



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
OCTOBER 21, 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

:06 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Kaup, Councilor Wussow, Councilor Hershey, Councilor Davis, Councilor Stepp. Also present were Debra Figueroa, City Manager; Jenn Ooton, Asst. City Manager; Steve Boyd, Chief Operating Officer; and Karl Hanlon, City Attorney.

:06 Pledge of Allegiance

Mayor Godes led the Pledge.

:07 Agenda Changes and Conflicts

Councilor Stepp excused herself from the consent agenda because she was absent from the last meeting.

:07 Citizens Appearing Before Council

Gary Vick, Glenwood Springs resident, commented that the petition to change the City Charter should have been approved and cited examples in volume ten that he believed should have been allowed. Vick requested a phone call with all the Councilors.

Peter Schoup, Glenwood Springs resident, commented on how the City threw out all the signatures he had collected. Schoup stated that the signature count had been manipulated by the City, and that the future of the airport should be up to the citizens and not a four to three vote by Council.

John Mueller, Glenwood Springs resident, asked for clarification from Mayor Godes's statement regarding eleven million dollars of improvements for airport users and stated these improvements were never recommended by the Airport Commission. Mueller stated that neither the airport users or Commission had been consulted on the ballot issues, so citizens should vote against them, and if voted down, it would not be a vote against the airport but against irresponsible ballots issues from staff.

Charles Knuth, Garfield County resident, commented on his business, personal, and educational usage of the airport. Knuth stated that the cost of the tunnel should be budgeted in the South Bridge project and that the remainder of improvements could be achieved with City approval and existing airport enterprise funding and proposed private development.

David Merrick, Glenwood Springs resident, member of the Airport Commission, commented that the Airport Commission was not consulted in this process, and the improvements included in the tax are either not wanted or needed, or could be funded by private enterprise.

Joel Shute, Glenwood Springs resident, member of the Airport Commission, conveyed his discontent for the City Council and Staff for the approach to this ballot initiative. Shute stated that the Airport Commission was not consulted in the process.

Shane Evans, Garfield County resident, stated that the airport has been beneficial to his business, and for general medical situations. Evans stated that the airport is historically self-supporting and not a burden on taxpayers. Evans commented that the current proposed ballot measures have not been consulted with the airport users or commission.

City Attorney Karl Hanlon stated that there have been many attacks on City Clerk Ryan Muse's decision on the airport petition. Hanlon stated that Muse followed the rules that are followed across the state with every petition in every home rule municipality. Hanlon stated that the Garfield and Hecht the law firm, representing the petition, had an opportunity to legally challenge both Clerk Muse's first and second decision and they chose not to. Hanlon stated that Muse went through the petition in excruciating detail in an attempt to do a fair and even job. Hanlon stated that Garfield and Hecht requested a Colorado Open Records Request, requesting emails to look for evidence that is being claimed against Muse. None was found. Hanlon stated that these accusations are offensive and unworthy given that staff worked tirelessly to do a good job on the petition, and he would like Council and the public to know that unfounded attacks against staff are uncalled for.

:30 Council Comments

Mayor Pro-Tem Willman commented that he did not look at the petitions, given how it is not Council's job, but he know that Clerk Muse worked long hours to ensure everything was done accurately. Willman stated that he is aware that there were two opportunities to challenge the decision, and neither were taken. Willman commented that petitions can be filed again. Willman commented that during the last

Tourism Promotion Board meeting, there was a request to change the name to Tourism Management Board.

:32 Mayor Pro-Tem Willman moved, seconded by Councilor Stepp, to direct staff to construct the appropriate ordinance to change the name of the Tourism Promotion Board to the Tourism Management Board.

Councilor Kaup asked if the change in name would be accompanied by a change in duties.

Mayor Pro-Tem Willman responded that the Tourism Board would keep the same duties, but management better encompasses their work.

Motion passed unanimously.

Mayor Pro-Tem Willman asked if there was any interest in pursuing a puppy mill ordinance. There was no response. Willman commented that there were two policy positions brought up to the CML representing Glenwood Springs. The first issue was regarding changes to the mill levy as it relates to vacation rentals becoming commercial properties versus residential properties. Willman stated the policy committee, the board, and the CML decided not to pursue this issue, however, there would be several bills coming before the legislature this year regarding this issue. The second issue was to amend the Colorado Constitution under Tabor for municipalities to bring to voters whether or not to have a real estate transfer tax. Willman stated that the belief was that this would not get the required two thirds vote, however, CML believes housing is a critical issue and this is an issue that Glenwood should promote.

Councilor Kaup stated that Clerk Muse works to the highest integrity and to the letter of the law. Kaup went on to say that herself and her fellow Councilors had no contact with Muse regarding the petition. Kaup stated that the airport is not a fight but a community conversation. Kaup updated the Council on the status on the property behind Walmart. Kaup stated that there was a meeting with City Manager Debra Figueroa, AVL, and the County among others, and the outcome was for County Commissioner Tom Jankovski, County Attorney Tari Williams, and Kaup to visit with the property owner in order to protect the property. AVL suggested they could take a donation and spend the time with the property owner to make the land a conservation easement. Kaup stated that as long as the City is willing to hold a trail easement, trails would be able to be constructed and the land would become a resource rather than a burden. Kaup commented that she would like to have both a Council movement on the trail easement and a Council movement on no trespassing signs.

City Manager Figueroa commented that staff will put up the signs.

City Attorney Hanlon commented that he spoke with County Attorney Williams about the legal engagement needed for the proceeding steps and the property owner will most likely want to come before Council to accept an easement and the next step is up to the property owner.

Councilor Kaup wanted reassurance from Council that could be given to AVL showing the City would be interested in holding trail easements.

Councilor Stepp asked if the current discussion included maintenance on the easement and added that she would like to see this project move forward.

Attorney Hanlon answered in the negative.

Mayor Pro-Tem Willman commented that he is ok with moving forward but is concerned about the costs and cannot commit to ultimately voting for it.

Councilor Wussow commented that she has had the opportunity to talk with other Councilors about branded t-shirts and sweatshirts for the chamber and the City employees. Wussow stated that as a City Councilor, she is a politician who is available to criticism, but the staff are doing a job and if there is a problem, refrain from insults to the staff.

Councilor Stepp commented that she supports the City employees. Stepp relayed that she will be present during a recovery continuum meeting with Manager Figueroa and the County Manager next week regarding detox.

Mayor Godes stated that Clerk Muse is a great City Clerk who often puts in 12-to-14-hour days and does a fantastic job. Godes stated that Attorney Hanlon has impeccable integrity, and Karp.Neu.Hanlon Attorneys At Law is one of the best law firms around. Godes stated that the voters need to be heard about the airport and suggested that Council have a listening session on November 8th and 10th at the Community Center and Sopris Elementary School to hear the Citizens input about the airport. Godes would like to have the Airport Commission come to a work session on November 4th. Council agreed.

:51 Motion for Consent

:51 Councilor Hershey moved, Seconded by Mayor Godes, to approve the consent agenda.

Motion passed unanimously.

:51 Planning and Zoning Commission Appointment

:52 Councilor Wussow moved, Seconded by Councilor Kaup, to appoint Amy Connerton to the Planning and Zoning Commission as an alternate.

Motion passed unanimously.

:52 08-20 Consideration of an Annexation and the initial zoning/Rezoning of 15.818 acres to Commercial (CO) District and Planned Unit Development (PUD) District at 214 Center Drive (PIN: 2185-061-00-042). Debris Flow Update and Response

City Attorney Karl Hanlon gave a recap of what had taken place with the annexation item up to this point.

City Senior Planner Trent Hyatt, Community Development, gave a synopsis of the changes that have happened to the site proposal since the application came before Council.

Mayor Pro-Tem Willman asked about the resolution of the ownership of Mel Ray and the elimination of the Mel Ray sidewalk. Hyatt replied that there was an ownership issue with an easement. Hanlon added that it would be a County issue. Willman mentioned the emergency access to Highway 6. Karl Hanlon replied that the correct verbiage is direct access not emergency. Willman requested clarification of the dedication of public space in the mall

redevelopment. Hyatt replied that due to the uncertainty of the mall redevelopment the question should be addressed to the developer.

Councilor Stepp asked what the affordable housing amount was. Hyatt replied that the number was a for sale product and believed the number was three.

Mayor Godes asked if the three houses would be sold at current rates and then capped or buyers would receive discounts. Hyatt replied that the sale value is restricted by the AMI but subject to a down payment with mortgage rates similar to rental rates.

Attorney for the Developer, Haley Carmer, and Developer, Barry Rosenberg addressed the changes to the PUD plan which included the reduction of proposed unit density to twenty-two per acre, the use of on-site water, shared water rights with the City and the compilation of a master plan.

Mayor Godes asked for the acreage of the two lawn areas shown. Carmer responded that they were about one point three acres. Rosenberg commented that larger public space would be part of the master plan.

Mayor Pro-Tem Willman asked about the inclusion of a public park. Rosenberg replied that the provision of a main street going to the mall with restaurants and commerce on the sides would replace the idea of a public park.

Councilor Kaup asked if there should be something regarding the public space size in the proposal. Rosenberg replied that there was a good faith effort included but until a master plan was developed, it would limit any decision. Carmer said it is #9 in the recommended conditions of approval.

Mayor Godes asked what is meant by “meaningful” in the conditions. Hanlon replied this is what would be credible and important to the community.

Mayor Pro-Tem Willman asked what the future master plan would be. Hanlon replied that it would be both property parcels referenced together.

Councilor Wussow asked if the existing municipal code designated the provision for the open space. Hanlon replied that the PUD would provide that provision.

1:24 Councilor Hershey moved, seconded by Councilor Stepp, to deny approval of Ordinance 08-20 Consideration of an Annexation and the initial zoning/Rezoning of 15.818 acres to Commercial (CO) District and Planned Unit Development (PUD) District at 214 Center Drive (PIN: 2185-061-00-042).

Councilor Stepp stated that she cannot support the proposal because Council needs more time to work out the infrastructure situation.

Mayor Pro-Tem Willman stated he will not support this motion because the density has been reduced and the for-sale units have been increased since his last motion to deny.

Councilor Kaup stated she will not be supporting this motion because it brings much needed improvements to the area.

Ayes: Hershey, Wussow, Stepp

Nays: Willman, Kaup, Godes, Davis

Motion Failed 4-3

Mayor Pro-Tem Willman requested a point of order as he stated he was threatened with recall by Councilor Hershey. Willman then requested a recess.

1:32 Recess

1:39 Item Continued

Councilor Hershey stated any disagreement with Mayor Pro-Tem Willman had been resolved.

Mayor Godes wanted to know what conditions Councilors would like to see.

Councilor Kaup commented that she would like to see ten percent at 120 instead of 130 and to strike the word emergency from access to Highway 6 so it read as just access to Highway 6. Kaup would like to see in section 11, a time frame for the applicant to submit a master plan. Hanlon suggested between six and eight months. Kaup agreed with eight. Kaup also wanted the vesting period to change to five years in section 12.

Mayor Pro-Tem Willman clarified that the direct access to Highway 6 in section 7D is included in this PUD annexation. Willman wanted one acre of open space dedicated to park land in addition to the one acre dedicated to the fire department regardless of the mall redevelopment. Rosenberg stated that of the one point three acres mentioned earlier, the area around the swimming pool would not be dedicated to the public. Mayor Godes added there should be two acres of outdoor public space with up to one acre dedicated for the potential fire station. Councilor Wussow asked that the contiguous should be include. Hanlon agreed and reworded the comment to read up to one acre for the potential fire station with the balance acreage to be contiguous.

Councilor Davis commented that Council has worked for years to figure out how to redevelop the mall, and he believed that they need to have faith in the developer. Davis stated that he believed the drop in density and units is problematic for the revitalization of the mall and affordable housing.

Councilor Stepp commented that the City needed more housing and wanted to see that thirty percent of the apartments have two or three bedrooms for families. Rosenberg replied that fifty percent are two or three bedrooms. Stepp asked that the master plan address childcare. Rosenberg stated that this is being considered. John Diemoz stated that childcare for children aged under three is hard to manage and economics become an issue. Stepp asked about resources for the Police Department. Debra Figueroa replied that first the City needed to fill to open positions in the Police Department.

Wussow commended the developers for listening and making changes. Wussow agreed that the amenities will help the community but added that the development will challenge the community as well. Wussow encouraged the developer to continue to work with the community to make the transition as painless as possible.

Councilor Hershey commented that a conversation with CDOT will be necessary regarding the direct access to Highway 6. Hanlon commented that CDOT would be involved when a percentage change occurred.

Mayor Godes asked if there would be affirmative votes if three hundred units were in the motion.

2:05 Councilor Davis moved, seconded by Councilor Kaup, to reverse the recommendation of the Planning and Zoning Commission and approve the request for an annexation as outlined in Ordinance 2021-08 of 15.818 acre parcel into the municipal limits of the City of Glenwood Springs with the following additions: a total count of three hundred units, a total outdoor public space of two acres with up to one contiguous acre of parkland or open space, vesting rights of no more than five years, a deed restriction of two percent real estate transfer assessment on the second transfer of the fore sale units that are not designated affordable, an affordable housing mix of ten percent of the units at eighty percent AMI and ten percent of the units at one hundred and twenty percent AMI, a master plan submitted within eight months, and with the recommended findings and conditions listed on pages one and two of the City Council list of Motions on October 7, 2021.

Councilor Wussow voiced her disappointment in her fellow Councilors and stated that she understands housing is an issue but accommodations for renting is not everyone's American Dream.

Councilor Stepp stated that such a big issue should have been a longer conversation.

Ayes: Davis, Willman, Godes, Kaup

Nays: Stepp, Hershey, Wussow

Motion Passed 4-3.

2:12 Councilor Kaup moved, seconded by Mayor Pro-Tem Willman, to reverse the recommendation of the Planning and Zoning Commission and approve the request for an initial zoning and re-zoning as outlined in Ordinance 2021-09 of 3.53 acres to commercial district and 12.285 acres to planned unit development PUD district with the recommended findings and conditions listed on page three of the City Council list of Motions on October 7, 2021, with the PUD be conformed to the Motion and recommendations on the annexation ordinance, with recommended findings and conditions as shown in the City Council list of Motions on October 7, 2021.

Councilor Kaup commented that the City and the developer have agreed on a good vision and in the right direction for the City and that six more affordable houses are a win. Kaup commented that from a sustainable standpoint, multifamily homes use less resources. There will be sixty units that are affordable for the workforce, for families and new additions to the community.

Ayes: Davis, Willman, Godes, Kaup

Nays: Wussow, Stepp, Hershey

Motion Passed 4-3

2:19 Recess

2:26 2022 Budget Hearing

Debra Figueroa presented on the split in Accommodation Tax.

2:28 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to direct staff to split the gross tourism revenue with eighty-five percent going to the tourism fund, and fifteen percent retained. Of that fifteen percent seven and a half percent will go to the FAB grant with the other seven and a half percent going to other matters and impacts of tourism in the community.

Councilor Davis asked clarification as he understood that FAB was taken off of an eighty-five fifteen split. Willman replied that he did not agree with that because it took too much money from the tourism budget, and he would like the percentages as they are now. Davis replied he is concerned that seven and a half percent always allocated to the FAB.

Mayor Godes stated he would not support the motion as has always come before any split and that FAB, fireworks and the July 4th celebrations should all share in seven and a half percent.

Councilor Kaup commented that any change to the accommodations tax should be a new conversation.

Mayor Pro-Tem Willman stated that historically it had been an eighty-twenty split and then it changed to the seven and a half percent off the top and the rest to the tourism budget.

Councilor Davis commented that more tourism created more negative impact.

Councilor Wussow commented she would support the motion because of the seven and a half percent that goes to the tourism impact and that percentages allows for increased costs over time, but this should not be treated as a slush fund.

Councilor Stepp wanted a million dollars in the budget for tourism advertising, therefore will support the motion.

Motion Passed unanimously.

2:28 Tourism Management Study

City Manager Debra Figueroa presented that the item was removed from the budget during the work session and there is one hundred thousand dollars set aside for a tourism management study for Council to focus on. Figueroa stated that Council needs to determine what they want tourism management to look like. Hanlon added that other mountain communities treated this as a critical issue and use the study to find out how they can manage tourism and the impact of tourism.

Mayor Pro-Tem Willman commented that there is a State study throughout the valley on the impact of tourism and Council should wait for it to be released in November or December this year.

Mayor Godes agreed to wait and see the results of the study, then the amount can be adjusted. Godes would also like to see how strategies are implemented.

Councilor Davis asked if the Chamber and Tourism Board support the study. Mayor Pro-Tem Willman replied that he believed that they hope the study will respond to questions they have.

Councilor Stepp commented that questions need to be answered before a decision.

Councilor Wussow commented that she would like to see the study completed but not at a ten percent hit to the tourism budget and it should come from the seven and a half percent but there are too many unknown variables to decide now.

Councilor Hershey commented that he would defer to the Tourism Board but agreed that there is not a rush to do this now.

2:45 Mayor Godes moved, seconded by Mayor Pro-Tem Willman, to at this time, not include the study in the budget, to wait to get the regional study back and bring this item back before Council to see if further action is needed.

Motion passed unanimously.

2:45 Circulator Bus

Debra Figueroa presented that the original budget had a fifty-thousand-dollar circulator bus study that came out of bus tax and in the work session it was proposed that twenty-five thousand come from the DDA budget and twenty-five thousand from the tourism budget.

Mayor Godes commented he does not support a circulator bus as the money could be better spent on other public transport services for citizens.

Councilor Kaup commented that she would be okay if the money came from tourism, to keep tourist vehicles away from downtown.

Mayor Pro-Tem Willman commented that it should be outside the boundary of the DDA and that community's needs should come first. Willman also stated that if tourists used the bus, it could cut the need for downtown parking.

Mayor Godes asked not to put this in the budget now and to give the DDA an opportunity to discuss the proposal and ask for a recommendation from the Tourism Management Board.

2:51 Mayor Godes moved, seconded by Councilor Davis, to not include the Circulator Bus in the budget at this time, until such time we can get recommendations from the appropriate advisory boards that were being contemplated to ask.

Councilor Kaup asked to include the Transportation Commission

2:51 Mayor Godes moved, seconded by Councilor Davis, to amend his motion to include the Transportation Commission.

2:52 Mayor Godes moved, Seconded by Councilor Davis, to not include in the budget at this time, wait for recommendations from the Tourism Management Board, the Transportation commission and the DDA, before it comes back to Council for another conversation.

Motion passes unanimously

2:52 Public Budget Hearing

Debra Figueroa presented that the budget had been presented to Council and is now open to public comment. Figueroa requested clarification if the seven and a half percent not going to FAB should be placed in the reserve. Mayor Pro-Tem Willman consented.

2:53 Mayor Godes opened public comment.

Laurie Watts, Glenwood Springs resident, stated that she wanted to speak on the West Glenwood development. Mayor Godes stated that public comment is only for adoption of the budget.

2:56 Mayor Godes closed public comment.

Councilor Kaup asked how the four-hundred-thousand-dollar transfer from the Tobacco Tax Fund to the General Fund is to be spent and if it will fall or stay at a specific level. Chief Operating Officer, Steve Boyd, replied that it was a transfer to help defer the cost for police officers and public safety and that it would be pushed down as much as possible. Kaup asked if there was funding for the Summer of Music. Figueroa replied that it came from the FAB grant every year. Kaup asked what several revenue line items in the Fleet budget totaling seven hundred fifteen thousand dollars, were. Boyd replied Fleet does not have a revenue stream, so the General fund and other funds are charged depending on the number of vehicles and equipment each department has, to cover depreciation and purchase of new vehicles and equipment. Kaup would like transparency for the public document with a managerial and graphics representation to make it user friendly. Figueroa replied that Steve Boyd adds that to the presentation later.

Councilor Wussow commented that as the Ruedi Water and Power Liaison, the contribution has been five-thousand-five hundred dollars for the last twenty years and due to increased expenses over time, she would like the contribution increased to six thousand and fifty dollars.

3:01 Councilor Wussow moved, seconded by Mayor Godes, to amend the RWPA contribution from five-thousand-five hundred to six-thousand-fifty dollars.

Motion passes unanimously.

Mayor Pro-Tem Willman requested that for budget approval on November 4, the airport budget be voted on separately. Hanlon replied that would be up to Council to decide a line-item vote. Willman clarified that he would not agree to put capital funding projects to support the airport and would vote against the budget if he had to. Figueroa suggested having the airport budget as a different line-item. Hanlon commented that the discussion could take place later.

3:05 Lodging and Attractions Tax Ad Hoc Committee Revised

City Manager Debra Figueroa recapped the approval of a Housing Ad Hoc Committee. Sumner Schachter presented the revised proposal to include input, a reasonable rationale and support for a viable way to consider an Accommodation and Attractions Tax and to include representatives from various industries.

Mayor Godes commented that Council does not know what the problem is and suggested a representative from the School District for their experience. Schachter replied that they would talk to the School District, to the community, and employers, and that this will a long-term process. Schachter stated

that the committee will define parameters on how and where money can be used and warned that the list will be broad of how the funds could be used.

Mayor Pro-Tem Willman commented that he does not agree to the tax revenue being used for only affordable and workforce housing. Willman stated he was concerned that the current members of the committee were only representing affordable housing and that the funds should be used not only for housing but other purposes such as the downtown circulator and building maintenance. Schachter replied that workforce and affordable housing is the number one issue and that's how the committee was suggested to him.

Mayor Godes suggested refocusing the conversation on the makeup of the committee.

Councilor Kaup suggested an addition to the committee goals to recommend a percentage breakdown. Mayor Godes responded that this would make the committee be involved in political decisions and their purpose is to study how to generate and utilize housing. Schachter responded that issues like revenue sharing may arise, but the primary focus is a dedicated source of housing. Councilor Wussow commented on whether the goal of the committee should be to make recommendations on a percentage of monies dedicated towards housing. Schachter replied that the goal is to recommend to the Council. Councilor Hershey added that the Council are out of touch with what the community wants, and this will go nowhere.

3:24 Councilor Stepp moved, seconded by Councilor Kaup, to approve this new committee selection including a restaurant industry representative and change the second sentence of the priorities to the main purpose of such taxes will be to provide a dedicated source of funding for increasing inventory and availability of affordable and working housing.

Ayes: Kaup, Stepp, Wussow, Willman

Nays: Godes, Davis, Hershey

Motion passed 4-3

3:27 Housing Manager Discussion

Debra Figueroa presented and commented that the name would need to be changed to reflect a higher-level job who knows how to implement Council goals and to get housing deals to move. Figueroa added that funding for this position for one year could come from reserves, but would not want to hire someone based on reserves and without a stable funding source.

Mayor Godes suggested to use part of the portion of the eighty-five-fifteen tourism budget split.

Councilor Stepp suggested using the Garfield County Housing Authority to help until the City is ready to have the funding for the position. Figueroa replied that that is not what they do. Stepp suggested using the Housing Authority in the interim until a permanent source of funding is available.

Jenn Ooten, Assistant City Manager, commented that there is funding available for a housing management contract with Garfield County Housing Authority.

Councilor Stepp commented that the City is not at the point to employee a staff member.

Councilor Davis agreed that the City is not at that point and suggested a consultant or contractor to perform the job.

Mayor Godes commented that funding is available through the seven and a half percent plus reserves needed to commit to and invest in the number one community priority.

Mayor Pro-Tem Willman commented that the item should wait a year for the 2023 budget.

Councilor Hershey agreed.

Councilor Kaup commented that the position should wait until a funding stream is in place and if needed, a consultant should be hired.

3:38 Mayor Godes moved, seconded by Councilor Kaup, to delay the conversation to a future time.

Ayes: Hershey, Kaup, Wussow, Willman, Stepp

Nays: Davis, Godes

Motion Passed 5-2

3:38 Ordinance #12 - Series of 2021 Enabling ballot measures and setting forth authorized uses of tax proceeds.

3:38 Mayor Pro-Tem Willman moved, seconded by Mayor Godes, to approve Ordinance #12 - Series of 2021 Enabling ballot measures and setting forth authorized uses of tax proceeds.

Motion passed unanimously

3:39 Approval to Construct the Devereux Trail Section in Two Rivers Park

Debra Figueroa presented that the City received a one-hundred-fifty thousand dollar grant for the sidewalk, Steve Beckley has given three-hundred-thousand, and the budget has four-hundred-thousand. Figueroa stated that the City is fifty-thousand dollars short to award the project to the low bidder and asked for the fifty-thousand dollars from the reserve fund.

Mayor Godes asked if the project is a top priority in the strategic plan. Figueroa replied it is as it is infrastructure.

3:40 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to transfer fifty-thousand dollars from the reserve fund to the Devereux Trail project.

Ayes: Davis, Willman, Stepp, Kaup, Wussow

Nays: Godes, Hershey

Motion passed 5-2

3:01 Report from City Administration

City Manager

City Manager, Debra Figueroa, requested that Council sign a thank you card for any Board or Commission member who retires or leaves.

City Attorney

City Attorney, Karl Hanlon, commented on an investigation after citizen complaints regarding door hangers and mailers related to the election and whether they break the Fair Campaign Practices Act. Hanlon wanted the public to know the matter is being investigated. Figueroa added that the Fire Marshall confirmed that after a year, there are still code violations, despite one of the flyers stating there were no issues. Councilor Kaup wanted to know who is responsible. Figueroa stated that the jet fuel was privately owned but sits on County land but the fueling takes place on City property. Councilor Wussow requested more information about responsibility and liability. Figueroa pointed out that the Fire Marshall may take steps to address the issue as it is a code violation.

Correspondence Incoming/Outgoing

None

3:47 Adjournment

3:47 Councilor Stepp moved, seconded by Councilor Hershey, to adjourn.

Motion Passed unanimously.