



City of Woodland Park

October 5, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

The time being 6:30 PM, Mayor LaBarre called the City Council Meeting to order.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Neal, Councilmember Zuluaga, Councilmember Connors, Councilmember Harvey and Councilmember Nakai appeared via zoom.

The following staff members were in attendance: Interim City Manager/Finance Director Vassalotti, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, IT Technician Barnes and Community Engagement Coordinator Higgenbotham.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of the August 17, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)

Motion: to approve the August 17, September 7 and September 21, 2023 Regular City Council Meeting Minutes. Case/Zuluaga. Motion carried 7-0.

- B. Approval of the September 7, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)
- C. Approval of the September 21, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

DeAnne Betterman spoke and asked the question "Do we have the right people on Council?"

Kitten Walker shared information on the candidate forum for the School Board hosted by the Victory Life Church.

Tim Northrup shared that the voters will not be confused on December 12. Even with the Council putting their own ballot question, they will support the Citizens' Initiative.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approval of an Emergency Ordinance No. 1461, an Ordinance of the City Council for the City of Woodland Park, Colorado Amending Title 18 of the Woodland Park Municipal Code, Concerning Zoning Districts Where Short Term Rentals are Allowed to be Licensed and Operated within the City Limits of Woodland Park, Colorado and Declaring an Emergency. (L)
(Presenter City Attorney Wilson)

There being no Council discussion on this ordinance, Mayor LaBarre opened the Public Comment portion of the Public Hearing.

Eric Lockman shared his opinion with the Council on the contributions that Short Term Rentals bring to the City of Woodland Park.

Mike Nakai shared that citizens do not want the Council to add a competing ordinance to the ballot. Nakai also shared that the Woodland Park zoning codes are the property rights of the citizens and that the Short Term Rentals violate the code.

There being no further public comment, Mayor LaBarre closed the Public Hearing and the following motion was made:

Motion: to approve Emergency Ordinance No. 1461, series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado amending Title 18 of the Woodland Park Municipal Code, Concerning Zoning Districts where Short Term Rentals are allowed to be licensed and Operated within the City Limits of Woodland Park, Colorado and Declaring an Emergency. Zuluaga/Connors. Motion failed 0-7 with the entire Council voting no.

- B.** Approval of Resolution No. 907, Series 2023, a Resolution of the City Council of Woodland Park, Colorado, Calling a Special Election For December 12, 2023 and Directing that a Citizen's Initiative be Placed on the Ballot at Said Election. (L).
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq introduced Resolution No. 907, Series 2023, stating as a result of the Council not approving the Citizens Ordinance, this Citizens Initiative now needed to go to the voters.

Discussion was held regarding the ballot title for this item and Mayor LaBarre asked for two amendments to the ballot title. LaBarre asked that the words "living on site" and "throughout" be inserted into the ballot title. Councilmember Zuluaga asked if the Council had the authority to change the ballot title and City Attorney Wilson stated that they did.

The following motion was made: To amend the ballot title of Resolution No. 907, Series 2023 to include the words "living on site" and "throughout". LaBarre/Case. 7-0. motion carried.

At this time, Mayor LaBarre allowed public comment.

Arnie Sparnins spoke and shared that this is a great day of celebration and that on December

12, the community will finally have their say on Short Term Rentals.

Jerry Penland asked the Council to look at the City Organizational Chart and see who is in charge - the citizens. Penland stated that the community is solving the problem once and for all without the Council. Penland added that the Council cannot ignore the zoning laws.

Jamie Traffas (via zoom) - shared that she is a short-term rental owner and is against the initiative.

Following public comment, the following motion was made:

To approve Resolution No. 907, Series 2023, as amended, a Resolution of the City Council of Woodland Park, Colorado, calling a Special Election for December 12, 2023 and directing that a Citizens' Initiative be Placed on the Ballot at the above said Election. Case/Nakai. 7-0.

- C. Approval of Resolution No. 908, Series 2023, a Resolution of the City of Woodland Park, Colorado, Placing Ordinance No. 1462, Series 2023 on the Ballot for the Special Election on December 12, 2023. (L)
(Presenter City Attorney Wilson)

City Attorney Wilson shared that he and City Clerk Leclercq received some suggestions from the proponents of the citizens' initiatives on the ballot title for this resolution and have incorporated their suggestions into the ballot title. Wilson shared the ballot title with the Council and the following motion was made:

Motion: to approve the Ballot Title set forth in Resolution No. 908, Series 2023. Case/Neal. 6-1. Motion carried with Connors voting no.

At this time, City Attorney Wilson shared that Council had amendments to Ordinance No. 1462., Series 2023 and that he would like to go through them individually and vote on each one.

Councilmember Neal shared his proposed amendments to this ordinance and the purpose of these amendments was to bring it closer to the citizens' initiative and more in alignment with Ordinance 1455.

1. Neal shared that he would like to see a definition added for Resident-Owner STR Unit in Chapter 5.22.010 to read "Resident-Owner Short-term rental unit means the short-term rental unit is the primary residence of the owner of the dwelling". Neal shared that his reasoning for this was that it prevents non-invested people (renters), from being considered permanent residents.

Councilmember Zuluaga shared that he had a fundamental problem with this entire ordinance - that they were trying to compare an apple to a basket of fruit. Zuluaga shared that this was unnecessarily confusing the public. Zuluaga shared that all of Title 5 should be kept separate and that this was making the Ordinance clumsy and confusing to the voters.

Motion: to approve amendment to Ordinance 1462, adding a definition of Resident-Owner. Neal/Harvey. Motion passed 4-3 with Nakai, Connors and Zuluaga voting no.

2. Neal shared that he would like to see a requirement for liability insurance on the dwelling be provided by the owner at the time of licensing. He recommended the amount of 1 million

dollars. This would be added to section 5.22.020 (n).

Motion: to amend Ordinance no. 1462 to add that the owner must have liability insurance on the dwelling at the time of licensing. Neal/Harvey. Motion passed 4-3 with Connors, Zuluaga and Nakai voting no.

3. Neal shared that he would like to change paragraph 5.22.020 (g) to: “Established Cap: The maximum number of short-term rental units within the SR and UR zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR- 0.5%; UR- 0.5%. Exclusions to the SR & UR cap count are Resident-Owner Short-term rental units. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the AG, NC, CC, and CBD zoning districts. Short-term rental units are prohibited within the MFS, MFU, SC, MHP, P/SPL and HSCLI zoning districts. No Cap numbers are established for PUD zones, which will be governed by the Deeded Restrictions established at the time of each individual subdivisions’ creation and enforced in accordance with the by-laws of the respective Home Owners’ Association (HOA). Those STRs that are covered by Section 7. Will not be included in any cap and will be governed by Section 7.

Following a lengthy Council discussion, there was consensus to change it as follows: Established Cap: The maximum number of short-term rental units within the SR and UR zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR- 1.0 % of the total number of lots within this zoning district; UR- 1.0 % of the total number of lots within this zoning district. Exclusions to the SR & UR cap count are Resident-Owner Short-term rental units. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the AG, NC, CC, and CBD zoning districts. Short-term rental units are prohibited within the MFS, MFU, SC, MHP, P/SPL and HSCLI zoning districts. No Cap numbers are established for PUD zones, which will be governed by the Deeded Restrictions established at the time of each individual subdivisions’ creation and enforced in accordance with the covenants of the respective Home Owners’ Association (HOA) or court order. Those STRs that are covered by Section 18-78-060 will not be included in any cap and will be governed by Section 18-78-060.

At this time, Councilmember Harvey made a motion to call the question. Motion to call the question. Harvey/Case. Motion passed 4-3 with Nakai, Connors and Zuluaga voting no.

Motion: to amend Section 7 as discussed establishing caps and placing them in the code/ordinance as the attorney sees fit. Neal/Case. Motion passed 4-0 with Zuluaga, Connors and Nakai voting no.

4. Neal shared that he would like to see row 4 added to the table of uses - example below.

18.09.090 – Table of Uses.

Table of Permitted Uses

USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally

Permitted	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HSC	PUD
Uses												LI	
...													

L. Lodgings.

...

4. Short-term PC PC
rental units in
accordance with
Chapter 5.22 and
Section
18.78.050

P

P

P

P

PC

Motion: to amend Ordinance No. 1462 to add row 4 to the table of uses. Neal/Case. Motion passed 4-3 with Connors, Nakai and Zuluaga voting no.

At this time, Mayor LaBarre shared that she would like to see bear proof containers added to the Good Neighbor Policy. Council agreed by consensus.

5. Neal shared that he would like to see Section 7 to read as follows: "Section 7. Current Business Licensees Operating Short-Term Rental Businesses. Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business License within two (2) months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in certain zoning districts, the distance restrictions within Section 18.78.050(b)(8), and the caps established in Chapter 5.22 shall not apply to such new Short-Term Rental Business License applications or subsequent renewals for the same short-term rental unit made by the same license holder." eliminating the last sentence that is currently in section 7.

Motion: to amend Ordinance No. 1462 and remove the last sentence of section 7. Neal/Case. Motion passed 4-3 with Zuluaga, Connors and Nakai voting no.

Following Council discussion, Mayor LaBarre opened the Public Comment portion of the Public Hearing.

Mike Nakai shared that he felt the Council could not approve an ordinance in this manner and should let the Citizen's Initiative go to the ballot unobstructed.

Mary Sekowski shared that passing the Citizens Initiative will put citizens out of business that have businesses pertaining to STR's. She stated that she supports Ordinance No. 1462 but feels that some of it is unnecessary.

Arnie Sparnins shared that the Council is giving the appearance that it is catering to a minority and not listening to the citizens. He asked Council to consider voting no on the Resolution/Ordinance.

Jerry Penland shared that he felt the message was unbelievable being sent to the citizens this evening with all of the votes being 4-3. Penland shared that Council should take Title 5 out of Ordinance 1462 and figure it out after the election on December 12.

Following all the votes on amendments to Ordinance No. 1462 the following motion was made:

Motion: to Approve Resolution No. 908, Series 2023, a Resolution of the City of Woodland Park, Colorado Placing Ordinance No. 1462, Series 2023 as amended on the Ballot for the Special Election on December 12, 2023. Case/Neal. Motion passed 4-3 with Nakai, Zuluaga and Connors voting no.

- D. Ordinance No. 1455, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short Term Rentals. (L) (Tabled from the July 6, 2023 City Council Meeting)
(Presenter Planning Director Schminke)

The following motion was made:

Motion: to postpone Ordinance No. 1455, Series 2023 indefinitely. Neal/Case. Motion carried 7-0.

- E. Ordinance No. 1460, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications For Short-Term Rental Licenses. (A)
(Presenter City Attorney Wilson)

The following motion was made:

Motion: To approve Ordinance No. 1460, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission, acceptance, Processing and Approval of Applications for Short-Term Rental Licenses. Zuluaga/Connors. Motion carried 7-0.

10. NEW BUSINESS - all listed above under Public Hearings

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

B. Council Reports

Councilmember Zuluaga shared that there are two upcoming School Board public forums being held on October 9.

Councilmember Connors shared an update on military affairs.

Councilmember Harvey asked City Attorney Wilson to share an update on the IGA with the School District. City Attorney Wilson shared that he would like to set up a tentative worksession with the school district for either November 2 or November 16.

Councilmember Nakai shared her sentiments on why she voted the way she did.

Councilmember Neal shared an update of the DDA.

C. City Attorney's Report

D. City Manager's Report

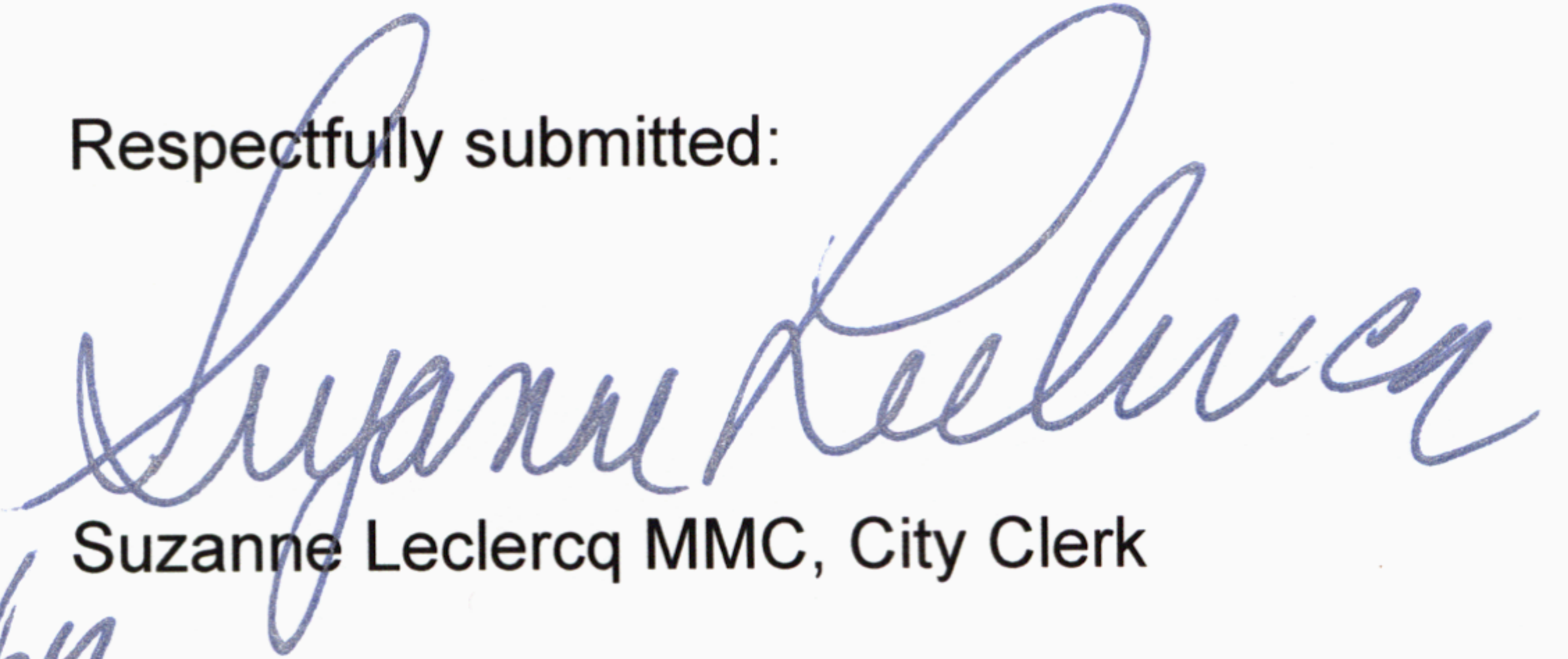
Interim City Manager Vassalotti shared a sales tax report.

City Clerk Leclerca shared upcoming election dates with the Council.

12. ADJOURNMENT

The time being 9:12 PM and there being no further City business Mayor LaBarre adjourned the City Council Meeting.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 2nd DAY OF November, 2023



Hilary LaBarre, Mayor