two Rivers Park Project the supplemental appropriation that Council passed on 3/5/2020 when project accounting was implemented should have replaced the original appropriation rather than add to it. This ordinance removes these amounts from the 2020 budget to avoid duplicate appropriation of these amounts.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Willman, seconded by Councilor Davis moved to approve Ordinance No. 9 Series of 2020 An Ordinance of the City Council of the City of Glenwood Springs Amending the 2020 Appropriation Ordinance to Reflect Actual Revenues and Expenditures During The First Quarter of Fiscal Year 2020

Motion passed unanimously.

15. Resolution 2020-19: A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting a Policy for the Use of Electronic Signatures on Ordinances, Resolutions, Contracts and Other Instruments Requiring the City's Signature

Karl Hanlon; City Attorney - Presented on this item. He noted that Colorado has adopted the Uniform Electronic Transactions Act ("UETA"), codified at C.R.S. § 24-71.3-101 et seq., which permits the use of electronic signatures on a variety of documents. Resolution 2020-19: A would permit the City to use electronic signatures in transactions recognized underneath the statute. He made note of an exception that a DocuSign signature cannot be used to sign for a plat. He also noted DocuSign is the only platform the State is recognizing under UETA. The resolution would allow for electronic signatures to be used when physical signatures are difficult to obtain.

Councilor Davis, seconded by Councilor Stepp moved to approve Resolution 2020-19: A Adopting a Policy for the Use of Electronic Signatures on Ordinances, Resolutions, Contracts and Other Instruments Requiring the City's Signature.

Motion passed unanimously.

16. Amendment to City Manager Contract

Debra Figueroa, City Manager - Discussed this topic. The amendment was a temporary measure through the end of the year that would bring her salary to \$150,000. She noted this was a proactive measure to cut staff expenses.

Councilor Willman, seconded by Mayor Godes moved to approve the contract amendment.

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

Nays: None

Abstained: Hershey

Motion passed unanimously.

17. Resolution 2020-20; A Resolution of the City Council of the City of Glenwood Spring Supporting the Designation of Mineral Resource Areas as Areas of State Interest and the Adoption of Additional Regulations Related to Mining Operations by the Garfield County, Colorado Board of County Commissioners

Karl Hanlon; City Attorney - Gave background on Garfield County regulations.

Councilor Voorhees, seconded by Mayor Pro Tem Kaup moved to approve Resolution 2020-20; A Resolution of the City Council of the City of Glenwood Spring Supporting the Designation of Mineral Resource Areas as Areas of State Interest and the Adoption of Additional Regulations Related to Mining Operations by the Garfield County, Colorado Board of County Commissioners

Motion passed unanimously.

18. Report from City Administration

- A. Debra Figueroa, City Manager - Made note of a possible grant for a recycling center downtown with a \$25,000 match from the landfill. It was also discussed that moving the recycling center from the landfill allows room for a leachate pond where the current recycling center is. This would also provide better access for resident use of the recycling center.

Councilor Davis, seconded by Councilor Voorhees moved to allow Mayor Godes to sign the resolution if approved by the City Manager and City Attorney.

Ayes: Voorhees, Kaup, Stepp, Willman, Davis

Nays: Hershey, Godes

Motion passed.

- B. Karl Hanlon, City Attorney - Thanked City Council for their support on land use applications moving towards recovery.
C. Correspondence Incoming/Outgoing - None

19. Executive Session to Conduct a Conference with the City Manager and City Attorney for the Purpose of Discussing the City's Purchase, Acquisition, Lease, Transfer or Sale of Real Property; Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to Property Acquisition and Ross Litigation 8:30pm

Councilor Davis, seconded by Councilor Voorhees moved to go into Executive Session to Conduct a Conference with the City Manager and City Attorney for the Purpose of Discussing the City's Purchase, Acquisition, Lease, Transfer or Sale of Real Property; Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to Property Acquisition and Ross Litigation; And to adjourn the regular meeting at the end of the Executive Session.

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

Nays: None

Motion passed unanimously.

20. Adjourned at 9:32 PM.



MINUTES
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL MEETING
April 30, 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, Gretchen Ricehill; and Assistant Director for Economic and Community Development.

2. Pledge of Allegiance

Mayor Godes led in the Pledge of Allegiance.

ACTIONS AND/OR PRESENTATIONS

3. Certified Election Results

Catherine Fletcher, City Clerk – Presented on this item. She made note of the special election held on April 14, 2020 with Ballot Issue A: Shall the City of Glenwood Springs be authorized to sell or otherwise convey its interest in 19 acres formerly known as Glenwood Springs Municipal Operations Center and access road located at 2307 Wulfsohn road: The results of the election were 1,031 yes votes and 459 no votes.

Councilor Willman, seconded by Mayor Pro Tem Kaup moved to accept the results of the Special City Election.

Motion passed unanimously.

4. COVID-19 Update

Ride Glenwood Springs

Terri Partch, City Engineer – Presented on this item. She noted RFTA would like to restart the regular Ride Glenwood Springs route every half hour. She made note of the precautions RFTA put into place on their regular bus routes to maintain social distancing, such as passengers loading from the back of the bus, passenger limits, etc.

Mayor Godes opened the item for public comment.

Ned Carter - Spoke in favor of allowing the Ride Glenwood Springs to restart. He also expressed concern about enforcement.

Mayor Godes closed the item for public comment.

Mayor Pro Tem Kaup, seconded by Councilor Willman moved to authorize Terri Partch to proceed in negotiating with RFTA to restart the Ride Glenwood Spring service, based on all the safety protocols RFTA has in place on their services.

Ayes: Willman, Stepp, Kaup, Godes, Davis

Nays: Voorhees, Hershey

Motion passed.

Airport

Terri Partch, City Engineer – Gave background on this item. She noted City Council has received many comments in favor of re-opening the airport.

Mayor Godes opened the item for public comment.

Rick Schwarz and Joel Shute – Spoke in favor of re-opening the airport.

Ned Carter – also commented on item not related to the airport.

Mayor Godes closed the item for public comment.

Councilor Hershey, seconded by Councilor Davis moved to open the Glenwood Springs Airport without restrictions beyond the Safer at Home Order.

Motion passed unanimously.

Face Coverings

City Council discussed continuing to wear face coverings or not in the City of Glenwood Springs.

Mayor Godes opened the item for public comment.

Hanging Lake Inn representative - Requested clarification on wearing facemasks outdoors.

Jackie Somma – Spoke against punitive measures regarding this order.

Mayor Godes closed the item for public comment.

Mayor Godes, seconded by Councilor Voorhees moved that Glenwood Springs continue to enforce and extend the current face covering public health order until June 4th.

Motion passed unanimously.

Short Term Lodging

Mayor Godes opened the item for public comment.

Michael Wolny – Spoke in favor of re-opening lodging at the business owner's discretion.

Mayor Godes closed the item for public comment.

Councilor Davis, seconded by Councilor Hershey moved that the City of Glenwood Springs allow short term lodging restrictions to be lifted immediately.

Motion passed unanimously.

4th of July

Debra Figueroa, City Manager – Discussed the limitations with hosting a 4th of July event due to the restrictions of gatherings of 50 people due to COVID -19. She was given direction from City Council to review options.

5. Letter on Garfield County Mining Regulations

Karl Hanlon, City Attorney – Discussed submitting a comment letter to Garfield County on mining regulations.

Councilor Voorhees, seconded by Councilor Stepp moved to submit a comment letter to Garfield County on mining regulations.

Motion passed unanimously.

6. Item Not on Agenda

Debra Figueroa, City Manager – Presented an update

- Made note of the Spring Cleanup cancelation and discussed free vouchers offered.
- Discussed the restrictions at the South Canyon Landfill.
- Noted the building department was still processing permits.
- Made note that Virtual City Hall will be closed every other Friday beginning May 15, 2020. The Community Center and City Hall closures were extended through May 27, 2020.

EXECUTIVE SESSION

7. Executive Session to Conduct a Conference with the City Manager and City Attorney for the Purpose of Discussing the City's Purchase, Acquisition, Lease, Transfer or Sale of Real Property; Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to South Midland, MOC, and RMR

Councilor Hershey, seconded by Councilor Stepp moved to go into Executive Session to conduct a conference with the City Manager and City Attorney for the purpose of discussing the City's purchase, acquisition, lease, transfer or sale of real property; determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; and to conduct a conference with the City Attorney to receive legal advise in accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to South Midland, MOC, and RMR. The meeting will conclude automatically at the conclusion of the Executive Session and will be adjourned until May 7, 2020.

Motion passed unanimously.

8. Adjourned at 8:21 PM.



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Award of Bid 2020-019: Water, Sewer, and Roadway Construction Contract for 22 nd Street

Action Requested: Approval of the Ewing Trucking Bid for the 22nd Street Water, Sewer, and Roadway Project Bid BD2020-019 for \$697,965.05.

Department: Engineering

Presented By: Jessica Bowser, Assistant City Engineer
Terri Partch, City Engineer
Matthew Langhorst, Public Works Director

Background Info: Plans for the replacement of the 4" clay sanitary sewer line in 22nd Street were originally completed in 2007 and slated for replacement in 2008. The economic downturn delayed this project at that time.

In 2016 the replacement was reevaluated by engineering and public works and the plans were revised to include the 2" galvanized steel water line replacement, 4" clay sewer main, and roadway replacement with the addition of sidewalk and an improved curb/drainage system. This design was completed and reviewed by city staff. The project has been budgeted in previous years, but the management of other projects with funding expiration dates have taken precedence over the completion of this project.

The City received 5 bids on June 4, 2020 in response to the Invitation to Bid issued. These bids ranged from \$697,965.05 to \$852,004.05. Ewing Trucking submitted the apparent low bid with the respective high bid from Heyl Construction.

The revised 2020 COVID budget re-allocated \$200,000 from the 2019 Streets Tax budget along with \$250,000 being allocated in both the water and sewer budgets. Total budgeted funding for this project is \$700,000. The received bids are within the adopted project budget.

Issues: None.

Staff Recommendation: Staff is recommending approval of the Ewing Trucking Bid for the 22nd Street Water, Sewer, and Roadway Project Bid BD2020-019 for \$697,965.05.

**22nd Street Projects
BD 2020-019**

	Gould Construction		Ewing Trucking		United Companies		Johnson Construction		Heyl Construction
Bid Total	\$707,869.00		\$697,965.05		\$784,335.05		\$807,222.75		\$852,004.05

INVITATION TO BID
Bid Number 2020-019

Sealed bids will be received at the City of Glenwood Springs, to bidresponse@cogs.us, in the Procurement Department, until 2:00 p.m., (local time) May 29, 2020, at which time bids will be publicly acknowledged for the furnishing of **22nd Street Projects**. **Include the Bid title and #BD2020-019 in the subject line of the email.**

Bid documents may be inspected and are available at the City of Glenwood Springs, Procurement Department, First Floor, 101 West 8th Street, Glenwood Springs, CO 81601 (970-384-6445). Bid documents will be available on April 24, 2020.

A mandatory pre-bid/proposal conference call will be held on May 8, 2020, at 10:00 a.m., please contact Jessica Bowser, 970-384-6434, for call-in number for mandatory pre-bid meeting. Vendors who fail to attend the pre-bid conference shall be considered non-responsive and ineligible for award. A representative of the Vendor is **required** to attend this conference call in order to become familiar with the Plans, Project Schedule and Project Specifics.

FOR AWARD – PRE-QUALIFICATION

In order to receive an award for the **22nd Street Water, Sanitary Sewer, and Roadway Project** the Contractor must have successfully met the requirements of pre-qualification as described herein. Bids received from bidders who are not pre-qualified will not be opened. A Contractor must possess adequate tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit. The determination of whether a contractor possesses these criteria is at the sole discretion of the City Manager. **Additional criteria for pre-qualification are as follows and must be delivered to the City's Procurement Department, First Floor, 101 West 8th St., Glenwood Springs, 81601, no later than 2:00 p.m. (local time), May 22, 2020:**

1. Demonstrated record of successful and timely completion of work awarded during the last five years and a minimum of three projects specific to the type of work included in the Scope of Work.
2. Experience shall include sanitary sewer and streetscape beautification projects specific to the type of work included in the Scope of Work.
3. Demonstrated ability to bond projects of this extent and nature.
4. Attendance at the mandatory pre-bid meeting.

This solicitation for bids may be canceled by the City of Glenwood Springs, and any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the City of Glenwood Springs. The City of Glenwood Springs reserves the right to reject any or all proposals or accept what is, in its judgment, the best bid. If a contract is awarded, it will be awarded to the lowest responsible and responsive bidder, whose bid is deemed by the City of Glenwood Springs to be in the best interests of the City.

Published: April 24, 2020 and May 8, 2020 in the Glenwood Springs Post Independent.

If any of the documents listed above are missing from this package, they may be picked up at 101 West 8th Street, Procurement Department, First Floor.

The undersigned hereby affirms that (1) he/she is a duly authorized agent of the vendor, (2) he/she has read all terms and conditions and technical specifications which were made available in conjunction with this solicitation and fully understands and accepts them unless specific variations have been expressly listed in his/her offer, (3) that the offer is being submitted on behalf of the vendor in accordance with any terms and conditions set forth in this document, and (4) that the vendor will accept any awards made to it as a result of the offer submitted herein for a minimum of thirty calendar days following the date of submission.

PRINT OR TYPE YOUR INFORMATION

Name of Company:	<u>Ewing Trucking & Construction, LLC</u>	Fax:	<u>970 926-4736</u>
Address:	<u>PO Box 2303</u>	City/State:	<u>Edwards, CO</u>
		Zip:	<u>81632</u>
Contact Person:	<u>Bart Ewing</u>	Title:	<u>manager</u>
Authorized Representative's Signature:	<u>Trent Eichler</u>	Phone:	<u>970 926-2770</u>
		Phone:	<u>970 926-2770</u>
Printed Name:	<u>Trent Eichler</u>	Title:	<u>Estimator</u>
		Date:	<u>June 4, 2020</u>
Email Address:	<u>trent@ewingtrucking.com</u>		

INSTRUCTIONS TO BIDDERS

Bidders will observe the following instructions. These instructions are supplementary to the instructions contained in the "Invitation to Bid" to which each Bidder shall also give particular attention in preparing his Bid. The City is seeking bids from qualified contractors for the 22nd Street Water, Sanitary Sewer, and Roadway Project.

CONTRACT DOCUMENTS:

The following together comprise the Contract Documents and are hereby made a part and parcel thereof:

Invitation to Bid Cover Sheet
Instructions to Bidders
Bid Form
Bid Bond
Agreement
Notice of Award
Notice to Proceed
Change Order
Performance Bond
Payment Bond
Supplemental Conditions
Technical Specifications
Scope of Work
Contractor's Application for Payment
Contractor's Application Progress Estimate
Contractor's application Stored Materials Summary
Technical Specifications
Addendum to Professional Services Agreement
Exhibit A, Bid Schedule
Exhibit B, 22nd Street Plan Set, Bid Plan Set

Wherever the word "Contract" appears, it shall be held to include all the foregoing.

No less than all of the part of the Contract Documents shall constitute the formal Contract.

PURPOSE OF SOLICITATION - TO OBTAIN BIDS:

The purpose of this Solicitation is to provide qualified Vendors with sufficient information regarding the City's needs in order to adequately prepare and submit a response to the Invitation to Bid for the 22nd Street Water, Sanitary Sewer, and Roadway Project.

QUALIFICATIONS OF BIDDERS:

If the Bid Submittals section and or Bid Form require the Bidder to demonstrate qualifications for the project, each Bidder must submit the required information with his or her bid. In addition to this, each Bidder must be prepared to submit, within five days of City's request, additional information such as proposed subcontractors, schedules, equipment, personnel, references, etc., that may be requested by City in order to evaluate the qualifications of bidders to perform the work.

EXAMINATION OF CONTRACT DOCUMENTS AND SITE:

Before submitting his bid, each Bidder must (a) examine the Contract Documents thoroughly, (b) visit the site to familiarize himself with local conditions that may in any manner affect performance of the work, (c) familiarize himself with federal, state, and local laws, ordinances, rules and regulations affecting performance of the work, (d) carefully correlate his observations with the requirements of the Contract Documents.

FOR: 22nd Street Water Sewer and Street Project
(Project Name)

TO: City of Glenwood Springs
(Owner)

101 West 8th St.
(Address)

Glenwood Springs CO 81601
(City) (State) (Zip)

The undersigned (hereafter called the Bidder), a Limited Liability Corporation
(Corporation, Partnership or Individual)

Ewing Trucking & Construction LLC, organized and/or doing business under the laws of the

State of Colorado, hereby proposes and agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the completion of all work stipulated in, required by, and in accordance with, the proposed contract documents hereto attached and the plans and other documents referred to therein (as altered, amended or modified by all addenda thereto). All in accordance with the Drawings, Specifications and other Contract Documents prepared by owner, for the sum as stated in the totals for the items proposed, plus any and all sums to be added and/or deducted resulting from all extra and/or omitted work in accordance with the requirements of the Supplemental Conditions, Technical Specifications and with the unit and/or lump sum prices stated in the items bid form attached hereto.

The undersigned has examined the location of the proposed work, the Drawings, Specifications and other Contract Documents and is familiar with the local conditions at the place where the work is to be performed.

The undersigned Bidder hereby agrees to commence work under this contract on or before a date specified in the "Notice to Proceed" and to fully complete the project within 30 consecutive calendar days thereafter.

The undersigned Bidder further agrees to pay as liquidated damages, the sum of \$250.00 for each consecutive day thereafter as hereinafter provided in the Supplemental Conditions.

The undersigned Bidder hereby acknowledges receipt of any and all of the following Addenda:

<u>Addendum No.</u>	<u>Dated</u>
#1 <u>Bart Ewing</u>	<u>May 18, 2020</u>
#2 <u>Bart Ewing</u>	<u>May 21, 2020</u>
#3 <u>Bart Ewing</u>	<u>May 21, 2020</u>
#4 <u>Bart Ewing</u>	<u>May 28, 2020</u>

BID FORM (continued)

The Bid guarantee, the performance and payment bond, time of completion and other requirements related to the bid shall be in accordance with either the Supplementary Conditions, Technical Specifications, Contract Documents or the items listed below:

OTHER REQUIREMENTS BY OWNER:

The Contractor must submit a list of at least 3 similar projects within the last 7 years, and three corresponding references.

See attachment

In the event this Bid is selected and a contract awarded to the undersigned, the following surety or sureties will sign the required Performance and Payment Bond:

Nationwide Mutual Insurance Company

1100 Locust St. Dept. 2006

Des Moines, IA 50391

The following proposed items form a part of the Bid:

DATE June 4, 2020

Signature:

If an Individual: _____ doing
business as _____

If a Partnership: _____

By _____, member of Firm

If a Corporation: Ewing Trucking + Construction, LLC

By Bart Ewing Bart Ewing

Title Manager

BID FORM (continued)

ATTEST: _____

Secretary

(CORPORATE SEAL)

Business Address of Bidder

PO Box 2303
Edwards, CO 81632

If Bidder is a corporation, supply the following information:

State in which incorporated Colorado

Name and address of its:

President
manager

Bart Ewing
PO Box 2303 Edwards, CO 81632

Secretary

ADDENDUM NUMBER ONE FOR
22nd STREET WATER SEWER AND STREET PROJECT
BID NUMBER BD 2020-019

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. Find attached Questions and Answers, Revised Bid Schedule, and Revised Bid Set.
2. Bid due date has changed to June 4, 2020, by 2:00 pm. Bid must be submitted electronically to bidresponse@cogs.us. If bid security is in the form of certified funds those funds must be received prior to the bid opening time and date. Contact Ricky Smith at 970-384-6445 to make arrangement for delivering those certified funds to City Hall.

This addendum must be acknowledged.

This Addendum must be emailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company: <u>Ewing Trucking & Construction, LLC</u>	Fax: <u>970 926-4736</u>
Address: <u>PO Box 2303</u>	City/State: <u>Edwards, CO</u>
Contact Person: <u>Bart Ewing</u>	Zip: <u>81632</u>
Title: <u>Manager</u>	Phone: <u>970 926-2770</u>
Authorized Representative's Signature: <u>[Signature]</u>	Phone: <u>970 926-2770</u>
Printed Name: <u>Trent Eichler</u>	Date: <u>June 4, 2020</u>
Title: <u>Estimator</u>	

ADDENDUM NUMBER TWO FOR
22nd STREET WATER SEWER AND STREET PROJECT
BID NUMBER BD 2020-019

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. Find attached the second set of Questions and Answers.

This addendum must be acknowledged.

This Addendum must be emailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company:	<u>Ewing Trucking & Construction, LLC</u>	Fax:	<u>970 926-4736</u>
Address:	<u>PO Box 2303</u>	City/State:	<u>Edwards, CO</u>
Contact Person:	<u>Bart Ewing</u>	Zip:	<u>81632</u>
Authorized Representative's Signature:	<u>[Signature]</u>	Phone:	<u>970 926-2770</u>
Printed Name:	<u>Trent Eichler</u>	Phone:	<u>970 926-2770</u>
Title:	<u>estimator</u>	Date:	<u>June 4, 2020</u>

ADDENDUM NUMBER THREE FOR
22nd STREET WATER SEWER AND STREET PROJECT
BID NUMBER BD 2020-019

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. Find attached the revised bid schedule.

This addendum must be acknowledged.

This Addendum must be emailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company:	<u>Ewing Trucking & Construction, LLC</u>	Fax:	<u>970 926-4736</u>
Address:	<u>PO Box 2363</u>	City/State:	<u>Edwards, CO</u>
Contact Person:	<u>Bart Ewing</u>	Zip:	<u>81632</u>
Title:	<u>manager</u>	Phone:	<u>970 926-2770</u>
Authorized Representative's Signature:	<u>Trent Eichler</u>	Phone:	<u>970 926-2770</u>
Printed Name:	<u>Trent Eichler</u>	Date:	<u>June 4, 2020</u>
Title:	<u>estimator</u>		

ADDENDUM NUMBER FOUR FOR
22nd STREET WATER SEWER AND STREET PROJECT
BID NUMBER BD 2020-019

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. Find attached questions and answers.

This addendum must be acknowledged.

This Addendum must be emailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company:	<u>Ewing Trucking & Construction, LLC</u>	Fax:	<u>970 926-4736</u>
Address:	<u>PO Box 2303</u>	City/State:	<u>Edwards, CO</u>
Contact Person:	<u>Bart Ewing</u>	Title:	<u>manager</u>
Authorized Representative's Signature:	<u>Trent Eichler</u>	Phone:	<u>970 926-2770</u>
Printed Name:	<u>Trent Eichler</u>	Title:	<u>estimator</u>
		Date:	<u>June 4, 2020</u>



Similar Job References

Project Name	Location	Company	Contact	Contact Number
Valley Road & Cooley Mesa Roundabout	Gypsum, CO	Town of Gypsum	Jerry Law Jeff Shreeve	(970) 524-1744 (970) 524-3127
Vail Road Water Main Repair	Vail, CO	Eagle River Water & Sanitation District	John Cahill	(970) 477-5447
Eagle Valley High School Expansion	Gypsum, CO	Haselden Construction	Jay Wagner	(303) 334-1017

BID SCHEDULE
CITY OF GLENWOOD SPRINGS
22nd Street Water, Sanitary Sewer, and Roadway Project
#BD2020-019

Have you filled in all the blanks on the Bid Schedule(s)?

X yes ___ no

SUBMITTED BY:

Name Bart Ewing

ADDRESS PO Box 2303

City Edwards State CO Zip 81632

Corporate Seal

Firm Name * Ewing Trucking & Construction LLC

Signature Bart Ewing

Title manager

Phone (970) 926 - 2770

* Insert "Corporation, Partnership" etc.

Bids shall be delivered to the following address:

Bids must be submitted electronically to bidresponse@cogs.us no later than the required time and date. Include the Bid title and #BD2020-019 in the subject line of the email. If your bid is being submitted electronically, and if the bid security is in the form of certified funds, those funds **MUST** be received prior to the bid opening date and time.

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
1	1	LS	Mobilization, Demobilization, and Incidentals: including, but not limited to: all permits, coordination, labor, equipment, all other materials, services, safety, utility locates, excavations, soil preparations, site grading, vertical adjustments to existing utility structures or other items not individual itemized but required to effect construction, initiation, and completion of Forty-Five Thousand exactly (Lump Sum Price - Words)	\$45,000.00 (Numeric)	\$ 45,000.00 (Numeric)
2	1	LS	Performance and Payment Bonds. Ten Thousand Three Hundred Fourteen and 7545/10000 (Lump Sum Price - Words)	1.5% (Numeric)	\$ 10,314.75 (Numeric)
3	1	LS	Construction Surveying and As-built Mapping: including but not limited to: all materials, labor and equipment necessary for establishing property line control, providing construction stakes, resetting damaged property corners or control markers, as-built mapping of all installed and encountered underground piping, for a complete project. Three Thousand Five Hundred exactly (Lump Sum Price - Words)	\$3,500.00 (Numeric)	\$ 3,500.00 (Numeric)
4	1	LS	Traffic Control: including but not limited: permitting, fees, reporting, all other materials, labor and equipment necessary for a completed project. Sixty-Five Thousand Seven Hundred Fifty exactly (Lump Sum Price - Words)	\$65,750.00 (Numeric)	\$ 65,750.00 (Numeric)
5	1	LS	Erosion and Sediment Control: including but not limited to: permitting, fees, reporting, all other materials, labor and equipment necessary for a completed project. Two Thousand Seven Hundred exactly (Lump Sum Price - Words)	\$2,700.00 (Numeric)	\$ 2,700.00 (Numeric)
6	1	LS	Testing of Materials and Quality Assurance: including but not limited: coordination, material sampling, field and lab testing, reporting, all other materials, labor and equipment necessary for a completed project. Eight Thousand Three Hundred exactly (Lump Sum Price - Words)	\$8,300.00 (Numeric)	\$ 8,300.00 (Numeric)
7	20	HR	Utility Locating and Potholing: including but not limited to: all permits, coordination, labor, equipment, all other materials, services, safety, utility locates, excavations, backfilling, pavement patching, all other materials, labor and equipment necessary for a completed project. Three Hundred exactly (Unit Price - Words)	\$300.00 (Numeric)	\$ 6,000.00 (Numeric)

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
8	1	LS	Clear and Grub: including but not limited to: limb removal, tree bandages, sod removal, vegetation and top soil removal, hauling, disposal, all other materials, labor and equipment necessary for a completed project. Four Thousand Eight Hundred exactly (Lump Sum Price - Words)	\$4,800.00 (Numeric)	\$ 4,800.00 (Numeric)
9	1	EA	Removal of Fire Hydrant/Valve & Install Cap: including but not limited to: excavation, removal, water fittings, restraints, hauling, delivery of salvaged materials, disposal, backfill, compaction, all other materials, labor and equipment necessary for a completed project. Two Thousand Three Hundred exactly (Unit Price - Words)	\$2,300.00 (Numeric)	\$ 2,300.00 (Numeric)
10	145	SY	Removal of Concrete Sidewalks: including but not limited to: removal, hauling, disposal, sawcuts, salvage of pavers, all other materials, labor and equipment necessary for a completed project. Twenty-Four and 40/100 (Unit Price - Words)	\$24.40 (Numeric)	\$ 3,538.00 (Numeric)
11	200	SY	Removal of Concrete Paving, and Cross Pans: including but not limited to: removal, hauling, disposal, sawcuts, salvage of pavers, all other materials, labor and equipment necessary for a completed project. Twenty-Four and 40/100 (Unit Price - Words)	\$24.40 (Numeric)	\$ 4,880.00 (Numeric)
12	1,279	LF	Removal of Concrete Curb: including but not limited to: removal, hauling, disposal, sawcuts, all other materials, labor and equipment necessary for a completed project. Seven and 20/100 (Unit Price - Words)	\$7.20 (Numeric)	\$ 9,208.80 (Numeric)
13	1,875	SY	Removal of Asphalt Roads & Drives: including but not limited to: removal, stockpiling, hauling, disposal, sawcuts, all other materials, labor and equipment necessary for a completed project. Six and 80/100 (Unit Price - Words)	\$6.80 (Numeric)	\$ 12,750.00 (Numeric)
14	5	EA	Removal of Sanitary Sewer Services (115 LF total): including but not limited to: removal, stockpiling, hauling, disposal, sawcuts, all other materials, labor and equipment necessary for a completed project. Two Hundred Fifty exactly (Unit Price - Words)	\$250.00 (Numeric)	\$ 1,250.00 (Numeric)

AE

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
15	6	EA	Removal of Water Services: including but not limited to: removal, stockpiling, hauling, disposal, sawcuts, all other materials, labor and equipment necessary for a completed project. Two Hundred Fifty exactly (Unit Price - Words)	\$250.00 (Numeric)	\$ 1,500.00 (Numeric)
16	1	LS	Excavation & Earthwork (Estimated Cut=1400 Tons): including but not limited to: excavation, removal, palleting, hauling, storage, all other materials, labor and equipment necessary for a completed project. Fourteen Thousand Three Hundred Fifty-One exactly (Lump Sum Price - Words)	\$14,351.00 (Numeric)	\$ 14,351.00 (Numeric)
17	1	LS	Removal and Salvage of Materials (Signs, Posts, Water Sampling Station etc.): including but not limited to: excavation, removal, hauling, delivery of salvaged materials, disposal of waste, all other materials, labor and equipment necessary for a completed project. One Thousand exactly (Lump Sum Price - Words)	\$1,000.00 (Numeric)	\$ 1,000.00 (Numeric)
18	3	EA	Removal, Salvage and Reset of Mailbox: including but not limited to: excavation, removal, temporary bucket placements, new wood posts as needed, disposal of waste, resetting all other materials, labor and equipment necessary for a completed project. One Hundred Fifty exactly (Unit Price - Words)	\$150.00 (Numeric)	\$ 450.00 (Numeric)
19	0	EA	Connection to Existing Water Main (Hot Tap): including but not limited to: labor, excavation, sawcuts, fittings, tracer wire, polywrap, bedding, backfill, compaction, appurtenances, all other materials, labor and equipment necessary for a completed project. zero (Unit Price - Words)	\$0.00 (Numeric)	\$ ——— (Numeric)
20	1	EA	Connection to Existing Water Main (Hard Connection): including but not limited to: labor, excavation, sawcuts, fittings, tracer wire, polywrap, bedding, backfill, compaction, appurtenances, all other materials, labor and equipment necessary for a completed project. Two Thousand Nine Hundred Ten exactly (Unit Price - Words)	\$2,910.00 (Numeric)	\$ 2,910.00 (Numeric)

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BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
21	600	LF	8"Ø C900 DR14 Class 52 Waterline: including but not limited to: excavation, bedding, backfill, compaction, pipe, tees, fittings, plugs, joint restraints, thrust & anchor blocks, bends, tracer wire, insulation, polywrap, disinfection, bleed/drain services, testing, appurtenances, all other materials, labor and equipment necessary for a completed project.	\$120.75	\$ 72,450.00
			One Hundred Twenty and 75/100 (Unit Price - Words)	(Numeric)	(Numeric)
22	2	EA	8"Ø Gate Valve: including but not limited to: labor, excavation, bedding, backfill, compaction, valve, valve box, debris cap, fittings, tracer wire, polywrap, appurtenances, all other materials, labor and equipment necessary for a completed project.	\$1,875.00	\$ 3,750.00
			One Thousand Eight Hundred Seventy-Five exactly (Unit Price - Words)	(Numeric)	(Numeric)
23	2	EA	Fire Hydrant Assembly (Tee to Hydrant): including but not limited to: excavation, bedding, backfill, compaction, hydrant, 8"x6" tee, 6" gate valve, valve box, debris cap, 6" lateral pipe, bends, fittings, tracer wire, insulation, polywrap, joint restraints, thrust & anchor blocks, disinfections, testing, and all other materials, labor and equipment necessary for a complete project.	\$5,900.00	\$ 11,800.00
			Five Thousand Nine Hundred exactly (Unit Price - Words)	(Numeric)	(Numeric)
24	5	EA	3/4"Ø Water Service-Excluding Pipe & Trenching: including but not limited to: saddle, corporation stop, fittings, connections, appurtenances, testing, all other materials, labor and equipment necessary for a completed project.	\$1,625.00	\$ 8,125.00
			One Thousand Six Hundred Twenty-Five exactly (Unit Price - Words)	(Numeric)	(Numeric)
25	200	LF	3/4"Ø Water Service Pipe & Trenching: including but not limited to: excavation, bedding, backfill, compaction, tubing, sleeving pipe, seals, fittings, tracer wire, connections, appurtenances, testing, all other materials, labor and equipment necessary for a completed project.	\$79.00	\$ 15,800.00
			Seventy-Nine exactly (Unit Price - Words)	(Numeric)	(Numeric)
26	7	LF	4"Ø Water Service Pipe, 2" x 4" Reducer, & Trenching: including but not limited to: excavation, bedding, backfill, compaction, tubing, sleeving pipe, seals, fittings, tracer wire, connections, appurtenances, testing, all other materials, labor and equipment necessary for a completed project.	\$525.00	\$ 3,675.00
			Five Hundred Twenty-Five exactly (Unit Price - Words)	(Numeric)	(Numeric)

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
27	1	EA	Temporary 3/4"Ø Water Saddle for Testing: including but not limited to: saddle, tap, corporation stop, fittings, plug, appurtenances, testing, all other materials, labor and equipment necessary for a completed project. One Thousand Nine Hundred exactly (Unit Price - Words)	\$1,900.00 (Numeric)	\$ 1,900.00 (Numeric)
28	1	EA	2' Grout Plug of Retired 2"Ø Water Main: including but not limited to: formwork, plugging, furnishing, hauling, all other materials, labor and equipment necessary for a completed project. Six Hundred Fifty exactly (Unit Price - Words)	\$650.00 (Numeric)	\$ 650.00 (Numeric)
29	1	EA	2' Grout Plug of Retired 8"Ø Water Main: including but not limited to: formwork, plugging, furnishing, hauling, all other materials, labor and equipment necessary for a completed project. One Thousand exactly (Unit Price - Words)	\$1,000.00 (Numeric)	\$ 1,000.00 (Numeric)
30	0	EA	Core Ex. Sanitary Sewer Manhole: including but not limited to: coring, channel form, pipe boot, formwork, grout repair, excavation, bedding, backfill, compaction, all other materials, labor and equipment necessary for a completed project. zero (Unit Price - Words)	\$0.00 (Numeric)	\$ ——— (Numeric)
31	587	LF	8" Sanitary Sewer Main & Fittings: including but not limited to: furnishing, hauling, excavation, insulation, bedding, backfill, compaction, all other materials, labor and equipment necessary for a completed project. One Hundred Fifty exactly (Unit Price - Words)	\$150.00 (Numeric)	\$ 88,050.00 (Numeric)
32	6	EA	Sanitary Sewer Service Replacement 4": including but not limited to: excavation, tap & saddle, pipe, cleanout(s), cover(s), connections, fittings, pipe joint protection (at water main), bedding, tracer wire, backfill, compaction, furnishing, hauling, appurtenances, testing, all other materials, labor and equipment necessary for a completed project. Four Thousand Four Hundred Fifty exactly (Lump Sum Price - Words)	\$4,450.00 (Numeric)	\$ 26,700.00 (Numeric)
33	2	EA	Removal of Ex. Sanitary Sewer Manhole: including but not limited to: excavation, diposal, backfill, compaction, all other materials, labor and equipment necessary for a completed project. Two Thousand Four Hundred Ninety-Five exactly	\$2,495.00	\$ 4,990.00

AC

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
			(Unit Price - Words)	(Numeric)	(Numeric)
34	1	EA	Removal of 4"Ø Sewer Main: including but not limited to: formwork, plugging, furnishing, hauling, all other materials, labor and equipment necessary for a completed project. One Thousand Two Hundred exactly	\$1,200.00	\$ 1,200.00
			(Unit Price - Words)	(Numeric)	(Numeric)
35	2	EA	4' Sanitary Sewer Manhole: including but not limited to: coordination with Utility Provider, furnishing, hauling, casting, formwork, reinforcement, consolidation, excavation, bedding, backfill, compaction, all other materials, labor and equipment necessary for a completed project. Three Thousand Nine Hundred Twenty-Five exactly	\$3,925.00	\$ 7,850.00
			(Unit Price - Words)	(Numeric)	(Numeric)
36	2	EA	Sanitary Sewer Encasement: including but not limited to: coordination with Utility Provider, furnishing, hauling, casting, formwork, reinforcement, consolidation, excavation, bedding, backfill, compaction, all other materials, labor and equipment necessary for a completed project. One Thousand Five Hundred exactly	\$1,500.00	\$ 3,000.00
			(Unit Price - Words)	(Numeric)	(Numeric)
37	802	TN	Class 3 Aggregate Base Course (Roads & Sidewalks): including but not limited to: soil preparation, furnishing, hauling, compaction, testing, all other materials, labor and equipment necessary for a completed project. Thirty-Two exactly	\$32.00	\$ 25,664.00
			(Unit Price - Words)	(Numeric)	(Numeric)
38	601	TN	Class 6 Aggregate Base Course (Roads & Sidewalks): including but not limited to: soil preparation, furnishing, hauling, compaction, testing, all other materials, labor and equipment necessary for a completed project. Thirty-Three exactly	\$33.00	\$ 19,833.00
			(Unit Price - Words)	(Numeric)	(Numeric)
39	447	TN	5" Hot Mix Asphalt (SX-75,PG 64-28): including but not limited to: furnishing, hauling, base course, compaction, testing, all other materials, labor and equipment necessary for a completed project. One Hundred Seventeen and 50/100	\$117.50	\$ 52,522.50
			(Unit Price - Words)	(Numeric)	(Numeric)
40	60	LF	Asphalt Edge Matching (T-Top): including but not limited to: milling, hauling, all other materials, labor and equipment necessary for a completed project. Fifteen exactly	\$15.00	\$ 900.00
			(Unit Price - Words)	(Numeric)	(Numeric)

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
41	2,682	SF	4" Concrete (Sidewalks): including but not limited to: furnishing, hauling, casting, formwork, reinforcement, consolidation, joints, base course, testing, all other materials, labor and equipment necessary for a completed project.	\$11.50	\$ 30,843.00
			Eleven and 50/100 (Unit Price - Words)	(Numeric)	(Numeric)
42	1,500	SF	6" Concrete (Driveways & Sidewalks): including but not limited to: furnishing, hauling, casting, formwork, reinforcement, consolidation, joints, base course, testing, all other materials, labor and equipment necessary for a	\$14.50	\$ 21,750.00
			Fourteen and 50/100 (Unit Price - Words)	(Numeric)	(Numeric)
43	600	SF	6" Concrete (Cross Pans & Aprons): including but not limited to: furnishing, hauling, casting, formwork, reinforcement, consolidation, joints, base course, testing, all other materials, labor and equipment necessary for a completed project.	\$15.00	\$ 9,000.00
			Fifteen exactly (Unit Price - Words)	(Numeric)	(Numeric)
44	2	EA	Concrete ADA Ramp: including but not limited to: furnishing, hauling, casting, formwork, reinforcement, consolidation, joints, base course, testing, all other materials, labor and equipment necessary for a completed project.	\$2,420.00	\$ 4,840.00
			Two Thousand Four Hundred Twenty exactly (Unit Price - Words)	(Numeric)	(Numeric)
45	1,300	LF	Curb and Gutter Type 2 (IB, IIB, IM, IIM or Special): including but not limited to: furnishing, hauling, casting, formwork, reinforcement, consolidation, joints, testing, all other materials, labor and equipment necessary for a completed	\$27.25	\$ 35,425.00
			Twenty-Seven and 25/100 (Unit Price - Words)	(Numeric)	(Numeric)
46	1	LS	Professional Landscape Restoration (Private Properties): including but not limited to: temporary irrigation, permanent irrigation, 4" top soil, sod, trees, shrubs, plants, flowers, mulches, fabrics, all other materials, labor and equipment necessary for a completed project.	\$5,000.00	\$ 5,000.00
			Five Thousand exactly (Lump Sum Price - Words)	(Numeric)	(Numeric)
47	280	CY	Site Cut with Hauling: including but not limited to: furnishing, all materials, trucking, loading, disposal costs, labor and equipment necessary for a completed project.	\$16.00	\$ 4,480.00
			Sixteen exactly (Unit Price - Words)	(Numeric)	(Numeric)

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
48	1	LS	Force Account (for Minor Contract Revisions): including but not limited to: furnishing, all other materials, labor and equipment necessary for a completed project. Twenty-Five Thousand exactly (Lump Sum Price - Words)	\$25,000.00 (Numeric)	\$ 25,000.00 (Numeric)
49	2	EA	Protect existing tree in place: including, not limited to: the employment of a licenced arborist for the recommendation of preservation techniques and the implementation of these One Thousand Five Hundred exactly (Lump Sum Price - Words)	\$1,500.00 (Numeric)	\$ 3,000.00 (Numeric)
50	1	EA	Field fit parking lot drain outlet: including, not limited to: materials and installation for stormwater to reach the curb and cutter of 22nd Street. One Thousand Six Hundred Twenty exactly (Lump Sum Price - Words)	\$1,620.00 (Numeric)	\$ 1,620.00 (Numeric)
51	1	LS	Thermoplastic Crosswalk installation: including, but not limited to: the grinding of asphalt and thermoplastic pavement crosswalk bars (white) Two Thousand Five Hundred exactly (Lump Sum Price - Words)	\$2,500.00 (Numeric)	\$ 2,500.00 (Numeric)
52	10	EA	Install Sign: including, but not limited to: the purchase and installation of a u-channel sign post and 12"x18" Sign "No Parking This Side of Street" One Hundred Twenty-Five exactly (Lump Sum Price - Words)	\$125.00 (Numeric)	\$ 1,250.00 (Numeric)
53	7	EA	Install Sign: including, but not limited to: the purchase and installation of a u-channel sign post and 12"x18" Sign "No Parking" One Hundred Twenty-Five exactly (Lump Sum Price - Words)	\$125.00 (Numeric)	\$ 875.00 (Numeric)
54	1	LS	Removal and salvage of existing signs and u-channel: including, but not limited to: No outlet sign, stop sign, street signage, no parking signs Four Hundred Fifty exactly (Lump Sum Price - Words)	\$450.00 (Numeric)	\$ 450.00 (Numeric)
55	1	EA	Install Sign: including, but not limited to: the purchase and installation of a u-channel sign post, Stop Sign, and street signage Four Hundred Seventy exactly (Lump Sum Price - Words)	\$470.00 (Numeric)	\$ 470.00 (Numeric)
56	1	EA	Install Sign: including, but not limited to: the purchase and installation of a u-channel sign post and "No Outlet Sign"	\$400.00	\$ 400.00

BD2020-019 BID SCHEDULE EXHIBIT A**22nd Street Roadway, Sidewalk, Sewer, and Water Improvement Project**

City of Glenwood Springs

04.15.2020

No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
57	2	EA	Four Hundred exactly (Lump Sum Price - Words)	(Numeric)	(Numeric)
			Adjust Manhol: including, but not limited to: the adjustment of existing manhole to proposed grade	\$350.00	\$ 700.00
			Three Hundred Fifty exactly (Lump Sum Price - Words)	(Numeric)	(Numeric)
			Total of All "A" Items (Complete Project):	\$	697,965.05



BID BOND

Know all men by these Presents, that we, the undersigned, Ewing Trucking & Construction, LLC
(Name of Contractor)

502 Gilder Way Gypsum, CO 81637 as Principal and
(Address of Contractor)

Nationwide Mutual Insurance Company, 1100 Locust St. Dept. 2006 Des Moines, IA 50391 as Surety, are
(Name and address of Surety)

hereby held and firmly bound unto City of Glenwood Springs
(Name of Owner)

as OWNER in the penal sum of five percent of bid***** for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors, and assigns.

Signed, this 1st day of June, 2020.

The Condition of the above obligation is such that whereas the Principal has submitted to City of Glenwood Springs a certain BID, attached hereto and hereby made a part hereof to enter a contract in writing for the replacement of water and sewer pipes, install of storm water protection, and improvements to asphalt road and concrete sidewalks.

NOW, THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal, shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performers of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, ad shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by an extension of the time within which the OWNER may accept such extension.

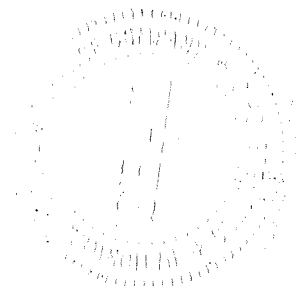
IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above

Burt Ewing Ewing Trucking & Construction, LLC
(Principal, Contractor)

Christopher Rose Nationwide Mutual Insurance Company
(Surety) Christopher Rose, Attorney-in-fact

BY: [Signature]

IMPORTANT – Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
Allied Property and Casualty Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

JAMES B. LUMMIS
CHRISTOPHER ROSE

BRIAN DERE

TINA M. POST

GRAND JUNCTION CO

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS

\$ 1,500,000.00

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

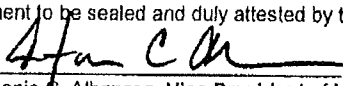
"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 27th day of February, 2019.

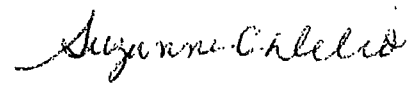

Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 27th day of February, 2019, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Suzanne C. Dello
Notary Public, State of New York
No. 02DE6126649
Qualified in Westchester County
Commission Expires September 16, 2021

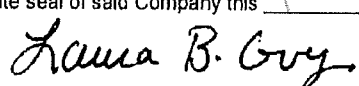

Notary Public
My Commission Expires
September 16, 2021

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 1st day of

June, 2020


Assistant Secretary



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/27/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Moody-Valley Insurance Agency 760 Horizon Drive, Suite 302 Grand Junction CO 81506	CONTACT NAME: Moody-Valley Insurance Agency PHONE (A/C, No, Ext): (970) 248-8300 FAX (A/C, No): (970) 242-1894 E-MAIL ADDRESS: certrequestgj@moodyins.com																					
INSURED Ewing Trucking and Construction, LLC. PO Box 2303 Edwards CO 81632	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>Cincinnati Insurance Company</td><td>10677</td></tr><tr><td>INSURER B:</td><td>Pinnacle Assurance</td><td>41190</td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Cincinnati Insurance Company	10677	INSURER B:	Pinnacle Assurance	41190	INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES**CERTIFICATE NUMBER:** 20/21 Master Cert**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PRO-JECT ☐ LOC OTHER:			EPP0171971	01/01/2020	01/01/2021	<table><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 500,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 10,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 2,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000	MED EXP (Any one person)	\$ 10,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 2,000,000	PRODUCTS - COMP/OP AGG	\$ 2,000,000		\$
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	\$																				
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			EPP0171971	01/01/2020	01/01/2021	<table><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$ 1,000,000</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td>Medical payments</td><td>\$ 5,000</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$	Medical payments	\$ 5,000				
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A	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ CLAIMS-MADE ☒ RETENTION \$ 10,000			EPP0171971	01/01/2020	01/01/2021	<table><tr><td>EACH OCCURRENCE</td><td>\$ 2,000,000</td></tr><tr><td>AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 2,000,000	AGGREGATE	\$ 2,000,000		\$								
EACH OCCURRENCE	\$ 2,000,000																				
AGGREGATE	\$ 2,000,000																				
	\$																				
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	1856142	01/01/2020	01/01/2021	<table><tr><td>☒ PER STATUTE</td><td>OTH-ER</td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$ 1,000,000</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$ 1,000,000</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$ 1,000,000</td></tr></table>	☒ PER STATUTE	OTH-ER		E.L. EACH ACCIDENT	\$ 1,000,000	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000					
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E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000																				
E.L. DISEASE - POLICY LIMIT	\$ 1,000,000																				
A	Motor Truck Cargo			EPP0171971	01/01/2020	01/01/2021	<table><tr><td>Per Conveyance</td><td>\$500,000</td></tr><tr><td>Deductible</td><td>\$1,000</td></tr></table>	Per Conveyance	\$500,000	Deductible	\$1,000										
Per Conveyance	\$500,000																				
Deductible	\$1,000																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Bid Bond: Replacement of water and sewer pipes

CERTIFICATE HOLDER**CANCELLATION**

City of Glenwood Springs 101 W 8th Glenwood Springs CO 81601	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Moody-Valley Insurance Agency</i>
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AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page _____ of _____

AGENCY Moody-Valley Insurance Agency		NAMED INSURED Ewing Trucking and Construction, LLC.	
POLICY NUMBER			
CARRIER	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 **FORM TITLE:** Certificate of Liability Insurance: Notes

CONTRACTUAL LIABILITY APPLIES PER POLICY TERMS AND CONDITIONS

Leased & Rented Equipment, Cincinnati Insurance Company, NAIC code 10677 , EPP0171971, 01/01/2020 to 01/01/2021, \$75,000.

General Liability:

Blanket Additional Insured status applies only to the extent provided in form GA 233 0917 and GA472 0917 when required by written contract.

Blanket Waiver of Subrogation applies only to the extent provided in form GA 233 0917 when required by written contract.

Primary and Non-Contributory status only to the extent provided in form GA 233 0917 and GA472 0917 when required by written contract.

Per Project General Aggregate applies only to the extent provided in form GA 233 0917 when required by written contract.

Contractor's Limited Pollution Liability, Cincinnati Insurance Company, NAIC code 10677 , EPP0171971, 01/01/2020 to 01/01/2021, \$1,000,000 Each Pollution Incident and \$1,000,000 Pollution Liability Aggregate, \$3,000 Per Claim Deductible.

Auto Liability:

Blanket Additional Insured status applies only to the extent provided in form AA 4171 1105 when required by written contract.

Blanket Waiver of Subrogation applies only to the extent provided in form AA 4172 0909 when required by written contract.

Primary and Non-Contributory status only to the extent provided in form AA 101 0306 when required by written contract.

Pollution Liability Broadened Coverage, Cincinnati Insurance Company, NAIC code 10677 , EPP0171971, 01/01/2020 to 01/01/2021, Form AA 4012 0306, \$25,000 Per Accident and \$25,000 Per Aggregate, \$500 Deductible per Accident

Umbrella Liability:

Umbrella Liability policy is on a follow form basis for the following underlying insurance coverages: General Liability, Automobile Liability, and Employers Liability. Additional insured status will follow when required by written contract including Primary and Non-Contributory status when required by written contract.

Worker's Compensation:

359-B From Attached Includes Blanket Waiver of Subrogation. Status applies when required by written contract.

IMPORTANT:

The policy forms referenced will be sent via email only. To obtain copies, please send your request with the email address to certrequestgj@moodyins.com.

**City of Glenwood Springs
Addendum to Professional Services Agreement**

Work By Illegal Aliens Prohibited. Pursuant to Section 8-17.5-101, C.R.S., *et. seq.*, as amended, Contractor warrants, represents, acknowledges, agrees and certifies that:

1. Contractor does not knowingly employ or contract with an illegal alien who will perform work under this agreement. Contractor shall not knowingly enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
2. Contractor will participate in the electronic employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, and jointly administered by the Department of Homeland Security and the Social Security Administration, or its successor program (hereinafter, "E-Verify Program") or will participate in the "Department Program" as established in §8-17.5-102(5)(c), C.R.S., as amended, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.
3. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this agreement through participation in the E-Verify Program or the Department Program.
4. Contractor shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.
5. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Contractor shall be required to:
 - (a) notify the subcontractor and the City within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
 - (b) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to this subparagraph the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
6. If Contractor participates in the Department Program, Contractor shall provide a notarized written affirmation to City that Contractor has, as required by the Department Program, examined the legal work status of employees hired to perform work under this Agreement and shall comply with all other requirements of the Department Program. (A sample contract affirmation may be obtained at: <http://www.coworkforce.com/lab/pcs/default.asp>)
7. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment ("Department") made in the course of an investigation that the Department is undertaking pursuant to its legal authority.
8. Nothing in this Addendum shall be construed as requiring Contractor to violate any terms of participation in the E-Verify Program.
9. If Contractor violates this Addendum, the City may terminate this Agreement for breach of contract. If this Agreement is so terminated, Contractor shall be liable for actual and consequential damages to the City arising out of said violation.

CONTRACTOR Ewing Trucking & Construction, LLC

DATE: 6-4, 2020

BY: Bart Ewing



22nd Street Water, Sanitary Sewer & Roadway Project

Means and Methods

Ewing Trucking and Construction is pleased to have the opportunity to work in this community. In the past 39 years of business we have had many experiences that will help us manage this project. With that we also know that every project is different, and the most effective method is usually discovered once the project is underway.

We will begin the project by completing the clearing and grubbing as well as the required concrete and asphalt demolition. Once the site is cleared, we will pothole for the utilities to identify possible conflicts with existing utilities and hopefully prevent delays later. We will then start installation of the new water line, beginning at the West end. We will utilize traffic control agents to operate 1 lane of traffic during the day and cover any open trenches with steel road plates to allow both lanes of traffic to be open during the night. We will have open communication with the residents and the City of Glenwood Springs to assure a smooth process.

Once the water line is complete, we will begin to pressure test the new line. While the testing is underway we will also start the sewer line replacement, once again beginning at the West end. The existing main and sewer services will be tied back as the main line is installed. The testing of the sewer line will take place as we are doing the water services allowing us to begin the replacement of the concrete and asphalt without delay.

As this is a small work area with essentially no staging on site, the spoils from the trenching will be hauled off and new material brought back as it is being excavated. The job site will be kept organized and free of trash and material scraps.

As shown in our attached schedule, we anticipate the project taking approximately 8 weeks. We look forward to working with the City of Glenwood Springs and the residents to have a safe and successful project.



22nd Street Water, Sanitary Sewer & Roadway Project

Schedule																																								
	Week 1					Week 2					Week 3					Week 4					Week 5					Week 6					Week 7					Week 8				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
Mobalization																																								
Clear and Grub																																								
Pot Holing																																								
Asphalt Removal																																								
Concrete Removal																																								
Water Main																																								
Water Testing																																								
Sewer Main																																								
Water Services																																								
Sewer Testing																																								
Curb and Gutter																																								
Landscaping																																								
Asphalt Paving																																								
Striping																																								
Traffic Control																																								



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item:	Resolution 2020-23; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Authorizing Execution of an Intergovernmental Agreement with the Colorado Department of Revenue Regarding Sales and Use Tax Software.
Action Requested:	Authorize staff to execute this IGA.
Department:	Finance
Presented By:	Steve Boyd, COO Glenwood Springs Legal, Legal
Background Info:	The recent Wayfair decision by the Supreme Court enables local governments to enforce sales tax ordinances when a business sells tangible goods that are delivered into their jurisdiction. The primary argument made by retailers that do not have a physical presence in the jurisdiction is that it is too burdensome to apply for sales tax licenses, interpret various tax codes and accurately collect/remit sales and use tax. The Colorado Department of Revenue, CML and several Colorado municipalities have been working to simplify and standardize tax codes, and find a vendor who can act as the single source of collection for such businesses, thereby easing the taxpayer's burden. This agreement is between the Colorado Department of Revenue, Muni-Revs and self-collecting home rule municipalities and is the result of the Sales Tax Simplification Task Force. Council passed an ordinance on June 4th allowing the City to participate in the Sales and Use Tax Software (SUTS) system, this agreement allows for the collection of the revenues.
Issues:	Each day Muni-Revs will send an ACH file with the funds it collected to the City. The cost of that transfer is \$1 per day and will be paid by the City. The taxpayer is responsible for the payment of any fees associated with filing their tax return.
Staff Recommendation:	Authorize staff to execute the agreement.

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF REVENUE REGARDING THE CITY'S USE OF SALES AND USE TAX SOFTWARE SYSTEM.

WHEREAS, the City of Glenwood Springs ("Glenwood Springs" or the "City") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to such authority, the City has adopted and enacted a Sales and Use Tax Code, under which City sales tax is levied on all sales and purchases of tangible personal property at retail unless prohibited under the Constitution or law of the United States; and

WHEREAS, the City Council adopted Ordinance No. 12, Series 2020 to amend the Sales and Use Tax Code in order to facilitate the orderly collection of sales tax from remote sellers ("remote sales tax"); and

WHEREAS, by SB 19-006 the Colorado General Assembly authorized the procurement of an electronic sales and use tax simplification system ("SUTS") in order to facilitate the collection of a remote sales tax; and

WHEREAS, the Department of Revenue and Office of Information Technology selected MuniRevs, Inc. and Transaction Tax Resources, Inc. to provide SUTS services to local jurisdictions; and

WHEREAS, the Colorado Constitution Article XIV, Section 18(2)(a) authorizes local governments to enter into contracts with other governmental entities; and

WHEREAS, Colorado's self-collecting home-rule municipalities have collectively negotiated an intergovernmental agreement with the Colorado Department of Revenue regarding the terms and conditions of the municipalities use of the SUTS software, attached hereto as **Exhibit A**; and

WHEREAS, the City Council of Glenwood Springs, Colorado finds it is in the best interest of the health, welfare, and safety of citizens of the City to authorize execution of the intergovernmental agreement with the Colorado Department of Revenue regarding the City's use of its Sales and Use Tax Software System.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Glenwood Springs City Council hereby authorizes the City Manager, Chief Operating Officer, and other necessary designees to sign and execute the Intergovernmental Agreement with the Colorado Department of Revenue Regarding the Sales and Use Tax Software System, attached hereto as **Exhibit A**.

INTRODUCED, READ, AND PASSED THIS ____ DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

AGREEMENT REGARDING DEPARTMENT OF REVENUE SALES AND USE TAX SOFTWARE (“SUTS SYSTEM”)

This agreement regarding the SUTS System (“**Agreement**”) is entered between the Colorado Department of Revenue (“**CDOR**”) and the undersigned home rule local taxing jurisdiction (“**Jurisdiction**,” collectively, “**the Parties**”) for the purposes of permitting access to the SUTS System and its related tax information look up tool as described in this Agreement. The SUTS System permits the acceptance of returns and processing of payments for the sales and use tax levied by the state and any local taxing jurisdictions in accord with the objectives of SB19-006. To further those objectives here, the Parties agree to the following:

AGREEMENT

CDOR grants Jurisdiction access to the SUTS System for Jurisdiction’s use in the collection and payment of Sales and Use tax under the terms set forth in this Agreement.

A. Purpose of Agreement

Pursuant to Senate Bill 19-006, CDOR has contracted with vendors, including at this time, MUNIRevs, Inc. and Transaction Tax Resources, Inc., Fast Enterprises, LLC, and others, which may change from time to time (collectively, “Vendors”) to provide a sales and use tax simplification system that allows taxpayers to look up and remit sales and use taxes through a single portal managed by Vendors and held in trust for the benefit of the Jurisdiction.

B. Definitions

- 1) “Confidential Information” means any information derived from the SUTS System, including but not limited to taxpayer information, return information, and “personally identifiable information,” as defined in section 24-73-101(4) (b), C.R.S.
- 2) A "Security Incident," has the meaning set forth in section 24-37.5-402(10), C.R.S., which is “an accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources. Security incidents include but are not limited to: a) detection of a virus, worm, malware, etc; b) unauthorized use of an information resource; c) unauthorized modification of an information resource; d) theft or diversion of an information resource; e) theft or diversion of property using an information resource, and f) vandalism or other damage to an information resource.”

- 3) “Taxpayer” means any individual or business required to remit sales or use taxes to a taxing jurisdiction.
- 4) “Sales and Use Tax” means sales and use tax collected by Taxpayers and remitted to a jurisdiction by Taxpayers. Sales and Use Tax does not include excise taxes or other taxes or fees that a jurisdiction requires taxpayers to pay.

C. Confidentiality.

- 1) CDOR agrees to continually maintain a secure place in which Confidential Information will be stored, regardless of whether Confidential Information is in physical or electronic form and will restrict access to Confidential Information to persons whose duties and responsibilities require such access. All third-party contractors who need such access for purposes consistent with this Agreement shall sign confidentiality agreements with CDOR or Jurisdiction no less restrictive than the confidentiality terms of this Agreement.
- 2) Except as may be ordered by a court of competent jurisdiction, no Confidential Information obtained pursuant to this Agreement shall be disclosed by CDOR or Jurisdiction to any person or entity not authorized to receive such information by the laws of the Jurisdiction or the State of Colorado.
- 3) If CDOR or Jurisdiction is served with a request for Confidential Information, CDOR or Jurisdiction shall use reasonable efforts to provide notice to the other Party within such time that CDOR or Jurisdiction may intervene and seek a protective order or other relief if it so chooses.
- 4) The information obtained pursuant to this Agreement shall be used only for the purpose of administration and enforcement of the sales and/or use tax laws of the Jurisdiction or the State of Colorado.
- 5) Nothing in this agreement shall prevent a Jurisdiction from contacting their Taxpayers for auditing or other purposes.
- 6) If either party becomes aware of any Security Incident, they shall notify the other immediately and cooperate with one another regarding recovery, remediation, and the necessity to involve law enforcement.

D. Payments of Taxes to Jurisdiction.

- 1) All funds deposited by a Taxpayer shall be and shall remain the property of Jurisdiction held in trust until transferred to Jurisdiction. Deposited remittances

shall be transferred to Jurisdiction as soon as the funds have settled with the SUTS bank following NACHA guidelines.

2) If any Taxpayer payment is returned via an ACH or credit card charge-back against the account past the settlement process above, that Jurisdiction will pay applicable amounts back to the SUTS System within five banking days of notification of return.

E. Data and Reports.

1) Jurisdiction will have access to all information from tax forms processed in the SUTS System that involve transactions within the Jurisdiction via CSV file downloads, PDF files or some other manner that is mutually acceptable.

2) The following reports will be available to Jurisdiction with the SUTS System:

- a) Assessment Report: This report shows all assessments, by business and includes several filters.
- b) Form Data Report: The form data report provides the ability to see all data for a taxpayer's form (e.g., gross sales through all deductions).
- c) Business Comparison Reports by Month: Allows review of trends over time for particular businesses, or an audience of businesses.
- d) Business Contact Report.
- e) Missing Account Number Report for validating Jurisdiction's Local Account Number for each registered account in the SUTS System.

F. Support.

CDOR will provide Taxpayer user support during regular, published State business hours. Support to Jurisdiction's administrative users for system questions is provided by Vendor specialists who will be available by email and phone Monday through Friday from 8:00 am to 5:00 pm Mountain Time, excluding Federal and State Holidays.

G. Retention of Data.

The SUTS System will retain, for a minimum of three years, all data, records, returns, and information: a) submitted by Taxpayers to the SUTS System, b) derived from Taxpayer submissions, and c) transferred to Jurisdiction.

H. System Failure.

If the SUTS System becomes disabled, CDOR will use good faith and reasonable

efforts to recover the system and all Jurisdiction data not already in the possession of Jurisdiction. This recovery of the SUTS System and data will be conducted at no additional cost to Jurisdiction.

I. Reservation of Rights.

The software, workflow processes, user interface, designs, know-how and other services and technologies which are the sole property provided by Vendors as part of the SUTS System and CDOR's agreements with Vendors will remain with Vendors and Jurisdiction will not have any right, title or interest in or to such items, including all associated intellectual property rights.

J. Restrictions on Use of The SUTS System.

- 1) Jurisdiction *may not* a) sell, resell, rent or lease the SUTS System, b) use the SUTS System to store or transmit infringing, unsolicited marketing emails, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of third-party rights, c) interfere with or disrupt the integrity or performance of the SUTS System, or d) attempt to gain unauthorized access to the SUTS System or its related systems or networks.
- 2) Jurisdiction may allow its third-party contractors to use the SUTS System solely on behalf of and for the benefit of Jurisdiction and only in compliance with the terms and conditions of this Agreement. Jurisdiction is responsible for compliance with the terms of this Agreement by its contractors.

K. Initial Setup.

Jurisdiction shall furnish the following items in order to use the SUTS System:

- 1) Jurisdiction Depository Information: Jurisdiction will provide bank deposit information (routing & account number) to CDOR's appropriate Vendors within 5 days of signing this Agreement. This information will be utilized for the deposits of taxes, penalties, and interest from the SUTS System. It is the responsibility of Jurisdiction to provide updated depository information should this account need to be changed at any point in time.
- 2) Initial Account Number Validation: Jurisdiction will upload their local account numbers for their Taxpayers to the SUTS System using the SUTS standard upload format (e.g. Excel, CSV) as soon as is reasonable after signing this Agreement. CDOR will use this information to validate account numbers for businesses registering on the SUTS System with actual account numbers for each jurisdiction for accurate account information on SUTS System tax returns.

3) The local account numbers will include the Taxpayer's account number, business name, dba, FEIN#, address and any other contact information or the SUTS System to validate and match the registered account to Jurisdiction's account number.

4) The SUTS System will not activate for Jurisdiction for tax receipts until the Existing Account Number Data File has been provided to CDOR, imported to the SUTS System and validated by Vendor.

5) It is the responsibility of Jurisdiction to update the account numbers that need to be added or edited in the SUTS System in order to display the local account number on future tax returns generated from the SUTS System.

L. Use Tax Purchase Details.

Taxpayers filing tax returns through the SUTS System are not required to include use tax purchase details. Purchase details are typically required on Schedule B to tax returns required by local jurisdictions. However, nothing in this Agreement prevents Jurisdiction from requesting these use tax details directly from the Taxpayer.

M. Business Licenses.

The SUTS System will not require any Taxpayer to obtain separate Jurisdiction business licenses or any other license. Jurisdiction may, at Jurisdiction's discretion, use the information provided by the Taxpayer in the SUTS System to reach out separately and independently to their Jurisdiction's Taxpayers for licenses or any other requirements from the Jurisdiction that is not included in the SUTS System.

N. Frequency of Tax Filings.

Taxpayers may file tax returns via the SUTS System at the frequency which is required of Taxpayer for State taxes under CDOR regulations; however, Jurisdiction may request from CDOR that the Taxpayer may be moved to a more frequent filing, which will not be unreasonably denied.

O. Jurisdiction New Account Review.

When a Taxpayer submits a new registration with the SUTS System and does not have a Colorado Account Number, the SUTS System will require that the Taxpayer submit an online Sales Tax License Application and pay the State of Colorado license fee. The application and fee shall be sent to the CDOR for license issuance and account number creation for the Colorado Account Number. It is the

responsibility of the Jurisdiction to use the SUTS reports to include any new businesses in their external system of record and to update their local account number in the SUTS System using the procedures set forth above.

P. Jurisdiction Rate Validation.

- 1) Jurisdiction will provide written confirmation to Vendors of its sales and use tax rates, rules, and boundaries. Jurisdiction will use due care and make best efforts to provide accurate rates, rules, and boundaries.
- 2) Jurisdiction agrees to specify to Vendors authorized Jurisdiction users who are allowed to propose changes within the SUTS System administrative tools.
- 3) Jurisdiction will use best efforts to email Vendors or use the SUTS System administrative tools to notify Vendors of any tax rates, rules, boundaries, or other needed data changes 30 days before they are effective for them to be updated in the system. All notifications must include details on the changes and the period for which changes are effective.

Q. Tax Data Integration.

This Agreement does not provide a direct interface or integration to Jurisdiction's system of record for sales and use tax. If a direct interface or custom format is desired by Jurisdiction to better integrate to Jurisdiction's system of record, Jurisdiction may contact Vendor to discuss custom options, which may entail programming fees to be paid directly to the Vendor by the Jurisdiction.

R. Licensed Documentation.

All SUTS System user guides, sample data, marketing, training and other items provided through the SUTS System or by Vendors ("Licensed Documentation") may be used and copied by Jurisdiction via a non-exclusive license for the duration of the Agreement for Jurisdiction's use solely with the SUTS System according to the terms of this Agreement.

S. Payment and Merchant Fees.

Taxpayer pays credit, debit or any other merchant processor or bank fee associated with Taxpayer's remittance payment, and the Jurisdiction agrees to pay the ACH Credit or Debit *transfer* fees from the SUTS System to Jurisdiction's bank account, which is currently one dollar (\$1) per banking day, or approximately twenty dollars (\$20) per month for a Jurisdiction that gets a payment every banking day. The Jurisdiction will Pre-pay an amount of two hundred and sixty dollars (\$260) during

the SUTS onboarding process as a credit towards the transfer fees. Jurisdiction will replenish any funds used, paying in advance of each CDOR fiscal year on or before July 1 after receiving a notice of account and balance due by June 1.

T. Additional Terms.

- 1) **Governing Law.** This Agreement is governed by Colorado law without regard to conflicts of law principles.
- 2) **Survival of Terms.** Any terms that by their nature survive termination or expiration of this Agreement, will survive.
- 3) **Entire Agreement and Changes.** This Agreement constitutes the entire agreement between the Parties, and supersedes all prior or contemporaneous negotiations, agreements and representations, whether oral or written, related to this subject matter. No modification or waiver of any term of this Agreement is effective unless in a written instrument signed by both Parties.
- 4) **No Assignment.** Neither Party may assign or transfer this Agreement to a third party.
- 5) **Enforceability:** If any term of this Agreement is determined to be invalid or unenforceable, the other terms remain in effect.
- 6) **Notices:** All notices required or permitted to be given under this Agreement shall be in writing, and shall be delivered (a) by hand with receipt required, (b) by certified or registered mail to such Party's principal representative at the address set forth below or (c), as an email with read receipt requested addressed as given herein. This contact information may be changed by notice submitted in accordance with this section.

For CDOR:

Name: Scott McKimmy

Title: Director, Business Information Group

Email: Scott.McKimmy@state.co.us

Address: 1707 Cole Blvd., Lakewood, CO 80401

Phone: 720-793-8117

For Jurisdiction:

Name: _____

Title: _____

Email: _____

Address: _____

Phone: _____

7) **Counterparts, Facsimiles and E-Mail.** This Agreement may be signed in any number of counterparts, which together shall constitute one and the same instrument. Original signatures of the Parties on copies of this Agreement transmitted by facsimile or electronically/scanned and e-mailed copies shall be deemed originals for purposes of this Agreement, and such copies shall be binding on all Parties.

8) **Authority to Execute Agreement.** Each person executing this Agreement on behalf of each Party represents, warrants, assures, and guarantees that s/he has full legal authority to execute this Agreement on behalf of the Jurisdiction and CDOR, respectively, and to bind Jurisdiction and CDOR, to all the terms, conditions, provisions, and obligations of this Agreement.

9) **Termination of Agreement:** CDOR or Jurisdiction may terminate this Agreement for any reason on 90 days written notice to the other Party. In the event of a breach of contract, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the breach of contract, at its sole expense, within 30 days after the delivery of written notice, the Party may terminate the contract. Notwithstanding any provision of this Agreement to the contrary, both Parties retain any statutory rights they may have to immediately terminate this Agreement in whole or in part in order to protect the public interest of their citizens.

10) **Limited Financial Obligation.** Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of either party not performed during the current fiscal year is subject to annual appropriation, so the obligation shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

11) **Limitation of Liability for CDOR.** CDOR, its employees, agents, including Vendors and assignees shall not be liable for any costs, expenses, claims, damages, liabilities, court fees and other amounts (including attorneys' fees and related costs) including but not limited to cost of delay, loss of data or information, failure of the SUTS system, loss of moneys remitted to SUTS, direct losses, consequential, special, indirect, incidental, punitive or exemplary loss incurred by Jurisdiction in relation to any services, including database access in connection with this Agreement.

12) **Governmental Immunity.** Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions, committees, bureaus, offices, employees and officials, or of the Jurisdiction, its departments, boards, commissions, committees, bureaus, offices, employees and officials, shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this

Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

Jurisdiction Approval	
By	Title
*Signature	Date
Municipality or County of	Date
Jurisdiction Mailing Address	Appointee Phone Number
Appointee Name	Title
Appointee Signature	Appointee Email
Name of Chief Administrative Officer or Designee	Title
Chief Administrative Officer or Designee Signature	Chief Administrative Officer or Designee Email
* ☐ By checking this box and signing above, I hereby represent, warrant, assure, and guarantee that I have full legal authority to execute this Agreement on behalf of the Jurisdiction and to bind Jurisdiction to all the terms, conditions, provisions, and obligations of this Agreement.	
Colorado Department of Revenue Approval	
By	Title
Signature	Date



Colorado Sales & Use Tax Software System (SUTS) Operating Procedures

Definition of Terms:

- ACH = Automated Clearing House (e-check)
- NACHA = National Automated Clearing House Association is the regulating body that oversees ACH Rules and Regulations.
- VCI = VeriCheck

Daily Settlement Process

1. Taxpayer Payment is deposited into MUNIRevs SUTS escrow account.
 - a. Each tax remittance and payment is marked with a local jurisdiction ID to produce tax returns and settlements to jurisdictions.
 - b. Commercial Account Controls prohibit all withdrawals from the account except to fund outgoing ACH credits to local jurisdictions.
2. SUTS automatically reviews taxpayer payments for settlement.
 - a. System uses NACHA settlement rules (i.e. three days for ACH Debit).
3. SUTS automatically creates a batch of all tax returns to be settled to the jurisdiction.
4. SUTS automatically initiates the ACH Credit for the batch in #3 above and transmits to each jurisdiction.
5. Home Rule Jurisdiction can log into MUNIRevs SUTS to download the tax returns that match the ACH Credit Payment received.
 - a. Can be downloaded via PDF or Excel for import into external systems of record that are not directly integrated into SUTS.

ACH Returns and Credit Card Chargebacks

Dispute Process:

- All unauthorized returns come into VCI as Proof of Authorization (POA) Requests from the bank.
- Per NACHA rules, customers have 60 days after the date of the originating transaction to make the claim that the transaction is unauthorized.
- This POA request must be responded to in 10 business days from the time it is received by processor.
- MUNIRevs receives notice from the processor, pulls the affidavit on the tax form including the language authorizing payment; and sends it to the processor.
- Notice is given concurrently to the appropriate jurisdictions when the rebuttal is sent to the processor.
- Jurisdictions will pay applicable amounts back to the SUTS System within five banking days of notification of return.



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 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 (SECOND 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 18, 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 (SECOND 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.

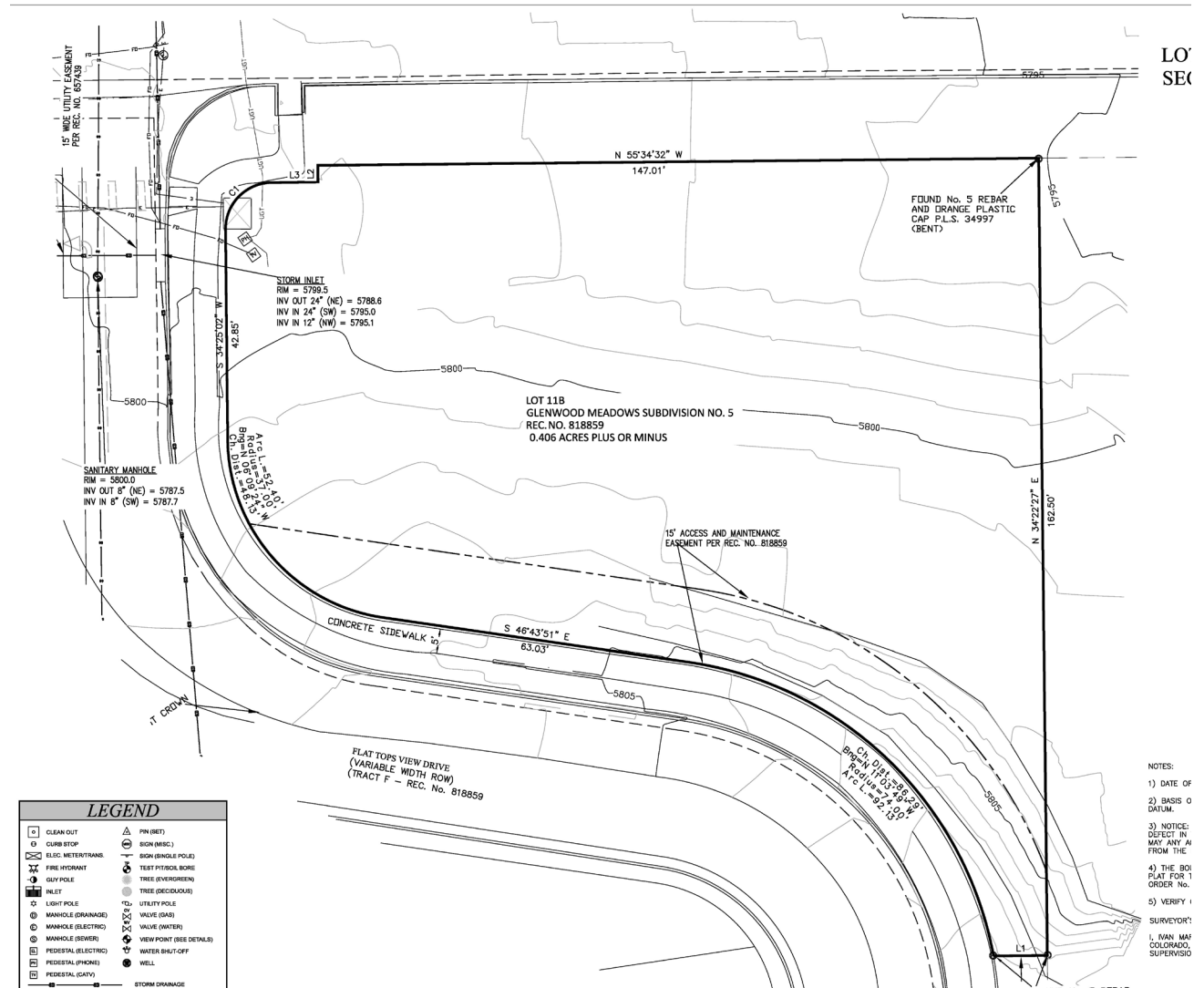
CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

Exhibit A





City Council
STAFF REPORT
City of Glenwood Springs
June 18, 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) Removing Parking Enforcement Language from the Glenwood Springs Municipal Code (SECOND 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 18, 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 to receive sales tax in the General Fund instead of Capital Projects Fund (SECOND 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



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item:	06-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095)
Action Requested:	<u>Action 1 - Special Use Permit</u> - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.
Department:	Economic and Community Development
Presented By:	Trent Hyatt, Senior Planner
Background Info:	The proposed use falls under the definition of a retail marijuana establishment as defined by Section 070.070.020(c)(7)b of the Glenwood Springs Municipal Code (Code) outlined in italics below. This use requires additional licensing through the State of Colorado and City of Glenwood Springs. The Planning and Zoning Commission (Commission) is the recommending body to City Council on marijuana related uses requiring a special use permit. 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 to accommodate the retail sale of cannabis and related products. The applicant plans to also take occupancy of Suite A which is currently occupied by a barbershop. For a complete summary and analysis of the proposed project, please refer to the attached April 28, 2020 Commission staff report, April 28, 2020 minutes (see pages 4-7), draft minutes from the May 26, 2020 Commission meeting, reviewing agency and public comments, and the application materials associated with current proposal.
Issues:	<u>Planning and Zoning Commission Discussion</u> Staff provided background on the proposal to the Commission at their April 28, 2020 meeting where public comment was also taken. The item was continued to the May 5, 2020 special meeting where it was once again continued to May 26, 2020 where written public comment received by staff to date were read into the record. The Commission discussed various issues related to the current proposal such as the Police Chief's concerns about existing site layout/fire access, limited site parking, security, proximity to the motel to the north, the proximity to adjacent commercial and residential, the Highway 82 access control plan, and the current number of marijuana related businesses in the City. <u>Planning and Zoning Commission Recommendation</u> The Commission voted unanimously 7-0 to recommend denial of the application to City Council finding that the proposal is not in compliance with the Comprehensive Plan's goals to attract diverse businesses and promote businesses which are not in direct competition with the Downtown Core, concerns about parking and access, and the proximity to existing commercial and residential uses.
Staff Recommendation:	<u>Action Alternatives</u> Section 070.060.030(g)(1)d of the Code outlines the review and decision procedures for applications being considered by City Council stating, "The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application specific procedures. The body may also continue the hearing or refer the application to another authority as provided in 070.060.050(a)(2)c, Referral and Call- Up Procedures."

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

Staff Recommendation

Staff recommends **approval with conditions** of the Special Use Permit application with the findings and conditions below.

Recommended Findings:

1. The use is compatible with the surrounding area;
2. The impacts of the use on surrounding areas have been adequately minimized;
3. The use is consistent with the general purpose and intent of this Code;
4. The use complies with all applicable standards of this Code;
5. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
6. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Recommended Conditions:

1. The applicant shall provide evidence of approval of licenses from the State of Colorado and the City of Glenwood Springs for a retail marijuana establishment prior to issuance of a Special Use Permit.
2. Any future physical changes or improvements to the property or buildings on the parcel are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.
3. The proposed retail marijuana establishment shall comply with all verbal representations made by the applicant in the public hearing, as well as all approved plans and application materials, as revised per conditions of the Special Use Permit and approved by the Community Development Director prior to issuance of a Special Use Permit.
4. Any changes to signage on the site shall require a sign permit and demonstrated compliance with applicable requirements of the of the Glenwood Springs Municipal Code.
5. The use shall comply with the use standards and special review criteria for marijuana uses specified in the Glenwood Springs Municipal Code at all times. Failure to comply with the applicable standards may result in an enforcement action or the incorporation of additional mitigation methods for Code compliance.
6. If complaints are received from adjacent property owners regarding any odors emitting from the site or any other matter regulated by the Code, City Council shall have the ability to re-evaluate or revoke the special use permit. The special use permit shall be subject to reconsideration and revocation by City Council within sixty (60) days of notification of the violation if the business owners are convicted by the City's Municipal Court of two Glenwood Springs Municipal Code nuisance violations pertaining to odors, etc. emitting from the site within a six (6) month period.
7. The applicant shall submit a building permit application as required. All contractors must receive a license to work in the City of Glenwood Springs.
8. The applicant shall provide an access easement along the south property line to allow for a future combined access with the adjacent property, 15 feet in width, in a form approved by the City Attorney

and City Engineer.

9. The applicant shall obtain an access permit from the Colorado Department of Transportation, as required.



Planning and Zoning Commission Report

Date: April 28, 2020
To: Planning and Zoning Commission
From: Trent L. Hyatt, Senior Planner
Subject: #06-20 - Special Use Review for a Retail Marijuana Establishment, Kind Castle

REQUEST	Consideration of a request for a special use permit for a retail marijuana establishment in the M1 Mixed-Use Corridor District
APPLICANT	Kind Glenwood LLC
OWNER	2114 Grand Avenue, LLC
LOCATION	2114 Grand Avenue, Suite C (PIN: 2185-164-00-095)
ZONE	M1 Mixed Use Corridor District
SURROUNDING LAND USES	North: Hotel lodging South: Retail convenience store/gas station East: Grand Avenue right-of-way West: Multi-family residential
LOT SIZE	Approximately 0.398 acres/17,337 square feet (unit size approximately 738 square feet)

ACTION ITEM:

The Planning and Zoning Commission (Commission) is the recommending body to City Council on marijuana related uses requiring a special use permit.

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

Staff recommendation: *Staff recommends **approval (with conditions)** of the Special Use Permit with the findings and conditions on pages 8-9.*

BACKGROUND/ANALYSIS

Proposal

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 to accommodate the retail sale of cannabis and related products. The applicant plans to also take occupancy of Suite A which is currently occupied by a barbershop.

The proposed use falls under the definition of a *retail marijuana establishment* as defined by Section 070.070.020(c)(7)b of the *Glenwood Springs Municipal Code* (Code) outlined in *italics*

below. This use requires additional licensing through the State of Colorado and City of Glenwood Springs.

Retail marijuana establishment means the retail sale, cultivation, storage, product manufacturing or testing of marijuana to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution and in various provisions of the Colorado Retail Marijuana Code, C.R.S. Article 43.4 of Title 12, and any other applicable state or city law or regulation.

Special Review Criteria

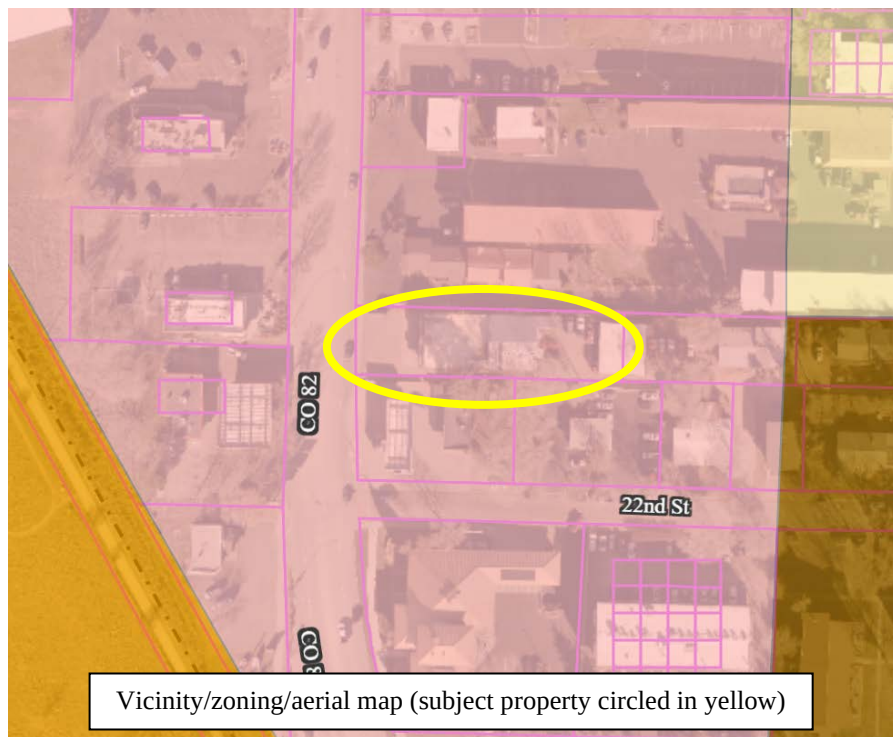
There are two sets of criteria in the Municipal Code to consider in the analysis of marijuana related businesses. Section 070.030.030(e)(11) of the Code are use specific standards which apply to retail marijuana businesses. Section 070.060.050(e)(3)e.2 applies generally to special review uses. Staff lists each of the criteria in **bold** below along with comments.



Section 070.030.030(e)(11) – Retail Marijuana Establishment

b. License Required

Retail marijuana establishments shall comply with City Code Article 050.090.



The applicant shall apply for a City business license for the proposed use prior to future operation.

c. Location of Licensed Establishment Retail marijuana establishments shall be located only in areas of the city as allowed in the City Code. No retail marijuana establishment shall be located:

1. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through

the 12th grade. The distance shall be property computed by a straight line measurement from the nearest property line of the school to the nearest property line of the site housing the retail marijuana establishment;

The retail marijuana establishment is located over 600 feet from both St. Stephens School and Columbine School, the two closest in proximity.

- 2. Within 900 feet of another retail marijuana establishment or a medical marijuana business. A retail marijuana establishment may locate on the same licensed premises as a medical marijuana business of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other retail marijuana establishments and medical marijuana businesses. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities; and**

The proposed retail establishment is located over 3,000 from The Green Dragon to the southwest.

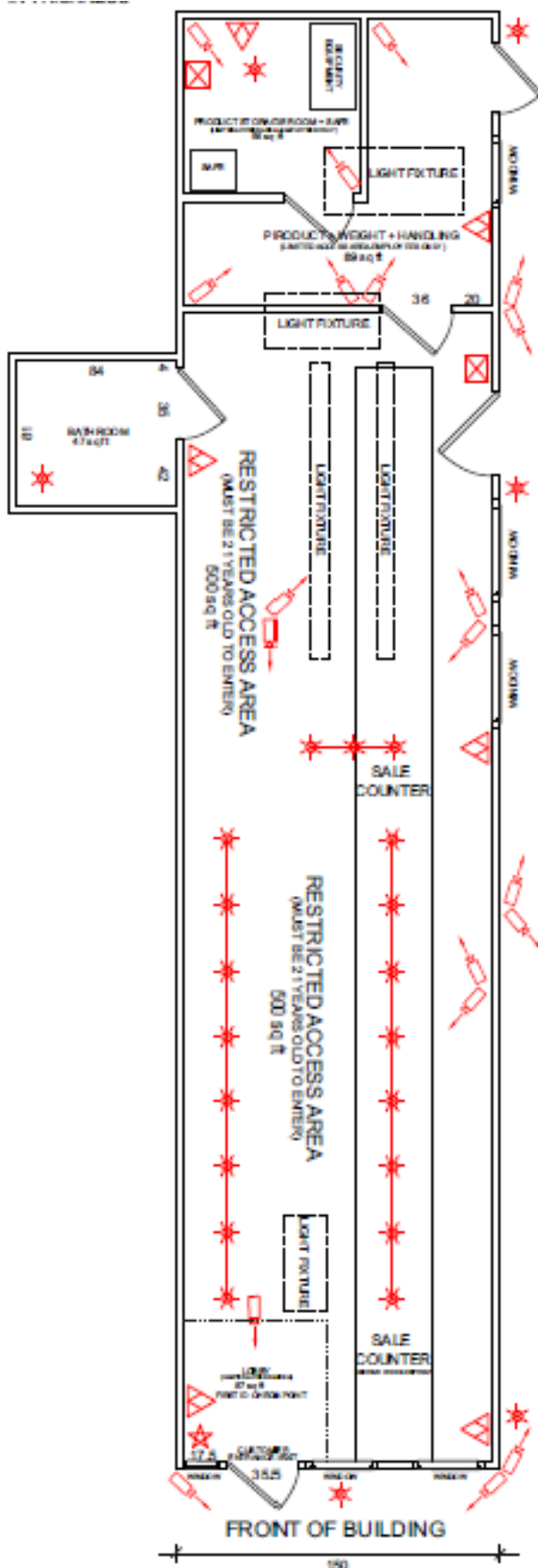


- 3. In any zoning district not specifically permitted by the City Code.**

The use is proposed in a zone district, M1, which allows retail marijuana establishments.

d. Requirements Related to Operation of a Retail Marijuana Establishment

- 1. Retail marijuana establishments shall meet all operational criteria for the procurement, display, dispensing, labeling, sanitation, security, and any other**



criteria as required by the state pursuant to the CRMC and the City Code Article 050.090.

The operation shall apply for and receive all applicable permits from the state and maintain compliance therewith.

2. In addition, all retail marijuana establishments shall comply with the following local restrictions:

i. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. Monday through Sunday; and

The business shall comply with the restricted hours of operation.

ii. A sign permit shall be obtained through the Community Development Department. All exterior signage associated with a retail marijuana establishment will meet the standards established in the CRMC and in the City Code.

The applicant shall apply for and receive a sign permit prior erecting any signage at the site.

iii. Storage of retail marijuana shall be considered an accessory use. Not more than 25 percent of the licensed premises of a retail marijuana business shall be used for such purposes.

All cannabis product onsite shall be for retail sale. Significantly less than 25 percent of the floor plan is proposed for storage.

iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

Odor is a concern with any marijuana related business and is an expected nuisance. However, the issue is more closely related to grow facilities as the City

does not generally receive complaints for sales only businesses. That being said, the applicant proposes a high efficiency exhaust system which utilizes carbon filter fans to combat the issue. In addition, the applicant proposes off site prepackaging of flower products. As is the norm with all applications associated with marijuana businesses, staff is recommending a condition of the special use permit that requires compliance with the above criteria at all times. In the event that documented inspections of the premises by City staff, preceded by complaints, indicate that odor is an issue, the applicant will need to employ alternative methods to mitigate odors or be at risk of losing their City license.

Section 070.060.050(e)(3)e.2 – All Land Uses

i. The use will be compatible with the surrounding area;

Similar uses, retail and service, are currently operating at the site and a mix of uses are located in close proximity including lodging, multi-family residential, and automobile fuel sales. The subject property is directly adjacent to Colorado State Highway 82 and related uses which generally serve the travelling public. Therefore, the use is compatible with the surrounding area.

ii. The impacts of the use on surrounding areas have been adequately minimized;

Other than potential odor nuisance discussed above, the proposed use is not expected to create any additional impacts than currently exist at the site.

iii. The use will be consistent with the general purpose and intent of this Code;

The use/proposal appears to be consistent with the general purpose and intent of the Code.

iv. The use will comply with all applicable standards of this Code;

The use is in compliance with the Code. While the existing parking lot is substandard in terms of design/circulation and landscaping. The proposed use does not trigger the upgrading of these features.

v. The use is in conformance with the Comprehensive Plan and other City plans and policies; and



As shown at right, Map 2.2 Future Land Use – Central Portion of the City of the Glenwood Springs of the Comprehensive Plan (Comp Plan) identifies the property as “Commercial” in red. According to the Comp Plan, the “Commercial” designation “...provides a wide range of general retail goods and services for both regional and local markets, in attached and freestanding structures. Retail that would compete directly with Downtown retail is discouraged.” The current proposal is in compliance with the map designation and description.

Numerous community goals and related objectives and strategies outlined in the Executive Summary and subsequent chapters of the Comp Plan encourage economic development, preserving our small-town character, convenient transportation, infill development, housing opportunities, social diversity, and preserving natural resources all of which are supported by this proposal. These goals are outlined in the following table.

<u>Comprehensive Plan Goal Supported</u>	<u>Objectives and Strategies</u>
-Promote long-term, sustainable, diverse, economic development	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Attract diverse businesses and industries (Chapter 4, Page 50) -Maintain the role as regional center (Chapter 4, Page 54) -Retain role as a regional center (Chapter 7, Page 83)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill retail development/redevelopment.	
-Maintain Glenwood Springs as the regional tourism, retail, commercial, and governmental center of Garfield County	-Attract diverse businesses and industries (Chapter 4, Page 50) -Maintain the role as regional center (Chapter 4, Page 54) -Retain role as a regional center (Chapter 7, Page 83)
Staff Comment: Continuing to utilize the space for retail, as proposed, helps to maintain/retain the City’s role as a regional center.	
-Preserve small town character while maintaining the livability of Glenwood Springs and increasing the vibrancy and commercial success of the downtown	-Develop according to the vision (Chapter 4, Page 34) -Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Enhance pedestrian-friendliness while facilitating traffic (Chapter 3, Page 36) -Maintain the role as regional center (Chapter 4, Page 54) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: Infill, as proposed, makes improvements more cost effective. The use is in	

character with surrounding the site area and aligns with zone district purpose.	
-Address transportation and provide multiple convenient travel choices	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34)
Staff Comment: Infill, as proposed, is a land use strategy used to address transportation issues per the Comp Plan.	
-Direct development to locations and building forms that are cost effective to serve	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Direct growth to areas where utilities and services can be provided efficiently (Chapter 7, Page 82) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	
-Support social diversity	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	
-Preserve natural resources	-Promote water conservation (Chapter 7, Page 84) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	

vi. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

The use/proposal does not appear to negatively impact health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Reviewing Agency Comments

An overview of comments received from referral agencies is provided below. Said comments are also attached.

Colorado Department of Transportation – Correspondence addresses potential traffic impacts and access to the site and the need for an easement along the southern property boundary to accommodate the access control plan when the property is redeveloped.

Police Department – Comments received outline concerns with exiting parking and circulation, fire access, and security.

Adjacent Property Owner Comments

Joel Dembinsky – Comments outline the proximity of multi-family residential to the proposal and that the uses are not compatible as well as the abundance of the use in the City.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

Section 070.060.050(e)(1)e.1 of the Code explains, “The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with 070.060.030(g) and the approval criteria in paragraph 2 below [addressed above in in this instance]. The Planning Commission may also remand the application back to the Director for further consideration.” Section 070.060.030(g)(1)d also states, “The body may also continue the hearing or refer the application to another authority as provided in 070.060.050(a)(2)c, *Referral and Call-Up Procedures*. In the instance of marijuana related business, Section 070.060.020(d)/ Table 060.1 Summary of Development Review Procedures outlines the Commission is the review and reminding authority to City Council.

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

Staff recommendation: Staff recommends **approval with conditions** of the Special Use Permit application with the **findings** and **conditions** below:

Recommended Findings:

1. The use is compatible with the surrounding area;
2. The impacts of the use on surrounding areas have been adequately minimized;
3. The use is consistent with the general purpose and intent of this Code;
4. The use complies with all applicable standards of this Code;
5. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
6. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Recommended Conditions:

1. The applicant shall provide evidence of approval of licenses from the State of Colorado and the City of Glenwood Springs for a retail marijuana establishment prior to issuance of a Special Use Permit.
2. Any future physical changes or improvements to the property or buildings on the parcel are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the *Glenwood Springs Municipal Code*.
3. The proposed retail marijuana establishment shall comply with all verbal representations made by the applicant in the public hearing, as well as all approved plans and application materials, as revised per conditions of the Special Use Permit and approved by the Community Development Director prior to issuance of a Special Use Permit.
4. Any changes to signage on the site shall require a sign permit and demonstrated compliance with applicable requirements of the of the *Glenwood Springs Municipal Code*.
5. The use shall comply with the use standards and special review criteria for marijuana uses specified in the *Glenwood Springs Municipal Code* at all times. Failure to comply with the

applicable standards may result in an enforcement action or the incorporation of additional mitigation methods for Code compliance.

6. If complaints are received from adjacent property owners regarding any odors emitting from the site or any other matter regulated by the Code, City Council shall have the ability to re-evaluate or revoke the special use permit. The special use permit shall be subject to reconsideration and revocation by City Council within sixty (60) days of notification of the violation if the business owners are convicted by the City's Municipal Court of two *Glenwood Springs Municipal Code* nuisance violations pertaining to odors, etc. emitting from the site within a six (6) month period.
7. The applicant shall submit a building permit application as required. All contractors must receive a license to work in the City of Glenwood Springs.
8. The applicant shall provide an access easement along the south property line to allow for a future combined access with the adjacent property, 15 feet in width, in a form approved by the City Attorney and City Engineer.
9. The applicant shall obtain an access permit from the Colorado Department of Transportation, as required.



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'Conner 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

May 26, 2020 Planning & Zoning Commission Meeting

Meeting called to order 6:07 PM

Roll call

Minutes

April 28, 2020 and May 5, 2020

Motion by Wussow second by _____

Minutes unanimously approved

Comments from Citizens:

None

Continued Hearing

Bell Rippey

Dehm reviewed the status of the hearing since May 5, 2020. Noted that the public comment section was closed prior to losing internet connection. Commission began deliberations before losing connection.

Schachter asked for clarification of the status of the Blake gate and Blake avenue improvements. Partch stated that they were the conditions that were part of the past approval. Jenn Ooton clarified that the gate direction was from council was subsequent to council's consideration of this application. Blake ave improvements want neighborhood meeting. Base assumption is that Blake gate is open because that is how the traffic study was modeled.

Schachter – timing of Blake gate opening

Upon final CO of last building

Discussed one way Blake and Palmer

Discussed other Blake improvements such as shared traffic lane, medians at intersections

Shaver asked for clarification on property ownership – Triumph Development LLC; off-site drainage improvements; parking management plan

OConner clarified Blake gate timing – open to construction traffic during building construction and only construction traffic. Gate officially opened to traffic upon CO of final building.

Cipperly – asked for clarification of other improvements related to the former project. Clarification of sidewalk construction – and lack of two sides. Hyatt clarified that the new code was adopted after approval of last application. Partch has ability to waive certain construction standards based on topography. In which case there

9 foot tall – 400 plus foot retaining debris flow wall and concerns about wildlife movement. Hyatt: Don't need to allow pedestrian traffic ; do not need to provide public access to BLM. Mitigation of homeless

issue/trespassing issues on adjacent parcel. Registration of vehicles to prevent spill over into adjacent neighborhood. Owner: can have tenant provide list of vehicles licensed to them

Dehm: traffic flow proposed will that work for city engineer? Partch – two directional flow through gate works for her.

Clarification for Trent: Use by right - Yes.

To owner - Community meeting in February- provide a summary. Oconner: well attended. Sentiments were generally what heard during these hearings: Scale of project, road conditions, traffic. Last application conditions of approval- can these be referenced in the current conditions of approval. Anna & Trent – yes.

Motion:

Action 1: 04-20 Variance 070.040.080 re: parking away from street frontages with findings/conditions on p 12 of the staff report.

Schachter: procedural questions – if variances are not approved does that prohibit application from proceeding. Anna – need to look at each one individually. If variance is not granted then will need to amend the site plan, or appeal the denial.

Schachter: Variances & criteria and relationship to entire development.

Hyatt clarified if a variance was denied that substantially changed the development

Wussow: P & Z is just a recommending body to City Council. Council could ultimately overturn.

Hyatt: P & Z is the deciding body for the variances, appeal could be made to city council.

Grosscup: motion to approve action #1 with 7 recommended findings P. 12 of staff report. Second: Wussow.

Discussion: Schachter – shouldn't proceed with the application without understanding the circulation plan. Left with too many unknowns. Until a circulation plan approved by the neighborhoods and city the residents of this development only exit from palmer is to highway 82 near McDonalds.

Wussow: does not believe that this variance would be needed if the owner kept density as originally approved.

Shaver: does not have an issue with this variance. Will reserve comments about the general development to the final action item.

Grosscup: does not have an issue with the variance. There are 6 buildings. The variance addresses two parking lots nearest Blake Avenue.; uses topography of hillside; feels this is a better site plan than previous plan.

Wising: clarify criteria #3 and 5 – Hyatt reference page 10 of the staff report. Hardship is not created by applicant, as due to topography and not density; undue hardship not related to convenience.

General discussion about variances as they relate to the entire development

Discussed need or development of a circulation plan prior to proceeding with all actions.

Ooton: tie the circulation plan condition with the specific variance or **remand the action item back to staff.**

Grosscup: blake is a tough street – don't see a redo and a new grid – see more engagement on part of the city – owners making a long term commitment to the area; think area of town is a tough transportation area; no perfect solution; city commitment to continued conversation & developer committed to be a part of that; don't see what formula that would come back to the commission.

Ooton: do have a circulation plan/transportation study.

Partch: owner does have a plan that is included in the traffic study. Modeled Blake as two way. Nothing more they can do - can involve the residents in developing a mitigation plan and not a circulation plan.

Schachter: ways to develop a plan to direct traffic away from the neighborhoods.

Shaver: not clear what a mitigation plan involves

Partch: meeting with residents of Blake/Palmer; propose solutions to mitigate concerns; slow traffic on Blake/palmer – gate north side palmer previously discussed.

Ooton: could be added as a condition – need to consider fire access and snow plowing.

Dehm: Gate moved to 26th street?

Cipperly: concern that we've not adequately heard from the neighborhoods. Need to have a master plan for circulation – are sidewalks included on Blake.

Wussow: Had owners not chosen to increase density, they likely would be building this summer based on old approvals. If want to discuss the development need to address that in Action 4.

Schachter: procedural question.

1; 1; 1; 1; 1; Approve

2 deny

Action #2: variance re: two housing types

Motion: to approve grosscup

Second: shaver

Discussion: Dehm didn't believe that it met the seven criteria

Wussow: concern with the variance language. Hardship created by the density requested. Does not fit with the feel and character of the surrounding area.

Dehm: asked staff to clarify that developer could construct per prior approval – yes

Grosscup: this application does a better job than the last application.

1,1

1,1,1,1,1 Motion failed

Action #3: rezoning

Motion: to approve Wussow

Second: Wissing

Approve: Unanimously

Action 4: Major site architectural plan 100 units in 6 buildings

Motion: move to continue more information based on collaborative neighborhood circulation plans with city. City needs to coordinate – applicant needs to be involved

Second: Wussow

Ooton clarification – what are you looking for on behalf of the city and what timeline?

Schachter: Need public meetings involving easy st; palmer neighborhoods; 24th – 26th. Looking for a solution for a complex neighborhood.

Ooton: Need to continue the application for a certain amount of time.

Dehm suggested within 60 days.

Wussow: this is a development long in the works. At every application/dialog concerns have been raised. Will eventually be developed. Best iteration that we've seen but there are some missing pieces. Not rushing it and thinking out of the box and listening to neighbors and their ideas.

Shaver: concerns about building F, in particular. Suggestion to remove building allowing for more open space – enlarge building E to compensate for unit loss.

Motion amended to 60 days, Wussow amended the second
Dehm cautioned that the discussion with the neighborhood Traffic, circulation and mitigation
Hyatt: date certain July 28, 2020 meeting, Wussow amended the second.

Vote:

Approved unanimously

Clarified: Stephanie Copeland - need to know specifically the items that they are required to bring back-
circulation plan;

July 28th earliest or latest that the application could be heard

Schachter: solution-based proposal that involves palmer Oakhurst, South Blake residents and city that
comes back with a circulation or mitigation plan. Copeland: Do neighbors need to vote or approve –
what constitutes satisfaction of the neighbors.

Schachter: Solution that meets most of the needs in the neighborhood
Better if the city runs the meeting but involve the owner.

Ooton: July 23rd (28th?) is

Wussow asked to also know about the financial ramifications to the city.

Ooton: not certain how it applies to this site plan.

Partch: Wussow is trying to get to who will pay for what....

5 Minute Recess: 8:34 PM

Reconvened:

Marijuana application

Public input requested:

Written comments were read into the record.

No callers

John Dyet Kind Castle responded to the comments by addressing:

- Odor mitigation;
- Proximity to other retail marijuana establishments;
- Proximity to residents
- Impacts to tourism
- Parking

Mark Mayasich, Kind Castle, addressed

- Proximity to a pawn shop that sells guns;
- Proximity to downtown;
- Meeting Code-required distance requirements;
- Marijuana product will be pre-packaged including flower;
- Adequacy of parking for two tenants;
- Evidence of increased revenue in other locations with marijuana businesses;
- Revenue generated by marijuana business.

Commissioner Question - Discussion

Shaver asked Trent to discuss comments from the Police Department – existing layout of the site, proximity to residents- parking and security. Trent reviewed the comments.

Wissing asked Gretchen about the number of complaints that the city. Over the last two years, no complaints about retail marijuana stores. Complaints about the cultivation facilities on Devereux Road.

Grosscup: asked for clarification regarding when the marijuana legislation was added to the Code and when adopted by the State. Trent responded 2015 and about 2012, respectively.

Schachter: comments about the access control plan

Trent – CDOT recommended combining access with the adjacent Stinker store when the sites redevelop.

Cipperly: asked about loss of parking when access plan is put into place. Trent discussed parking as a substandard existing condition but cannot comment about number of spaces that would be lost if access plan put into place.

Grosscup: asked about existing marijuana establishments. Trent responded – 9 applications approved with 7 in operation. Includes retail side of the two existing cultivation facilities.

Motion: Special Use Permit 06-20 Wussow recommends denial

Diversity of businesses finding that it pulls more business away from the downtown core which is Seconded by Cipperly

Discussion:

Schachter – meets the SUP criteria but not the general purpose of the Comprehensive Plan. Requested that Council reconsider when enough is enough.

Cipperly – feels like appropriate use for the property; issue is parking and access.

Wussow – need to have business cater to tourism, comp plan discusses that. This is a controlled substance – not about displacing existing businesses

Dehm – not his job to say how many dispensaries there should be in the city. Not purpose of SUP. Issue that there are two residential units in the back. The other retail MJ uses are not in mixed use buildings. ‘

No more discussion:

Motion approved unanimously.

20-19 Code Amendment 070.010.070

Shaver recused himself from the item and left the meeting.

Trent Hyatt summarized the intent of the proposed code amendment as it related to legal non-conforming structures in riparian areas.

No comments public received.

Wussow: will the city provide information given to public that resides along the river. Hyatt: not for this specific code amendment but will be additional outreach related to the proposed riparian setback code amendment.

Motion: Cipperly made motion to approve with findings as stated in the staff report.

Second: _____

Approved unanimously.

Wussow – continuing problems with the code with the seven Variance and tightening Marijuana regulations

Schachter – continuing discussions regarding housing with the housing commission

Grosscup – ditto; plus in light of COVID is Midland Avenue repair still being planned. Ooton affirmative.

Cipperly – Revisit proximity to transit and parking requirements

Dehm – City Hall reopening to public. Ooton negative.

Physical meeting June – Ooton, unknown

Schachter – congratulations to Catherine Fletcher for her feature in the paper.

Director Comments: None

Meeting adjourned 10:06 PM



SPECIAL USE PERMIT APPLICATION CHECKLIST

For office use:

Pre-application Meeting Date: _____ Planning File #: _____

Applicant: _____ Lead Planner: _____

During or shortly following your pre-application meeting, you will receive this checklist noting the materials that the City will need to process your special use permit application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	Planning Application – completed in full and signed by applicant and all property owners of record	√			√			
2	Ownership - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	Public Noticing – signed and notarized affidavit proof of public notice including mineral estate owner notification	√						
4	Project Description – narrative describing the project and addressing how the application meets the general Special Use permit approval criteria page 1 of this guide and any applicable use-specific standards listed in 070.030.030	√			√			
5	Administrative Adjustment Request – refer to Administrative Adjustment information, criteria and questionnaire page 11	√			√			

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (✓)	Submitted by Applicant (✓)
		8 ½ x11	11 x 17	24 x 36				
6	Variance – refer to Variance criteria and questionnaire page 15							
7	Site Improvement Survey	✓		✓	✓			
8	Complete Plan Set including:	0	1	1	✓			
	Cover Sheet							
	Site Plan							
	Preliminary Grading Plan							
	Conceptual Architectural Plans							
	Preliminary Landscape Plan							
	Sample materials board							
	Lighting Plan							
9	Engineering Reports including:	2	0	0	✓			
	Preliminary Traffic Impact Analysis or Letter – the level of documentation required depends on the location of the property and the type of development proposed							
	Preliminary Soils & Geotechnical Report							
	Drainage Letter or Study – level of information required depends on the project location, size and type of development. Refer to Engineering Standards							
10	Fee	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (✓)	Submitted by Applicant (✓)
		8 ½ x11	11 x 17	24 x 36				
11	Other Materials (list other materials that will be required)							



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

Applicant/Property Owner Information:			
Applicant		Owner	
Kind Glenwood LLC		2114 Grand Avenue, LLC	
Relationship to Owner		Owner	
Lessee		Todd and Kristine Leahy	
Applicant Address		Owner Address	
2114 Grand Ave, Suite C	Glenwood Springs, CO	P.O. Box 2738	Glenwood Springs, CO 81602
Phone (970) 773-5463	Email Address john@kindcastle.com	Phone (970) 618-0756	Email Address sunlightcabin@comcast.net

Property Information:	
Address	Parcel Number
2114 Grand Avenue	218516400095
Subdivision	Lot and Block Number
NA Metes and Bounds Description	NA
Zone District M1 - Mixed Use Corridor	Existing Land Use Commercial retail uses

General Project Description:
Special use permit for a retail marijuana establishment.

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.	Applicant
	Owner
	Owner
	Owner
	12/20/19
	12-19-19
	12-19-19
	Date

P.O. Box 2738, Glenwood Springs, CO 81602

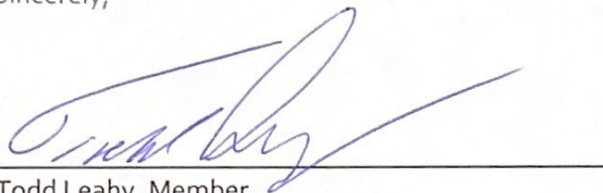
December 19, 2019

Town of Glenwood Springs
Community Development Department
Gretchen Ricehill, Assistant Economic & Community Development Director
101 West 8th Street
Glenwood Springs, CO 81601

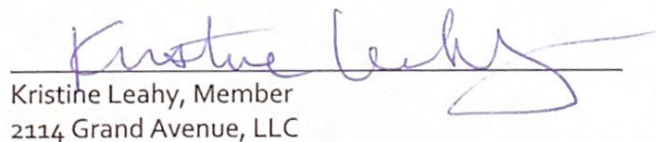
Dear Ms. Ricehill,

2114 Grand Avenue, LLC ("**Owner**") is the owner of the property located at 2114 Grand Avenue, Glenwood Springs, CO 81601 ("**Property**"). Please be advised that for purposes of submitting all necessary licenses and planning applications for a retail marijuana store on the Property, the Owner appoints John Dyet and Mark Mayasich of Kind Glenwood LLC ("**Lessee**") to act as our agent with authority to submit, process and represent such applications. The Lessee has a few of the commercial units under contract to rent provided the City approves the special use permit application and Lessee obtains the required license from City.

Sincerely,



Todd Leahy, Member
2114 Grand Avenue, LLC



Kristine Leahy, Member
2114 Grand Avenue, LLC

SPECIAL WARRANTY DEED

THIS DEED, made on December 16, 2019

between **Todd Leahy and Kristine Leahy**

of the County of Garfield, and State of Colorado, grantor(s), and

2114 Grand Avenue, LLC, a Colorado limited liability company

whose legal address is : P.O. Box 2738, Glenwood Springs, CO 81602

of the County of Garfield, and State of Colorado, grantee:

WITNESS, that the grantor(s), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

ALL THAT PORTION OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

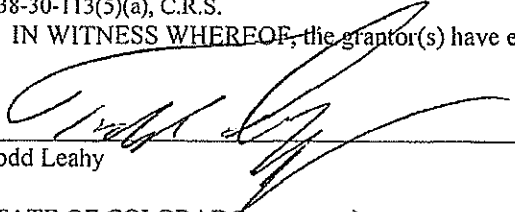
BEGINNING AT A POINT ON THE EASTERLY SIDE OF COLORADO STATE HIGHWAY NO. 82, WHICH BEARS SOUTH 01°32' WEST 788 FEET FROM THE INTERSECTION OF THE EAST-WEST CENTERLINE OF SAID SECTION 16 WITH SAID EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY; THENCE ALONG THE EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY NO. 82 SOUTH 01°32' WEST 64 FEET; THENCE SOUTH 88°28' EAST 271 FEET; THENCE NORTH 01°32' EAST 64 FEET; THENCE NORTH 88°28' WEST 271 FEET TO THE POINT OF BEGINNING.

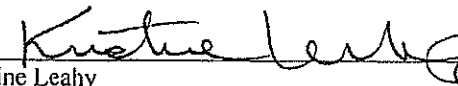
also known by street and number as: 2114 Grand Avenue, Glenwood Springs, CO 81601

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s); excepting from the grantor's warranty, all liens, reservations, easements, covenants, general taxes and assessments for the year 2019 and subsequent years; encumbrances of record and "subject to statutory exceptions" as defined in § 38-30-113(5)(a), C.R.S.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.


Todd Leahy


Kristine Leahy

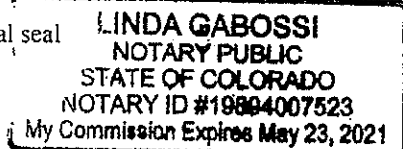
STATE OF COLORADO)

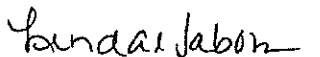
) ss.

COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on December 16, 2019, by Todd Leahy and Kristine Leahy.

WITNESS my hand and official seal




Notary Public

E-RECORDED

simplifile

ID: 929569
County: _____
Date: 12/16/19 Time: _____

SPECIAL WARRANTY DEED

THIS DEED, made on December 16, 2019

between **Todd Leahy and Kristine Leahy**

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2114 Grand Avenue, LLC, a Colorado limited liability company

whose legal address is : P.O. Box 2738, Glenwood Springs, CO 81602

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also known by street and number as: 2114 Grand Avenue, Glenwood Springs, CO 81601

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s); excepting from the grantor's warranty, all liens, reservations, easements, covenants, general taxes and assessments for the year 2019 and subsequent years; encumbrances of record and "subject to statutory exceptions" as defined in § 38-30-113(5)(a), C.R.S.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Todd Leahy

Kristine Leahy

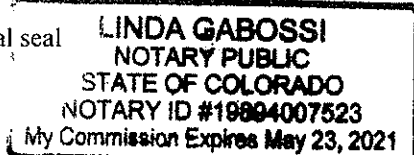
STATE OF COLORADO)

) ss.

COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on December 16, 2019, by Todd Leahy and Kristine Leahy.

WITNESS my hand and official seal



Linda Gabossi
Notary Public



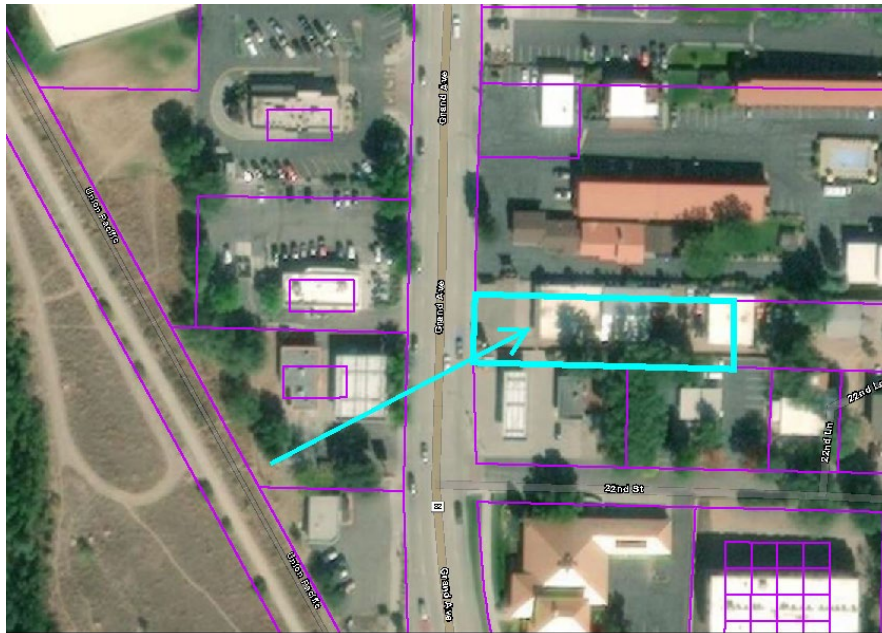
Glenwood Springs
Special Use Permit
The Kind Castle

Project Narrative
December 19, 2019

Background

Kind Glenwood, LLC dba The Kind Castle ("**Applicant**") is under contract to lease two existing retail suites located at 2114 Grand Avenue in Glenwood Springs ("**Property**") as shown in Figure 1. The Applicant desires to open a retail marijuana establishment on the Property. The Property owner is 2114 Grand Avenue, LLC with members Todd and Kristine Leahy ("**Owner**"). The Applicant's lease with the Owner is contingent upon the City of Glenwood Springs approval of a retail marijuana establishment through (1) a special use permit; and (2) a business license.

Figure 1. Vicinity Map



The Property contains 16,988 sq. ft. or 0.39 acre with a 3,000 sq. ft. (gross) retail building and a residential building with 2,420 sq. ft. of floor area¹. The retail building and residential building share a common wall.

The Applicant intends to construct the actual retail marijuana establishment in Unit C, which is located on the right hand side of the building as shown in Figure 2, and to use Unit A, which is located on the left side of the building, only for limited office and storage uses associated with the retail use. Unit A contains approximately 650 sq. ft. of floor area, and Unit C contains approximately 783 sq. ft. of floor area. Unit B is occupied by the Trading Post Pawn Shop that contains approximately 1560 sq. ft. of total retail space, including area that would not be defined as habitable according to the code (meaning the square footage includes bathrooms, storage, etc.)

The Applicant has the ability to expand into the residential unit behind it by up to approximately 1,250 sq. ft., or any lesser amount, bringing the ability for the maximum retail area space of up to 2,033 sq. ft.

Figure 2. Front Façade Units



SPECIAL USE PERMIT CRITERIA

Compatibility with Surrounding Area

The proposed retail store is very compatible with adjacent development because it is located in an intensive commercial area of the city. The Trading Post Pawn Shop is located on the Property in Suite B. A Sinclair Gas Station and the Alpine Bank parking lot are located to the south of the Property. Cedar Lodge is located to the north of the Property. The Corner Store Gas Station, Starbucks Coffee and Wendy's Restaurant are located to the west across Grand Avenue with a closed Safeway Store to the northwest. A multi-family building is located to the east. A fence separates the Property from land uses to the south but belongs to the Sinclair gas station. An intensive landscape buffer has grown between the Property and the lodge to the north.

It is now common to have retail marijuana stores in commercial areas of towns in Colorado with the potential adverse impacts of such mitigated through strong licensing requirements and strict adherence to compliance. Such business establishments act in the same capacity as any other retail store with customers parking, shopping and leaving the property. There will be no product manufacturing or cultivation facilities on the Property associated with this retail establishment, which means odor will not be an issue especially with added carbon filtration system. Total odor mitigation. No consumption of product will be permitted in accordance with City and State regulations.

Minimization of Impacts on the Surrounding Area

There will not be any adverse impacts to the surrounding area. The proposed retail store will not have any production or cultivation operations so the potential impacts are like any other retail store in the town. No significant odors will be emitted from the retail store. Store security and alarm systems will be robust in accordance with City and State regulations, with all security features indicated on the Floor Plan. Store staff will monitor customers to ensure that they are complying with City and State laws with no consumption permitted on the Property and no underage customers.

Floor area. The total habitable horizontal area of all floors in a building. Bathroom, toilet compartments, closets, halls, storage or utility space, garages, and similar areas are not considered habitable space.

Parking for the pawn shop and retail marijuana establishment will be provided as required by the City's development code with one space per 300 sq. ft. of retail area, applicable to total habitable space. The pawn shop contains approximately 1,027 sq. ft. of habitable floor area excluding storage, bathroom and other non-habitable space. The retail marijuana establishment will contain approximately 587 sq. ft. of habitable floor area excluding storage, bathroom and other non-habitable space. The total habitable floor area of both uses is 1,614 sq. ft. which equates to a parking requirement of 5.4 parking spaces. The Property currently contains 10 parking spaces in the front. Applicant also has the rights to 4 additional parking spaces in the rear. Ride Glenwood has a bus stop located at 20th and Grand Avenue which is approximately 500 feet from the retail store. Development Code Section 070.040.060(e)(7) states:

"The Director may approve reduced parking requirements up to twenty (20) percent for development located within seven hundred fifty (750) feet of an active transit stop."

This 20 percent reduction results in a parking requirement of 4.32 spaces (5.4 – 20%), rounded-up to 5 spaces. This would result in the property possessing over twice the amount of parking spaces required.

Consistency with the General Purpose and Intent of the Code

The general purpose of the Glenwood Springs Development Code "...is to protect the public health, safety, and welfare of the City and to implement the policies, goals, and strategies adopted by the City of Glenwood Springs, including those set forth in the Glenwood Springs Comprehensive Plan." The proposed retail store is consistent with this intent because it complies with the Municipal Code for such stores including:

1. The establishment is not located within 500 feet of any existing public or private K-12 school.
2. The establishment is not located within 900 feet of another retail marijuana establishment.
3. No production or cultivation will occur within the Property so there will not be any adverse odors coming from the store.
4. Not more than 25% of the licenses premises will be used for the storage of retail marijuana.
5. The store hours will be between the hours of 8 a.m. to 7 p.m. Monday through Sunday.
6. All signage will be designed to meet City regulations for a retail marijuana establishment.

Parking will be provided in accordance with the Development Code. The Applicant, store managers and employees will comply with City and State retail marijuana regulations. The retail marijuana facility is also being evaluated pursuant to the special use permit and retail marijuana establishment regulations as set forth the City Municipal Code consistent with its intent.

Conformance with the Comprehensive Plan

The proposed retail marijuana facility conforms to the Glenwood Springs Comprehensive Plan. The Comprehensive Plan does not have a color associated with the area around the Property on the east side of Grand Avenue.

The Comprehensive Plan encourages mixed-use development in Secondary Commercial Centers. The Comprehensive Plan also envisions mixed-use areas to allow for a variety of uses including commercial, retail, office, restaurant, entertainment and multi-family housing. The proposed retail store meets the envisioned uses.

The proposed retail store conforms to the Comprehensive Plan's economic development policies. The store will help reinforce the City's role as a regional center and promote sustainable economic diversity. The proposed store will generate economic activity as envisioned in the Comprehensive Plan and provide the Town with an estimated \$258,000 in total sales tax revenue, with \$141,000 allocated to the City and \$30,000 to the County sales taxes. The retail store will employ approximately 10 full-time employees. The City's retail marijuana sales tax of 5% will increase the estimated sales tax revenue by approximately \$150,000 for a total estimates sales tax revenue of \$291,000.

The proposed store also conforms to the Comprehensive Plan transportation policies. The proposed retail store is located on the Ride Glenwood bus route with a stop only 500 feet away. Accommodation will be made for cyclists with a small bike rack provided near the front of the store.

Minimization of Adverse Impacts to the Health, Safety, and Welfare of Surrounding Residents and the City

The proposed retail marijuana establishment will protect the public health, safety and welfare of surrounding and residents and the city. The proposed retail store will provide state of the art security and alarm systems with reinforced doors and video cameras located around and within the establishment. The proposed retail store also meets the City regulations for issuing a retail marijuana license as outlined above, which further ensures the health, safety and welfare of the community. There will be no cultivation or production within the Property so there will be no adverse impacts from odors, excessive electric or water use. The retail store owner, manager and employees will operate in accordance with City regulations and the Colorado Retail Marijuana Code.

Access to the site is readily available from Grand Avenue. The Colorado Department of Transportation has been consulted on the proposed use and does not see any issues or the need for an access permit. All of the surrounding businesses have high traffic and turning movements. Parking meets the requirements of the Development Code.

More than 60% of the voters approved Amendment 64 in Glenwood Springs and the City crafted regulations to ensure the public health, safety and welfare would be protected. The proposed store is in line with the will of the voters and City regulations. The City subsequently voted to impose a local 5% sales tax by a vote of 1,205 to 813 in 2017. This represented 60% of the voters in the community. Thus, a majority of the community accepts retail marijuana establishments within the community per the adopted City regulations that limit and constrain retail establishments to certain areas of the city. Based on this, and the fact that the applicant meets all requirements under applicable ordinances, we strongly believe that the proposed retail marijuana establishment promotes the public health, safety and welfare of the City with hardly any impacts to the surrounding area.

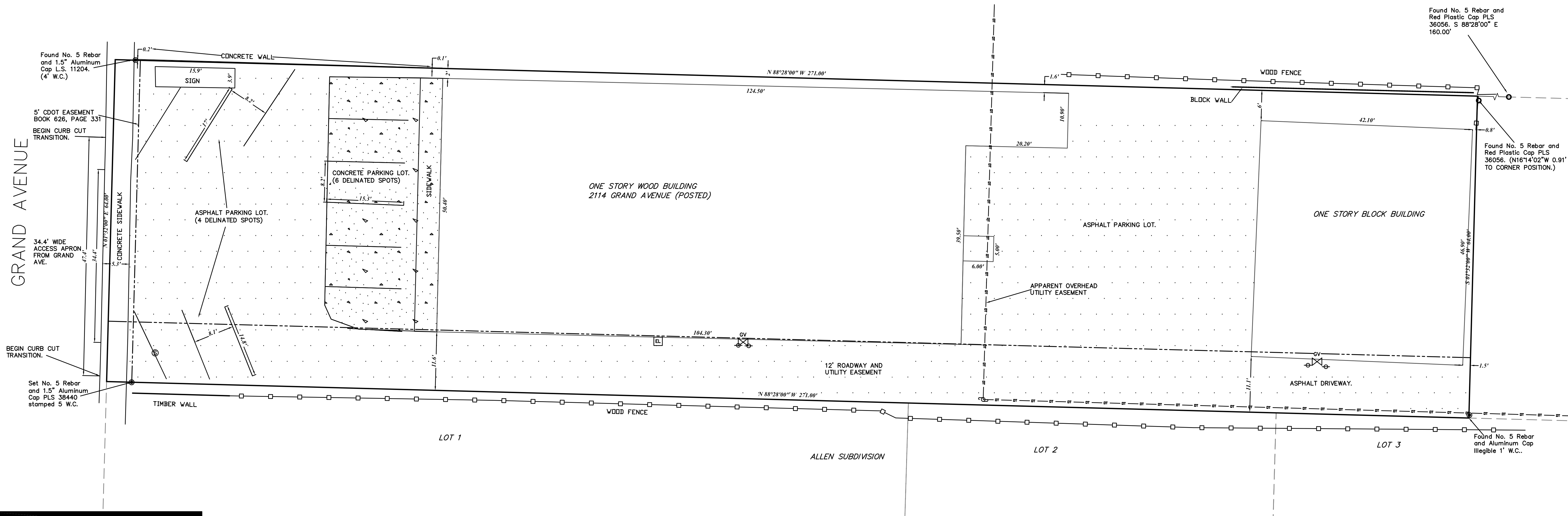
Currently many of Glenwood Springs' adult inhabitants are driving approximately 41 minutes (43 miles) on I-70 to The Kind Castle in the Town of Parachute, therefore, this proves that there is an established need in the neighborhood for this business to operate and concurrently allows Glenwood to gain that revenue from retail sales from

residents driving to our municipalities to purchase marijuana from other locations of The Kind Castle.

Currently, The Kind Castle store in the Town of Parachute is producing almost half the marijuana sales revenue for the Town, yet there are 6 marijuana stores in the Town. This store's registers full of customers, many of which drive not only from Glenwood Springs, but also from Silt, Eagle, New Castle and other surrounding areas, which means the City of Glenwood Springs would capture a big portion of those existing customers for revenue in taxes for the City. These customers firmly attest that the desires of the adult inhabitants and needs of the neighborhoods in Glenwood Springs are not being met by existing marijuana businesses within the city limits of Glenwood Springs and they desire The Kind Castle's retail marijuana license approved at 2114 Grand Avenue, Suite C.

ⁱ According to Garfield County Assessor's Records.

IMPROVEMENT LOCATION PLAT
A PARCEL OF LAND SITUATED IN THE NE¼SE¼ OF SECTION 16,
T.6 S., R. 89 W. OF THE 6th P.M.
CITY OF GLENWOOD SPRINGS, GARFIELD COUNTY, COLORADO



	CLEAN OUT		PIN (SET)
	CURB STOP		SIGN (MISC.)
	ELEC. METER/TRANS.		SIGN (SINGLE POLE)
	FIRE HYDRANT		TEST PIT/SOIL BORE
	GUY POLE		TREE (EVERGREEN)
	INLET		TREE (DECIDUOUS)
	LIGHT POLE		UTILITY POLE
	MANHOLE (DRAINAGE)		VALVE (GAS)
	MANHOLE (ELECTRIC)		VALVE (WATER)
	MANHOLE (SEWER)		VIEW POINT (SEE DETAILS)
	PEDESTAL (ELECTRIC)		WATER SHUT-OFF
	PEDESTAL (PHONE)		WELL
	PEDESTAL (CATV)		
	BUILDING/FOUNDATION		
	CANTILEVER		
	DECK		
	DIRT ROAD/PATH/WALKWAY		
	DRIVEWAY/EDGE OF ASPHALT		
	ENVELOPE/SETBACK		
	FENCE		
	GAURDRAIL		
	PROPERTY LINE		
	PROPERTY LINE (ADJOINING)		
	STONE RETAINING WALL		

LEGAL DESCRIPTION:

ALL THAT PORTION OF THE NE¼SE¼ OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6th PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF COLORADO STATE HIGHWAY No. 82, WHICH BEARS S 01°32'00" W 788 FEET FROM THE INTERSECTION OF THE EAST-WEST CENTERLINE OF SAID SECTION 16 WITH SAID EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY; THENCE ALONG THE EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY No. 82 S 01°32'00" W 64 FEET; THENCE S 88°28'00" E 271 FEET; THENCE N 01°32'00" E 64 FEET; THENCE N 88°28'00" W 271 FEET TO THE POINT OF BEGINNING.

NOTES:

- 1) DATE OF SURVEY: 01/07/2020.
- 2) BASIS OF BEARING FOR THIS SURVEY IS A BEARING OF N 88°28'00" W BETWEEN No. 5 REBAR AND 1.5" ALUMINUM CAP LS 11204 AND A No. 5 REBAR AND RED PLASTIC CAP PLS 36056 ALONG THE NORTHERLY LINE OF PARCEL AS SHOWN.
- 3) UNIT OF MEASURE ARE THE U.S. SURVEY FOOT.
- 4) THIS SURVEY IS BASED ON EXISTING BOUNDARY CORNERS FOUND IN PLACE.
- 5) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER THE RECORD DEED RECEPTION No. 294916, CDOT EASEMENT BOOK 626 PAGE 331.
- 6) AREA OF PARCEL = +/- 0.398 ACRES.
- 7) APPROXIMATELY 1' OF SNOW ON SITE AT TIME OF SURVEY.
- 8) VERIFY CURRENT BUILDING SETBACKS AND RESTRICTIONS WITH THE PROPER GOVERNING AUTHORITY.

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.

COUNTY SURVEYOR'S CERTIFICATE

DEPOSITED THIS ____ DAY OF ____, 20__, AT ____ M., IN THE GARFIELD COUNTY INDEX FOR INFORMATIONAL LAND SURVEY PLATS UNDER RECEPTION NUMBER ____.

BY: _____
GARFIELD COUNTY SURVEYOR

DATE: _____

FILING INFORMATION: SECTION ____, TOWNSHIP ____, RANGE ____, OF THE 6TH P.M.

SURVEYOR'S CERTIFICATE

I, IVAN MARTIN, A PROFESSIONAL LAND SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR KIND GLENWOOD, LLC MADE BY ME AND UNDER MY SUPERVISION ON THIS DATE, JANUARY 7, 2020. I FURTHER STATE THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL EXCEPT UTILITY CONNECTIONS AND THAT THERE IS NO APPARENT SIGN OR EVIDENCE OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.



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

IMPROVEMENT LOCATION PLAT
ALL THAT PORTION OF THE NE¼SE¼ OF SECTION 16
CITY OF GLENWOOD SPRINGS
GARFIELD COUNTY, COLORADO

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

DRAWN BY: IM	DATE: 01/17/2020
CHECKED BY: IM	DRAWING NO. 2114GRANDAVE-S2S
JOB NO.: S2S20-203	SHEET 1 OF 1



Retail Marijuana Store Project Description

Name of Applicant

KIND GLENWOOD LLC d/b/a THE KIND CASTLE

Hours of Operation

Monday – Sunday: OPEN 8am / CLOSED 7pm

Location & Zoning

2114 Grand Avenue, Suite C, Glenwood Springs, CO 81601 | M1 - Mixed Use Corridor (formerly C/1) Zoning

Description of Applicant's Services

The Applicant will provide (to end-use consumers) sales services consisting of the highest quality retail marijuana and marijuana-infused product. Products sold are organic driven. The business nature of the Applicant is a retail/recreational marijuana store and does not include medical sales, product-manufacturing or cultivation. Customers must be 21 years of age or older to enter, which will be **strictly** enforced through the Applicant's customer identification (ID) check/verification process including the first ID checkpoint upon entering into a fully secured, double-door lobby and then a second ID checkpoint at the sales counter. The Applicant will strictly enforce all of its policies and procedures, especially close oversight of its employees to screen all customers diligently for age and in-state/out-of-state residency status. The Applicant has a very strong interest in the knowledge of codes and compliance of this business and therefore the Applicant warrants that the business and its employees will at all times be in full compliance with the codes and regulations of the **City of Glenwood Springs** and the **State of Colorado's Marijuana Enforcement Division**. Furthermore, the Applicant has retained legal and consulting services to contribute to the current and future compliance of this business operation. The retail sales provided by the Applicant will solely occur at the **Applicant's physical business premises located at 2114 Grand Avenue, Suite C in Glenwood Springs** and the Applicant will not provide delivery service to customers. The Applicant will offer quality products in proper packaging in a safe environment with full respect to the all industry-standard practices.

Lighting Plan (See "Floor Plan")

The Applicant's lighting plan will fully address the safety/security of the public, respective to city code, in addition to enhancing the city's nighttime character yet respecting the residents' value of the local mountain setting. The internal and external areas of the premises will have sufficient lighting for the safety of the customers, business, and surrounding residents, however, the Applicant will take precautions to ensure the safety of the installation/maintenance of such lighting fixtures. The Applicant will be in full compliance with the City code including, but not limited to, parking, display, security, and general purpose lighting structures.

Storage of Products

The Applicant will securely store its products on-site in a room identified as the Product Storage Room, which will house all inventory, receipts and the safe, located in the back portion of the building. The Product Storage Room shall consist of 9" solid brick walls, double-bolt door, and secured safe. The Product Storage Room will also have its own alarm system, only accessible to management level staff. For adequate product safety and odor control, products will be stored inside a locked safe in labeled, sealed containers in a temperature-controlled environment. The Product Storage Room, in addition to the rest of the premises, will be under video surveillance at all times. For more details regarding Applicant's policies relating to Product Storage, see "Storage of Marijuana Products" section of the "Retail Marijuana Store Plan Summary" document accompanying the Retail Marijuana Application.

Security Plan Summary

The Applicant takes security and the safety of the public very seriously. Therefore, an extensive security plan beyond industry-standard practices will govern the business establishment. The Applicant's security plan consists of alarms, video surveillance, monitoring services, motion sensors, and many other components. The Applicant will install and maintain alarms systems on-site at the premises, with remote alarm system monitoring services which operate 24 hours per day, 7 days per week. The alarm systems will have functions of 24/7 remote monitoring services, motion detection devices throughout the premises (particularly at all points of entry/exit including windows), and security measures such as a silent duress alarm in the event of robbery during business hours. Codes for alarm systems will be changed frequently. Employees must complete several training protocols such as a complete security and safety training courses. The Applicant will not employ any person that does not appear to be able to enforce Applicant's security measures.

The Applicant will install and facilitate the full use of full color, high-resolution video surveillance 24 hours per day, 7 days per week. Internally, the video surveillance will sufficiently monitor and capture such recordings of all entrances/exits of the premises, windows, lobby area, restricted areas, Security/Product Storage Room/Safe(s), points of sale, and all rooms/space within. Externally, video surveillance will capture front, side and rear views of the premises in addition to the covering all entrances/exits, surrounding area in front of the establishment, and the alley driveway. See the "Retail Marijuana Store Plan Summary" for additional supporting details relating to the Applicant's security procedures. See Applicant's Floor Plans (drawn to scale) for indications of camera locations throughout the proposed licensed premises.

ID Check Points

The Applicant's strict policy on double checking the unexpired and appropriate identification from both in-state and out-of state customers for age verification ensures no underage person shall be sold any products from this establishment. Our store in the Town of Parachute has passed underage sting operation tests conducted by the State of Colorado's Marijuana Enforcement Division (see attached letter from the MED). All entrants to the premises have their ID checked once at the door and again at the sales counter. Employees undergo extensive and frequent training and compliance enforcements measures to IDs are consistently checked properly.

Ventilation & Odor Mitigation Plan

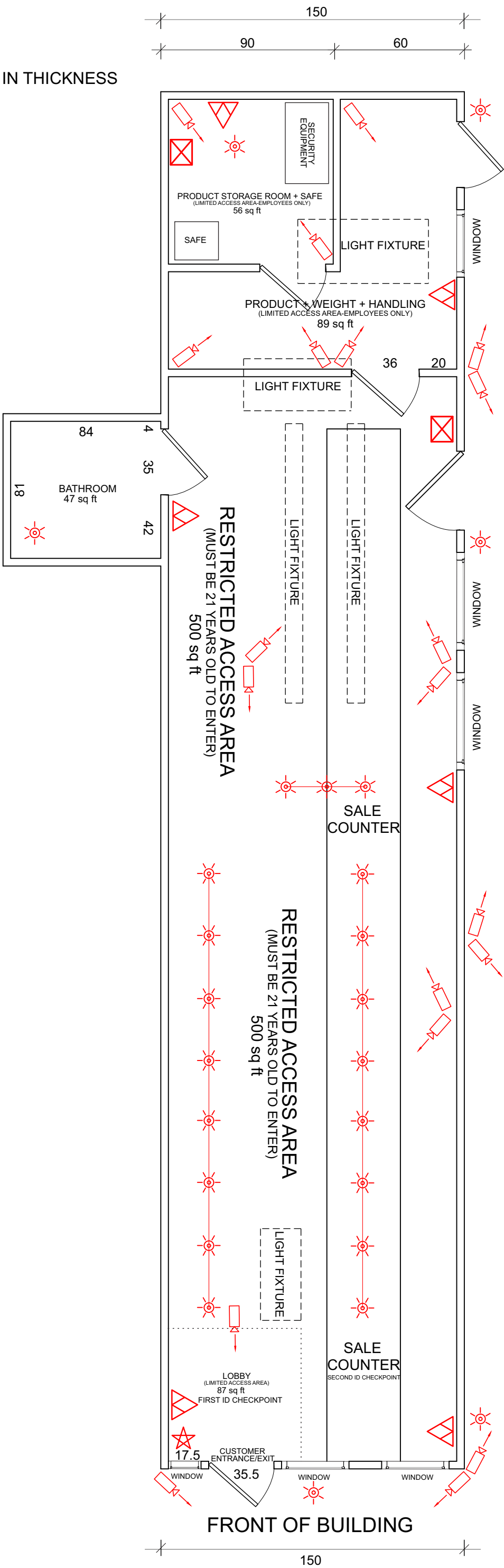
The Applicant's licensed premises shall include an aggressive plan to mitigate any odor from permeating through the exterior of the building containing the licensed premises. The plan will include utilizing an extensive, top-quality carbon filtration system to be installed in the building at 2114 Grand Avenue, Suite C, Glenwood Springs, CO 81601. The carbon odor filtration system implemented and installed by the Applicant at the licensed premises shall meet and exceed the odor mitigation requirements set forth in the City of Glenwood's Retail Marijuana Business Ordinance and expectations for such establishment. The carbon filtration shall effectively filter the air and ensure odor is never an issue. In our current operation the past 2 years, we have never had a complaint about odor. The licensed premises shall operate a fully functional ventilation system as desired by the City of Glenwood Springs.

Waste Disposal Plan

Please see "Plan Summary" and "Operations Manual" for all details related to the waste disposal plan.

FLOOR PLAN

*WALLS ARE 6 INCHES IN THICKNESS



SECURITY/SURVEILLANCE PLAN

*MEASUREMENTS ARE IN INCHES

FOR AGREEMENT

KEYS

- ★ LOCATION OF POSTED LICENSE
- ⊠ ALARM KEY PADS
- ☼ LIGHTS
- ▽ MOTION DETECTORS
- ➡ SECURITY CAMERAS (ARROW INDICATES DIRECTION)

NOTE:

- TOTAL AREA = 779 SQ FT
- FLOOR AREA (HABITABLE) = 587
- WALL THICKNESS = 6"

20	SECURITY CAMERAS
6	MOTION DETECTORS
2	ALARM KEY PADS
3	STRIPS OF SPOTLIGHTS
5	FLUORESCENT LIGHT FIXTURES

PROJECT

ARCHITECTURE
DRAFTING

2114 GRAND AVENUE, SUITE C
GLENWOOD SPRINGS, CO 81601

DRAWING TILE
FLOOR PLAN

A/001

AREA MAP

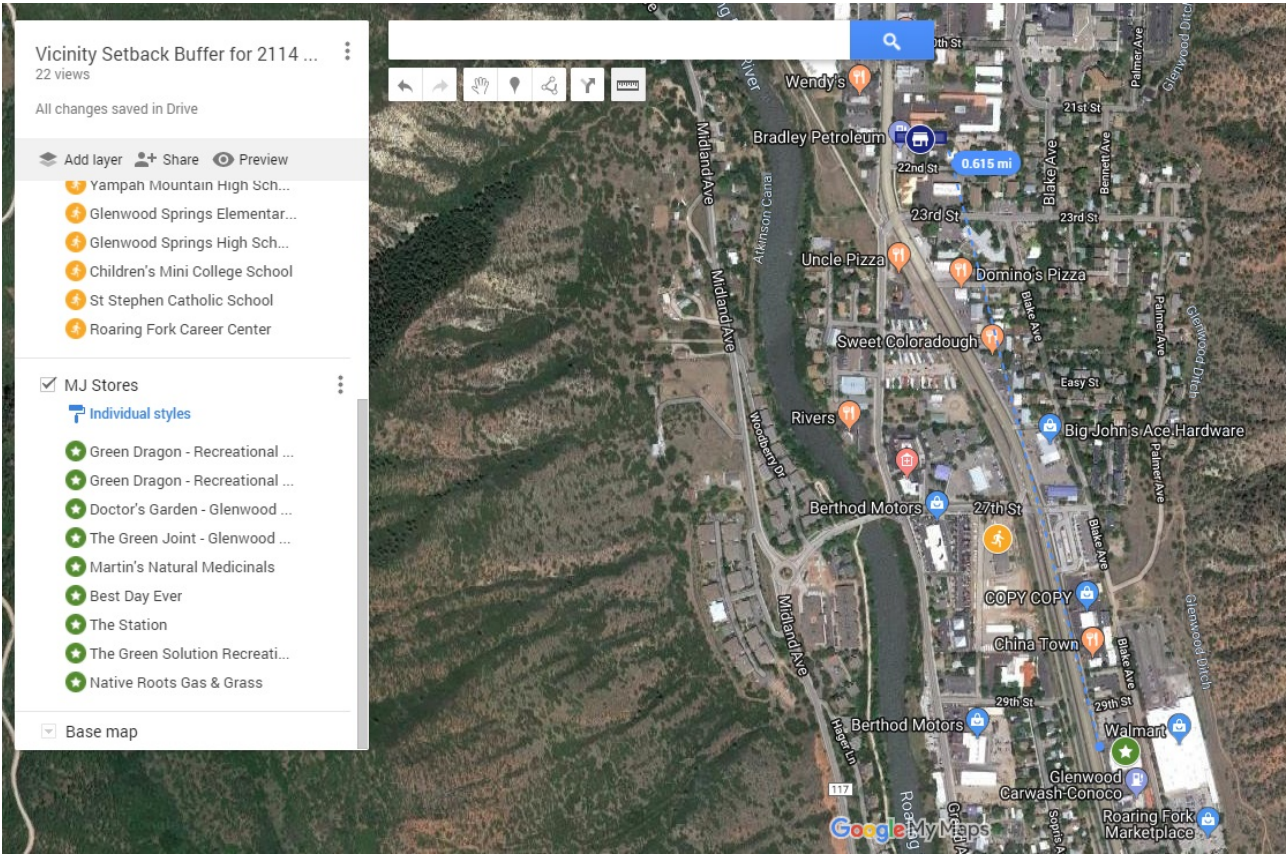
Proximity to the nearest marijuana business establishment

The following Area Map depictions below indicates the nearest distance from the nearest property line of the proposed Licensed Premises of the Applicant at 2114 Grand Avenue to the nearest property line of Green Dragon marijuana business located at 2922 S Glen Ave, Glenwood Springs, CO 81601 in accordance with the City of Glenwood Springs ordinance. As indicated below, the nearest other marijuana business is very far away from the Applicant's proposed retail marijuana store with separation distance of well over 3,000 feet.



AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

MAP 2 DISTANCE TO GREEN DRAGON (GOOGLE MAP)



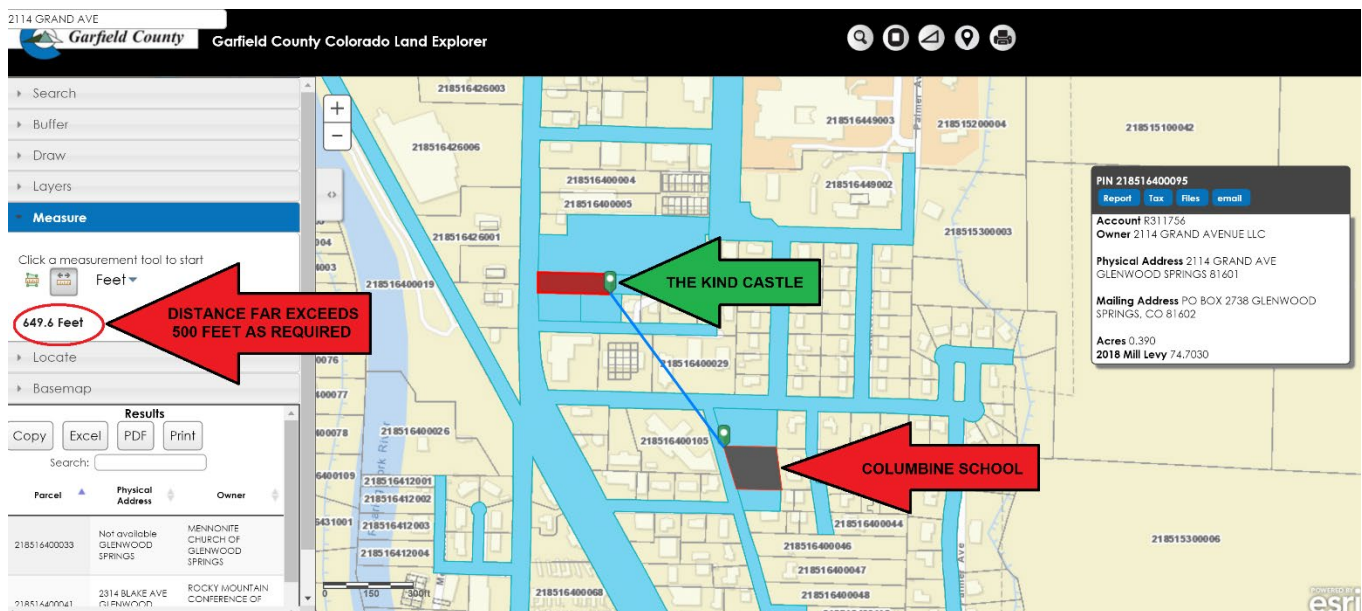
AREA MAP

Proximity to the nearest schools

The following Area Map depictions below indicates the nearest distance from the nearest property line of the proposed Licensed Premises of the Applicant at 2114 Grand Avenue to the nearest property line of Columbine School located at 2314 Blake Ave, Glenwood Springs, CO 81601 in accordance with the City of Glenwood Springs ordinance:

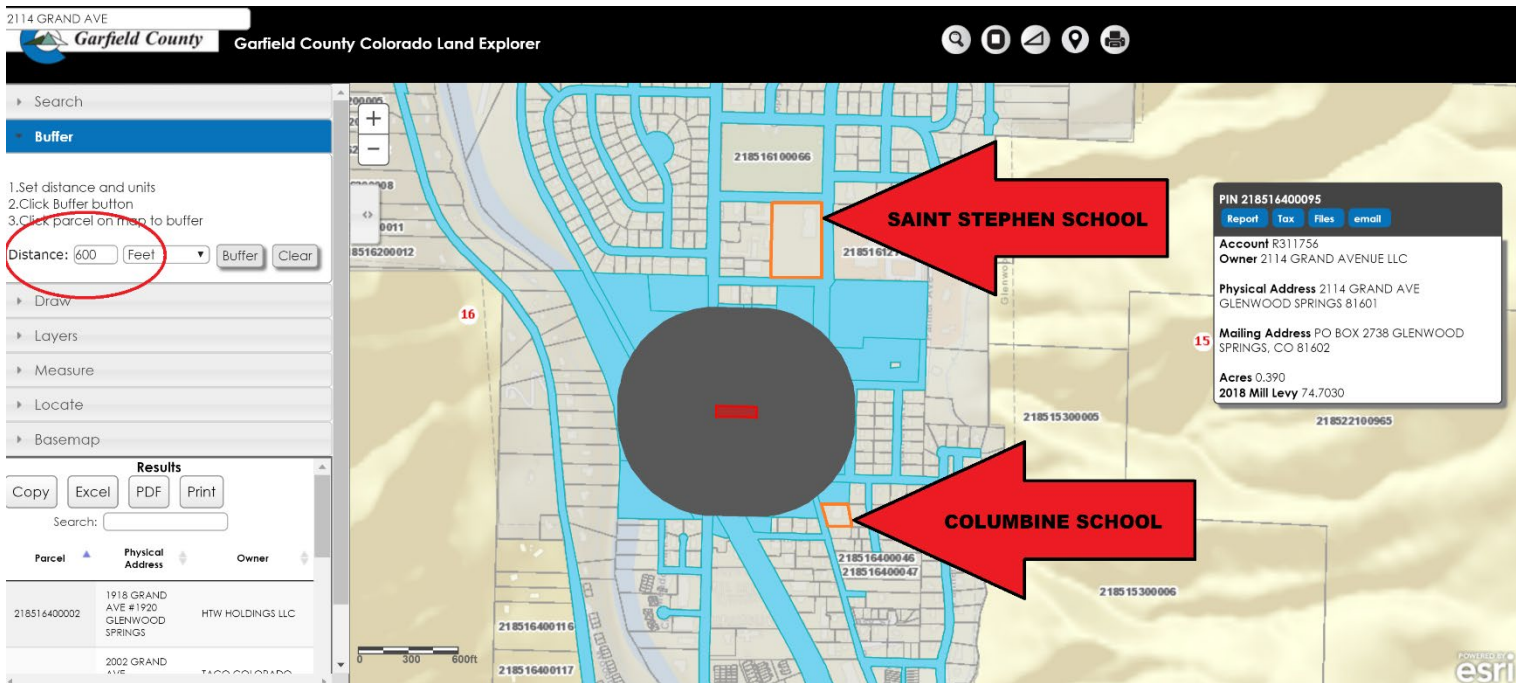
MAP 1 – DISTANCE TO COLUMBINE SCHOOL (GARFIELD COUNTY ASSESSOR)

Distance to the nearest school is approximately 650 feet distance away from Applicant's location, which significantly exceeds the city's minimum required distance of 500 feet separation.



MAP 2 – APPLICANT WITH A 600 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 600 feet was added to the Applicant's location on Garfield County Assessor's website to depict that even with a 600 foot buffer, the buffer still is far from reaching the Saint Stephen and Columbine Schools' property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.

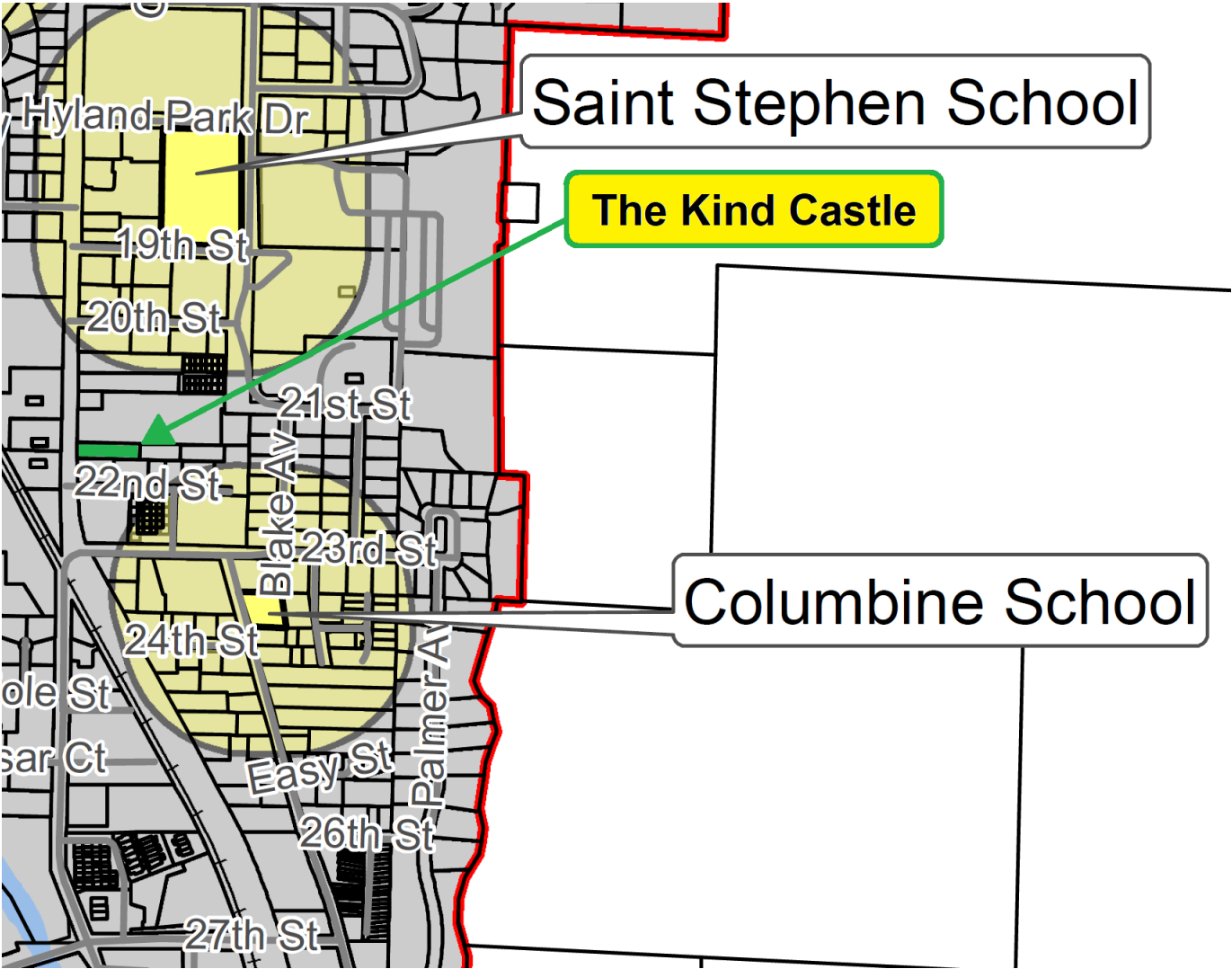


AREA MAP – Page 2 of 5

AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

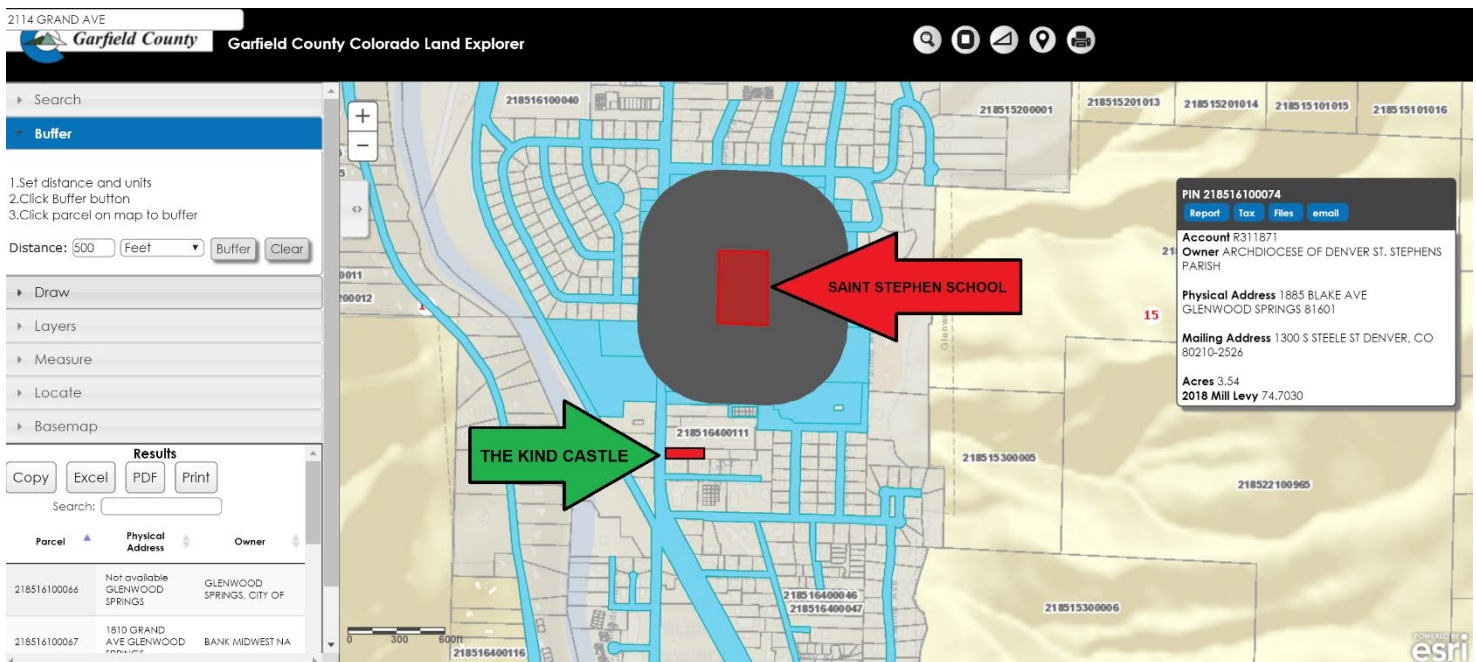
MAP 3 – SAINT STEPHEN/COLUMBINE SCHOOLS WITH 500 FT BUFFER (GLENWOOD SPRINGS MAP)

The buffer of 500 feet was added to the schools' locations created by the City of Glenwood Springs which the Applicant's indication of its location added to the map. The buffers are still far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



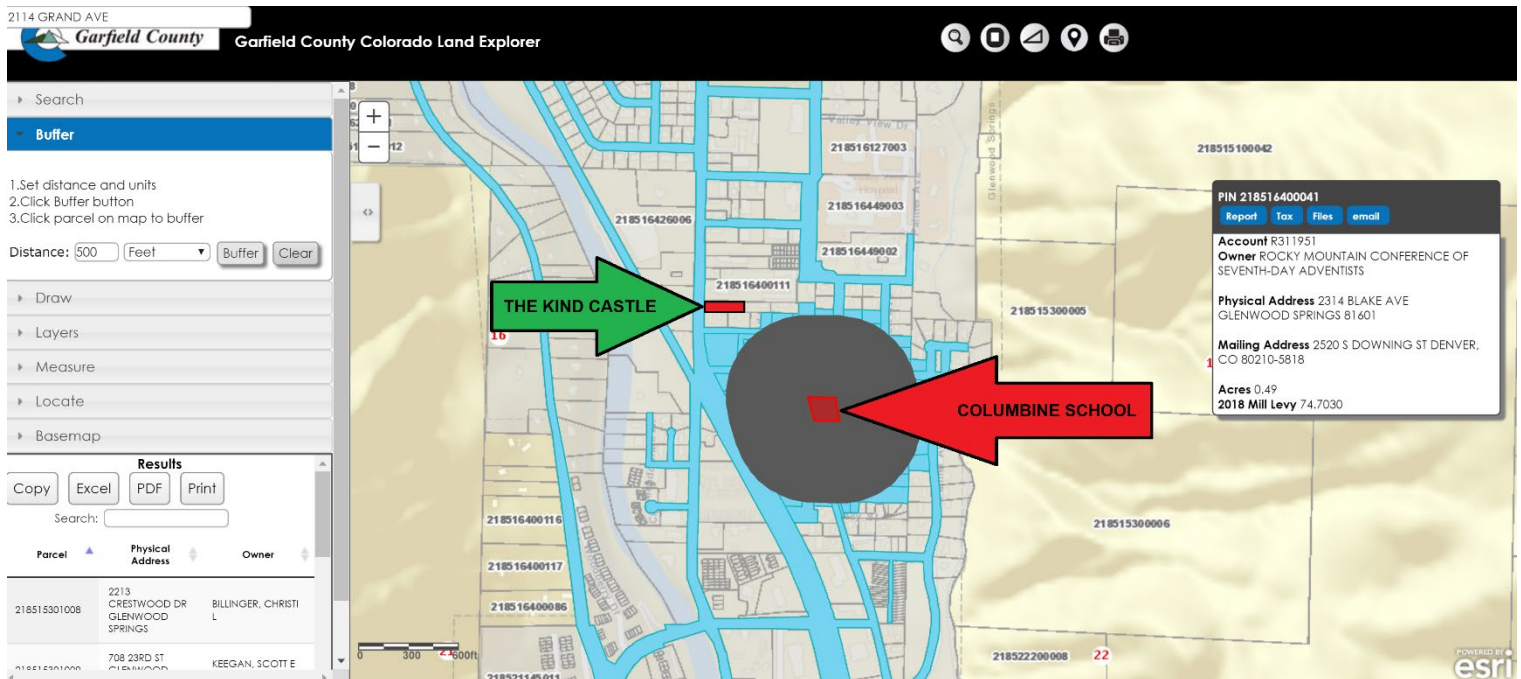
MAP 4 SAINT STEPHEN SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 500 feet was added to Saint Stephen School on Garfield County Assessor's website to depict that with a 500 foot buffer, the buffer still is far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



MAP 5 – COLUMBINE SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 500 feet was added to Columbine School on Garfield County Assessor's website to depict that with a 500 foot buffer, the buffer still is far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



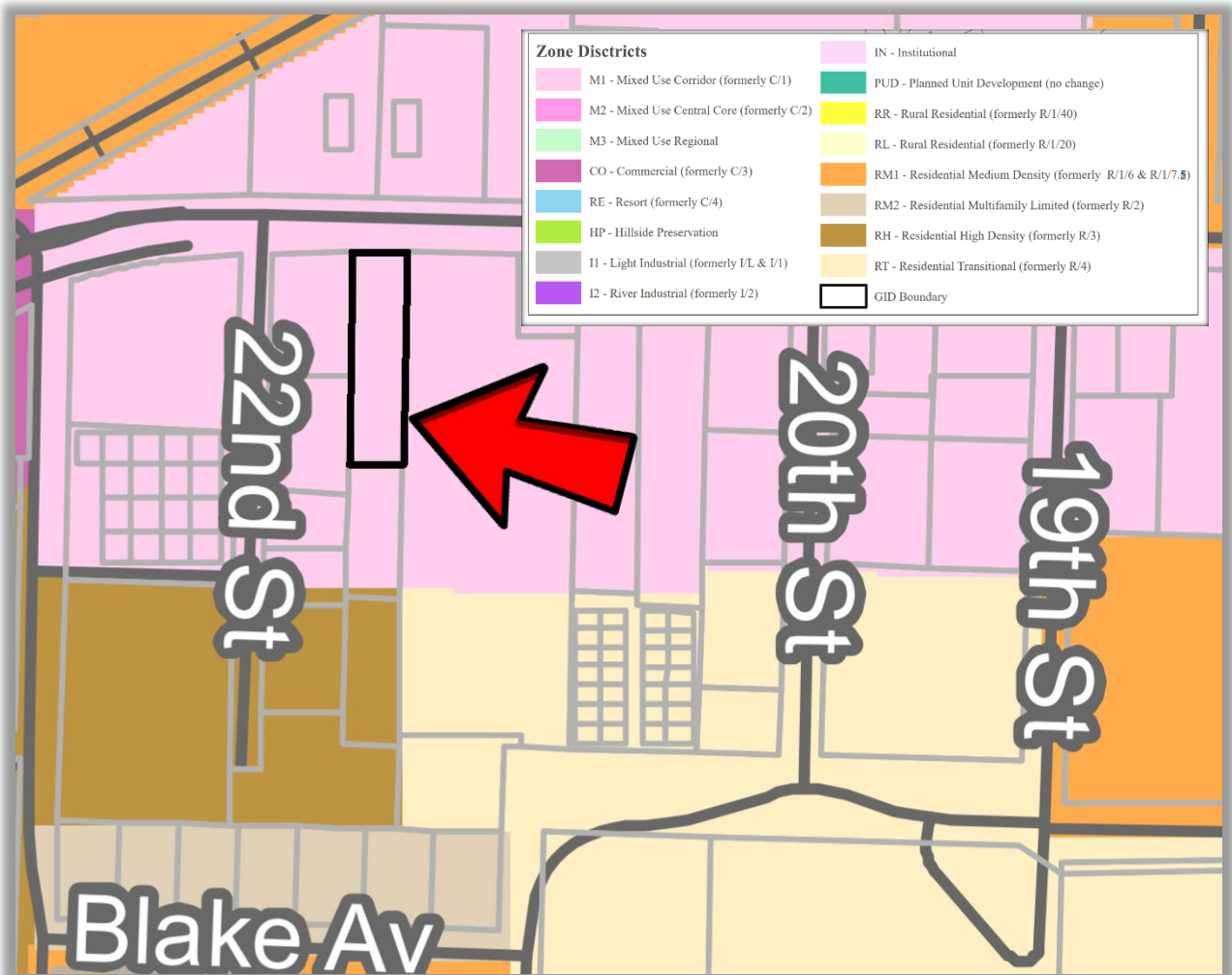
PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

Applicant: Kind Glenwood LLC d/b/a The Kind Castle

Property Address: 2114 Grand Avenue, Glenwood Springs

Proof that the proposed Licensed Premises will be located in a location that is compliant with the City of Glenwood Springs' zoning and land use laws.

In accordance with City of Glenwood Springs' Retail Marijuana ordinance, the following section cut from the City of Glenwood Springs zoning map provides proof that the proposed Retail Marijuana Establishment will be located in a location that is compliant with the zoning and land use laws. The proposed Retail Marijuana Establishment is located in the M1 - Mixed Use Corridor (formerly C/1) zoning area (see Legend), of which its location shall be identified in the map below as the bold black property line indicated by the **red** directional arrow in the center. As reflected below, the M1 - Mixed Use zoning is represented by the areas in **light pink** in the map below.

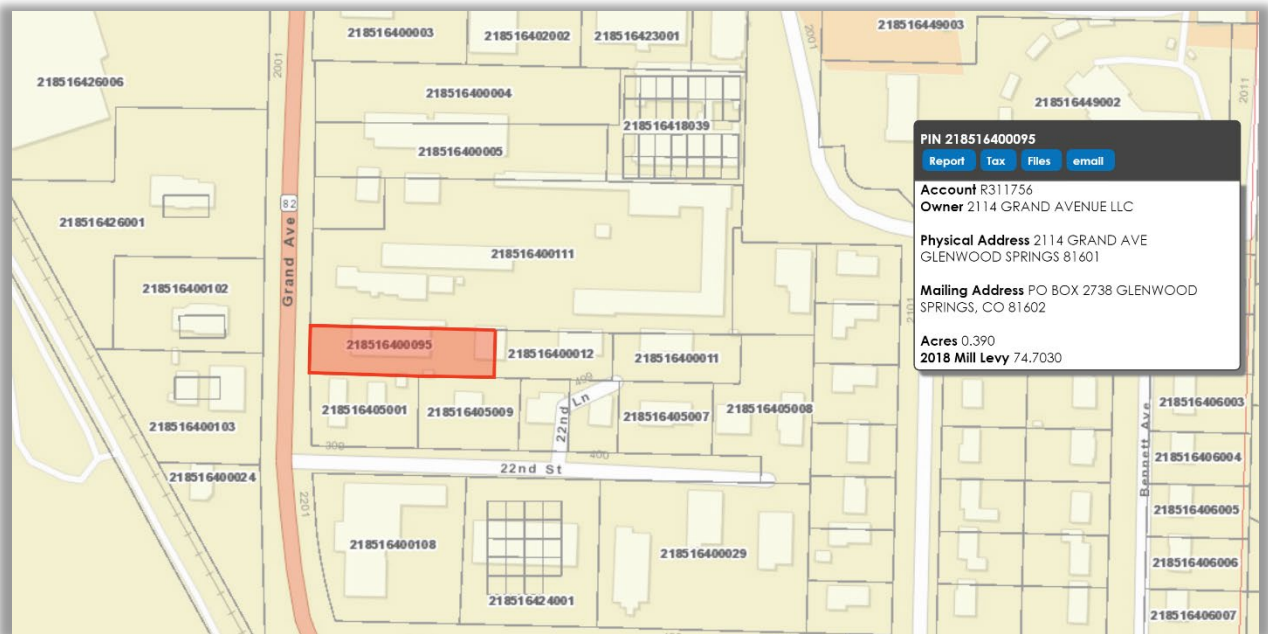


Article 1 of 2

PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

The area map below, derived from the Garfield County Assessor website, displays the property lines of the proposed location outlined in blue and therefore indicates the boundaries of the property upon which the proposed Licensed Premises is located, and indicate the property is located within the city limits. There are no other Licensed Premises, or applications made thereof, within 900 feet of the applicant's proposed Licensed Premises at the time in which this application has been submitted.



Article 2 of 2



COLORADO

Department of Transportation

Region 3

222 South 6th Street, #100
Grand Junction, CO 81501-2769

<<<<< e-mailed >>>>>

2/21/2020

John Dyet
The Kind Castle
P. O. Box 687
Glenwood Springs, CO 81602

Dear Mr. John Dyet,

You recently contacted CDOT about your access at 2114 State Highway 82, (Also known as Grand Avenue) Glenwood Springs, Colorado. An Access Control Plan was adopted by the City of Glenwood Springs and the Colorado Department of Transportation on October 3, 2013, which details access requirements to State Highway 82 and your specific access point.

Per the Access Control Plan, when your site redevelops you're required to obtain an easement between your property and the adjacent property to the south, 2122 Grand Ave. When the adjacent property next to yours redevelops (2122 Grand Ave), both property's will be required to share an access point and easement.

If you have any questions, comments or concerns please feel free to contact me any time.

Sincerely,

Brain Killian
Region 3 Access Manager
Traffic and Safety



From: [Joseph Deras](#)
To: [Trent Hyatt](#)
Subject: RE: Planning Item 06-20, Kind Castle Retail Marijuana Establishment Land Use Referral
Date: Tuesday, March 24, 2020 9:20:20 AM
Attachments: [image001.png](#)

Good morning Trent,

Parking at that location is not optimal. With the barbershop customers and the pawn shop customers when they are in full operation it can be congested. When the lot is full it can be difficult to get turned around to get out. The parking they show in the back is mainly for the apartments in the back. I would be a little concerned with security given the relationship to the apartment that is attached and someone deciding to go through the wall from the apartment to get into the business.

Maybe a better question for the Fire Dept. but I would be concerned with proper fire access to the rear area with the amount of cars being parked back there.

Thanks,
Joseph

From: Trent Hyatt <trent.hyatt@cogs.us>
Sent: Monday, March 23, 2020 2:56 PM
To: Anna S. Itenberg <asi@mountainlawfirm.com>; Bill Kimminau <bkimminau@glenwoodpolice.com>; Brian Smith <brian.smith@cogs.us>; Debra Figueroa <debra.figueroa@cogs.us>; Doug Hazzard <doug.hazzard@cogs.us>; Emery Ellingson <emery.ellingson@cogs.us>; Greg Bak <greg.bak@cogs.us>; Jake Velasquez <jake.velasquez@cogs.us>; Jason Sharpe <jason.sharpe@centurylink.com>; Jennifer Ooton <jenn.ooton@cogs.us>; Jessica Bowser <jessica.bowser@cogs.us>; Karl Hanlon <kjh@mountainlawfirm.com>; Lisa DiNardo <lisa.dinardo@cogs.us>; Matt Nuñez <matt.nunez@cogs.us>; Matthew Langhorst <matthew.langhorst@cogs.us>; Mike Hoffman <mike.hoffman@cogs.us>; Peter Hayes <peter.hayes@cogs.us>; Ryan Johnson <ryan.johnson@cogs.us>; Terri Partch <terri.partch@cogs.us>; Todd Ellsworth <todd.ellsworth@blackhillscorp.com>; Victor Meraz <victor.meraz@cogs.us>; Warren Hays <warren.hays@cogs.us>; Doug Hazzard <doug.hazzard@cogs.us>; Gretchen E Ricehill <gretchen.ricehill@cogs.us>; Hannah Klausman <hannah.klausman@cogs.us>; Jennie Koenig <jennie.koenig@cogs.us>; Jerry K. Wade <jerry.wade@cogs.us>; Joseph Deras <jderas@glenwoodpolice.com>; Linda DuPriest <linda.dupriest@cogs.us>; Terri Partch <terri.partch@cogs.us>; Trent Hyatt <trent.hyatt@cogs.us>
Subject: Planning Item 06-20, Kind Castle Retail Marijuana Establishment Land Use Referral

Referral Agencies,

The City is in receipt of a Special Use Permit application for a retail marijuana establishment in unit C (738 square feet) an existing building on the subject property. You can review application submittal materials (additional traffic/parking items added) at:

https://glenwoodsprings-my.sharepoint.com/:f/g/personal/trent_hyatt_cogs_us/Erlmcb-OMO5IrxWU_ip4mKIBxZw2hkQb1Y6xVMrC4nhJww?e=dhQ14q

From: [Joel Dembinsky](#)
To: [Trent Hyatt](#)
Subject: Marijuana at 2114 Grand Avenue
Date: Friday, April 17, 2020 1:01:22 PM

Dear Trent:

This is not an appropriate location for a marijuana dispensary.

My wife and I have owned a 6 plex on 22nd Lane just east of this location. Also on this lane are two 3 plexes. Adjacent to my property is a large apartment complex and there is another one on 22nd street.

The tenants in these apartment frequently walk down the alley to get to Grand avenue.

With the high residential density in this area I believe that this type of business is not appropriate.

My barber of 20 plus years is next door and I personally would feel somewhat uncomfortable.

In addition I believe Glenwood already has 7 dispensaries. We don't have a need for another.

Joel Dembinsky

970 456-7585

From: [Joel Dembinsky](#)
To: [Trent Hyatt](#)
Subject: Marijuana at 2114 Grand Avenue
Date: Friday, April 17, 2020 1:01:22 PM

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Joel Dembinsky

970 456-7585

Glenwood Springs Office
901 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.

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Since 1975

www.garfieldhecht.com

Haley M. Carmer
hcarmer@garfieldhecht.com

April 27, 2020

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601
E-mail: trent.hyatt@cogs.us

Re: Kind Castle Special Use Permit Application

Dear Mr. Hyatt:

Our law firm represents Cedar Lodge Motel, Inc. Cedar Lodge has engaged us to review, analyze, and provide comments in its behalf regarding the Special Use Permit application (“Application”) for a retail marijuana store submitted by Kind Glenwood, LLC, d/b/a Kind Castle (“Kind”). The proposed retail marijuana store would be located at 2114 Grand Avenue (the “Property”), which is immediately adjacent to Cedar Lodge. As explained below, Cedar Lodge believes that the Application does not meet the special use permit approval criteria set forth in Section 070.060.050(e)(3)(e)(2) of the Glenwood Springs Municipal Code (“Code”) and therefore asks that the Application be denied.

Regarding the first approval criterion—compatibility of the use with the surrounding area—a retail marijuana store would be out-of-place at the proposed location. For one, it doesn’t seem safe or logical to locate a business that operates strictly in cash and has high quantities of marijuana on site at all times next to a store that sells firearms. Nor is a business operating within an industry notorious for odor issues compatible with places where people go to seek comfort, privacy, and rest such as the residential units on the Property, the Cedar Lodge Motel next door, and the numerous multi-family residential structures to the east of the Property. It should be telling that no other marijuana establishment in the City shares a wall with a residential unit. Locating a marijuana dispensary next to lodging and residential uses is not compatible and is bound to lead to user conflicts and complaints.

Despite Kind’s claims to the contrary, the Application does not adequately minimize the impacts of its proposed use on surrounding areas or the health, safety, and welfare of its inhabitants and the City. The impacts of most concern here are parking and odor. Kind claims that the 14 parking spaces located on the Property are more than enough to satisfy its needs and those of the existing pawn shop. However, customers of the three tenants that currently occupy the Property are already using Cedar Lodge for overflow parking without permission. That practice is bound to continue if a busy marijuana store moves in. Indeed, due to the location of

the Property, there is no viable overflow parking area for Kind's customers or nearby on-street parking, so it is inevitable that customers will continue to attempt to park on Cedar Lodge's property. Moreover, the Application does not specify which, if any, existing parking spaces will be devoted to Kind's business or if there's an agreement in place for shared parking among all tenants on the Property, and the fact remains that at least three parking spots need to be reserved for the two residential units per Table 030.1 of the Code.

The layout of the parking lot on the Property—including the location of the sign kiosk, pictured below—is also a safety concern. This is because (a) if the lot is full, maneuvering vehicles within the lot is difficult, especially when there is only one access point from Grand Avenue, and (b) the sign kiosk obstructs the view of patrons of both the Property and Cedar Lodge. At a minimum, remedying the line-of-sight and safety concerns created by the sign kiosk should be a condition of approval of the Application.



The Application references the sales tax benefits to the City if the Application and related business license are approved. Those sales tax numbers suggest a successful and busy business, which, while good for the tax base, translates to increased traffic into and out of the Property across the heavily-trafficked sidewalk and onto Grand Avenue. In fact, the traffic study included

in the Application states that the proposed use will nearly double the current average daily trips to and from the Property.¹ Even if Grand Avenue can handle the added capacity, the Application does not address how it will mitigate the increased safety concerns for motorists and pedestrians that may result from increased traffic into and out of the Property. And of course, the traffic and parking issues described above will only increase if Kind expands its store into the unit at the back of the building. Kind's anticipated expansion will also displace Cedar Lodge's employee who resides in the unit and add to the dearth of residential rental space within the City.

With respect to odor, the fact that marijuana cultivation and product manufacturing will not occur on the Property does not eliminate Cedar Lodge's concerns on this issue. First, to the extent Kind suggests that the "landscape buffer" between the Property and Cedar Lodge will help mitigate odors, that suggestion is misguided. Notably, there is no landscaping between the front of the building on the Property and the Cedar Lodge lot (see enclosed photos). Customers will be going in and out of the front of the building, allowing odors to escape and waft toward Cedar Lodge's front office every time that happens. Second, the Application does not state whether Kind will be selling only pre-packaged products or if flower will be sold too. If so, what measures is Kind taking to avoid odor emissions when the flower is on the sales floor and not stored in the "locked safe in labeled, sealed containers in a temperature-controlled environment?" The Application is also silent on how its "top-quality carbon filtration system" will operate. Of primary concern to Cedar Lodge is the location of the odor mitigation system's exterior vent. Depending on its location, it is certainly possible that the eliminated odors—even if filtered—will waft directly into hotel rooms and Cedar Lodge's front office, causing discomfort and annoyance to staff and guests alike. Finally, aside from the ventilation system, the Application does not identify any other odor control mechanisms it will be implementing. According to the assessor's website, the building on the Property is 55 years old. Considering the age of the building and the current state of its exterior (see enclosed photos), perhaps improvements to the interior and exterior of the building to ensure it is fully and properly insulated would be appropriate.

As the foregoing makes clear, the Application fails to satisfy three of the six approval criteria for a special use permit, which is reason enough to deny it. But not only is the proposed use a bad fit for the proposed location, it's a bad fit for the City as a whole. Eight marijuana store licenses have been issued by the City, seven of which are currently operating. There is no need for a ninth. And while a new marijuana business will certainly generate tax revenue for the City, it's not clear that the store will *increase* the marijuana sales tax revenue the City is already receiving. That is, the Application does not include any market data to show that the new store will generate additional customers as opposed to diverting them from existing stores. Nor does the Application include any objective analysis of or basis for its tax revenue projections, which projections seem unrealistic considering that, according to the City's 2019 budget book, the City hasn't received more than \$214,000.00 in annual sales tax revenue from the marijuana industry since 2014. In any event, the promise of tax revenue cannot salvage an application that does not otherwise meet the City's Code requirements.

¹ The traffic study states that the proposed dispensary will not open until 9:00 a.m. or later, so morning peak hour traffic was not evaluated. However, the Application states that "the store hours will be between the hours of 8:00 a.m. and 7:00 p.m."

Whatever economic benefit the City may experience from the proposed dispensary will come at the cost of the health, safety, and comfort of residents and visitors alike. It may also reduce tax revenue from business like Cedar Lodge that stand to lose business due to their proximity to the less desirable aspects of the marijuana industry that are being forced upon them. And of course, bringing Kind Castle to the Property will displace two local businesses—the barber shop and framing shop—resulting in a net loss of business overall. Cedar Lodge, on behalf of its owners and guests, therefore urges the Planning & Zoning Commission to deny the Application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Haley Carmer". The signature is fluid and cursive, with the first name "Haley" being more legible than the last name "Carmer".

Haley M. Carmer

2114 Grand Ave. Photos





From: [Michelle Keplinger](#)
To: [Trent Hyatt](#)
Subject: Public Comment on Hearing for "The Kind Castle" permit
Date: Monday, April 27, 2020 4:31:23 PM

Dear Mr. Hyatt,

I am writing in response to the Public Hearing for a Special Use Permit for a Retail Marijuana Establishment at 2114 Grand Avenue, Suite C in Glenwood Springs, CO. The application was submitted by Kind Glenwood LLC, DBA, The Kind Castle.

As a young citizen of the community, I am opposed to this establishment receiving a permit for business. I feel that this small town has more than enough options for purchasing marijuana products as it is. I am not opposed to the sale of recreational and medicinal marijuana in general, however, it seems that yet another marijuana dispensary in Glenwood is unnecessary. Let's keep Glenwood and Grand Avenue quaint and prosperous with local businesses rather than overflowing with [gaudy, castle-themed] pot shops. Isn't baffling when you go to a city and see a Starbucks on every corner? Glenwood Springs does not need to drop jaws because of the absurd amount of dispensaries when there is so much more to offer the locals and tourists alike.

Thank you for taking the time to consider my comments.

Sincerely,

Michelle Keplinger
Resident of New Castle, employed in Glenwood

From: [Suzanne Stewart](#)
To: [Trent Hyatt](#)
Subject: Yet another dispensary, do we need it? FYI
Date: Wednesday, April 29, 2020 10:53:08 AM

From: Suzanne Stewart <stewart.suzanne@comcast.net>
Subject: Yet another dispensary, do we need it? FYI
Date: April 21, 2020 at 12:48:03 PM MDT
To: Rick Voorhees <rick.voorhees@cogs.us>, Steve Davis <steve.davis@cogs.us>, Shelley Kaup <shelley.kaup@cogs.us>, Jonathan Godes <jonathan.godes@cogs.us>, Charlie Willman <charlie.willman@cogs.us>, "Paula Stepp" (paula.stepp@cogs.us) <paula.stepp@cogs.us>, tony.hershey@cogs.us

Letter to the Editor,

I am writing this letter to express my disapproval of the "retail marijuana establishment" special use permit for Kind Glenwood LLC at 2114 Grand Avenue.

FACT: Glenwood Springs is a tourist destination. Tourists (non-residents) generate a fair share of our sales tax dollars - for the local businesses and hence the city.

FACT: Glenwood Springs currently has seven marijuana dispensaries operating in the city limits. There is an eighth license granted but it has not opened yet.

As a tourist destination city, do we really need a ninth "retail marijuana establishment"? Before P&Z and the council make a decision on this application, there are several considerations...

Accessing the location at 2114 Grand Avenue is already a busy and dangerous corner - consider drivers who are traveling north are transitioning from a 35 MPH zone to a 25 MPH zone and are more than likely still traveling at 35 MPH. Potential for higher traffic congestion in this area is distinctly possible.

Purchasing marijuana next to gas station could result in more under the influence driving. This is a real consideration since this location is more likely to be accessed via a vehicle versus a walker as some other dispensaries are.

Reviewing the "CITY OF GLENWOOD SPRINGS, COLORADO SALES TAX COMPARISONS - PERIOD EARNED JANUARY - DECEMBER 2019" information reports the sales tax category of Marijuana as not much more than 1% of the city's total revenue. Will yet another dispensary bring more sales tax?

What are the city's plan for reenergizing our non-resident (tourist) revenue? Does it include plans for assisting our existing and tourist destination businesses - I certainly hope so because they are our bread and butter.

Planning & Zoning will have public hearing via Zoom on this application on April 28th at 6 pm - <https://cogs.us/205Planning-Zoning> or call US: +1 669 900 6833 Webinar ID: 231 713 831. Participate to voice your opinion. Does a city of fewer than 10,000 citizens need a ninth marijuana dispensary? In my opinion, the answer is NO.

Thank you, Suzanne M Stewart

Thx, suz

Suzanne M Stewart

970.456.2193 cell

970.945.6493 home

stewart.suzanne@comcast.net

From: [Kathleen T. Michel](#)
To: [Jennifer Ooton](#); [Gretchen E Ricehill](#); [Trent Hyatt](#)
Subject: FW: Another pot shop
Date: Wednesday, April 29, 2020 8:18:46 AM

Good morning,

Here is commentary on the proposed pot shop.

Stay safe,

Kathleen

From: Glenwood's Downtown Market <glenwoodmarket@gmail.com>
Sent: Tuesday, April 28, 2020 7:58 PM
To: Kathleen T. Michel <kathleen.michel@cogs.us>
Subject: Another pot shop

We absolutely do NOT NEED another pot shop of any kind. We have one framing store, this would be the 9th pot shop? Rental rates for a small business are out of control, so why let a business with DEEP pockets push out a small privately owned business. Just because they can pay three times the going rent rate does that make it ok?

Sincerely Cindy Svatos

Sent from [Mail](#) for Windows 10

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

April 30, 2020

Dear Commissioners,

This letter serves as additional commentary and points of clarification on behalf of the owners of Cedar Lodge Motel, Inc. located at 2102 Grand Avenue in Glenwood Springs.

Jozef and Maria Koziol have owned Cedar Lodge for over 30 years and have greatly contributed to the Glenwood Springs community throughout their time here. This is a multi-generational family business and more often than not, the owners' grandkids and family members are on site with them. This is in addition to the thousands of families that choose to stay on the property every year. Our tourists love the "small-town" feel they have been accustomed to when visiting our charming town. They tell us this time and time again.

In this letter, we would like to address our concerns regarding the Special Use Permit application for a Retail Marijuana shop at 2114 Grand Avenue. Our points will highlight the inevitable safety and liability concerns should this permit be approved.

The applicant asserts they will have state-of the art filtration equipment and purifiers in place. However, that is not enough to ease our concerns regarding odor that will most definitely reach our property. There is no landscape buffer currently, nor will there ever be one big enough that would eliminate odors coming from such a close proximity. The exterior of the building already shows signs of damage that need great repairs. Furthermore, Unit A is approximately only 25 feet away from two AC units that service Cedar Lodge front desk lobby and the owners' apartment.

This means that all tourists visiting our charming small town expecting to be greeted by fabulous scenery and fresh air would instead be welcomed by a smell of marijuana right in their faces. In addition to the Lobby and apartment, there are 22 guest rooms nearby that would also be impacted by the smell. To put that in perspective, that is over 20% of the overall room capacity on our property. It must also be noted that given the amount of Retail Marijuana shops in our town (9 including approved permits), we should give thoughtful consideration to the impact of this to the face of our town's tourism.

The other concern we need to address revolves around safety. Presently, we routinely find store patrons of 2114 Grand Ave. parked in our lot when there are not enough spots available next door. With this being said, putting a Retail Marijuana shop in such a busy location congested with pedestrians and commuters is simply dangerous. The applicant states they will employ approximately 10 full-time employees. There is *not* enough parking for even the staff of that size, much less customers. This leads us to have numerous concerns regarding the safety of our property guests and staff. The overflow parking that our property would surely become is a great safety hazard as well as a huge liability for the hard-working immigrant owners of this property.

In 2019, Cedar Lodge collected over \$222,000 of sales tax on the State and Local level. Over \$124,000 of those funds went directly to the city. These are not optimistic projections like those listed in the application but true facts. The owners of Cedar Lodge Motel take great pride in their property and this

town. We would also like to make it known that the applicant's statements regarding our past interactions were not accurate. Yes, the owners do know Mr. Dyet but they did not want to do business with him. While it is indeed true that the applicant wanted to rent the space from them at 2022 Grand Avenue, his depiction of our agreement was grossly overstated on the call. As soon as the owners learned of Mr. Dyet's intentions with the space, they immediately declined his request. The owners realize the negative impact that a Retail Marijuana establishment in such close proximity would have on their lodging property. Thus, for the reasons aforementioned in this letter, they ceased their business discussion with the applicant at that time.

We take our responsibility to our guests seriously and the safety and welfare of our guests and staff is top priority.

We thank you for your time and respectfully ask you to reconsider the decision on this permit and deny the applicant's Permit application.

Regards,

Barbara Koziol

Barbara Koziol (on behalf of Maria and Jozef Koziol)
Cedar Lodge Motel, Inc.
2102 Grand Avenue
Glenwood Springs, CO 81601

From: [Confetti Design](#)
To: [Sue Sharpe](#)
Subject: marijuana

Hello. I am a business owner downtown Glenwood and have been for 30 years.
I am writing in regard to the permit request by Kind Glenwood for a marijuana dispensary.

I would like to point out that we are a tourist town and a major family tourist destination. I feel that at this time there are plenty of options for Marijuana purchases in Glenwood Springs. We do not need 9 shops! I believe that would make them more than liquor stores.

Over the past few years I have had many comments from tourists, finding it "amazing and shocking" that there were so many "pot" shops. We need to think of our tourists. The amount of sales tax that would be generated for the city is a small drop in the bucket compared to the good will and atmosphere of our little community.

I also understand that if this permit is granted, a local business, Framing Expressions, will be displaced because the "new pot" shop is willing to pay the land lord 3 times the rent that the Framing Shop is paying. This is really sad that a long time business owner will be forced to find a new location and incur the expense of moving and re-decorating to fit their unique needs, so yet another marijuana dispensary could come to town.!

There are no other framing shops!

I also understand that the motel next door, Cedar Ridge, is very much opposed to a Marijuana Shop right next door.
Also, what about the "GUN" store right next door! Is this really a good idea??
Glenwood.

**Please make the right decision for our little community, for both tourists and locals. Do not grant this permit.
Thank you, trusting in you to do the right thing**

Sue Sharpe, owner, Confetti Design

--
Sue Sharpe
Confetti Design
731 Grand Ave.
Glenwood Springs, Co 81601
970-945-8830

From: [Gretchen E Ricehill](#)
To: [Trent Hyatt](#)
Subject: FW: Permit 6-20 -comment Marijuana application
Date: Tuesday, May 5, 2020 8:36:32 AM

From: Lynette Marie <stete78@hotmail.com>
Sent: Monday, May 4, 2020 9:59 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Permit 6-20

Dear Ms. Ricehill,

My name is Lynette-Marie Lacerda and I live at 285 Mikala Lane in New Castle. My dwelling place was at 1814 Ouray Road in GWS just a few weeks ago until I realized it was contaminated with black mold and I was forced to relocate temporarily.

I would request (and perhaps the commissioners have done this already) the commissioners inquire why the police or sheriff and fire department are opposed to the Special Use permit.

I am in opposition of approving the Special Use Permit for a business that will create more traffic in an area of Grand Avenue that is extremely congested. Just a few yards away at First Bank only RIGHT hands turns are permitted to exit their parking lot to access Grand Avenue.

Has there been a study done to determine if the additional traffic would not have a Negative Impact on the Health, Safety and Welfare of the neighborhood/community?

If patrons of the plaza choose to exit the parking lot through the side alley (Stinker side) they are driving through residential areas and will most likely drive through the Alpine bank's parking lot to use the traffic light at the intersection.

Please keep in mind, because 2114 Grand Avenue, Unit C meets the statue of distance from schools and/or public libraries and other marijuana shops is not a good enough reason to approve the Special Use permit and disregard the lack of parking and the increase traffic to an already congested part of Grand Avenue.

In closing, I request the council oppose Special Use Permit number 6-20.

Thank you for your time and efforts.

Lynette-Marie Lacerda

From: [linda drake](#)
To: [Gretchen E Ricehill](#)
Subject: 214 Grand Ave retail marijuana objection
Date: Wednesday, April 29, 2020 8:52:22 AM

To Whom It May Concern

Please DO NOT approve this. We have more than enough of these shops already. This framing shop partly owned by a long time local and business person Nancy Sprick Page is a wonderful resource for custom framing with an impeccable reputation. Our community should reflect us as well as the tourists. And while tourists are an important element here, our locals count as well too. We do not need to be a pot shop town.

This is a nothing but a greedy move by the owner of this location and hopefully not supported by your committee.

Linda Drake
www.lunar-designs.com
970-947-0648 ph

From: [Dendy Heisel](#)
To: [Gretchen E Ricehill](#)
Subject: Please Deny SUP for Retail Marijuana
Date: Tuesday, May 26, 2020 3:26:56 PM

Dear Madam,

I am writing to urge the planning and zoning commission to deny the application for a special use permit by Kind Glenwood, LLC for a retail marijuana shop at 2114 Grand Avenue.

Glenwood has enough retail marijuana outlets, this is relatively close to the high school, and would draw more traffic into an already overly-congested situation.

Thank you for your consideration.

Regards,

Dendy Heisel
4216 Sky Ranch Drive
Glenwood Springs, CO

Sent from my iPhone

Begin forwarded message:

From: Jenn <jenn@daf-it.com>
Date: May 28, 2020 at 12:43:44 PM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: Pot shop moratorium

Dear Mrs. Figueroa and Glenwood Springs Council members,
I understand that the P&Z Commission denied the latest request for a pot shop to go in to the former barber shop and framing shop location on Grand Ave, and applaud the Commission's decision. Glenwood is saturated with pot shops. I would respectfully like to request that the city consider re-enacting the expired moratorium on pot shops within the city limits to help our family-friendly town maintain an appropriate mix of retail establishments, rather than looking like the pot shop capital of Colorado.

Thank you for your consideration of this topic.

Sincerely, Jenn Flentge

Sent from my iPhone

Begin forwarded message:

From: Corey and Amy Johnson <coreyamy@hotmail.com>
Date: May 27, 2020 at 3:17:26 PM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: Pot Shop Moratorium

Dear Ms. Figueroa,

I have been a resident of Glenwood Springs for 14 years, and I have an opinion about the pot shops in our town. I believe we should reinstate a moratorium on new pot shops, and I would like to see it in effect for perpetuity! I would prefer not having any pot shops in town. As it is, we have more than enough. Some of the issues that specifically bother me include that it draws a certain crowd of partiers that I don't appreciate. The smell of marijuana permeates from each of the shops, and can be smelled even when just driving by. This takes away from the aesthetic value of a mountain town with fresh, clean air. I also smell it when on chair lifts at Sunlight and when skiing in the trees, and this phenomenon increased drastically after recreational pot was legalized and we opened pot shops in town. More shops lead to more people using pot more frequently in the area, which leads to more kids being exposed to and being able to obtain pot. This has been proven to have dire consequences of decreased motivation and psychoses in youth who use pot. More pot shops also lead to fewer other businesses that make our mountain town desirable and pleasant for residents and tourists alike. Please pass on to city council that many Glenwood residents would like to see a moratorium on pot shops in our city!

Thank you,

Amy Johnson

Begin forwarded message:

From: Jeanne Johnson <casejeanne5@gmail.com>
Date: May 28, 2020 at 5:13:40 PM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: Pot Shops

Hi Debra,

It looks like the moratorium on pot shops ended some time ago. We would like to see it reinstated permanently for the sake of our town and what kind of tourist we will likely draw to Glenwood if we do not put a stop to this.

We own a business in Glenwood and also I work for Aspen Valley Hospital. The amount of pot shops in this town is already embarrassing to say the least and is not good for our permanent community members and also draws the wrong kind of tourists to our town.

I hope the town is aware of the future impact of allowing more pot shops here and what that will lead to in the future.

We are against any future pot shops opening up in Glenwood Springs.

Please pass this on to the city council.

Sincerely,

Dr. Casey and Jeanne Johnson

Glenwood Springs Office
901 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.
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Haley M. Carmer
hcarmer@garfieldhecht.com

June 12, 2020

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601
E-mail: trent.hyatt@cogs.us

Re: Kind Castle Special Use Permit Application

Dear Mr. Hyatt:

As you know, this law firm represents Cedar Lodge Motel, Inc. Cedar Lodge has asked us to submit this letter in opposition to the Special Use Permit application (“Application”) for a retail marijuana store submitted by Kind Glenwood, LLC, d/b/a Kind Castle (“Kind”). The proposed retail marijuana store would be located at 2114 Grand Avenue (the “Property”), which is immediately adjacent to Cedar Lodge. The Planning and Zoning Commission (“Commission”) considered the Application at its April 28 and May 26, 2020 meetings and voted unanimously to recommend denial of the same. As explained below, the Application does not meet the special use permit approval criteria set forth in Section 070.060.050(e)(3)(e)(2) of the Glenwood Springs Municipal Code (“Code”) and should be denied.

Regarding the first approval criterion—compatibility of the use with the surrounding area—a retail marijuana store would be out-of-place at the proposed location. As the Commission found, locating the store at the Property will divert business from downtown, which conflicts with the Comp Plan. It also doesn’t seem safe or logical to locate a business that operates strictly in cash and has high quantities of marijuana on site at all times next to a store that sells firearms. Nor is a business operating within an industry notorious for odor issues compatible with places where people go to seek comfort, privacy, and rest such as the residential units on the Property, the Cedar Lodge Motel next door, and the numerous multi-family residential structures to the east of the Property. It should be telling that no other marijuana establishment in the City shares a wall with a residential unit, let alone two units. And contrary to Kind’s statements at the May 26th hearing, the proposed location of its dispensary is much closer to Cedar Lodge than the dispensary that is across the street from the Hotel Colorado.¹

¹ According to the Garfield County Assessor’s mapping system, the distance between the northeast corner of the dispensary building and the southwest corner of the Hotel Colorado is approximately 178 feet. In contrast, the distance between the front door of Kind’s proposed dispensary and the front door of Cedar Lodge’s front office is only about 92 feet.

Locating a marijuana dispensary next to lodging and residential uses is not compatible and is bound to lead to user conflicts and complaints.

Second, despite Kind's claims to the contrary, the Application does not adequately minimize the impacts of its proposed use on surrounding areas or the health, safety, and welfare of its inhabitants and the City. The impacts of most concern here are parking and odor. Kind claims that the 14 parking spaces located on the Property are more than enough to satisfy its needs and those of the existing pawn shop. As an initial matter, it is not clear how many of those 14 spaces would be available for Kind's customers because (a) at least three parking spots need to be reserved for the two residential units at the back of the Property per Table 030.1 of the Code; (b) the existing pawn shop is required to provide 3 spaces for its customers under the Code; and (c) at least one space is used for snow storage in the winter. Kind claimed during the Commission hearings that it has not had parking issues at its Parachute facility which only has eight spaces, so the available spaces on the Property should be sufficient. Of course, that claim is irrelevant because Parachute's parking and traffic issues are much different than those at the Property. Even assuming Kind could use all 14 spaces located on the Property, it is clear that that number is not enough since Kind will have 10 employees working at its store, leaving only 4 spots for customers.

Additionally, customers of the three tenants that currently occupy the Property are already using Cedar Lodge for overflow parking without permission. That practice is bound to continue if a busy marijuana store moves in. Indeed, due to the location of the Property, there is no viable overflow parking area for Kind's customers or employees or nearby on-street parking, so it is inevitable that customers will continue to attempt to park on Cedar Lodge's property.

The layout of the parking lot on the Property—which staff acknowledges is nonconforming—is also a safety concern. This is because (a) if the lot is full, maneuvering vehicles within the lot is difficult, especially when there is only one access point from Grand Avenue, (b) the fire department has expressed concern about responding to an emergency at the Property due to the circulation on the lot, and (c) the sign kiosk obstructs the view of patrons of both the Property and Cedar Lodge. At a minimum, remedying the line-of-sight and safety concerns created by the sign kiosk should be a condition of approval of the Application.

The Application references the sales tax benefits to the City if the Application and related business license are approved. Those sales tax numbers suggest a successful and busy business, which, while good for the tax base, translates to increased traffic into and out of the Property across the heavily-trafficked sidewalk and onto Grand Avenue. In fact, the traffic study included in the Application states that the proposed use will nearly double the current average daily trips to and from the Property.² Even if Grand Avenue can handle the added capacity, the Application does not address how it will mitigate the increased safety concerns for motorists and pedestrians that may result from increased traffic into and out of the Property. And of course, the traffic and

² The traffic study states that the proposed dispensary will not open until 9:00 a.m. or later, so morning peak hour traffic was not evaluated. However, the Application states that “the store hours will be between the hours of 8:00 a.m. and 7:00 p.m.”

parking issues described above will only increase if Kind expands its store into the residential units at the back of the building.

With respect to odor, the fact that marijuana cultivation and product manufacturing will not occur on the Property does not eliminate Cedar Lodge's concerns on this issue. First, to the extent the "landscape buffer" between the Property and Cedar Lodge could mitigate odors, there is no landscaping between the front of the Property and the Cedar Lodge lot (see enclosed photos). Customers will be going in and out of the front of the building, allowing odors to escape and waft toward Cedar Lodge's front office every time that happens. Second, the Application does not state whether Kind will be selling only pre-packaged edibles or if flower will be sold too. If so, what measures is Kind taking to avoid odor emissions when the flower is on the sales floor and not stored in the locked safe in labeled, sealed containers? The Application is also silent on how its "top-quality carbon filtration system" will operate. Of primary concern to Cedar Lodge is the location of the odor mitigation system's exterior vent. Depending on its location, it is certainly possible that the eliminated odors—even if filtered—will waft directly into hotel rooms and Cedar Lodge's front office, causing discomfort and annoyance to staff and guests alike. Finally, aside from the ventilation system, the Application does not identify any other odor control mechanisms it will be implementing. According to the assessor's website, the building on the Property is 55 years old. Considering the age of the building and the current state of its exterior (see enclosed photos), perhaps improvements to the interior and exterior of the building to ensure it is fully and properly insulated would be appropriate.

As the foregoing makes clear, the Application fails to satisfy three of the six approval criteria for a special use permit, which is reason enough to deny it. The Commission agreed. But not only is the proposed use a bad fit for the proposed location, it's a bad fit for the City as a whole. Eight marijuana store licenses have been issued by the City, seven of which are currently operating. There is no need for a ninth. And while a new marijuana business will certainly generate tax revenue for the City, it's not clear that the store will *increase* the marijuana sales tax revenue the City is already receiving. That is, the Application does not include any market data to show that the new store will generate additional customers as opposed to diverting them from existing stores. Nor does the Application include any objective analysis of or basis for its tax revenue projections, which projections seem unrealistic considering that, according to the City's 2019 budget book, the City hasn't received more than \$214,000.00 in annual sales tax revenue from the marijuana industry since 2014. In any event, the promise of tax revenue cannot salvage an application that does not otherwise meet the City's Code requirements.

Whatever economic benefit the City may experience from the proposed dispensary will come at the cost of the health, safety, and comfort of residents and visitors alike. It may also reduce tax revenue from business like Cedar Lodge that stand to lose business due to their proximity to the less desirable aspects of the marijuana industry that are being forced upon them. And sadly, bringing Kind Castle to the Property will displace two local businesses—the barber shop and framing shop—resulting in a net loss of business overall and a loss of business diversity, which the Comp Plan warns against. Moreover, if Kind does eventually expand into the building's residential units, it will displace Cedar Lodge's employee who resides in one of the units and add to the dearth of residential rental space within the City. Cedar Lodge, on behalf

of its owners and guests, therefore urges City Council to adopt the Commission's unanimous recommendation to deny the Application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Haley Carmer". The signature is fluid and cursive, with the first name "Haley" written in a larger, more prominent script than the last name "Carmer".

Haley M. Carmer

2114 Grand Ave. Photos

Lack of landscape buffer at front of property:



Sign kiosk of concern:



Compact parking:



Exterior maintenance issues:





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

April 30, 2020

Dear Commissioners,

This letter serves as additional commentary and points of clarification on behalf of the owners of Cedar Lodge Motel, Inc. located at 2102 Grand Avenue in Glenwood Springs.

Jozef and Maria Koziol have owned Cedar Lodge for over 30 years and have greatly contributed to the Glenwood Springs community throughout their time here. This is a multi-generational family business and more often than not, the owners' grandkids and family members are on site with them. This is in addition to the thousands of families that choose to stay on the property every year. Our tourists love the "small-town" feel they have been accustomed to when visiting our charming town. They tell us this time and time again.

In this letter, we would like to address our concerns regarding the Special Use Permit application for a Retail Marijuana shop at 2114 Grand Avenue. Our points will highlight the inevitable safety and liability concerns should this permit be approved.

The applicant asserts they will have state-of the art filtration equipment and purifiers in place. However, that is not enough to ease our concerns regarding odor that will most definitely reach our property. There is no landscape buffer currently, nor will there ever be one big enough that would eliminate odors coming from such a close proximity. The exterior of the building already shows signs of damage that need great repairs. Furthermore, Unit A is approximately only 25 feet away from two AC units that service Cedar Lodge front desk lobby and the owners' apartment.

This means that all tourists visiting our charming small town expecting to be greeted by fabulous scenery and fresh air would instead be welcomed by a smell of marijuana right in their faces. In addition to the Lobby and apartment, there are 22 guest rooms nearby that would also be impacted by the smell. To put that in perspective, that is over 20% of the overall room capacity on our property. It must also be noted that given the amount of Retail Marijuana shops in our town (9 including approved permits), we should give thoughtful consideration to the impact of this to the face of our town's tourism.

The other concern we need to address revolves around safety. Presently, we routinely find store patrons of 2114 Grand Ave. parked in our lot when there are not enough spots available next door. With this being said, putting a Retail Marijuana shop in such a busy location congested with pedestrians and commuters is simply dangerous. The applicant states they will employ approximately 10 full-time employees. There is *not* enough parking for even the staff of that size, much less customers. This leads us to have numerous concerns regarding the safety of our property guests and staff. The overflow parking that our property would surely become is a great safety hazard as well as a huge liability for the hard-working immigrant owners of this property.

In 2019, Cedar Lodge collected over \$222,000 of sales tax on the State and Local level. Over \$124,000 of those funds went directly to the city. These are not optimistic projections like those listed in the application but true facts. The owners of Cedar Lodge Motel take great pride in their property and this

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We take our responsibility to our guests seriously and the safety and welfare of our guests and staff is top priority.

We thank you for your time and respectfully ask you to reconsider the decision on this permit and deny the applicant's Permit application.

Regards,

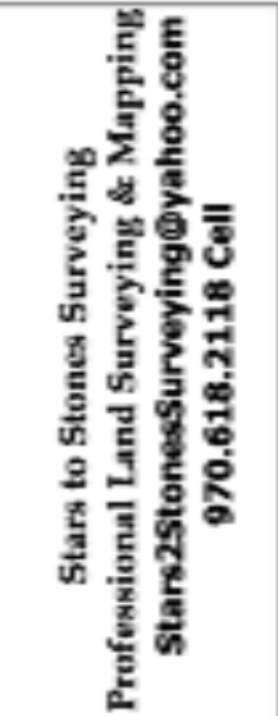
Barbara Koziol

Barbara Koziol (on behalf of Maria and Jozef Koziol)
Cedar Lodge Motel, Inc.
2102 Grand Avenue
Glenwood Springs, CO 81601

10 Existing Spaces

ft² 4 Spaces

2 Spaces



IMPROVEMENT LOCATION PLAT
ALL THAT PORTION OF THE NE¹/₄SE¹/₄ OF SECTION 16
CITY OF GLENWOOD SPRINGS
GARFIELD COUNTY, COLORADO

ENCLAVE B7D	IM	DATE	01/17/2020
ENCLOSURE B7D	IM	ENCLOSURE B7D	ENCLOSURE B7D
ENCLOSURE B7D	52520-203	SHEET	1 OF 1

THE KIND CASTLE MARIJUANA DISPENSARY

LEVEL 1 TRAFFIC ASSESSMENT

Project Location: 2114 Grand Avenue (SH 82), Suite C
Glenwood Springs, CO

Prepared By: APEX Consulting Engineers, LLC
1000 N 9th Street, Suite 44
Grand Junction, CO 81501

Report Date: March 17, 2020



APEX
CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT



Kind Castle Marijuana Dispensary
Level 1 Traffic Assessment

Contents

1.	Introduction	1
2.	Project Location and Description	1
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4.	Trip Generation	2
4.1	Existing Traffic	2
4.2	Project Traffic	3
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6.	Capacity	3
7.	Conclusion	4

Appendices

- A. Project Floor Plan
- B. ITE Trip Generation Data

1. Introduction

APEX Consulting Engineers LLC (APEX) prepared this Level 1 Traffic Assessment for the proposed 800 sf marijuana dispensary to be located at 2114 Grand Avenue (SH 82), Suite C, Glenwood Springs, Colorado. The following sections describe the Project, access and traffic volumes.

This Level 1 Traffic Letter will determine the expected increase in traffic volume entering and exiting the existing access to/from Grand Avenue. Traffic counts were not performed. The estimated increase in traffic is estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition data.

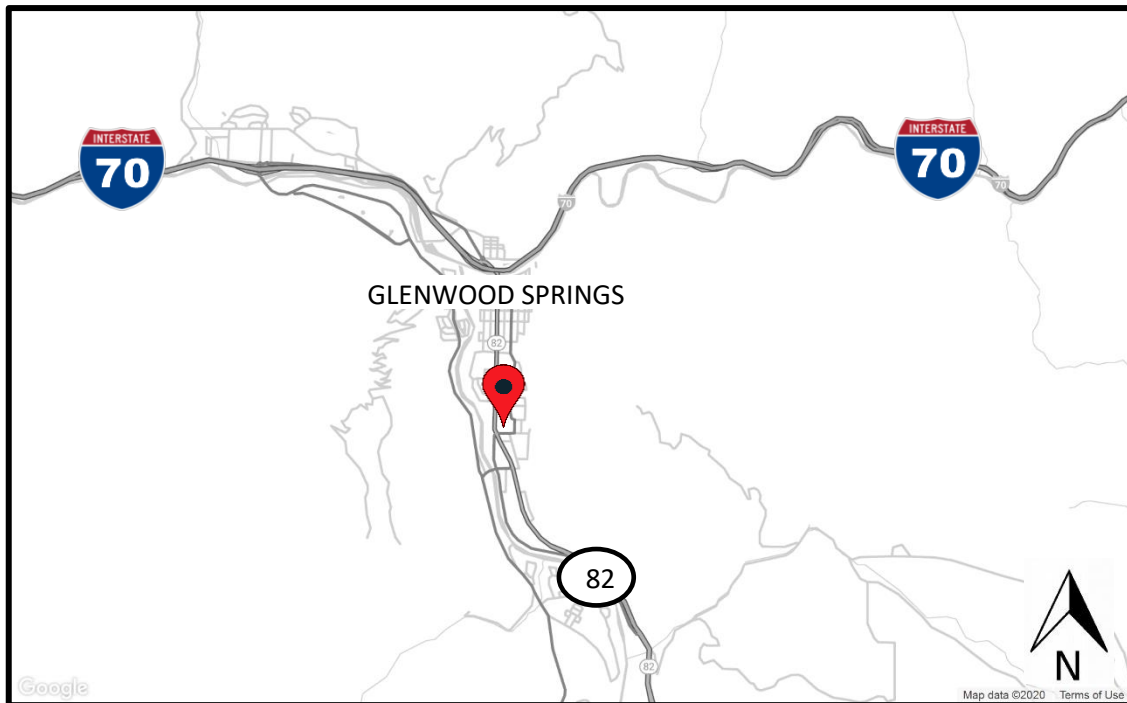
2. Project Location and Description

As shown in Figures 1 and 2, the proposed Project is be located on the west side of Grand Avenue and includes an existing access. No improvements are proposed to the existing access.

The proposed 800 sf marijuana dispensary will be created within an existing commercial building that currently contains a retail framing and display case business. The Dispensary has also leased the space on the north end of the building, currently a barber shop. The barber shop space will be left vacant to ensure adequate parking for the Dispensary. The building contains one other business. All businesses having store fronts facing Grand Avenue.

The proposed business will not open until 9:00 am or later, therefore morning peak hour traffic is not evaluated in this assessment.

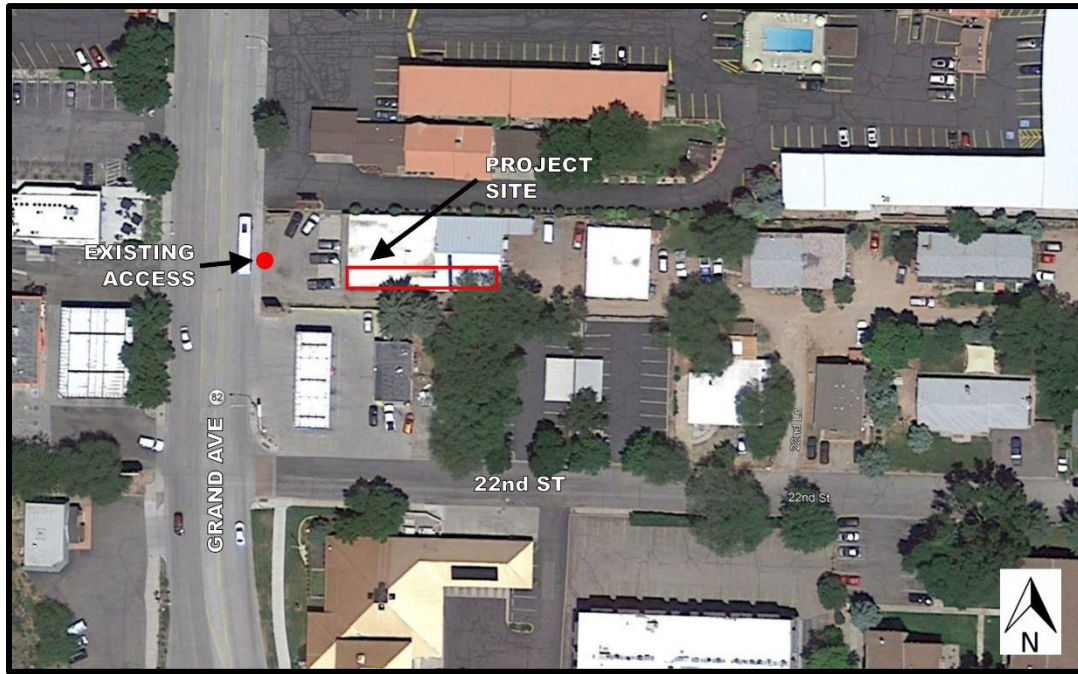
Figure 1 - Site Location Map



3. Site Access

The site has one existing access as shown in Figure 2.

Figure 2 –Project Site Access



4. Trip Generation

The existing use of the site is a retail framing business. The description of this use is included in the Land Use Code (LUC) 879, Arts and Crafts Store, from the ITE Trip Generation Manual. This assessment will use LUC 882, Marijuana Dispensary, to estimate Project trip generation.

ITE trip data is not available for barber shops. The property owner was interviewed regarding traffic generated by the barber shop and indicated the shop contains three barbers chairs and generates 5-8 customers in the peak hour. This study will use the conservative estimate of 6 trips per hour in the peak hour for the barber shop. Using the generally accepted ADT ratio of 1:10, the estimated ADT of the barber shop is 60 trips per day.

In all peak hour cases, the higher of “either peak hour of roadway” or “peak hour of generator” is used, providing a conservative assessment. In this case, peak hour of generator is used. Trip generation traffic calculations from the ITETripGen Web-based App are attached in Appendix A.

4.1 Existing Traffic

Tables 1 and 2 show the ITE peak hour traffic volumes for the existing conditions as calculated with ITE rates.

Table 1 –Existing Weekday Trips (ADT)

Period	Inbound	Outbound	Total
Frame Shop	22	23	45
Barber Shop	30	30	60
TOTAL	52	53	105

Table 2 – Existing Peak Hour Trips

Period	Inbound	Outbound	Total
Frame Shop	2	3	5
Barber Shop	3	3	6
TOTAL	5	6	11

4.2 Project Traffic

Tables 1 and 2 show the ITE peak hour traffic volumes for the proposed use as calculated with ITE rates.

Table 3 –Proposed Weekday Trips (ADT) per ITE LUC 882

Period	Inbound	Outbound	Total
Average Daily	101	101	202

Table 4 –Project Peak Hour PM Trips per ITE LUC 882

Period	Inbound	Outbound	Total
PM Peak Hour	12	12	24

5. Results

The Project will result in an increase in traffic as follows:

- Weekday Average Daily Trips increases 97 trips, from 105 ADT to 202 ADT.
- Weekday PM Peak Hour Trips increases 13 trips, from 11 to 24 DHV.

6. Capacity

Grand Avenue is a five lane roadway with two northbound lanes, two southbound lanes and a center two way left turn lane. The speed limit is 25 mph in both directions. CDOT OTIS shows the volume/capacity ratio for this segment of roadway is 0.99, meaning the route is already essentially at capacity.

CDOT OTIS data shows the capacity of Grand Avenue in this section of roadway is 3450 vehicles per hour.

The Project parking lot has a capacity of 10 spaces with clear, immediate visibility from entering vehicles and is shared with two other business. Peak hour traffic volumes will be limited by availability of parking and are expected to be considerably less than what the ITE rates predict.



7. Conclusion

ITE Trip Generation data suggests the Project will increase traffic substantially at the driveway access, though is almost insignificant compared to the capacity of Grand Avenue at this location contributing 0.55% of the capacity of the roadway.

The limited parking will likely limit traffic volumes of the proposed use and a clear view of available parking from the street will deter vehicles from entering the lot when it is full.



Land Use: 879 Arts and Crafts Store

Description

An arts and crafts store is a free-standing facility that sells art, framing, wall décor, and seasonal merchandise. These stores may provide in-store arts and crafts classes. Arts and crafts stores are sometimes found as separate parcels within a retail complex, with or without their own dedicated off-street parking.

Additional Data

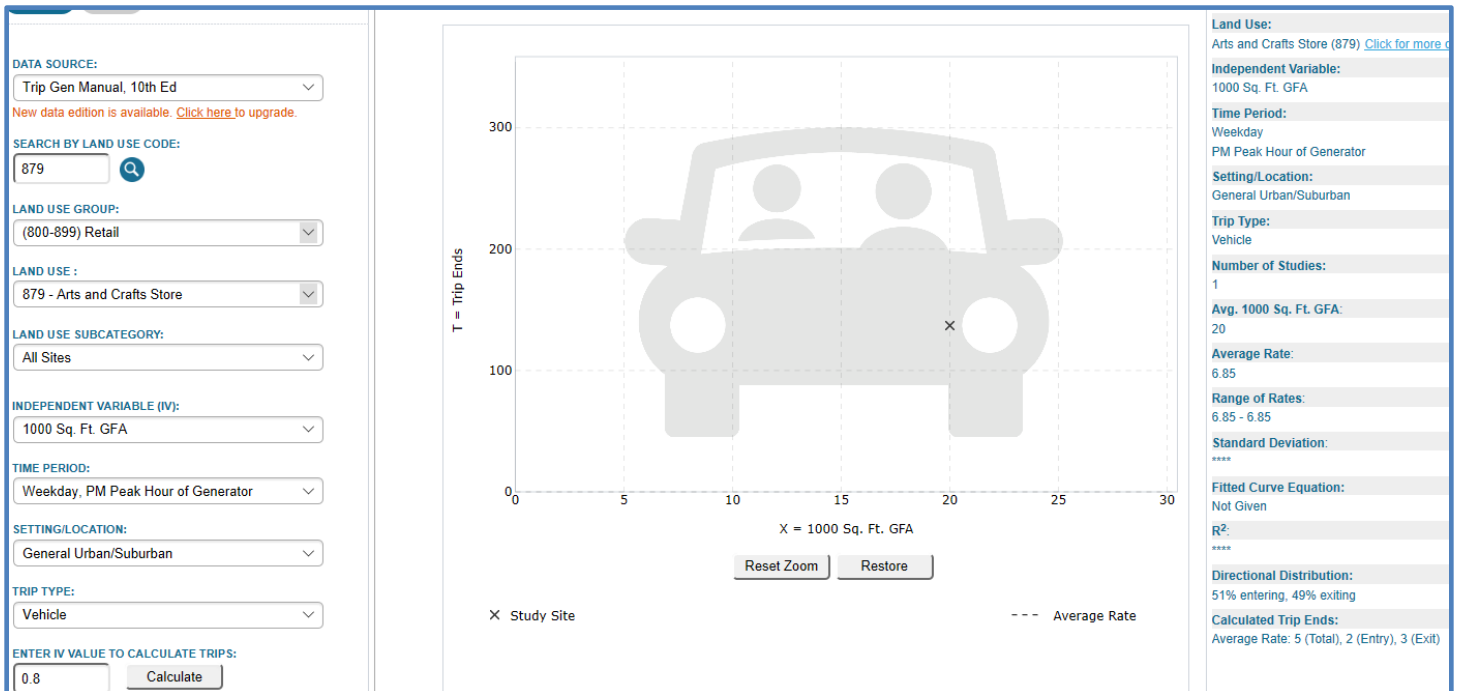
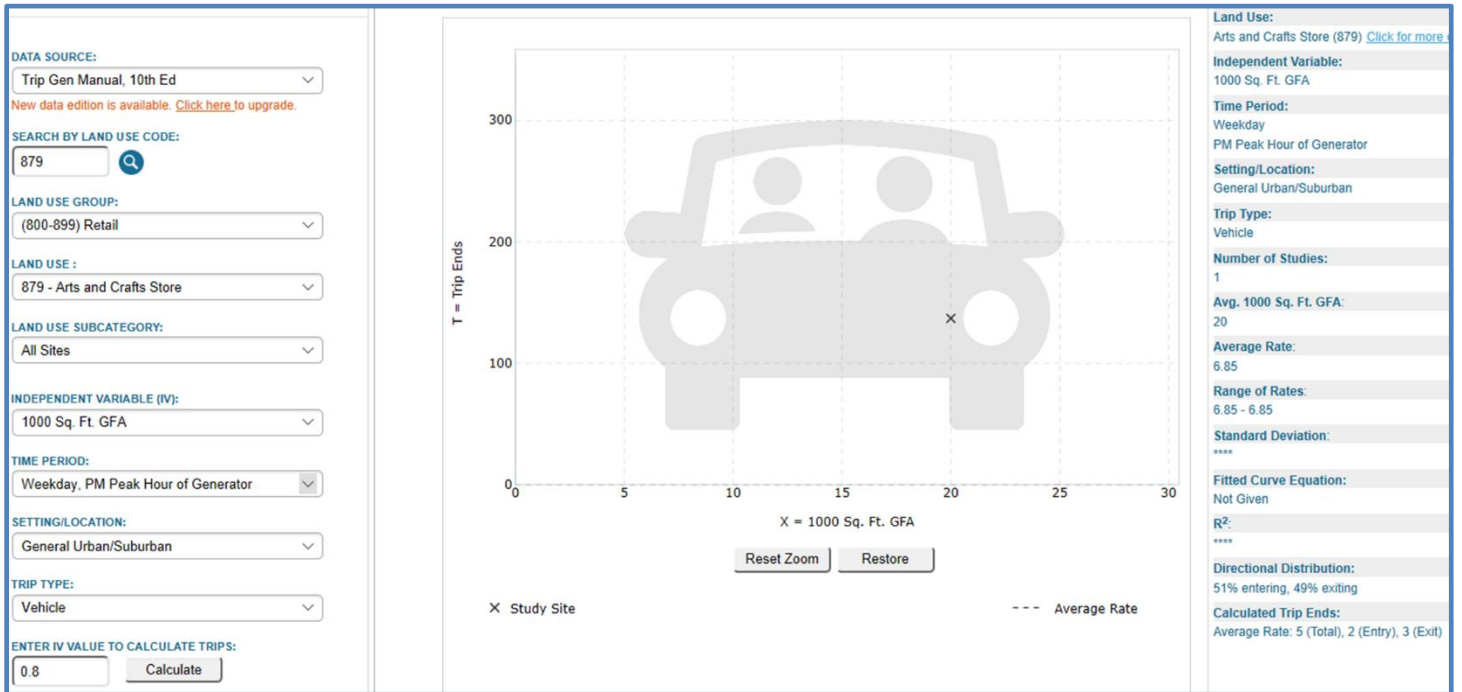
The sites were surveyed in the 2000s in Pennsylvania.

Source Number

571

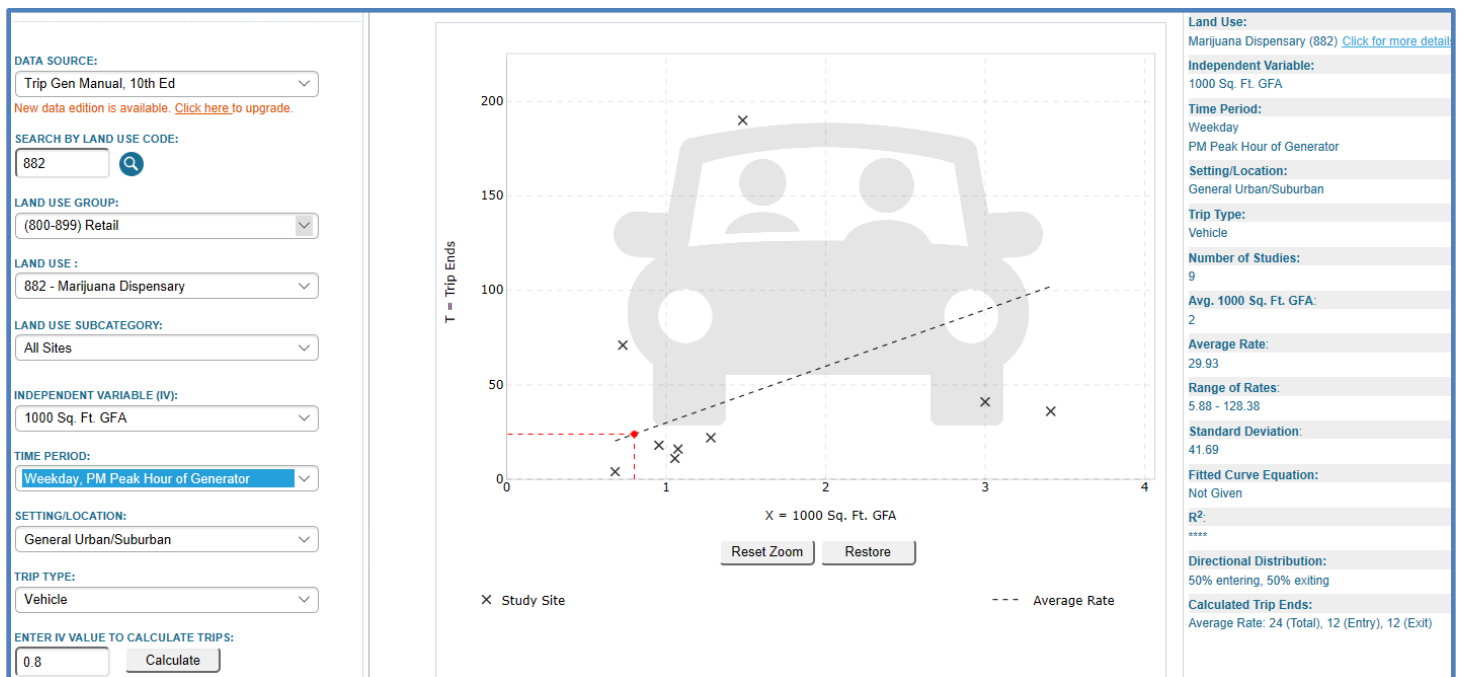
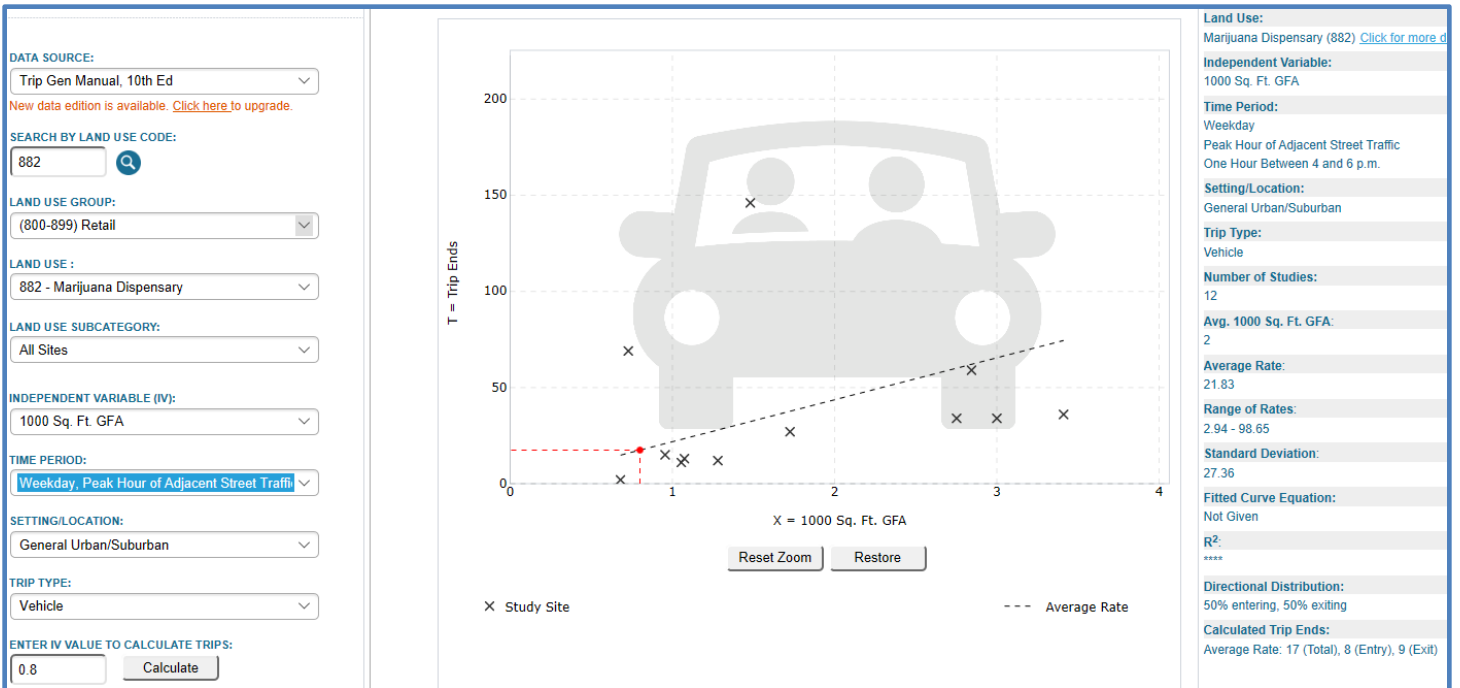
Appendix B

ITE Trip Generation Data LUC 879 Art and Crafts Store



Appendix B

ITE Trip Generation Data LUC 882 Marijuana Dispensary





City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Award of Cable Bid BD2020-025 for 24 reels of 500MCM Cable to Western United Electric for \$110,378.40.

Action Requested: Award of Cable Bid BD2020-025 for 24 reels of 500MCM Cable to Western United Electric for \$110,378.40.

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: The City of Glenwood Springs is looking to remove the overhead power line that runs from the North Glenwood Substation, across 6th Street, down North River Street in front of the Hot Springs Pool, and then crosses I-70/railroad ROW and lands at the Amtrak Station on 7th Street. This run of approximately 1,000 LF of overhead wire and 4 towers will be replaced with an underground system that allows us a safer and upgraded cable to transfer power from the North Glenwood substation to the south side of the river.

This project has been in the planning and construction phases prior to the Grand Avenue bridge even being built. With the bidding process the Electric Department was not only looking for cost within the proposals provided, but lead time. Western United Electric was not the least expensive of the two bids that were received, but their lead time on the cable was 1/6 of the second proposal at 33 days. Under the new COVID budget the Electric Department had budgeted \$150,000 for the cable which came in at \$110,378.40.

Issues: None

Staff Recommendation: Award of Cable Bid BD2020-025 for 24 reels of 500MCM Cable to Western United Electric for \$110,378.40.



New Underground
Line Layout.

Existing 1000' of
Overhead to be
Removed.



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item:	Resolution 2020-22; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting a Fats, Oils and Grease (FOG) Policy
Action Requested:	Approval of Resolution 2020-22 to install a Fats, Oils and Grease (FOG) Policy and Inspection Form within the Municipal Code under Section 080.030.030.
Department:	Public Works
Presented By:	Matthew Langhorst, Public Works Director
Background Info:	The City of Glenwood Springs has a Discharge regulation already in place within the Municipal Code under Section "080.030.030 Waste Discharge Regulations". The purposed of this ordinance request is to add a FOG Policy to this section that defines the owners responsibilities pertaining to FOG prevention, equipment maintenance, and record keeping requirement. The Policy also defines the City's FOG inspection and enforcement program and form. The attachments to this staff report further define the reporting and submittal's we would be requiring in the future. The reason for this policy is to keep track of systems that are either functioning per the regulations, under designed and functioning incorrectly, or non-existent collection systems. This will allow us to start working with the two latter category system/building owners and the Building Department on getting proper systems installed and the owners up to speed as quickly as possible. Our sewer system takes the brunt of non-existing or improperly functioning systems, which means that our sewer collection group has areas of town that they have to maintain/jet on a much higher rate than most of the City's sewer systems. This extra maintenance is costly and disproportionately time consuming for staff due to a few FOG violators. Grease, Oils and Fats coagulation within a sewer system can quickly cause sewer system backups and possibly illegal discharges to waterways, which the City would then be responsible for report through CDPHE. These releases are not good for the City or for our waterways.
Issues:	None
Staff Recommendation:	Approval of Resolution 2020-22 to install a Fats, Oils and Grease (FOG) Policy and Inspection Form within the Municipal Code under Section 080.030.030.

City of Glenwood Springs Fats, Oils, and Grease (FOG) Prevention Policy

Purpose

Discharge of animal/vegetable fats, oils and grease (FOG) into the sanitary sewer collection system can contribute to a variety of problems including, but not limited to, sewer blockages, sanitary overflows, backups and can interfere with equipment at the Waste Water Treatment plant. **Discharge of FOG is a violation of City of Glenwood Springs Municipal Code (080.030.030) that can result in penalties including discontinuation of service.**

https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT080UT_ART080_030WARE

This policy defines owner responsibilities pertaining to FOG prevention, equipment maintenance, and record keeping requirements. The policy also defines the City's FOG inspection and enforcement program.

Owner Responsibilities

All property owners are required to use Best Management Practices to prevent FOG from entering the sewer system. Property owners that generate liquid waste containing FOG in excessive amounts must install and maintain a grease trap, and ensuring proper operation to prevent FOG from entering the sewer system. Specifications for grease traps can be found in Section 2.13 of the City's Engineer Standards (<http://www.cogs.us/423/Engineering-Standards>).

Owner Maintenance, Recordkeeping, and Submittal Requirements

- Pump grease traps a minimum of one time per three months (quarterly) by a qualified pumping contractor
- Pumping intervals shall be adjusted, as necessary such that the grease trap has no more than 25% solids/grease at any one time
- Maintain records on-site (not at corporate headquarters, etc.) of all maintenance and hauling activities for a minimum of three years
- All grease traps and associated plumbing shall be installed by a licensed plumber or contractor
- The direct use of enzymes or any other product to emulsify fog is prohibited
- Maintenance records shall be submitted within 10 days after each service
- Records shall be submitted to Horacio Diaz, Wastewater Collection System Coordinator
Horacio.diaz@cogs.us 970-379-1974

Inspection Program

The City of Glenwood Springs will inspect the initial installation of a grease trap and perform regular inspections of the condition and observe the performance of the grease trap, thereafter. New grease traps will be inspected 3 months after installation and every 6 months, thereafter. Should a facility have a history of non-compliance, more frequent observations will be performed. The City of Glenwood Springs will review maintenance records at the time of inspection, which are required to be stored on-site and available for review.

Policy Enforcement

- Owners that receive a failing inspection will be provided a copy of the inspection report. The inspection report will include instructions and a deadline for correcting the deficiency.
- First violation to policy will result in a written warning
- Second violation may result in termination of service until policy violations are corrected

Fats, Oils, and Grease (FOG) Policy Inspection Report



Date	
Business	
Street Address	
Contact	
Phone	

Gravity Grease Interceptor (GGI)

Location				Capacity				
Service Company			Primary/Single Chamber	Secondary Chamber				
Interceptor Contents (inches)			Grease:___ Oil:___ Solids:___	Grease:___ Oil:___ Solids:___				
Total FOG (inches)			Total FOG ___	Total FOG ___				
Percentage of Chamber Capacity			Subtotal: ___ %	Subtotal: ___ %				
Percentage of Total Interceptor Capacity Used			___ % >25% requires pumping action					
Inlet & Outlet Plumbing			Tee Cap Elbow	Tee Cap Elbow				
Action Required?	Yes	No	Interceptor must be pumped and/or repaired by ___ - ___ - ___ (10 days)					
Comments:								

Inspection Results

___ Your facility is currently **in compliance** with the requirements of the FOG Program.

___ Your facility is currently **NOT in compliance** with the requirements of the FOG Program [see above for compliance deadline(s)].

Comments:

Inspector

Facility Contact

Signature: _____

Signature: _____

Date: _____

Date: _____

RESOLUTION 2020-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ADOPTING A FATS, OILS AND GREASE (FOG) PREVENTION POLICY AND INSPECTION REPORT FORM.

WHEREAS, Section 080.030.030 of the Glenwood Springs Municipal Code prohibits the discharge of nonacceptable waste, including animal/vegetable fats, oils and grease (“FOG”) into the City of Glenwood Springs wastewater system; and

WHEREAS, despite the prohibition in the Municipal Code, the discharge of FOG into the City’s sanitary sewer collection system continues to be a problem and contributes to sewer blockages, sanitary overflows and backups, and interferes with the equipment at the Waste Water Treatment Plant; and

WHEREAS, City staff recommends that City Council adopt a FOG Prevention Policy that sets forth citizen’s responsibilities regarding prevention of FOG discharge, installation and maintenance of grease traps, record-keeping requirements and inspection procedures; and

WHEREAS, the Glenwood Springs City Council, after consideration of the FOG Prevention Policy attached as **Exhibit A**, desires to approve adoption of the same as well as the FOG Policy Inspection Report form attached as **Exhibit B**.

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

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The FOG Prevention Policy as set forth in **Exhibit A**, attached hereto, and the FOG Policy Inspection Report form as set forth in **Exhibit B**, attached hereto, are hereby adopted and approved.

INTRODUCED, READ AND PASSED THIS 18TH DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Planning File #11-20- Ordinance 15, Series 2020 – An ordinance of the city of Glenwood Springs, Colorado amending Sections of Title 070 of the Municipal Code that require correction and that need clarification or modification.

Action Requested: Approve Ordinance 15, Series 2020, first reading

Department: Economic & Community Development Department

Presented by: Gretchen Ricehill, Assistant Director

Background Information: In August 2018, the City adopted a new Land Use Development Code which updated a code that had been in place since the 1970s. As staff applies the new code, we continue to find errors that require correction and provisions that need clarification or modification. In this series of amendments, in addition to corrections and modifications, we are also recommending certain new provisions to address issues that were not contemplated under the old 1970s-era Code or the originally approved 2018 update. Specifically, staff recommends amendments to Sections 070.030, 070.040 and 070.070 that address-

- 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

These amendments represent only priority items: those issues that staff believes need immediate attention or that are relatively simple. There is a much longer list of amendments that will be presented in the upcoming months.

The Planning and Zonign Commission considered the proposed amendments at a duly noticed public hearing held May 5, 2020,. The Commission

approved the amendments with certain clarifications. Attached for Council's reference are:

- Planning and Zoning Commission staff report and spreadsheet of proposed amendments, updated to include the Commission's requested clarifications;
- May 5, 2020 Planning and Zoning Commission Minutes;
- Link to the [Development Code is provided here](#).

Issues: None.

Staff Recommendation: A Code text amendment is a legislative decision by City Council and requires consideration of an Ordinance.

Planning and Zoning Commission Recommendation

At their meeting May 5, 2020, the Planning and Zoning Commission considered the priority amendments to Title 070-the Development Code. In a unanimous 7-0 vote, the Commission found that the amendments met the required approval criteria listed in Municipal Code section 070.060.040: specifically, the proposed text amendments-

- a. Are consistent with the Comprehensive Plan and other City policies;
- b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- c. Are necessary to address a demonstrated community need;
- d. Are necessary to respond to substantial changes in conditions and/or policy; and
- e. Are consistent with the general purpose and intent of this Code.

Staff Recommendation:

Staff recommends that Council **uphold** the Planning and Zoning Commission's recommendation to approve the Code amendments by adopting Ordinance 15, Series 2020, first reading.

ORDINANCE NO. 15

SERIES OF 2020

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO,
AMENDING SECTIONS OF TITLE 070 OF THE MUNICIPAL CODE TO
ADDRESS ERRORS THAT REQUIRE CORRECTION AND PROVISIONS
THAT NEED CLARIFICATION OR MODIFICATION**

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on August 2, 2018, City Council approved a revised development code as set forth in Title 070 of the Municipal Code; and

WHEREAS, in the process of applying the revised development code, City staff discovered errors and omissions that require correction and provisions that warrant clarification as set forth in **Exhibit A** attached hereto; and

WHEREAS, the Planning and Zoning Commission considered amendments to Title 070 at public hearings held April 28, 2020 and May 5, 2020 and recommended approval of the amendments to the development code as set forth in **Exhibit A**; and

WHEREAS, the City Council finds that the amendments set forth in **Exhibit A** are necessary to correct and clarify the development code.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE
ONLY THIS 18TH DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine 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 _____2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

EXHIBIT A

Text being deleted is ~~stricken~~; added text is **bold and double underlined**

...

070.020.140 Light Industrial (I1) District

...

(b) Standards

Table 020.16 I1 District

Dimensional Standards

Lot Standards, Minimum

A	...	...
	Landscaped Area (%)	20 <u>10</u>

....

070.020.150 River Industrial (I2) District

...

(b) Standards

Table 020.17 I2 District

Dimensional Standards

Lot Standards, Minimum

A	...	...
	Landscaped Area (%)	20 <u>10</u>

.....

070.030.020(e) Table of Allowed Uses**Table 030.1**

Use Category	Use-Specific Standards
Marijuana Establishments	070.030.030(f) (2) <u>(3)</u>

Use Category	Use Type	M1	M2	M3	CO	RE	I1	I2	IN
Manufacturing and Production	Brewery or Bottling Plant	p	S	S	P	S	P	P	S
	Fabrication, manufacturing and testing facility	S	S	S	S	S	S	P	
	Food processing and packing plant						P	S	

	<u>Craft</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Manufacturing</u>								

.....

070.030.040 Accessory Uses and Structures

...

(d) Additional Standards for Specific Accessory Uses and Structures

...

(2) Backyard Chickens

...

a. Applicability

...

b. ~~Number~~ Where Permitted

1. Backyard chickens are allowed in zoning districts according to Table 030.1, Table of Allowed Uses.

2. Backyard chickens are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.

c. ~~Site Layout and Design~~ Number

...

d. ~~Operation~~ Site layout and Design

...

e. ~~Permit Procedures~~ Operation

...

f. Permit Procedures

...

070.040.020 Sensitive Area Protection Standards

...

(b) Hillside Development

...

(3) Lot and Density/Intensity Requirements

...

c. Prohibition of Development on Steep Slopes

No development, including clearing, excavation, and grading, shall be allowed ~~on slopes where~~ the average slope within the limits of disturbance is greater than 30 percent. Structures shall be set back from ascending or descending slopes greater than 30 percent in accordance with the requirements of the current adopted building code.

070.040.050 Landscaping, Screening and Fencing

...

Table 040.5: Minimum Plant Material and Standards

Plant Material	Minimum Amount
Trees	One tree per 400 square feet of site area required to be landscaped in addition to those required for parking areas
Shrubs	One shrub per 25 100 square feet of site area required to be landscaped in addition to those required for parking areas
Perennials	One perennial per 5 50 square feet of site area required to be landscaped

....

(f) Screening, Fences, and Walls

...

(2) Fence Standards

...

b. Fencing Materials

1. Fencing material shall be compatible with the overall site design, the primary building, and landscaping. Acceptable materials include but are not exclusive of the following:

...

viii. Chain link provided that the chain link is vinyl coated green, brown, or black, used in conjunction with tightly spaced plant material **that provides a dense screen between the fence and the adjacent public right-of-way**, and is not otherwise prohibited below.

2. The following fencing materials are prohibited:

i. **Except in the I1 and I2 zoning districts, c**Chain link fencing when located in the front yard or in a side yard that is adjacent to **and visible from** a public right-of-way;

.....

070.040.060 Off-Street Parking and Loading

....

(h) Parking and Loading Area Use and Design

...

(6) Parking Area Landscaping

a. Amount Required

1. Parking area landscaping shall be provided according to Table 040.10: Parking Area Landscaping Requirements.

...

Table 040.9: Parking Area Landscaping Requirements
[SEE TABLE NEXT PAGE]

Table 040.10: Parking Area Landscaping Requirements ⁽¹⁾

	Minimum Amount (Lots with fewer than 20 spaces)	Minimum Amount (Lots with 20 or more spaces)	Other Standards
Total Parking Area Designated for Landscaping	10 percent of total surface parking area	20 percent of total surface parking area	
Interior Parking Area Designated for Landscaping	10 square feet per parking space		
Landscaped Islands; Peninsulas, Tree Diamonds, Bioswales, Rain Gardens			
	Double-loaded parking: One island per eight parking spaces; Minimum nine feet wide		(a) for each island or peninsula, two deciduous trees and five low-lying plants; (a b) no more than 50 percent of any landscape area island shall be nonliving ground cover; (b c) landscaped islands, diamonds or peninsulas shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height, unless a bioswale or other green infrastructure technique is approved by the City Engineer. (c) bioswales and rain gardens shall be sized in accordance with recommendations contained in a drainage plan, study or report as prepared by a licensed engineer.
Terminus Islands	Not required	Single-loaded parking: 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 90 square feet Double-loaded parking: 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 180 square feet	(a) terminus islands shall be distributed across parking areas to the extent practicable; (b) landscaped islands shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height; and: (c) nonliving ground cover shall not exceed 50 percent of the required landscaping area.

Planting Materials	Trees, shrubs, ground cover, xeriscaping	<u>Trees shall be planted at a rate of 1 tree per 8 parking spaces and shall be located throughout the parking lot such that at maturity, the parking lot will be shaded, to the greatest extent practicable.</u> Except for islands, nonliving ground cover shall not exceed 50 percent of the required landscaping area and shall be enclosed with a containment system to prevent spillage.
Planting Strip	Pursuant to 070.040.060(h)(6)c.3, <i>Screening Parking Areas and Drive Aisle</i>	Additional parking area screening shall be provided pursuant to 070.040.060(h)(6)c.3, <i>Screening Parking Areas and Drive Aisles</i> .
(1) <u>Structured parking is exempt from Table 040.10: Parking Area Landscaping Requirements</u>		

...

c. Parking Area Landscaping Design

1. Breaking up Parking Spaces into Blocks

Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces **through the use of one or a combination of landscape islands, bioswales, continuous landscape strips, or alternative method that achieves the result of shading parking areas as required in Table 040.10: Parking Area Landscaping Requirements**. ~~No block of parking spaces shall exceed eight in a row,~~ except that vehicle spaces that are designated as display or storage for automobile sales dealerships or automobile rental agencies or other fleet services, and other uses as determined by the Director, shall be allowed to have vehicle spaces in a tandem arrangement provided the minimum interior landscape requirements and all other applicable Code requirements are met.

....

070.040.080 Residential Site and Building Design

...

(e) Residential Building Design and Character

...

(9) Garages, **Storage** and Accessory Structures

...

c. Additional Garage Standards for Multi-Family

....

d4. Other Accessory Buildings

...

e5. Storage Space

Multi-family developments shall provide a minimum of ~~100 square feet~~ **1 cubic foot** of enclosed storage space per **3 square feet gross floor area per** unit. Storage may be provided through one or more of the following:

1. Increased garage dimensions that allow for storage in front of parked vehicles;
2. Storage units incorporated above detached garage structures or within the multifamily building;
3. Storage closets within units, ~~aside from~~ **not including** bedroom closets, **kitchen cabinets, and food storage areas;** or
4. Detached storage buildings or sheds.

...

070.040.110 Signs

...

(d) Signs not Requiring a Sign Permit

...

(16) Nonvisible signs.

Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public right-of-way shall be allowed without a sign permit. The Director shall determine whether such sign is visible from a public right-of-way.

~~(16)~~ **(17)** Public Signs

...

~~(17)~~ **(18)** Temporary Off-Premises Directional Signs

...
(18) (19) Wind Signs

...
(19)- (20) Yard Signs

...
(h) Specific Sign Type Standards

...
(3) Freestanding Signs

...
— b. Electronic Message Signs

Freestanding electronic message signs are allowed as indicated in Table 040.13: Summary of Permanent Sign Standards. ~~Electronic message signs shall comply with the following additional standards:~~

~~1. Minimum Hold Time~~

~~The message and/or display on an electronic sign shall not change, dissolve, or face more than twice in a 24-hour period.~~

~~2. Illumination~~

~~Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare. Lighting from the message and/or display module shall not exceed 3000 NITs (candelas per square meter) between dusk and dawn as measured ten feet from the sign's face. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT (candela per square meter) rating.~~

b.e. Monument Signs

...
c.d. Pole Signs

...
d.e. Portable Signs

...

(i) Summary of Permanent Sign Standards

Table 040.13: Summary of Permanent Sign Standards

Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location
Freestanding electronic message	Mixed-use and nonresidential applications in the	Only allowed as part of a pole or monument sign	Pursuant to the pole or monument sign standards in this table except that the electronic message portion of the freestanding sign shall not exceed 50 percent of the allowed sign area. See additional		

	Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts		standards for electronic signs in 070.040.110(h)(3)b.
--	---	--	--

....

070.070.020 Definitions of Use Categories and Specific Use Types

...

(b) Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

Uses in this category include buildings and facilities owned, operated, or occupied by a governmental or non-profit entity providing a service to the public.

a. Assembly

A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of ~~workshop~~ worship, meeting or lecture halls, or exhibition rooms. If an assembly use is ancillary to another principal use, and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.

...

(d) Industrial Uses

...

(2) Manufacturing and Production

...

d. Craft Manufacturing

An indoor facility for the assembly of hand-fabricated parts or hand-fabrication of custom or craft products using predominantly hand tools or domestic-scaled mechanical or other equipment including but not exclusive of blacksmith or metal work; makers of clocks, saddles, boats, cabinets, furniture, 3-d printing.

...

070.070.030 All Other Terms Defined

...

Bioswale

A long, channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

...

Electronic Message Sign

A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including an animated graphics and video.



Planning Commission Report

Date: April 28, 2020
To: Planning and Zoning Commission
From: Gretchen Ricehill, Asst. Director
Subject: #11-20 Code Text Amendments–Title 070
Glenwood Springs Municipal Code

REQUEST	Consideration of various code text 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
APPLICANT	City of Glenwood Springs
OWNER	City of Glenwood Springs
LOCATION	City wide
ZONE	All

REQUIRED ACTION

Action 1:

Consideration of various code text 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.

Staff recommends **approval** of amendments to Title 070 as listed on page 3-16 of this report, with **findings** listed on page 2.

REVIEW AUTHORITY

For actions involving amendments to the Land Use Code, the Planning & Zoning Commission is a recommending body to City Council. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council.

SUMMARY

In August 2018, the City adopted a new Land Use Development Code which updated a code that had been in place since the 1970s. As staff applies the new code, we continue to find errors that require correction and provisions that need clarification or modification. In this series of amendments, in addition to corrections and modifications, we are also recommending certain new provisions to address issues that were not contemplated under the old 1970s-era Code or the originally approved 2018 update.

The list of amendments presented here represent only priority items: those issues that staff believes need immediate attention or that are relatively simple. There is a much longer list of amendments that will be presented in the upcoming months.

A spreadsheet which details the requested, priority code amendments is attached to and made a part of this staff report. The spreadsheet includes an explanation of the issues and the recommended corrections or additions.

For general reference, a link to the [Development Code is provided here](#).

ACTION ALTERNATIVES

Regarding the amendments, the Planning and Zoning Commission may take one of the following actions:

1. Recommend approval of some or all of the amendments;
2. Recommend denial of some or all of the amendments; or,
3. Continue the hearing with a requirement that staff submit changes or provide additional information regarding some or all the amendments.

Staff Recommendation

Staff recommends approval of the amendments as listed on pages 3 through 16 of this report with the following findings:

Recommended Findings:

1. Pursuant to the authority in the Glenwood Springs Municipal Charter and Colorado Revised Statutes §29-20-101 et seq., and §31-23-301 et seq., as amended the City of Glenwood Springs has the authority to plan for and regulate the use of land within the municipality and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
2. The proposed text amendments-
 - a. Are consistent with the Comprehensive Plan and other City policies;
 - b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
 - c. Are necessary to address a demonstrated community need;
 - d. Are necessary to respond to substantial changes in conditions and/or policy; and
 - e. Are consistent with the general purpose and intent of this Code.

Title 070 Adoption Draft
Glenwood Springs Development Code
Errata Sheet
Post Adoption 2nd Amendment

Text being deleted is ~~stricken~~; added text is **bold**

Blue text reflects changes recommended by the Planning & Zoning Commission during its May 5, 2020 hearing.

	Code Reference	Error		Correction									
1	070.030.020(e) Table of Allowed Uses Table 030.1			Issue: The proposed text amendment simply corrects a citation.									
		Use Category	Use-Specific Standards	Use Category		Use-Specific Standards							
		Marijuana Establishments	070.030.030(f)(2)	Marijuana Establishments		070.030.030(f)(2)(3)							
2	070.030.020(e) Table of Allowed Uses Table 030.1												
		Use Category	Use Type	Issue: The Code does not have a category for small, limited light manufacturing uses such as blacksmith shops, cabinet shops, recreation equipment manufacturers (ski, for example), upholsterers, etc. Currently these uses would fall under the Manufacturing and Production which includes brewery or bottling plant, fabrication, manufacturing and testing facilities, food processing and packing plants. For the most part these uses require a special use permit in all of the commercial zoning districts.									
		Manufacturing and Production	Brewery or Bottling Plant	The prior code categorized blacksmith shop, cabinet shop and upholstery shop as “general service establishments” which were permitted uses in the commercial zoning districts.									
			Fabrication, manufacturing and testing facility	Staff recommends adding a new sub-category of “craft manufacturing” which is defined as: An indoor facility for the assembly of hand-fabricated parts or hand-fabrication of custom or craft products using predominantly hand tools or domestic-scaled mechanical or other equipment including but not exclusive of blacksmith or metal work; makers of clocks, saddles, boats, cabinets, furniture, 3-d printing. Similar to the prior code, Craft Manufacturing uses would be permitted in all of the commercial zoning districts.									
			Food processing and packing plant										
		Definitions:											
		Industrial Uses											
		Uses in this category include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.											
		Manufacturing and Production											
		Uses in this category include all transformative processes, regardless of whether or not the new product is finished or semi-											

		finished. This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. <u>Fabrication, Manufacturing and Testing Facility</u> Uses and facilities involving assembling, distributing, fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.	<table><tr><td></td><td>Fabrication, manufacturing and testing facility</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td>P</td><td></td></tr><tr><td></td><td>Food processing and packing plant</td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>S</td></tr><tr><td></td><td>Craft Manufacturing</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td></td></tr></table> For reference M1-Mixed Use Corridor M2-Mixed Use Central Core M3-Mixed Use Regional CO-Commercial RE-Resort I1-Light Industrial I2-River Industrial IN-Institutional Note: The Commission requested clarification regarding how craft manufacturing would differ from a small home-based business that manufactured clocks, for example. Home-based businesses (home occupations) are addressed in 070.030.040-Accessory Uses and Structures. Home occupations are intended to be subordinate to the primary residential use, allowed to occupy no more than 30% of the total floor area of the dwelling and accessory structures. Deliveries are restricted to passenger vehicles, mail & express carriers: no semi-tractor trailers allowed. Employees are limited to those that reside at the premises. Craft manufacturing businesses on the other hand are intended to be a more intensive primary use allowed in commercial and industrial zoning districts; unrestricted in the number of employees; and unrestricted in the number of deliveries received per day and the type of delivery vehicle.		Fabrication, manufacturing and testing facility	S	S	S	S	S	S	P			Food processing and packing plant							P	S		Craft Manufacturing	P	P	P	P	P	P	P	
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3	070.030.040 Accessory Uses and Structures	(d) Additional Standards for Specific Accessory Uses and Structures (2) Backyard Chickens	Issue: Similar to Short Term Rentals and Accessory Tourist Rentals, we had intended to allow Backyard Chickens in Planned Unit Developments (PUDs) unless they were specifically prohibited by that PUD. Unfortunately, our intentions did not make it into the Code text. Therefore, staff proposes adding the following text and renumbering this subsection. 070.030.040 Accessory Uses and Structures																														

			... (d) Additional Standards for Specific Accessory Uses and Structures ... (2) Backyard Chickens ... a. Applicability ... b. Number Where Permitted 1. Backyard chickens are allowed in zoning districts according to Table 030.1, Table of Allowed Uses. 2. Backyard chickens are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development. ... c. Site Layout and Design Number ... d. Operation Site layout and Design ... e. Permit Procedures Operation ... f. Permit Procedures ...
4	070.040.020 Sensitive Area Protection Standards (b) Hillside Development	c. Prohibition of Development on Steep Slopes No development, including clearing, excavation, and grading, shall be allowed on slopes greater than 30 percent. Structures shall be set back from ascending or descending slopes greater than 30 percent in accordance with the requirements of the current adopted building code.	The intent of this provision was to prohibit development where the average slope was greater than 30% within the limits of disturbance. c. Prohibition of Development on Steep Slopes No development, including clearing, excavation, and grading, shall be allowed on slopes where the average slope within the limits of disturbance is greater than 30 percent, Structures shall be set back from ascending or descending slopes greater than 30 percent in accordance with the requirements of the current adopted building code.
5	070.040.050 Landscaping, Screening and Fencing	Table 040.5: Minimum Plant Material and Standards	While reviewing several recent development plans it has come to staff's attention that the Code-required number of shrubs and perennials is not in sync with the amount of area required for

	Plant Material	Minimum Amount		landscaping. The issue is two-fold for industrially and commercially zoned properties: 1. The overall percentage of required landscaping, which is based on zone district designation, is inconsistent between zones, and 2. The number of plants required is far too high.
	Trees	One tree per 400 square feet of site area required to be landscaped in addition to those required for parking areas		
	Shrubs	One shrub per 25 square feet of site area required to be landscaped in addition to those required for parking areas		
	Perennials	One perennial per 5 square feet of site area required to be landscaped		

Percentage of Required Landscaping							
M1 Mixed use corridor	M2 Core commercial	M3 Mixed use regional	CO Commercial	RE Resort	I1 Light Industrial	I2 River Industrial	IN Institutional
15%	0%	15%	15%	10%	20%	20%	10%

Note that the I1 and I2 Industrial zoning districts currently require more land area to be set aside for landscaping than commercial districts.

Number of Plants Required

Using two recent development projects, the following is a comparison of current and old code requirements

Iron Mountain Hot Springs
Zone District: RE-Resort
Lot Size: 42722 square feet
New Code Required landscaping: 10% or 4272 square feet
Old Code Required landscaping: 20% total lot area or 8544 square feet

Current/New Code	# Plants Required	Old Code	# Plants Required
Trees 1/400 sf	11	Trees 1/2500 sf	17
Shrubs 1/50 sf	171	Shrubs 1/1000 sf	43
Perennials 1/5 sf	854	Perennials 1/500 sf	85

Colorado Energy Systems
Zone District: I/2 River Industrial District

			Lot Size: 82764 square feet New Code Required Landscaping: 20% or 16552 square feet Old Code Required Landscaping: 20% or 16552 square feet																				
			<table><tr><td>Current/New Code</td><td># Plants Required</td><td>Old Code</td><td># Plants Required</td></tr><tr><td>Trees 1/400 sf</td><td>41</td><td>Trees 1/2500 sf</td><td>33</td></tr><tr><td>Shrubs 1/50 sf</td><td>662</td><td>Shrubs 1/1000 sf</td><td>83</td></tr><tr><td>Perennials 1/5 sf</td><td>3310</td><td>Perennials 1/500 sf</td><td>165</td></tr></table>					Current/New Code	# Plants Required	Old Code	# Plants Required	Trees 1/400 sf	41	Trees 1/2500 sf	33	Shrubs 1/50 sf	662	Shrubs 1/1000 sf	83	Perennials 1/5 sf	3310	Perennials 1/500 sf	165
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			Recommendation: Reduce landscaping requirements in the Industrial Zoning districts to 10% of the site area Percentage of Required Landscaping																				
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6	070.040.050(f)(2)b2i Landscaping, Screening, and Fencing-Fence Standards-Fencing Materials	The following fencing materials are prohibited: Chain link fencing when located in the front yard or in a side yard that is adjacent to a public right-of-way...	This requirement applies to all new development or redevelopment except – • Mixed use or nonresidential uses on a lot that is less than 5,000 square feet • Expansion of existing structures or uses by less than 25% gross floor area Issue: We have received many requests from owners of properties in the industrial zones to allow chain link fencing. In many communities, because of the nature of the use, industrial properties are held to lesser standards than commercial properties. Chain link fencing is often																																								

			used to secure materials that are stored outside. However, those outside storage areas often times can become unsightly. Therefore, staff recommends amending the code to allow chain link fencing within front and side yards that are adjacent to a public right-of-way when the fencing includes dense landscape screening. 070.040.050 Landscape, Screening, and Fencing ... (f) Screening, Fences, and Walls ... (2) Fence Standards ... b. Fencing Materials 1. Fencing material shall be compatible with the overall site design, the primary building, and landscaping. Acceptable materials include but are not exclusive of the following: ... viii. Chain link provided that the chain link is vinyl coated green, brown, or black, used in conjunction with tightly spaced plant material that provides a dense screen between the fence and the adjacent public right-of-way, and is not otherwise prohibited below. 2.The following fencing materials are prohibited: i.Except in the I1 and I2 zoning districts, cChain link fencing when located in the front yard or in a side yard that is adjacent to and visible from a public right-of-way...
7	070.040.060 (h) Off-street Parking and Loading	Table 040.9 Parking Area Landscaping Requirements This table specifies requirements for single and double-loaded parking stalls – One island is required per eight parking spaces; minimum 9 feet wide; For each island or peninsula, one deciduous tree and five low-lying plants are required;	Issue: Parking lot landscaping requirements do not allow design flexibility that would achieve the same or similar results of shading parking areas. Staff recommends adding provisions that allow bioswales, landscape planting strips, and tree diamonds.

		No more than 50 percent of any island shall be nonliving ground cover; Landscaped islands shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height. (6)(c) Parking Area Landscaping Design 1. Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces. No block of parking spaces shall exceed eight in a row, except that vehicle spaces that are designated as display or storage for automobile sales dealerships or automobile rental agencies or other fleet services, and other uses as determined by the Director, shall be allowed to have vehicle spaces in a tandem arrangement provided the minimum interior landscape requirements and all other applicable Code requirements are met.	(6)(c) Parking Area Landscaping Design 1. Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces through the use of one or a combination of landscape islands, bioswales, continuous landscape strips, or alternative method that achieves the result of shading parking areas as required in Table 040.10: Parking Area Landscaping Requirements, No block of parking spaces shall exceed eight in a row, except that vehicle spaces that are designated as display or storage for automobile sales dealerships or automobile rental agencies or other fleet services, and other uses as determined by the Director, shall be allowed to have vehicle spaces in a tandem arrangement provided the minimum interior landscape requirements and all other applicable Code requirements are met. REFER TO ATTACHED TABLE 040.10																								
8	070.040.060(h) Off-street Parking and Loading- Parking and Loading Area Use and Design	Table 040.10 Parking Area Landscaping Requirements <table><tr><th colspan="3">Table 040.10: Parking Area Landscaping Requirements</th></tr><tr><th></th><th>Minimum Amount (Lots with fewer than 20 spaces)</th><th>Minimum Amount (Lots with 20 or more spaces)</th></tr><tr><td>Total Parking Area Designed for Landscaping</td><td>10 percent of total surface parking area</td><td>20 percent of total surface parking area</td></tr></table>	Table 040.10: Parking Area Landscaping Requirements				Minimum Amount (Lots with fewer than 20 spaces)	Minimum Amount (Lots with 20 or more spaces)	Total Parking Area Designed for Landscaping	10 percent of total surface parking area	20 percent of total surface parking area	The table details requirements for parking lots. It is not entirely clear that the landscape standards do not apply to structured parking. Staff recommends adding a footnote to the table <table><tr><th colspan="3">Table 040.10: Parking Area Landscaping Requirements ⁽¹⁾</th></tr><tr><th></th><th>Minimum Amount (Lots with fewer than 20 spaces)</th><th>Minimum Amount (Lots with 20 or more spaces)</th></tr><tr><td>Total Parking Area Designed for Landscaping</td><td>10 percent of total surface parking area</td><td>20 percent of total surface parking area</td></tr><tr><td>...</td><td>...</td><td>...</td></tr><tr><td colspan="3">(1) Structured parking is exempt from Table 040.10: Parking Area Landscaping Requirements</td></tr></table>	Table 040.10: Parking Area Landscaping Requirements ⁽¹⁾				Minimum Amount (Lots with fewer than 20 spaces)	Minimum Amount (Lots with 20 or more spaces)	Total Parking Area Designed for Landscaping	10 percent of total surface parking area	20 percent of total surface parking area	...	...	...	(1) Structured parking is exempt from Table 040.10: Parking Area Landscaping Requirements		
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9	070.040.080(e) Residential Site and Building Design – Residential Building Design and Character	(9) Garages and Accessory Structures There are two issues in this section of the residential design standards. 1. Paragraph formatting needs correction. Currently there are certain standards for accessory buildings and storage space under the wrong heading. 2. There is a requirement that all multi-family developments provide a minimum of 100 square feet of enclosed storage space per unit. One or more of the following qualify as enclosed storage: • Increased garage dimensions that allow for storage in front of parked vehicles; • Storage units incorporated above detached garage structures or within the multifamily building; • Storage closets within units, aside from bedroom closets; or • Detached storage buildings or sheds. Developers have indicated that it is difficult to meet the 100 square feet per unit storage requirement and requested that staff consider other options.	Staff recommends the following correction to formatting: 070.040.080 Residential Site and Building Design ... (e) Residential Building Design and Character ... (9) Garages, Storage and Accessory Structures ... (c) Additional Garage Standards for Multi-Family 1. Garage Variety and Location ... 2. Tuck-Under Garages 3. Free-standing Garage Structures 4. Other Accessory Buildings 5. Storage Space (d) Other Accessory Buildings (e) Storage Space Amount of Storage Required This requirement has been in the Municipal Code for many years and many developers have commented that the city’s a simple square footage requirement of storage/dwelling unit is onerous. Some recommended that staff consider adopting a minimum requirement based on volume. For example, Carbondale’s code requires a minimum of 1 cubic foot of storage for each 3 square feet of gross area of each dwelling unit. Note that this storage does not include bedroom closets, kitchen cabinets and food storage areas. For example, the storage requirement for a 1000 square foot unit in Glenwood Springs is 100 square feet. Assuming an 8-foot tall ceiling, by volume this equates to 850 ft3. By comparison, this same unit would be required to provide 333.3 ft3 which equates to a space roughly 10’w x 4’d x 8’h e. Storage Space

			Multi-family developments shall provide a minimum of 100 square feet 1 cubic foot of enclosed storage space per 3 square feet gross floor area per unit. Storage may be provided through one or more of the following: i. Increased garage dimensions that allow for storage in front of parked vehicles; ii. Storage units incorporated above detached garage structures or within the multifamily building; iii. Storage closets within units, aside from not including bedroom closets, kitchen cabinets, and food storage areas; or iv. Detached storage buildings or sheds.
10	070.040.110 Signs	(d) Signs not Requiring a Sign Permit The Sign Code includes a list of signs that do not require a sign permit provided they adhere to any design, size and/or location requirements for that particular sign type. Included are balloons, directional signs, feather flags, informational signs, interior signs (signs inside of a building), public signs.	The issue is the installation of signs that are internal to a large campus but are not visible from a public street. Should the city's sign code regulate these signs if they are only visible to those within the site itself? Staff suggests that the Commission consider adding the following provision which was taken from the Rifle sign code: Nonvisible signs. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public right-of-way shall be exempt from the provisions of this Section. The Director shall determine whether such sign is visible from a public right-of-way. This would allow the larger campus-like developments such as Valley View Hospital, Iron Mountain Hot Springs, and Glenwood Hot Springs pool to install signage internal to their respective sites (and not visible from a public right-of-way) to direct visitors to entrances, buildings, or amenities without having to conform to the sign code.
11	070.040.110 Signs 070.070.030 All Other Terms Defined	(h) Specific Sign Type Standards (3) Freestanding Signs b. Electronic Message Signs Freestanding electronic message signs are allowed as indicated in Table 040.13: Summary of Permanent Sign Standards. Electronic message signs shall comply with the following additional standards:	During a recent meeting, many Council members expressed a desire to remove the allowance for installing freestanding electronic message signs, which were added to the code in 2018. Currently there are two such signs in the city and both have been the subject of complaints and enforcement actions about brightness and movement. Although the current code restricts brightness and the frequency with which the message can change or move, achieving compliance has been difficult. 070.040.110 Signs

		1. Minimum Hold Time The message and/or display on an electronic sign shall not change, dissolve, or face more than twice in a 24-hour period. 2. Illumination Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare. Lighting from the message and/or display module shall not exceed 3000 NITs (candelas per square meter) between dusk and dawn as measured ten feet from the sign’s face. Applications for sign permits containing an electronic display shall include the manufacturer’s specifications and NIT (candela per square meter) rating.	... (h) Specific Sign Type Standards ... (2) Freestanding Signs ... b. Electronic Message Signs Freestanding electronic message signs are allowed as indicated in Table 040.13: Summary of Permanent Sign Standards. Electronic message signs shall comply with the following additional standards: 1. Minimum Hold Time The message and/or display on an electronic sign shall not change, dissolve, or face more than twice in a 24-hour period. 2. Illumination Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare. Lighting from the message and/or display module shall not exceed 3000 NITs (candelas per square meter) between dusk and dawn as measured ten feet from the sign’s face. Applications for sign permits containing an electronic display shall include the manufacturer’s specifications and NIT (candela per square meter) rating. b.e. Monument Signs ... c.d. Pole Signs ... d.e. Portable Signs ... Table 040.13 Summary of Permanent Sign Standards <table><tr><th>Sign Type</th><th>Where Allowed</th><th>Number of Signs, Maximum</th><th>Sign Area, Maximum</th><th>Sign Height, Maximum</th><th>Sign Location</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location						
Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location										

			Freestanding electronic message Mixed-use and nonresidential applications in the Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts Only allowed as part of a pole or monument sign Pursuant to the pole or monument sign standards in this table except that the electronic message portion of the freestanding sign shall not exceed 50 percent of the allowed sign area. See additional standards for electronic signs in 070.040.110(h)(3)b.
			070.070.030 All Other Terms Defined ... Electronic Message Sign A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including an animated graphics and video.
12	070.070 Rules of Construction and Definitions	070.070.020 Definitions of Use Categories and Specific Use Types ... (b) Public, Institutional, and Civic Uses (1) Community and Cultural Facilities a. Assembly A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of workshop, meeting or lecture....	Issue: this is a simple text edit A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of workshop worship, meeting or lecture....

13	070.070 Rules of Construction and Definitions	070.070.020 (d) Industrial Uses (2) Manufacturing and Production	Issue: Staff recommended adding “craft manufacturing” to the land use table. A definition needs to be added to the Construction and Definition section d. Craft Manufacturing An indoor facility for the assembly of hand-fabricated parts or hand-fabrication of custom or craft products using predominantly hand tools or domestic-scaled mechanical or other equipment including but not exclusive of blacksmith or metal work; makers of clocks, saddles, boats, cabinets, furniture, 3-d printing.
		During its May 5, 2020 hearing, the Planning and Zoning Commission recommended adding a definition of “bioswales” as related to the types of landscaping treatments allowed in parking lots.	Bioswale A long, channelized depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

TABLE 040.10	Minimum Amount (lots with fewer than 20 spaces)	Minimum Amount (Lots with 20 or more spaces)	Other Standards
Total Parking Area Designated for Landscaping	10 percent of total surface parking area	20 percent of total surface parking area	
Interior Parking Area Designated for Landscaping	10 square feet per parking space		
Landscaped Islands; Peninsulas, Tree Diamonds, bioswales, rain gardens	Single-loaded parking: One island per eight parking spaces; minimum nine feet wide		(a) for each island or peninsula, one deciduous tree and five low-lying plants; (a-b) no more than 50 percent of any landscape area island shall be nonliving ground cover; (b-c) landscaped islands, diamonds or peninsulas shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height. (c) bioswales and rain gardens shall be sized in accordance with recommendations contained in a drainage plan, study or report as prepared by a licensed engineer.
	Double-loaded parking: One island per eight parking spaces; Minimum nine feet wide		(a) for each island or peninsula, two deciduous trees and five low-lying plants; (a-b) no more than 50 percent of any landscape area island shall be nonliving ground cover; (b-c) landscaped islands, diamonds or peninsulas shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height, unless a bioswale or other green infrastructure technique is approved by the City Engineer. (c) bioswales and rain gardens shall be sized in accordance with recommendations contained in a drainage plan, study or report as prepared by a licensed engineer.
Terminus Islands	Not required	Single-loaded parking: 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 90 square feet Double-loaded parking: 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 180 square feet	(a) terminus islands shall be distributed across parking areas to the extent practicable; (b) landscaped islands shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height. (c) nonliving ground cover shall not exceed 50 percent of the required landscaping area

Planting Materials	Trees, shrubs, ground cover, xeriscaping	(a) Trees shall be planted at a rate of 1 tree per 8 parking spaces and shall be located throughout the parking lot such that at maturity, the parking lot will be shaded to the greatest extent practicable. to provide shade throughout the parking lot, as much as practicable. Except for islands, nonliving ground cover shall not exceed 50 percent of the required landscaping area and shall be enclosed with a containment system to prevent spillage.
Planting Strip	Pursuant to 070.040.060(h)(6)c.3, <i>Screening Parking Areas and Drive Aisle</i>	Additional parking area screening shall be provided pursuant to 070.040.060(h)(6)c.3, <i>Screening Parking Areas and Drive Aisle</i>



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.



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Review of Multimodal Options for a Vibrant Economy (MOVE) Study Progress

Action Requested: Review of study public outreach results.

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: The City began work with RFTA on the Multimodal Options for a Vibrant Economy (MOVE) study in December of 2019.

The main objectives of the study were to evaluate the following ideas:

- Developing a BRT route through downtown to capture Western Garfield County drivers before they enter the downtown area.
- Better integrating Ride Glenwood Springs and the RFTA Valley Local service.
- Site a downtown BRT transfer station
- Evaluate parking needs in the City's downtown core and at the RFTA stations.
- Evaluate key downtown intersection operations for vehicle safety and improved operations
- Improve pedestrian and bicycle safety and connections in all of the ideas above.

The project originally planned traditional in person public outreach. However the study was required to shift to on line public outreach with the outbreak of COVID-19.

The online outreach was heavily advertised on multiple social media and other platforms. The project team felt like we had a good response with over 100 separate digital surveys and comments returned,

Please see the attached pdf for the public survey results.

Issues: None at this time.

Staff Recommendation: None. For review and discussion only.

City Council Review of Study Progress

June 18, 2020



Glenwood Springs **move**



MULTIMODAL OPTIONS FOR A VIBRANT ECONOMY

Focus Group Members & Role

MEMBERS

Glenwood City Council - *Shelley Kaup*

Glenwood Chamber/Economic Development -
Angie Anderson

RE1 School District - *Jared Raines*

Parks and Recreation - *Jasmin Ramirez*

Transportation Commission - *Rob Gavrell*

Garfield County - *Sheryl Bower/Angie Martell*

Downtown Development Authority - *Laura Kirk*

Bicycle Advocates - *Steve Smith*

Imagine Glenwood/P&Z - *Sumner Schacter*

FOCUS GROUP ROLE

- Confirm Identified Issues
- Develop Project Needs
- Project Ambassadors
- Spread the Word / Engage Public

The background of the slide features a blurred photograph of a white bus on the left and large yellow sunflowers on the right. A solid teal rectangle is positioned in the upper center, containing the title text.

Project Introduction



- **The Roaring Fork Transportation Authority (RFTA)** and the **City of Glenwood Springs** (The City) have initiated a study to develop a long-term vision and program for transportation in and through the travel corridors of SH-82 (Grande Ave.), SH-6 (West Glenwood), I-70 and the RFTA Rio Grande Railroad Corridor. Focus will be placed on the transportation, land use, environmental, economic and social needs of the City and the region.
- The **Multimodal Options for a Vibrant Economy (MOVE)** study will investigate various aspects of mobility for the City, including but not limited to transit, parking, and internal circulation.



BACKGROUND

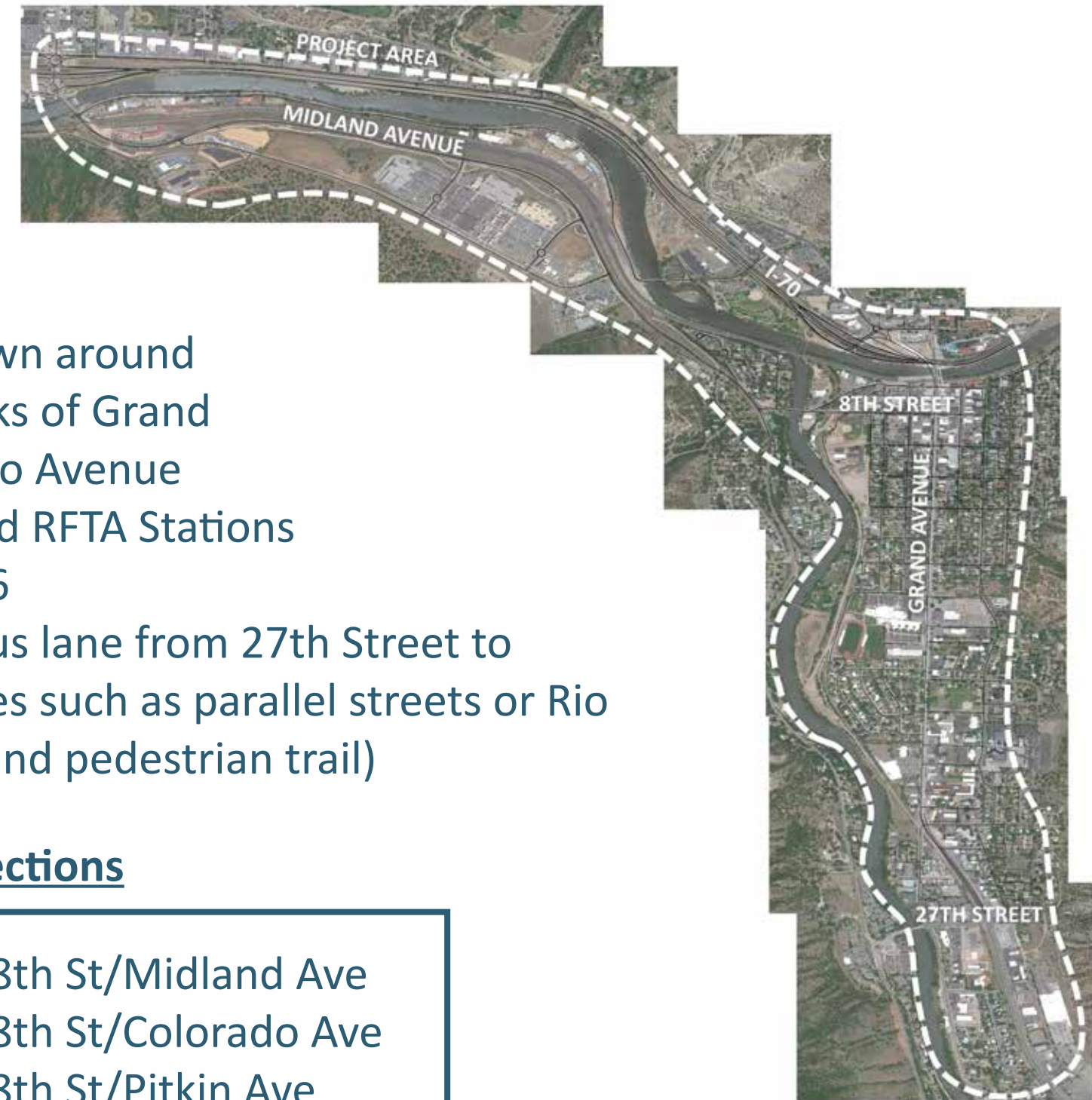


- **Ensure mobility and accessibility** for residents, visitors and workers of all ages and abilities;
- **Improve safety** for all modes of travel;
- Create a **balanced, safe and affordable system** for transit, autos, bikes and pedestrians;
- Identify **SH82 optimization strategies** for local and regional transit;
- Identify vehicle **parking needs**, parking management optimization plans, and the optimal scope and location for future parking facilities;
- Identify the optimal location(s) for regional and local **transit stations**;
- **Evaluate the extension of BRT** or other mass transit solutions to downtown Glenwood Springs and transit connections to the I-70 corridor for future potential BRT;
- **Evaluate future changes** to the local transit system, based on projected land use, population, and economic development; and
- Maximize the operational **safety and efficiency of key intersections** in the City's downtown core.

OVERALL PROJECT GOALS



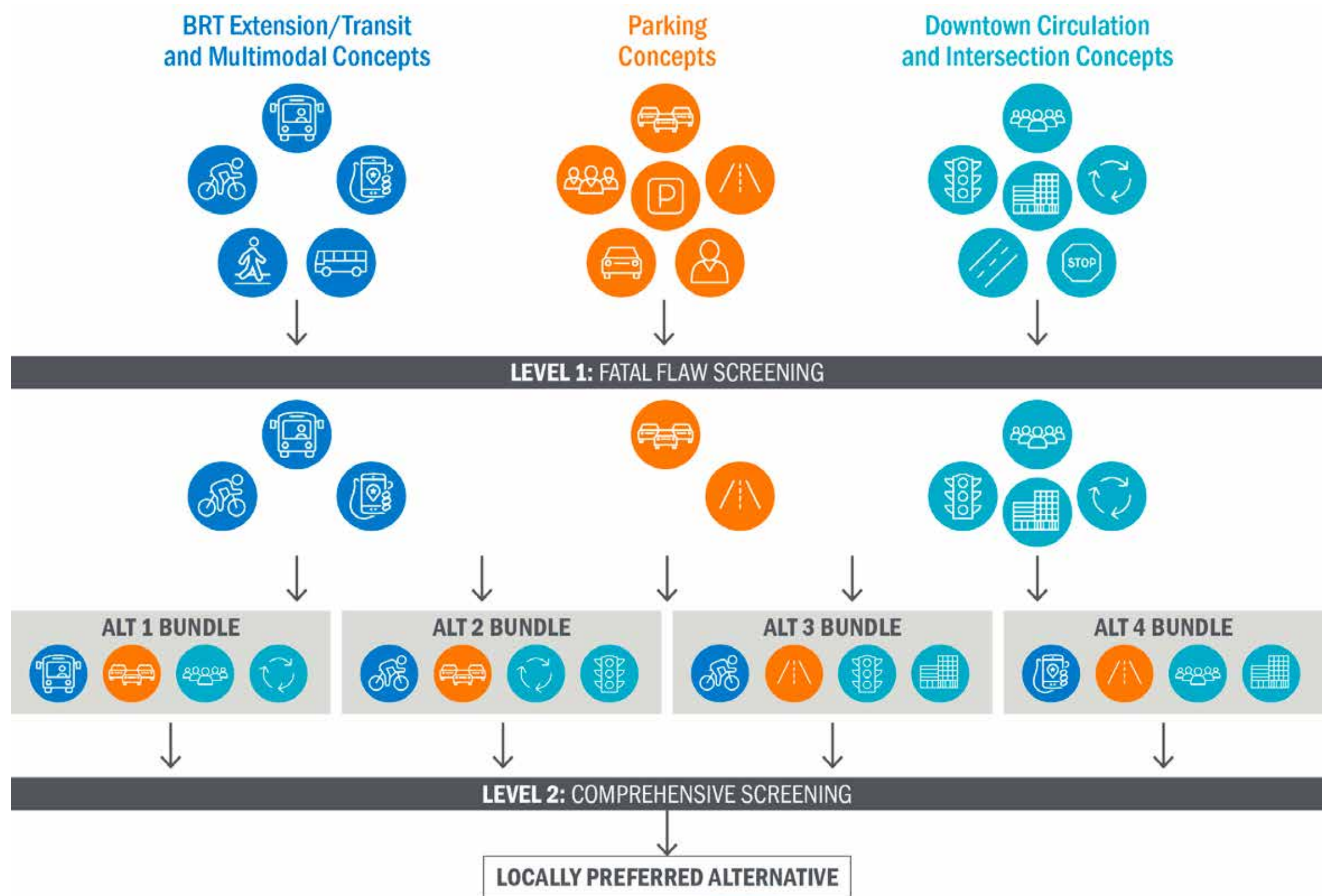
- From 27th Street through the downtown/ Confluence area in Glenwood Springs to the I-70 corridor
- 6 critical intersections identified by the City to study circulation
- Oversupply and undersupply parking issues downtown around 7th and 8th streets and the 800, 900, and 1000 blocks of Grand Avenue, Cooper Avenue, Pitkin Avenue, and Colorado Avenue
- Parking study for the 27th Street and West Glenwood RFTA Stations
- Transit center location in downtown core and/or SH6
- Alignment for possible exclusive or semi-exclusive bus lane from 27th Street to 8th Street including Grand Avenue or alternate routes such as parallel streets or Rio Grande Corridor (while maintaining current bicycle and pedestrian trail)



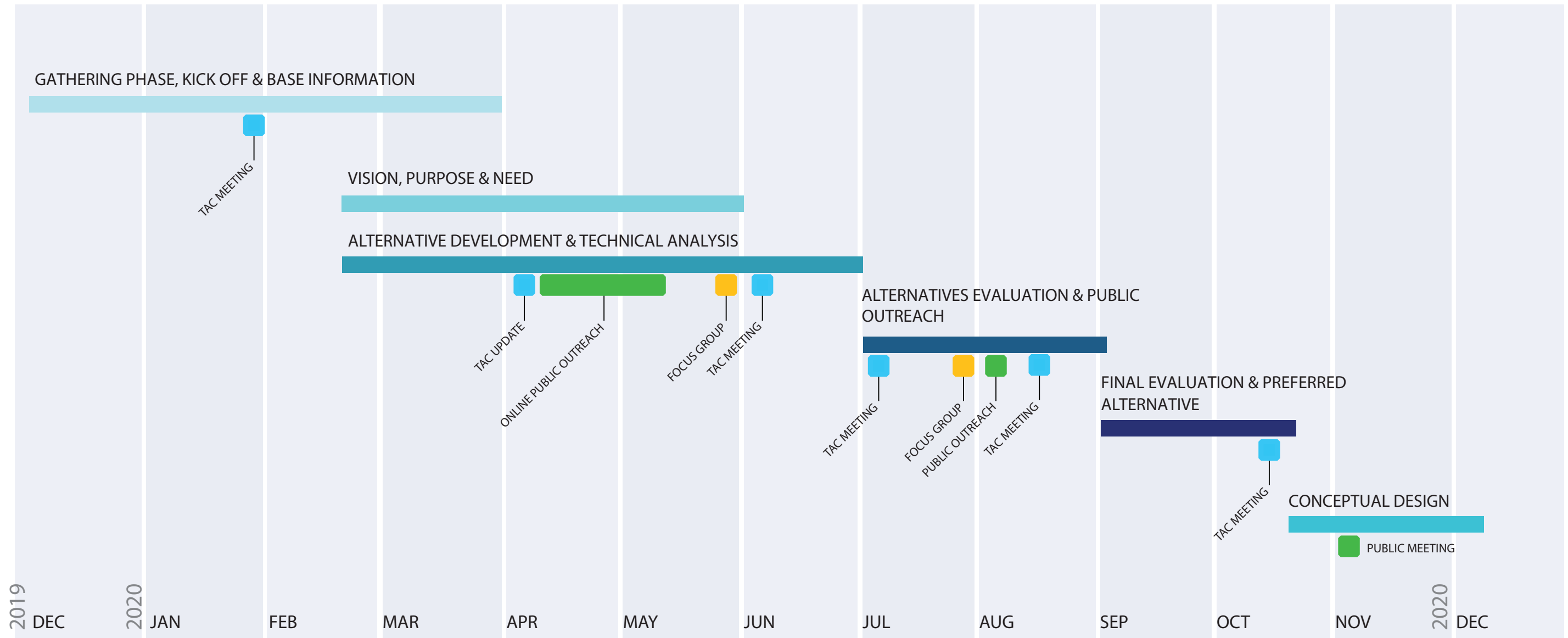
Critical Intersections

8th St/Grand Ave	8th St/Midland Ave
9th St/Grand Ave	8th St/Colorado Ave
14th St/ Grand Ave	8th St/Pitkin Ave

STUDY AREA



STUDY PROCESS



SCOPE OF WORK + SCHEDULE



Technical Advisory Committee (TAC) is comprised of key technical staff of RFTA, Glenwood Springs, CDOT, Garfield County, FTA, and FHWA

- Meets six times over the course of the project to provide support and technical review of analysis and recommendations.

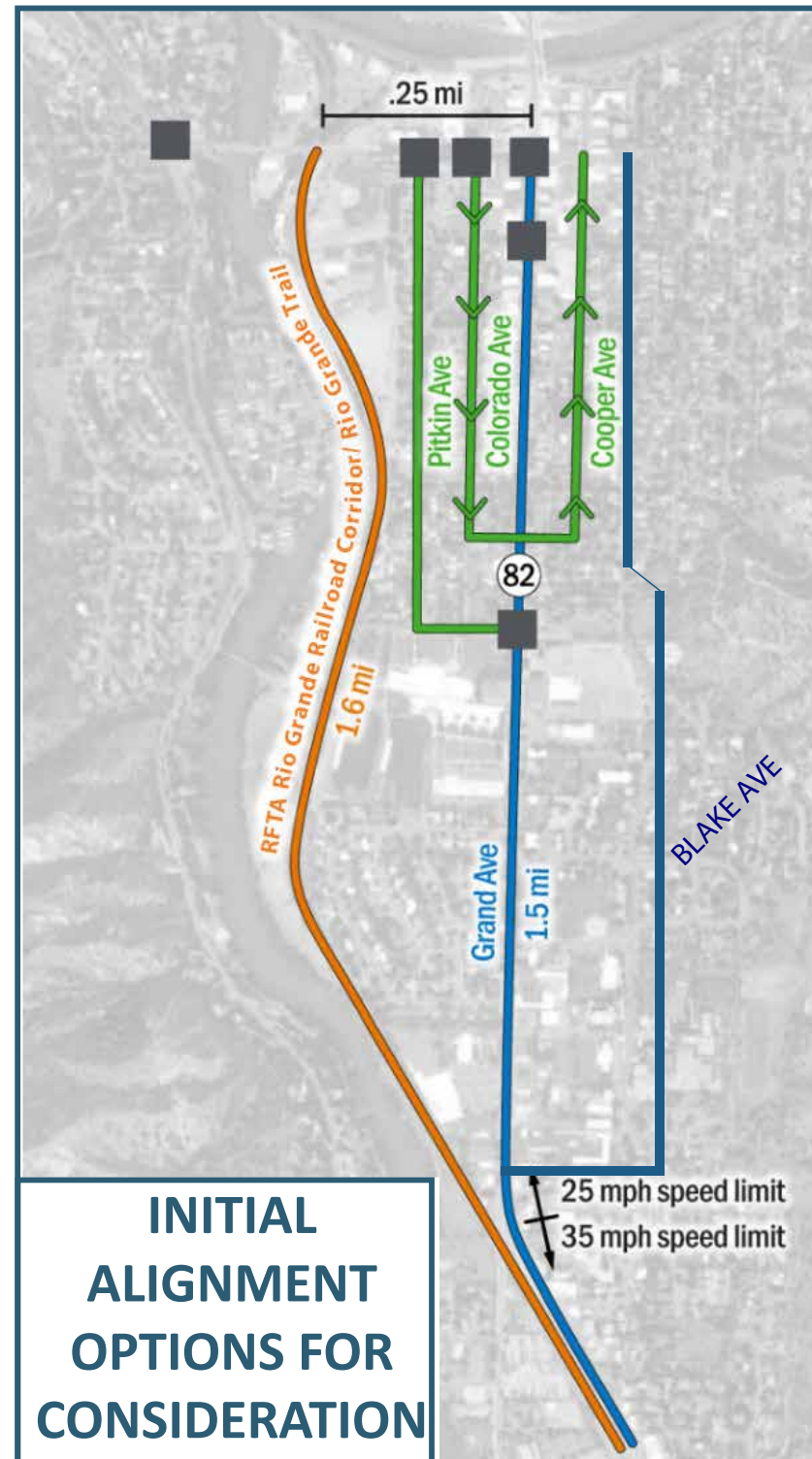
Focus Group is comprised of elected and policy officials of corridor and invited members from local agencies, organizations, businesses, and transportation advocates.

- Meets twice during the project to discuss the visioning process and the alternatives that are evaluated and bundled into recommendations.

Public-at-Large

- Opportunities to connect formally three times with possible pop-up events, public meetings, and provide input via project website.

STAKEHOLDERS AND COMMUNITY



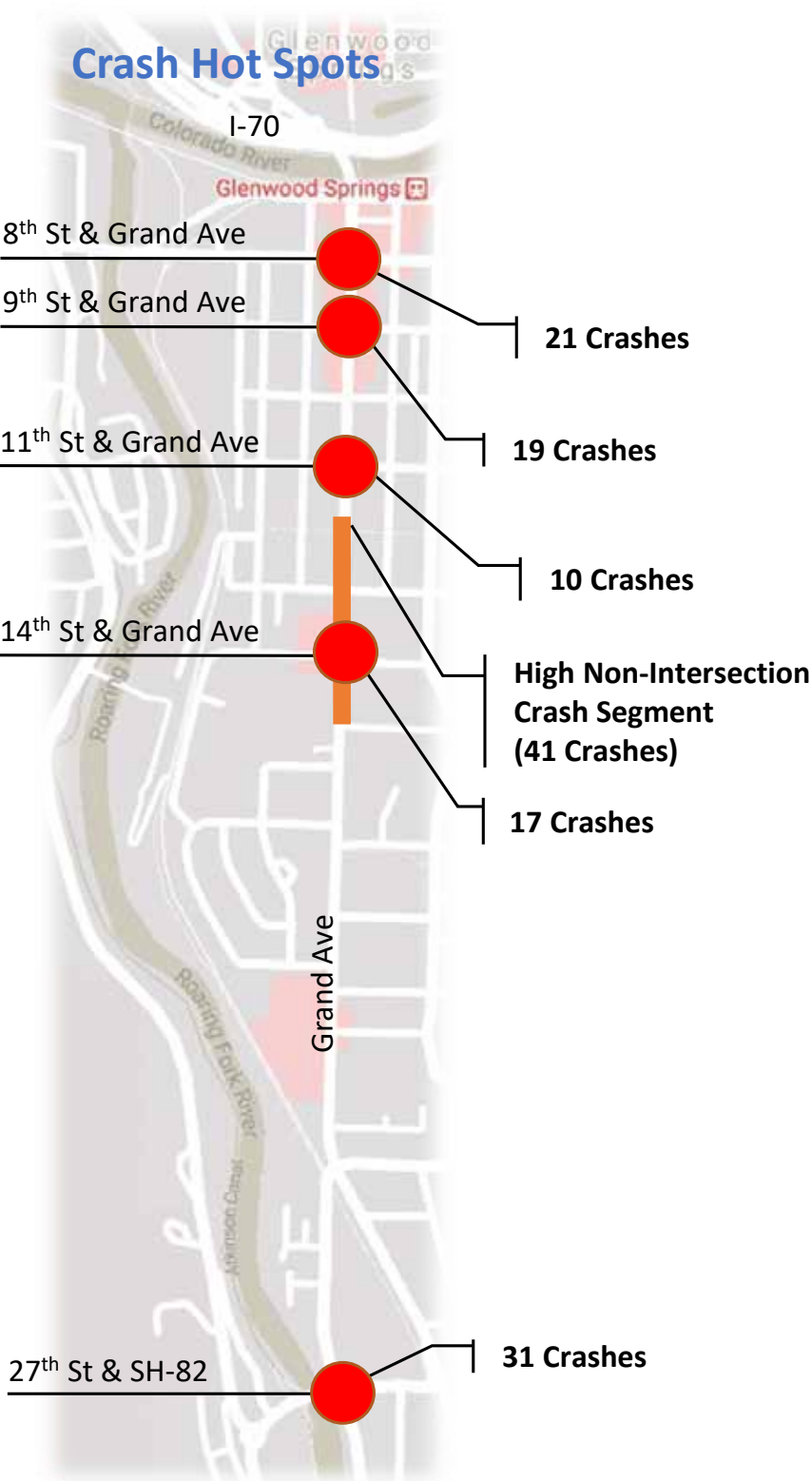
WHAT ARE SOME OPTIONS TO EXTEND VelociRFTA INTO DOWNTOWN GLENWOOD?



EXISTING CRASHES (SH-82)

- Crash Data (provided by CDOT) within a 3-year period was analyzed (June 2016-June 2019)
- A total of 545 crashes were reported*:
 - ▶ 3 (<1.0%) Fatal Crashes were reported
 - ▶ 96 (18%) Injury related crashes were reported
 - ▶ Rear-ends were the most common at 49%
 - ▶ Sideswipe account for 17%
 - ▶ Intersection Angle account for 17%
 - ▶ 19 crashes (4%) were Pedestrian/Bicycle related

TOTAL CRASH SUMMARY	
Intersection (Signalized):	224 (41%)
Intersection (Unsignalized):	46 (8%)
Non-Intersection:	233 (43%)
Driveway Access:	42 (8%)
Total Crashes:	545





- **PROJECT VISION:**

A community with safe, multimodal, and efficient connection options that makes Glenwood Springs a city of great vitality and quality of life.

- **PROJECT PURPOSE:**

To optimize the efficiency and utility of the transportation system through Glenwood Springs by identifying, evaluating, and developing transportation strategies and opportunities that align with the City's goals for mobility, land use, economic vitality, economic sustainability and quality of life.



PROJECT VISION AND PROJECT PURPOSE



Transit:

- Local and regional transit systems are not integrated and optimized
- A transit center is needed in the downtown core to increase transit ridership
- Transit riders may be discouraged from using transit because the buses get caught in automobile traffic while traversing through town. Consider transit optimizing signals or dedicated transit lanes.

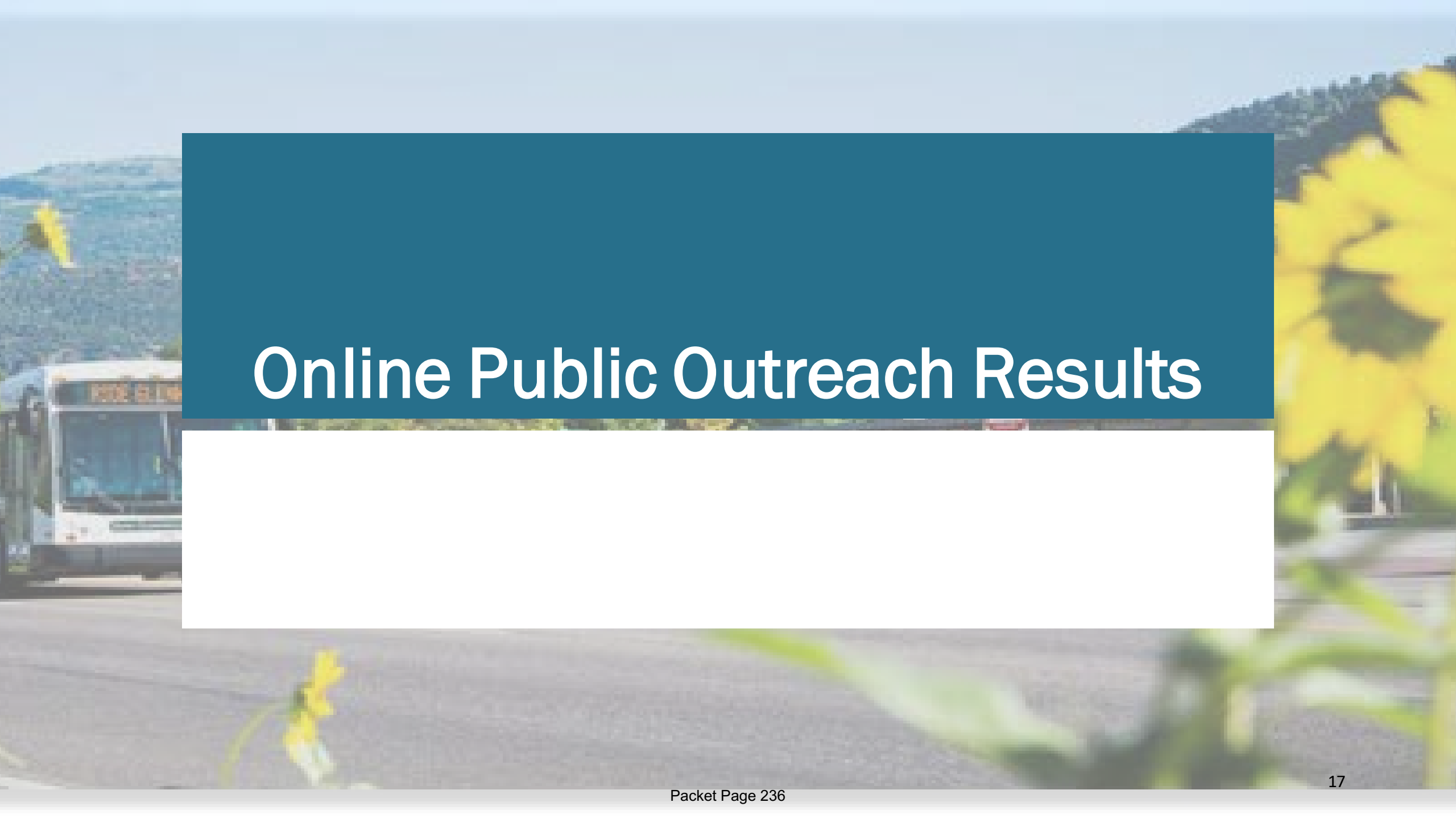
Parking:

- Parking is at capacity and the transit stations making it more attractive for commuters to drive to their destination since they can't find parking at the station
- Parking as at capacity in the downtown core making vehicles circle the area looking for parking which contributes to traffic in the area.

Congestion (non-transit):

- There is considerable automobile traffic through town at the traffic signals during the morning and afternoon peak periods and this will just get worse as forecasts predict steady population growth over the next 20 years.

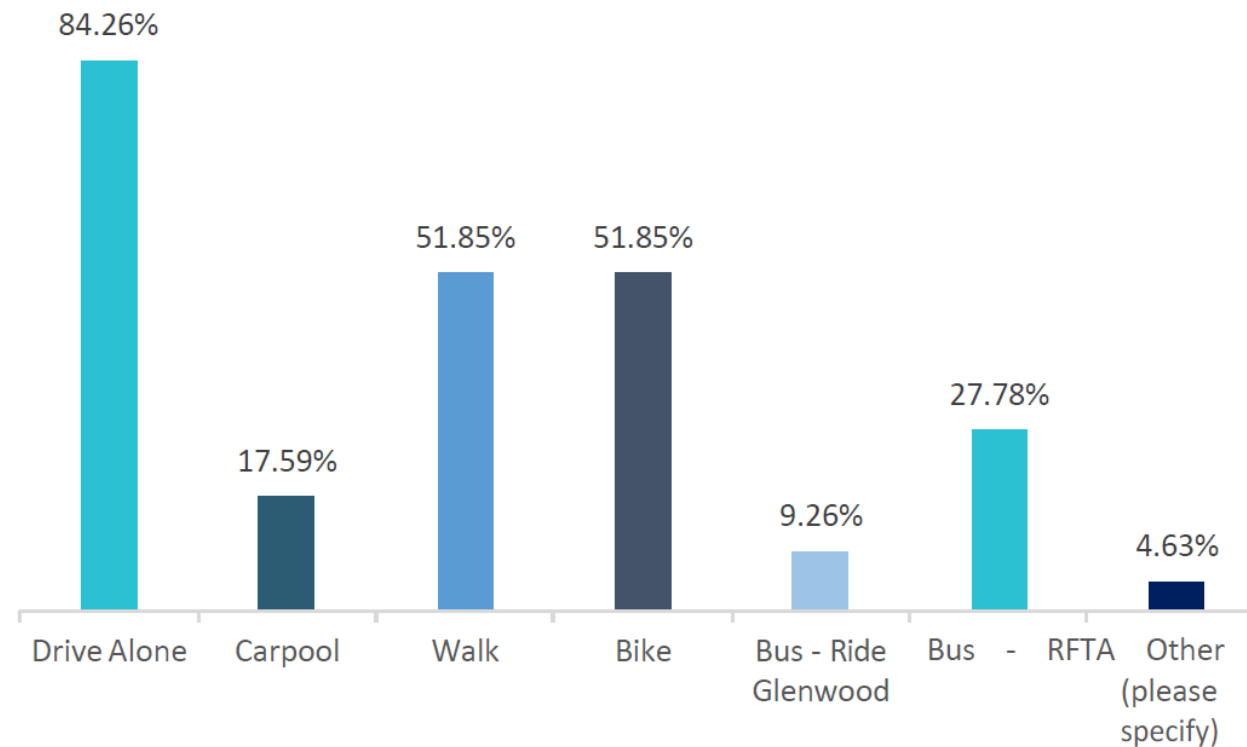
PRELIMINARY PROJECT NEEDS (developed from project solicitation)

The background of the slide features a blurred photograph of a white bus on the left and bright yellow sunflowers on the right. A large, solid teal rectangle is positioned in the upper-middle section of the slide, serving as a backdrop for the title text.

Online Public Outreach Results

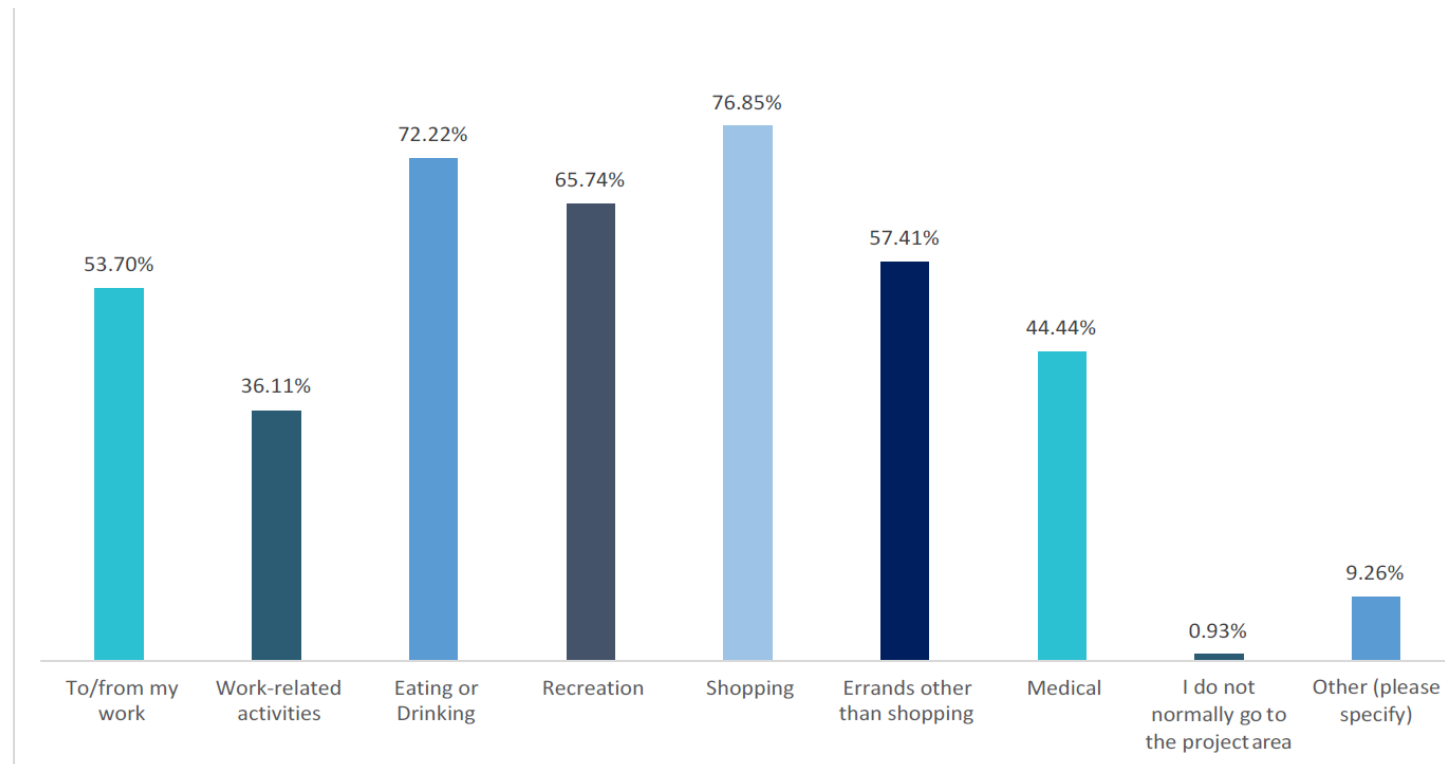
Online Survey Results

1.) How do you normally travel in and around the project area? Check all that apply.
(108 Responses)



Online Survey Results

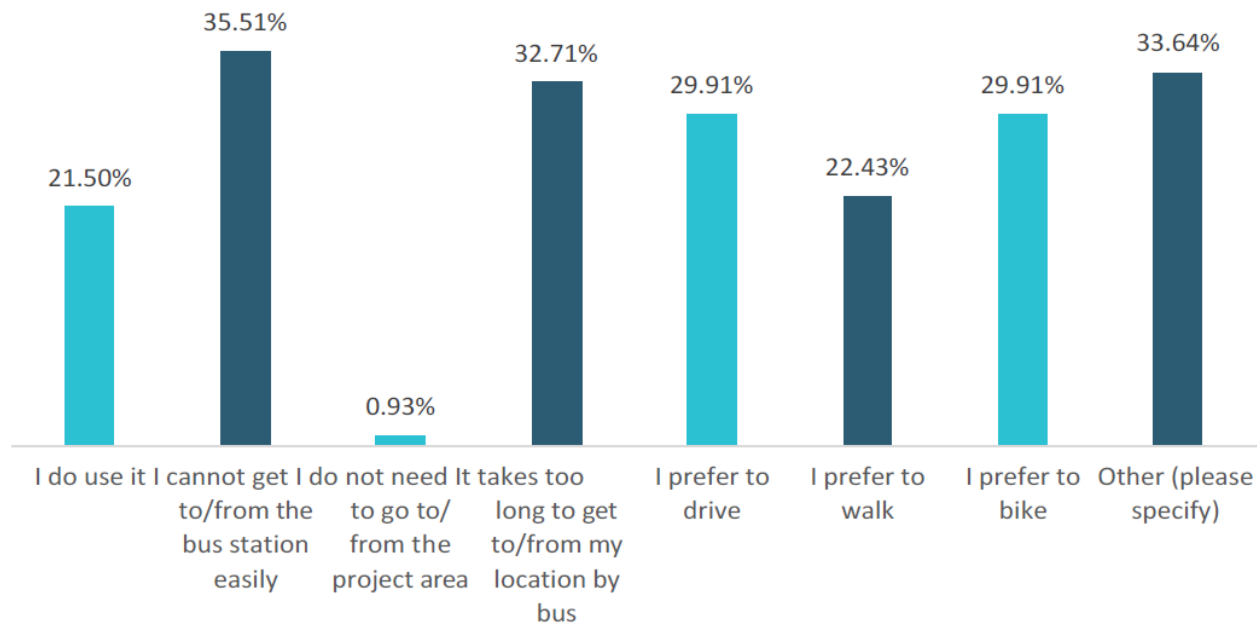
2.) Why do you normally go to/from the project area? Check all that apply.
(108 Responses)



Online Survey Results

3.) What issues prevent you from riding RFTA or Ride Glenwood, or what prevents you from riding those services more frequently? Check all that apply.

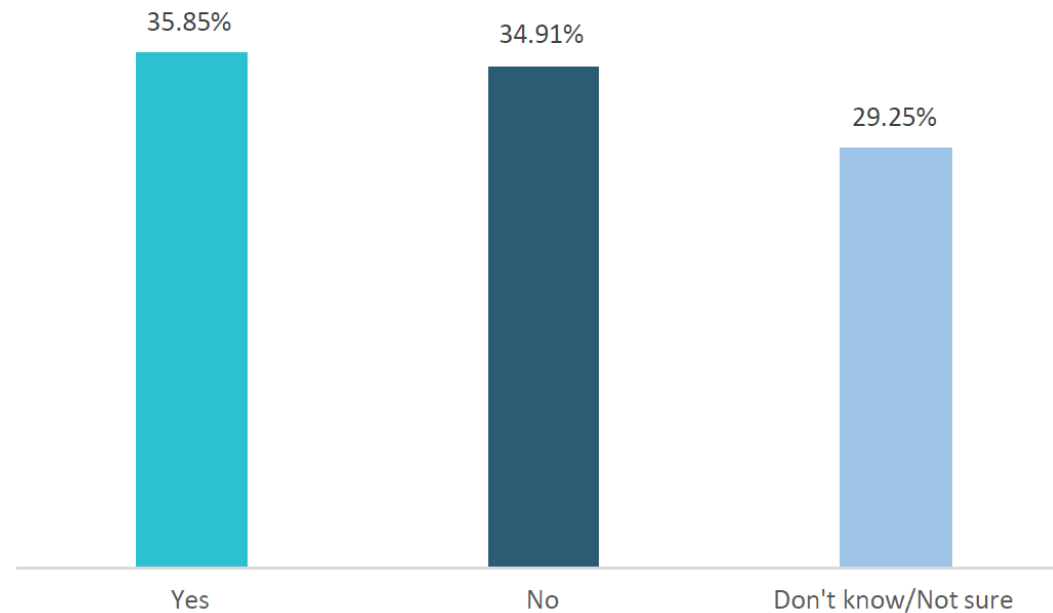
(107 Responses, 1 skipped)



Online Survey Results

4.) If RFTA's VelociRFTA service went direct to/from 27th Street to downtown Glenwood Springs would you use it more?

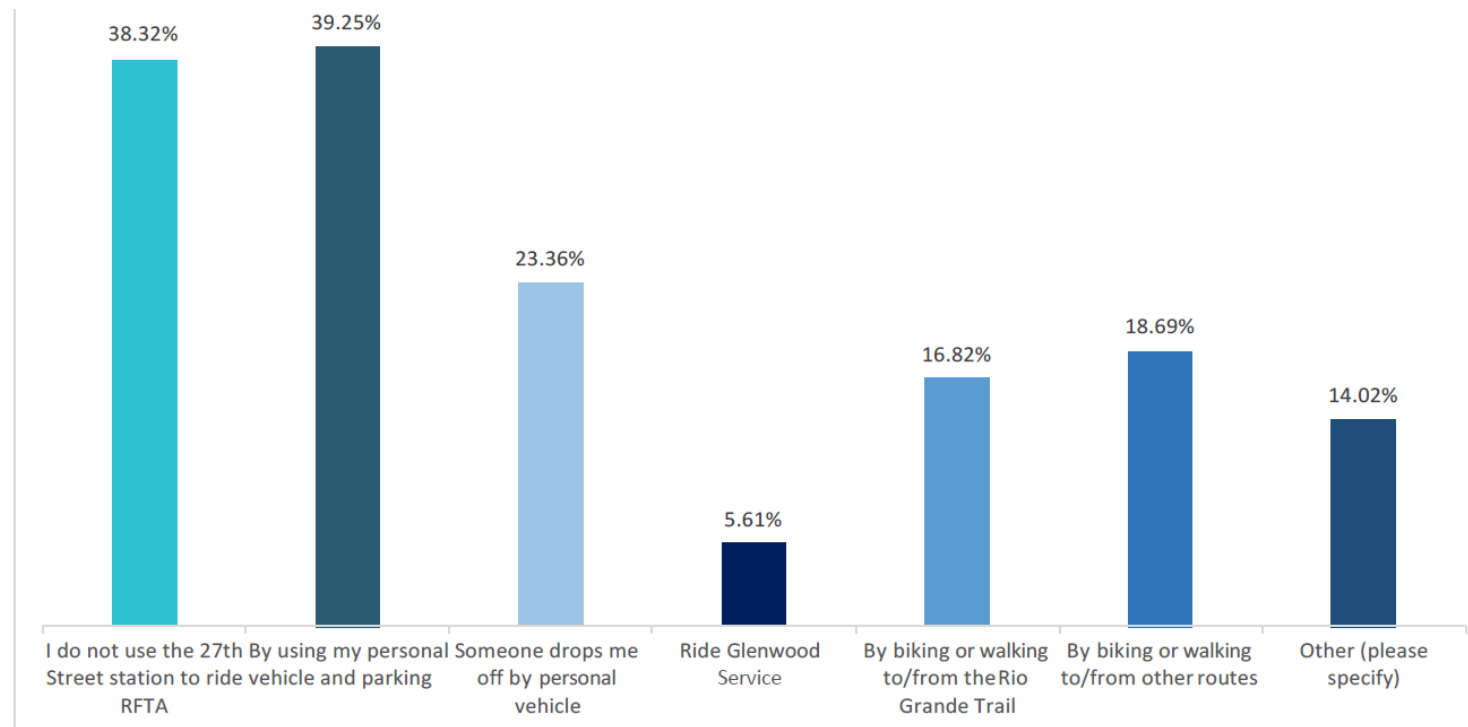
(106 Responses) (2 Skipped)



Online Survey Results

5.) If you use the 27th Street RFTA station to ride RFTA, how do you get to the station? Check all that apply.

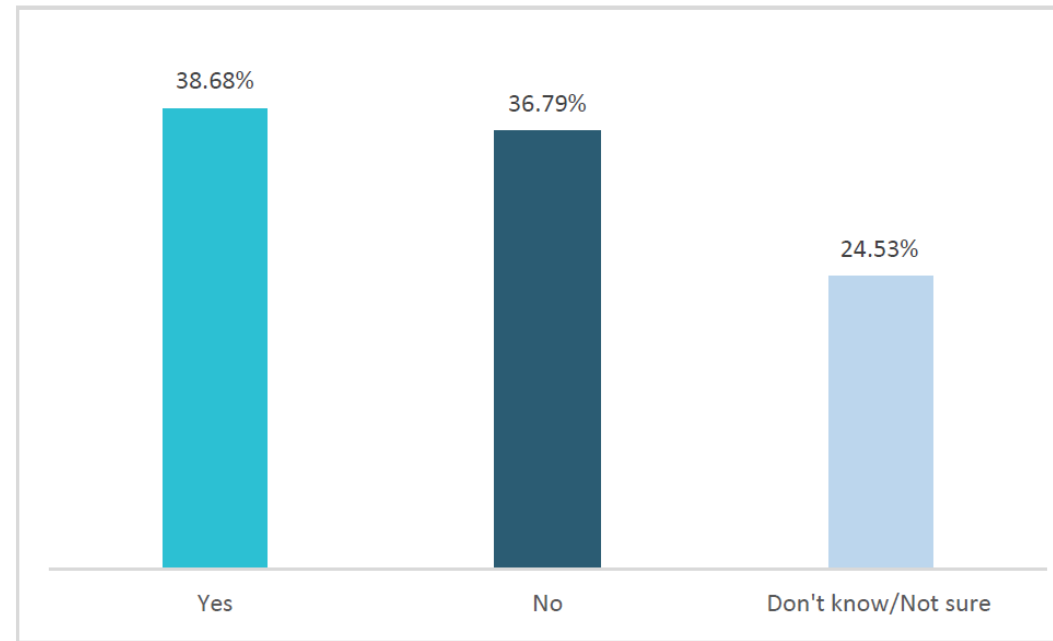
(107 Responses, 1 skipped)



Online Survey Results

6.) Would you be more likely to use the 27th Street RFTA station if there was a pedestrian and bicycle overpass or underpass across SH-82 and 27th Street?

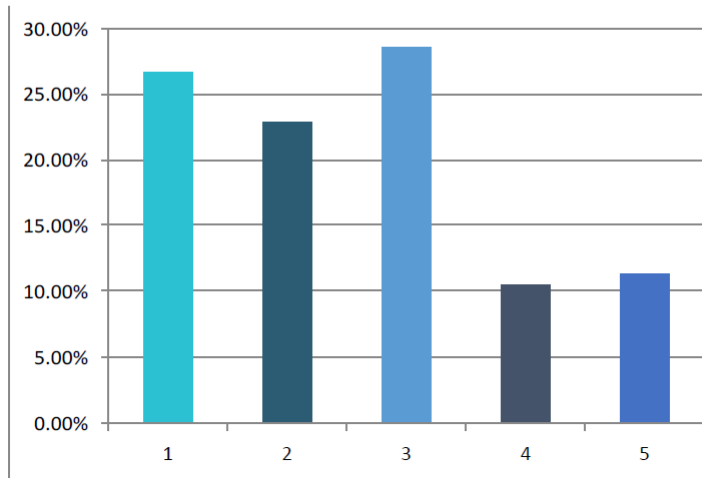
(106 Responses) (2 Skipped)



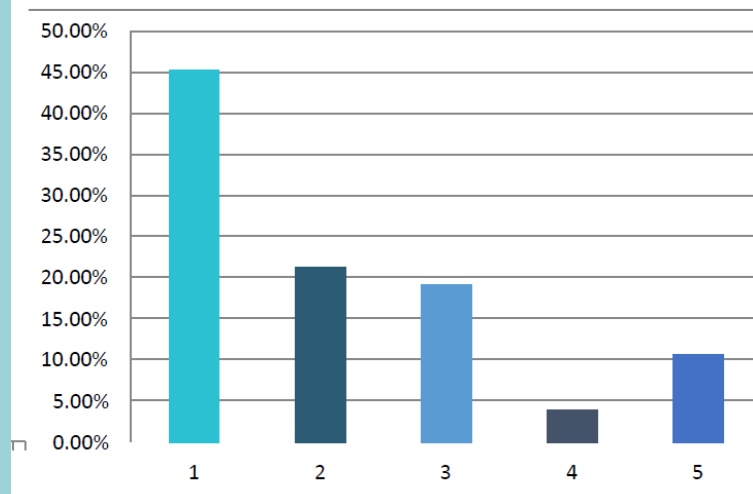
Online Survey Results

7.) On a scale of 1 to 5, please rate the degree to which each transportation component needs improvement: (106 Responses) (2 Skipped)

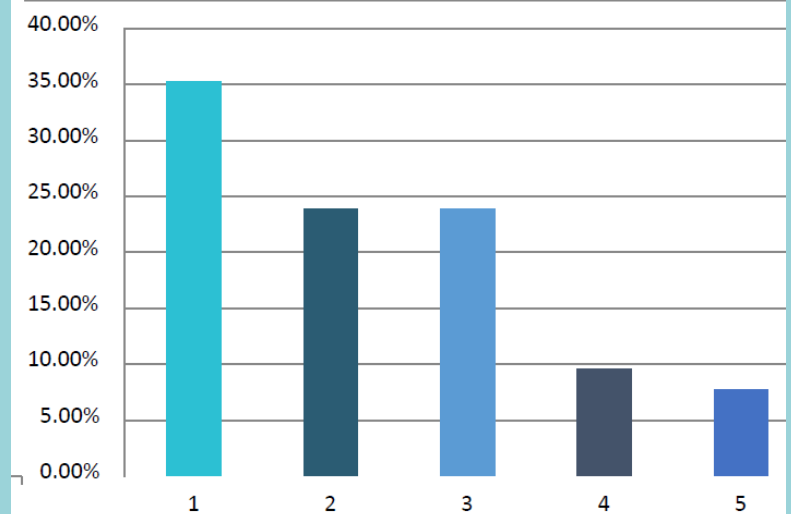
1.) DOWNTOWN PARKING - 105 Responses, 16 Comments



2.) PARKING AT THE 27TH STREET RFTA TRANSIT STATION



3.) BICYCLE AND PEDESTRIAN ACCESS TO TRANSIT -



1—Yes, improve this right away

2—This should be improved sometime in the future

3—I feel neutral about this

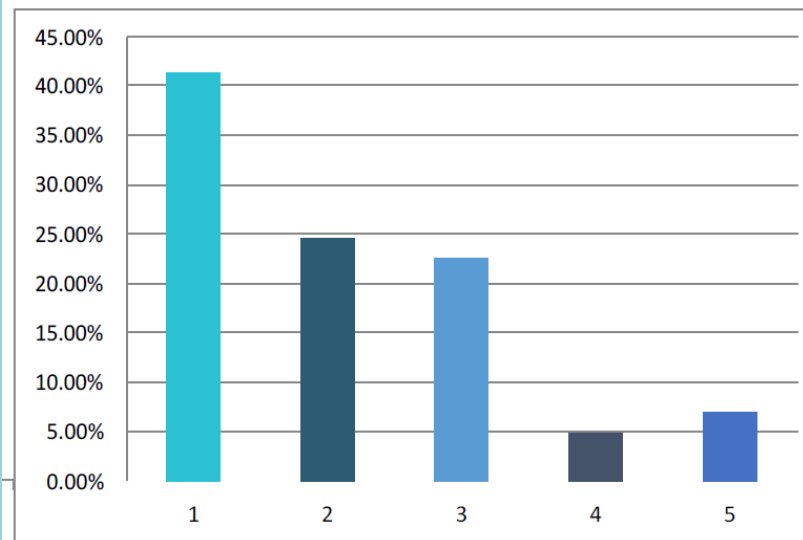
4—This works pretty good now and probably doesn't need to be improved

5—This is excellent already and needs no improvements

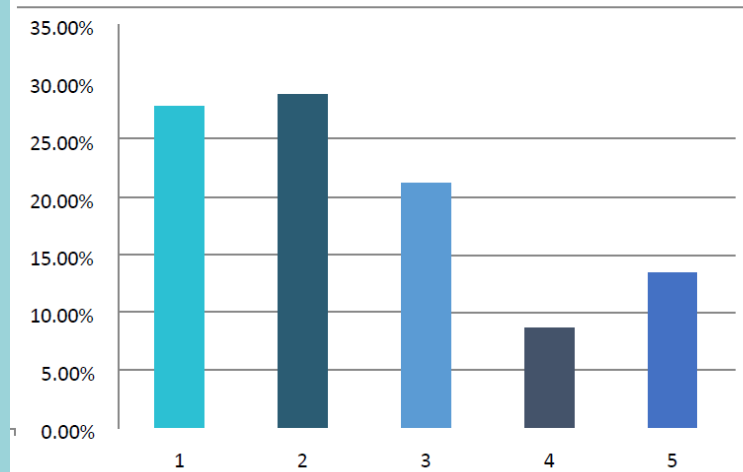
Online Survey Results

7.) On a scale of 1 to 5, please rate the degree to which each transportation component needs improvement: (106 Responses) (2 Skipped)

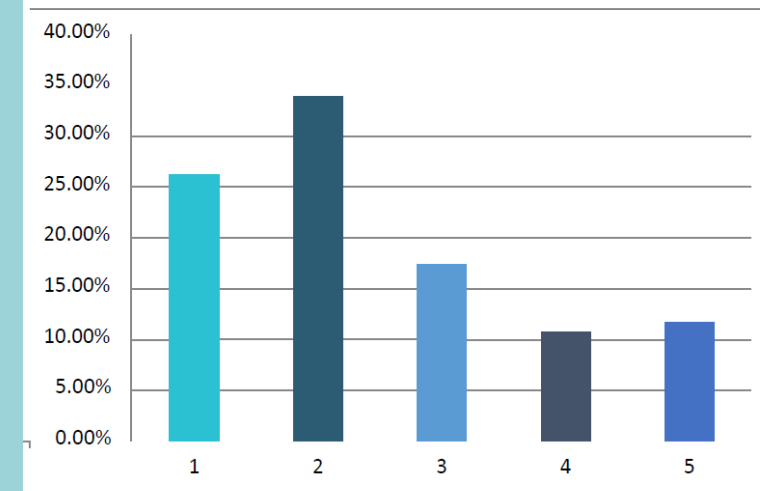
4.) INTERSECTION BACK-UP DOWNTOWN - 102 Responses,



5.) Adding a RFTA VelociRFTA stop downtown (the bus would go direct to/from 27th Street station to downtown with no stops in between)



6.) Getting buses to be able to move between 27th Street and downtown quicker (examples include in an exclusive lane, semi-exclusive lane, and/or by having the traffic signals turn to green for them as they approach)



1—Yes, improve this right away

2—This should be improved sometime in the future

3—I feel neutral about this

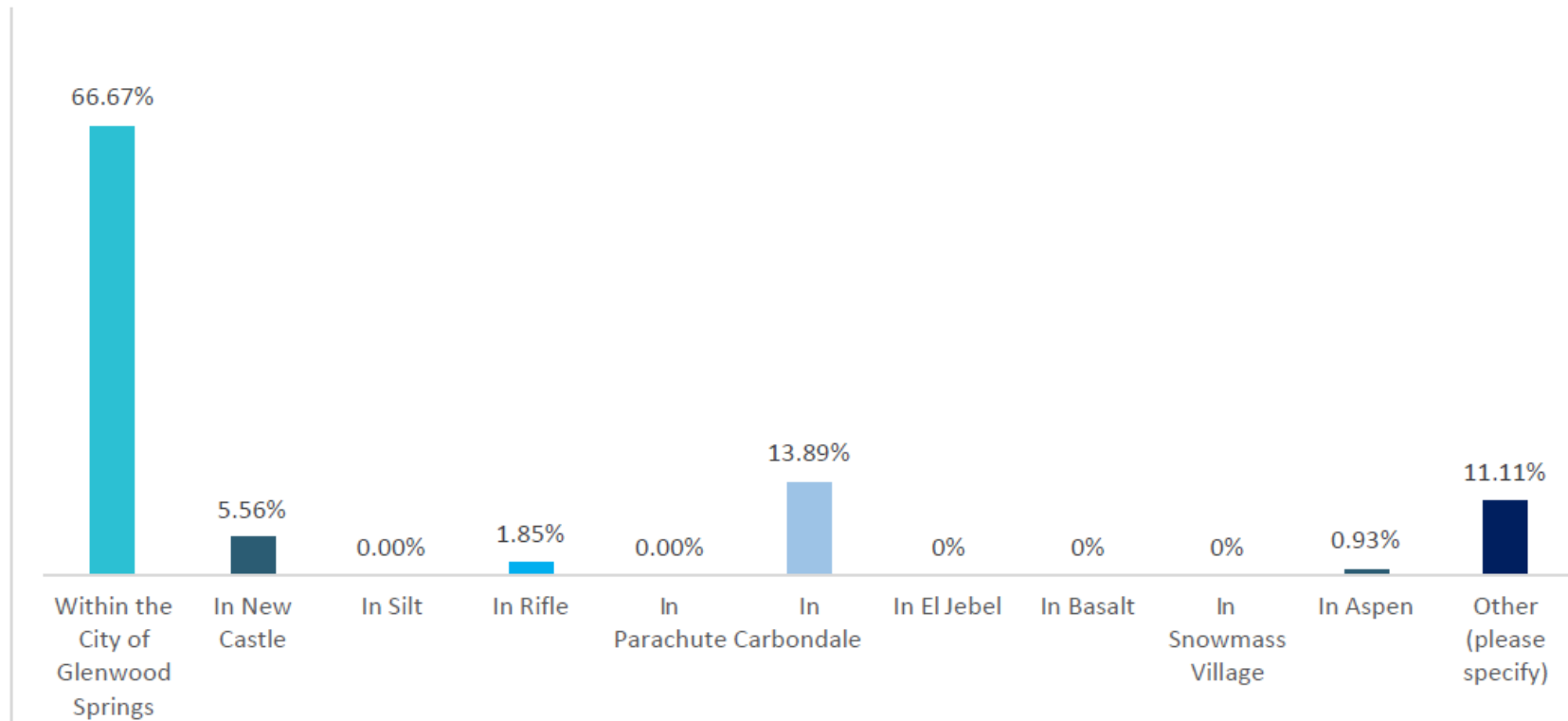
4—This works pretty good now and probably doesn't need to be improved

5—This is excellent already and needs no improvements

Online Survey Results

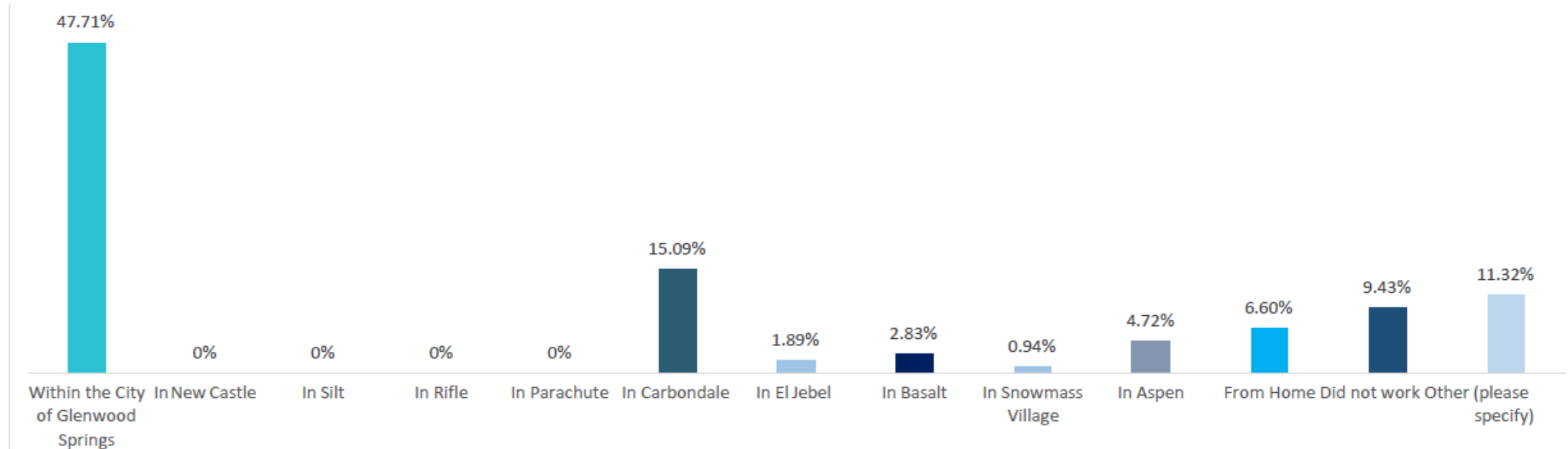
8.) I live?

(108 Responses, 12 Comments)



Online Survey Results

9.) Prior to COVID-19, I worked: (106 Responses, 12 Comments)



Online Survey Results - Recommendations

BUS

- Create a bus lane so the bus doesn't get stopped in traffic on Grand Avenue.
- A peak commuter period bus lane would help give priority and preferential treatment to riding the bus. CDOT successfully implemented a lane during the GAB project.
- Consider utilizing the RFTA Rio Grande Railroad Corridor for buses, a busway, trail and stops can all co-exist with thoughtful design.
- Connect BRT and Bustang.

BIKE

- Bike share program would be a nice cheap addition to enhance connections.
- All train tracks should be removed or covered over for bike safety.
- Continue to make safer/smoothier bike access to the Rio Grande Trail (gravel and old RR bed is dangerous).
- More clearly marked crossings, improved lighting, all-stop traffic cycles for motor traffic to allow safer bicycle-ped crossing (may work better than a grade separated crossing at 27th Street).

Online Survey Results - Recommendations

PEDESTRIAN

- Most downtown/core sidewalks need repair.
- Signal timing for walking across Grand needs to be better.
- Structural and educational (wayfinding) improvements needed at Rio Grande Trail and 27th Street.

VEHICLES

- Synchronize the lights along Grand Avenue/Highway 82.
- Update lane configuration on east leg of 27th and SH82 intersection to combined left and through and separate right turn only lane.

PARKING

- Increase parking at 27th Street RFTA station.
- Parking demands at 27th Street RFTA station can be reduced by better in-town connections via transit or bike/ped.
- Include designated ride share/taxi drop off & pick up areas down and at RFTA stations.
- Introduce paid parking in Glenwood.

The background of the slide is a photograph of a street scene. On the left, a white bus is partially visible. In the center, there's a road with some greenery and a fence. On the right, there are large, bright yellow sunflowers in the foreground, slightly out of focus. The sky is clear and blue.

Focuss Group Interactive Polling Exercise

You can use this link to view the presentation (with audience responses):

<https://presenter.ahaslides.com/share/1589740260849-9z3lyehyei?presenting=true>

To join, go to: ahaslides.com/GWSMOVE

Aha Slides

MOVE Focus Group Meeting #1

Assessing the PROJECT NEEDS

0 1/7

To join, go to: ahaslides.com/GWSMOVE

Aha Slides

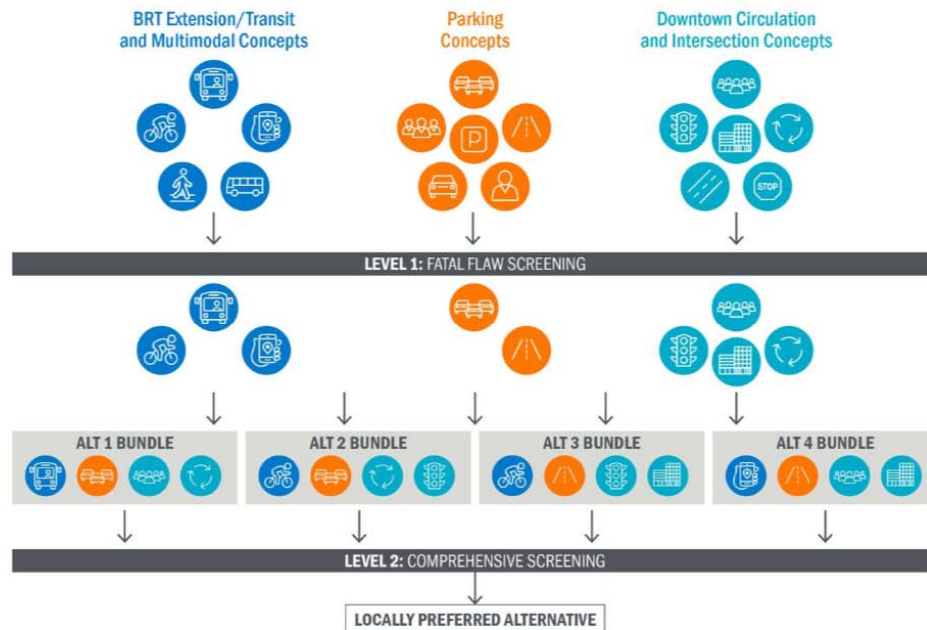
Purpose and Need Definitions

- The Purpose defines the problem to be solved.
- The Need provides data to support the problem statement (Purpose).
- The Need establishes the evidence that the problem exists if projected trends continue.
- The Purpose and Need Statement clarifies and justifies the future expected public expenditure
- It should be the first step in the project development process.
- Used to guide the development of alternatives
- Will be fundamental when developing criteria for selection of alternatives
- The "issues" being discussed today will make up the Needs for the project

0 1/7

Project Purpose

To optimize the efficiency and utility of the transportation system through Glenwood Springs by identifying, evaluating, and developing transportation strategies and opportunities that align with the City's goals for mobility, land use, economic vitality, economic sustainability and quality of life.



Which bus issues do you agree with? Select all that apply.

You may choose up to 9 options.

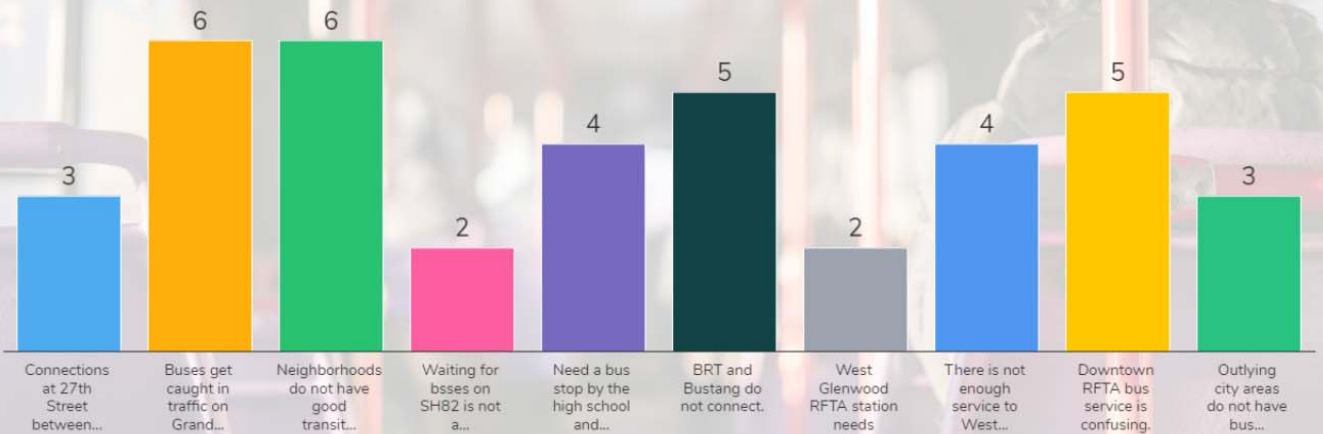
- ☐ Connections at 27th Street between local and BRT buses are poor (intervals between buses too long)..
- ☐ Buses get caught in traffic on Grand between 27th and 8th.
- ☐ Neighborhoods do not have good transit access (specifically Donegan Road, South Glenwood).
- ☐ Waiting for bsses on SH82 is not a pleasant experience.
- ☐ Need a bus stop by the high school and City Market.
- ☐ BRT and Bustang do not connect.

- ☐ West Glenwood RFTA station needs better waiting area.
- ☐ There is not enough service to West Glenwood.
- ☐ Downtown RFTA bus service is confusing.
- ☐ Outlying city areas do not have bus service but Ride Glenwood, RFTA local and BRT all serve the same stops.

9 choices left

Submit ✓

Which bus issues do you agree with? Select all that apply.



7 3/30

Are there other bus issues we should consider?

Bus transportation should be prioritized so as to make it more convenient mode of transportation, increase ridership

Need a downtown station & BRT

Make sure buses have adequate bicycle racks.

Costs seem high relative to driving

Comfortable waiting/parking areas for people walking and biking to transit stops. Shelters.

How are recommendations that come out of this study going to tie into Ride Glenwood and the on demand transit system.

This study should also consider the importance of getting workers through GWS to make GWS a great place to stay and play.

consider replacing 27th station with destination station at old safeway site-- parking, bike parking, shops, services, connection to primary bicycle trail

use origin-destination data to design transit stops and access

connecting all modes of transportation to make them seamless and safe

More transit to West GARCO

more transit to west garfield county

Menu

12 3/30



Which bike issues do you agree with? Select all that apply.

You may choose up to 5 options.

☐ Bike connection to 27th St RFTA station is dangerous (train tracks, lighting, snow removal, right turn drivers, markings, sidewalk width).

☐ No E/W bike route connections to transit.

☐ Need more bike lanes or bike boxes at intersections.

☐ Bike connections to Rio Grande Trail are dangerous.

☐ Not enough bike loading opportunities on buses.

☐ Most bus stops have no bike parking.

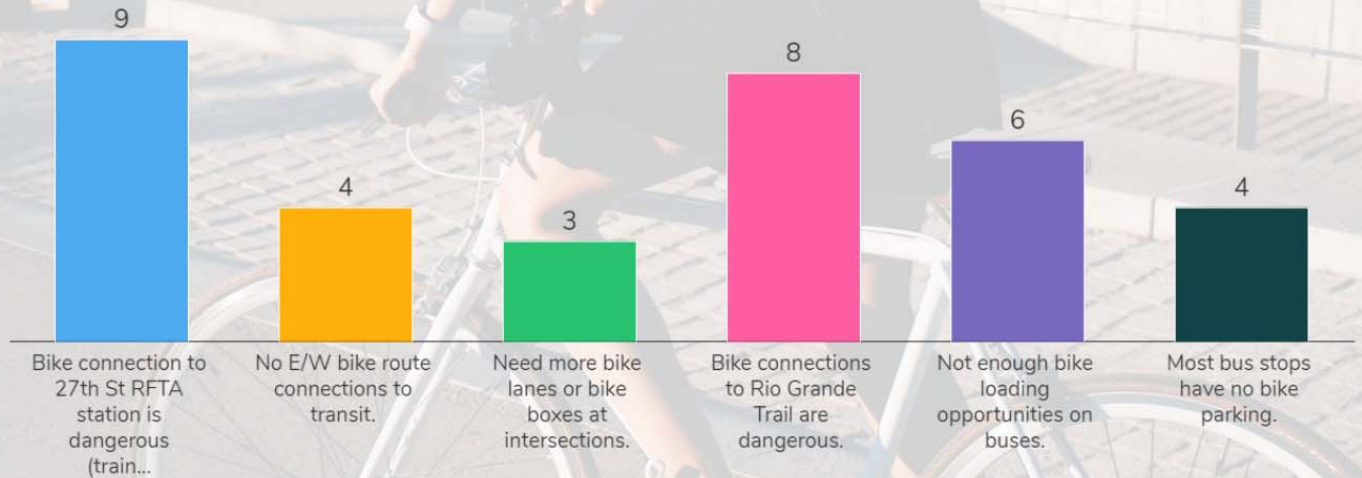
5 choices left

Submit ✓

To join, go to: ahaslides.com/GWSMOVE



Which bike issues do you agree with? Select all that apply.



9 3/30

To join, go to: ahaslides.com/GWSMOVE



Are there other bike issues we should consider?

Bike share program	Wayfinding to stations	Better route finding throughout town
Intersection timing to cross Grand is horrible	safe bike lanes through GWS will make it more biker friendly	Safe green zones at right turn intersections
Increased use of sharrows	marked bike lanes	People block bike lanes
emphasize and facilitate bicycling as stand-alone mode for local practical trips--commuting, school, shopping, appointments--not just as connection to transit eliminate bike-loading fee on buses	E-bikes for Glenwood Springs hills	clearly marked bike lanes

12 3/30

Which pedestrian issues do you agree with? Select all that apply.

You may choose up to 5 options.

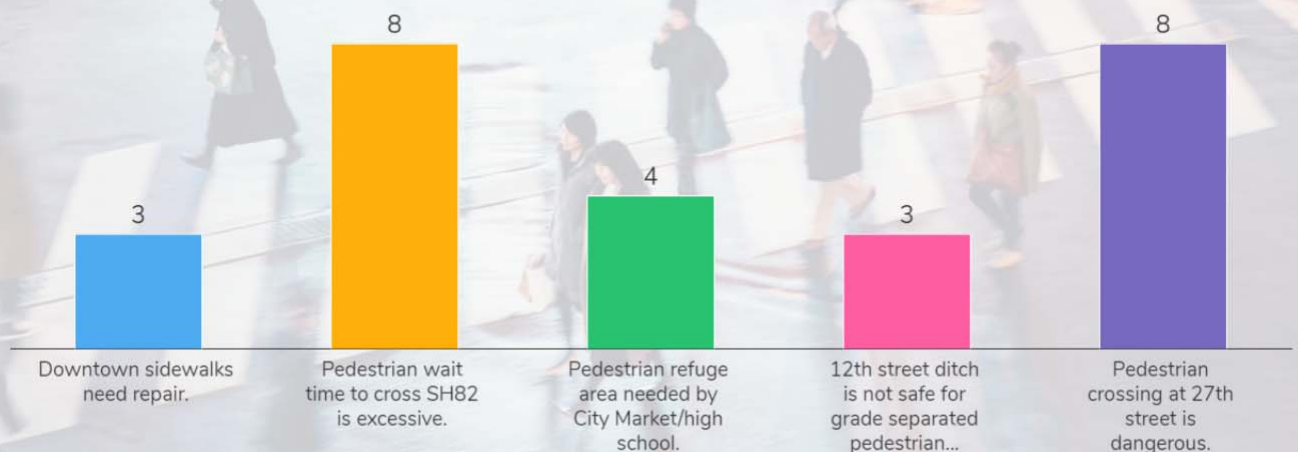
- ☐ Downtown sidewalks need repair.
- ☐ Pedestrian wait time to cross SH82 is excessive.
- ☐ Pedestrian refuge area needed by City Market/high school.
- ☐ 12th street ditch is not safe for grade separated pedestrian crossing/access to transit.
- ☐ Pedestrian crossing at 27th street is dangerous.

Submit ✓

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Aha
Slides

Which pedestrian issues do you agree with? Select all that apply.



10 3/30

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Are there other pedestrian issues we should consider?

Winter snow removal leaves huge piles of snow in the middle of the road bad for bikes and peds

Very poor ada access partly related to poor sidewalk conditions

diligently maintain all bicycle-pedestrian connections to primary transit stations, especially in winter

Better design needed for pedestrian access to commercial spaces

Wayfinding

wayfinding to transit

Crossing at 8th and Grand is dangerous due to cars turning right on red

ensure width of sidewalks along Grand Ave. are wide enough to keep pedestrians safe

Don't understand 12th street ditch question

Which car/driving issues do you agree with? Select all that apply.

You may choose up to 5 options.

☐ Traffic gets backed at 8th and Grand, leading to gridlock at 8th and Blake.

☐ Traffic gets backed at 8th and Grand, leading to gridlock at 8th and Cooper.

☐ Pedestrian light at 8th and Grand adds to vehicle backup.

☐ Lights along Grand/Highway 82 are not synchronized.

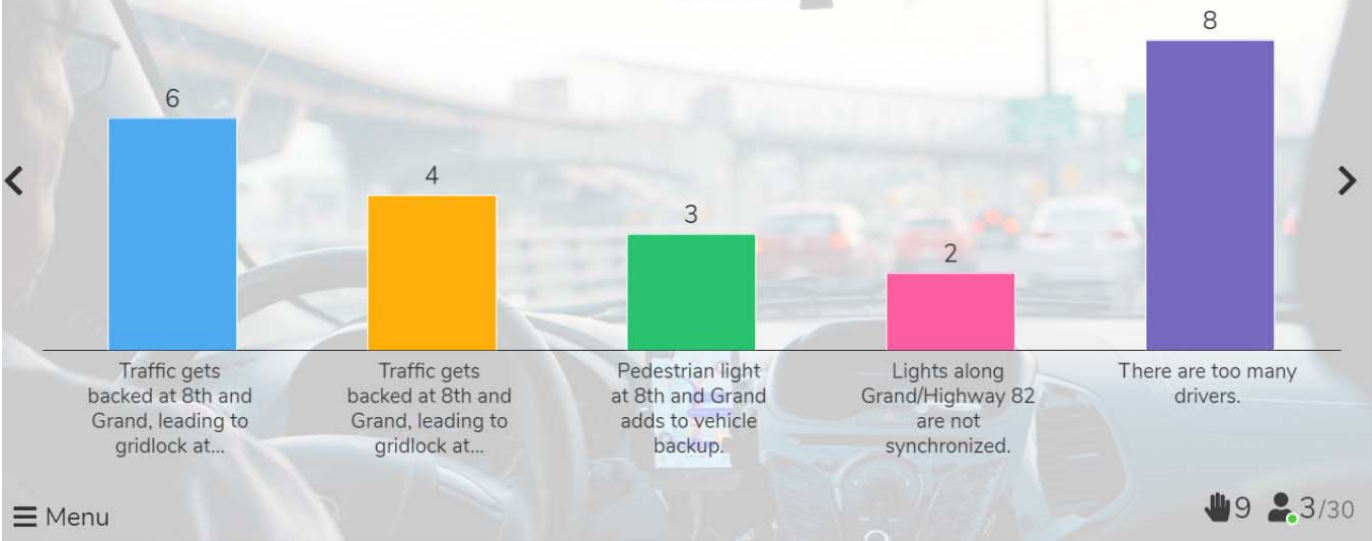
☐ There are too many drivers.

Submit ✓

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Which car/driving issues do you agree with? Select all that apply.



To join, go to: ahaslides.com/GWSMOVE



Are there other car/vehicle issues we should consider?

A form with multiple text boxes containing different car/vehicle issues. The boxes are arranged in a grid-like fashion. The background is a blurred image of a car's interior and a road.

- traffic speed
- Lots of speeders.
- Speed issues on grand
- need for incentives to get drivers to use public transportation.
- Incentivize other mode options to shift to transit or active transportation
- Not enough hands free driving!
- Distracted drivers
- downvalley traffic during the afternoon commute seems to be the more critical traffic issue
- better signal timing so that a vehicle is not idling at a red light with no other cars around
- disincentives for driving through GWS. Faster, smoother bus service could help.
- ensure commuter traffic stays on grand avenue, off blake and other neighborhood streets
- We need to revamp enforcement of parking downtown to free up spaces without building more spots
- Reduce vehicles on road-do not incentivize. Paid parking, telecommute other options.
- use two-lane pace cars during afternoon commute
- Cross purposes with Cdot?
- off-load and deliver partial semi-truck loads with smaller vehicles; provide transfer staging space near i-70

14 3/30



Which parking issues do you agree with? Select all that apply.

You may choose up to 7 options.

☐

27th Lot: Cannot utilize adjacent shared parking agreements with Blake gate closed.

☐

Need drop off and pick up for Ride Share and Taxi services at all RFTA park and rides.

☐

There is not enough parking at RFTA 27th Street (it fills up by 7am)

☐

Downtown needs designated Ride Share and Taxi drop off & pick up areas.

☐

Some parking lots fill up quickly while others have extra space.

☐

Parallel parking spots are too close to the corner in areas (causing pedestrian crossing problems).

☐

Parking management is not good downtown.

☐

It is hard to find parking downtown.

7 choices left

Submit ✓

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Which parking issues do you agree with? Select all that apply.



Menu

9 3/30

To join, go to: ahaslides.com/GWSMOVE



Are there other parking issues we should consider?

consider paid street parking

It's ok for most to walk 3 blocks to park downtown

Bike parking

clear parking lots with differing limits. Like airports we need long term parking further away from the downtown and shorter time limits for closer and immediate access to downtown.

Add more scooter parking

parking wayfinding. I agree with this.

Enforcement can solve most parking issues downtown

county and city seem to occupy a significant amount of downtown parking

Local/ resident parking zones should be explored

Provide parking protected bike lanes instead of bike protected parking lanes which are dangerous for bikes. Provide bike parking at major locations!! Decrease car parking demands

Motorcycle parking spots should be used

Metered parking (downtown) could incentivize using other modes for short trips

Paid parking downtown.

parking wayfinding

do not attract more parking into downtown (especially all-day parking)

influence details of transit-oriented and near-transit development proposals to ensure easy, safe, continuous access to station without driving

parking at west Glenwood stop for RFTA is too limited

Menu

16 3/30

To join, go to: ahaslides.com/GWSMOVE



What do you like best about transportation in and around Glenwood Springs?



bicycling network
transit
year round bike ped
rio grande trail
short
beauty
cooperation
rio grand trail
small town
ped-friendly
brt
shade
no meters
compact
nature
multimodal
biking
some bike lanes
sense of community
rio grand
bike connectivity
small
bridge
quick
bustang

Next Steps & Call to Action

- Technical Analyses & Alternatives Development
- Level 1 Fatal Flaw Screening
- Glenwood City Council/RFTA Board Meeting - *TBD June/July*
- Next Focus Group Meeting – *TBD July*
 - Review technical analyses and alternatives
- 2nd Public Engagement– *TBD August*
- Spread the Word & Engage Public

Focus Group Meeting 1

PARSONS

Date: 5/26/20 **Time:** 2:00-3:00PM

Location: WebEx

Summary of Comments, Questions, and Discussion:

- The proposed Project Purpose includes the word “through”. Is the study also looking at connectivity within Glenwood Springs? Consider revising.
- The Transportation Commission has developed a Vision Statement for their group and the City. Consider if there are aspects from that Vision Statement that should be included/combined for this study.
- Are the intersections of 27th and Blake and 27th and 82 being studied? This study will not investigate the specific movements at those intersections.
- Can we break down the public survey into individual issues and recommendations based on type of user (pedestrian, driver, bicyclist, etc.)? No, our survey did not have that capability.



City Council
STAFF REPORT
City of Glenwood Springs
June 18, 2020

Agenda Item: Collaboration Agreement with Garfield County BOCC for CARES Funding for COVID-19 Response

Action Requested: Approve the Collaboration Agreement with Garfield County BOCC for CARES Funding

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: The State of Colorado has allocated up to \$275 million in Coronavirus Relief Funds (CVRF) for counties and local governments from its federal allocation of funds under the CARES Act. The Colorado Department of Local Affairs (DOLA) will distribute these funds. Garfield County and its municipalities will receive \$5,152,459 in these funds for COVID-19 related expenses.

Under the Collaboration Agreement (the Agreement), the County is allocating CARES Act funds based on the percentage of the County population residing in its cities and towns, as well as in the unincorporated portions of the County. Under this scenario, the City of Glenwood Springs will receive \$863,509.81 in funding. This Agreement is included as Attachment A.

These funds can only be spent on Eligible CARES Act expenses as determined by the U.S. Treasury. This guidance is included as Attachment B.

The CARES Act provides that payments may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The City cannot use these funds for lost revenue due to COVID-19. Expenses must be used for actions taken to respond to the public health emergency. These expenses include items such as:

1. Addressing medical or public health needs, such as Personal Protection Equipment (PPE); sanitation supplies and emergency transport;
2. Expenses of actions to facilitate compliance with COVID-19 related public health measure such as expenses for food delivery, costs to facilitate telework for employees, paid and family medical leave for public employees, and expenses for homeless assistance.
3. Providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures such as the Get Glenwood Going Grant.
4. Providing economic support for those suffering from employment interruptions due to Covid-19.

To date, the City has spent almost \$100,000 on response to COVID-19, \$200,000 on grants to help businesses and \$20,000 on food assistance through Lift Up for a total of \$320,000.

To be eligible for these funds, the City must approve this agreement and complete a one-time opt-in web-based form which will be submitted via DOLA's Grant Portal no later than July 7th, 2020.

These funds can be used for the above described activities until December 30, 2020. Staff will bring back a recommendation on how to tentatively expend these dollars on the July 2 agenda.

Issues: N/A

Staff Recommendation: Approve the Collaboration Agreement with Garfield County BOCC for CARES Funding

**COLLABORATION AGREEMENT
REGARDING DISBURSEMENT OF CORONAVIRUS AID, RELIEF AND
ECONOMIC SECURITY ACT FUNDS TO COUNTY AND LOCAL GOVERNMENTS**

THIS COLLABORATION AGREEMENT ("Agreement"), is made this 8th day of June, 2020, by and between COUNTY OF GARFIELD, STATE OF COLORADO, a body politic and corporate (the "County") and the TOWN OF CARBONDALE, CITY OF GLENWOOD SPRINGS, TOWN OF NEW CASTLE, TOWN OF SILT, CITY OF RIFLE AND THE TOWN OF PARACHUTE IN THE STATE OF COLORADO, together considered quasi-municipal corporations and political subdivisions of the State of Colorado, (the "Local Governments"). The County and the Local Governments shall be referred to herein, individually, as a "Party" and, collectively, as the "Parties."

RECITALS

A. On May 29, 2020 – Colorado Department of Local Affairs (DOLA) will allocate up to \$275M to Counties and Local Governments across the state from the Coronavirus Relief Fund (CVRF), in an effort to reduce the financial impact of the COVID-19 pandemic.

B. The U.S. Congress mandated CVRF as part of the federal CARES Act under Title V. It allows local governments to receive reimbursements for necessary expenditures that were not accounted for in the most recent local government budget, that were incurred as of March 1st due to the COVID-19 public health emergency.

C. The purpose of this Agreement is to provide the structure for how the Parties become eligible and obtain access to funds authorized by Title V, Section 5001(d) of the CARES Act and specifically allows the County and Local Governments to request reimbursement for program payments that: 1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-10); 2) were not accounted for in the budget more recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Eligible expenditure guidance is provided by the U.S. Treasury (attached as *Exhibit A*).

D. Section 18(2) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq. and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

E. The COVID-19 pandemic has created myriad economic distress and unanticipated costs in American society to individuals and families, to businesses, and to the state and local governments addressing the pandemic's effects.

F. Congress recently enacted the CARES Act to provide relief funds to individuals, businesses, and state and local governments.

G. The CARES Act allows the Parties to be reimbursed for costs incurred in fighting and ameliorating the effects of COVID-19 according to guidance from the US Treasury attached in **Exhibit A**.

H. Pursuant to the terms of this Agreement, the Parties wish to be reimbursed individually for COVID-19 related costs incurred by the Parties.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

I. FUNDING ALLOCATION FORMULA

CARES Act funds are allocated based on the percentage of the population in a given state that resides in the jurisdiction requesting funding from the federal government. The County is similarly allocating CARES Act funds based on the percentage of the County population residing in its cities and towns, as well as in the unincorporated portions of the County. Population numbers are determined from the most recent published numbers (2018) from the State Demography Office within the Department of Local Affairs (DOLA). The spreadsheet attached as **Exhibit B**, and incorporated herein, shows the amount of CARES Act funds available to each Garfield County city and town and unincorporated Garfield County pursuant to population.

II. PROCESS TO OPT-IN

The Parties that desire to participate shall complete a one-time opt-in web-based form which will be submitted via DOLA's Grant Portal no later than July 7th, 2020. This form requires affirmations of spending, reporting, monitoring, and certain federal requirements of local government participants for the Coronavirus Relief Funds.

III. REIMBURSEMENT ELIGIBILITY AND ACCOUNTING

By this Agreement, the County and Local Governments will separately apply for the funds allocated to them as allocated in **Exhibit B**.

By this Agreement, the Parties understand they will receive an allocation to proceed with reimbursement requests. All eligible reimbursement requests must be accompanied by the Request for Reimbursement (RFR) form provided by DOLA along with all supporting documentation and proof of payment. All allocation agreements will expire by March 31, 2021, for expenses incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Eligible CARES Act reimbursement funds for COVID-19 related costs are set forth in guidance provided by the U.S. Treasury, attached as **Exhibit A**. Generally, Title V, Section 5001(d) of the CARES Act provides the eligible purposes for which Coronavirus Relief Fund payments may be used. Specifically, it allows local governments to request reimbursement for program payments that:

- 1) Are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

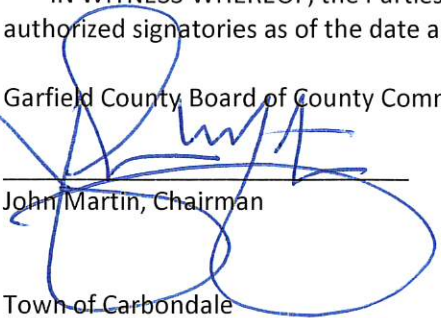
- 2) Were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and
- 3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

In the event that the full allotment allocated to the individual Parties (described in **Exhibit B**) is not fully drawn down by December 30, 2020, the balance shall be reallocated to the unincorporated Garfield County balance for further COVID-19 related expenses rather than returned to the Department of Local Affairs Coronavirus Relief Fund Reserve.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

Garfield County Board of County Commissioners

Town of New Castle



John Martin, Chairman

Art Riddile, Mayor

Town of Carbondale

Town of Silt

Dan Richardson, Mayor

Keith Richel, Mayor

City of Glenwood Springs

City of Rifle

Jonathon Godes, Mayor

Barbara Clifton, Mayor

Town of Parachute

Roy B. McClung, Mayor

Attachments: *Exhibit A: U. S. Treasury Coronavirus Relief Fund Guidance for State, Territorial, Local and tribal Governments, April 22, 2020*

Exhibit B: Population Estimates: 2018 Colorado Department of Local Affairs (DOLA), State Demography Office

EXHIBIT A

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

EXHIBIT B
Population Estimates 2018
Colorado Department of Local Affairs (DOLA), State Demography Office

Municipality	Population	Percent	Allocation
Carbondale	6,883	11.51%	\$592,930.77
Glenwood Springs	10,024	16.76%	\$863,509.81
New Castle	5,029	8.41%	\$433,219.36
Parachute	1,115	1.86%	\$96,050.82
Rifle	9,500	15.88%	\$818,370.24
Silt	3,171	5.30%	\$273,163.37
Unincorp. Area	24,090	40.28%	\$2,075,214.63
TOTAL	59,812	100.00%	\$5,152,459.00

Data source:

<https://demography.dola.colorado.gov/population/population-totals-municipalities/#population-totals-for-colorado-municipalities>

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City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

June 10, 2020

CML Nominating Committee
Colorado Municipal League
1144 Sherman Street
Denver, CO 80203

Dear Committee Members:

The City Council of the City of Glenwood Springs, Colorado has been informally polled and endorses the application of Charles Willman for nomination to the Colorado Municipal League's Executive Board for the slate of nominees who are to be voted upon by the membership at the 2020 Annual Business Meeting. Council will make this formal endorsement at its meeting on June 18, 2020.

Sincerely,

Jonathan Godes
Mayor, City of Glenwood Springs