

MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
JUNE 2, 2016
101 W. 8TH STREET
7:00 P.M.

11 Roll Call

Mayor Mike Gamba called the meeting to order at 7:00 pm. Present: Stephen Bershenyi, Matt Steckler, Todd Leahy, Steve Davis, Leo McKinney, and Kathryn Trauger.

Also present were Drew Gorgey, Acting City Manager; Karl Hanlon, City Attorney; Catherine Mythen Fletcher, City Clerk; and Trent Hyatt, City Planner.

12 Pledge of Allegiance

Mayor Gamba led in the Pledge of Allegiance.

13 Citizens Appearing Before Council. (For items NOT on Agenda - comments limited to 3 minutes)

Betsy Suerth, 928 Cooper Avenue, suggested rather than using the upper deck of the parking garage that is unattractive, and impacts churches and residents, the Wild West Fermentation Fest should be moved to the dead end section of 8th Street.

Michael Blair, a member of the Planning & Zoning Commission, believes in working with developers to get the best deal for City housing. In 1995 the City had a committee to look for ways to keep City employees in the community.

14 GAB Update

Tom Newland updated Council on Phase II of the bridge project:

- Pedestrian Bridge will open in 2017
- The elevator tower starts construction at the end of the month
- 8th Street will be closed at Grand for utility work June 6th through 12th
- The east wing street will be paved prior to July 4th
- Exit 114 improvements will continue through the summer
- There are still right-of-way issues pending for the 8th Street connection
- There will be river delays in July and August for installation of pedestrian bridge girders
- He reviewed the traffic and pedestrian impacts during Phase II

He presented a river safety video. There will be continued rock fall mitigation in the canyon with intermittent delays on Tuesdays and Thursdays.

15 Agenda Changes

Mayor Gamba noted 17B will be considered on its own and Item 18 will take place prior to Item 22.

16 Council Comments

Councilor Bershenyi commented that school is out so beware of children playing.

17 Consent Agenda:

- A. Ordinance No. 12, Series of 2016: An Ordinance of the City of Glenwood Springs, Colorado, Amending the 2016 Appropriation Ordinance to Reflect Reallocation of Funds for Red Mountain Trail Improvements (ONE READING)

Councilor Steckler moved, seconded by Councilor Bershenyi, to approve Consent Agenda item 17A.

The motion passed unanimously.

- B. License for Use of Parking Garage

Karl Hanlon said this is a template for events using City property. A damage deposit is included. There's a learning curve on a first time use of the parking structure. There is a protest of this liquor license so he suggested a Special Meeting for consideration of the Liquor License and the Facility Agreement.

Councilor McKinney moved, seconded by Councilor Davis, to conduct a Special Meeting on Monday, June 6th at 4:00 pm to discuss the Facilities License Agreement and Appeal of the Liquor License.

The motion passed unanimously.

18 Planning items:

- A. #11-16, Appeal of Planning and Zoning Commission's Approval of a Special Use Review/Permit for a Dog and Cat Kennel
Applicant: Charles H. Willman, P.C. on behalf of Sheryl and Ted Doll
Owner: Lori Pohm and Bob Thorsen
Location: 2517 South Grand Avenue
Zone District: C/3 General Commercial District
Lot Size: Approximately 1.014 acres

Councilor McKinney recused himself because he owns property across the street.

Karl Hanlon explained the hearing procedure.

Trent Hyatt explained the proposed location, the purpose of the business and the Special Use Review process. The Planning & Zoning Commission voted 6 to 1 to approve the Special Use Review with conditions, which he explained.

Mayor Gamba called for a 5 minute break.

Mayor Gamba resumed the meeting.

Charles Willman, representing Cottonwood Landing Condominiums, explained the Appellant's basis for the appeal.

Sheryl Doll and Henry T Doll, presented their reasons for this appeal including the number of dogs that will be barking, this is a residential area and how sound carries along the river.

Bruce Barth, Planner and Architect on the project, responded this is a state-of-the art facility in a commercial area and explained how the facility will look and function.

Lori Pohm, All Dogs & Cats Veterinary Clinic, stated she & her husband, Bob Thorson, have been in the business for 56 years. Their clinic is in the Van Rand Plaza and they haven't had complaints. They have the skills to do a dog resort without impacting their neighbors. Visitors need a place in town to board their dogs when they visit area attractions.

Mayor Gamba opened public comments.

Judy Brown, Carbondale; Lori Raymond, High Tails Dogs & Cats; Jim Sullivan, neighbor; and Becky Spagnolo, Grand Avenue neighbor; spoke in favor of the project due to needs and advances in technology.

Wendy and Roy Nunn; spoke against approving the project due to noise.

Mayor Gamba closed public comments.

Charlie Willman rebutted the comments for the project and reiterated this is the wrong site.

Karl Hanlon explained the criteria for a Special Use Review and what Council must consider to decide this appeal. All of the Planning Commission's conditions are enforceable.

Councilor Trauger moved, seconded by Councilor Steckler, to affirm the decision of the Planning & Zoning Commission to approve a Special Use Permit for a dog and cat kennel, training and grooming facility in the C/3 General Commercial District as per section 070.040.040(a)(1) and (b) of the GSMC with the recommended Findings on pages 3 and 4 of the Staff Report and Conditions on pages 4 and 5, with the correction to Condition 5 replacing "approval" with "revocation; finding that the Planning & Zoning Commission reviewed and had sufficient evidence to be in compliance with 070.040.030(a)(1) that the proposal is consistent with City goals, policies and plans and will be compatible with existing and allowed uses surrounding or affected by the proposed use; and finding that the Planning & Zoning Commission and City Council have the authority in granting a Special Use Permit to impose such restriction on the proposed use as it finds necessary to protect the public health, safety and welfare, including, but not limited to, restrictions equal to or more restrictive than requirements of the zone district regulations for said district regarding area, setback, coverage, height of proposed structures, off-street parking, safety of ingress and egress, physical separation in terms of distance from similar uses and other provisions necessary to protect the public health, safety and welfare and the conditions are enforceable under the vested rights of the City Code.

AYES: Trauger, Gamba, Leahy, Steckler, Bershenyi

NAYS: Davis

The motion passed by those present.

19 Black Hills Energy Franchise – Draft Ordinance

Karl Hanlon explained this is a draft Franchise Agreement with Black Hills Energy Gas Company for 20 years and explained the agreement. Does Council want to change the Franchise Fee amount which, on the Western Slope, ranges from 3% to 5.5%?

Council's consensus was to keep the franchise fee low.

20 Ordinance No. 13, Series of 2016 An Ordinance of the City of Glenwood Springs, Colorado, Amending Article 100.010 and Adding Section 100.010.035 to the Glenwood Springs Municipal Code Regarding Spring Cleanup. (FIRST READING)

Drew Gorgey said there was a work session on Spring Cleanup earlier today. This ordinance adds some changes and enforcement of the Springs Cleanup Rules and Regulations.

Council suggested changes for Second Reading.

There were no public comments.

Councilor Steckler moved, seconded by Councilor Trauger, Ordinance No. 13, Series of 2016, as amended to increase the fines for illegal dumping by non-residents up to \$1,000.

The motion passed unanimously.

21 Ordinance 11, Series of 2016: An Ordinance of the City Of Glenwood Springs, Colorado, Amending Section 040.020.170 of the Glenwood Springs Municipal Code that Provides for an Additional Economic Incentive Program Option for New Development, to Extend the Sunset Provision for Two Years to July 15, 2018. (FIRST READING)

There were no public comments.

Councilor McKinney moved, seconded by Councilor Steckler, to approve Ordinance 11, Series of 2016; as stated on the Agenda.

The motion passed unanimously.

22 Appointments to Boards and Commissions – DDA

Drew Gorgey asked Council to choose 2 names from the ballot, add your name and pass them to the Clerk.

Carruth - 4
Gillespie - 1
Geiger - 2
Carver - 4
Lee - 3

Steve Carver and Keith Carruth are the new DDA members.

23 Report From City Administration:

A. City Manager

The City's Mission Statement has been posted in every department and will be mailed to all utility users. Polling of the Acquisition and Improvement Tax will start June 13th. The Financial software RFP has been completed. The FMLD request will be heard in July.

B. City Attorney

An Executive Session is needed regarding Shoshone permanency.

C. Correspondence: Incoming/Outgoing

24 Adjournment

The meeting adjourned at 10:52 p.m.