



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
JUNE 3, 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

:05 Roll Call

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

:06 Pledge of Allegiance

Mayor Godes led the Pledge.

:06 Agenda Changes and Conflicts

Councilor Hershey requested clarification that agenda item #19, Resolution 21-10, was only to have a hearing date set. Mayor Godes confirmed.

Mayor Pro-Tem Willman commented that he has a conflict of interest on item #23, Financial Advisory Board Grant Recommendation, because he is on the Board of Directors for Mountain Valley Developmental Services and the Riverbridge Regional Center and would like them removed so he can vote on the remaining items. Mayor Godes commented that when the agenda item is reached any conflicts will be removed.

:07 Citizens Appearing Before Council

James Fosnaught, on behalf of the Parks and Recreation Commission, commented on the use of the parks, special permit requirements and the forty-five-day waiver granted to a fitness instructor. Commercial activities in the parks have occurred in the past and the commission requested that Council make this an agenda item and not proceed on an ad-hoc basis. He asked for a code amendment with guiding criteria so that the Commission can investigate and report back to Council on items such as fees, cost recovery, permits, restrictions, liability insurance and seasonal use and that the activities are appropriate.

Bob Campbell, Glenwood Springs resident and freelance musician, has been working with Parks and Recreation and arranged for musical performances in Bethel Plaza, that have been welcomed by local restaurants. Would like to develop a policy specific to music in the Plaza to include a registry, lower permit fees and schedule it for a future agenda item.

Ally Morrison, Glenwood Springs resident, home, and business owner, asked staff about yoga classes in City parks, to view the revision to the code and to find ways to get the community together safely outside for healthy activities.

Ann Marie Deter, employee of Colorado Mountain College, commented that John Norton has been teaching Tai Chi for ten years but now there are kid classes and camps, so the Tai Chi class cannot use the gym. Classes have been taking place at Sayre Park and asked that they continue there.

John Norton, Colorado Mountain College Tai Chi teacher, requested that classes continue at Sayre Park and asked if he could get a permit to hold classes for the community not through Colorado Mountain College.

:22 Council Comments

Councilor Kaup wanted to clarify that the Council did not waive the permit or fees but allowed a forty-five-day permit to allow Sharm Phillips to hold classes not more than two days a week while the revisions were being worked and it was not Council's intent to waive everything. Commented about the accidents and if Council should have a work session with CDOT regarding the speed limit in the canyon after it was raised last year and the road closures that affect the community.

Mayor Pro-Tem Willman commented that Council ruling from the dais is not a good way to get policy decided. Agreed that the parks issue should be dealt with by Parks and Recreation sooner rather than later and hopes that a recommendation could be received for July meetings. He also agreed on the traffic problems in the canyon and would like staff to work with CDOT. Karl Hanlon, City Attorney commented that the framework for code changes for parks at the first reading at the next Council meeting and hopes the regulations and the ordinance will be to the Council for a second reading for the first meeting in July. Mayor Pro-Tem Willman asked for clarification of what would be in the first reading. Karl Hanlon replied that a couple of structural changes in the code will be heard at the first reading and that the pieces of how to implement the code/parks regulations will be adopted by Ordinance at the second reading.

Councilor Stepp had gone back over the Comprehensive Plan due to an item that comes up later in the agenda, small town character, and after an email to all Councilors, if the city is dog friendly. She believed

that the plan is a little subjective concerning small town character but is looking forward to seeing the adjustments to the code from Karl and Parks and Recreation to make the code more community friendly. She asked Debra Figueroa, City Manager, if the City is dog friendly and if there should be any changes to the code. Debra Figueroa answered that bad information was given out by a restaurant and that the City does not allow dogs to be tied up alone. She also said that Code Enforcement may reach out to the Chamber to inform restaurants and added she would like to see Bob Campbell's Plaza proposals in a future meeting.

Councilor Hershey commented that the dog park should be fixed up and agreed that traffic incidents in the canyon should be addressed by staff with CDOT and CSP and that a loss of around ten thousand dollars per minute is inflicted on many people due to highways being closed. He read the survey, responded to other Council members that he is disappointed the poll is a push poll, that certain questions are not appropriate and will campaign against conducting the poll.

Councilor Kaup added that the Arts and Culture Board may want to weigh in on the plaza proposals.

Councilor Wussow commented that as Parks and Recreation liaison she wanted to thank the Parks and Recreation staff for their comprehensive work and understanding of the issues and this is an opportunity for the community to step back and give feedback and be heard.

Mayor Godes thanked James Fosnaught for his comments and stated that all the Boards and Commissions do great work and looks forward to exploring their roles and continuing the mutual support with the Council. He stated that the city had been recognized for their COVID response in 2020 with the Governors Downtown Excellence Award. He thanked all the staff and departments that had brought forward ideas to help businesses, for keeping the city clean when short staffed and those businesses had received significant rounds of funding and grants to help. He commented to Ally Morrison that she could become a City employee if she wanted to run programs for the public, and that John Norton does a great service. He also apologized for some comments he made in the last Council meeting when emotions were running high concerning peoples' motives and mentioned the excellent leadership of the Chief of Police.

:40 Consent Agenda

:40 Mayor Pro-Tem Willman moved, seconded by Councilor Wussow, to approve the Consent Agenda.

Motion passed unanimously.

ACTIONS AND/OR PRESENTATIONS

:41 Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095). Continued from the May 20, 2021 meeting.

Karl Hanlon suggested that the next motion should be to deny the issuance of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue. Karl also wanted to read into the record an email received at 4:55 pm that day, from John Dyet, applicant and owner of Kind Castle, which included personal attacks on certain Council members, and requested an opportunity to speak on his behalf. Karl Hanlon stated that in the interest of due process, John Dyet should be afforded five minutes to speak on this matter, he cautioned Council not to make a decision due to inflammatory remarks made in the email towards Council members, to look to the record in making a decision, that a series of findings in the staff report that must be met to approve the proposal, and there is ample evidence from both sides in the record.

Mayor Godes, with the City Attorney's recommendation, stated that the applicant should be allowed five minutes to respond. Councilor Hershey agreed, and asked if there should be a vote of continuance due to another six-member Council. Mayor Godes stated that the missing Council member, Councilor Davis, has previously voted and if it is a 3-3 vote the motion can be moved to continue. Attorney Hanlon asked if Councilor Wussow had ample time to study the issue and packet and Councilor Wussow stated that she had. Councilor Wussow stated that she found the establishment is incompatible with the surrounding area and the impact on the surrounding area has not been minimized. She went further to state that she does not believe that the application is in compliance with the Comp Plan, or the City's plans or policies. Mayor Pro Tem Willman wanted to state that he is not in conflict with the application and that the location of the applicant is not compatible with neighboring properties.

:57 Councilor Wussow moved, seconded by Councilor Hershey, to deny Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue.

Ayes: Stepp, Hershey, Willman, Wussow, Godes

Nays: Kaup

Passed 5-1

1:04 Resolution 21-10 – A resolution finding substantial compliance of Petition for Annexation with CRS 31-12-107 and setting public hearing regarding eligibility for annexation of property located at 214 Center Drive (PIN: 2185-061-00-042)

(There will be no discussion at this meeting about this project, this agenda item is to set the date.)

1:10 Councilor Hershey moved, seconded by Councilor Kaup, to pass Resolution 21-10 – A resolution finding substantial compliance of Petition for Annexation with CRS 31-12-107 and setting public hearing regarding eligibility for annexation of property located at 214 Center Drive for Thursday, July 29th, 2021, at 6pm.

Motion passed unanimously.

1:11 Community Clean-up Discussion

Public Works Director, Matt Langhorst, introduced the new Landfill Director, Elizabeth Mauro, to Council. Director Langhorst presented on Community Clean-up Weekend with Hazard Waste Day being August 21st. Friday, August 20th would be the day that citizens would bring their clean-up to our stage at the Community Center and Saturday, August 21st, would be the day that volunteers would go and collect items from the public. This would not affect the budget.

Councilor Kaup asked if this is going to replace the previous Spring Clean-up. City Manager Figueroa stated that if Council desires to have the previous Spring Clean-up return, the City will have to contract out the labor, that this would be more expensive than previous years and if this is Council's wish it should be considered during the budget process.

1:29 City Owned Property Housing RFQ

Hannah Klausman presented. Councilor Wussow complimented Board and Commissions, reminding everyone that they took at least a year to come up with these recommendations and now is a pivotal time for affordable housing. She does not, however, agree that density needs to be maximized into studio and 1-bedroom apartments around the community. Instead, she would like to see more family units to increase a sense of community. Councilor Hershey brought up the concern of water, schools, supermarkets, the landfill, and the increased traffic. He feels this is a growth issue. Mayor Pro-Tem Willman stated that he would not be opposed to fee waivers if the project were right. Mayor Godes stated that he is worried that without a project like this we will become a hollowed-out community.

1:44 Councilor Kaup moved, Seconded by Councilor Wussow, to move forward with the RFQ on both City Owned Property Housing properties, to revise the RFQ to make it a consideration of for sale units only, to approve the \$13,000 from Community Development for Technical Development and that the project does not need to maximize density as along with leaving the project advisory group as proposed.

Ayes: Kaup, Wussow, Stepp, Willman

Nays: Hershey, Godes

Motion passed 4-2

1:51 Two Rivers Trail – Recent Grant Award and Pending Project

Director of Engineering, Terri Partch, presented on the recent CDOT grant for a pedestrian path on Devereux Road. Councilor Stepp asked if there will be a disruption to Two Rivers Park activities. Director Partch replied that it was required to be done during the fall. Councilor Kaup asked if the trees that were

being removed were going to be replaced. Director Partch stated that should not be too difficult to add to the project.

2:02 Councilor Stepp moved, seconded by Mayor Pro-Tem Willman, to move forward on the Two Rivers Trail project using the CDOT grant to complete this project within the 8-month timeline.

Motion passed unanimously.

2:13 Financial Advisory Board Grant Recommendations

City Manager Figueroa presented.

Councilor Stepp recused herself from Youth Zone and Middle Colorado Watershed Council due to Conflicts of Interest.

Mayor Pro-Tem Willman recused himself from Mountain Valley Developmental Services and River Bridge Regional Center.

Mayor Godes said he disagrees with three awards that were more than the amount requested and stated that he disagreed with Catholic Charities because their request was \$30,000, 3x as much as usual and 20% of the total grant budget. Councilor Kaup stated that this is probably due to their help with rent and other financial assistance.

2:16 Councilor Kaup moved, Seconded by Councilor Wussow, to approve the grants as recommended by the Financial Advisory Board except for the ones that Mayor Pro Tem Willman and Councilor Stepp recused themselves from and as revised by Staff. The motion stipulated that Music in the Park would receive an additional \$500 instead of waiving permit fees, and that the three awards over the requested amount be amended to the requested amount.

Ayes: Kaup, Wussow, Stepp, Willman, Hershey

Nays: Godes

Motion passed 5-1

2:19 Councilor Hershey moved, seconded by Councilor Kaup, to approve the grants as recommended by the Financial Advisory Board for Mountain Valley Developmental Services and River Bridge Regional Center.

Motion passed 5-0 with Mayor Pro-Tem Willman having recused himself.

2:20 Mayor Godes moved, seconded by Councilor Kaup, to approve the grants as recommended by the FAB for Youth Zone and for Middle Colorado Watershed Council.

Motion passed 5-0 with Councilor Stepp having recused herself.

2:21 Glenwood Springs Utility Assistance Program

City Manager Figueroa presented that, as Council previously requested, in order to help offset the increase of utility fees, if a citizen qualifies under a federally recognized program, they will automatically qualify. The City recommended using \$200,000 from the Marijuana fund to use for this program.

2:24 Mayor Pro Tem Willman moved, seconded by Councilor Wussow, to follow staff's recommendation using up to \$200,000.

Motion passed unanimously.

2:28 Arts and Culture Board Appointment

Councilor Kaup recommended Kyle Jones for the Arts and Culture Board noting that he is a Music teacher, and he is taking the seat of a member who left so his term will end in 2022.

2:29 Councilor Kaup moved, seconded by Councilor Hershey, to appoint Kyle Jones to the Arts and Culture Board with a term expiring in March of 2022.

Motion passed unanimously.

2:29 Electronic Participation in City Council Meetings

City Attorney Karl Hanlon presented. Council directed Attorney Hanlon to include in a previous ordinance no more than two electronic participation appearances per year. Councilor Kaup wanted to include that the minutes reflect that electronic participant are labeled off-site attendees and the ordinance also include that electronic participants have all the rights, including voting rights and speaking rights, as a regular member. Mayor Pro-Tem Willman requested that the ordinance changes to read video only instead of electronic participation. Mayor Godes said he believed that a Councilor should not be allowed to miss two meetings in a row, and they should not have to get permission to use the electronic participation.

2:47 Councilor Wussow moved, Seconded by Councilor Stepp, that Council directs staff to amend Ordinance 2018-20 with the provisions included by Council.

Councilor Wussow withdrew her motion. Councilor Stepp withdrew her Second.

Attorney Hanlon stated he was satisfied taking direction and will bring a revised ordinance back to Council at a later date.

3:01 Recommendation for Group Travel Allowance

Mayor Godes stated that this decision should be extended to the Boards and Commission Members. Manager Figueroa stated that the budget for 2021 is \$11,000. Mayor Pro Tem and Councilor Stepp agreed with Boards and Commissions but feel it should wait until next year's budget. Council agreed this is important.

3:09 Report from City Administration

Debra Figueroa, City Manager, stated that she is on vacation the upcoming week.

3:10 Adjournment

3:10 Councilor Kaup moved, seconded by Mayor Pro-Tem Willman, to adjourn.

Motion passed unanimously.