



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
NOVEMBER 17, 2022
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*

The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ATTENTION: To ensure your written comments are included in the City Council packet, public comments must be received by 4 p.m. on the day before City Council meetings. Comments may be submitted to ryan.muse@cogs.us.

Written comments may be submitted after this deadline and will be shared via email to City Council but are not guaranteed to make it into the meeting packet. Submit comments at any time directly to City Council via email at citycouncil@cogs.us.

WORK SESSION

- | | | |
|------|--|------------------------|
| 4:00 | 1. Valley Wide Travel Patterns and Implications for Transit and Transportation Demand Management | Information/Discussion |
| 4:45 | 2. 2022 Traffic Volume and Speed Data | Information/Discussion |

ZOOM INSTRUCTIONS

You are invited to a Zoom webinar. When: Nov 17, 2022 06:15 PM Mountain Time (US and Canada)

Topic: 2022/11/17 Regular City Council Meeting. Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83768279848?pwd=aGR0VDdCTFNUdlhFZWl3bU5jUURIdz09> Passcode: 351637

Or One tap mobile: US: +17193594580,,83768279848# or +12532158782,,83768279848#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 309 205 3325 Webinar ID: 837 6827 9848 International numbers available: <https://us02web.zoom.us/j/83768279848>

REGULAR SESSION

- | | | |
|------|--|--------------------------|
| 6:15 | 3. Roll Call | |
| | 4. Agenda Changes & Conflicts | |
| | 5. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes) | |
| | 6. Consent Agenda | Discussion and/or Action |
| | A. Award Request for Proposal 2022-28P; Alpine Slide Professional Trail Build | |
| | B. Resolution 2022-41; Court Costs and Fees | |
| | C. November 3, 2022 Council Minutes | |
| | D. Ordinance 2022-24; Extend Downtown Development Authority Tax Increment Financing (Second Reading) | |

ACTIONS AND/OR PRESENTATIONS

- | | | |
|------|---|--------------------------|
| 6:20 | 7. Ballot Initiative 2C - Next Steps | Discussion and/or Action |
| 6:35 | 8. Memoranda of Understanding for Habitat for Humanity Agreement | Discussion and/or Action |
| 6:50 | 9. Ordinance 2022-25; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2022 Assessment for Collection in Fiscal Year 2023 for the Glenwood Springs General Improvement District No. 1980 and Providing for a Temporary Tax Credit (FIRST READING) | Discussion and/or Action |

- | | | |
|------|--|--------------------------|
| | 10. Ordinance 2022-26; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2022 Assessment for Collection in Fiscal Year 2023 and Providing for a Temporary Tax Credit (FIRST READING) | Discussion and/or Action |
| 6:55 | 11. Historic Museum Budget and Funding Request | Discussion and/or Action |
| 7:10 | 12. Ordinance 2022-27; Amending Title 040 of the Glenwood Springs Municipal Code to Establish an Exemption from the City's Sales Tax for Certain Retail Delivery Fees and Carryout Bag Fees Enacted by the State of Colorado and to Clarify Remittance of the Bag Fee. | Discussion and/or Action |
| 7:25 | 13. Ordinance 2022-28; Code Amendment to Title 070 Development Code as it pertains to Sign Standards and Use Specific Standards | Discussion and/or Action |
| 7:40 | 14. Council Comments | |
| | 15. Report from City Administration | |
| | A. City Manager | |
| | B. City Attorney | |
| | C. Correspondence Incoming/Outgoing | |
| 8:00 | 16. Adjournment | |



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: Valley Wide Travel Patterns and Implications for Transit and Transportation Demand Management

Action Requested: None. Discussion of data and its implications for the community.

Department: Engineering

Presented By: Terri Partch

Strategic Goals: Protect and Preserve our Quality of Life

Background Info: Discussion of regional and internal travel patterns and their effect on community character. Update on the Transportation Demand Management Program and the Transit Expansion Analysis. Please see the attached PowerPoint.

Issues: None.

Fiscal Impact: None.

Legal Review: None.

Staff Recommendation: Not applicable.



Origin and Destination Data Analysis

2022 Streetlight (Cell phone GPS) Analysis



Why is this data important?



Congestion has a large impact on our community character

- Number of vehicles, speed, community safety

January 7, 2016

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How is the data acquired?

- ❧ Acquired from Global Positioning System (GPS) tracking technology in smartphones
- ❧ Does not represent trips made by bicycle or walking

Limits of the data

- œ Data is collected from approximately 110 million cell phones in the United States (about 33% of the total population)
- œ Trips are only collected when the cell phone has apps with the Location Based Services (LBS) turned on (Varies from 1%-35% of all trips)
- œ Data is compared to Census Data and permanent traffic counters to normalize the results
- œ Data accuracy is improved with large sample sizes and longer periods of collection.





Where was the data collected?

œ 36 total analysis points

œ **Pass through and Middle Filter (gateways)** set at locations (SH 82, Midland, Grand Avenue Bridge, external study boundaries) to look at trips through the gateway, regardless of where they come from or end up

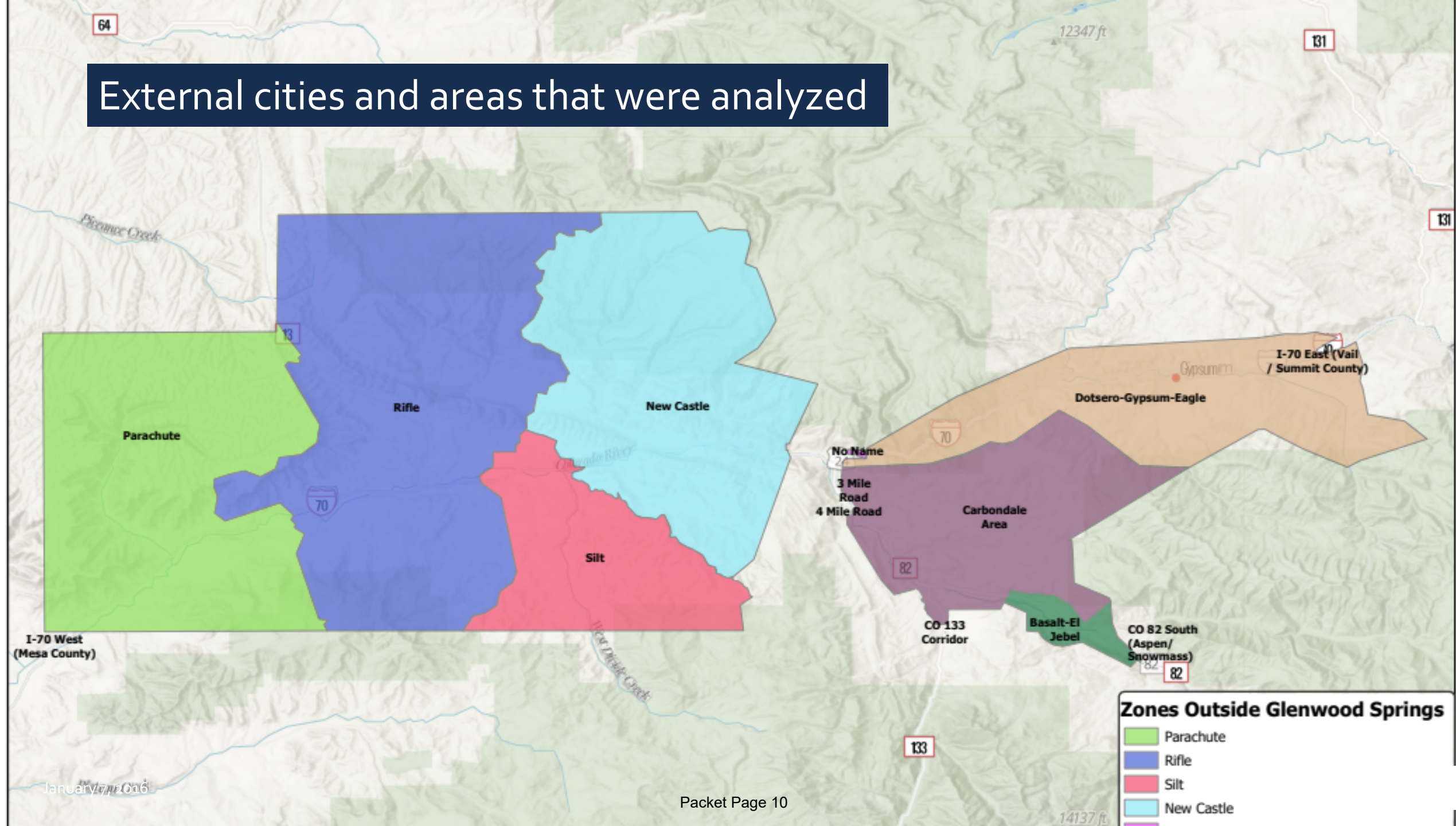
œ **Non pass through zones** (polygons set to determine trips in and out of an area) Cities, areas that are internal to Glenwood- 30 total areas analyzed

When was the data collected?

- 2019 and 2021 to see pre COVID and post COVID patterns
- Summer 2019 and 2021
- Winter 2019 and 2021
- Hourly and all day
- Commute trips and non –commute trips. A data algorithm is used to see where the cell phone “sleeps” at night and where it sits during the majority of the day.



External cities and areas that were analyzed



Internal areas the were analyzed

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- Northwest Glenwood Springs
- Two Rivers

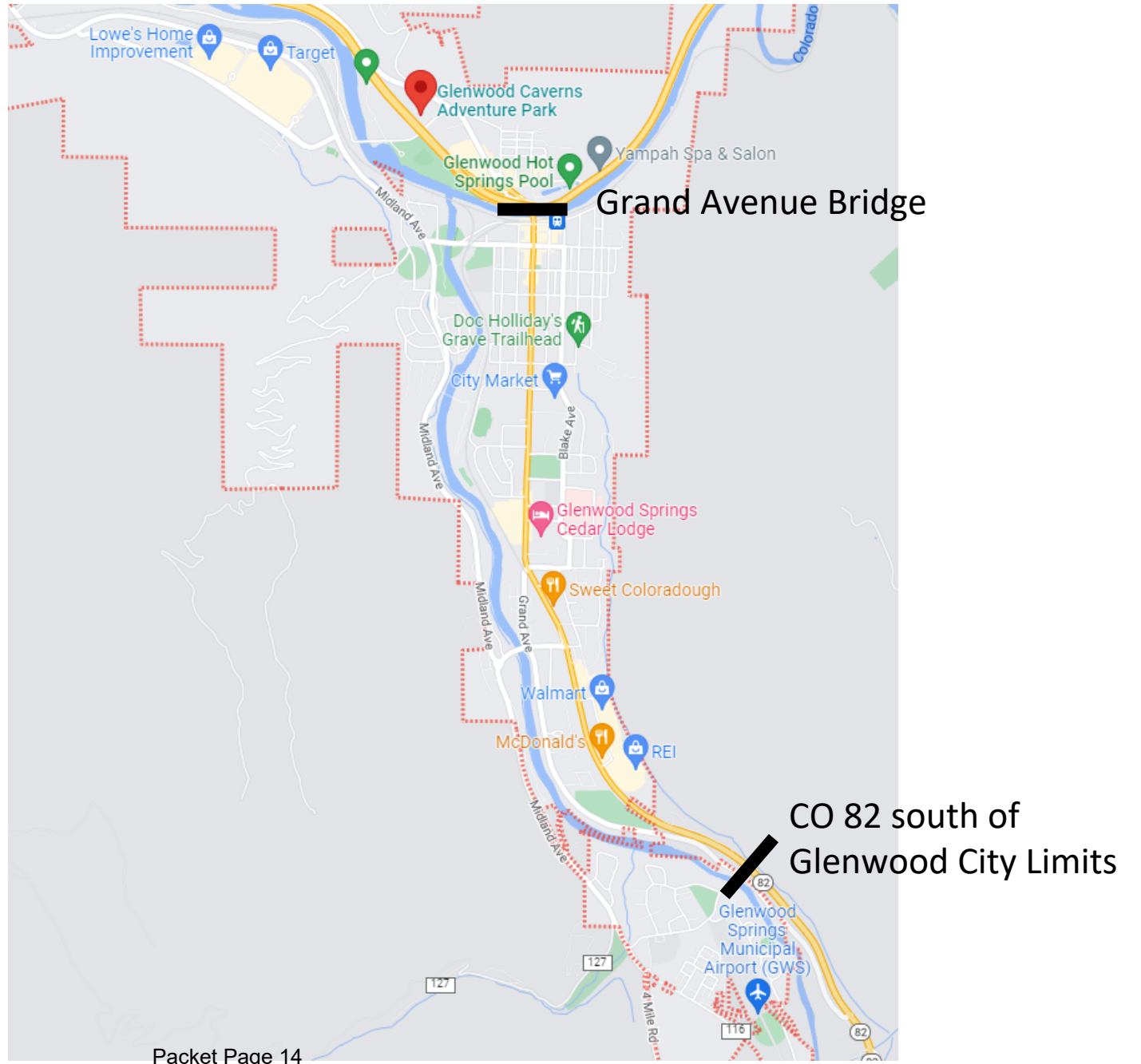
Summary of Study Results



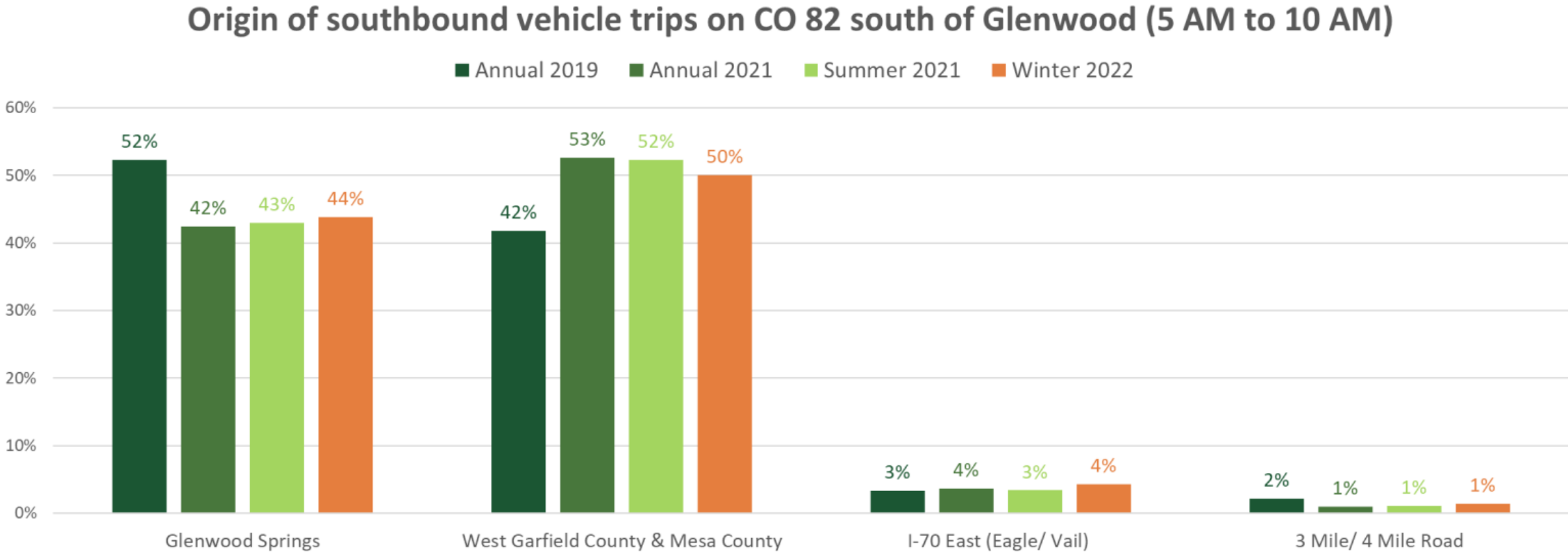
People Commuting Through



CO 82 Screen -lines



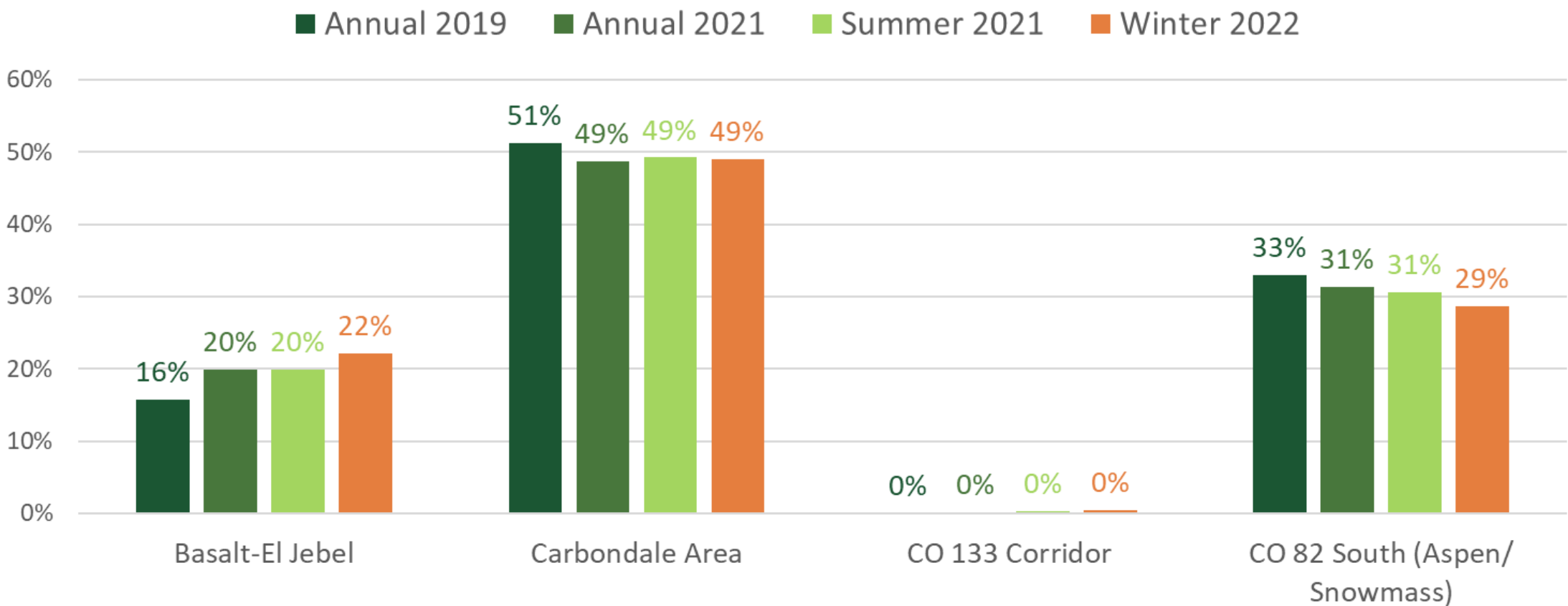
What percentage of people are commuting south from and through Glenwood Springs (Where did these commuters come from)?



Top western GarCo origin zones were: Rifle (40%), New Castle (23%), Silt (17%) and Parachute (8%)

Where are these morning commuters coming from western Garfield County going to?

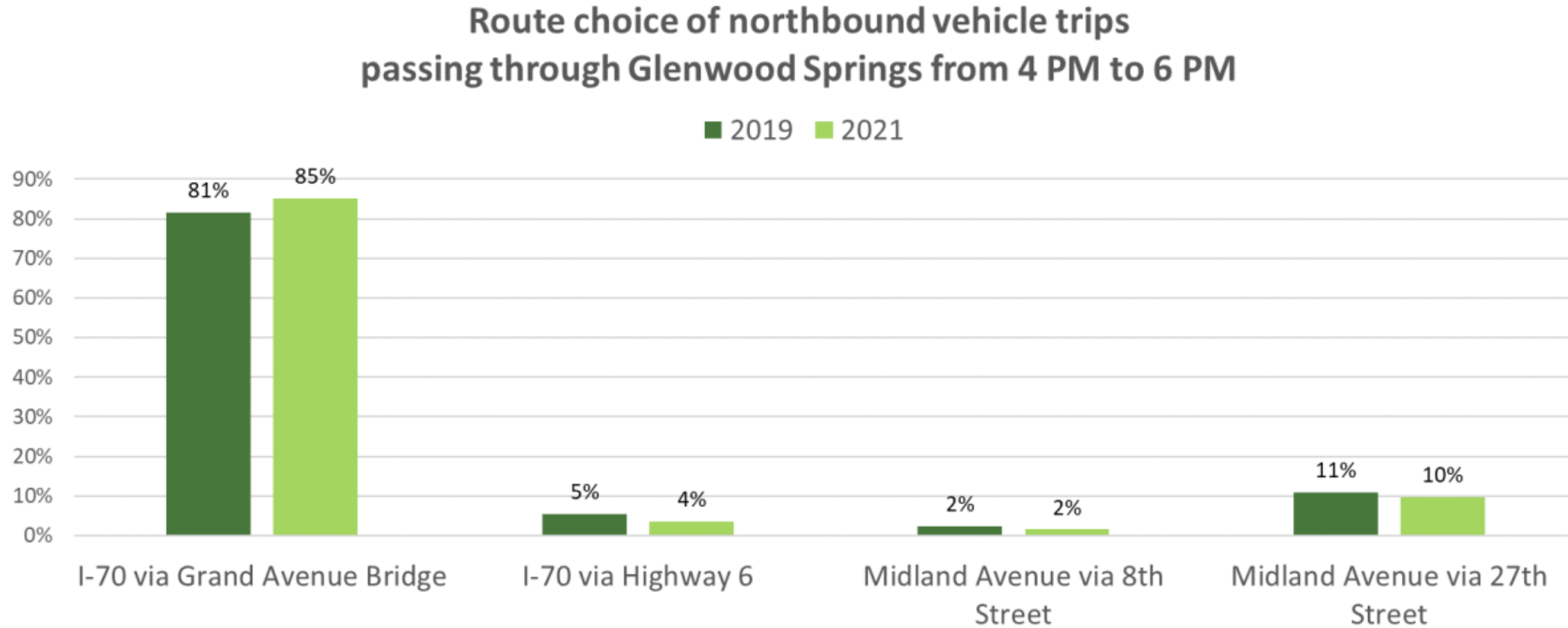
Destination of southbound vehicle trips on CO 82 originating in western Garfield County & Mesa County between 5 AM to 10 AM



Bypass Traffic on to our Local Roads



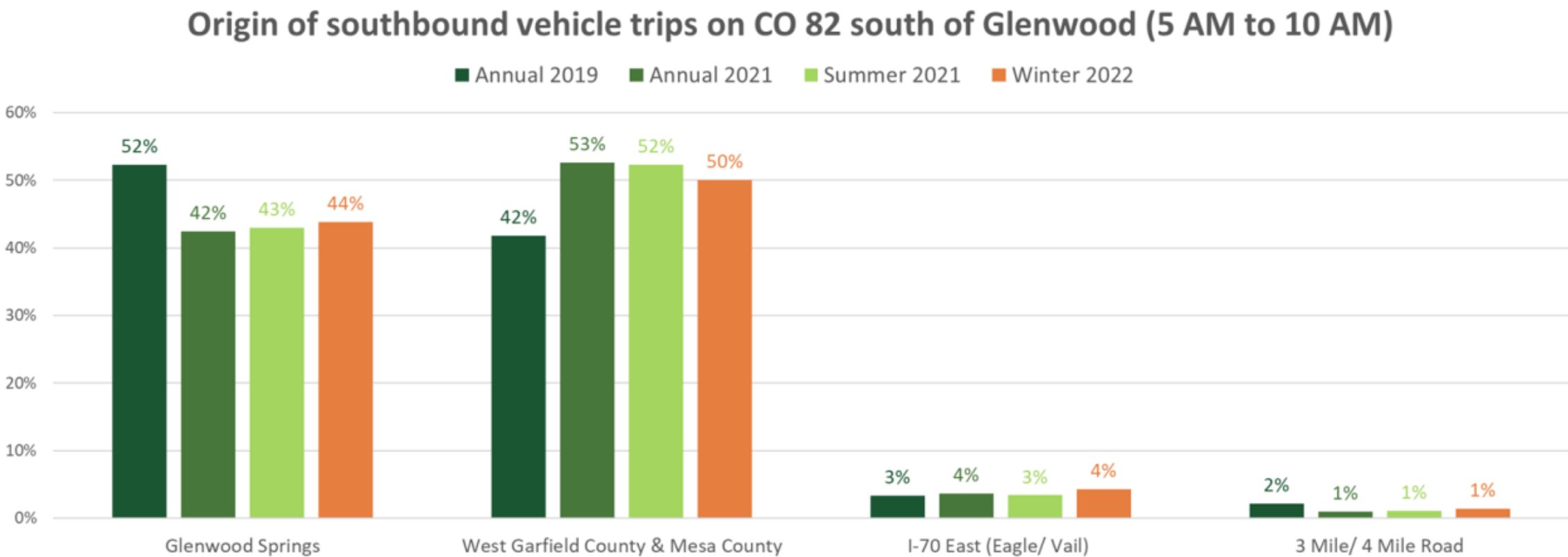
Are people using our local streets to bypass congestion on Grand Avenue?



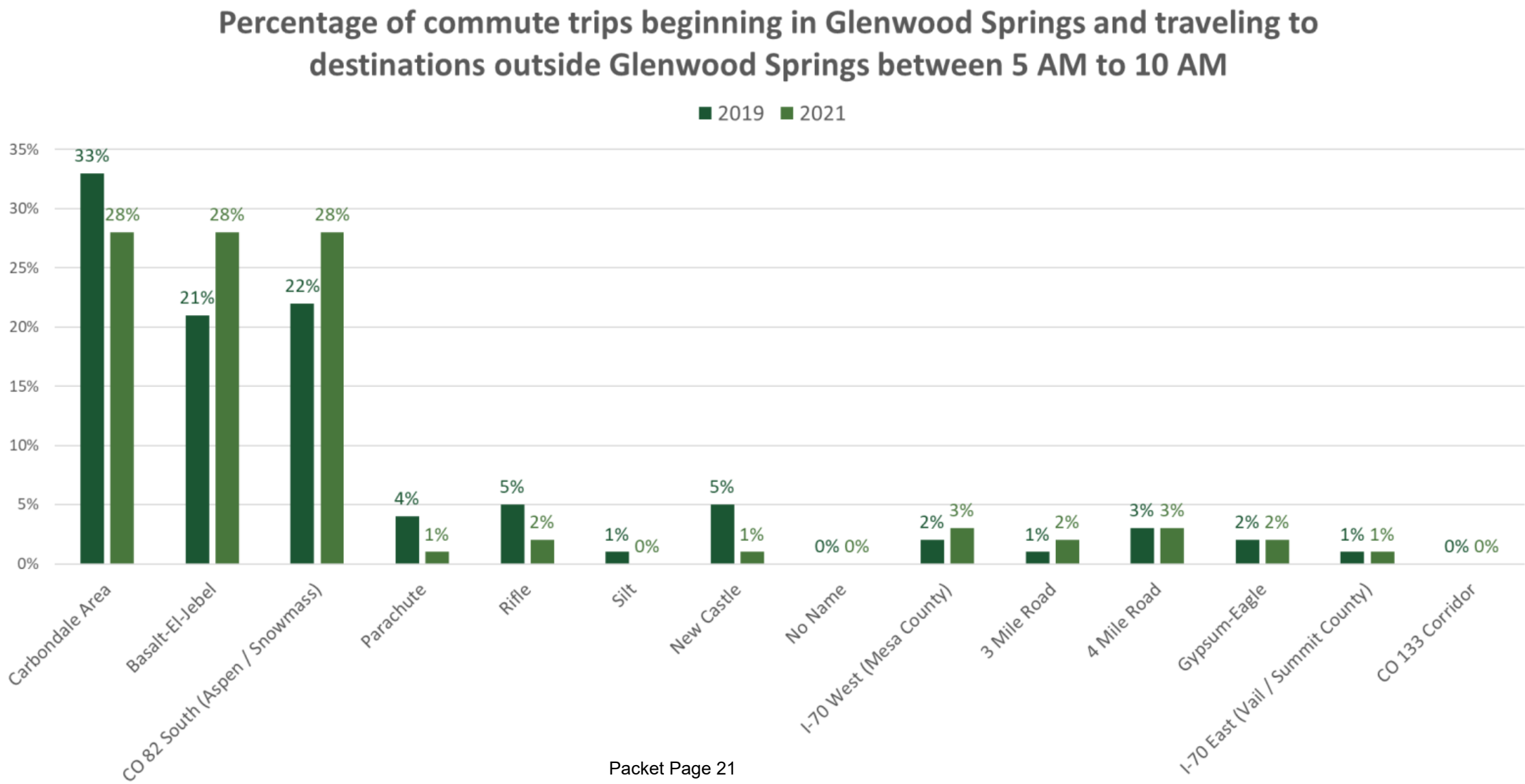
Glenwood Residents Commuting to Someplace Else



What percentage of people are commuting from Glenwood Springs?



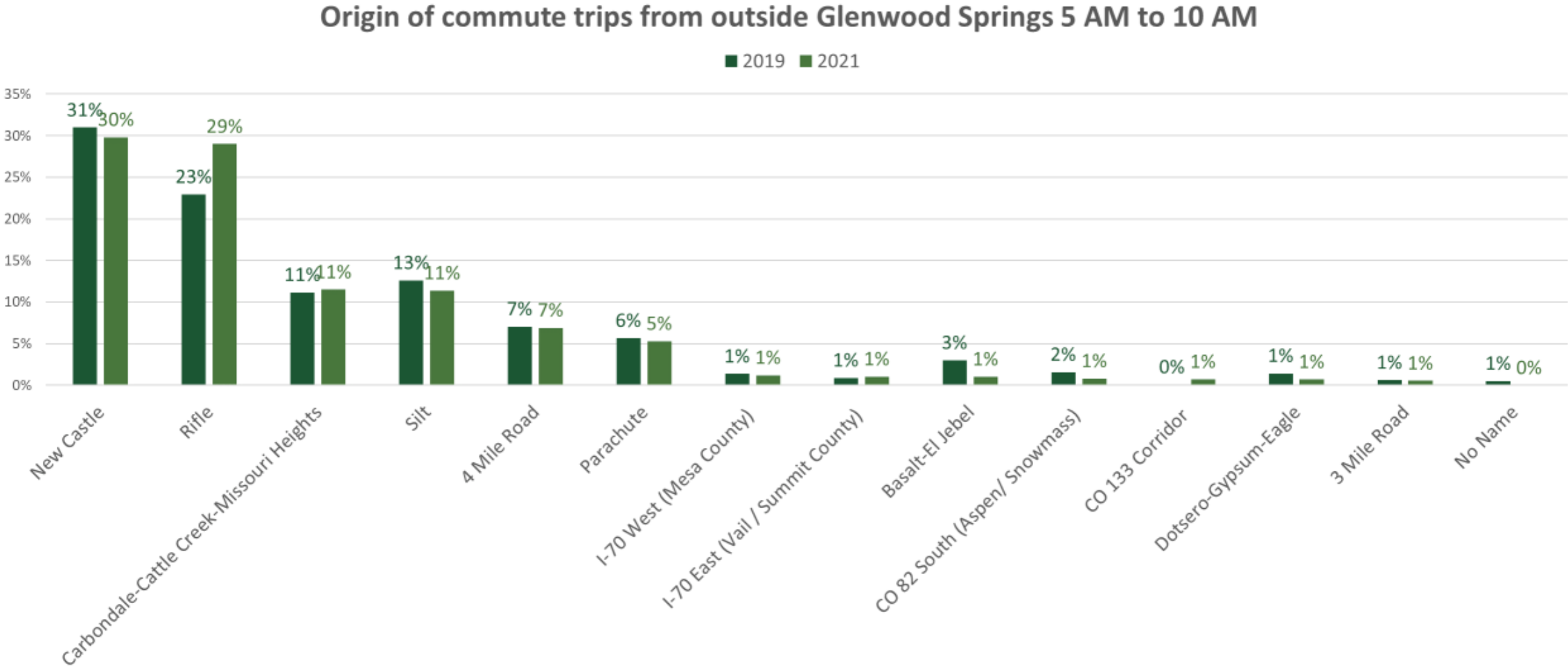
Where are these morning commuters coming from Glenwood going to?



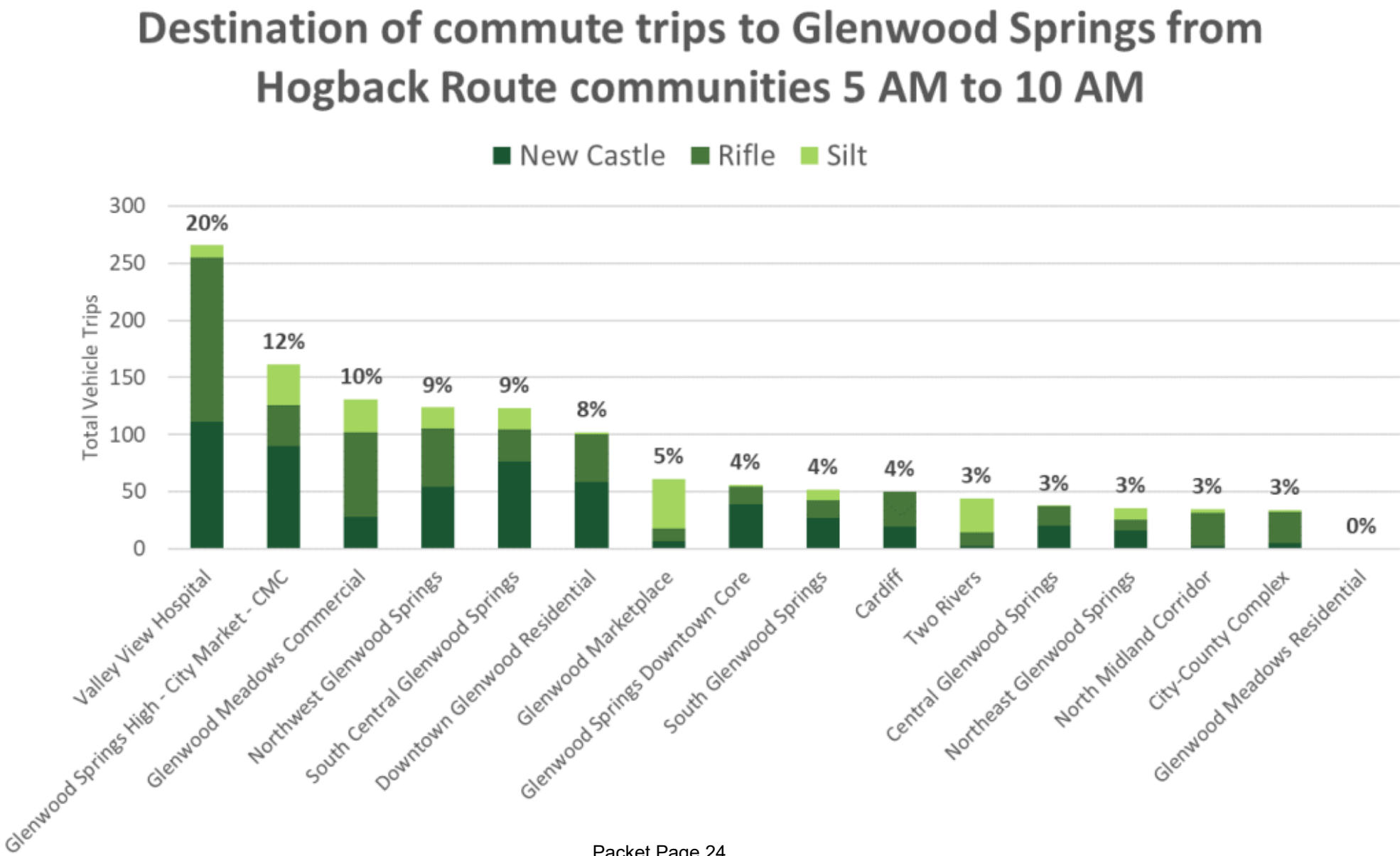
People Commuting into Glenwood



People commute into Glenwood Springs for jobs, school or shopping. Where do those people come from?



Where are the people from western Garfield County that commute into Glenwood going to?



Glenwood Internal Movements – Highest Internal Trip Pairs

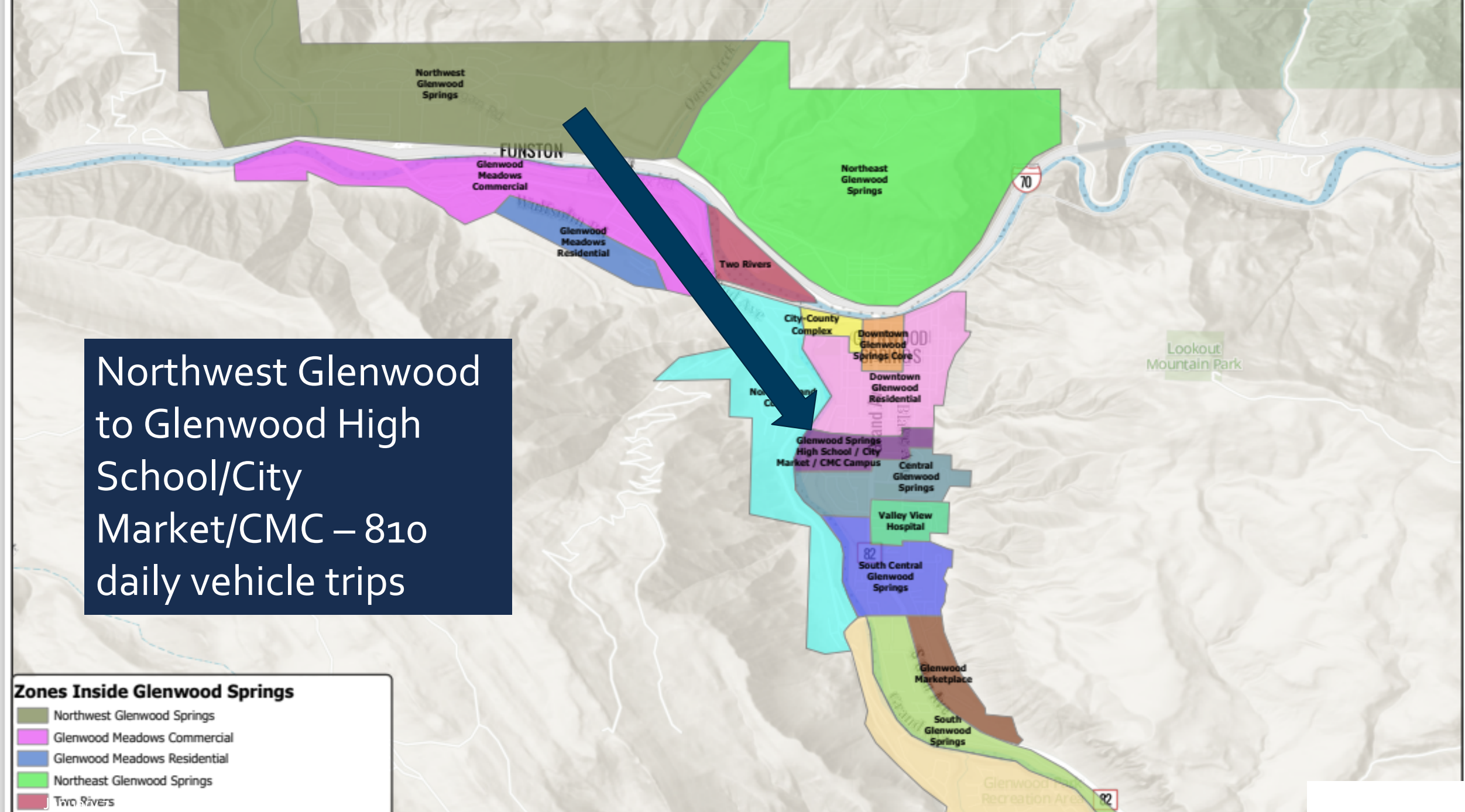


Northwest Glenwood to
Glenwood Meadows
Commercial -1,140 daily vehicle
trips

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- Northeast Glenwood Springs
- Two Rivers

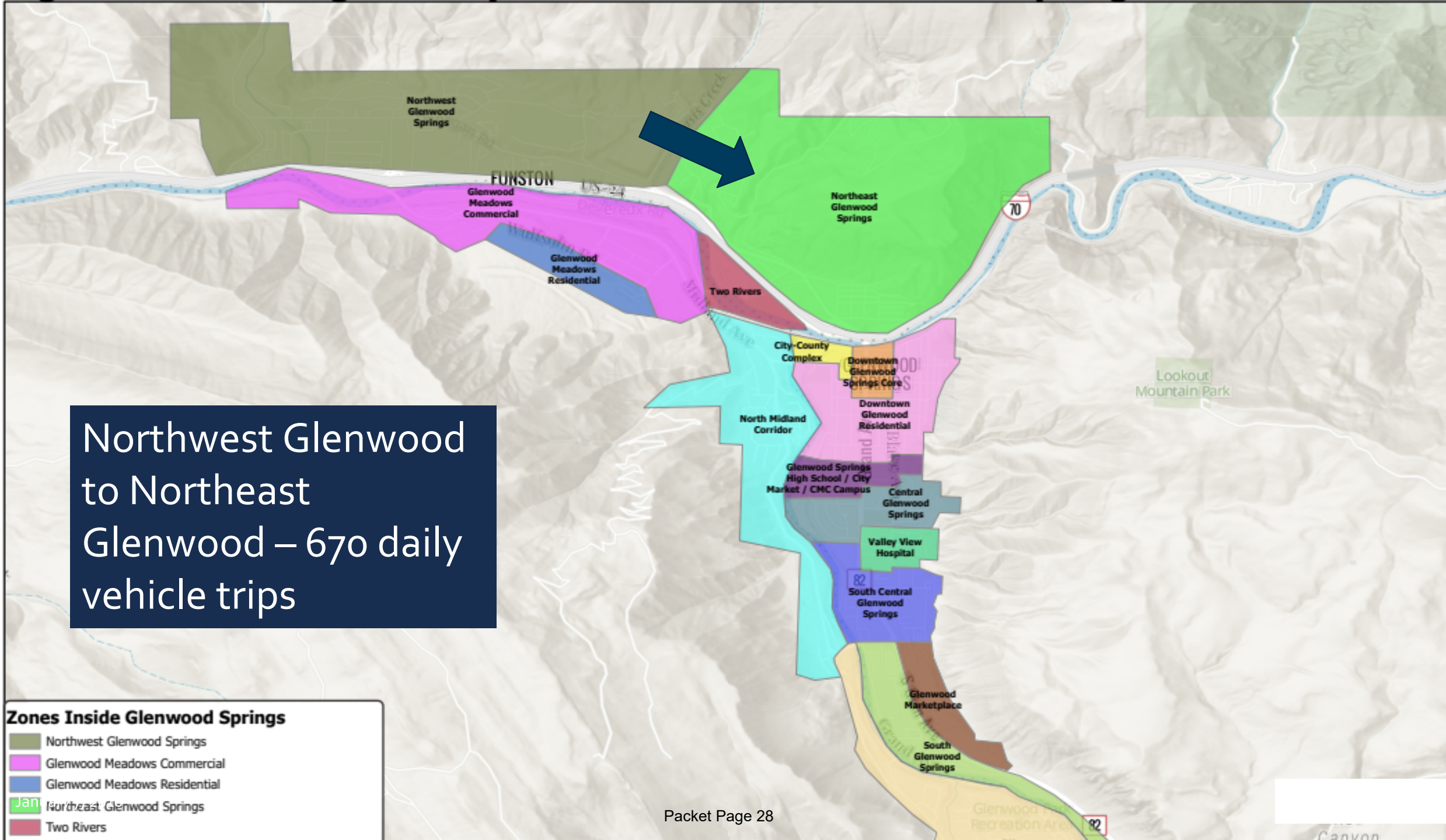
Northwest Glenwood
to Glenwood High
School/City
Market/CMC – 810
daily vehicle trips



Northwest Glenwood
to Northeast
Glenwood – 670 daily
vehicle trips

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- North Central Glenwood Springs
- Two Rivers

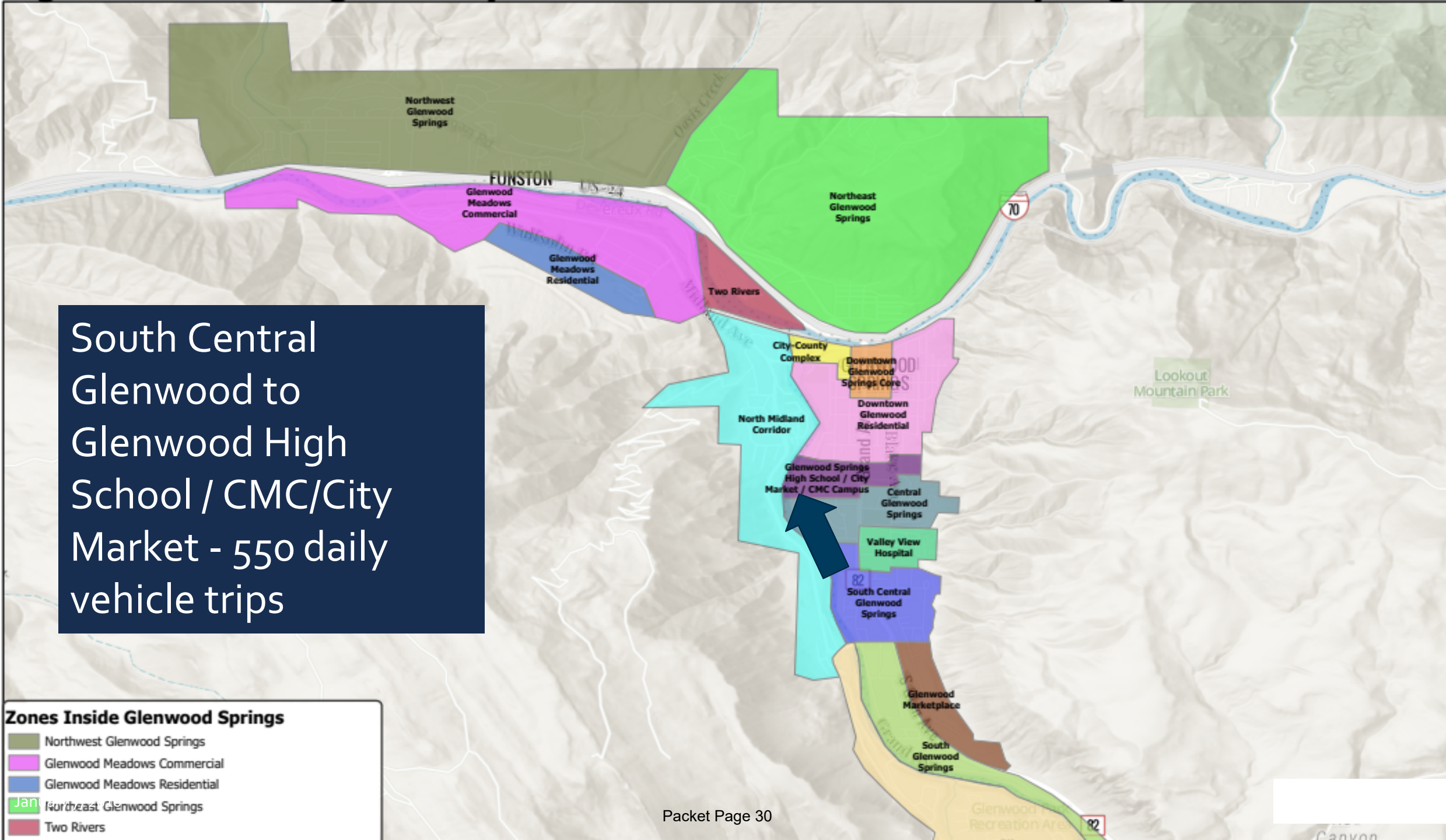


Northeast Glenwood
to Glenwood
Meadows Commercial
– 610 daily vehicle
trips

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- Northeast Glenwood Springs
- Two Rivers

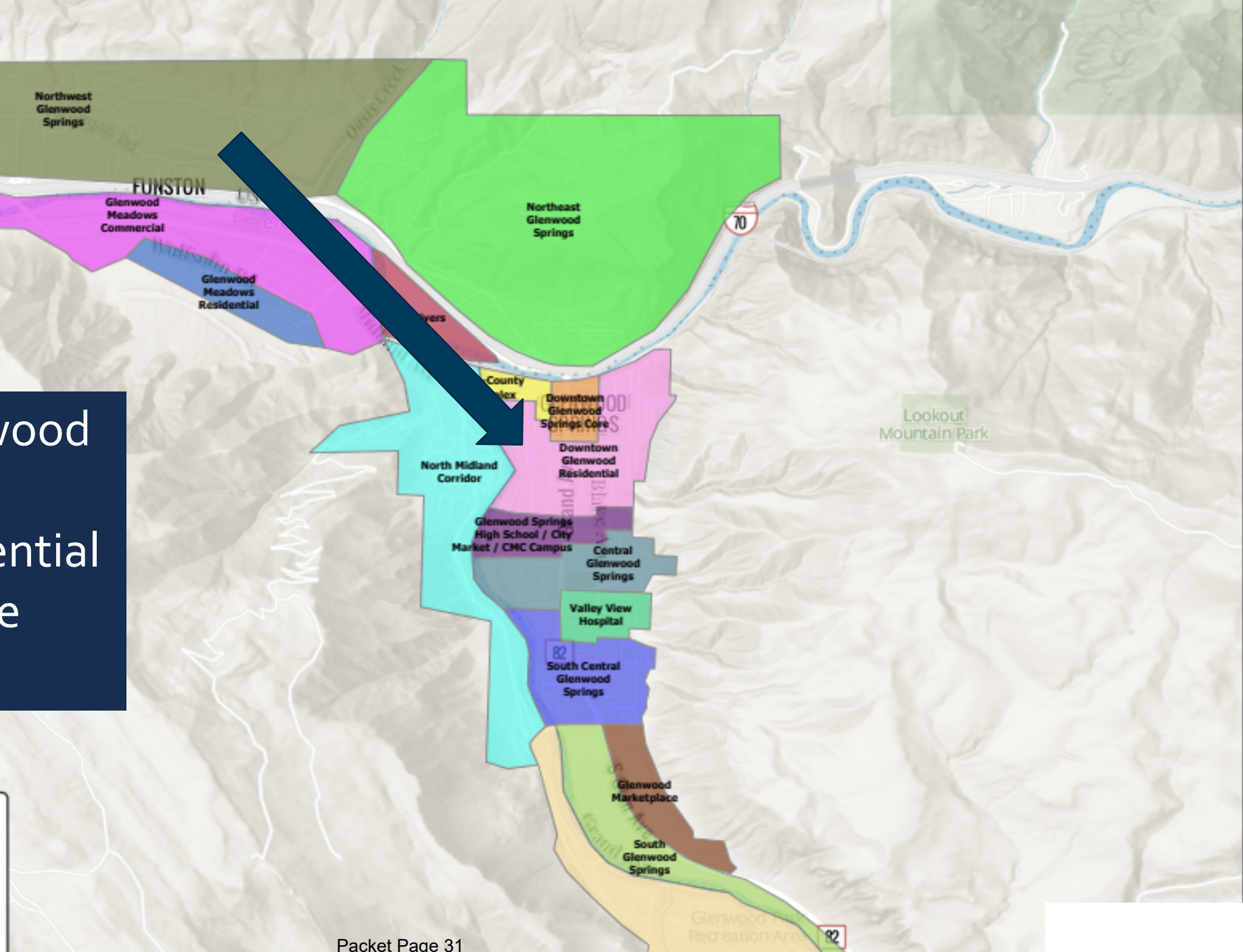
South Central
Glenwood to
Glenwood High
School / CMC/City
Market - 550 daily
vehicle trips



Northwest Glenwood
to Downtown
Glenwood Residential
– 520 daily vehicle
trips

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- Northeast Glenwood Springs
- Two Rivers



Northeast Glenwood
to Downtown Core -
500 daily vehicle trips

Zones Inside Glenwood Springs

- Northwest Glenwood Springs
- Glenwood Meadows Commercial
- Glenwood Meadows Residential
- Northeast Glenwood Springs
- Two Rivers



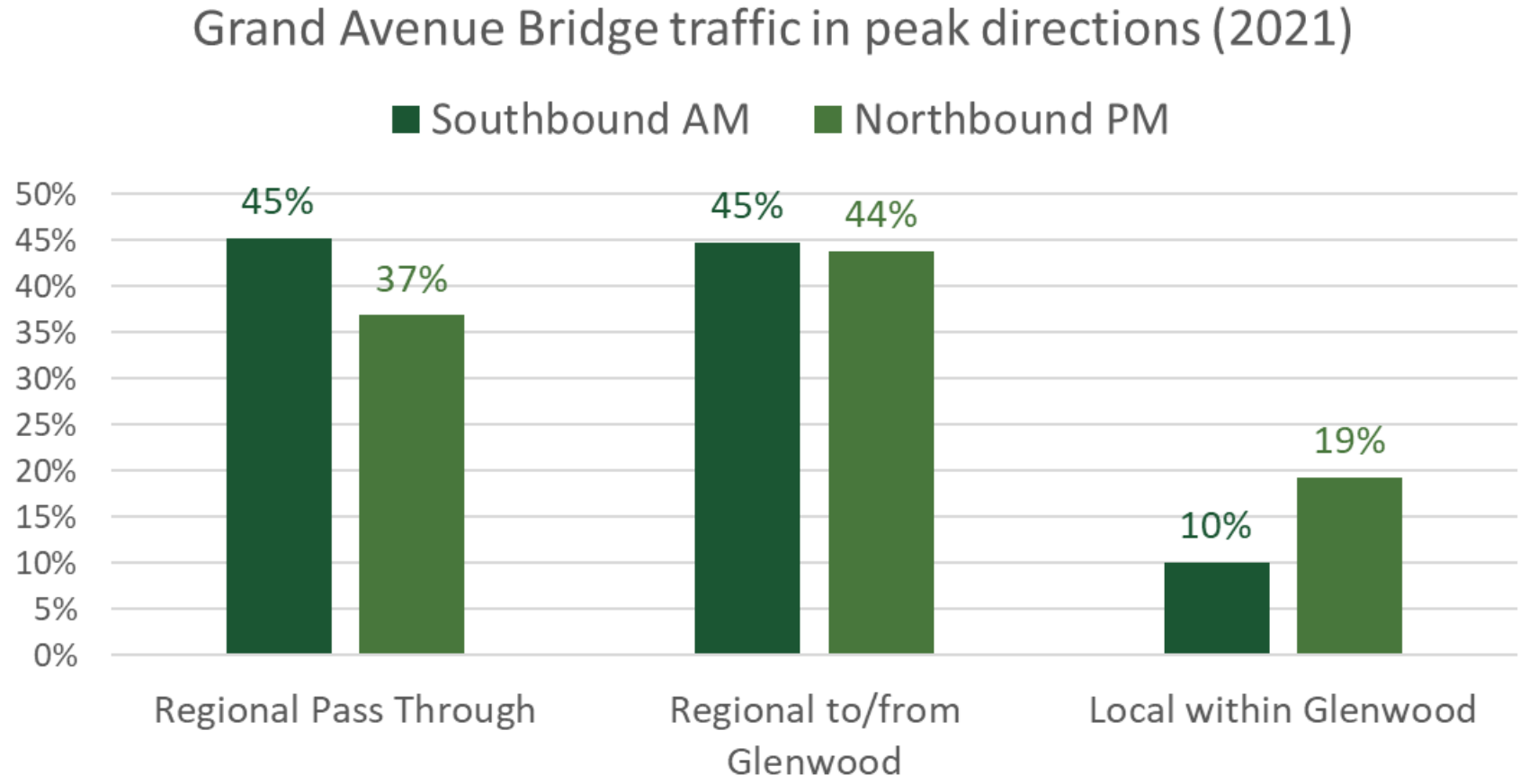
Update on the City Transportation Demand Management Project and Transit Expansion Analysis

Discussion and Questions

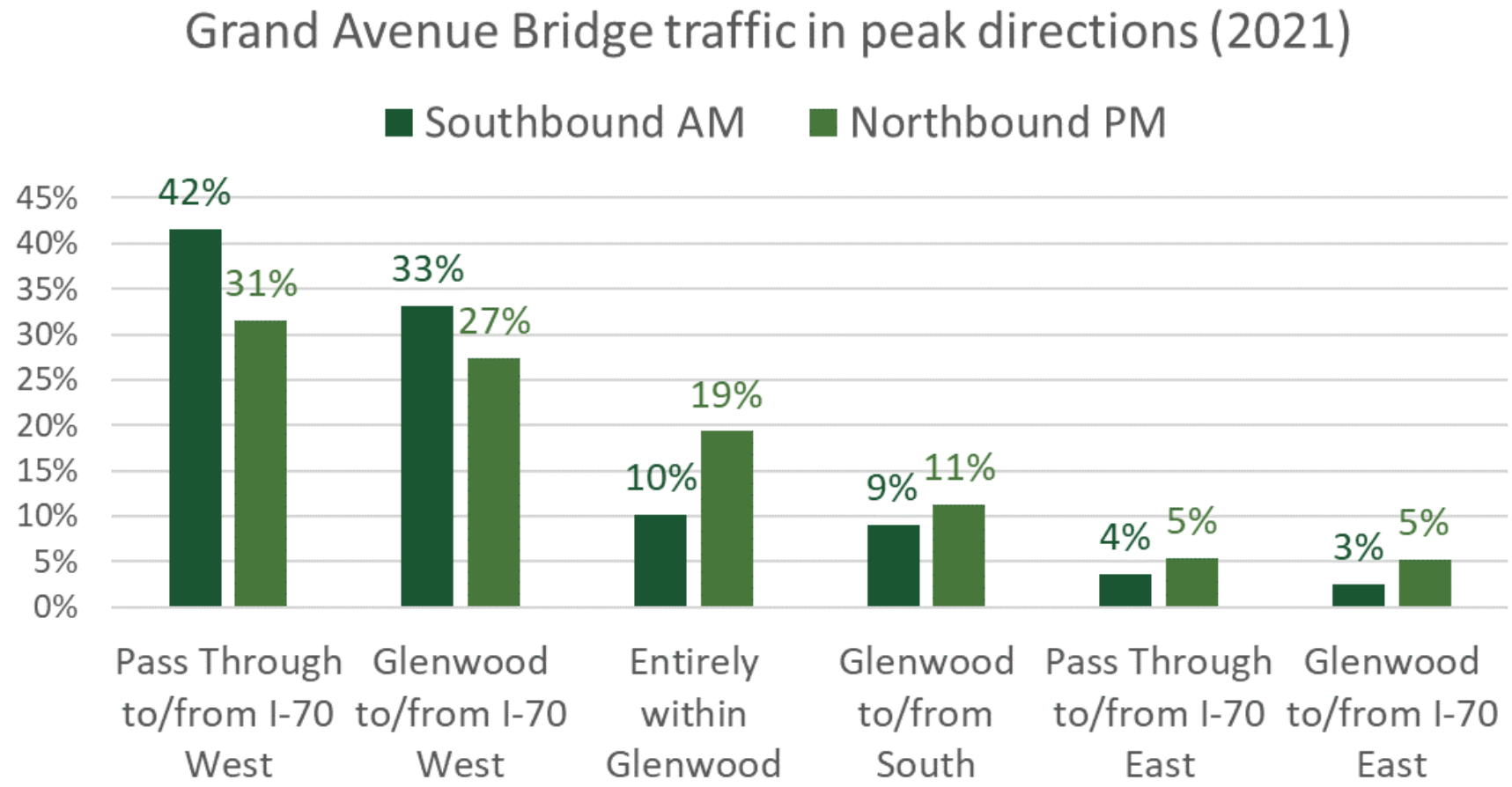
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What percentage of traffic on the Grand Avenue Bridge is local versus pass-through traffic?



What percentage of traffic on the Grand Avenue Bridge is local versus pass-through traffic? (Where is traffic going to and coming from)?



Top origin zones in AM were: Rifle (28%), New Castle (25%), Glenwood Springs (19%), Silt (12%)
Top destination zones in AM were: Glenwood Springs (46%), Carbondale (25%), Aspen/Snowmass (17%)



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: 2022 Traffic Volume and Speed Data

Action Requested: None. For information and discussion.

Department: Engineering

Presented By: Terri Partch

Strategic Goals: Protect and Preserve our Quality of Life

Background Info: City staff has sporatically assessed traffic volume and speed over the city's street system for the last fifteen years. In 2022, staff requested funds in the 2022 budget to assess conditions broadly across the city to evaluate existing travel patterns and traffic volumes, existing speed, and need for potential speed control.

Issues: None at this time.

Fiscal Impact: None at this time.

Legal Review: NA

Staff Recommendation: None.



Speed and Volume Analysis

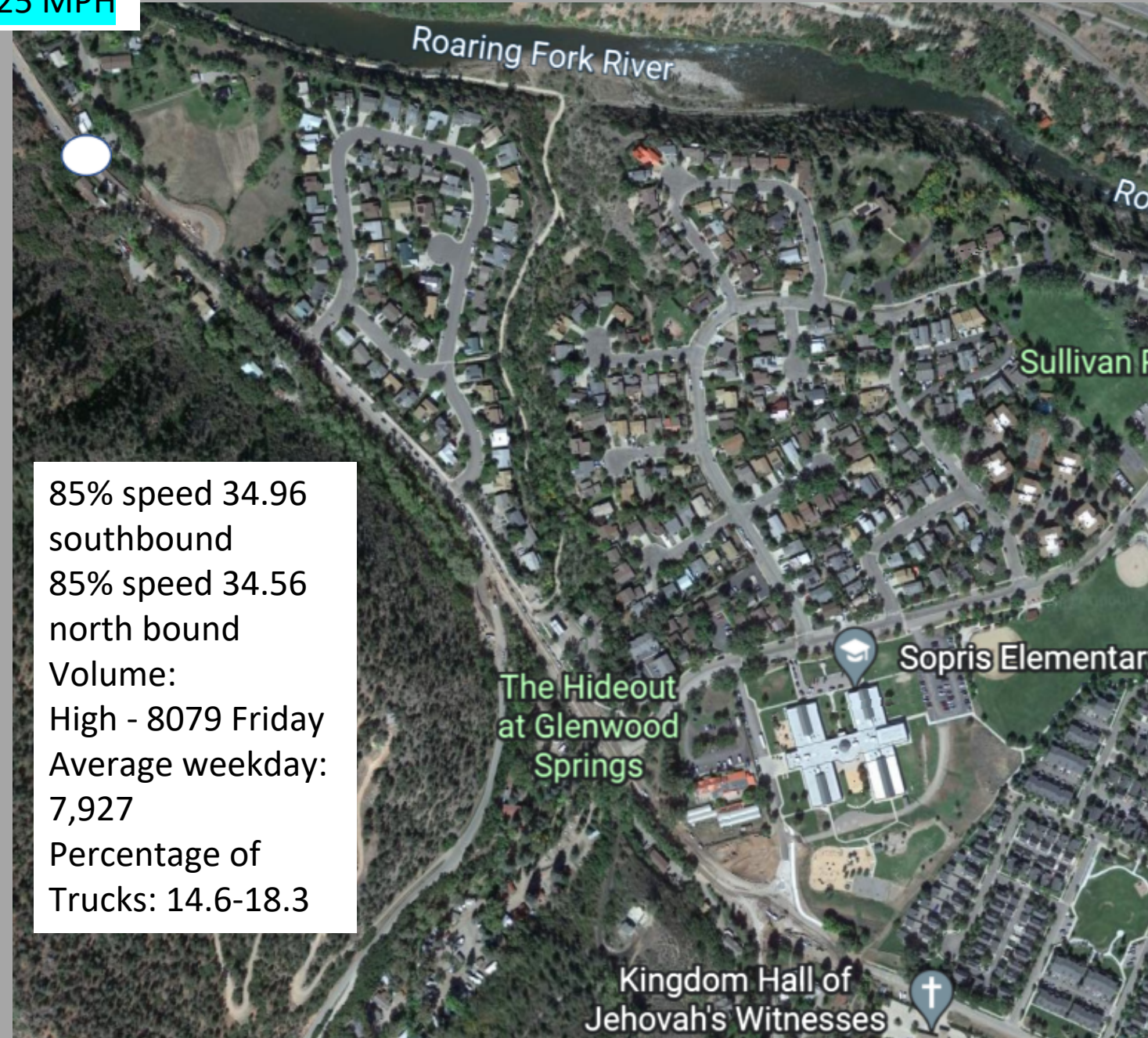
2022 Idax



South Midland –South of 27th Street –Posted Speed 25 MPH



85% speed 34.81 southbound
85% speed 45.11 northbound
Volume:
High - 8161 Friday
Average weekday: 7,882
Average weekend: 5,809



85% speed 34.96
southbound
85% speed 34.56
north bound
Volume:
High - 8079 Friday
Average weekday:
7,927
Percentage of
Trucks: 14.6-18.3

Mid Midland -Between 27th Street and 8th Street —Posted speed 25 MPH



85% speed northbound 28.0 mph
85% speed southbound 24.5 mph
Volume:
High: 7,777 Monday
Average weekday: 7,656
Average weekend: 5,019
Percentage of trucks: 13.2%

West Midland –East Side – Posted Speed 25-20 MPH School Zone



85% speed northbound 34.0 mph
85% speed southbound 37.5 mph

Volume:

High - 16,033 Monday
Average weekday: 14,306
Average weekend: 10,276
Percentage of trucks: 12.8%

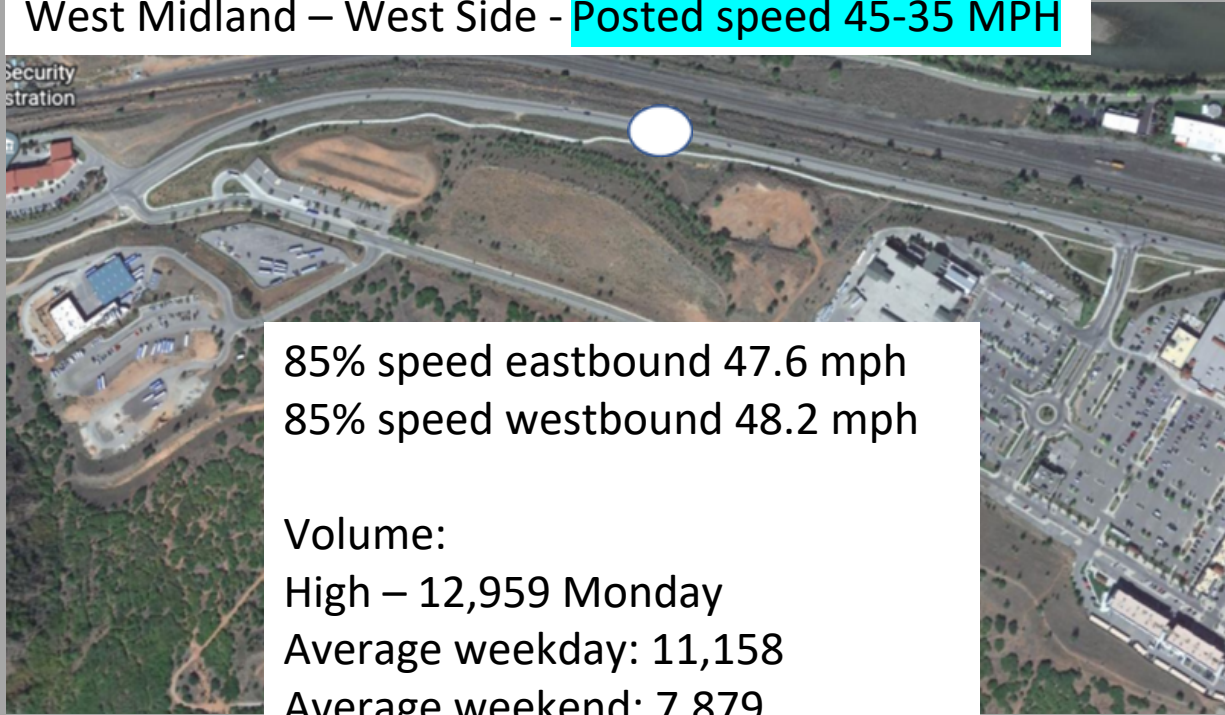


85% speed eastbound 42.8 mph
85% speed westbound 45.3 mph

Volume:

High - 11,269 Monday
Average weekday: 9,511
Average weekend: 5,916
Percentage of trucks: 14.9%

West Midland – West Side - Posted speed 45-35 MPH



85% speed eastbound 47.6 mph
85% speed westbound 48.2 mph

Volume:

High – 12,959 Monday
Average weekday: 11,158
Average weekend: 7,879
Percentage of trucks: 14.5%



Posted speed 25MPH

85% speed northbound 28.4 mph
85% speed southbound 32.5 mph

Volume:

High – 15,449 Monday
Average weekday: 13,611
Average weekend: 10,034
Percentage of trucks: 14.1%



Posted speed 25MPH

85% speed eastbound 38.1 mph
85% speed westbound 34.8 mph

Volume:

High – 15,800 Monday
Average weekday : 13,732
Average weekend: 10,136
Percentage of trucks: 14.2%

Blake south of 9th



85% speed northbound 23.5mph
85% speed southbound : 25.6 mph

Blake south of 13th



85% speed northbound 27.2 mph
85% speed southbound 27.6 mph

Volume
High: 3,906
Average weekday : 3,710
Average weekend: 1,904
Percentage of trucks: 9.8 %

Blake south of Valley View Drive



85% speed northbound 25.3 mph
85% speed southbound 24.7 mph

Volume
High: 4,495 Wednesday
Average weekday: 4,165
Average weekend: 1,774
Percentage of trucks: 9.8%

Blake north of 23rd



85% speed northbound 25.8 mph
85% speed southbound 25.1 mph

Volume

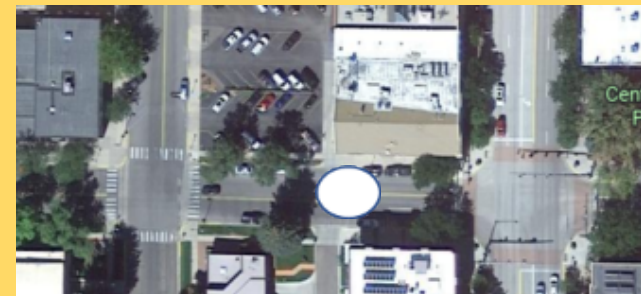
High: 2,679 Wednesday
Average weekday: 2,425
Average weekend: 1,100
Percentage of trucks: 13.1%



8th Street west of School Street

85% speed eastbound 29.3 mph
85% speed westbound : 32.5 mph

Volume
High: 9,387 Monday
Average weekday: 8,421
Average weekend: 6,614
Percentage of trucks: 12.2%



9th Street between Colorado and Grand

85% speed eastbound: 18.0 mph
85% speed westbound : 18.8 mph

Volume
High: 2,919 Monday
Average weekday: 2,679
Average weekend: 1,959
Percentage of trucks: 11.2

Pitkin Street between 8th and 9th



85% speed northbound 21.8 mph
85% speed southbound 22.9 mph

Volume
High: 3,641 Friday
Average weekday: 3,329
Average weekend: 1,581
Percentage of trucks: 9.2%

Colorado between 7th and 8th



85% speed northbound 18.7mph
85% speed southbound 19.5 mph

Volume
High: 1,797 Friday
Average weekday: 1,497
Average weekend: 1181
Percentage of trucks: 12.1%



Questions and Discussion





City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: Award Request for Proposal 2022-28P; Alpine Slide Professional Trail Build

Action Requested: Staff is requesting Proposal 2022-28P for the Alpine Slide Professional Trail Build be awarded to Gumption Trail Works

Department: Parks & Recreation

Presented By: Steve Boyd

Strategic Goals: Protect and Preserve our Quality of Life

Background Info:

The City of Glenwood Springs and Roaring Fork Mountain Bike Association (RFMBA) partnered to design and build the existing mountain bike trails in South Canyon. The remaining approved trail, Alpine Slide, will be completed with this project. The trail was built during the Fall of 2022 by RFMBA, volunteers and City of Glenwood Springs staff. This trail will have the look and feel of a “bike park” and will be unique to the immediate region. In 2022 RFMBA received a \$15,000 grant from the City of Glenwood Springs through the Financial Advisory Board (FAB) that will be used for this project. The remaining funds will be provided by RFMBA, funding that has been secured through their fundraising efforts. Payment to the contractor and management of the project will be provided by the City of Glenwood Springs. RFMBA will reimburse the City for the total cost of the project.

Issues: The City received four bids for the project. The low proposal is from Gumption Trail Works who is a qualified contractor.

Fiscal Impact: Costs are within the 2022 budgeted amount provided by RFMBA. RFMBA has funds allocated for any change orders for additional trail features that could be requested if the budget allows.

Legal Review: Legal will review the final contract language prior to signatures.

Staff Recommendation: Staff is recommending Proposal 2022-28P for the Alpine Slide Professional Trail Build be awarded to Gumption Trail Works for \$34,330.00.



Alpine Slide Trail RFP

10/24/2022

(Image : Highlands Flow trail in Rifle, CO; created by GTW in partnership with RAMBO in 2022.)

Gumption Trail Works

Aaron Mattix, owner

491 Harmony Dr

Rifle, CO 81650

Overview

Gumpton Trails Works is excited to offer the following RFP for the Alpine Slide Trail in the South Canyon trail system of Glenwood Springs, CO. Gumpton Trail Works has helped develop local mountain biking advocacy group RAMBO, and provided construction services for the Grand Hogback Trails system near Rifle, CO. Additional projects include expanding the Red Grade trail system near Sheridan, WY, and Rito Seco Park trails near San Luis, CO. GTW has also assisted RFMBA with construction assistance on the Vasten trail, and RFTA with Railway, and Holy Cross Energy with the Satank singletrack extension. Gumpton Trail Works owns 3 mini excavators, a tracked hauler, plate compactor, and full complement of hand tools.

Project Approach

- **Project Understanding :** The Alpine Slide trail will provide a complimentary experience to the existing trails in the South Canyon network, with an emphasis on providing a safe opportunity for riders to progress their skills in jumping, cornering, and speed management.
- **Design Considerations :** The existing cut of the Alpine Slide route provides a sinuous contour route that can be transformed into a safely progressive experience by providing generous transitions, and rollable features that minimize consequences of coming up short. To provide an engaging experience, careful consideration will be given to designing features that are varied in shape, size, and rhythm that allow for multiple interpretations. Hip-style hits that provide extended landing zones, step-down / step-up combinations with a low commitment threshold, and rollable doubles / camel humps offering multiple combinations according to the rider's skill level are some of the anticipated features. Managing drainage, and effective reclamation & re-seeding will also be key to creating a sustainable, repeatable experience that minimizes future maintenance needs.
- **Project Execution :** Gumpton Trail Works aims to engage the Alpine Slide project in the most timely manner possible to minimize exposed disturbances, and ensure project continuity. Available weather windows will dictate whether the project transpires in Fall/Winter '22, or Early Spring '23. GTW will work closely with City of Glenwood Springs staff to ensure that project expectations are being met, and that construction commences in the most responsible manner possible. In addition to shaping features to maximize progression opportunities, equal care will be taken in

drainage management, and reclamation efforts to ensure the sustainability of the surrounding environment, and stability of the trail for future use.

- Project Schedule :

- i. Design work : (1 day) project review & conceptualization - Pin flag & identify key features, drainage concerns, project approach. It is anticipated that design work will commence immediately following contract award & signature.
- ii. Design review : (1 day) w/ City of Glenwood Springs staff & RFMBA to review design concepts, project approach, and priorities.
- iii. Construction : (3-5 weeks) Depending on available weather windows, construction will commence either in late fall (Nov-Dec. '22), or early spring (March-April '23). GTW plans on utilizing two mini excavators to ensure timely construction. One machine will do initial rough shaping of features, and drainage management / culvert installation, the second machine will complete final shaping of features, and any necessary reclamation work.

- b. Significant Factors :

- i. Soil types - The decomposed shale of the area lends itself readily to excavation, but is also highly susceptible to erosion concerns. Shaping of features will take this into consideration by avoiding overly steep or fall line features, and contours of the landscape will be maximized in layout & design rather than relying heavily on constructed features. Re-seeding, and reclamation work will be equally critical to construction work to minimize future erosion. GTW has worked with similar alluvium soils in the Grand Hogback Trails system north of Rifle, refining the above methods for a positive user experience & sustainability.
- ii. Drainage - Given the scale of the existing cut, and anticipated scope of features, installation of culverts is anticipated as being a critical component to ensure tread stability. Reclamation & re-seeding efforts will also be executed with an emphasis on managing water flows, and reducing erosion, and soil displacement.
- iii. Interface with existing trails - The lower intersection with the Tramway trail will likely require a slight modification to the existing alignment of Tramway to ensure visibility, and speed management.

- iv. Level of finish - GTW submits this RFP with the intention of providing a turn-key product that will be a signature user experience complimenting the existing trails in South Canyon, without requiring future modification, and minimal maintenance.
- v. Partnerships - While GTW anticipates engaging this project without relying on volunteer work for completion, we are happy to provide support & coordination with RFMBA for removal of foundation structures, as well as any necessary training for future maintenance needs.

Insurance :

GTW is insured through Westfield Insurance Services, and will provide appropriate documentation on award of contract.

References :

- Patrick Waller, City of Rifle : 970-665-6499 / pwaller@rifleco.org
- Mike Pritchard, RFMBA : 970-948-3486 / mike.pritchar@imba.com
- Erik Villasenor, RAMBO : 719-323-0303 / villasenorerik@gmail.com
- Matt Schuler, Rifle Gap State Park : 970-625-1607 / matt.schuler@state.co.us
- Brad Bauer, Sheridan Community Land Trust : 307-673-4702 / director@sheridanclt.org

2022-28P Alpine Slide Trail Bid Schedule

2022-28P Alpine Slide Trail Bid Schedule					
No.	Description and Unit Price in Words	Length (Feet) or Quantity	Price (Lump Sum or Cost/Ft)		
1	Mobilization, Demobilization, and Incidentals: including, but not limited to: all permits, coordination, labor, equipment, all other materials, services, safety, excavations, soil preparations, site grading, or other items not individual itemized but required to effect construction, initiation, and completion of the project.	N/A		\$1000 ⁰⁰	
			(Words)	(Numeric)	Description (If Needed)
2	Trail Construction: including but not limited to: cost per-sculpting of drainage features, rollers, berms, and table top jumps. Revegetate areas impacted by trail construction using seed mix provided by City.	\$10/ft		\$26,835	
		2683 Feet	(Words)	(Numeric)	Description (If Needed)
3	Pin flag design alignment for review prior to construction: Contractor to pin flag primary trail alignment and any optional parallel lines (for more challenging or larger jump features), and schedule with City staff to review prior to start of any trail construction. Review of pin flagged alignment on site will include discussion of feature locations including rollers, berms, and table top jumps.			\$1,500	
		2683 Feet	(Words)	(Numeric)	Description (If Needed)
4	Other rates, Cost per Unit of item/feature identified by Contractor (specify): Examples may include turns, trail features, or rock armoring if recommended by contractor. However, these items may be included within the basic cost/foot bid cost.			\$	Included in per foot cost
			(Words)	(Numeric)	Description (If Needed)

5	Force Account (for Minor Contract Revisions): Including but not limited to: furnishing, all other materials, labor and equipment necessary for a completed project.	(10) 15" x 20' culvert \$500 ea.		\$ 5,000		
			(Words)	(Numeric)	Description (If Needed)	
6	Total of All Items(Complete Project):			\$ 34,330		
			(Words)	(Numeric)	Description (If Needed)	
7	Bid Alternate: Additional jump lines, other materials for features, etc. (These are items that would not be included in the original bid and are by no means required)	\$ 15/ft		\$	All additional features to be killed at \$15/ft	
			(Words)	(Numeric)	Description (Required)	



**Request for Proposal 2022-28P
Alpine Slide Professional Trail Build**

Buyer:

City of Glenwood Procurement Department
101 West 8th St / Glenwood Springs, CO 81601 / ryan.muse@cogs.us



RFP 2022-28P Alpine Slide Professional Trail Build

Section I: Introduction

The City of Glenwood Springs uses the Rocky Mountain E-Purchasing System ("BidNet") to post solicitations and any supporting or additional information, including Addenda, Bid Sheets and awards. Proposals must be submitted prior to close on BidNet. The City of Glenwood cannot accept a response that did not come through the right channel on time. All documents and information are available at www.bidnetdirect.com/cityofglenwoodsprings. If you require additional information regarding BidNet call Vendor Support at 800-835-4603 anytime Monday-Friday from 6:00 am to 6:00 pm Mountain Time.

Project Summary:

The City of Glenwood Springs along with partner, Roaring Fork Mountain Bike Association, are looking for a qualified trail builder to design and build a bike-optimized, downhill only, feature based, trail experience. Builder must have experience working in backcountry terrain and building jump lines for various abilities of ridership.

Section II: Timeline

a. **Proposal Timeline.**

TIMELINE	DATE	TIME
Mandatory Pre-Proposal Walkthrough	SEPTEMBER 27TH	11:00 a.m.
Questions and Clarifications Due	OCTOBER 7TH	5:00 p.m.
Question Addendum Released	OCTOBER 11TH	2:00 p.m.
Request for Proposals (RFP) Due www.bidnetdirect.com/cityofglenwoodsprings	OCTOBER 24TH	2:00 p.m.
Target Award Date (Subject to Change)	TBA	2:00 p.m.

The mandatory pre-proposal meeting/walkthrough **will begin** on site promptly at **11am**. We will meet at the South Canyon Archery Range parking lot. We will start with any administrative issues and questions. **Please do not be late.**



RFP 2022-28P Alpine Slide Professional Trail Build

Section III: Instructions to Submitters

- a. There will be a mandatory pre-bid meeting/walkthrough on September 27 at 11:00am. The location is at the entrance to the City of Glenwood Springs South Canyon Landfill on the corner of County Highway 134. This process is expected to be competitive with numerous vendors participating. The City of Glenwood Springs endeavors to provide a uniform distribution of information to vendors and conduct a fair selection process. We ask that you please follow these instructions carefully. Any submittal that does not meet the requirements set forth in this document and any addenda will not be presented the Selection Committee.
- b. We ask that you do not contact any member of staff directly with questions or comments about the RFP other than Ryan Muse, City Clerk. Any attempts to contact City personnel other than the City Clerk will result in disqualification. Please send questions to bidresponse@cogs.us and they will be answered as addendums on the BidNet site. Multiple people check this email address so you will probably get a faster response here than emailing the City Clerk.
- c. Please upload your submittal to BidNet in one single PDF file.
- 1) Cover sheet.
 - 2) Submittal form.
 - 3) RFP bid schedule.
 - 4) Issued addenda.
 - 5) Estimated timeline
 - i. Include mobilization, preparation, and construction.
 - 6) Provide 3 professional references for comparable work, installation, and application.
 - 7) Feature build specifications.
 - 8) Any exceptions taken to the specifications and scope of work.
- d. Questions regarding this RFP should not be submitted to BidNet, but submitted to bidresponse@cogs.us
- e. All addenda issued by The City of Glenwood Springs will be placed on the BidNet site prior to the time that proposals are received and shall be considered part of the RFP. It shall be the Bidder's responsibility to view all documents posted at BidNet. The City may issue several addenda during the process as needed for clarification.
- f. BidNet will automatically stop allowing uploads at the date and time of closing. Sometimes the process takes a few minutes so please upload your proposal well ahead of the closing time. The City cannot see who or how many responses have been submitted to BidNet prior to the closing date so we are unable to confirm receipt. However, you may assume your upload was successful if BidNet accepts the document.
- g. The City of Glenwood Springs makes no guarantee that an award will be made as a result of this RFP and reserves the right to accept or reject any or all proposals, waive any formalities or technical inconsistencies, or delete any item/requirements from this RFP or resulting contract when deemed to be in the City's best interest.
- h. The Bidder shall purchase and maintain at its own insurance which is at least as broad, and with limits at least as great as outlined in Section IV: If your proposal is successful and a contract awarded, a compliant certificate of insurance will be required with all endorsements at that time.



RFP 2022-28P Alpine Slide Professional Trail Build

- i. Representations made within the proposal will be binding on Bidder. Failure to comply with the requirements contained in this RFP will result in the rejection of your proposal.
- j. Bidder recognizes and understands that any costs incurred by the Bidder from submitting a response to this RFP are the responsibility of the bidder.

Section IV: Insurance Requirements

General Liability

Policy form:	Occurrence
Policy Aggregate	\$ 2,000,000
Products/completed operations aggregate	2,000,000
Each occurrence limit	1,000,000
Personal & advertising injury limit	1,000,000
Products/completed operations	
Defense in excess of limits	
Per location / per job aggregate limit	
Blanket contractual	
Independent contractors	
Primary & non-contributory	
Show Waiver of Subrogation in favor of the City	
All locations / operations (if not, show city job/location specifically)	
Name the City as "Additional Insured"	

Automobile Liability:

Combined single limit:.....	\$ 1,000,000
Any auto	(or Hired & Non-owned, if you own no vehicles)
Show Waiver of Subrogation in favor of the City	
Primary & non-contributory	
Auto pollution liability	(IF you carry any hazardous cargo)
(If the Vendor is providing repairs to City vehicles on the Vendor's property, the Vendor shall possess Garage Liability Insurance, covering premises, auto and completed operations)	
Name the City as "Additional Insured"	

Pollution Liability:

Policy form:	Occurrence
(if not, claims-made retro date must predate our contract or date of service)	
Per claim or occurrence limit.....	\$ 1,000,000
Blanket contractual	
Primary & non-contributory	
Show Waiver of Subrogation in favor of the City	Per location / per job aggregate limit
Defense in excess of limits	
Designated Location or Operation must e shown as per your contract for the City	
Name the City as "Additional Insured"	

Umbrella:



RFP 2022-28P Alpine Slide Professional Trail Build

Policy form: Occurrence - Umbrella
Each occurrence or claim limit: \$ 1,000,000
Excess commercial general liability
Excess Products/completed operations
Show Waiver of Subrogation in our favor
Excess automobile liability
Excess professional liability (if you provide professional services)
Excess pollution liability (if any pollution exposure exists)
Excess employer's liability
Blanket contractual
Per location / per job aggregate limit
Defense in excess of limits
Primary & non-contributory
All locations / operations (if not, designate specific project or location)
Name the City as Additional Insured including Products/Completed Operations

Workers' Compensation:

Workers Compensation benefits:	per Colorado Statute
Employers liability – limit per accident	\$ 100,000
Employers liability – limit per disease	100,000
Employers liability – disease aggregate	500,000

All owners/officers who will be on City property or job site must be covered
Show Waiver of Subrogation in favor of the City
Coverage must apply to workers in Colorado

Section V: Selection Criteria

In evaluating Proposals, the City shall consider the qualifications of the Submitters, whether or not the Proposals comply with the prescribed requirements, and alternates and unit prices if requested in the Proposal forms. The City may consider the qualifications and experience of sub-contractors/consultants and other persons and organizations within the Proposals proposed for those portions of the work. The identity of sub-contractors/consultant and other persons and organizations must be submitted as specified in the Supplementary Conditions. The City is looking to award the project to the firm offering the best value. Price is a consideration but not the only one.

The City may conduct such investigations as it deems necessary to establish the responsibility, qualifications, and financial ability of the Proposers, proposed sub-contractors and other persons and organizations to do the Work in accordance with the Contract Documents to the City's satisfaction within the prescribed time. The City reserves the right to reject the Proposal of any firm that does not pass any such evaluation to the City's satisfaction.



RFP 2022-28P Alpine Slide Professional Trail Build

Section VI: RFP Terms & Conditions

Schedule

The contractor shall submit a schedule showing the order in which the contractor proposes to carry on the work including the estimated number of working days elapsed, when the critical parts are to begin, and the estimated number of calendar days required to complete the critical parts. Said schedule shall be subject to the approval of the city. Should the city be of the opinion that any schedule of operation as submitted is inadequate to secure the completion of the work in the time agreed upon or otherwise not in accordance with the specifications or the work is being inadequately or improperly prosecuted in any respect, the City may ask that the contractor submit a new schedule. The city anticipates the construction project to be completed between 4-8 weeks.

Discussions/Negotiations

The City of Glenwood Springs reserves the right to contact any Bidder for clarification of information submitted and to conduct discussions with Bidders, to accept or not accept revisions of Proposals, and to negotiate any point in the proposal or the subsequent contract at the sole discretion of the City's Chief Operating Officer.

Indemnification

If any litigation from any claims, disputes or other matters in question arising out of or relating to this agreement, or the breach thereof, the successful party in the litigation shall be entitled to reasonable legal expenses as part of any judgment.

Section VII: Warranties, Representations and Acknowledgements of Bidder

- a. Bidder acknowledges and agrees that (1) this RFP is a solicitation for proposal and is not a contract or an offer to contract and (2) the submission of a proposal by Bidder in response to this RFP will not create a contract between the City of Glenwood and Bidder.
- b. Bidder offers and agrees to furnish to the City of Glenwood with the products and/or services described in its proposal, at the prices quoted in the proposal, and to comply with all terms, conditions, and requirements set forth in the RFP documents and contained herein.
- c. Bidder represents and warrants that (1) Bidder is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions, and requirements of the RFP; (2) Bidder has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFP; (3) Bidder is aware of, is fully informed about, and is in full compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances; (4) Bidder understands the requirements and specifications set forth in this RFP and the terms and conditions set forth; and (5) all statements, information, and representations prepared and submitted in response to this RFP are current, complete, true, and accurate. Bidder acknowledges that the City of Glenwood will rely on such statements, information, and representations in selecting



RFP 2022-28P Alpine Slide Professional Trail Build

the successful Bidder. If selected by the City the Bidder will notify the City immediately of any material change in any matters with regard to which Bidder has made a statement or representation or provided information.

d. Bidder agrees to be in compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.

Section VIII: Project Goals and Objectives

PROJECT DESCRIPTION/ SCOPE OF WORK

The Alpine Slide trail is an approximately 1-mile-long jug-handle loop approved for construction to the west of the existing (lower) Tramway Trail at the City's South Canyon Trail System. Roaring Fork Mountain Bike Association (RFMBA) will partner with the City to build, with local volunteers, the climbing focused (two-way foot/bike) trail that accesses the descending bike-only portion of the project detailed below. City and RFMBA will provide all new signage for the project.

The contractor's scope of work is focused on final design alignment, terrain preparation, trail and feature construction, and finishing work to provide a turn-key high-quality downhill bike trail experience. The Alpine Slide descent trail's approved alignment is 2,683' in length, or just over 1/2 mile in length. The alignment takes advantage of a sinuous alignment that was excavated in the early 1980's for an 'alpine-slide' attraction. The alignment includes 10 sweeping large radius turns, as well as obvious patterns of soil erosion that formed over recent decades. While most of the attraction was removed after only a couple of years of use, there are small steel foundation structures that remain partially buried. These steel structures are short sections of buried c-channels, with welded vertical steel pipes that protrude from the ground. While these foundation pieces could be removed by hand to make way for the new trail, we anticipate the work will be eased with the use of min-excavator during construction. City requests removal of these foundations to make way for the new trail, setting them aside for future removal by volunteers.

The goal for this descending only bike trail is to provide a combination of fun and skill-building features that attract mountain bike riders to repeatedly climb up to the top of the jug-handle loop. The contractor will pin flag a detailed alignment within the approved corridor for review with City and RFMBA staff prior to start of trail construction. In addition to aligning the trail and its features to address existing & future site drainage issues, a vision for the following features should be included: sweeping berms of various sizes, rollers, doubles, rollable tabletop jumps, and optional larger parallel jump lines that challenge riders to progress their skillsets. Provide on-site training and documentation for future care of the more technical features, and any warranty provisions for all material and labor, i.e., follow up maintenance after first season of recreational use. Contractor is expected to be familiar with South Canyon's existing trail system trail features and experiences available on Lighting Bug and Coal Camp Trails, the goal is to provide both similar and more challenging experiences on the Alpine Slide descent. City appreciates that with the request for optional parallel lines, the linear built footage will exceed the approved alignment's 2,683' length.

The trail alignment is mostly within grassy meadow terrain, though some light corridor clearing will be needed on the lower slopes, including through a patch of thistle at the bottom end. Contractor will cooperate and assist with City and RFMBA on efforts to place native seed mix along new trail areas to reduce incident of non-native plant growth.



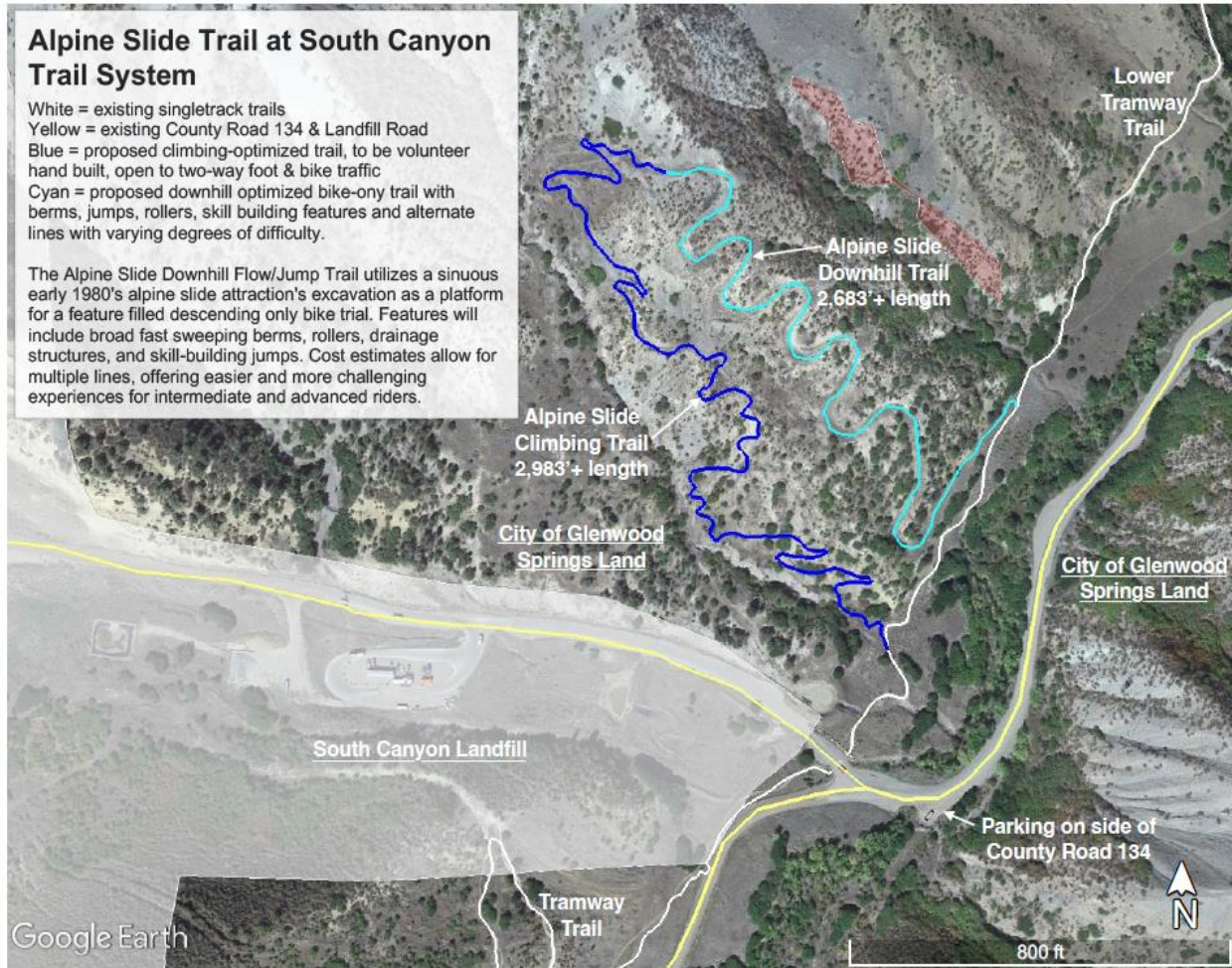
RFP 2022-28P Alpine Slide Professional Trail Build

CONSIDERATIONS

- a. Backcountry Protocol: Although this project is in a semi-front country environment, the Contractor's crew shall be familiar with backcountry operation and safety protocol's as well as be familiar and adept at "leave no trace" practices.
- b. Be "Bear Aware" when considering food/trash.
- c. Contractor responsible for any grading permits through Garfield County, if deemed necessary
- d. Revegetation plan for disturbed areas, try to limit impact to existing trail and landscape by leaving equipment on site when possible.
- e. Fuel storage/fire safety plan.
- f. Resources from staff and will you need them outside of regular working hours. (M-F, 7am-3:30pm)

REQUIRED COMPLIANCE

The selected consultant must comply with all applicable Federal, State and/or local laws and regulations, including all other applicable laws, regulation, ordinances, codes and rules of any governmental entities that have jurisdiction.



For a google map view of the area - <https://www.google.com/maps/@39.5521082,-107.4131745,609m/data=!3m1!1e3?hl=en>

PROJECT AGREEMENT

This PROJECT AGREEMENT is made this 24th day of JANUARY, 2018, between ROARING FORK MOUNTAIN BIKE ASSOCIATION – RFMBA, a Colorado non-profit corporation (“RFMBA”), and the CITY OF GLENWOOD SPRINGS, a home rule municipality under the laws of the State of Colorado (“City”).

RECITALS

WHEREAS, RFMBA has applied for and received grants and donations to be used for construction of a soft-surface trail on City-owned property in South Canyon, Phase I (“Project”); and

WHEREAS, the parties intend by this agreement for RFMBA to be the conduit through which the City will receive the benefit of those grants and donations; and

WHEREAS, RFMBA has assisted the City in issuing a Request for Qualifications for the Project and the City is interested in RFMBA’s continued participation in the Project.

NOW, THEREFORE, in consideration of the mutual promises stated below and other valuable considerations, the parties agree as follows:

1. RFMBA shall use its best efforts to fulfill all the conditions precedent to obtain the grants. The City will cooperate with RFMBA and provide any documents necessary for RFMBA to fulfill the conditions precedent.
2. RFMBA does not assume any obligation to the City to construct, operate or maintain the improvements contemplated by the Project.
3. The City agrees to contribute Ninety Thousand Dollars (\$90,000.00) and RFMBA agrees to contribute One Hundred Fifty-Four Thousand Five Hundred Twenty-Four Dollars (\$154,524.00) for construction of the Project. The City will submit an invoice to RFMBA in the amount of Seventy-Seven Thousand Two Hundred Sixty-Two Dollars (\$77,262.00) once construction of the Project has begun, with the balance to be paid upon completion of construction.
4. The City agrees to construct and maintain the improvements contemplated by the Project, in accordance with established City policies.
5. By executing this Agreement, the parties do not waive any immunity or limit liability contained in the Colorado Governmental Immunity Act, do not create a multi-year fiscal obligation, and do not create any other financial obligation not support by a current appropriation.
6. This Agreement does not create any rights in any individual not a party to this Agreement.

7. This Agreement shall not be assignable, in whole or in part, by either party without the prior written consent of the other party.

8. All notices required or given hereunder shall be in writing and shall be delivered as follows:

To the City: City Manager
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Copy to: City Attorney
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

To RFMBA: Mike Pritchard
Roaring Fork Mountain Bike Association
P.O. Box 2635
Aspen, CO 81612
Email: mike.pritchard@rfmba.org

8. This Agreement shall constitute the entire agreement of the parties.

9. This Agreement shall terminate simultaneously with the termination of all RFMBA obligations under grant agreements entered into by RFMBA for this Project.

Executed as of the day and year first above written.

ROARING FORK MOUNTAIN BIKE
ASSOCIATION – RFMBA

ATTEST:


CHAIRMAN - RFMBA
CHARLIE ECKART

By:


Mike Pritchard, Executive Director

CITY OF GLENWOOD SPRINGS

ATTEST:


Catherine Mythen Fletcher, City Clerk

By:


Michael Gamba, Mayor



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Resolution 2022-41; Court Costs and Fees
Action Requested:	Consider the attached Resolution increasing Municipal Court traffic cases and administrative fees.
Department:	City Administration
Presented By:	Karl Hanlon
Strategic Goals:	Ensure Public Safety Preserve and Improve Infrastructure Provide Efficient and Responsive City Government
Background Info:	This year, the Municipal Court is actively updating the Municipal Code and its fees to synchronize with the Colorado Revised Statute and with similar cities. Ordinance 2022-13 concerned the Court and aligned the state criminal code with our Municipal Code. Ordinance 2022-23 also concerned the Court and amended the Municipal Code to conform with State law, including updating general penalties for violations and contempt of court. The current Resolution before you, Resolution 2022-41, is designed to modestly increase fees for court costs and administration to keep up with other Colorado towns and cities.
Issues:	The City of Glenwood currently has very low traffic case cost fees.
Fiscal Impact:	Traffic cases are the most common for our Municipal Court. By increasing our fees by a modest five dollars a case, to be up to date with other cities, we are helping to make our Municipal Court more sustainable.
Legal Review:	NA
Staff Recommendation:	Staff defers to Council.

RESOLUTION 2022-41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GLENWOOD SPRINGS, COLORADO, AMENDING
GLENWOOD SPRINGS MUNICIPAL COURT COSTS AND
FEES.**

WHEREAS, pursuant to Section 030.030.070 of the Glenwood Springs Municipal Code, Municipal Court costs and fees shall be established annually by City Council resolution; and

WHEREAS, City staff recommends, and City Council agrees, that amending Glenwood Springs Municipal Court costs and fees as described on **Exhibit A** is required to meet certain operational needs of the Municipal Court, the needs of the community, and the needs of the City, and;

WHEREAS, City Council finds that the updated City of Glenwood Springs Municipal Court costs and fees as set forth on **Exhibit A** are necessary and appropriate.

**NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY
OF GLENWOOD SPRINGS, COLORADO, THAT:**

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The City Council of the City of Glenwood Springs hereby adopts the amended Municipal Court costs and fees as set forth on **Exhibit A** attached hereto and incorporated herein, effective January 1, 2023.

INTRODUCED, READ, AND PASSED THIS 17TH DAY OF NOVEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A

Glenwood Springs Municipal Court Costs and Fees

Criminal case costs – \$35

Traffic case costs – \$30

Default judgment fee (traffic) – \$30

Bench warrant fee – \$50

Deferred judgment and sentence – \$50

Suspended sentence fee – \$50

Deferred prosecution – \$50

Other administrative fees – allowed in Court's discretion

Letter fee – \$10

Jury fee – \$25



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: November 3, 2022 Council Minutes

Action Requested:

Department: City Clerk

Presented By:

Strategic Goals: Provide Efficient and Responsive City Government

Background Info: November 3, 2022 City Council Minutes

Issues:

Fiscal Impact:

Legal Review:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
NOVEMBER 3, 2022
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

Item 6. :04 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Dehm, Councilor Kaup, Councilor Stepp, Councilor Wussow, and Councilor Hershey. Also present were; Steve Boyd, Acting City Manager; Jenn Ooton, Asst. City Manager; Ryan Muse, City Clerk; Matt Langhorst, Director of Public Works; Yvette Gustad, Finance Director; Terri Partch, City Engineer; and Karl Hanlon, City Attorney.

Item 7. :05 Agenda Changes or Conflicts

There were no agenda changes or conflicts.

Item 8. :05 Citizens Appearing Before Council

Citizen comments were made.

Comments were made by Councilor Hershey, Mayor Godes, Glenwood Springs Chief of Police Joseph Deras, Mayor Pro-Tem Willman, Councilor Stepp, and Councilor Kaup.

Item 9. :12 Consent Agenda

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

Motion passed unanimously.

Item 10. :12 Presentation of 2021 Financial Audit

Paul Bachas, CPA from McMahan and Associates presented.

Comments were made by Mayor Pro-Tem Willman and CPA from McMahan and Associates Paul Bachas.

:17 Mayor Pro-Tem Willman moved, seconded by Councilor Stepp, to approve the 2021 financial audit.

Motion passed unanimously.

Item 11. :18 Resolution 2022-38; Adoption of 2023 Budget

Steve Boyd, Acting City Manager presented.

:18 Councilor Wussow moved, seconded by Councilor Kaup, to approve Resolution 2022-38; Adoption of the 2023 Budget.

Comment was made by Councilor Hershey.

Motion passed unanimously.

Item 12. :19 Ordinance 2022-24; Extend Downtown Development Authority Tax Increment Financing

Presented by Jillian Sutherland, Executive Director of the Downtown Development Authority.

Comments were made by Councilor Stepp, Executive Director of the Downtown Development Authority Jillian Sutherland, Acting City Manager Steve Boyd, Mayor Pro-Tem Willman, Councilor Kaup, City Attorney Karl Hanlon, Councilor Wussow, and Mayor Godes.

:28 Mayor Godes opened the item for public comment.

No public comment was made.

:28 Mayor Godes closed the item for public comment.

:28 Mayor Pro-Tem Willman moved, seconded by Councilor Dehm, to approve Ordinance 2022-24: Extend the Downtown Development Authority Tax Increment Financing.

Comments were made by Councilor Hershey and Mayor Godes.

Motion passed unanimously.

Comment was made by Mayor Pro-Tem Willman.

Item 13. :31 Single Material Landfill Bans Discussion

Matt Langhorst, Public Works Director, and Elizabeth Mauro, Landfill Manager presented.

Comments were made by Councilor Stepp, Landfill Manager Mauro, Public Works Director Langhorst, Mayor Pro-Tem Willman, Councilor Kaup, Council Wussow, and Mayor Godes.

Item 14. :49 Council Comments

Comments were made by Councilor Stepp, Mayor Godes, Councilor Hershey, City Attorney Karl Hanlon, Assistant Director of Economic and Community Development Hannah Klausman, Councilor Dehm, Councilor Wussow, Mayor Pro-Tem Willman, and Councilor Kaup.

Item 15. :59 Report from City Administration

City Manager

Comment was made by Acting City Manager Steve Boyd.

City Attorney

Comment was made by City Attorney Karl Hanlon.

Correspondence Incoming/Outgoing

There were none.

A proclamation was made by Mayor Godes.

Item 16. 1:05 Adjournment

1:05 Councilor Hershey moved, seconded by Mayor Pro-Tem Willman, to adjourn.

Motion passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Ordinance 2022-24; Extend Downtown Development Authority Tax Increment Financing (Second Reading)
Action Requested:	Approval of extension
Department:	Attorney
Presented By:	Karl Hanlon
Strategic Goals:	Preserve and Improve Infrastructure Generate Sustainable Economic Development
Background Info:	According to the 2020 Downtown Development Authority Plan of Development, the "2001 Plan of Development provided the necessary documentation for establishment of the Tax Increment Financing (TIF) setting up a baseline of sales and property taxes to fund the DDA. The TIF expires in 2027, the DDA board and council will need to decide before that time period about a variety of options for extension of the TIF." State law allows for the extension of the tax increment financing any time in the final 10 years of the plan by ordinance. For property taxes, the TIF can be extended one additional period of twenty years, which starts on the expiration of the original twenty-five year period. The governing body may also by ordinance extend the period during which sales taxes shall be allocated for one additional extension of twenty years with no change to the established sales tax base year. For the property tax, the first day of the twenty-year extension period, the established base year for the allocation of property taxes is advanced forward by ten years and, subsequent to the completion of the first ten years of the twenty-year extension, the base year is advanced forward by one year for each additional year through the completion of the twenty-year extension. Additionally, in connection with an extension, on an annual basis, fifty percent of the property taxes levied, or such greater amount as may be set forth in an agreement negotiated by the municipality and the respective public bodies, shall be paid into the special fund of the municipality and the balance of such taxes shall be paid into the funds of the other public bodies by or for which such taxes are collected.
Issues:	None
Fiscal Impact:	Property Tax collections in The Downtown District Authority Fund were \$116k in 2019, \$98k in 2020, \$54k in 2021, estimated to be \$75k in 2022 and \$65k in 2023. This revenue stream is generally pretty consistent but was impacted significantly by the COVID pandemic and I70 closures.
Legal Review:	Legal drafted the renewal
Staff Recommendation:	Staff recommends approval

Memorandum

Date: October 27, 2022

To: Glenwood Springs City Council & Staff

From: Glenwood Springs Downtown Development Authority Board

Subject: Ordinance to Renew the Downtown Tax Increment Financing District

It is the request of the Downtown Development Authority (DDA) Board that City Council approves the 20 year tax increment financing (TIF) extension that funds Glenwood Springs' DDA. The DDA has played a central role in the revitalization of Glenwood's downtown since its establishment in 2002. From the public private partnership that kept our library downtown, to the parking garage on Cooper Avenue, to the creation of the award-winning public space that is the Bethel Plaza and 7th Street, the DDA has spearheaded projects that have drastically improved Glenwood's downtown over the years.

Because of these forward-thinking investments, the downtown was able to withstand a global pandemic, unprecedented wildfires and mudslides. Despite these tragedies, 2021 saw the highest amount of sales tax revenue ever within the downtown area. This is truly a testament to our downtown's vibrance and economic resilience. Even so, it is also true that our downtown's potential is yet unmet. We now have the opportunity to build off of this momentum and carry forward improvements to all corners of the downtown.

Glenwood Springs has excellent planning documents that map out a clear vision for the future of downtown. What the downtown now needs are resources for implementation of these plans. Extending tax increment financing will unlock the DDA's ability to make the significant investments necessary to spur the implementation of recent planning efforts, including the 2020 updated Downtown Plan of Development, the 2019 Glenwood Moving Forward Together Plan, and the 2017 6th Street Corridor Master Plan.

Keeping a Great Thing Going

The Glenwood Springs Downtown Development Authority (DDA) is a separate legal entity which can finance economic development and redevelopment projects by utilizing tax dollars generated *by* downtown *for* downtown. In addition to important infrastructure investments, the DDA provides meaningful economic and redevelopment assistance to property and business owners in the downtown. Without the DDA, downtown's resurgence could slow or reverse.

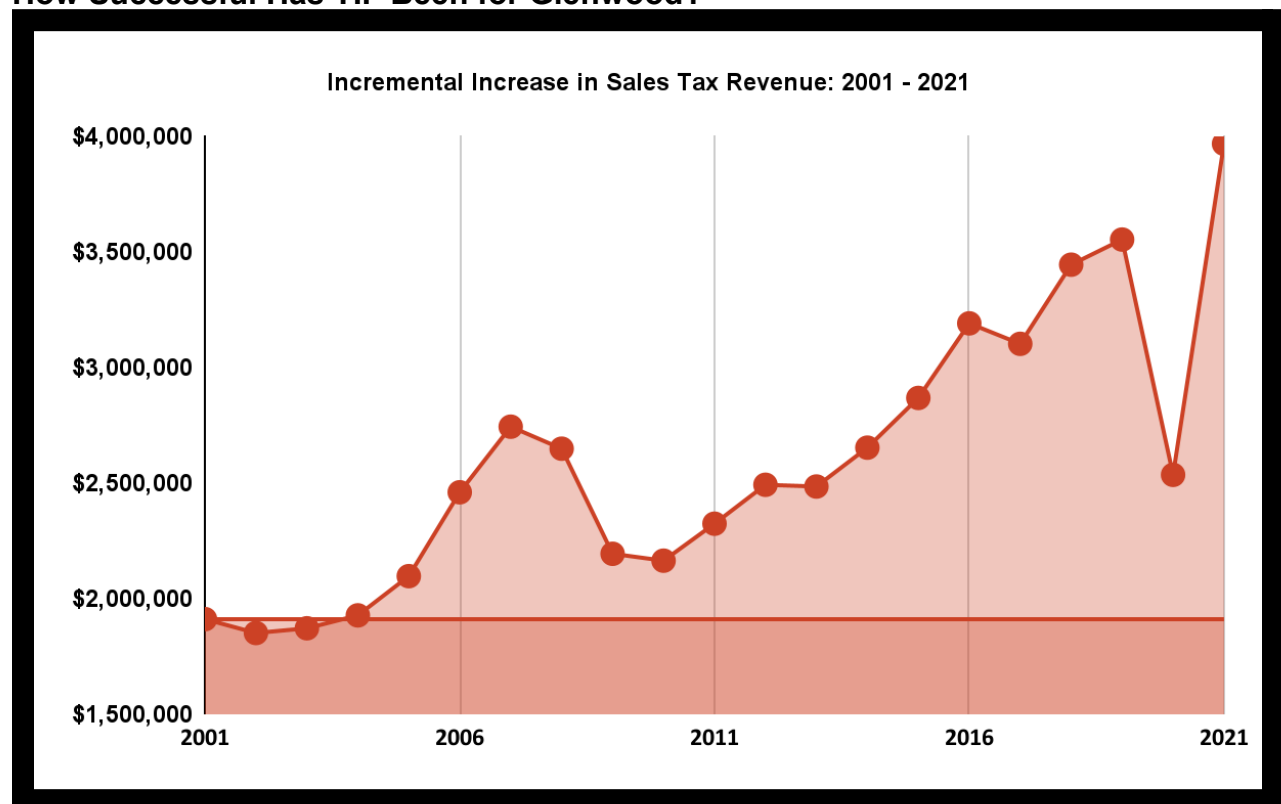
As of today, the DDA's revenue source will end in 2027. It is funded through Tax Increment Financing (TIF) of both sales and property tax collected within the boundaries of the DDA. When adopted in 2002, the TIF was set for a 25 year period. The TIF can be extended for an additional 20 year period by a majority vote of the City Council, further securing our ability to meaningfully invest in the success of our downtown.

What is Tax Increment Financing & What is it Used for?

Tax increment financing (TIF) is a financing mechanism that is used to catalyze redevelopment projects within an established area by contributing the difference (or “increment”) between the base year sales and property tax revenue and the increased tax revenue generated, year over year. **TIF does NOT mean higher tax rates within the district. Glenwood’s DDA collects just 50% of the tax increment generated from redevelopment activity** and reinvests it within the district. These funds are used to:

1. Serve as a market catalyst that can reduce risk of pioneering development as well as provide updated public infrastructure that enables private investment.
2. Supplement private market outcomes through a variety of ways such as improving building design and preserving historic character.
3. Address a private market shortfall by bridging a project financing gap.
4. Invest in downtown beautification and maintenance.
5. Activate downtown through special events and programming.

How Successful Has TIF Been for Glenwood?



The potential of our downtown is truly limitless. Extending tax increment financing now means that this critical resource for implementation will be secured through 2047. This will unlock the DDA’s potential to make significant financial investments necessary for moving forward the adopted plans that guide the future of our downtown. The DDA Board requests Council to vote in favor of adoption of this ordinance, and look forward to our continued partnership. Together we can continue to build a bright future for our downtown that will last for generations to come.

ORDINANCE NO. 24

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, EXTENDING THE TAX INCREMENT FINANCING FOR THE GLENWOOD SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY.

WHEREAS, at the general election of 2000 the voters of Glenwood Springs approved the formation and boundaries of the Glenwood Springs Downtown Development Authority (DDA); and

WHEREAS, by Ordinance No. 44, Series 2000 City Council established the powers, duties, board size and administration of the DDA; and

WHEREAS, by Resolution 2002-3, on March 21, 2002, the City Council adopted the Downtown Plan of Development (“2002 Development Plan”) which established the tax increment financing (“TIF”) for the DDA and established the baseline date of November 30, 2001, for the TIF for a 25-year period, pursuant to the then in effect C.R.S. §31-25-807(3)(a), expiring in March 2027; and

WHEREAS, by Resolution 2021-5, on March 4, 2021, the City Council adopted the City of Glenwood Springs Downtown Development Authority 2020 Plan Update (“DDA 2020 Plan Update”) which updates and rewrites the 2002 Development Plan and maintains the TIF; and

WHEREAS, C.R.S. § 31-25-807(3)(a)(IV) provides that in the final ten years of the original term of the TIF, the City Council can extend the TIF period for an additional twenty (20) years, up to March 31, 2047, with the same baseline date of November 30, 2001 for sales tax (“Sales Tax Extension”); and

WHEREAS, C.R.S. § 31-25-807(3)(a)(IV) provides that in the final ten years of the original term of the TIF the City Council can extend the TIF period for an additional twenty (20) years, up to March 31, 2047, for property tax (“Property Tax Extension”) so that on the first day of the Property Tax Extension the established base year for the allocation of property taxes (the “Property Tax Base Year”) must be advanced by ten years, and upon the completion of the first ten years of the Property Tax Extension, the Property Tax Base Year must be advanced by one year for every additional year through the final ten years; and

WHEREAS, the DDA Board of Directors believes the Sales Tax Extension and Property Tax Extension would further the objectives and purposes of the DDA as set forth in the DDA 2020 Plan Update and has, by adopting Resolution 2022-1, attached as Exhibit “A” and incorporated herein by this reference, recommended approval of the TIF by the City Council in accordance with the statute; and

WHEREAS, the City Council wishes to extend the TIF for another twenty years in accordance with the statute for the same established baseline date of November 30, 2001 for the Sales Tax Extension and the Property Tax Base Year advancement described in the statute for the

Property Tax Extension.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals above are hereby incorporated as findings.

Section 2. The TIF for the DDA is hereby extended, pursuant to C.R.S. § 31-25-807(3)(a)(IV) for another twenty (20) year term, up to and through March 31, 2047, maintaining the already established baseline date of November 30, 2001 for the Sales Tax Extension.

Section 3. The TIF for the DDA is hereby extended, pursuant to C.R.S. § 31-25-807(3)(a)(IV) for another twenty (20) year term, up to and through March 31, 2047, for the Property Tax Extension such that on the first day of the Property Tax Extension the established base year for the allocation of property taxes is advanced by ten years and that upon the completion of the first ten years of the Property Tax Extension, the base year for the allocation of property taxes be advanced by one year for every additional year through the final ten years.

Section 4. Any and all ordinances or parts of ordinances in conflict herewith shall hereby be repealed to the extent of the conflict only.

INTRODUCED, READ, AND PASSED ON THE FIRST READING. ORDERED BY TITLE ONLY THIS THIS ____ DAY OF ____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND PUBLICATION THIS ____ DAY OF ____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: Ballot Initiative 2C - Next Steps

Action Requested:

Department: City Administration

Presented By: Steve Boyd

Strategic Goals: Protect and Preserve our Quality of Life

Background Info: Ballot initiative 2C passed in the 11/8/2022 election. There are certain steps the City must take to implement it.

Issues: NA

Fiscal Impact: NA

Legal Review: NA

Staff Recommendation: NA



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Memoranda of Understanding for Habitat for Humanity Agreement
Action Requested:	Approval of final memorana documents for execution with Habitat for Humanity of the Roaring Fork Valley.
Department:	Economic and Community Development
Presented By:	Hannah Klausman
Strategic Goals:	Protect and Preserve our Quality of Life Generate Sustainable Economic Development
Background Info:	On October 6, 2022 City Council voted on four action items relating to agreements with Habitat for Humanity for the development of two City-owned parcels for affordable and workforce housing. Based on those approvals, staff has drafted a final version of the Memoranda of Understanding (MOUs). Those MOUs are attached for review.
Issues:	The action items approved by Council and incorporated into the attached agreements were as follows: <i>For the Iddings property, the Area Medium Income range qualifications of 80% apply to 75% of the units and the other 25% of the units have an Area Medium Income of 100%. On the 8th and Midland property, 100% of the units will be at 80% Area Medium Income.</i> <i>Employment criteria for homeowner qualifications, to follow the staff recommendation with the single change of increasing the residency requirement in the service area from 1 year to 2 years. This includes the staff recommendation of a geographic area priority of Glenwood Springs followed by the 81601 zip code and the provision that a homeowner must continue to be employed in the Roaring Fork Valley; specifically Glenwood to Basalt, and Glenwood to Rifle.</i> <i>City of Glenwood Springs Employee priority housing units available for City employees will be the same as housing units available for an outside company, with a maximum of 2 units.</i> <i>System improvement and building permit fees will be waived in exchange for priority units for City of Glenwood Springs employees.</i>
Fiscal Impact:	The memoranda stipulate Council's approval of system improvement and building permit fee waivers
Legal Review:	The Memoranda include agreed upon language as directed by City Council at their October 6, 2022 meeting.
Staff Recommendation:	Staff recommends approval of the memoranda of understanding.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into this _____ day of _____, 2022 by and between the City of Glenwood Springs, a Colorado home rule municipality (the "City") and Habitat for Humanity of the Roaring Fork Valley, Inc., a Colorado nonprofit corporation engaged in the production of affordable workforce housing ("Habitat").

RECITALS

- A. In response to the City's Request for Proposals to develop affordable workforce housing projects on City-owned property (RFP—2022—01P), Habitat submitted a proposal ("Proposal") to develop eight (8) condominium units on the City's land at the intersection of 8th Street and Midland Avenue in Glenwood Springs (the "8th & Midland Project") and up to twelve (12) units on the City's land on Airport Road in Glenwood Springs (the "Airport Road Project"). After review of the proposal, the City Council selected Habitat to be its "Development Partner" and invited Habitat to prepare, submit and process applications for Minor Site/Architectural Plan Review for each Project.
- B. Habitat and the City desire to set forth herein the terms, conditions and procedures by which Habitat will seek Project approvals and, upon receiving such approvals, undertake to develop each site, construct approved residential structures and other improvements, select qualified initial buyers, sell completed units to such buyers and record necessary condominium/townhome and homeowners association documents, as well as an appropriate declaration of affordable housing deed restrictions.
- C. While respecting the City's land use and design approval process and the authority of the City Council to approve or deny applications for approval, the Parties shall cooperate and collaborate in the review process in order to design the Projects to satisfy the City's development standards and the affordable workforce housing objectives of each Party, as described in the Proposal, to wit: to provide permanently deed restricted ownership housing to low and moderate income families and individuals who live and work in the City of Glenwood Springs.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Land Use and Permit Approval Process.
 - a. Minor Site/Architectural Plan Review. Both Project Sites are currently zoned to permit the proposed developments. Pursuant to the provisions of section 070.060 of the City's Land Use Code, Habitat will work with the City's Planning Director and staff to prepare, submit and process applications for preliminary and final approval of site plans and preliminary architectural designs for the 8th & Midland and Airport Road Projects, which will include a public design charrette to be organized, noticed and conducted by Habitat, at a time and location acceptable to the City, prior to the submission of the applications.

- b. Schedule. A preliminary schedule for the approval and development process is attached hereto as Exhibit "A".
- c. City Obligations. In order to assist Habitat in the preparation of site plans for each Project, the City hereby authorizes Habitat to obtain a survey of each Project Site and to arrange for a soils and geologic analysis of each Project Site. Habitat shall order and supervise such work and the City shall reimburse Habitat for its costs within thirty (30) days of a fully submitted land use application. The City shall also be responsible for any improvements that may be required to the 8th Street and Midland Avenue intersection including lengthening the turn lane from the access road to the 8th & Midland Site onto 8th Street.
- d. Specific Habitat Requirements. In addition to satisfying the requirements of the City's Land Use Code and Engineering Standards applicable to each Project, Habitat, as developer, shall be responsible for the following:
 - (1) Providing adequate traffic reports for each Project Site.
 - (2) Providing a drainage report for each Project Site.
 - (3) Providing an easement for utilities along Airport Road, in a form and substance acceptable to the City, on the Townhome Plat for the Airport Road Project.

2. Conveyance of Project Sites.

- a. Timing. Upon obtaining all approvals for development of both Projects, but prior to the issuance of building permits, the City shall convey, by General Warranty Deed, fee simple title to the Project Sites (as described on Exhibits "B" and "C") to Habitat, free and clear of all liens and encumbrances except those that are acceptable to Habitat. The consideration for each Project Site is \$10.00 to be paid upon conveyance.
- b. Condition of Title/Title Insurance. In order to confirm title and to determine the acceptability of liens and encumbrances burdening the Project Sites, the City shall provide Habitat with a title commitment for each Project Site with an insured value of \$500,000. The Commitments shall be delivered to Habitat within twenty (20) days after the date hereof. Habitat shall have fifteen (15) days from receipt of the Commitment to provide written notice of any unacceptable title conditions. If no notice is provided, Habitat shall be deemed to have accepted the condition of title. If notice of any unacceptable title condition is provided, the City shall undertake to cure or resolve the condition to the reasonable satisfaction of Habitat within thirty (30) days after receipt of such notice. If the unacceptable title conditions are not resolved within such time, Habitat may terminate this MOU, in writing, whereupon both Parties shall be released from any further obligations hereunder. Within a reasonable time after conveyance of the Project Sites to Habitat, as provided above, the City shall provide policies of Title Insurance in the amount of \$500,000 per Project Site subject only to those title conditions acceptable to Habitat.

3. Development of the Project Sites.

- a. Habitat Responsibility. Following the receipt of all required land use approvals and upon obtaining title to the Project Sites, Habitat shall undertake, at its expense, to develop and complete the 8th & Midland Project and the Airport Road Project within the timeframe described on the attached Schedule, as such schedule may be modified in the approval process.
- b. Building Permits/Certificates of Occupancy. Habitat shall be responsible for obtaining building permits and certificates of occupancy for each Project.
- c. Financing. Habitat shall be responsible for obtaining any construction financing required to complete the Projects, which may be secured by a Deed of Trust on the Project Sites.

4. Fee Waivers/City Priorities. In the event that the City is unsuccessful in securing a grant from the Department of Local Affairs IHOI program to include city fees, the City agrees to waive the development fees described on Exhibit "D" in order to reduce Habitat's anticipated funding gap. In exchange, Habitat will provide up to two priorities, at the City's election, for the benefit of qualified City employees in the purchase of completed units in either Project. The City shall be entitled to one (1) unit priority for a fee waiver, or other financial support, which is equal to Habitat's funding gap for that unit. The funding gap per Project shall be determined by subtracting the net revenue from the sale of units from the actual cost incurred by Habitat, divided by the number of units in each Project. The priority program will be managed in accordance with the draft Memorandum of Understanding attached hereto as Exhibit "E".

5. Other Employment Priorities. Habitat shall be entitled to provide a priority or priorities equal to the number of City priorities established pursuant to paragraph 4, above, for employers with places of business within the City limits or the 81601 zip code. Habitat shall be entitled to select the employers who will be eligible for such priorities. The eligible employers shall contribute to Habitat an amount equal to the funding gap defined in paragraph 4, above, which will be utilized by Habitat to defray Project costs.

6. Sale of Units.

- a. Buyer Selection. After conveyance of the Project Sites pursuant to paragraph 2 above, Habitat shall initiate its Homeowner Selection Process in order to create a list of qualified buyers, including employees of the City, for completed units within each Project. Qualified buyers shall be prioritized based upon geographic area of employment and length of residency.. Buyers that are employed within the City limits shall have first priority and buyers employed within the 81601 zip code shall have second priority. Buyers with at least two (2) years of residency within Habitat for Humanity's service area shall have priority.
- b. Qualified Income. The maximum household income for qualified buyers in the 8th & Midland Project, and seventy five percent (75%) of the qualified buyers in the Airport Road Project, is eighty percent (80%) of the Area Median Income

for a four (4) person household. The maximum household income for the remaining twenty five percent (25%) of the qualified buyers in the Airport Road Project is one hundred percent (100%) of the Area Median Income for a four (4) person household.

- c. Employment. Buyers must be employed at the time of purchase, on a fulltime basis as that term is defined in the City's regulations, within the Glenwood Springs City limits or within the 81601 Zip code, with priority for buyers employed in Glenwood Springs, as provided in paragraph 6.a, above. After acquisition, each owner must continue to be employed on a fulltime basis within the Roaring Fork Valley from and including Glenwood Springs to and including Basalt or the Colorado River Valley from Glenwood Springs to and including Rifle.
- d. Initial Target Sale Prices. Habitat expects that the initial average price of the 8th & Midland condominiums will be \$250,000 and that the initial average price of units in the Airport Road Project will be \$325,000. Habitat reserves the right to adjust the initial target prices as needed.
- e. Buyer Financing. Habitat shall arrange for buyer financing with lenders and on terms reasonably acceptable to the City.
- f. Deed Restriction. In order to assure long-term affordability of the units constructed and sold within each Project, the initial sale and resale of all such units will be subject to a Declaration of Deed Restriction in the form attached hereto as Exhibit "F".

7. Miscellaneous Provisions.

- a. Notices. All Notices and communication provided hereunder shall be addressed as follows:

Habitat for Humanity of the
Roaring Fork Valley, Inc.: _____

City of Glenwood Springs: _____

- b. Termination. Habitat shall be entitled to terminate this MOU if it determines, in its judgement, that the cost of the Projects, including site development costs, are excessive and will result in a funding gap that is unacceptable.
- c. Assignment. Habitat shall be entitled to assign its rights and obligations under this MOU to a Colorado limited liability company owned or controlled by Habitat.

- d. Colorado Law. This MOU shall be construed and/or interpreted in accordance with Colorado law.
- e. Litigation. In the event of litigation regarding this MOU, venue shall be in the district court in and for Garfield County, Colorado. The prevailing party in any such litigation shall be entitled to an award of its costs and reasonable attorney's fees.

Executed in duplicate originals, the date and year above first written.

City of Glenwood Springs

By _____
_____, Mayor

Attest:

By _____
_____, City Clerk

Habitat for Humanity of the Roaring Fork Valley, Inc.

By _____
Gail Schwartz, President

EXHIBIT "A"
Preliminary schedule for the development approval process

EXHIBIT "B"
8th & Midland Project Site
Map and legal description

EXHIBIT "C"
Airport Road Project Site
Map and legal description

EXHIBIT "D"
Development Fees

EXHIBIT "E"
Draft Memorandum of Understanding
City Employee Units

EXHIBIT "F"
Form of Declaration of Master Deed Restriction

***DECLARATION OF MASTER DEED RESTRICTION
FOR THE OCCUPANCY AND RESALE OF UNITS
IN _____ AND _____***

THIS DECLARATION OF MASTER DEED RESTRICTION FOR THE OCCUPANCY AND RESALE OF UNITS IN _____ AND _____ (the "Deed Restriction" or "Deed Restrictions") is made, established and created this _____ day of _____, 20____, by Habitat for Humanity of the Roaring Fork Valley, Inc. (hereinafter referred to as "HFH-RFV"), a Colorado not-for-profit corporation, 53 Calaway Court, Glenwood Springs, CO 81601 as the owner and developer of the _____ and _____ Projects in Glenwood Springs, CO.

RECITALS

A. HFH-RFV is the current owner of the real property described on Exhibit "A" which is referred to herein as the "Property". HFH-RFV desires and intends by this Declaration to establish Deed Restrictions which will insure that the Property is utilized permanently in accordance with the basic principles of HFH-RFV and the needs of the community;

B. HFH-RFV intends to restrict the acquisition or transfer of the Condominium and Townhome Units constructed on the Property to "Qualified Buyers" as that term is defined in this Deed Restriction. Such Condominium and Townhome Units are described on the Condominium Map and the Townhome Plat of _____ and _____ recorded on _____, 20____, as Reception numbers _____ and _____ in the Garfield County records and the Condominium and Townhome Declarations for _____ and _____ recorded on _____, 20____, as Reception numbers _____ and _____ in the Garfield County records (collectively the "Units" and individually a "Unit"). In addition, this Deed Restriction shall constitute a resale agreement setting forth the maximum resale price for which a Unit may be sold ("Maximum Resale Price") and the terms and provisions controlling the resale of a Unit. Finally, by this Deed Restriction, HFH-RFV restricts the Property and the Units against use and occupancy inconsistent with this Deed Restriction.

C. "Qualified Buyers" are natural persons meeting the Homeowner Selection criteria of HFH-RFV as the same are adopted from time to time, and who must represent and agree pursuant to this Deed Restriction to occupy the Units as their sole place of residence, not to engage in any business activity in the Units, other than that permitted in that zone district or by applicable ordinance, and not to sell or otherwise transfer the Units for use in a trade or business.

D. An "Owner" is a person or persons who is/are a Qualified Buyer who acquires an ownership interest in a Unit in compliance with the terms and provisions of this Deed Restriction and who executes and records a Memorandum of Acceptance in the form attached here as Exhibit "C", it being understood that such person or persons shall be deemed an "Owner" hereunder only during the period of his, her or their ownership interest in a Unit and shall be obligated hereunder for the full and complete performance and observance of all covenants, conditions and restrictions contained herein during such period.

DECLARATION

HFH-RFV hereby declares that the Property and all Units constructed thereon shall at all times be owned, held, used and conveyed subject to the following terms, provisions, conditions and restrictions:

1. The ownership, use and occupancy of the Property and the Units shall henceforth be limited exclusively to housing for natural persons who meet the definition of Qualified Buyers and their families at the time of their initial selection and purchase.
2. An Owner, in connection with the purchase of a Unit, must: a) occupy such Unit as his or her sole place of residence during the time that such unit is owned; b) not engage in any business activity on or in such Unit, other than permitted in that zone district, applicable ordinance or any covenants restricting use of the Unit; c) sell or otherwise transfer such Unit only in accordance with this Deed Restriction; d) not sell or otherwise transfer such Unit for use in a trade or business; e) not permit any use or occupancy of a Unit except in compliance with this Deed Restriction.
3. It shall be a breach of this Deed Restriction for Owner to default in payments or other obligations due or to be performed under a promissory note secured by a first deed of trust encumbering a Unit.
4. This Deed Restriction shall constitute a covenant running with all Units, as a burden thereon, for the benefit of, and shall be specifically enforceable by the HFH-RFV or, in the event that HFH-RFV ceases to exist or function, by Habitat for Humanity International and their respective successors and assigns, as applicable, by any appropriate legal action including but not limited to specific performance, injunction, reversion, or eviction of non-complying owners and/or occupants.
5. In the event that an Owner desires to sell its Unit, the Owner shall notify HFH-RFV, which shall then proceed to find a Qualified Buyer for a Unit in conformity with its then existing Family Selection process and criteria or at its sole discretion, HFH-RFV may purchase the Unit itself for the Maximum Resale Price. The Qualified Buyer selected shall execute and close upon a standard Real Estate Purchase Contract with Owner, where the purchase price shall be determined in accordance with the provisions of this Deed Restriction.

MAXIMUM RESALE PRICE

6. In no event shall any Unit be sold for an amount ("Maximum Resale Price") more than the lesser of:
 - a. the initial sales price, plus an increase of three percent (3%) of such price per year to the date of the Owner's notice of intent to sell, or the date upon which a requirement for the Owner to sell is first applicable (prorated at the rate of .25% for each whole month for any part of a year).
 - b. the amount based upon the Consumer Price Index, All Items, U.S. City Average, Urban Wage Earners and Clerical Workers (Revised), published by the U.S. Department of Labor, Bureau of Labor Statistics calculated as follows: the Owner's purchase price divided by the Consumer Price Index published at the time of Owner's purchase stated on the Settlement Statement or Closing Disclosure, multiplied by the Consumer Price Index current at the date of Owner's intent to sell, or the date upon which a requirement for the Owner to sell is first applicable. In no event shall the multiplier be less than one (1).

NOTHING HEREIN SHALL BE CONSTRUED TO CONSTITUTE A REPRESENTATION OR GUARANTEE BY HFH-RFV THAT ON RESALE THE OWNER SHALL OBTAIN THE MAXIMUM RESALE PRICE.

7. Determining Maximum Resale Price:
 - a. For the purpose of determining the Maximum Resale Price in accordance with this Section, the Owner may add to the amount specified in Paragraph 6 above, the cost of Permitted Capital Improvements (as defined in Exhibit "B") in a total amount not to exceed \$5,000.00. In calculating such amount, only those Permitted Capital Improvements identified in Exhibit "B" hereto shall qualify for inclusion. All such Permitted Capital Improvements installed or constructed over the life of the unit shall qualify. However, the allowance permitted by this subsection is a fixed amount,

which shall be calculated on a cumulative basis applicable to the Owner and all subsequent purchasers, and shall not exceed the maximum dollar amount set forth in this subsection 7a.

- b. Permitted Capital Improvements shall not include any changes or additions to a Unit made by the Owner during construction or thereafter, except in accordance with Paragraph 7a above. Permitted Capital Improvements shall not be included in HFH-RFV's listed purchase price, even if made or installed during original construction.
 - c. In order to qualify as Permitted Capital Improvements, the Owner must furnish to HFH-RFV the following information with respect to the improvements which the Owner seeks to include in the calculation of Maximum Resale Price:
 - 1) Original or duplicate receipts to verify the actual costs expended by the Owner for the Permitted Capital Improvements;
 - 2) Owner's affidavit verifying that the receipts are valid and correct receipts tendered at the time of purchase; and
 - 3) True and correct copies of any building permit or certificate of occupancy required to be issued by the City of Rifle Building Department with respect to the Permitted Capital Improvements.
 - d. For the purpose of determining the Maximum Resale Price in accordance with this Section, the Owner may also add to the amounts specified in Paragraphs 6 and 7a, the cost of any permanent improvements constructed or installed as a result of any requirement imposed by any governmental agency, provided that written certification is provided to HFH-RFV of both the applicable requirement and the information required by Paragraph 7c, 1) - 3).
 - e. In calculating the costs under Paragraphs 7a and 7d, sweat equity shall be added under the following conditions:
 - 1) Information regarding the actual physical labor by the owner based on 80% of the average amount of TWO bids for the work approved by HFH-RFV.
 - 2) That the work was done under supervision of a qualified certified tradesperson for the work that was done by the Owner.
8. Owner shall not permit any prospective buyer to assume any or all of the Owner's customary closing costs nor accept any other consideration which would cause an increase in the purchase price above the bid price so as to induce the Owner to sell to such prospective buyer.
9. In the event that title to a Unit vests by descent in individuals and/or entities who are not Qualified Buyers as that term is defined herein (hereinafter "Non-Qualified Transferee(s)"), the Unit shall immediately be listed for sale as provided in Paragraph 5 above, and the highest bid by a Qualified Buyer, for not less than ninety-five percent (95%) of the Maximum Resale Price or the appraised market value, whichever is less, shall be accepted. If all bids are below ninety-five percent (95%) of the Maximum Resale Price or the appraised market value, the Unit shall continue to be listed for sale until a bid in accordance with this section is made, which bid must be accepted. The cost of the appraisal shall be paid by the Non-Qualified Transferee(s). The following shall apply to all Non-Qualified Transferees:
- a. Non-Qualified Transferee(s) shall join in any sale, conveyance or transfer of a Unit to a Qualified Buyer and shall execute any and all documents necessary to do so; and

- b. Non-Qualified Transferee(s) agree not to: 1) occupy a Unit; 2) rent all or any part of a Unit, except in strict compliance with Paragraph 12 thereto; 3) engage in any other business activity on or in a Unit; 4) sell or otherwise transfer a Unit except in accordance with this Deed Restriction; or 5) sell or otherwise transfer a Unit for use in a trade or business.
- c. HFH-RFV or its successors, as applicable, shall have the right and option to purchase a Unit, exercisable within a period of fifteen (15) calendar days after receipt of any sales offer submitted by a Non-Qualified Transferee(s), and in the event of exercising their right and option, shall purchase the Unit from the Non-Qualified Transferee(s) for a price of ninety-five percent (95%) of the Maximum Resale Price, or the appraised market value, whichever is less. The offer to purchase shall be made by the Non-Qualified Transferee within fifteen (15) days of acquisition of the Unit.
- d. Where the provisions of this Paragraph 9 apply, HFH-RFV may require a Non-Qualified Transferee to rent a Unit in accordance with the provisions of Paragraph 15, below.

OWNER RESIDENCE AND EMPLOYMENT

- 10. Units shall be utilized only as the sole and exclusive place of residence of an Owner and his/her family at the time of initial selection of Owner pursuant to the Homeowner Selection process. Only two adults shall occupy the residence, unless an exception is specifically granted by HFH-RFV.
- 11. In the event Owner changes domicile or ceases to utilize its Unit as his sole and exclusive place of residence, the Unit will be offered for sale pursuant to the provisions of Paragraph 5 of this Deed Restriction. Owner shall be deemed to have changed Owner's domicile by becoming a resident elsewhere or accepting permanent employment outside of the Roaring Fork Valley from and including Glenwood Springs to and including Basalt or the Colorado River Valley from Glenwood Springs to and including Rifle, or by not residing in the Unit. Where the provisions of this Paragraph 11 apply, HFH-RFV may require the Owner to rent its Unit in accordance with the provisions of Paragraph 12, below.

RENTAL

- 12. Owner may not, except with prior written approval of HFH-RFV, and subject to HFH-RFV's conditions of approval, rent its Unit for any period of time. Prior to occupancy, any tenant must be approved by the Homeowner's Association, if applicable, and HFH-RFV in accordance with its Homeowner Selection Criteria. HFH-RFV shall not approve any rental if such rental is for a period of less than six (6) months or is being made by Owner to utilize its Unit as an income producing asset, except as provided below, and shall not approve a lease with a rental term in excess of twelve (12) months. A signed copy of the lease must be provided to HFH-RFV prior to occupancy by any tenant. Any such lease approved by HFH-RFV shall show the length of the lease and the monthly rent. The monthly rent cannot exceed the Owner's costs, which include the monthly expenses for the cost of principal and interest payments, taxes, property insurance, condominium or homeowners assessments, utilities remaining in Owner's name, plus an additional twenty dollars (\$20) and a reasonable (refundable) security deposit.

The requirements of this paragraph shall not preclude the Owner from sharing occupancy of a Unit with non-owners on a rental basis provided the Owner continues to meet the obligations contained in this Deed Restriction, including Paragraph 10.

- 13. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE HFH-RFV TO PROTECT OR INDEMNIFY THE OWNER AGAINST ANY LOSSES ATTRIBUTABLE TO THE RENTAL OF A UNIT, INCLUDING (NOT BY WAY OF LIMITATION) NON-PAYMENT OF RENT OR DAMAGE TO THE PREMISES; NOR TO REQUIRE HFH-RFV TO OBTAIN A QUALIFIED TENANT FOR THE OWNER IN THE EVENT THAT NONE IS FOUND BY THE OWNER.

BREACH

14. In the event that HFH-RFV has reasonable cause to believe the Owner is violating the provisions of this Deed Restriction, HFH-RFV, by its authorized representative, may inspect the Unit between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, after providing the Owner with no less than 24 hours' written notice.
15. HFH-RFV, in the event a violation of this Deed Restriction is discovered, shall send a notice of violation to the Owner detailing the nature of the violation and allowing the Owner fifteen (15) days to cure. Said notice shall state that the Owner may request a hearing before HFH-RFV Board of Directors within fifteen (15) days to determine the merits of the allegations. If no hearing is requested and the violation is not cured within the fifteen (15) day period, the Owner shall be considered in violation of this Deed Restriction. If a hearing is held before HFH-RFV, the decision of HFH-RFV based on the record of such hearing shall be final for the purpose of determining if a violation has occurred.

REMEDIES

16. There is hereby reserved to the parties hereto any and all remedies provided by law for breach of this Deed Restriction or any of its terms. In the event the parties resort to litigation with respect to any or all provisions of this Deed Restriction, the prevailing party shall be entitled to recover damages and costs, including reasonable attorneys' fees.
17. In the event a Unit is sold and/or conveyed without compliance herewith, such sale and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported buyer. Each and every conveyance of a Unit, for all purposes, shall be deemed to include and incorporate by this reference, the covenants herein contained, even without reference therein to this Deed Restriction.
18. In the event that the Owner fails to cure any breach, HFH-RFV may resort to any and all available legal action, including, but not limited to, specific performance of this Deed Restriction or a mandatory injunction requiring sale of a Unit by Owner as specified in Paragraphs 3, 9 and 11. The costs of such sale shall be taxed against the proceeds of the sale with the balance being paid to the Owner.
19. In the event of a breach of any of the terms or conditions contained herein by the Owner, his heirs, successors or assigns, HFH-RFV's initial listed purchase price of a Unit as set forth in Paragraph 6a of this Deed Restriction shall, upon the date of such breach as determined by HFH-RFV, automatically cease to increase as set out in Paragraph 6 of this Deed Restriction, and shall remain fixed until the date of cure of said breach.

FORECLOSURE

20. If any Unit is sold as a foreclosure sale or otherwise acquired by any person or entity in lieu of foreclosure, HFH-RFV shall have the option to acquire such Unit within thirty (30) days after (i) the issuance of a public trustee's deed to the purchaser, or (ii) receipt by HFH-RFV of written notice from such person or entity of the acquisition of such Unit in lieu of foreclosure, as applicable, for an option price not to exceed (a) in the event of a foreclosure, the redemption price on the last day of all statutory redemption periods and any additional reasonable costs incurred by the holder during the option period which are directly related to the foreclosure or (b) in the event of a transfer in lieu of foreclosure, the amount paid, or the amount of debt forgiven, by the transferee plus the reasonable costs incurred by the transferee with respect to its acquisition of such Unit. Notwithstanding any provision herein to the contrary, except for persons or entities having a valid lien on a Unit, only Qualified Buyers may acquire an interest in a Unit at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Unit is not a Qualified Buyer and acquires an interest

in such Unit in a foreclosure sale or in lieu of foreclosure, the provisions of Paragraph 17 shall apply. It is the intent of HFH-RFV that the terms and provisions of this provision shall remain in full force and effect with respect to the Units until modified, amended or terminated in accordance with paragraph 32 hereof.

Notwithstanding the foregoing, in the event of foreclosure by the holder of the first deed of trust on such Unit, if the holder of such deed of trust is the grantee under the public trustee's deed and HFH-RFV does not exercise its option to purchase as provided in this paragraph, then HFH-RFV agrees to release the Unit from the requirements of this Deed Restriction.

GENERAL PROVISIONS

21. Memorandum of Acceptance. As a condition of the acquisition of a Unit, the purchaser shall execute a Memorandum of Acceptance in the form attached hereto as Exhibit "C".
22. Notices. Any notice, consent or approval which is required to be given hereunder shall be given by mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid, to any address provided herein or to any subsequent mailing address of the party as long as prior written notice of the change of address has been given to the other parties to this Deed Restriction.

Said notices, consents and approvals shall be sent to the parties hereto at the following addresses unless otherwise notified in writing:

To HFH-RFV: 53 Calaway Ct.
Glenwood Springs, CO 81601

To Owner: at the address set forth in the Memorandum of Acceptance

23. Exhibits. All exhibits attached hereto (Exhibits "A", "B" and "C") are incorporated herein and by this reference made a part hereof.
24. Severability. Whenever possible, each provision of this Deed Restriction and any other related document shall be interpreted in such a manner as to be valid under applicable law; but if any provision of any of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of such document.
25. Choice of Law. This Deed Restriction and each and every related document is to be governed and construed in accordance with the laws of the State of Colorado.
26. Successors. Except as otherwise provided herein, the provisions and covenants contained herein shall insure to and be binding upon the heirs, successors and assigns of the parties.
27. Section Headings. Paragraph or section headings within this Deed Restriction are inserted solely for convenience of reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.
28. Waiver. No claim of waiver, consent or acquiescence with respect to any provision of this Deed Restriction shall be valid against any party hereto except on the basis of a written instrument executed by the parties to this Deed Restriction. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

EXHIBIT "A"
Legal Descriptions

EXHIBIT "B"

Permitted Capital Improvements

1. The term "Permitted Capital Improvement" as used in the Deed Restriction shall only include the following:
 - a. Improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements;
 - b. Improvements for energy and water conservation;
 - c. Improvements for the benefit of seniors and/or handicapped persons;
 - d. Improvements for health and safety protection devices;
 - e. Improvements to add and/or finish permanent/fixed storage space; and/or
 - f. Improvements to finish unfinished space.
2. Permitted Capital Improvements as used in this Deed Restriction shall **NOT** include the following:
 - a. Landscaping;
 - b. Upgrades/replacements of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of the unit;
 - c. The cost of adding decks and balconies, and any extension thereto;
 - d. Jacuzzis, saunas, steam showers and other similar items;
 - e. Improvements required to repair, replace and maintain existing fixtures, appliances, plumbing and mechanical fixtures, painting, carpeting and other similar items; and/or
 - f. Upgrades or addition of decorative items, including lights, window coverings and other similar items.
3. All Permitted Capital Improvement items and costs shall be approved by HFH-RFV staff prior to being added to the Maximum Resale Price as defined herein.

Exhibit "C"

Memorandum of Acceptance

MEMORANDUM OF UNDERSTANDING
_____ PROJECT
EMPLOYEE UNITS

This Memorandum of Understanding is made this _____ day of _____, 2022, by and between Habitat for Humanity of the Roaring Fork Valley, Inc. (HFH RFV) and the City Council of Glenwood Springs, Colorado (City). HFH RFV and the City agree as follows:

1. Whereas HFH RFV has received good and valuable consideration from the City and hereby agrees to designate up to two (2) homes in the _____ Project in Glenwood Springs, CO, developed by HFH RFV, to be sold to and occupied by qualified employees of the City and their families subject to the provisions of this MOU. For purposes of this MOU, a City Homebuyer shall be a household in which at least one member is a full-time employee of the City with a combined household gross income at 80% Area Median Income (AMI) or below, or 100% AMI if the unit is designated as such at the Airport Road Property, with preference to employment in Glenwood Springs, CO.
2. During Habitat's homeowner selection process, the Homeowner Selection Committee and HFH RFV staff will evaluate each applicant's qualification against the selection criteria of housing need, ability to pay, willingness to partner, and residency. HFH RFV agrees to grant priority to the City applicants who meet the qualification criteria and income requirements for _____ outlined above for two (2) homes.
3. Upon selection of a City Homebuyer, HFH RFV shall notify the City's Human Resources Department of the name of the employee to confirm the employee is in good standing with the City. Upon closing of any home sold to such Homebuyer, HFH RFV shall notify the City of the completion of the sale.
4. All the terms of the Deed Restriction Agreement for the Occupancy and Resale of _____ units (Deed Restriction Agreement) shall apply to and remain in force for any home owned by a City Homebuyer.
5. If at any time the City Homebuyer decides to sell their home, or are in default, HFH RFV can exercise their rights under the Deed Restriction Agreement's "Right of First Refusal". HFH RFV shall follow their procedure of selecting another qualified homeowner, shall notify the City, and give priority to the City applicants if presented in the selection pool.
6. At such time as the City employee ceases to be employed by the City for any reason, and therefore that employee's family is no longer a City Homeowner as defined above, the City shall notify HFH RFV as soon as practical. HFH RFV shall then make a reasonable effort to prioritize the resale of the next _____ home that becomes available, that is

not subject to a similar employer priority, to be available for a City Homebuyer. HFH RFV shall make a reasonable, good faith effort to ensure that there are two (2) homes that are owned and occupied by qualified City Homebuyers at either the 8th and Midland or Airport properties.

7. In the event that a sale or default of a City Homeowner triggers HFH RFV's rights under the "Right of First Refusal" and HFH RFV does not intend to exercise its rights, HFH RFV will assign that "Right of First Refusal" to the City.
8. HFH RFV shall manage the process for resale of a home owned by a City Homeowner, or new resale of another home to be dedicated to a City Homebuyer through their standard homeowner selection process. However, if the City determines they wish to change the process for selecting an applicant to a lottery or some other procedure, then a separate Memorandum of Understanding between HFH RFV and the City shall be required to outline the different selection process. The criteria for households to earn at or below 80% AMI, or 100% AMI if the unit is designated as such at the Airport Road Property, and preferably work in Glenwood Springs, CO shall remain the same. The terms of the Deed Restriction Agreement shall also remain in effect.
9. Priority units dedicated to other entities shall be limited to two units total over both projects and can occur at either property location. HFH RFV shall be responsible for managing memorandums of understandings with those entities that meet all other agreed upon standards for deed restrictions and owner qualifications.
10. All Notices and communication provided hereunder shall be addressed as follows:

Habitat for Humanity of the
Roaring Fork Valley, Inc.:

City of Glenwood Springs, CO:

11. This Memorandum of Understanding will remain in effect unless terminated by the mutual written Agreement of the Parties.

The parties hereby execute this Memorandum of Understanding on the date written above.

Habitat for Humanity of the Roaring Fork Valley, Inc.

By _____
Gail Schwartz, President

City Council of Glenwood Springs, Colorado

By _____



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Ordinance 2022-25; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2022 Assessment for Collection in Fiscal Year 2023 for the Glenwood Springs General Improvement District No. 1980 and Providing for a Temporary Tax Credit (FIRST READING)
Action Requested:	Approve Mill Levy Certifications for collection year 2022 for the General Improvement District No. 1980.
Department:	Finance
Presented By:	Yvette Gustad
Strategic Goals:	Provide Efficient and Responsive City Government Preserve and Improve Infrastructure Protect and Preserve our Quality of Life Generate Sustainable Economic Development Ensure Public Safety
Background Info:	Property Tax collection is set each year for the voter approved Mill Levy's. The amounts are set based on net assessed value of properties within the General Improvement District (GID). This must be approved and certified to Garfield County by December 15th of each year. The numbers presented in Exhibit A reflect preliminary assessed valuation numbers provided by Garfield County and will be updated to actual when final assessments are received.
Issues:	None
Fiscal Impact:	Detailed in the attached assessment.
Legal Review:	NA
Staff Recommendation:	Approval

ORDINANCE NO. 25

Series of 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, FIXING AND CERTIFYING THE MILL LEVY ON THE
2022 ASSESSMENT FOR COLLECTION IN FISCAL YEAR 2023 FOR THE
GLENWOOD SPRINGS GENERAL IMPROVEMENT DISTRICT NO.
1980.**

WHEREAS, the City Council of the City of Glenwood Springs has established the Glenwood Springs General Improvement District No. 1980; and

WHEREAS, the City Council of the City of Glenwood Springs has adopted by Resolution 2022-38 the budget for fiscal year 2023 commencing January 1, 2023 and ending December 31, 2023; and

WHEREAS, the City Council of the Glenwood Springs, as the ex-officio Board of Directors of the Glenwood Springs General Improvement District No. 1980, desires to fix a mill levy pursuant to Section 9.7 of the Municipal Charter of the City of Glenwood Springs to enable the City to have sufficient revenues to pay the proposed expenditures for fiscal year 2023; and

WHEREAS, pursuant to Section 4.1 of the Municipal Charter of the City of Glenwood Springs, the City Council is required to levy taxes by ordinance.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The mill levy for general purposes that shall be assessed upon each dollar of the assessed valuation of all taxable property within the Glenwood Springs General Improvement District No. 1980 shall be fixed at the rate set forth on **Exhibit A** attached hereto and incorporated herein.

Section 2. The City Manager is hereby directed to certify said mill levy to Garfield County as required by law, no later than the 15th day of December 2022.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS 17TH DAY OF NOVEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS 1st DAY OF DECEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of Garfield County, Colorado.

On behalf of the G.I.D. #1980,
 (taxing entity)^A
 the City Council
 (governing body)^B
 of the City of Glenwood Springs
 (local government)^C

Hereby officially certifies the following mills
 to be levied against the taxing entity's GROSS \$ 23,427,850
 assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation
 (AV) different than the GROSS AV due to a Tax
 Increment Financing (TIF) Area^F the tax levies must be \$ 22,344,130
 calculated using the NET AV. The taxing entity's total
 property tax revenue will be derived from the mill levy
 multiplied against the NET assessed valuation of: (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
**USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED
 BY ASSESSOR NO LATER THAN DECEMBER 10**

Submitted: 12/15/2022 for budget/fiscal year 2022.
 (no later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	<u>2.287</u> mills	\$ <u>51,101</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	<u>2.287</u> mills	\$ <u>51,101</u>
3. General Obligation Bonds and Interest ^J	_____ mills	\$ _____
4. Contractual Obligations ^K	_____ mills	\$ _____
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	_____ mills	\$ _____
7. Other ^N (specify): _____	_____ mills	\$ _____
	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>2.287</u> mills	\$ <u>51,101</u>

Contact person: (print) Yvette Gustad Daytime phone: (970) 384-6421
 Signed: _____ Title: Finance Director

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.

¹ If the *taxing entity's* boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).

New Tax Entity? ☐ YES ☒ NO

Garfield County

COUNTY ASSESSOR

Date 08/18/2022

NAME OF TAX ENTITY: GLENWOOD SPGS. IMP. DIST.**USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATION ("5.5%" LIMIT) ONLY**

IN ACCORDANCE WITH 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2022 :

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1. \$22,577,390
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2. \$23,427,850
3. LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3. \$1,083,720
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4. \$22,344,130
5. NEW CONSTRUCTION: *	5. \$1,041,510
6. INCREASED PRODUCTION OF PRODUCING MINE: ≈	6. \$0
7. ANNEXATIONS/INCLUSIONS:	7. \$0
8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: ≈	8. \$0
9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): Φ	9. \$0
10. TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(a), C.R.S.). Includes all revenue collected on valuation not previously certified:	10. \$0.00
11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	11. \$0.00

‡ This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution

* New Construction is defined as: Taxable real property structures and the personal property connected with the structure.

≈ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use Forms DLG 52 & 52A.

Φ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form DLG 52B.

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART. X, SEC. 20, COLO. CONSTITUTION AND 39-5-121(2)(b), C.R.S., THE Garfield County ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2022 :

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1. \$116,486,310
--	------------------

ADDITIONS TO TAXABLE REAL PROPERTY

2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: *	2. \$3,701,050
3. ANNEXATIONS/INCLUSIONS:	3. \$0
4. INCREASED MINING PRODUCTION: §	4. \$0
5. PREVIOUSLY EXEMPT PROPERTY:	5. \$0
6. OIL OR GAS PRODUCTION FROM A NEW WELL:	6. \$0
7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.):	7. \$0

DELETIONS FROM TAXABLE REAL PROPERTY

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	8. \$0
9. DISCONNECTIONS/EXCLUSIONS:	9. \$0
10. PREVIOUSLY TAXABLE PROPERTY:	10. \$0

¶ This includes the actual value of all taxable real property plus the actual value of religious, private school, and charitable real property.

* Construction is defined as newly constructed taxable real property structures.

§ Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS:

TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY **\$115,001,230**

IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:

HB21-1312 ASSESSED VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): ** **\$271,759**

** The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

NOTE: ALL LEVIES MUST BE CERTIFIED to the COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Ordinance 2022-26; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2022 Assessment for Collection in Fiscal Year 2023 and Providing for a Temporary Tax Credit (FIRST READING)
Action Requested:	Approve Mill Levy Certifications for collection year 2022 for the City of Glenwood Springs.
Department:	Finance
Presented By:	Yvette Gustad
Strategic Goals:	Provide Efficient and Responsive City Government Preserve and Improve Infrastructure Protect and Preserve our Quality of Life Generate Sustainable Economic Development Ensure Public Safety
Background Info:	Property Tax collection is set each year for the voter approved Mill Levy's. The amounts are set based on net assessed value of properties within the City of Glenwood Springs. This must be approved and certified to Garfield County by December 15th of each year. The numbers presented in Exhibit A reflect preliminary assessed valuation numbers provided by Garfield County and will be updated to actual when final assessments are received later in November.
Issues:	None
Fiscal Impact:	Detailed in the attached assessment.
Legal Review:	NA
Staff Recommendation:	Approval

ORDINANCE NO. 26

Series of 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, FIXING AND CERTIFYING THE MILL LEVY ON THE
2022 ASSESSMENT FOR COLLECTION IN FISCAL YEAR 2023.**

WHEREAS, the City Council of the City of Glenwood Springs has adopted by Resolution 2022-38 the budget for fiscal year 2023 commencing January 1, 2023 and ending December 31, 2023; and

WHEREAS, the City Council of the Glenwood Springs desires to fix a mill levy pursuant to Section 9.7 of the Municipal Charter of the City of Glenwood Springs to enable the City to have sufficient revenues to pay the proposed expenditures for fiscal year 2023; and

WHEREAS, pursuant to Section 4.1 of the Municipal Charter of the City of Glenwood Springs, the City Council is required to levy taxes by ordinance.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The mill levy for general purposes that shall be assessed upon each dollar of the assessed valuation of all taxable property within the corporate limits of the City of Glenwood Springs, shall be fixed at the rate set forth on **Exhibit A** attached hereto and incorporated herein.

Section 2. The City Manager is hereby directed to certify said mill levy to Garfield County as required by law, no later than the 15th day of December 2022.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS 17TH DAY OF NOVEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS 1st DAY OF DECEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of Garfield County, Colorado.On behalf of the City of Glenwood Springs,(taxing entity)^Athe City Council(governing body)^Bof the City of Glenwood Springs(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ assessed valuation of:

264,110,740

(GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of:

261,454,400

(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: 12/15/2022 for budget/fiscal year 2023.
(no later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	8.603 mills	\$ 2,249,292
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	8.603 mills	\$ 2,249,292
3. General Obligation Bonds and Interest ^J	mills	\$
4. Contractual Obligations ^K	mills	\$
5. Capital Expenditures ^L	mills	\$
6. Refunds/Abatements ^M	.028 mills	\$ 7,321
7. Other ^N (specify):	mills	\$
	mills	\$
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	8.631 mills	\$ 2,256,613

Contact person: (print) Yvette Gustad Daytime phone: (970) 384-6421

Signed: _____ Title: Finance Director

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.

¹ If the *taxing entity's* boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item: Historic Museum Budget and Funding Request

Action Requested: Bill Kite is presenting a \$160,000 funding request from the A&I Fund.

Department: City Administration

Presented By: Steve Boyd

Strategic Goals: Protect and Preserve our Quality of Life

Background Info: The Historic Museum receives funding in the amount of \$60,000 annually. A list of grant recipients is attached.

Issues: NA

Fiscal Impact: Decision on a \$160,000 ask from the A&I Fund.

Legal Review: NA

Staff Recommendation: Staff will defer to Council.

Grants Applied for by the Glenwood Springs Historical Society and status: 2016 to present

Grant	Organization	Amount
2016: Veterans Memorial Project: To place headstones on Veteran's graves (Lisa Passmore project leader)	Garfield County (GARCO) discretionary fund grant	Awarded: \$5,000
2017: Veterans Memorial Project	GARCO discretionary fund grant	Awarded: \$5,000
2018: Grant to digitize Storm King Fire records and digital exhibit	Colorado Historic Records Advisory Board	\$5,000 (we match \$1,250) <i>not awarded</i>
2018: Rehabilitating a Frontier Landmark in Glenwood Springs	Garfield County Mineral Lease mini-grant (to rehabilitate museum)	\$24,920.00 - <i>not awarded</i> (building not city-owned)
2018: Veteran's Memorial Project	GARCO discretionary fund grant	Awarded: \$5,000
2018: COGS Discretionary Fund Grant	Glenwood Springs Finance Advisory Board (FAB)	Awarded: \$10,000 for Wild West Fermentation Event and \$10,000 for South Canyon (report pending)
2018: To archive in PastPerfect Storm King Fire records & artifacts	J. Robert Young Foundation	Awarded: \$5,000
2018: Conservation Center for Art & Historic Artifacts (CCAHA): Risk Assessment and Emergency Preparedness Program Grant	National Endowment for the Humanities	\$5,000 <i>not awarded</i>
2019: To republish the Downtown & Cemetery Tour brochures	City of Glenwood Springs Tourism Funds Grant	Awarded: \$3,154.00
2019: To replace roof over office addition	Garfield County discretionary fund grant	Awarded: \$ 5,000
2019: Historic Assessment Grant for museum building	History Colorado from state lottery funds (final report turned in-awaiting approval)	Awarded: \$10,000
2019: "The Daily Avalanche" (years 1892-1894) added to the Colorado Historic Newspapers Collection (CHNC).	Colorado State Library (CSL) mini-grant	Awarded: \$3,000 (matched with \$700 from us)
2020: To digitize all the rest of GWS newspaper collection	Digitizing Hidden Special Collections and Archives: Council on Library & Information Resources	\$203,750 – not awarded

2020: SBA's first PPP loan	Small Business Administration's Payroll Protection Plan (PPP) loan	\$12,500 loan forgiven
2020: Get Glenwood Going Grant	COGS and Chamber Resort Assoc. provided money for utilities (May 22)	Awarded: \$4,000
2020: SBA's second PPP loan	Small Business Administration's Payroll Protection Plan (PPP) loan	\$11,736.00 loan forgiven
2020: Grants to video the 2021 Ghostwalk for live streaming during Pandemic	J. Robert Young Foundation And Community Health Initiative	Awarded: \$2,000 Awarded: \$3,000
2020: Coronavirus Aid, Relief, and Economic Security (CARES) Act Humanities Relief Grant	Colorado Humanities (through the National Endowment for the Humanities	Awarded: \$11,533
2021: Colorado Sustaining the Humanities through for recording valley Latino stories, called Nuestras Historias	Colorado Humanities (through the National Endowment for the Humanities American Rescue Plan (COSHARP) grant	Awarded: \$20,000 <i>Screening of video will be December 8, 2022 at 6:00 pm at GWS Branch Library</i>
2021: SIPA Micro Grant Program to digitize newspapers	Statewide Internet Portal Authority (SIPA) Micro Grant Program	Awarded: \$3000
2021: Veterans Memorial Project (the last 2 headstones are being set in 2022)	GARCO discretionary fund grant	Asked: \$5,000 Awarded: \$4,800
2021: Grant to fund Archivist position	J. Robert Young Foundation	Awarded: \$5,000
2021: Save America's Treasures (To save Cardiff Coke Ovens which are on the National Register of Historic Places)	National Park Service	From \$125,000 to \$500,000 Turned in: 12-14-2021 <i>Not awarded</i>
Colorado Historic Fund General Mini-Grant for Cardiff Coke Ovens	History Colorado	Awarded \$34,930
General Grant for publishing GWS Walking Tour and Linwood Cemetery Walking Tour brochures	Western Colorado Community Foundation through Two Rivers Unrestricted Endowment	\$4,000
TOTALS		\$153,653 awarded

Yellow=Grants in progress

**ORDINANCE NO. 22
SERIES OF 2016**

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS CALLING AN ELECTION ON NOVEMBER 8, 2016, FOR VOTER APPROVAL TO (I) EXTEND THE EXISTING ONE CENT (\$0.01) CITY ACQUISITION AND IMPROVEMENT FUND SALES AND USE TAX AND (II) AUTHORIZE THE ISSUANCE OF REVENUE BONDS; PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City of Glenwood Springs, Colorado (the "City"), is a municipal corporation duly organized and operating as a home-rule City under its City Charter and the Constitution and laws of the State of Colorado; and

WHEREAS, the City presently imposes a one cent (\$0.01) Acquisition and Improvement Fund sales and use tax which is to expire on December 31, 2018; and

WHEREAS, the City Council of the City (the "City Council") desires to extend, for a period of thirty (30) years, the imposition of the sales and use tax placed in the Acquisition and Improvement Fund pursuant to Section 040.010.040 of the Municipal Code of the City; and

WHEREAS, the City Council has evaluated, and there has been discussed with City residents, the acquisition, construction, repair and improvement of various capital improvement projects, and the use of revenues in the Acquisition and Improvement Fund on a pay-as-you go basis would not permit the completion of a significant number of said projects in the near future; and

WHEREAS, the City Council desires to submit a ballot issue to the City's electors to permit the City to use revenue bond financing for up to \$54 million in principal amount to enable the completion of necessary capital projects on a timely basis; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the City have voter approval in advance for any tax extension and for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever; and

WHEREAS, the City Council desires to submit ballot issues to the eligible electors of the City on November 8, 2016 for the purposes set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. Calling the Election. An election shall be held on Tuesday, November 8, 2016, at which there shall be submitted to the eligible electors of the City two ballot issues, the first of which is to extend the existing one cent (\$0.01) City of Glenwood Springs sales and use tax that is placed in the City's Acquisition and Improvement Fund for a period of thirty (30) years (referred to hereafter as "Ballot Issue 2A", provided however, the ballot number assigned by the

coordinated election official may be different); and the second of which is to increase debt and issue bonds for the purpose of financing capital improvements of every kind and nature.

Section 2. Setting Ballot Title and Content. The ballot title and content shall be set by the City Council by resolution, to be considered on the date on which the second and final reading of this Ordinance occurs.

Section 3. Conduct of Election. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance and the holding of a coordinated election on November 8, 2016.

Section 4. Amendment of Section 040.010.040. Paragraph (b) of Section 040.010.040 of the Municipal Code is hereby amended to read as follows (deletions are indicated by the strikethrough line and additions are indicated by the single underline):

040.010.040 Purpose of tax; use of proceeds.

(b) *Additional sales and use tax.* The City Council hereby declares the revenue from the levy of one cent (\$0.01) of the tax imposed by the Tax Ordinance shall be placed in the acquisition and improvement fund and shall be appropriated and distributed as determined by ordinance of the City Council as follows:

(1) To defray the costs of operating and maintaining the Frontier Historical Museum; and at a minimum to help pay and/or defray the executive director's salary; subject, however, to annual appropriations at the discretion of the City Council.

(2) To defray the costs of operating and maintaining the Glenwood Springs Arts Center, and at a minimum to help pay and/or defray the executive director's salary; subject, however, to annual appropriations at the discretion of the City Council.

(3) To defray the costs of operating and maintaining human services program and special events in the City; subject, however, to annual appropriations at the discretion of the City Council.

(4) To defray the costs of capital improvements of every kind and nature which the City is, from time to time, authorized to undertake, including, without limiting the generality of the foregoing, maintenance and operation of a community center and municipal complex; acquisition of land, easements and rights-of-way; and acquisition, construction and installation of buildings, public works, storm drainage, treatment facilities, trails, broadband, and necessary appurtenances; provided, however, that such improvements shall not include improvements to the City's water system, wastewater system, electrical system. Prior to making an appropriation for any improvements pursuant to this paragraph, the City Council shall conduct a public hearing and consider public comments on such improvements.

(5) Expenditures authorized pursuant to this section may include the principal of, premium, if any, and interest on securities issued or other forms of indebtedness incurred for the purpose of providing capital improvements. Revenues described in this section shall be segregated and applied by the Director of Finance in accordance with this section or the provisions of any

ordinance pursuant to which securities are issued or other forms of indebtedness are incurred and are payable from such revenues.

Section 5. Ratification of Municipal Code. With the exception of the provisions of the Municipal Code of the City of Glenwood Springs which are modified as provided herein, all remaining provisions of the Municipal Code of the City of Glenwood Springs shall remain in full force and effect.

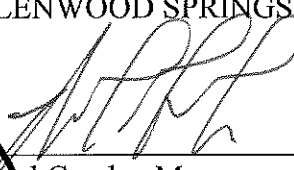
Section 6. Approval of Ballot Issues. If a majority of the votes cast on either or both of the ballot issues submitted at the election shall be in favor of such ballot issues, the City acting through the City Council shall be authorized to proceed with the necessary actions in accordance with the ballot issue or ballot issues which have been so approved. Any authority to issue bonds, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue the bonds so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred. If Ballot Issue 2A is not approved by a majority of votes cast on the ballot issue at the election, the sales and use tax currently imposed shall continue to be imposed until its existing expiration date of December 31, 2018.

Section 7. Effective Date. Upon passage of this Ordinance, the provisions hereof shall be effective ten days following the date of second publication; provided however, subject to the approval of Ballot Issue 2A at the election to be held on November 8, 2016, the provisions of Section 4 and Section 5 of this Ordinance shall become effective on January 1, 2017.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED PUBLISHED IN FULL THIS 4TH DAY OF AUGUST 2016.

CITY OF GLENWOOD SPRINGS, COLORADO




Michael Gamba, Mayor

ATTEST:


Catherine Mythen-Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND PUBLICATION THIS 18th DAY OF August 2016.

CITY OF GLENWOOD SPRINGS, COLORADO

[Handwritten signature]

Michael Gamba, Mayor



ATTEST:

Catherine Mythen-Fletcher

Catherine Mythen-Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Ordinance 2022-27; Amending Title 040 of the Glenwood Springs Municipal Code to Establish an Exemption from the City's Sales Tax for Certain Retail Delivery Fees and Carryout Bag Fees Enacted by the State of Colorado and to Clarify Remittance of the Bag Fee.
Action Requested:	As a home rule municipality, the City has the authority to impose or exempt certain items from taxation. The City of Glenwood Revenue Administrator participates as a member of the Colorado Municipal League (CML) Sales Tax Simplification Committee. The Committee met on July 20, 2022 to discuss the state-imposed bag fee and retail delivery fee. The committee consensus during that meeting was for all self-collecting home rule municipalities to exempt the retail delivery fee and bag fee. In addition, we are taking this opportunity to modify the sales tax code to exempt incontinence and diaper products to mirror the State's exemption for these items. Additionally, there was a scrivener's error in the bill enacting the bag fee that only requires remittance of the bag fee to local governments starting in Quarter 1, 2024, instead of 2023 when the bag fee collection commences. As a home rule municipality, the City can vary from the enacted statute here to require remittance to being in 2023, as provided in the attached ordinance.
Department:	City Administration
Presented By:	Karl Hanlon
Strategic Goals:	Protect and Preserve our Quality of Life Provide Efficient and Responsive City Government
Background Info:	Effective July 1, 2022, the State of Colorado imposed a retail delivery fee on all deliveries by motor vehicle to a location in Colorado with at least one item of tangible personal property subject to state sales or use tax. The retailer or marketplace facilitator that collects the sales or use tax on the tangible personal property sold and delivered, including delivery by a third party, is liable to collect and remit the retail delivery fee. Deliveries include when any taxable goods are mailed, shipped, or otherwise delivered by motor vehicle to a purchaser in Colorado. In 2021, the Colorado General Assembly enacted House Bill 21-1162. Beginning January 1, 2023, the act prohibits stores and retail food establishments from providing single-use plastic carryout bags to customers. Certain retail food establishments, and small stores that operate solely in Colorado and have 3 or fewer locations, may provide single-use plastic carryout bags. Between January 1, 2023, and January 1, 2024, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located. On and after January 1, 2024, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located. The City does not wish to impose local sales tax on retail delivery fees and carryout bag fees enacted by the State of Colorado given that this fee has not previously been part of the municipal tax base and is unlikely to result in significant revenue. In the 2022 Regular Session, the Colorado General Assembly enacted HB22-1055. The act creates a state sales and use tax exemption commencing January 1, 2023, for all sales, storage, use, and consumption of incontinence products and diapers and period products. The act further provides that counties and municipalities may choose to adopt either or both exemptions by express inclusion in their sales and use tax ordinance or resolution. The Town of Silverthorne exempted certain hygiene

products in our most recent sales tax code updates, but the attached ordinance expands that exemption to include diapers and incontinence products.

Issues:	NA
Fiscal Impact:	None
Legal Review:	Legal drafted the Ordinance
Staff Recommendation:	Adopt Ordinance 2022-27

**CITY OF GLENWOOD SPRINGS, COLORADO
ORDINANCE NO. 2022 - 27**

Series of 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, AMENDING TITLE 040 OF THE GLENWOOD SPRINGS
MUNICIPAL CODE TO ESTABLISH AN EXEMPTION FROM THE
CITY'S SALES TAX FOR CERTAIN RETAIL DELIVERY FEES AND
CARRYOUT BAG FEES ENACTED BY THE STATE OF COLORADO
AND TO CLARIFY REMITTANCE OF THE BAG FEE.**

WHEREAS, the City of Glenwood Springs ("Glenwood Springs" or the "City") is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales and use taxes is clearly within the constitutional grant of power to the City and is necessary to raise revenue with which to conduct the affairs and render the services performed by the City; and

WHEREAS, pursuant to such authority, the City has adopted and enacted a Sales Tax Code (the "Code"), under which City sales tax is levied; and

WHEREAS, the City does not wish to impose local sales tax on retail delivery fees and carryout bag fees enacted by the State of Colorado that would otherwise be taxable under the Code; and

WHEREAS, the City adopts this ordinance with the intent to exempt such fees from local sales and use tax; and

WHEREAS, the City Council finds and declares that the amendments to Chapter 2, Article X, Division 8 as set forth in this Ordinance are in the best interest of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 040, Article 020 of the Glenwood Springs Municipal Code is hereby amended as set forth below with double underline text added and strikethrough text deleted.

* * *

Sec. 040.020.020. – Exempt items and transactions.

The following classes of tangible personal property and the following sales transactions are exempt from taxation under this article:

* * *

(19) The retail delivery fee consisting of the community access retail delivery fee imposed in C.R.S. § 24-38.5-303(7), the clean fleet retail delivery fee imposed in C.R.S. § 25-7.5-103(8), the clean transit retail delivery fee imposed in C.R.S. § 43-4-1203(7), the retail delivery fee imposed in C.R.S. § 43-4-218(3), the bridge and tunnel retail delivery fee imposed in C.R.S. § 43-4-805 (5)(g.7), and the air pollution mitigation retail delivery fee imposed in C.R.S. § 43-4-1303(8), as such sections existed on June 17, 2021.

(20) The carryout bag fee imposed in C.R.S. § 25-17-505, as such section existed on July 6, 2021.

* * *

040.020.030 - Payment of tax by retailer.

* * *

- (b) ~~Reserved.~~ Every retailer or vendor shall be liable and responsible for the payment of the fee assessed in C.R.S. § 25-17-505(1)(a) commencing on January 1, 2023 as provided in C.R.S. § 25-17-505(3)(d)(I) and shall remit the fee on the same schedule as they remit taxes.

Section 3. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is held to be unconstitutional, then the remainder of this ordinance, and the application of the provisions of such to any person or circumstance, shall not be affected thereby.

Section 4. Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

Section 5. With the exception of the provisions of the Municipal Code of the City of Glenwood Springs which are modified as provided herein, all remaining provisions of the Municipal Code of the City of Glenwood Springs shall remain in full force and effect.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS ____ DAY OF NOVEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF NOVEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
November 17, 2022

Agenda Item:	Ordinance 2022-28; Code Amendment to Title 070 Development Code as it pertains to Sign Standards and Use Specific Standards
Action Requested:	Consideration for Code Amendment to Title 070, section 070.040.110 Signs and Section 070.040.030 Use Specific Standards
Department:	Economic and Community Development
Presented By:	Emery Ellingson
Strategic Goals:	Provide Efficient and Responsive City Government
Background Info:	The Planning and Zoning Commission reviewed proposed code amendments at their August 23, 2022 meeting. Minutes from August meeting attached. Planning & Zoning Commission recommended a number of changes to sign code which pertain to the maximum size allowed for monument signs, monument signs for residential uses, and prohibiting pole signs for residential uses. Planning & Zoning Commission also recommended a change to Use Specific Standards, to remove a definition from Code which was removed in all other areas of Code in 2018. Staff report has further details on findings and staff recommendations. For actions involving amendments to the Land Use Code, the Planning and Zoning Commission is a recommending body to City Council. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council. A Code amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed Code amendment, the Planning Commission and City Council shall consider whether and to what extent the proposed amendment: 1. Is consistent with the Comprehensive Plan and other City policies; 2. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code; 3. Is necessary to address a demonstrated community need; 4. Is necessary to respond to substantial changes in conditions and/or policy; and 5. Is consistent with the general purpose and intent of this Code.
Issues:	Prohibition of pole signs for residential use does not prohibit flag poles. Flag poles are regulated separately in Title 070 and would still be allowed following this change.
Fiscal Impact:	None. No additional taxes or fees created. No additional staff required.
Legal Review:	Legal drafted the Ordinance.
Staff Recommendation:	Staff recommends approval of suggested changes to Title 070 as recommended by Planning & Zoning Commission with suggested findings in the attached staff report on pages 9 and 10.



City Council Report

Date: November 17, 2022
To: City Council
From: Emery Ellingson, Planner II
Subject: Planning File #23-22 Code Amendments

REQUEST	Consideration of code revisions to Section 070.040.110, Sign Code to amend sign regulations and 070.030.030 Use Specific Standards for Accessory Tourist Rentals.
APPLICANT	City of Glenwood Springs
LOCATION	Citywide
ZONE	All Zoning Districts
SIGN DISTRICTS	All Sign Districts

ACTION ITEMS

Action 1 – Code Amendment– Consideration of a code amendment changes to Section 070.040.110, and 070.030.030.

Staff recommendation: *Staff recommends **approval** of the proposed code amendments with findings and conditions on page **10** of the staff report.*

Review Process

Per section 070.060.040(c) of the Municipal Code, any Code amendment change shall be reviewed by Planning Commission which recommends approval, approval with conditions or denial of the amendment. Following Planning Commission recommendation, City Council shall review the Code amendment application and approve, approve with conditions, or deny the amendment. City Council may also remand the Code amendment application back to the Director or the Planning Commission for further consideration.

BACKGROUND

Signage in the City is regulated by sign type, location, and use.

Sign type refers to the type of sign and differentiates between attached signage, which are attached to structures and freestanding signage which are not attached to any structure.

Location refers to physical location within the City as well as applicable sign district. The City has seven sign districts which are intended to ensure that any permitted signage is compatible with the characteristics of each sign district. These characteristics include physical location, building design, pedestrian and vehicle circulations, and land uses. See below for map of City sign districts

Use refers to how the property is utilized. Sign Code makes distinctions between residential, mixed-use, and non-residential uses. The intent of Sign Code is to regulate the number and design of signs so that they are compatible with neighboring uses.



Monument sign (freestanding)



Pole Sign (freestanding)

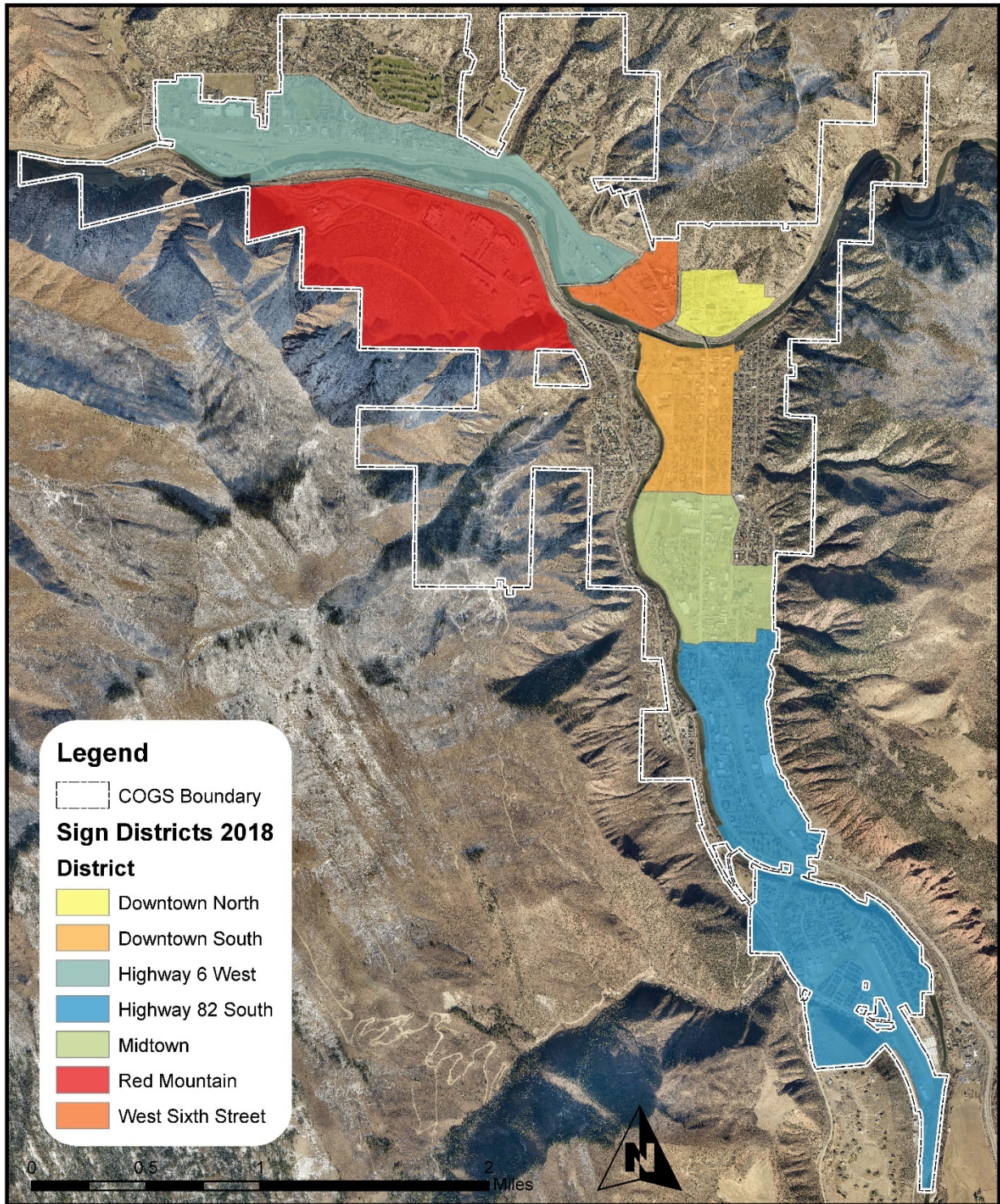


Wall sign (attached)



Roof sign (attached)

City of Glenwood Springs Sign Districts



This is not a survey. Boundaries shown are an approximation for general reference only.

PROJECT ANALYSIS

Staff has identified two potential Sign Code amendments which address freestanding signage associated with residential uses. These two items are as follows:

- Amend Code to allow monument type signage for residential uses
- Amend Code to prohibit pole signs for residential uses

The Code definitions for these sign types are as follows:

The definition of a pole sign is *“a freestanding sign erected on a frame, mast or pole that is affixed to the ground and not attached to any building”*

The definition of a monument sign is *“a freestanding ground sign typically containing design elements such as a base, columns, borders, topper, or cap specifically intended for the display of the sign”*

The proposed changes would apply city wide across all zoning districts and applicable sign districts and as with any sign regulation would only affect the size and location of signage and not the content of the sign.

Monument Signs for Residential Applications

Code currently allows freestanding monument signage for residential uses in commercial zoning districts only. This prohibits a residential development or subdivision located in a residential zoning district to place a monument type identification sign. Under current code, the signs below would not be allowed in any of the City’s zoning districts or sign districts for any residential use.



The intent of these changes is to ensure that any monument sign for a residential use would be at a compatible scale and size with surrounding neighborhood uses. Proposed changes also include adjusting the maximum sign height and size for residential uses as well as maximum height for commercial and nonresidential uses.

Code changes as proposed by Planning & Zoning Commission for monument signage are found below:

Current Code – Section 070.040.110(i)(2) Table 040.12

Table 040.12: Summary of Permanent Sign Standards					
Sign Type	Where Allowed	Number of Signs, Max.	Sign Area, Max.	Sign Height, Max.	Sign Location
Free Standing Signs					
Freestanding Monument	Residential applications in commercial zoning districts	One freestanding sign per street frontage, up to a total of two signs per subdivision or development access	100 square feet	Six feet	Setback five feet from property lines
	Mixed-use and nonresidential applications in all sign districts	One (1) freestanding monument sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Downtown districts: 64 square feet Others: 120 square feet	Eight feet	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

Proposed Changes as recommended by Planning & Zoning Commission at August 23, 2022 meeting

Section 070.040.110(i)(2) Table 040.12

Table 040.12: Summary of Permanent Sign Standards					
Sign Type	Where Allowed	Number of Signs, Max.	Sign Area, Max.	Sign Height, Max.	Sign Location
Free Standing Signs					
Freestanding Monument	Residential applications in commercial zoning districts <u>All residential uses excluding single family detached dwelling, two family dwelling, and accessory dwelling unit uses</u>	One freestanding sign per street frontage, up to a total of two signs per subdivision or development access	100 square feet <u>64 square feet</u>	Six feet	Setback five feet from property lines
	Mixed-use and nonresidential applications in all sign districts	One (1) freestanding monument sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Downtown districts: 64 square feet Others: All Other Sign Districts 120 square feet	Eight feet Six feet	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

Specific Sign Standard. Monument Sign Standards

Planning & Zoning Commission also proposed the following change to Section 070.040.110(h)(3)(b) Monument Signs.

b. Monument Signs. Monument signs are allowed as indicated in Table 040.12 Summary of Permanent Sign Standards. The height of the monument sign base on which the sign is attached shall not exceed fifty (50) percent of total sign ~~height~~ area.

This minor change allows more flexibility in sign design to allow the sign base to be 50% of sign area rather than just height.

Pole Signs for Residential Uses

Code allows poles signs for all uses in the Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts. Code does not distinguish between residential and non-residential uses and although residential land use is not the predominant land use in these sign districts, there are several residential neighborhoods within these areas. In these areas, a residential use would be allowed to install a 16-20' tall pole sign up to 200 square feet in size.

Staff finds that pole signs are an incompatible use with residential use and proposes that pole signs only be permitted for mixed-use and non-residential uses.

CURRENT CODE – Section 070.040.110(i)(2) Table 040.12

Table 040.12: Summary of Permanent Sign Standards					
<i>Sign Type</i>	<i>Where Allowed</i>	<i>Number of Signs, Max.</i>	<i>Sign Area, Max.</i>	<i>Sign Height, Max.</i>	<i>Sign Location</i>
Free Standing Signs					
<i>Freestanding Pole</i>	Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts	One freestanding pole sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Others: 120 square feet	Hwy 6 & 82 sign districts: 20 feet Others: 16 feet The bottom of the sign area shall be at least eight feet above the ground elevation	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

PROPOSED CHANGE as recommended by Planning & Zoning Commission Section 070.040.110(i)(2) Table 040.12

Table 040.12: Summary of Permanent Sign Standards					
<i>Sign Type</i>	<i>Where Allowed</i>	<i>Number of Signs, Max.</i>	<i>Sign Area, Max.</i>	<i>Sign Height, Max.</i>	<i>Sign Location</i>
Free Standing Signs					
<i>Freestanding Pole</i>	Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts <u>Mixed-use and nonresidential applications in the Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain Districts</u>	One freestanding pole sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Others: 120 square feet	Hwy 6 & 82 sign districts: 20 feet Others: 16 feet The bottom of the sign area shall be at least eight feet above the ground elevation	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

This proposed amendment would not prohibit flagpoles on residential properties. Flag poles are allowed citywide subject to maximum building height limits for the corresponding zoning districts.

Section 070.030.030, Use Specific Standards

BACKGROUND

Section 070.030.030(7) Use Specific Standards for Accessory Tourist Rentals

Upon reviewing code Staff discovered language defining Single Family occupancy that the City of Glenwood Springs removed from other areas Code in 2018 when the new Development Code was adopted.

Many jurisdictions have removed this language defining of a Single Family from municipal codes as it is considered an equity issue in terms of housing access.

Staff proposes the following amendment to Code, Section 070.030.030(e) (7)(c)(5).

Current Code:

c. Use and Occupancy Restrictions.

~~5. Occupancy of the accessory tourist rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code, i.e. one (1) or more persons living together on the premises of a dwelling unit, but it shall not include more than five (5) persons unrelated by blood or marriage.~~ Occupancy limits shall be established by International Property Maintenance Code (IPMC) and shall be listed on the accessory tourist rental permit.

Proposed Code:

c. Use and Occupancy Restrictions.

...

5. Occupancy of the accessory tourist rental shall be established by International Property Maintenance Code (IPMC) and shall be listed on the accessory tourist rental permit.

Review Criteria and Analysis

A Code amendment is a legislative decision by the City Council. Prior to approving a proposed Code amendment, City Council shall consider whether and to what extent the proposed amendment meets the following criteria. Staff analysis is in bold.

- I. Is consistent with the Comprehensive Plan and other City policies;
The proposed amendment to the existing program upholds the goals of the Comprehensive plans and other City policies.
- II. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
The proposed changes do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code.
- III. Is necessary to address a demonstrated community need;
The proposed code revisions address previous language errors as well as items which seek to allow additional flexibility for residential subdivision signage and prohibits incompatible residential signage.
- IV. Is necessary to respond to substantial changes in conditions and/or policy; and
The amendment addresses observed deficiencies in existing Code
- V. Is consistent with the general purpose and intent of this Code.
The proposed amendment is in line with the purpose and intent of the Code.

Reviewing Agency Comments

No comments received

Action Item and Staff Recommendation

Section 070.060.030(g)(1)(d) outlines the review and decision procedures for applications being considered by City Council. Council may approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures. Council may also continue the hearing to with a request for specific additional information.

Action Item:

Consideration of code revisions to Section 070.040.110, Sign Code to amend sign regulations and 070.030.030 Use Specific Standards.

Staff recommends **APPROVAL** of the code revisions with the following suggested findings and conditions:

Suggested Findings

The proposed code revisions to the Section 070.040.110 Sign Code and Section 070.030.030 Use Specific Standards:

- I. Are consistent with the Comprehensive Plan and other City policies;
- II. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- III. Are necessary to address a demonstrated community need;
- IV. Are necessary to respond to substantial changes in conditions and/or policy; and
- V. Are consistent with the general purpose and intent of this Code.

Suggested Conditions:

[INSERT ADDITIONAL CONDITIONS BEYOND STANDARDS INCLUDED BELOW]

1. The development shall comply with the requirements of the Code. Any future physical changes or improvements to the property or buildings are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.

Alternative Motion

***A member of City Council has requested that land use applications include suggested motions for both approval and denial. In most instances, staff has worked diligently with the applicant to address requirements outlined in the *Glenwood Springs Municipal Code* (Code) applicable to any given proposal. Therefore, we are usually in support of an application by the time it reaches the Planning and Zoning Commission and/or City Council. However, if the Planning and Zoning Commission does not believe the application meets the Code's minimum standards, your denial motion should be based on one or more of the same approval criteria applicable to the application. You should support your findings with information outlining the shortcomings of the request as

shown in the example below:

MOTION TO DENY

Action 1:

Consideration of code amendments, I move to **DENY** finding that -

1. The code amendment is not consistent with the Comprehensive Plan and other City policies; **[insert reasoning]**;
2. The proposed amendment conflicts with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code; **[insert conflict/reasoning]**;
3. The proposed amendment is not necessary to address a demonstrated community need **[insert applicable Comp Plan or other City plan or policy sections here]**;
4. The proposed amendment is not necessary to respond to substantial changes in condition, and/or policy; **[insert reasoning]**and;
5. The proposed amendment is not consistent with general purpose and intent of this Code **[insert reasoning]**;



MINUTES
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
August 23, 2022
Council Chambers,
First Floor 101 W. 8TH STREET

1. Roll Call
 - a. Present: Commissioners Jim Hardcastle, Amy Connerton, Carolyn Cipperly, and George Shaver
 - b. Also present: Assistance City Manager Jenn Ooton, Asst. City Attorney Richard Peterson, Planner I, Emery Ellingson.
2. Commissioner Hardcastle motioned to seat alternate Commissioner Mitchell Weimer. Commissioner White seconded the motion. Unanimously approved.
3. Receipt of Minutes June 28, 2022 Planning and Zoning Commission Meeting.
Commissioner White motions to approve. Commissioner Weimer seconded the motion. Unanimously approved with a vote of 4-0. Commissioner Wissing abstains.
4. Comments from citizens appearing for items not on the agenda
No public comment was received.
5. New Items
 - a. **Planning File #23-22– Code Text Amendments to Section 070.040.110 and Section 070.030.030.**

Planner I Emery Ellingson presented the proposed code text amendments for Section 070.040.110 Signs to amend code for freestanding signs associated with residential uses as well as minor language changes to Section 070.030.030 Use-Specific Standards for accessory tourist rentals. Ellingson explained that Planning & Zoning Commission's role was as a recommending body and that any final decision would be rendered by City Council.

Staff recommended **approval** with findings and conditions on pages 9 and 10 of the staff report.

Commissioner questions and discussion included the following topics:

- Commissioner Shaver asked how monument sign area is calculated. Further discussion on how monument sign base was limited to 50% of the total sign height. Planning & Zoning Commission proposed changing language to allow the base to limited to 50% of area rather than height.
- Sign area definition
- Sign illumination restrictions for residential zoning districts
- Differences between pole signs and monument signs
- Discussion on changing maximum height for monument sign, Commission arrived at keeping 6' maximum for residential uses. Commission also proposed changing maximum height for all other uses at 6' as well.
- Reducing maximum size of monument sign to 120 square feet for non-downtown sign districts.

- Compatibility of signs with residential uses

No members of the public were present to comment in person or online. No public comments were received.

Commissioner Cipperly made a motion to amend Section 070.040.110. Motion seconded by Commissioner Connerton. Commissioner Shaver asked to confirm if motion included amending pole signs. Commissioner Cipperly withdrew motion with intent to further discuss pole signage size. Further discussion on pole signs. Staff explained intent of proposed amendment was to prohibit pole signs for residential use where it was currently allowed. Staff also explained further analysis would be required prior to further amending pole sign size and height. Assistant City Manager explained that further outreach would need to be done prior to any amendments for pole sign height and size. Planning & Zoning Commission suggested staff further consider potential changes to pole sign size, height, and sign districts. Commissioner Cipperly made a motion to approve suggested revisions to Section 070.040.110 for monument signs and poles signs including the following changes and including findings and conditions on pages 9 & 10 of the staff report:

- Allowing freestanding monument signs for residential uses excluding single family detached, two family dwelling units, and accessory dwelling units
- Limiting sign area for monument signs for residential uses to 64 square feet
- Limiting sign height for monument signs for residential uses to 6' maximum height
- Limiting sign area for monument signs for mixed use and non-residential application in all sign districts to 120 square feet for all sign districts other than downtown sign districts
- Amend the limit for a monument sign base to be 50% of the monument sign area rather than 50% of the height
- Limit sign area for monument signs for mixed use and non-residential applications in all sign districts to a maximum 6'
- Limit pole signage to only mixed-use and nonresidential applications in the Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain Districts.

Motion was seconded by Commissioner Connerton. Commissioner Shaver called the item to vote.

Motion passed unanimously.

Ellingson then presented the second proposed code amendment item for Section 070.030.030 Use Specific Standards to remove obsolete reference to a family definition which was removed in a previous code revision.

Commissioner Connerton made motion to approve the change as proposed in the staff report with findings and conditions on pages 9 & 10 of the staff report. Motion was seconded by Commissioner Hardcastle.

Commissioner called the item to vote.

Motion passed unanimously.

6. Commissioner Comments

Commissioner Cipperly had several questions about how a member of the public could initiate a code amendment.

Commissioner Shaver expressed gratitude for Trent Hyatt's service to the City.

7. Director Comments

Assistant Manager Jen Ooton provided brief update on public input process for ongoing Comprehensive Plan.

8. Meeting Adjourned at 7:33PM.

ORDINANCE NO. 28

SERIES OF 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO,
AMENDING SECTIONS OF TITLE 070 OF THE MUNICIPAL CODE**

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on August 2, 2018, City Council approved a revised development code as set forth in Title 070 of the Municipal Code; and

WHEREAS, in the process of applying the revised development code, City staff discovered errors and omissions that require correction and provisions that warrant clarification as set forth in **Exhibit A** attached hereto; and

WHEREAS, City staff also identified the need for additional Code provisions to address issues that were not contemplated in the originally approved 2018 Code update, including sign standards; and

WHEREAS, the Planning and Zoning Commission considered amendments to Title 070 at a public hearing held August 23, 2022 and found that the recommended amendments on Exhibit A satisfy the Code Amendment Approval Criteria set forth in Section 070.060.040(c)d.3. and recommended adopting the amendments to the development code as set forth in **Exhibit A**; and

WHEREAS, the City Council finds that the amendments set forth in **Exhibit A** are necessary to correct and clarify the development code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1ST DAY OF DECEMBER 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A

Section 070.040.110(i)(2) Table 040.12

(i) Summary of Permanent Sign Standards.

(1) *Applicability.* This Subsection establishes the allowed permanent sign types. Permanent signs shall also comply with other standards within this Section, and other applicable federal, state, and local standards.

(2) Summary of Permanent Sign Standards Table.

a. Signs shall only be allowed in the areas designated in Table 040.12: Summary of Permanent Sign Standards.

b. Sign districts identified in Table 040.12 are described in Subsection [070.040.110\(j\)](#).

c. All signs shall comply with Subsection [070.020.190\(c\)\(5\)](#), Sight Distance Triangle Requirement.

...

Table 040.12: Summary of Permanent Sign Standards					
Sign Type	Where Allowed	Number of Signs, Max.	Sign Area, Max.	Sign Height, Max.	Sign Location
Free Standing Signs					
Freestanding Monument	Residential applications in commercial zoning districts <u>All residential uses excluding single family detached dwelling, two family dwelling, and accessory dwelling unit uses</u>	One freestanding sign per street frontage, up to a total of two signs per subdivision or development access	100 square feet <u>64 square feet</u>	Six feet <u>Four feet</u>	Setback five feet from property lines
	Mixed-use and nonresidential applications in all sign districts	One (1) freestanding monument sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Downtown districts: 64 square feet Others: 120 square feet	Eight feet Six feet	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

Section 070.040.110(i)(2) Table 040.12, continued

Table 040.12: Summary of Permanent Sign Standards					
<i>Sign Type</i>	<i>Where Allowed</i>	<i>Number of Signs, Max.</i>	<i>Sign Area, Max.</i>	<i>Sign Height, Max.</i>	<i>Sign Location</i>
Free Standing Signs					
<i>Freestanding Pole</i>	Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts <u>Mixed-use and nonresidential applications in the Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain Districts</u>	One freestanding pole sign per street frontage per property	Hwy 6 & 82 sign districts: 200 square feet Others: 120 square feet	Hwy 6 & 82 sign districts: 20 feet Others: 16 feet The bottom of the sign area shall be at least eight feet above the ground elevation	Setback a minimum of ten feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet

Section 070.030.030(e)(7)(c)(5)

c. Use and Occupancy Restrictions.

...

5. Occupancy of the accessory tourist rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code, i.e. one (1) or more persons living together on the premises of a dwelling unit, but it shall not include more than five (5) persons unrelated by blood or marriage. Occupancy limits shall be established by International Property Maintenance Code (IPMC) and shall be listed on the accessory tourist rental permit.