



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
SEPTEMBER 16, 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

:15 Roll Call

Present: Mayor Godes, 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.

:15 Pledge of Allegiance

Mayor Godes led the Pledge.

:15 Agenda Changes and Conflicts

None

:15 Citizens Appearing Before Council

None

:16 Council Comments

Councilor Stepp commented that there have been trucks parking along Hwy 6 for long periods of time. City Manager Figueroa asked for individual emails that she could send to CDOT.

Councilor Stepp pointed out that there is a lot of trash being dumped on the Rio Grande Trail behind the old Safeway. Stepp requests that Council move the Continuation of the Motion for Denial of the Annexation to October 21st, as she will not be in attendance for the October 7th meeting.

City Attorney Karl Hanlon commented that with this type of continued motion, he is uncomfortable with Council continuing a motion for denial until the night of the Council meeting.

Stepp wanted to discuss requiring wearing masks in Council Chambers.

Mayor Godes put this discussion as an item under the Managers Report.

Councilor Davis stated that the Strawberry Shortcut created unnecessary graffiti on the City Streets.

Parks and Recreation Director Brian Smith stated that they have had this conversation with the organizers before, they do collect a damage deposit, and they will revisit their contract.

Councilor Hershey asked for a work session to change the City Charter to ask for a direct vote for Mayor.

Councilor Wussow supported the request. Wussow asked for Council to talk louder and make clarifying points for the audience and the Post Independent Reporter.

Councilor Kaup asked Council if they would agree to have Attorney Hanlon bring the owner of the property behind Walmart, the City, and other parties together to talk about a possible trail easement.

Mayor Godes agreed as long as the City does not take ownership but only legal liability in order to limit staff's workload.

:27 Motion for Consent

:27 Councilor Hershey moved, seconded by Councilor Stepp, to approve the consent agenda.

Motion passed unanimously.

:27 Proclamation for the Police Department: Dedication to Service

A proclamation for Zeus, a service dog with over 100 arrests, was read by Mayor Godes and was received by Zeus's handler, Officer Blake Gobbo.

:32 Planning Item 20-21 - Consideration of a Major Site/Architectural Plan Review application for the construction of a 40 unit multi-family development in a single building

Assistant Director of Community Development, Hannah Klausman, presented for staff. Klausman stated that the proposal, Mountain View Flats, is consistent with the comprehensive plan and other adopted City policies and plans.

Councilor Stepp asked about snow storage, bike storage, and parking.

Assistant Director Klausman stated that up to 10% of parking can be used for snow storage. Klausman commented that all of their parking is off street parking and they are providing all of their parking with the administrative adjustment. Klausman stated that the applicant is substituting bike spaces for a reduction of 7% of their parking spaces.

Councilor Stepp asked about the Fire Marshal's concern over the turn radius in the parking lot for fire trucks.

Assistant Director Klausman answered that the problem had been remedied.

Councilor Kaup asked if there was irrigation for the trees in the landscaping and if there was an amount of time they are required to be kept alive in our city code. Kaup also asked about the energy efficiency of the building.

Assistant Director Klausman commented that she believes the code states that it is 12 months for establishment of the landscape. Klausman stated that she would leave the unanswered questions for the applicant.

The applicant presented that Mountain View Flats will have a mixture of 14 one-bedroom apartments and 26 two-bedroom apartments including 8 deed restricted, resident occupied units.

Councilor Wussow asked if the applicant if they have or would be willing to contact Garfield Clean Energy.

The applicant answered that they have not established a set rule for energy efficiency yet, but they are very receptive since this is a market rate they are going to design, at the very least, is a code minimum. They are willing to reach out to CLEER.

1:02 Mayor Godes opened the item for public comment.

Karleen Clark, West Glenwood resident, stated that the comprehensive plan is out of date. Clark stated that the additional traffic will make an already unsafe area worse. Clark stated the proposal does not include enough parking spaces. Clark commented that the people of West Glenwood already do not feel safe in an evacuation.

The applicant responded that they do have an access permit to utilize a private access drive, however they have not submitted it to CDOT yet because they are waiting to hear what City Council has to say. The applicant commented that they did meet the requirements for the access permit.

Councilor Stepp voiced concern that this development might eventually be sold and how that would affect the affordable housing units.

The applicant responded that a purchase of a subdivision would have to go through Council and that is not the intent of this property.

Assistant Director Klausman stated that the affordable housing units would not go away, the only difference would be if the apartments were to go up for sale, the units would change to affordable housing for-sale units.

1:09 Mayor Godes closed the item for public comment.

1:10 Councilor Wussow moved, seconded by Councilor Davis, to approve Planning Item 20-21 - Consideration of a Major Site/Architectural Plan Review application for the construction of a 40-unit multi-family development in a single building, based on the findings and conditions referenced in the staff report with the additional condition of having a dialogue with CLEER.

Councilor Stepp commented that she is concerned about the traffic and the evacuation plan. Stepp stated that she appreciates that this development has two-bedroom apartments and having deed restrictions on those is extremely helpful to families.

Councilor Kaup stated that Council is very aware of the evacuation concerns and staff is working on an evacuation plan. Kaup commented that she would like to have a specific energy efficiency standard.

City Attorney Karl Hanlon commented that Council does not have the authority to force this development to a specific energy efficiency standard but what Council can do is add a condition to use best practice energy efficiency and make an attempt to be 100% renewable using city electric.

Councilor Wussow commented that too often what is assumed will be in the future comprehensive plan is referenced, but the current plan is the guiding document for Council and she will use this to help her decide.

Councilor Wussow amended her motion.

1:20 Councilor Wussow moved, seconded by Councilor Davis, to approve Planning Item 20-21 - Consideration of a Major Site/Architectural Plan Review application for the construction of a 40-unit multi-family development in a single building, based on the findings and conditions referenced in the staff report with the additional condition to use best practice energy efficiency and make an attempt to be 100% renewable using city electric.

Ayes: Wussow, Stepp, Hershey, Davis, Kaup

Nays: Godes,

Motion Passed 5-1.

1:21 Award of Contract for Planning Services for the Comprehensive Plan Update and Appointment of a Project Steering Committee

Assistant City Manager Jenn Oton presented. Oton commented that the contract is slightly over budget. Oton stated that the bulk of this committee would be made up of Planning and Zoning members, but they also wanted to have someone representing development, the Latino Community, a young person-Millennial or Generation Z-and another person recommended by Council.

Councilor Wussow suggested a member of the senior community.

Councilor Kaup agreed with Councilor Wussow and added the possibility of someone from the business community who is interested in housing for their employees.

Councilor Stepp suggested a mid-sized business that employs individuals in the area.

1:25 Mayor Godes moved, seconded by Councilor Hershey, to Award the Contract for Planning Services for the Comprehensive Plan Update.

Motion passed unanimously.

1:25 VALE Board Appointments

Councilor Hershey presented. Hershey stated there were two applicants and he recommends Joyce Jenkins.

1:27 Councilor Hershey moved, seconded by Councilor Kaup, to approve Joyce Jenkins to the VALE Board.

Motion passed unanimously

1:27 Detox Update and Budget Request

Sharon Raggio, President & CEO of Mind Springs Health, presented. Raggio stated that their goal is to create a Withdrawal Management Program in Glenwood Springs. This would cost \$400,000 to remodel a facility and the startup cost is approximately \$75,000-\$125,000 and there will be a cost for operations of the detox program once it is completed.

City Manager Debra Figueroa presented for staff. Figueroa commented that detox is a high priority in the current strategic vision and Council has made it one of their goals. Figueroa asked Council to be the one of the first Government entities to fund this project stating that its likely Glenwood will not be the only ones, citing that pre-COVID, more Government entities were lined up to follow. Figueroa stated that the request is for up to \$200,000 a year with the clause that if all the funding is not required, it will not be given.

1:35 Councilor Stepp moved, seconded by Councilor Kaup, to approve up to \$200,000 for the opportunity to help pay for operations once the facility is built.

Councilor Stepp wanted clarification that there has already been funding set aside for the building.

Manager Figueroa confirmed that \$50,000 has been set aside out of the marijuana tax fund.

Councilor Stepp commented that the stakeholder group involves people from all over the County and they are all very enthusiastic about this facility. Stepp stated that she believes Garfield County and other Municipalities will get involved and the cost will not be the full \$200,000.

Police Chief, Joseph Deras, stated that his only reservation is that outside municipalities will be bringing at-risk individuals into Glenwood and leaving them here, potentially taking police resources away Glenwood citizens. Deras commented that this could be solved with an MOU. Deras finished by saying this program and facility are a benefit to the community.

Manager Figueroa agreed that further down the road this will require MOU's.

Mayor Godes commented that this is a good use of the marijuana and tobacco tax.

Deputy Fire Chief, Doug Gerald, commented that people in intoxicated or mental crisis are unable to be left in their current locations but are limited to 2 places of transport, jail or the hospital, and often times neither of those are appropriate. Gerald applauds a detox facility.

Motion passed unanimously.

1:42 Southbridge - Jacobs Design Contract Amendment

Terri Partch, City Engineer, presented. Partch requested an amendment in the amount of \$741,382 for the Jacobs contract for the Southbridge project. Partch stated that this amendment would cover the need for re-evaluation of the project that would include bio-soils and any other change to the design, the tunnel insulation, landscaping, wall finishes, changes to the Thompson Glen drainage design, Holy Cross ranch accommodations, a noise wall design, additional funding for right of way, and bid support.

Councilor Stepp asked for clarification on the timing of the project progressing while the ballot issue is still undecided.

Engineer Partch responded that with the current work being done, the project will spend past the amount budgeted in the contract, and until additional funds are authorized, work would have to be suspended. Partch commented that of the items requested, only one was included in the ballot measure and she would not authorize that part of the project until November when the measure will be voted on. Partch stated that she believes it is important to continue to bring the work to a 90% design completion.

Councilor Stepp asked about the third Environmental Assessment.

Engineer Partch replied that EA re-evaluations are common, the Grand Avenue Bridge had 4, and they are smaller in scope and cover things that weren't included in the original design. Partch stated that this current re-evaluation would cover the change from curb and gutter to bio-soils as well as what is believed to be the discovery of a historic jail site.

Councilor Wussow asked if this would bring us closer to "shovel ready" for the grant process.

Engineer Partch responded in the affirmative but said they still need to acquire right of way, which will be very expensive but outside sources, including RFTA, might be willing to help.

Councilor Kaup voiced concern about the 10-foot-high noise wall restricting wildlife access to the river as well as the general height.

Engineer Partch replied that the noise wall is a requirement of the Environmental Assessment as a list of mitigation measures once the neighborhood voted. Partch commented that they are going to ask the neighborhood to vote if a tree wall would be acceptable. Partch commented that all of the existing roads will be available to the wildlife.

1:59 Mayor opened the item for public comment.

Meryl Glickman, part-time resident, member of the board of Cardiff, commented that, speaking for the board, they would like to view alternatives of the wall so they can have their green space and have the wall farther out.

2:02 Mayor Godes closed the item for public comment.

2:02 Councilor Hershey moved, seconded by Councilor Kaup, to approve the Southbridge design contract amendment from Jacobs.

Mayor Godes asked for clarification that no funds towards the tunnel aspect of the project will be spent before November 5th.

Engineer Partch answered in the affirmative.

Motion passed unanimously.

2:04 Local Match for Hanging Lake Trail Restoration

City Manager Debra Figueroa presented. Figueroa commented that at the end of July, there were debris flows that decimated Hanging Lake Trail, Glenwood's #1 tourist destination. Figueroa commented that the Forrest Service is going to repair the trail in two phases. The first, which they hope to have done

next year, is to clear the trail and rebuild a rudimentary trail. The second will be a longer-term fix and make the trail more resilient to debris flow. Glenwood's role would be to partner with the Forrest Service to obtain grants. The initial grant that they are pursuing is a \$250,00 from CPW and it requires a \$50,000 match. They Forrest Service is also attempting to obtain a federal grant that requires a \$100,000 match. Figueroa stated that the request from Council is \$50,000 to put towards this effort.

2:06 Mayor Godes opened the item for public comment.

2:06 Mayor Godes closed the item for public comment.

2:07 Councilor Stepp moved, seconded by Councilor Wussow, to allocate \$50,000 towards the fundraising efforts with the Forrest Service with the funds from the FAB.

Motion passed unanimously.

2:08 Break

2:16 Affordable Housing Manager and Budget

Mayor Godes presented. Godes stated that there is currently a strategic plan that puts affordable housing as a priority. Godes commented that the last few City poles have indicated that affordable housing was also the #1 issue. Godes stated that he wanted to bring a discussion forth about putting the position of an Affordable Housing Manager into the 2022 budget using the unallocated funds budgeted from the excess tourism reserves for one year only, in preparation of the 2022 election. Godes stated that after the tax is voted on, Council can come back for a further discussion on whether to elongate the position.

Councilor Stepp asked whether we could use Garfield County Housing Authority for this time period instead.

Mayor Godes commented that Glenwood needs someone working solely for Glenwood who is prepping to work for a potential large revenue, and increased number of units.

Councilor Kaup commented that by listening to the community at the ballot initiative Council meeting, Council decided that the measures would be delayed while the plan was worked on. Kaup stated that she would rather have a position come from in-house and help create a plan for the community than to out-source the job.

Manager Figueroa stated that if this was something that Council wanted to have focused on full time, a new position would be extremely helpful. Figueroa commented that she would put a new position under Economic and Community Development. Figueroa stated that if this was a topic that Council wanted to just be "fit in" when there was time, a new position would not be required, and the current staff could manage.

Councilor Hershey commented that the City needs to wait until after they hear from what the voters want.

Mayor Godes commented that earlier in the meeting, Council voted to approve 8 affordable housing units and Glenwood needs to show their priorities by hiring a Housing Manager.

Councilor Wussow commented that this seemed a little premature and she was uncomfortable with a full-time position. Wussow stated that she would be ok with a part-time position.

Mayor Godes stated that for this type of position, a part-time opportunity would not bring in quality candidates. Godes commented that if an issue is a top priority, staff needs to be given support to manage it.

Councilor Kaup commented that in order to move forward, Council would need a job description for the position.

Manager Figueroa commented that Council does not usually approve job descriptions and requested that she brings back a description of how this position would operate within the organization and what the position would work on.

Assistant Director of Economic and Community Development, Hannah Klausman, volunteered to help with this process.

2:42 Councilor Kaup moved, seconded by Mayor Godes, to have staff bring back details of how an Affordable Housing Manager would operate within the City and what the position would work on to the Council Meeting on October 21.

Councilor Wussow stated that she would like to have this dialogue in a work session.

Ayes: Godes, Stepp, Kaup, Wussow

Nays: Davis, Hershey

Motion Passed 4-2.

2:44 Ordinance 11, Series 2021 amending sections 090.040.070, 090.040.080 and 100.070.030 related to Snow Removal, Leaves in the Right of Way, and Snow Plowing and Street Sweeping

Assistant City Manager, Jenn Ooton, presented. Ooton stated that this ordinance is designed to prohibit putting snow, ice, and debris into the right of way, in service of keeping the curbs and gutters maintained. Ooton commented that additionally, snow plowing and street sweeping are not construction noise.

2:46 Mayor Godes opened the item for public comment.

2:46 Mayor Godes closed the item for public comment.

2:46 Councilor Stepp moved, seconded by Councilor Kaup, to adopt Ordinance 11, Series 2021 amending sections 090.040.070, 090.040.080 and 100.070.030 related to Snow Removal, Leaves in the Right of Way, and Snow Plowing and Street Sweeping.

Motion passed unanimously.

2:47 Resolution 2021-24 Temporarily Suspending Renewal Provisions of Accessory Tourist Rentals and Short-Term Rentals in the City

Economic and Community Development Planner 1, Emery Ellingson, presented. Ellingson stated that the purpose of this resolution is to wave the single requirement of showing proof that the permit holder has

submitted lodging tax during the last two years of their permit period. Ellingson commented that staff is requesting this waiver for two reasons- the first is a change to the state law that gives the managing sites the ability produce these fees in one lump sum, making it very difficult to track which property has paid. Ellingson stated the second is during certain periods in the past two years, Council did not allow permit holders to use their rentals and if permit holders are unable to show use, their permits will be pulled.

Chief Operating Officer, Steve Boyd, stated that when the City receives lump sums from big managing organizations, it is virtually impossible to tell where the funds came from.

Councilor Wussow commented that she is comfortable with this temporary waiver that gives staff the opportunity to decide how best to move forward. Wussow commented that she does want a permit holder to provide the dates of their rentals.

Councilor Stepp asked if there are the same problems with managing companies booking hotels.

COO Boyd answered in the affirmative.

Councilor Kaup wanted clarification that the permit holders are still required to pay taxes.

City Attorney Hanlon responded in the affirmative.

City Manager Figueroa commented that the collaboration between staff and Council with the initial Short-Term Rental issue was a perfect example of successfully solving a problem.

3:08 Councilor Hershey moved, seconded by Mayor Godes, to approve Resolution 2021-24 Temporarily Suspending Renewal Provisions of Accessory Tourist Rentals and Short-Term Rentals in the City.

Motion passed 5-0 with Councilor Davis abstained.

3:09 Report from City Administration

A. City Manager

City Manager Debra Figueroa asked if Council wanted to require masks to be worn in Council Chambers during City Council meetings.

Councilor Davis stated he does not want to require masks until the Governor advises for it.

3:09 Mayor Godes moved, seconded by Councilor Stepp, to follow the Center for Disease Control's recommendation that all people wear masks in areas of high incident rate, and masks are worn regardless of vaccination, for City Council meetings.

Councilor Davis asked why Council was going to start following the Federal guidelines and not the States.

Mayor Godes replied that Council has followed the Federal Government when they initially issued a mask order before anyone else in the state.

Manager Figueroa stated that the 14-day incident rate in Garfield County is in red, but the 7-day incident rate is in yellow.

Councilor Stepp commented that this is a time of caution and for Council to set an example for the community as well as be safe for staff, each other, and the members of the community who attend Council meetings.

Ayes: Godes, Stepp, Kaup,

Nays: Wussow, Hershey, Davis

Motion Fails 3-3.

Councilor Wussow commented that at the beginning of all Council meeting they recommend everyone wear a mask. Wussow stated that revoking personal freedoms is a slippery slope and Council needs to be consistent and unilateral in their execution.

B. City Attorney

None

C. Correspondence Incoming/Outgoing

None

3:16 Councilor Stepp moved, seconded by Mayor Godes, to adjourn.

Motion passed 4-0.