



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MAY 20, 2021
101 W. 8TH STREET
6:15 PM

Note: Official meeting minutes are located on the City website via YouTube video at the following link: <https://www.youtube.com/user/GlenwoodSprings1885/videos>. The times in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

04:30 Roll Call

Present: Mayor Godes, Mayor Pro Tem Willman, Councilor Kaup, Councilor Stepp, Councilor Hershey, Councilor Davis. Also present were Debra Figueroa, City Manager; Steve Boyd, COO; Jenn Ooton, Assistant City Manager, Matt Langhorst, Director of Public Works, Gretchen Ricehill, Assistant Director for Economic and Community Development, and Karl Hanlon, City Attorney.

04:58 Pledge of Allegiance

Mayor Godes led the Pledge.

05:13 Agenda Changes and Conflicts

Councilor Hershey requested agenda item 25 to agenda item 11 or 12. Mayor Godes suggested moving it to agenda item 13. All council members agreed.

No conflicts of interest.

06:42 Citizens Appearing Before Council

Sharma Phillips requested clarification on for pay exercise classes at City parks. She is looking for a permit for less than one hour twice a week and believes that fitness instructors are being singled out. There is no rule, law or ordinance that prevents her from doing her classes for pay at the park. Her class had a warmup event to see who could pick up the most trash.

10:45 Council Comments

Mayor Godes responded to Sharma Phillips. A lot of latitude was given to a lot of groups and people due to COVID-19. This situation is unique, and the process is currently being referred to the Park and Recreation Commission to give a recommendation to Council. Mayor Godes supports waiving park fees for thirty to forty-five days while they wait for the recommendation. Debra Figueroa, City Manager, stated that rules have been in code since 2018. Karl Hanlon, City Attorney, commented that there is a process to follow and that the thirty-to-forty-five-day waiver could be a slippery slope. Mayor Godes appreciated the clarification but would still be okay with waiving the code.

Mayor Pro Tem Willman is empathetic to Ms. Phillips' position but is not prepared to waive the code. He also commented about a CML Board retreat and how travel and costs will be covered. Debra Figueroa replied that there is money in the budget available. Mayor Godes asked to have this subject moved to another Council meeting.

Councilor Stepp is for flexibility for the parks fee waiver. She stated that she felt there would not be a rush on businesses who wanted to have a waiver. Councilor Stepp was contacted by a citizen on if it were possible to comment in another way on controversial issues. Karl Hanlon commented that most jurisdictions allow use of a name and a town. Councilor Stepp received a letter about having a porta-potty set up on Rio Grande Trail by the High School due to people using bushes to relieve themselves in. Brian Smith, Parks and Recreation Director, is aware of the request and stated that the City spent over \$7,000 last month and are trying to be careful with their budget. Councilor Stepp commented that some City Board and Commission members have departed or have been termed out and did not receive a 'thank you', she suggested a letter expressing gratitude from the Council. Debra Figueroa replied that a letter is usually sent but some people may be missed.

Councilor Kaup agreed with making sure a letter from Council is sent to Board and Commission members. Councilor Kaup agreed there should be changes to permits to allow for pay activities but does not agree with out and out waiving of the code. Debra Figueroa commented that for pay activities can occur three times a year or through special permit requests directly with City Council. City Attorney stated that these are for contracts for use of City property. Hanlon said that there is an internal meeting next week for options for Parks and Recreation so something can come before council.

Councilor Kaup received a link from a citizen to a 9-News article about the housing crisis in Frisco, and the apparent transfer to a 'second homeowner' community in Glenwood. She wanted Legal to bring them options to discourage this. Mayor Godes thinks a conversation with the Housing Commission, Planning and Zoning and Legal should happen. Karl Hanlon commented that the housing issue is affecting employment and all mountain communities, and that the conversation should start with the Housing Commission.

Councilor Davis is sympathetic to Ms. Phillips and stated that exceptions should be made for schools and classes and that currently school already use the parks without interference from the City.

34:15 Councilor Davis moved, seconded by Councilor Hershey, to allow Sharma Phillips a 45-day permit to hold her exercise class for no more than 2 days per week.

Ayes: Kaup, Godes, Hershey, Stepp, Davis

Nays: Willman

Motion passed 5-1

Debra Figueroa commented that there will be other requests and asked if they should go on the agenda. Mayor Godes commented that each request should come before Council on Citizen Comments.

38:16 Bryanna Starbuck, Public Information Officer, played a video presentation on Glenwood Springs Emergency Watershed Protection Project – Project Complete Celebration. Mayor Godes thanked Manager Figueroa, Attorney Hanlon, Matt Langhorst, and all the partners and staff for all their hard work in completing this project.

47:43 Motion for Consent

47:48 Mayor Pro Tem Willman moved, seconded by Mayor Godes to approve the consent agenda.

Passed unanimously.

ACTIONS AND/OR PRESENTATIONS

48:04 Office of Financial Empowerment

Jon Fox-Rubin and Barbara Freeman presented on a new state office – the Office of Financial Empowerment.

Mayor Godes thanked Jon and Barbara for their presentation and all the work that they do in the community.

1:01:28 Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095).

Trent Hyatt of Community Development advised that any comments since the last council meeting on May 6, 2021 have been included in the agenda packet.

Chris Hawkins of Alpine Planning, representing the applicant, presented, and requested that council keep an open mind, that Planning and Zoning recommended approval and offered rebuttal to comments.

Eric Marquez, traffic engineer, representing the applicant, presented, and offered rebuttal to comments.

John Dyet, owner, thanked the Council for allowing this to come before them again and offered rebuttal to comments.

Mayor Pro Tem Willman who would like to move this out of Council discussion. He also expressed concerns regarding the Chief of Police comments, traffic, and safety.

Mayor Godes commented on the concerns of the prior applications, its morality, parking, that there will be a new nice-looking building in the community if the store fails, and if denied it would be for the wrong reasons.

Councilor Stepp commented on the image of marijuana, usage, and her concerns on the closeness to residential and school areas.

Councilor Kaup asked if concerns raised by the Chief of Police for rear access and possible break-ins have been mitigated. Treat Hyatt replied that he does not know about the walls to prevent break-ins, but the no-parking area can be required. Mayor Godes commented that the yellow lining can become a condition. Councilor Davis moved to approve, Councilor Kaup seconded with the condition of added yellow lining to allow access to the rear of the building.

1:37:53 Councilor Davis moved, seconded by Councilor Kaup, to approve with conditions found in the May 5, 2021 Staff Report and with the condition that the parking lot is striped, Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue.

Ayes: Davis, Godes, Kaup

Nays: Stepp, Hershey, Willman

Tied 3-3

Motion failed.

Karl Hanlon commented because this is a land use hearing he would like to consider a motion in the alternative. Mayor Pro Tem Willman commented that the motion was not approved and was not denied. Karl Hanlon agreed and commented that if there was something missing that could be added to change a councilors vote, or continue the item until all councilors are present, to reach a resolution.

1:41:36 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to continue Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue, to the next meeting on June 3, 2021 to allow Councilor Wussow to review this section of the hearing so all seven members of the Council can vote.

Passed unanimously.

1:42:30 COVID 19 Update and Face Covering Extension

Councilor Hershey commented that he would like the City to be consistent. Mayor Godes would like to encourage unvaccinated staff to continue to wear masks.

1:42:35 Mayor Godes moved, Seconded by Councilor Stepp, to revoke everything that is not in line with CDC and State guidelines and recommendations and encourage unvaccinated people to continue to wear masks but not make it a requirement by special order or law.

Passed unanimously.

1:45:05 Appointments to Historic Preservation Commission

Gretchen Ricehill, Assistant Director for Economic and Community Development, commented that there are two available seats. She recommends that Patricia Stark be moved from an alternate seat to a regular seat, and that after interviewing Grant Stevens, he be given an alternate seat. Councilor Hershey agrees it is important to move someone up and appoint someone to the alternate seat.

Mayor Godes commented that appointees should be interviewed by a Council member and not by staff.

1:47:15 Councilor Hershey moved, Seconded by Councilor Kaup, to approve the motion as presented by staff.

Ayes: Davis, Willman, Stepp, Kaup, Hershey

Nays: Godes

Passed 5-1

Mayor Pro Tem Willman requested that the Tourism Board be moved to the next agenda item.

1:50: Mayor Pro Tem moved, Seconded by Councilor Stepp, to move the Tourism Board agenda item to the next agenda item.

Ayes: Davis, Willman, Stepp, Kaup, Godes

Nays: Hershey

Passed 5-1

1:50:45 Tourism Promotion Board Composition and Terms

Lisa Langer would like an adjustment to the ordinance to allow citizen seat who may have an interest in tourism and to promote a couple of the alternates to fill the two empty seats, a tourism seat, and a citizen seat. Mayor Pro Tem Willman asked if the code needs to be changed. Karl Hanlon replied that if the council wants to appoint like this, he will catch the code up with a cleanup ordinance at the next meeting.

1:52:17 Councilor Stepp moved, Seconded by Mayor Pro Tem Willman, to approve the change in fulfilling the roles on the Tourism Board and move the two people up to fill out the positions on the Tourism Board.

Ayes: Stepp, Davis, Willman, Hershey

Nays: Kaup, Godes

Passed 4-2

1:55:20 Award Proposal for Council Chambers

Steve Boyd, Chief Operating Officer, presented. Councilor Kaup commented on individual IT set up for each member. Alissa Owsley, Information Technology, replied that monitors will be replaced by laptops, each will have a touchscreen and a microphone and the ability to share any computer in the room and to the screen. Mayor Pro Tem Willman asked if microphones will be open all the time. Jim Post replied that every position will be able to mute their microphone and will have the ability to have someone running the meeting capable of muting microphones as needed. Microphones will be off unless activated. There will be a total of four displays set up for council and the public to view. Mayor Godes asked if there is anything technologically missing and are the microphones capable of being heard in the live YouTube broadcast. Jim Post replied that this will be as advanced as needed but simplistic, and that the design will be zoned for better microphone pickup.

2:07:17 Councilor Kaup moved, Seconded by Mayor Godes, to award Ford AV the contract for the Council Chamber Technology Upgrades.

Passed unanimously.

2:09:15 Recess

2:22:19 Second Reading, Ordinance No 2021-03 of the City of Glenwood Springs, Colorado, Amending Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code.

Gretchen Ricehill presented. Question from Councilor Kaup if screening on shipping containers would meet the new code. Gretchen Ricehill said that it would.

2:27:20 Councilor Kaup moved, Councilor Stepp, to approve the adoption of the amendments to No 2021-03 of the City of Glenwood Springs, Colorado, Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code as revised by staff.

Passed unanimously.

2:28:55 Ordinance No 2021-05 for CWCB Loan

Matthew Langhorst, Director of Public Works, presented that the previous Resolution was requested to be upgraded to an Ordinance by the Bond Council.

No public comment

2:30:05 Mayor Pro Tem Willman moved, Seconded by Councilor Stepp, to approve Ordinance 2021-05 for the CWCB Loan.

Passed unanimously.

2:31:24 Memorandum of Understanding regarding Residential Development within RH District of Glenwood Meadows

Karl Hanlon presented. Councilor Stepp asked about the amount of housing allowed, if a lift station is not put in there would be no development, if a new lift station would be able to serve nine hundred units, what the cost reimbursement is and the time commitment to when units would come online. Karl Hanlon replied that the amount of housing should apply to the residential development, but two open lots in the business development could potentially be used for residential development. He said that the current lift station would need maintenance and upgrades to serve any future development. He also replied that it is designed to serve eleven hundred to twelve hundred units and that the company could recover around eight hundred dollars per unit that they do not develop, which is not uncommon for large projects. A per unit surcharge would be added to a future development as a cost recovery and passed on to the contractor who originally fronted money and that it is hard to predict a timeline for development, with apartment units are the most sought after.

Mayor Pro Tem Willman asked about the traffic impact fee, the meaning of an “equitable share” and “no further extractions”. Karl Hanlon replied that future traffic mitigation has been waived due the original significant investment and it will get the City through the planning phase to shovel ready. A traffic study had been done and the most significant thing is signalization at West Wolfson intersection. The equitable share is five hundred dollars per unit. No further extractions is the contractor saying they have put in their value and they are done with their share.

No public comment.

2:47:55 Councilor Hershey moved, Seconded by Mayor Pro Tem Willman, to ratify the Memorandum of Understanding between Glenwood Meadows LLC and the City executed by the City Manager.

Passed unanimously.

2:49:12 City Owned Property Housing RFQ

Hannah Klausman, Economic and Community Development, presented.

Mayor Godes mentioned that this matter was addressed at a workshop prior to the regular session.

No public comment.

Councilor Davis commented that south of 27th Street project until South Bridge is in place is out of the question and the parcel on 8th Street and Midland is prime corner of real estate and not a location for affordable housing.

Councilor Stepp commented that from thirty possible sites, these two sites are the most viable for good standard affordable housing projects.

3:03:45 Councilor Stepp moved, Seconded by Councilor Kaup, to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

Councilor Kaup commented that this project was initiated by City Council and the two locations are the best potentials for investment for a community housing project and the South Bridge project is waiting for the potential award of the brick grant.

Hannah Klausmen commented that thirteen thousand dollars from last year could fit into the Community Development Department budget.

Mayor Godes commented that they must wait to see if the brick grant is awarded and if not, he does not see how they can move forward with, as of today, thirty-five million dollars needed.

Mayor Pro Tem Willman is concerned for further prior to South Bridge being approved but this is a commitment to begin to solve the housing problem and the feasibility of it, and for future projects.

Councilor Kaup requested to withdraw her Second for the motion and continue to when there is a full council.

03:13:57 Councilor Kaup withdrew her second to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

03:14:05 Councilor Kaup moved to continue, seconded by Councilor Hershey, to continue City Owned Property Housing RFQ to the next City Council meeting on June 3rd.

Ayes: Stepp, Willman, Kaup

Nays: Godes, Hershey, Davis

Tied 3-3

Motion failed.

3:15:28 Councilor Stepp moved, Seconded by Councilor Hershey, to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

Ayes: Willman, Stepp, Kaup

Nays: Davis, Godes, Hershey

Tied 3-3

Motion failed.

Councilor Hershey commented that the community does not want more growth and highlights the issues around 8th Street and Colorado of traffic, parking and the amount of business conducted by the State Courts, the County, and the City.

Mayor Godes thanked the Housing Commission for their work.

3:19:35 South Canyon Planning

03:19:50 Mayor Godes moved, Seconded by Councilor Davis to continue South Canyon Planning to the next City Council meeting on June 3rd.

Passed unanimously.

3:20:10 Electronic Participation City Council Meetings

3:20:16 Mayor Pro Tem Willman moved, Seconded by Councilor Hershey, to continue Electronic Participation City Council Meetings to the next City Council meeting on June 3rd.

Passed unanimously.

3:20:43 To-Go Alcohol Locations

Jennifer Ooten, Assistant City Manager, wanted to check that City Council is still in favor of to-go alcohol to be consumed in the Bethel Plaza area. Councilor Hershey asked for confirmation that this is consistent with State's temporary COVID-19 orders. Karl Hanlon confirmed.

3:22:34 Councilor Hershey moved, seconded by Council Davis, to continue to-go alcohol locations consistent with State of Colorado temporary COVID-19 orders.

Passed unanimously.

3:23:07 Ordinance No 2021-04; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending the 2021 Appropriation Ordinance to Reflect Carryovers from the 2020 Budget, Reallocation of Funds, and Expenditures Approved after Submission of the 2021 Budget (ONE READING)

Steve Boyd and Debra Figueroa presented. Councilor Stepp asked if the city has the staff to put into place projects, or if this money should be kept in reserve over for 2022 budget discussion. Steve Boyd replied that staffing is an issue, and the city will prioritize and complete projects where possible.

No public comment

Councilor Hershey commented for clarification of extra action to replace reduced salary for the City Manager. Steve Boyd replied that he would produce a contract adjustment for the City Manager and something to give the Council members money back, for the Council to vote on.

Mayor Godes thanked Steve Boyd and Yvette Gustad for all the long hours and hard work to get the City to this point throughout the last year and a half and recognized the staff as they City's biggest asset.

Mayor Godes asked if there was a suggestion to revisit the City Manager repayment in the next few meetings. Councilor Hershey confirmed.

3:28:15 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to approve Ordinance No 2021-04; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending the 2021 Appropriation Ordinance to Reflect Carryovers from the 2020 Budget, Reallocation of Funds, and Expenditures Approved after Submission of the 2021 Budget.

Passed unanimously.

Mayor Pro Tem Willman commented that Staff should not return with a recommendation to repay Council for lost wages. Councilor Hershey concurs.

Steve Boyd asked for confirmation not to bring back the pay lost by the Counsel. Councilor Hershey and Debra Figueroa agreed.

3:34:02 Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

3:34:49 Mayor Pro Tem Willman moved, Seconded by Councilor Kaup, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

Councilor Kaup asked if this repeal would affect the 'take-a-minute' signs in the City and how quickly can the community signs be replaced. Mayor Godes said it would affect all signs. Karl Hanlon suggested that the signs would just need to be moved to another property rather than just being taken down and put back up again.

3:37:29 Councilor Kaup withdrew her second, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

3:37:39 Mayor Pro Tem Willman moved, Seconded by Councilor Hershey, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance

Ayes: Stepp, Davis, Willman, Godes, Hershey

Nays: Kaup

Passed 5-1

3:40:00 Downtown Banners.

Brian Smith presented. Councilor Kaup objected to one of the images being presented. Brian Smith also mentioned that one of the images may be replaced. Mayor Godes asked if the images had been presented to the Arts Commission and Parks and Recreation for suggestions. Brian Smith replied that the Arts Commission had seen the images, but the Parks and Recreation Commission has yet to see them. Smith said the Downtown Development Authority have seen them and they are excited to have them displayed. The project is being funded by CDOT and DDA.

3:49:54 Report from City Administration

A. City Manager

Debra Figueroa commented that she attended a detox meeting and they requested if City Council would consider setting aside, in the marijuana fund, a fifty-thousand-dollar detox reserve in the 2022 budget for matching funds. Councilor Stepp commented that matching funds are available from the County, and she will help in grant applications. Debra Figueroa commented that if okay it will just be included in the 2022 budget.

Mayor Godes asked about the grants recently awarded to the City. Debra Figueroa commented that the City received a three hundred-thousand-dollar grant to assist with the homeless. The Deveraux sidewalk project is very close to being funded by CDOT, who also gave fifty-thousand-dollar grant for the Main Street project. DOLA gave one hundred-thousand-dollar grant to move forward with the comprehensive plan.

B. City Attorney

No report from Karl Hanlon.

C. Correspondence Incoming/Outgoing

3:53:45 Adjournment

09:56 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to adjourn.

Passed unanimously.