



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 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

:07 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Kaup, Councilor Stepp, Councilor Hershey, Councilor Davis, Councilor Wussow. Also present were Debra Figueroa, City Manager; Jenn Ooton, Asst. City Manager, Matt Langhorst, Director of Public Works, Brian Smith, Director of Parks and Recreation and Karl Hanlon, City Attorney.

:07 Pledge of Allegiance

Mayor Godes led the Pledge.

:07 Agenda Changes and Conflicts

:07 Councilor Hershey moved, seconded by Councilor Wussow, to move Item 9: Resolution 2021-20: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on admissions; setting the ballot title and content for the ballot issue; and providing other matters relating to the election. Item 10: Resolution 2021-21: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on accommodations; setting the ballot title and content for the ballot issue; and providing other matters relating to the election. Item 11: Resolution 2021-22: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize a mill levy to provide the operational and capital costs of providing, maintaining and expanding the municipal airport; setting the ballot title and content for the ballot issue; and providing other

matters relating to the election. Item 12, Ordinance #12 - Series of 2021 Enabling ballot measures and setting forth authorized uses of tax proceeds. Item 13, Resolution 2021-23: A Resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to amend the Glenwood Springs City Charter Section 13.2. indefinitely.

Councilor Hershey stated that these items have been rushed.

Councilor Wussow stated that she agrees that these items have been rushed but does not agree with a moving these items indefinitely.

Councilor Hershey says he is willing to amend his motion.

Mayor Godes commented that the audience is present for items 9-13, and this is a great opportunity to hear from the community.

Mayor Pro-Tem stated that he supports the concept of not having items 9 and 10 put on the ballot but agrees that there should be a larger discussion. He commented that Items 11-13 need to be considered.

:12 Councilor Hershey moved, seconded by Councilor Wussow, to move Items 9, 10, 11, 12, and 13 for one month.

Ayes: Hershey, Wussow

Nays: Willman, Kaup, Godes, Davis, Stepp

Motion Failed 5-2.

:13 Citizens Appearing Before Council

None.

:13 Council Comments

Mayor Pro-Tem Willman commented that the Colorado Municipal League annual conference is September 22, 23, and 24. Willman also stated that Council proposed submitting to CML a legislative question for discussion regarding transfer tax and a question regarding changing rental units from a residential to a commercial zoning district. Council reaffirmed their desire for that discussion.

:14 Motion for Consent

:14 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to approve the consent agenda.

Motion passed unanimously.

:15 Item 9 Resolution 2021-20: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on admissions; setting the ballot title and

content for the ballot issue; and providing other matters relating to the election.

Attorney Hanlon requested that the Mayor take Items 9 and 10 together as Resolution 2021-20 and 2021-21 are very similar and contain similar language. Hanlon added that there was not a Staff presentation but rather they could answer questions. Furthermore, Hanlon went on to explain that the figures in the Tabor were estimated high as they generally are for a Tabor question.

Mayor Pro-Tem Willman asked whether a motion should be made before public comment is taken.

Attorney Hanlon responded that traditionally public comment is first, but it is Council's decision. Hanlon said the first motion on the table should be whether or not to put these items on the ballot.

:19 Item 10 Resolution 2021-21: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on accommodations; setting the ballot title and content for the ballot issue; and providing other matters relating to the election.

:19 Mayor Godes opened the items for public comment.

Public comment was taken

1:08 Mayor Godes closed the item for public comment.

Attorney Hanlon stated for clarity that there will need to be two separate votes since there are two separate motions.

1:09 Mayor Godes moved to approve the attraction tax to the November ballot and if a consensus cannot be reached on the details, there will be another vote to rescind this motion.

Motion failed for lack of a second.

1:12 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to deny Resolution 2021-20: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on admissions; setting the ballot title and content for the ballot issue; and providing other matters relating to the election.

Mayor Pro-Tem Willman stated that he does not support putting this Resolution on the ballot this year, rather what he does support is finding a collaborative approach to the housing and work-force housing problems. Willman commented that this current tax measure does not address the problem because it lacks details. Willman stated that he appreciated the Mayor bringing this issue to the forefront of needed solutions however the way Council needs to address this is by having a group of citizens which can be supported by the overall community. Not doing this would end up with this measure failing.

Councilor Hershey stated that this measure is not about affordable housing because there is no specific plan for how this money is going to be spent. Hershey stated that this process has been rushed because of a pole that said 70% of the public wants affordable housing, but that means 30% of people are automatic no votes. Hershey stated this is not a good way to start a ballot measure: without a plan and

without community and business support. If this measure were to lose, it would not be able to be put back on the ballot and pass for a long time.

Councilor Kaup stated that although this measure might be put on the ballot quickly, it has been discussed for a long time. Kaup commented that although there is not a specific plan on how these funds will be spent, if there can be a dedicated revenue to affordable housing, the City could put a plan together. Kaup feels that our true asset is our neighbors and our workers, and she worries that we are becoming a community where our teachers, policemen, plumbers, and other workers are no longer able to live here. Kaup applauds the Mayor for bringing these measures together and believes the community can come together with a plan for the funds between now and the election. Kaup asked City Attorney Hanlon if waiting a year would change the measures or the tax amounts.

Attorney Hanlon responded that it would not change the language of the measures because there are not specifics for the revenue.

Kaup commented that this response reminded her that whether it is now or a year, funds need to be flexible, and specifics will be difficult.

Councilor Wussow commented that she heard a willingness from the community on these measures, however, there is not a collaborative effort that can be achieved in a matter of weeks. Wussow feels that with a collaborative effort with the community, these measures will have a foundation that can be trusted and then passed. Wussow thanked Mayor Godes for bringing this issue forward but cautioned that if these measures are not done well, they will not pass, and we will not have these methods of revenue again for a long time. Wussow stated that this measure is rushed.

Councilor Stepp agreed that this measure has come up quickly. Stepp commented that she is on the Financial Advisory Board, Tourism Committee, and the Housing Committee and in those meetings the aggregate of the conversation has been lack of employees for Glenwood businesses. Stepp stated that although the measure might feel rushed, the need is far from rushed. Stepp commented that she wants to know the percentage of the tax going towards affordable housing. Stepp also said that if this is put on the ballot, she would like to know who the stake holders are who are receiving this funding stream. Council needs flexibility in what the money is used for. Stepp emphasized that she wants to see affordable housing and not studios and apartments so families can move to and live in Glenwood.

Mayor Godes stated that every other mountain town already have affordable housing and they have done this through a real estate transfer tax, however Tabor has taken that away. Godes commented that when Pitkin County and Aspen received their affordable housing tax, they did not have everything bogged down with details. This measure does need to tighten up the language and this can be done before the election with a community inclusive committee. Godes commented that trust is developed by taking the lead on affordable housing because business leaders have not done so.

Councilor Davis stated that this issue has been discussed for the seven years he has been on Council, and he is disappointed that the Chamber of Commerce and the business community has yet to bring forth any conversation of their own. Davis is concerned about what qualifies as an attraction tax and does not feel people providing services from their homes should not be part of this measure. Davis stated that he wants this tax to mainly be about affordable and work-force housing but also wants funding to address the impacts that tourists have on our parks and facilities. Davis commented that in order to address this measure in as meaningful manner, a community committee needs to meet within the next 30 days and continue to meet once a month for the next 12 months. They will define what an

attraction is, how much the tax will be, where the revenue will go, what it is going to be used for, who is going to have to pay it, and what industries and businesses this tax will affect. Davis commented that he believes the lodging tax is low but before we pass a tax, he would like to know what amount it is increased to, what does it get used for, does the revenue all go towards housing or does some go towards impact. He would like input from the community before he votes for these measures.

Ayes: Hershey, Willman, Wussow, Davis

Nays: Godes, Stepp, Kaup

Motion Passed 4-3.

1:53 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to deny Resolution 2021-21: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to authorize an excise tax on accommodations; setting the ballot title and content for the ballot issue; and providing other matters relating to the election.

Councilor Hershey stated that if these motions are split 4-3 the measure will never pass a vote by the citizens. Their needs to be a consensus by the Council and the citizens making comments.

Mayor Godes stated that the community has already given their voice and they are the people who cannot be in attendance because they are returning or leaving for their second jobs. He commented that the citizens Council Chambers do not accurately represent the community.

Councilor Wussow commented that this is not a matter of if, but when, and timing is everything. Wussow stated that she can only support waiting 12 months.

Councilor Stepp expressed concern that waiting can cause problems bringing up a past issue of inclusionary housing. Stepp stated that waiting will also lose a years' worth of revenue.

Ayes: Davis, Willman, Hershey, Wussow,

Nays: Godes, Stepp, Kaup

Motion Passed 4-3.

2:00 Mayor Godes moved, seconded by Councilor Kaup, to adopt the proposed study committee on accommodation tax increase and attraction tax proposal #2 as outlined in the packet.

Mayor Pro-Tem Willman stated that he cannot support the concept because it would have the Housing Commission in charge as well as some people who are not a part of the community. Willman commented that that he believes businesses should make presentations to a core group of people.

Councilor Kaup stated that she supports this proposal because it includes groups that focuses on housing.

Mayor Godes clarified that this proposal has the guidelines to have recommendations to Council by the second meeting in April with an expected commitment of one to two meetings a month.

With the suggestions of Councilor Kaup and Councilor Stepp, Mayor Godes amended his motion.

2:05 Mayor Godes moved, seconded by Councilor Kaup, to adopt the proposed study committee on accommodation tax increase and attraction tax increase proposal #2 as outlined in the packet with framework for the measures by February and expected measures on the ballot in 2022.

Councilor Wussow inquired whether the two proposals could be intertwined to include more businesses and private entities.

Mayor Godes commented that proposal #1 is about answering a tax question while proposal #2 is about answering a housing question.

Mayor Pro-Tem Willman agreed that it should be a combination of the two proposals. He commented that this is a Council led measure and not something that should be led by the Housing Commission.

Councilor Davis voiced his concern that proposal #1 does not allow the community to get involved without forcing them into a direction. Davis commented that this is an accommodation and attraction tax and not a 100% housing issue.

Councilor Kaup commented that there is leeway in the revenue for other issues.

Ayes: Hershey, Kaup, Davis, Stepp, Godes

Nays: Wussow, Willman

Consent to move item 16

2:28 Item 16 Planning File 58-20-Consideration of a Major Site Architectural Plan review for the construction of a 36-unit multifamily building.

Hannah Klausman, Assistant Director of Economic and Community Development, presented for Staff. Klausman commented that this proposal met the Glenwood Meadow requirements, parking requirements, and architectural requirements.

Councilor Stepp questioned why this seventh complex is being considered in Glenwood Meadows when the original approved proposal only designated six. Klausman stated that this building is on a separate lot.

Councilor Kaup asked about a one-acre park that was originally apart of the PUD and the poor condition of Wulfsohn street. Klausman stated that there was an agreement for hiking trails and land for the Community Center. Attorney Hanlon stated that there are conditions in the agreement for construction to stay off the road as much as possible. Hanlon commented that under the original ADA, The Lofts does not have any obligation to do improvements on this road. This specific site agreed to \$30,000 for off-site improvements.

Richard Meyers, developer, presented.

Councilor Hershey asked if there were any concerns over traffic.

Meyers stated that the traffic study showed additional traffic was low and traffic would most likely follow the typical traffic flow.

Councilor Stepp stated that the City recently passed an inclusionary housing ordinance and would like to know if the developer would be interested in adopting any of those measures.

Meyers stated that he had discussed with Attorney Hanlon their willingness to consider the voluntary program.

Councilor Kaup stated that in the original ADA, The Lofts were allowed 475 units, and this would bring them to 305. 300 of these units could be apartments and the remaining had to be for sale units.

Hanlon stated that the fourth amendment to the ADA opened up the commercial zoning below the apartments along Wulfsohn and the remaining 175 units that are required to be for sale units are those above the commercial units. There is no timeline for when they must sell them.

2:54 Mayor Godes opened the item for public comment.

2:55 Mayor Godes closed the item for public comment.

2:55 Councilor Hershey moved, seconded by Councilor Kaup, to approve Planning File 58-20-Consideration of a Major Site Architectural Plan review for the construction of a 36-unit multifamily building with the findings and conditions noted in the staff report.

Councilor Stepp commented that she is concerned about growth that does not include affordable housing. Stepp raised concern over the lack of an evacuation plan and how this site does not seem to fit with Glenwood's comprehensive plan. This site also exacerbates the number of small apartments and does nothing for families.

Mayor Pro-Tem Willman stated that he shares Councilor Stepp's concerns. Furthermore, this site's application came in two days before the inclusionary housing guidelines. However, it still meets the conditions, so as a Councilman, he is bound to vote in favor of this motion, although reluctantly.

Councilor Kaup stated that she echoed the previous Councilors, however the lack of diversity along with the high price in The Lofts and this site are in contradiction to Glenwood's comprehensive plan. Therefore, she does not feel obligated to vote for this motion.

Councilor Wussow commented that this location allows density, and that Council has approved many projects that have yet to break ground, but The Lofts have finished what they started, and they have provided housing.

Mayor Godes commented that although the site may have only turned in their application two days ahead of the deadline, they still played by the rules. Godes stated that at the time of the original ADA, it was a huge risk for this type of development, but The Lofts provided units. Godes commented that this site does not meet the City's Comprehensive Plan and therefore he will have to vote against it.

Ayes: Davis, Willman, Hershey, Wussow,

Nays: Godes, Stepp, Kaup

Motion Passed 4-3.

3:06 Item 11 Resolution 2021-22: A resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot

issue to authorize a mill levy to provide the operational and capital costs of providing, maintaining and expanding the municipal airport; setting the ballot title and content for the ballot issue; and providing other matters relating to the election.

3:08 Mayor Godes opened the item for public comment.

Public comment was taken.

3:29 Mayor Godes closed the item for public comment.

Councilor Hershey commented that the timing is bad for a tax increase and at some point, the voters will say enough is enough. Hershey stated that he will not support this initiative and he feels the reasons behind this initiative are disingenuous.

Mayor Godes asked Parks and Recreation Director Brian Smith to explain the cost estimates.

City Attorney Hanlon added that these costs would increase the usage of the airport from a few individuals to making it more of a city owned, public friendly airport that is used by a larger group of people.

Councilor Stepp asked how the cost of the South Bridge Tunnel was incorporated into the estimate.

Attorney Hanlon responded that the EA was about location and environmental impacts and not about funding sources, so it is up to Council to determine funding sources.

Councilor Stepp asked if the previous Resolution by Council was approval for the tunnel dependent on funding.

March 4, 2021 City Council Meeting

1:39 Mayor Pro-Tem Kaup moved, second by Councilor Wussow, to take the preferred design including the tunnel to 100% design and at the same time pursue partners, grants and other available sources of funding.

City Manager Figueroa stated that, according to the previous Resolution, if the City could not find funding, the question would have to go to the voters.

Mayor Pro-Tem Willman stated that he sees the tunnel as a part of the airport because it is necessary to keep the airport at its current operational state while still allowing Council to provide South Bridge which is an emergency exit for Glenwood citizens in case of a wildfire. Willman commented that he cannot force citizens to fund an airport that so few people use but asking voters if they want to directly pay for an airport through a Mill Levy is something he can support.

Councilor Kaup wanted to clarify that even if a tunnel was not built, the airport would be kept for classic air medical and helicopter operations. What would be lost is fixed wing aircraft usage. Kaup asked if, given the language of the prior motion, the City were able to obtain funding for the tunnel after a Mill Levy vote were passed, would there be a way to refund the voters.

Attorney Hanlon stated that there would because a Mill Levy could either be temporarily or permanently reduced. Hanlon commented that Council cannot raise taxes, but they can lower them.

Councilor Kaup stated that she sees this as a South Bridge issue. Out of 32 locations that were researched, South Bridge was feasible only at this location. Kaup commented that it is hard to justify taking five million dollars out of the general fund budget for an airport that serves a very limited portion of Glenwood's population. Kaup commented that the best solution for this problem is to put the question to the voters.

Councilor Stepp asked if the Mill levy could be changed to reflect a change in desired funding.

Attorney Hanlon answered in the affirmative adding that the 4 Mill Levy would be the maximum. Chief Operating Officer Steve Boyd responded that the current request of 4 Mills would generate roughly \$1 million a year and minus debt service, the City would have around half of that to use for the airport improvements.

Mayor Godes agreed that the South Bridge Tunnel is an airport cost. Godes went on to say that the City needs the additional items for safety, future revenue, and viability of the airport, but also for quality and consistency with our other local amenities. Godes stated that without City owned hangars, value added for the City owned airport would be very low.

Councilor Wussow stated that if this measure is put to the voters, the discussion of the airport should be put to rest. Wussow commented that the process to come to this stage has been flawed because it has ignored the boards and commissions. Wussow stated that this measure has been rushed. Wussow went on to say that the deficiencies and flaws with the current airport are the City's fault and that is the discussion the Council should be having.

4:05 Councilor Godes moved to consider airport debt alternative 2 for a 20-year period, for a Mill Levy of 5 Mills, along with alternative 3 authorizing a debt question up to \$10 million.

Motion failed for lack of a second.

Councilor Wussow asked what items are necessary as safety concerns for the airport and how much would they cost.

Attorney Hanlon responded that the airport currently needs fencing, a safe fuel farm, and communication upgrades. These upgrades would cost roughly \$2 million.

Mayor Pro-Tem Willman expressed concern that if Council passed a Mill Levy worth \$2 million then there would be a chance Council would have to ask the voters for another Mill Levy soon.

4:12 Councilor Godes moved, seconded by Councilor Davis, to consider airport debt alternative 2 for a 20-year period, for a Mill Levy of 4 Mills, along with alternative 3 authorizing a debt question up to \$8 million.

Councilor Davis stated that \$2 million cannot be spent on the airport now and \$6 million be spent a year later.

Councilor Wussow concurred, however, she stated that she is not an expert, and this is a situation where she would like for Council to utilize its Commissions, in particular, the Airport Commission. Wussow commented that she would be comfortable deciding based on feedback from the Commission, yet they were not involved.

Mayor Godes stated that if Council is going to ask voters for funding, they should ask for the full amount now.

Ayes: Kaup, Godes, Davis, Stepp,

Nays: Hershey, Wussow, Willman

Motion Passed 4-3.

4:19 Item 13 Resolution 2021-23: A Resolution of the City of Glenwood Springs calling an election on November 2, 2021 and certifying a ballot issue to amend the Glenwood Springs City Charter Section 13.2.

City Attorney Hanlon presented the three alternatives of the Resolution to be put on the ballot, amending the Charter.

4:22 Mayor Godes opened the item for public comment.

Public comment was taken.

4:28 Mayor Godes closed the issue to public comment.

Mayor Pro-Tem Willman asked why alternate three had wording about safety.

Attorney Hanlon explained that if there is safety hazard it will supersede the change to the Charter.

4:29 Mayor Pro-Tem Willman moved, seconded by Councilor Wussow, to consider alternative 3 with the exception of the first sentence reading “The City Council shall not close the airport without the affirmative vote of a majority of the qualified electors of the City except for temporary closures for emergencies, safety or construction...” and the last sentence reading “...medical use nor require the City to expend...” .

Mayor Godes asked what would happen if the vote for funding the airport was denied, but this Charter amendment passed.

Attorney Hanlon responded that it would be in the Charter that the airport would be maintained in its current configuration as of January 1, 2021.

Mayor Godes pointed out that this would mean the City would be forced to pay for a tunnel if the voters rejected the Mill Levy measure because the runway would be required to remain in its current state and the only option for South Bridge would be a tunnel.

Ayes: Wussow, Stepp

Nays: Willman, Godes, Kaup, Hershey, Davis

Motion Failed 5-2.

4:38 Item 15 Ordinance 2021-15 Updating Boards and Commissions

4:40 Councilor Godes moved, seconded by Councilor Wussow, to accept Ordinance 2021-15 Updating Boards and Commissions with the exception that Boards and Commissions advise to Council and Staff.

4:49 Mayor Godes opened the item for public comment.

Public comment was taken.

4:56 Mayor Godes closed the item for public comment.

Councilor Stepp stated that she will vote against this motion because she believes this should be a Work Session item.

Mayor Pro-Tem Willman stated that he will vote against this motion because he believes it should be a Work Session item.

Ayes: Godes, Wussow, Davis, Hershey

Nays: Kaup, Willman, Stepp

Motion Passed 4-3.

5:00 Meeting was adjourned.