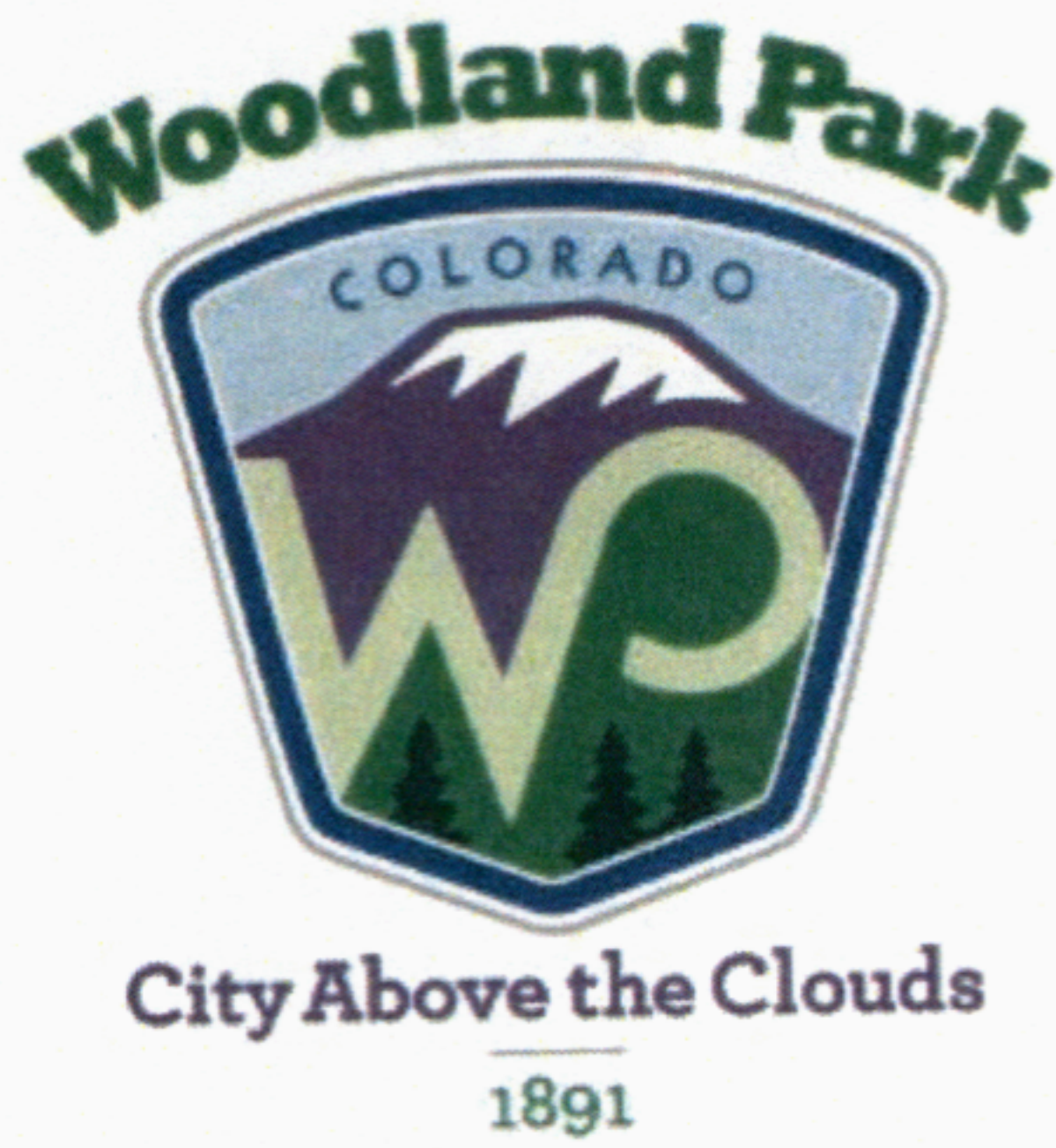




# City of Woodland Park

January 4, 2024 at 6:30 PM

## MINUTES

### 1. CALL TO ORDER AND ROLL CALL

Following a work session regarding Short Term Rentals, Mayor LaBarre called the City Council Meeting to order at 6:30 PM.

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

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Chief of Police Deisler, Parks and Recreation Director Keating, Utilities Director Wiley, City Planner Gates, Planning Director Schminke (appeared via zoom), Communications Higgenbotham and IT Technician Bates.

### 2. PLEDGE OF ALLEGIANCE

### 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Acknowledgment and thank you to the Election Judges for the December 12, 2023, Special Municipal Election.  
(Presenter Deputy City Manager Leclercq)

Deputy City Manager/City Clerk Leclercq shared information on the December 12, 2023, Special Election. Leclercq introduced the Election Judges and thanked them for their hard work. The Election judges in attendance were Shirley Douthitt, Teri Baldwin, Gerry Holcraft, Tim Northrup, Patricia Hines, Jean Baldwin and Jim Rumsey.

- B. Appointments to the Board of Review and Planning Commission. (A)  
(Presenter Deputy City Manager Leclercq)

Deputy City Manager/City Clerk shared that there are currently several openings on the Boards and Committees of the City of Woodland Park and that she continually advertises these vacant positions. Leclercq shared that this evening there were a few applications for appointments.

Board of Review - Leclercq shared that there are currently two vacancies on the Board of Review for alternative positions. Leclercq shared that she received an application from Martine Vogel interested in applying for one of the alternate positions. The council invited Vogel to the podium where Vogel shared why she was interested in becoming a member of the Board of Review. Following Vogel's interview, the following motion was made. To appoint Martine Vogel to the Board of Review. Nakai/Case. Motion carried 7-0.

Planning Commission - Leclercq shared that there are currently two vacant positions available



on the Planning Commission that are in addition to the incumbent positions that are also available. Leclercq shared that she received two applications. One, from incumbent George Jones, looking to re-apply and the second application was received from Don Hoying, who is interested in applying. The council invited incumbent George Jones to the podium. Jones shared why he currently enjoys being on the Planning Commission and why he was re-applying. Following Jones's interview, the following motion was made. To re-appoint Jones to the Planning Commission. Neal/Zuluaga. Motion carried 7-0.

The council invited Donald Hoying to the podium. Hoying shared why he was interested in becoming a member of the Planning Commission. Following Hoying's interview, the following motion was made. To appoint Hoying to the Planning Commission. Case/Connors. Motion carried 7-0.

Leclercq administered the Oath of Office to all three appointees.

- C. Historic Preservation Committee 2023 Poster. (A)  
(Presenter Planning Director Schminke)

Planning Director Schminke shared the background on the creation of the 2023 Historic Preservation Committee poster and presented each Council member with a poster.

#### **4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**

#### **5. CONSENT CALENDAR**

- A. Approval of Special Meeting Minutes from December 1, 2023. (A)  
(Presenter Deputy City Manager Leclercq)

The Special Meeting Minutes from December 1, 2023, the approval of the November 2023 Statement of Expenditures and the initial posting of Ordinance No. 1470, Series 2024, were all considered on the Consent Calendar. The following motion was made. To approve the Consent Calendar in its entirety. Case/Connors. Motion carried 7-0.

- B. Approval of the November 2023 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. (A)  
(Presenter City Manager Vassalotti)
- C. Approval ORDINANCE NO. 1470, SERIES 2024 on initial posting - A request by Pikes Peak Taco, Mexican Restaurant, Inc. (Applicant) to consider Ordinance No. 1470, Series 2024, an Ordinance Granting a Conditional Use Permit with a Site Plan Review for the Purpose of Allowing a Drive-Thru Restaurant and Associated Site Improvements Along with a Common Driveway Off Highway 24 with a Legal Description of Lot 3, Brecken Heights (19569 E. US 24) in the Community Commercial (CC) Zone and set the Public Hearing for January 18, 2024. (QJ) (Presenter Senior Planner, CJ Gates)

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

None.

#### **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. Approve Kings Crown Subdivision Preliminary Plat - A Request by Terrence and Fadile OMalley for a Preliminary Plat to plat 11.3 acres into one lot in the Suburban Residential (SR) zone, to be known as Kings Crown Subdivision. The subject property is located east of the intersection of Ponderosa Way and Kings Crown Road, in Sections 19 and 30, T12S, R68W of the 6th P.M. (lying in the center of Paradise Estates Filing #3 and #4 – Paradise Ranch Addition). (QJ) (Presenter City Planner Gates)

Senior Planner Gates reviewed his Staff Report with the Council.

### **BACKGROUND**

The subject property is located within the Top of Paradise Master Plan. In 2005, City Council approved the Amended Top of Paradise Master Plan encompassing 197.7 acres showing 175 lots and allowing up to a total of 190 lots in the SR zone. As seen in Figure 2, the Master Plan encompasses several subdivisions including Forest Edge Park Fourth addition, Forest Edge Park First Filing, Thunderbird Estates, and Paradise Estates Filing 1, 2, 3, 8, 9, 10 and Haven at Paradise.

Other subdivisions located within the Amended Top of Paradise Master Plan area that have received Final Plat approval include:

- 2006, Paradise of Colorado Filing 1 Final plat with 4 residential lots;
- 2008, the Paradise of Colorado Filing No. 2 Final Plat with 29 residential lots on 25.22 acres;
- 2017, Paradise of Colorado Filing No. 3 Final Plat with 3 residential lots;
- 2018, Paradise of Colorado Filing No. 4 containing 19.27 acres with 22 single-family residences and dedication of new streets (Locklin Way and a small portion of Thunder Ridge Drive); and
- 2019, the Highlands in Paradise Final Plat with 9 lots along Highland Court on 7.07 acres.

The subject property was originally planned for a total of 8 residential lots per the approved 2005 Masterplan. The 11 acre parcel was never platted and still remains as one metes and bounds property. The applicants have recently purchased this property and applied for a Preliminary Plat for one residential lot.

The applicants are requesting preliminary plat approval for a one-lot subdivision. The applicants must go through this process due to Woodland Park code stating that a parcel must be a part of an official subdivision prior to receiving a building permit. The applicants plan on submitting a final plat once the preliminary plat is approved by City Council. Figure 5 below is the Preliminary Plat submittal which outlines the property lines of the one lot subdivision labeled Kings Crown Subdivision.

**ANALYSIS OF PRELIMINARY PLAT AND FINDINGS** This Preliminary Plat application was reviewed under Title 17 Subdivisions of the City of Woodland Park Municipal Code. In italics below are the relevant plat and design standards applicable to this Preliminary Plat application, followed by a staff analysis. A full copy of the Preliminary Plat is attached to this Staff Report as part of the application.

**Chapter 17.20 Preliminary Plat.** The subdivision regulations contain platting standards for all types of subdivisions. The platting standards contain specifications relating to the form and



content of the Preliminary Plat.

**§17.20.010 Preparation process.** After the subdivider has received written comments from the city planner, a preliminary plat shall be prepared by a surveyor, architect, professional planner or professional engineer for presentation to the planning commission. The preliminary plat shall be processed as follows: Twenty-five blueline copies and one reproducible copy of the preliminary plat shall be presented to the city planner along with the required supplemental material at least twenty days prior to a regular planning commission meeting. If the plat is in compliance with these regulations, the city planner will furnish the following agencies with a copy for their review and comments; all public utilities companies, the school district, Teller County, and the State Highway Department (where a subdivision borders on a state highway). The city planner may delay a preliminary plat for one regularly scheduled planning commission meeting if further processing is required.

Complies. The Preliminary Plat was discussed during several pre-application conferences with the applicant, applicant's engineer and City Staff prior to submittal of the application. The applicants decided to create only one lot with the 11.3 acres rather than 8 lots as planned on the Master Plan. The application was distributed to appropriate agencies for their review and comment.

**§17.20.060 Design and drawing.** *The Preliminary Plat shall be prepared as follows;*

1. The design should be in accordance with the subdivider's plans for actual development and therefore, should be a true representation of the subdivision which may eventually be recorded.
2. The drawing should be made at a scale of one-inch equals one hundred feet. A map of twenty-four (24) inches by thirty-six (36) inches is required. If more than one page, then an index page should be provided.

Complies. The Preliminary Plat is a true representation of the subdivision as the applicant intends to record it in a final plat. The Plan does not include a utility plan due to the fact that utilities are already available on Kings Crown Road and, other than service lines to the proposed lot, the applicant is not proposing any new utility lines to be constructed.

**§17.20.070 Information (A through Q).**

Complies. This section is long list of technical information required to be contained on the Preliminary Plat which must be prepared by a licensed professional land surveyor. All criteria from this section has been reviewed by staff. The Preliminary Plat is determined acceptable at this time. Rampart Surveys, LLC is the Colorado licensed professional Land Surveyor.

**§17.20.080 Supplemental Material.** The preliminary plat shall be accompanied by the following supplemental material:

A. A letter of intent addressed to the city council and planning commission contains the following:

1. A brief description of the tract, i.e. general location, physical features of the land, total acreage;
2. Existing and proposed zoning;



3. Proposed number of building sites and typical lot size;
4. Proposed structures;
5. A statement detailing how and when the subdivider proposes to provide and install all required sewers, water mains, pavement, sidewalks, drainage ways, trails and other utilities, i.e., electric, gas, telephone, as required;
6. Any proposed variances from the subdivision regulations;
7. Any additional information deemed necessary by the city staff;
8. Signature of the subdivider;
9. A written proposal explaining the subdivider's intent in regard to the dedication of parks, recreation areas, and open spaces and/or parks capital fees of land, the location within the tract or the amount of fees required for approval.

**Complies.** The letter of intent was submitted containing the necessary information required above.

B. Master Plan. When the preliminary plat covers only a part of the developer's contiguous holdings, twenty-five blue-line copies and one reproducible copy of a proposed master plan for development of said contiguous holdings shall be furnished. A master plan needs only be submitted with the first preliminary plat submitted for the area and shall be processed along with the first preliminary plat, if not previously processed.

Not applicable. The Master Plan for this area was approved by City Council in 2005. No changes are proposed to other portions of the approved Master Plan.

3. One copy of the accurate names and mailing addresses of the owners of all immediately adjoining land as their names appear on the tax records of the municipality or county. Also to be included are the names, mailing addresses and phone numbers of individuals or firms to whom notice of public hearings and billings for required fees (recording plats, public notices, sign postings, etc.) are to be sent.

**Complies.** Submitted with the application.

4. If evidence of a geological hazard is presented by the City at the sketch plan stage, the subdivider shall present geologic hazard information.

**Complies.** A preliminary geotechnical investigation was performed on this property and a report was generated in June of 2023. It was found that No geological hazard is present.

One reproducible copy and two blue-line copies of a twenty-four-inch by thirty-six-inch plat or plats showing the following 1 through 4 items [preliminary engineering for utilities and streets]. Not applicable. The information within this code provision is not needed due to the fact that the applicant is not proposing any new public water and sewer systems and new streets. The future single family home will be served by service lines from existing infrastructure in Kings Crown Road.

- F. Applications for any proposed variances from the subdivision regulations. A petition for



annexation where applicable. A PUD or other zoning change application where applicable.

**Not applicable.** No variances are proposed.

G. One copy of a preliminary utilities report as described in the city engineering specifications (if required).

**Not applicable.** The Plan does not include a utility plan at this time due to the fact that the applicant is not proposing any new utility lines to be constructed. The one single family residence that is planned to be built will be served with service lines from existing utility lines located on Kings Crown Road.

H. A letter from the surveyor of the plat stating the total area of lots by zone, the area of streets and alleys, and the area of proposed park sites or open spaces and other lands to be dedicated to the city.

**Not applicable.** All open space requirements have been met with the previous developments within the Top of Paradise Master Plan. No open space was included in the original eight-lot subdivision of this parcel. The applicant is not required to dedicate any land for park sites or open space.

1. Completed checklist of Teller County School District RE-2.
- 2.

**Not applicable.**

J. Building envelopes and a driveway plan shall be submitted for all hillside lots showing the lot area from the street to the minimum building setback line at a scale of at least one inch equals one hundred feet, and showing a driveway location which conforms to city engineering specifications.

Not applicable. This proposed single lot is of sufficient size so that identifying a building site is not an issue. The building envelope and a driveway plan will be submitted by the applicant at time a Single Family Residence Zoning Development Permit is requested. This process is handled administratively through the Planning Department. The applicant will also have to receive building permit from the Pikes Peak Regional Building Department.

### **REFERRALS AND NOTIFICATIONS**

Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission and City Council public hearings. The site was posted with public notice posters and notice of the public hearings was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no public comment on the proposal.

Applications were referred to City departments, including the City Attorney, the City Manager, the City Clerk, Utilities, Public Works, Police Department, Planning and Building and external agencies including Northeast Teller County Fire Protection District, Black Hills Energy, Core Electric, Colorado Department of Transportation, Century Link/Lumen, and TDS Telecom.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing on November 9, 2023 (minutes attached).



After consideration of the staff report and comments made at the public hearing, the Planning Commission unanimously recommended City Council approve the Kings Crown Preliminary Plat to plat 11.3 acres into one lot.

Following Gates' report, the applicants introduced themselves to the Council.

At this time, Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment, Mayor LaBarre closed the Public Hearing.

The following motion was made. To approve Kings Crown Subdivision Preliminary Plat - A request by Terrence and Fadile OMalley for a Preliminary Plat to plat 11.3b acres lot into one lot in the Suburban Residential zone, to be known as Kings Crown Subdivision. The subject property is located east of the intersection of Ponderosa Way and Kings Crown Road, in Sections 19 and 30. Neal/Zuluaga. Motion carried 7-0.

- B. Approval of Ordinance No. 1467, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado approving the Development Agreement Between the City of Woodland Park and the pathway to the Rockies Council, Boy Scouts of America for the development of the Glen aspen Reservoir Project.  
(QJ)  
(Presenter Utilities Director Kip Wiley)

Utilities Director Wiley shared the following Staff Report with the Council.

As the City Council is aware, the Utilities Department has identified a need for a large local water reservoir to store augmentation water. Augmentation water is our most valuable water as we need it to pump our local water sources. Without this water, we cannot use our local water. The addition of a reservoir within our water supply does not increase our buildout population, it is simply to secure our future, be able to withstand dry years, plan accordingly and be responsible for our water resources.

A reservoir site has been identified and preliminary site investigation was done to include potential size and a soil analysis to determine if material on site can be used to construct the dam. We also have some old preliminary cost estimates to construct the reservoir. This potential reservoir (when constructed) is six times the size of our current reservoir for a total of 300 to 350 Acre Feet (AF) when full.

Currently, the city uses 240-330 AF of this water per year. If full, the City would have one year of augmentation water in supply. Having this water locally is very beneficial as we reduce our reliance on the Colorado Springs Homestake Pipeline. The Homestake Pipeline is shut down from time to time due to pipe failures, pumping failures and routine maintenance. This makes it difficult as we only have one month of storage locally. The City currently uses four reservoirs to store augmentation water. One reservoir is located in Leadville, two reservoirs in Ordway CO, and we have a local reservoir that holds approximately 55 AF. This would be a fifth reservoir, our largest storage capacity ... and did I mention local!

The City has also had preliminary discussions for land development and land acquisition. This is where the development agreement before you comes into play. The discussions centered on land leases, easements, purchases and other arrangements. The deed on the property had some challenges to work through as well. There will be a minor court process that will take place to clean up the deed. The development agreement before



you is what we believe is the best path forward for the City and the property owner.

The Pathway to the Rockies Council, Boy Scouts of America (property owner) have reviewed the development agreement and have voted in favor of it.

### **DISCUSSION:**

The development agreement is the first step in the land acquisition to acquire property for a reservoir. This agreement lays out most of the details relating to how this land acquisition will take place. There will still be some things that come up during the design of the reservoir as well as site restrictions and site improvements. However, we will have to solve those as they arise and City Council will be kept in the loop. As much as we try to think of everything up front, there are always unforeseen circumstances.

- 2024 Budget does include \$1.0M for Engineering and design
- Next steps include a scope of work for the design
- Next step include Deed cleanup
- Next steps include permit process with El Paso and Teller counties
- Work with Grant Analyst to secure additional funds

Following Wiley's presentation, Mayor LaBarre opened the Public Comment portion of the Public Hearing. There being no public comment, Mayor LaBarre closed the Public Hearing and the following motion was made. To approve Ordinance No. 1467, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the Development Agreement Between the City of Woodland Park and the pathway to the Rockies Council, Boy Scouts of America for the development of the Glen Aspen Reservoir Project. Connors/Nakai. Motion carried 7-0.

- C. Approval of Ordinance No. 1468, Series 2024, an Ordinance of the City Council for the City of Woodland Park, Colorado Approving the Purchase of Avenger Open Space Property and Authorizing the Mayor to sign the Contract to Buy and Sell Real Estate. (QJ)  
(Presenter Parks and Recreation Director Keating)

Planning Director Keating reviewed her staff report with the Council, sharing the following information.

### **BACKGROUND:**

At the December 7, 2023, City Council meeting, Park and Recreation Advisory Board members Chris Gonzales and Jeff Webb presented the Avenger Open Space and City Council approved the Great Outdoors Colorado Grant Resolution. Ordinance number 1468, Series 2024 was unanimously set for Public Hearing on January 4, 2024.

Since that meeting, the following items have taken place:

1. Great Outdoors Colorado Land Conservation Grant was submitted
2. Spoke with community member, Mike Nakai
3. Contacted El Paso County Planning & Community Development
4. Contacted NE Teller County Fire Protection District, Chief Lambert
5. Contacted Pike National Forest Service, Samantha Gooch
6. Contacted Teller County Administrator, Ross Herzog
7. Received a total of \$47,050 in donations



8. Met with Charlie Triplett, Realtor and Jeff Jackson, Palmer Land Conservancy to determine the timeline for Due Diligence

The contract before you tonight reflects the timeline changes to allow the City to complete their Due Diligence for the property purchase.

At this time, Mayor LaBarre opened up the Public Comment portion of the Public Meeting.

1. Jerry Smith spoke in support of approval of the ordinance. Smith shared his excitement about this opportunity.

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

To approve Ordinance No. 1468, Series 2024, an Ordinance of the City Council for the City of Woodland Park, Colorado, Approving the Purchase of Avenger Open Space Property and Authorizing the Mayor to sign the Contract to Buy and Sell Real Estate. Case?Neal. Motion carried 7-0.

#### **10. NEW BUSINESS**

(Public comment may be heard)

- A. Approve Resolution No. 911, Series 2024, a Resolution Levying General Property Taxes for the Year of 2023, to Help Defray the Cost of Government for the City of Woodland Park, Colorado, for the 2024 Budget Year. (A)  
(Presenter City Manager Vassalotti)

City Manager Vassalotti presented the yearly Mill Levy certification to the Council. Council discussed different amounts that the Mill Levy could be reduced. Vassalotti shared a worksheet with the Council showing them how each decrease would affect the budget. After Council deliberation, the Council made a motion to decrease the mills by 3.0 mills. The following motion was made.

To approve Resolution No. 911, Series 2024, a Resolution Levying General Property Taxes for the Year 2023, to help defray the cost of Government for the City of Woodland Park, Colorado for the 2024 Budget Year. Harvey/Connors. Motion carried 6-1 with Neal voting no.

#### **11. REPORTS**

(Public comment not necessary)

- A. Mayor's Report

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

- B. Council Reports

Mayor Pro-tem Case shared an update of the PPACG.

Neal shared that at the next DDA meeting there would be a discussion about the Cog Car.

Zuluaga shared how much he and others in the community enjoyed all the Christmas Lights this year.

Connors shared information regarding the upcoming Veteran's breakfast.



Harvey inquired whether the City had heard from the School District regarding a joint work session to discuss the 1.09% Sales Tax. Vassalotti shared that the Mayor has been in touch with the district, and they are waiting to hear back.

**C. City Attorney's Report**

City Attorney Williams shared that their firm had recently grown to 9 attorneys.

**D. City Manager's Report**

Deputy City Manager/City Clerk shared information on the petition pick up for candidates interested in running for the April 2, 2024, City Election.

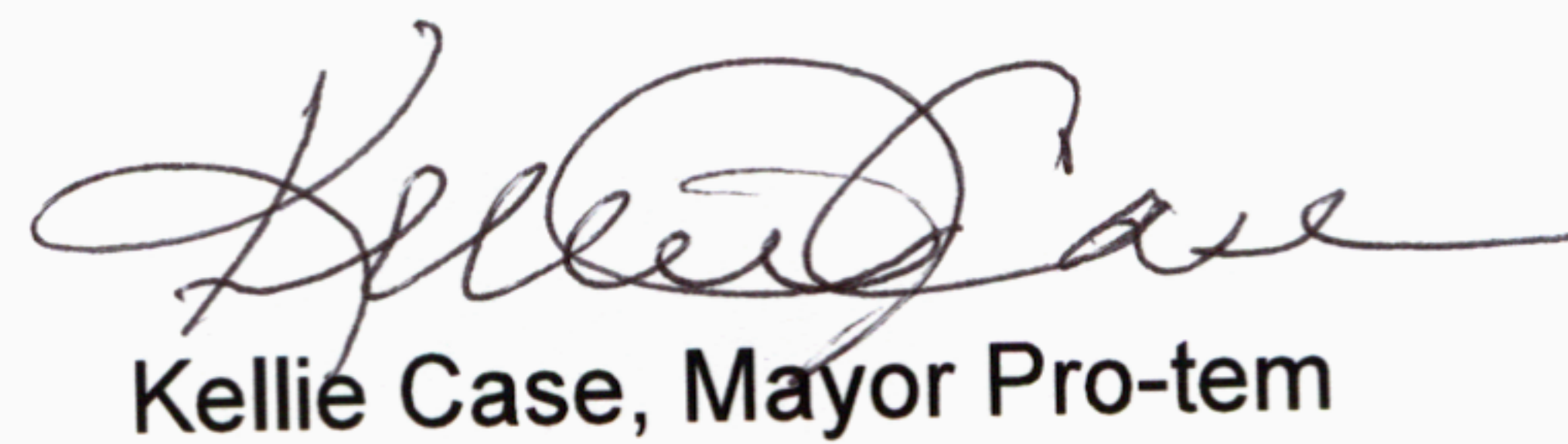
**12. ADJOURNMENT**

The time being 8:16 pm and all City business being concluded, Mayor LaBarre adjourned the Council Meeting.

Respectfully submitted:

  
Suzanne Leclercq MMC, City Clerk

APPROVED THIS 18<sup>th</sup> DAY OF January, 2023

  
Kellie Case, Mayor Pro-tem