



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
OCTOBER 15, 2020
101 W. 8TH STREET
6:15 PM

REGULAR SESSION

4. Roll Call

Quorum

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

Also present were Debra Figueroa; City Manager, Karl Hanlon; City Attorney, Catherine Fletcher; City Clerk, Jenn Ooton; Assistant City Manager, Steve Boyd, COO; Yvette Gustad; Finance Director, Terri Partch; City Engineer, Matt Langhorst; Public Works Director, and Gretchen Ricehill; Assistant Director for Economic and Community Development.

5. Pledge of Allegiance

Mayor Godes led in the pledge of allegiance.

6. Agenda Changes & Conflicts

Information

None

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

None

8. Council Comments

Mayor Pro Tem Kaup wanted to know when the city would be able to adopt the new IECC building code. Debra Figueroa, City Manager, reported that it will happen in 2021.

Councilor Hershey encouraged the rest of Council to tour the area East of Walmart.

Mayor Godes would like to hear staffs' objective analysis of the two airport studies in 2021.

9. Consent Agenda

Discussion and/or Action

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.

A. Recycle Center Bid Award for Bid BD2020-033

B. Resolution 2020-33; A Resolution of the City Council of the City of Glenwood Springs, Colorado, accepting a GOCO Resilient Communities Grant for the Glenwood Springs Equitable Access & Emergency Parks Maintenance Project

- C. Approval of Sole Source Purchase of Fire Equipment
- D. Receipt of Minutes from August 8, 2020 Regular Meeting

Councilor Willman, seconded by Councilor Davis moved to approve the consent agenda.

Motion passed unanimously.

ACTIONS AND/OR PRESENTATIONS

10. Black Hills Energy Update

Discussion and/or
Action

Agenda item 10 was moved after item 12 due to technical difficulties.

Jason Cox presented that Black Hills Energy is going to upgrade a section of pipe on South Midland Avenue during the same time the City is going to start their project. Terri Partch stated that we can have contractors on site at the same time, but we must start at our designated start date in December.

11. CONTINUED FROM SEPTEMBER 17, 2020 MEETING Appointments to Boards and Commissions
-Historical Preservation Commission

Discussion and/or
Action

There are four seats up for renewal on the HPC.

Councilor Davis, seconded by Councilor Hershey moved to allow the three members to continue their roles on the HPC and appoint the new applicant to the HPC and allow the Board to decide the alternate.

Ayes: Kaup, Hershey, Davis, Willman

Nayes: Godes

12. Public Budget Hearing on 2021 Budget

Information/Discussion

Chief Operating Officer for the City, Steve Boyd, and Public Works Director for the City, Matt Langhorst, presented that the Broadband budget for 2021 would be \$3,884,544.

Steve Boyd stated that the property tax assessment has come in and the outcome was slightly larger than expected. The City will have more money in their General fund from property tax and the Rural Fire District will now transfer more money into Glenwood's Fire Department. The transfer to the Glenwood Springs Fire Department from the City's general fund will drop from the original estimate of a \$230,000 loss to now a \$25,000 loss.

Mayor Godes opened item to public comment.

Mayor Godes closed item to public comment.

13. Planning Item 15-20 - Consideration of a request for a Preliminary Plat to amend the Oasis Creek Tract A Subdivision to allow for the construction of duplexes on lots previously platted for single-family homes Discussion and/or Action

Trent Hyatt presented that this Subdivision met all requirements for approval, but the Cities approval does not circumvent the approval of the HOA or neighborhood covenants. The Planning and Zoning Commission voted 5-0 as well as staff to recommend approval with conditions.

Doug Pratte presented for the applicant.

Mayor Godes opened the item for public comment.

Mayor Godes closed the item for public comment.

Mayor Pro-Tem Kaup, seconded by Councilor Hershey moved to continue item to the next meeting.

Motion passed unanimously.

14. Planning Item 44-20 Consideration of a request for a special use permit for a retail marijuana establishment in the M1 Mixed-Use Corridor District Discussion and/or Action

Trent Hyatt presented for a Special Use Permit for Martins Medicinals. He stated that their proposed site at 23 Mel Ray Road complies with all codes. No comments were submitted from adjacent property owners. Planning and Zoning voted 5-0 to recommend with approval. Staff recommends approval with conditions. Trent said the applicant has indicated that they would like to do some redevelopment to the site in the future and if so, that would require an amendment to the Special Use Permit. Vicki Reavis spoke as the applicant and said she looks forward to the move.

Mayor Godes opened the item for public comment.

Mayor Godes closed the item for public comment.

Councilor Hershey, seconded by Councilor Willman moved to continue item to the next meeting.

Motion passed unanimously.

15. Planning Item 61-20 - Consideration of a request for a determination regarding whether a new application is a substantial change to or is materially different from a previously submitted application. Discussion and/or Action

Trent Hyatt presented that the applicant, Kind Castle, made a substantial change to

their application. Their former proposed location was in a retail suite at 2114 Grand Ave. and on June 18, 2020 City Council voted 5-2 to deny the application. According to code, within one year, the City Council must approve whether an application is different from the original in order to accept it.

Chris Hawkins with Alpine Planning gave a presentation on the main difference being that they will use all three suites instead of just Suite C.

Councilor Willman pointed out that the original application showed Suite A being used as an office space for the applicant. Trent said that as long as they have received an application before a new regulation is passed the application would be processed under the old regulations.

Mayor Godes opened the item for public comment.

Haley Carmer, owner of Cedar Lodge Motel next door, feels there is no real difference in the application, the only difference is the ownership of the middle suite. Furthermore, she wanted to state that the traffic issue is not solved and it would spill over onto her motel.

Mayor Godes closed the item for public comment.

Attorney Hanlon stated that substantial and material change to the application is what Council says it is. There is no framework in the code to address what that means. Councilor Davis said that this is substantial because they are now the sole occupant of the building.

Councilor Davis, seconded by Mayor Pro-Tem Kaup moved to determine the applicant has undergone substantial change to, or is materially different from, a previously submitted application.

Ayes: Kaup, Godes, Davis, Willman

Nays: Hershey

16. Planning File 62-20 Appeal of a Planning and Zoning Commission Denial of Variance Requested Related to 820 Bennett Avenue

Discussion and/or
Action

Emery Ellingson presented that the Planning and Zoning Commission denied an application based on code. David and Karen Samuelson submitted a public comment saying they had no problem with the variance.

The applicant presented that due to living next to a church, on Sundays, they have difficulty parking on their block. He said that they have complied with the code for the garage to cover his car, but he said that he needed an 80-foot additional variance to have cover for his storage.

Mayor Godes opened the item for public comment.

Mayor Godes closed the item for public comment.

Councilor Willman stated that although he disagrees with this part of the code, the applicant has created this problem by not meeting the criteria by building a guest house on the property. Mayor Pro-Tem Kaup said the criteria that is created for the variance is a judgement call.

Councilor Davis, seconded by Councilor Hershey moved to approve the project as drawn.

Ayes: Kaup, Hershey, Davis, Godes

Nays: Willman

17. RWAPA IGA and Bylaws

Discussion and/or
Action

Agenda item 17 was moved behind item 18 due to a complication with the presenter. April Long, Executive Director of the Ruedi Water and Power Authority, presented that they are a Governmental Organization that represents the water resources from the entire watershed, not just Ruedi. The previous Council representative was Rick Vorhees and she is looking for a replacement. She stated that one of the biggest threats is the introduction of mussels from Lake Powell and Utah. She was happy with their work with the Roaring Fork Conservancy. She said there is an updated IGA that has been reviewed by the City Staff and City Attorney. Attorney Hanlon informed Council that this IGA is the same as the previous one.

Mayor Pro-Tem Kaup, seconded by Mayor Godes moved to approve the IGA and the new bylaws between RWAPA and the City.

Motion passed unanimously.

18. Ordinance 23, Series of 2020; An Ordinance of the City of Glenwood Springs, Colorado temporary amending sections 120.030.070(b) and 120.030.080(b) of the municipal code to allow consumption of alcoholic beverages in designated public areas within the General Improvement District. (FIRST READING)

Discussion and/or
Action

Jennifer Ooten presented that this ordinance would allow for the City Manager to designate public areas within downtown for consumption of alcoholic beverages. It would require appropriate signage but hopefully would be a solution for having to-go beverages and food sitting out at the tents and heaters. Mayor Pro-Tem Kaup wanted to see if this is capable of being a city-wide ordinance. Jennifer said it is, but staff was using the Downtown area as a starting off point.

Mayor Godes opened the item for public comment.

Mayor Godes closed the item for public comment.

Councilor Willman, seconded by Councilor Davis moved to approve Ordinance 23, Series of 2020; An Ordinance of the City of Glenwood Springs, Colorado temporary

amending sections 120.030.070(b) and 120.030.080(b) of the municipal code to allow consumption of alcoholic beverages in designated public areas within the General Improvement District. (FIRST READING)

Motion passed unanimously.

19. Resolution 2020-32; A Resolution of the City Council of the City of Glenwood Springs, Colorado Extending the Temporary Suspension of Portions of Municipal Code Section 070.040.110 Relating to Temporary Signs. Discussion and/or Action

Attorney Hanlon noted that this is similar to Resolution 2020-24 but the difference is that this one does not expire until Council repeals it.

Mayor Godes opened the item for public comment.

Mayor Godes closed the item for public comment.

Councilor Davis, seconded by Councilor Hershey moved to approve Resolution 2020-32; A Resolution of the City Council of the City of Glenwood Springs, Colorado Extending the Temporary Suspension of Portions of Municipal Code Section 070.040.110 Relating to Temporary Signs.

Motion passed unanimously.

3:04

- 9:55pm 20. AT THE REQUEST OF THE MAYOR WE HAVE ADDED:
Resolution 2020 -34; A Resolution of the City Council of the City of Glenwood Springs, Colorado Advocating Voter Approval of the Gallagher Amendment Repeal and Property Tax Assessment Rates Measure (Amendment B) During the November Election.

Mayor Godes wanted to show Councils' support for two items on the upcoming November Ballot. Mayor Pro-Tem Kaup said this Amendment has enough of an affect on the City via the property tax that it is worth the City taking a stand on it.

Mayor Pro-Tem Kaup, seconded by Mayor Godes moved to support Resolution 2020 -34; A Resolution of the City Council of the City of Glenwood Springs, Colorado Advocating Voter Approval of the Gallagher Amendment Repeal and Property Tax Assessment Rates Measure (Amendment B) During the November Election.

Ayes: Willman, Kaup, Davis, Godes

Nays: Hershey

21. AT THE REQUEST OF THE MAYOR WE HAVE ADDED:
Resolution 2020-35; A Resolution of the City Council of the City of Glenwood Springs,

Colorado Advocating Voter Approval of the Tobacco and E-Cigarette Tax Increase for Health and Education Programs Measure (Proposition EE) During the November Election.

Councilor Willman Made note that the Colorado Municipal League has opposed Proposition EE. Attorney Hanlon remarked that this could take away the Cities ability from making a tax of our own.

Mayor Godes, seconded by Councilor Davis moved to support Resolution 2020-35; A Resolution of the City Council of the City of Glenwood Springs, Colorado Advocating Voter Approval of the Tobacco and E-Cigarette Tax Increase for Health and Education Programs Measure (Proposition EE) During the November Election.

Ayes: Davis, Godes, Kaup

Nays: Hershey, Willman

22. Report from City Administration

A. City Manager

Manager Debra Figueroa stated that the City has purchased 52 propane heaters from CDOT money and have already handed out 32 for outdoor dining.

B. City Attorney

None

C. Correspondence Incoming/Outgoing

None

23. Adjournment

Councilor Hershey, seconded by Councilor Willman moved to adjourn.

Motion passed unanimously.