



City of Woodland Park

City Council - Revised 3-6-2024

March 7, 2024 at 6:30 PM

AGENDA

5:00 pm - City Council Worksession - Presentation from Points Consulting regarding Housing Needs Study.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. Presentation of the Colorado State Baton Twirling Competitors.
(Presenter Veronica Johnson, (Coach), Director, NBTA Colorado Baton Twirling Competition).
 - B. Re-appointment of Kevin O'Neill to the Board of Adjustment.
(Presenter Deputy City Manager/City Clerk Leclercq)
 - C. Presentation of the Teller County CERT Program.
(Presenter Shane Pratt, CERT Coordinator)
 - D. Appointment of Monet Edwards as Treasurer for the City of Woodland Park
(Presenter City Manager Vassalotti)
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the December 7, 2023, February 1, 2024, and February 15, 2024, Regular City Council meeting minutes.
(Presenter Deputy City Manager/City Clerk Leclercq)
 - B. Approval of Ordinance No. 1472, Series 2024, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations, to License and Regulate Short Term Rental Businesses and set the Public Hearing for March 21, 2024. (L)
(Presenter City Attorney Wilson)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
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 Ordinance No. 1471, Series 2024, an Ordinance of the City of Woodland Park, Colorado, reducing the City Sales Tax by 1.09% effective January 1, 2025. (L)
(Presenter City Manager Vassalotti)

10. NEW BUSINESS

(Public comment may be heard)

- A. Approval of Resolution No. 917, Series 2024, a Resolution of the City Council of Woodland Park, Colorado to Relocate the Myrna Cog Rail Car to City Property at Centennial Trailhead. (A)
(Presenter City Manager Vassalotti)
- B. Continued Council discussion of the IGA with the Woodland Park School District.
(Presenter City Manager Vassalotti)

11. REPORTS

(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report

12. ADJOURNMENT

Key to agenda abbreviations:

(A) Administrative- matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

(L)Legislative- typically in the policy arena; legislative matters affect large areas and large groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

(QJ)Quasi-Judicial- apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial



City of Woodland Park

February 1, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

The time being 6:29 PM, Mayor Pro-tem Case called the regularly scheduled City Council Meeting to order.

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

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Public Works Director Schmitt, Parks and Recreation Director Keating, Planning Director Schminke, IT Technician Barnes and Communications and Marketing Coordinator Higgenbotham.

2. PLEDGE OF ALLEGIANCE

- A. Flag Ceremony and Pledge of Allegiance led by Cub Pack 20 and Boy Scout Troop 230.

Cub scouts from Pack 20 and Boy Scout Troop 230 performed a Flag Ceremony and led the City Council and audience in the Pledge of Allegiance. Mayor Pro-tem Case gave them Mayor's pins.

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Celebration of Cindy Keating's 30 years of service to the City of Woodland Park. (Presenter Deputy City Manager/City Clerk Leclercq)

Deputy City Manager/City Clerk Leclercq shared with the Council and the audience the accomplishments of Parks and Recreation Cindy Keating over the past 30 years. Keating thanked her family, staff and council for all of their support over the years.

- B. Presentation by Newmont Cripple Creek Mine. (Presenter Hunter Perales External Relations Representative)

Newmont Cripple Creek Mine shared a presentation of the accomplishments of the mine over the past year.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of Construction Agreement Contract for Hwy 67 Improvements between Olgoonik Enterprises, LLC and the City of Woodland Park for \$1,928,896. (A)

(Presenter, City Engineer Ben Schmitt)

Mayor Pro-tem Case read the Consent Agenda into the record and the following motion was made.

Motion: to approve the Construction agreement Contract for Hwy 67 Improvements between Olgoonik Enterprises, LLC and the City of Woodland Park in the amount \$1,928,896 and the minutes from the January 18, 2024, regularly scheduled Council Meeting.

Neal/Connors. Motion carried 6-0.

- B. Approval of minutes from the regularly scheduled Council Meeting of January 18, 2024. (A)

(Presenter Deputy City Manager/City Clerk Leclercq)

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

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 application from Boards & Barrels, LLC dba Boards & Barrels Bistro for a new Hotel & Restaurant Liquor License located at 19263 E. US Highway 24, Woodland Park, CO 80863. (QJ)

(Presenter Deputy City Manager/City Clerk Leclercq)

Mayor Pro-tem Case recused herself from this hearing as she stated she had a Conflict of Interest serving as the applicants' realtor. Deputy City Manager/City Clerk Leclercq presented the Staff Report regarding the application for a new Hotel & Restaurant Liquor License from Boards and Barrels Bistro, located at 19263 E. US Highway 24, Woodland Park, CO 80863. There being no Council discussion, and no public comment, the following motion was made.

Motion: to approve an application from Boards & Barrels, LLC dba Boards & Barrels Bistro for a new Hotel Restaurant Liquor License located at 19263 E. US Highway 24, Woodland Park, CO. Neal/Nakai. Motion carried 5-0. Case was recused.

- B. **Woodland Station Filing No. 2 Preliminary Plat (SUB2023-05):** A request by TAVA House Properties LLC (Applicant and Property Owner) for a Preliminary Plat to subdivide 6.63 acres into one lot, two tracts, and right-of-way dedication. The subject property is located west of Woodland Hardware in Section 24, T12S, R69W of the 6th P.M., (201 Saddle Club Avenue) in the Central Business District (CBD) zone. (QJ) (Presenter Senior Planner Andrew Baker)

Senior Planner Andrew Baker presented his Staff Report on SUB2023-05 TAVA House Properties preliminary plat sharing the following information.

BACKGROUND

The subject property was historically owned by "The Saddle Club" and is where many rodeos and dances were held in the city. In 2008, it was sold to the City of Woodland Park and its Downtown Development Authority (DDA). The DDA had previously adopted a Foundation Plan on February 21, 2002. Located in the center of the DDA area is the subject property: a

6.63-acre parcel that abuts Bergstrom Park to the north and is bordered by Center Street, Saddle Club Avenue and South Park Street to the east (outlined in red in Figure 2). In April 2023, the City of Woodland Park and the DDA sold the subject property to TAVA House Properties, LLC and entered into an agreement for the development of this property.

SITE AND SURROUNDING PROPERTIES

Per the City of Woodland Park Zoning Map, the subject property, outlined in red, is located in the Central Business District (CBD) zone, which is shared by the land to the north, west, and south. The property is also part of the Woodland Station Overlay District, which builds upon the allowed uses, development patterns, and bulk standards found in the Central Business District. Flexibility may be allowed with respect to scale, mass, architectural design, and overall site design. The district was established in 2007 for the purposes of guiding the architectural and site planning components of development within the Woodland Station Overlay District to achieve a scale and quality of development consistent with the key location of the Woodland Station in the heart of the Central Business District. Directly to the west of the subject parcel lies three vacant properties: the northern one is unplatted and owned by Beer Garden Lane Development, LLC, the middle lot is owned by the City, and the southern parcel is unplatted and owned by Park Contractor Storage, LLC.

The City owned lot, Lot 2 of the Vectra Bank Subdivision, was acquired by the City in 2015 and per the Ordinance authorizing the purchase, the purpose being *“the City desires to construct and install or cause to be constructed and installed various facilities and improvements in order to provide public transportation, public parking and public utilities through Woodland Station, including but not limited to parking, streets, curb, gutter, drainage, water, sanitary sewer, power, cable and telephone.”* There has also been discussion about using the City owned lot, as well as the 24’ access easement through the southern portion of Lot 1, Vectra Bank Subdivision, to connect the Saddle Club Avenue extension through to West Street.

The north side of the proposed development is bordered by Bergstrom Alley, on the other side of which lies Bergstrom Park. To the northeast, across Saddle Club Avenue and S. Center Street, is the location of Woodland Hardware and Home. The Hackman’s Addition residential development is located to the east and zoned Urban Residential (UR). The Ute Chief Mobile Home Park adjacent to the southern property boundary is zoned Central Business District (CBD), and beyond the mobile home park is the Dewell Addition residential development, zoned Urban Residential (UR).The uses and zone districts for the area immediately surrounding the subject property are as follows:

	USE	ZONE
North	North of Bergstrom Alley – Bergstrom Park	CBD
	North of Saddle Club Avenue – Woodland Hardware and Home	
South	Ute Chief Mobile Home Park and the Dewell Addition	CBD & UR
West	Commercial Businesses including Vectra Bank Beer Garden Lane Development property – currently vacant City-owned property – currently vacant Park Contractor Storage, LLC – currently vacant	CBD
East	Woodland Hardware and Hackman’s Addition	CBD & UR

The future Land Use Map identifies Downtown Mixed Use as the desired use type for this area where the Woodland Station overlay District is located. Downtown Mixed Use is explained as follows:

Downtown Mixed Use: to help recognize and promote vitality in the downtown area, the Downtown Development area boundary was used to identify the Downtown Future Land Use District. Establishing the downtown as its own character helps promote the identity and cohesion that is desired as development and redevelopment occur. The zoning categories in downtown include Central Business District, Community Commercial, Urban Residential, and Planned Unit Development Neighborhood Commercial and Public Semi/Public areas north of the Downtown Development Boundary have maintained their land use classifications to illustrate the transition to downtown residential. Chapter 4 of the Comprehensive Plan addresses Community Character and Design. Pages 38-39 of the chapter contain a vision for the development of Midland Avenue which identifies:

"residents would like to see the Woodland Station area developed as a mixed-use area that can support community events and fill in the currently vacant downtown areas"

The Comprehensive Plan does not provide any additional specific information for what constitutes "Mixed Use" nor does the City Code contain a formal definition for this term.

CURRENT PROPOSAL

The applicants are requesting approval of a Preliminary Plat to subdivide 6.63 acres into one lot and two tracts. As shown in Figure 5 below, Lot 1 is proposed to be a total of 0.35 acres and would be the only initially developable lot. Tract A is proposed to be a total of 0.95 acres and Tract B would be 4.77 acres, platted for future development and public improvements. The remaining 0.55 acres is shown as dedicated right-of-way for the extension of Saddle Club Avenue and the connection along the west side of the property north to Bergstrom Alley. Additional right-of-way is shown off-site on the Beer Garden Lane Development (BGLD) Property, along the western edge of the subject property. The property owner for BGLD provided a letter on December 1, 2023 stating their intent to dedicate this proposed right-of-way to the City at the time of Woodland Station Filing No. 2 final plat approval, however, the entire BGLD parcel is not included as a part of the current proposed preliminary plat document.

This Preliminary Plat application is the first step for the applicant achieving their multi-phase development outlined in their April 2023 Plan of Development (POD) for this property. Along with this application, a concurrent Preliminary Site Plan Review application (administrative review only) for Phase I of the POD is currently under staff review. The applicant plans to begin constructing "TAVA House Restaurant" on Lot 1 in the Spring of 2024, contingent on City reviews and approvals, with the estimated construction timeline of one year after initiation. When the applicant chooses to develop Tracts A (Phases 2 & 3 in the POD) and B (Phase 4 in the POD) in the future, they must submit a new subdivision application to plat the Tracts into developable lots. Tract A is planned to house the public plaza as part of Phase 3 of the development, the future use of Tract B and Phase 4 has yet to be determined.

Bergstrom Park's parking lot is currently accessed from S. Center St. The applicant is proposing to close this access and move it to the west along Bergstrom Alley. The historic "Cog Car" is located immediately to the south of Bergstrom Park on the subject property. No easements or plans for relocation of this historical asset have been provided with this application. The Landscape Plan also does not indicate how many trees will be removed due

to this access point change, or where they will be relocated to. Landscaping along US-24/Midland Ave. may also be lost due to the new turn lane on eastbound US-24, required by CDOT comments. The applicant has stated that drawings are currently being prepared to show this new turn lane, and the full scale of impacts will be determined at that time. 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. Below is a listing of the applicable subdivision standards from Code Section 17.20 complete with staff's analysis:

§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 blue-line 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 proposal is consistent with the Plan of Development that was approved by City Council in April 2023 and the Sketch Plan reviewed by staff in June 2023. The application was distributed to appropriate agencies for their review and comment, revised by the applicant to address comments and redlines.

§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 shall 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 shall be provided.*

May Comply. The Preliminary Plat is a true representation of the subdivision as the applicant intends to record it. However, the plat shows right-of-way dedication on an adjacent property without including this parcel in its entirety and the property owner's signature block on the cover page of the plat. Per MC Section 17.40.090, subdivisions should be laid out to eliminate or avoid perimeter half streets. There is also a half street condition proposed for the portion of the northern extension that is adjacent to the City owned Lot 2. While the City purchased this property with the intent of using the land for streets and other public improvements, use of a portion of this lot for this specific project has not been addressed.

Any right-of-way conveyance must be coordinated and dedicated as a part of this final plat or a public access easement established prior to recording of this plat. Public right-of-way, owned and maintained by the City, must be dedicated via an approved subdivision plat, as

opposed to access agreements such as easements or other instruments. Without other agreements in place, the property owner would still be responsible for maintenance of any streets or related infrastructure.

§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 containing 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 with regards 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. (Continued)*
- 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 blueline copies and one reproducible copy of a proposed master plan for development of said contiguous holdings shall be furnished. A master plan need 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 Plan of Development was approved by City Council in April of 2023. This document serves as the Master Plan for this property.

- 1. 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.

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

Not applicable. No geological hazards were identified during the sketch plan stage. A soils report is required when applying for building permits for any buildings.

3. *One reproducible copy and two blueline copies of a twenty-four-inch by thirty-six-inch plat or plats showing the following 1 through 4 items.*

Complies. The information within this code provision was included with the Preliminary Plat site plan. A Drainage Report was also included with the submittal.

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 by the applicant, however staff identified a deviation from the subdivision standards (MC Section 17.40.170) in regards to easements. These are documented in staff's comments and must be addressed in future submittals. Utility easements are required to be at least 20' in width, and located along shared rear lot lines, along with 10' easements along shared side lot lines. The applicant has proposed 15' width utility easements along the northern and southern property boundaries, but none along interior shared lot lines. They are proposing utility line locations within platted right-of-way, as an alternative to providing the required easements. This deviation from City of Woodland Park standards is further discussed in the Recommendations section below.

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

Complies. The site plan indicates that water and sanitary connections will be made to existing City infrastructure located within the right-of-way of Saddle Club Ave., S. Center St., and Bergstrom Alley.

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.

Complies. The Preliminary Plat indicates lot and tract uses and total areas, however right-of-way dedication is omitted from this table and must be included in the final plat. The current proposal shows improvements in existing public park land, but the applicant has not addressed how this will be mitigated for or re-located elsewhere in the project. Changing traffic patterns along US-24, S. Center St., and Bergstrom Alley will greatly impact the pedestrian experience along the adjacent sidewalks, as well as overall open space and number of trees in the area. The applicant's stated intention is that the loss of public space will be mitigated by the addition of a public plaza in Phase 3. However, no plans for this plaza have been submitted at this time

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

Not applicable. Approved by the City.

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. Building envelopes and a driveway plan will be submitted by the applicant at time of Zoning Development Permit. 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.

The application has been through two rounds of review with referral requests sent 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.

A copy CDOT's comments as well as the red-line comments from both rounds of review are attached hereto. Unfortunately not all reviewing parties had returned their second set of review comments in time to be included as this report was completed on January 4, 2024.

PLANNING COMMISSION RECOMMENDATION

The City of Woodland Park Planning Commission held a public hearing on January 11, 2024 and (DRAFT minutes attached). After consideration of the findings described in the staff report and comments made at the public hearing, the Planning Commission recommended that City Council approve the Woodland Station Filing No. 2 Preliminary Plat to plat 6.63 acres into one lot and two tracts subject to the following conditions:

1. Prior to any construction on the subject property, the applicant must enter into a Subdivision Development Agreement for the public improvements being installed as a part of this subdivision.
2. Development of Lot 1 of this subdivision is subject to approval of all applicable Zoning Development Permits through the City of Woodland Park Planning Department and a building permit through Pikes Peak Regional Building Department.
3. The applicant must resolve dedication of the right-of-way shown on the western edge of the property, either via separate instrument prior to final plat recordation, or by including the subject properties and associated property owners in the forthcoming final plat application.

4. The applicant must address the loss of public park land in Bergstrom Park, as well as future public and open space in the final plat submittal to the City.
5. The potential relocation of the historical "COG Car," currently located on Lot 1 of the proposed plat must be addressed in the final plat submittal. Appropriate easements should be put in place if it is to remain anywhere on the subject property.
6. The applicant must address all comments and redlines from City staff and external review agencies from the Preliminary Plat and Site Plan Review before the submittal of Final Plat and Zoning Development Permits.
7. As part of the Final Plat application, all CDOT comments, including an escrow account for required public improvements, must be addressed.
8. The Preliminary Plat, as well as future Final Plats for this development, must be revised to meet the standards found in MC.17.40.170 for location and size of easements.

Following Mr. Baker's application and brief Council discussion the following motion was made.

Motion: to approve Woodland Station Filing No. 2 Preliminary Plat (SUB2023-05): a request by TAVA House Properties LLC (Applicant and Property Owner) for a Preliminary Plat to subdivide 6.63 acres into one lot, two tracts, and right of way dedication. The subject property is located west of Woodland Hardware in the Central Business District zone. Connors/Neal. Motion carried 6-0.

10. NEW BUSINESS

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Pro-tem Case shared the upcoming events for the next two weeks.

B. Council Reports

Councilmember Neal shared an update of the DDA.

Councilmember Zuluaga shared an update from KWPB.

Councilmember Nakai asked where the City is at with the IGA with the School District. Attorney Wilson shared that he is still waiting for a response from them.

Councilmember Connors shared information on the upcoming Veterans Breakfast.

Councilmember Harvey requested that the attorneys capture the IGA with the School District to include a sunset date if the School District does not respond. Following a lengthy discussion, direction was given to the City Attorney to draft an ordinance that will repeal the Sales Tax from the School District if they do not respond to holding discussions regarding the IGA and their obligations.

C. City Attorney's Report

City attorney Wilson introduced his firm's new associate Betsy Stewart.

D. City Manager's Report

Deputy City Manager/City Clerk shared a brief election update.

12. ADJOURNMENT

There being no further City business Mayor Pro-tem Case adjourned the meeting at 8:11 pm.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

Hilary LaBarre, Mayor



City of Woodland Park

December 7, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

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

The following members of Council were present: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Neal, Councilmember Connors, Councilmember Nakai, Councilmember Harvey and Councilmember Zuluaga.

The following staff were in attendance: Interim City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Parks and Recreation Director Keating, Utilities Director Wiley, Court Clerk Collins, Finance Technician Huber, Communications Coordinator Higgenbotham and IT Technical Barnes.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Administer the Oath of Office to City Manager Aaron Vassalotti. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)

Following the approval of Interim City Manager's Contract at the Special Meeting on December 1st, Deputy City Manager/City Clerk Leclercq administered the Oath of Office as City Manager to Vassalotti. Vassalotti thanked the Council, Staff and Citizens for their support and shared that he looked forward to the future of the City of Woodland Park.

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

Deputy City Manager/City Clerk shared an application for re-appointment to the Board of Adjustment from Jim Rumsey and an application for appointment of Don Dezelle to the Planning Commission.

Following interviews by the City Council, the following motions were made.

Motion: to appoint Jim Rumsey to the Board of Adjustment. Nakai/Zuluaga. Motion carried 7-0.

Motion: to appoint Don Dezelle to the Planning Commission. Zuluaga/Neal. Motion carried 7-0.

- C. Presentation by the Keep Woodland Park Beautiful Committee of the Beautification Award to Zeb's OutFooter. (A)

(Presenter Sarah Horwood, Chairperson and Secretary of the Keep Woodland Park Beautiful Committee)

Sarah Horwood, Chairperson and Secretary of the Keep Woodland Park Beautiful Committee, presented Zeb's OutFooters with the Woodland Park Beautiful Beautification Award.

- D. Presentation from the Parks and Recreation Advisory Board regarding the purchase and acquisition of Avenger Open Space.
(Presenters Park and Recreation Board Members Jeff Webb and Chris Gonzales)

Jeff Webb and Chris Gonzales, members of the Parks and Recreation Advisory Board, shared a presentation with the Council on the purchase and acquisition of the Avenger Open Space.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Consider Ordinance No. 1468, Series 2024, an Ordinance of the City Council, for the City of Woodland Park, Colorado, approving a Contract to purchase land between the City of Woodland Park and VALCO, LLC to purchase AVENGER 7, AVENGER 8, AVENGER 9, AVENGER 10, AND AVENGER 11 LODES; SECTIONS 29, 30, AND 32; TS 12S; RANGE 68W AND AVENGER 13 LODE; SECTIONS 29 AND 30; TS 12S; RANGE 68W TOTALING 120 ACRES M/L in the amount of \$650,000 and set the Public Hearing for January 4, 2024. (QJ)
(Presenter Parks and Recreation Director Cindy Keating)

Mayor LaBarre introduced the Consent Agenda and the following motion was made.

Motion: to approve Ordinance No. 1468, Series 2024, an Ordinance of the City Council, for the City of Woodland Park, Colorado approving a Contract to purchase land between the City of Woodland Park and Valco, LLC (Avenger Property) in the amount of \$650,000 and set the Public Hearing for January 4, 2024.

and

To approve Ordinance No. 1467, Series 2024, 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 and set the public hearing for January 4, 2024. Case/Connors. Motion carried 7-0.

- B. Consider Ordinance No. 1467, Series 2024 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 and set the Public Hearing for January 4, 2024. (QJ)
(Presenter Utilities Director Kip Wiley)

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

Costas Mitchakes shared what a great community we live in and thanked Jerry Penland and Arnie Sparnins for all of their hard work on the Citizens Initiative.

Debbie Miller shared a statement for the record regarding the Blue Book for the City of Woodland Park regarding the September 12, 2023, City election. City Clerk Leclercq

accepted it as part of the record.

Mike Nakai shared his opinion on procedures regarding the land acquisition of the Avenger Open Space.

Arnie Sparnins shared with everyone to vote yes on ballot question No. 1 and No on ballot question No. 2 in the upcoming Special Election being held on December 12, 2023.

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 a Beer and Wine Liquor License from Polczer-Lauzon Enterprises, LLC dba Wayback Burger for a new Beer and Wine Liquor License located at 751 Gold Hill Place South, Woodland Park. (QJ)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Deputy City Manager/City Clerk Leclercq shared her Staff Report regarding a liquor license for Wayback Burgers for a new beer and wine liquor license.

There being no public comment or Council discussion, the following motion was made.

Motion: to approve a Beer and Wine Liquor License from Polczer-Lauzon Enterprises, LLC dba Wayback Burger for a new Beer and Wine Liquor License located at 751 Gold Hill Place South, Woodland Park, CO. Neal/Connors. Motion carried 7-0.

- B.** Approval of a Special Event Liquor License for the 2024 Taste of the Grape event hosted by the Kiwana's Club of the Ute Pass. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Deputy City Manager/City Clerk Leclercq share a Special Event Liquor License for the 2024 Taste of the Grape event hosted by the Kiwana's Club of the Ute Pass. Event Organizer Norm Steen shared some addition information on the event. There being no public comment or Council discussion, the following motion was made.

Motion: to approve a Special Event Liquor License for the 2024 Taste of the Grape event hosted by the Kiwana's Club of the Ute Pass. Case/Zuluaga. Motion carried 7-0.

- C.** Approve Ordinance No. 1465, Series 2023, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2024 Budget Year for the General Fund following the Public Hearing on December 7, 2023. (A)
(Presenter City Manager Aaron Vassalotti)

City Manager Vassalotti shared Ordinance No. 1465, Series 2023 with the Council. There being no Council discussion, Mayor LaBarre opened the Public Comment portion of the Public Hearing. Jim Rumsey shared that he is pleased with the partnership between the City of Woodland Park and Pickleball Above the Clouds.

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

Motion: to approve Ordinance No. 1465, Series 2023, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, colorado for the 2024 Budget Year for the General Fund. Nakai/Neal. Motion carried 7-0.

- D.** Approve Ordinance No. 1466, Series 2023 an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2024 Budget Year for All Funds Except the General Fund following the Public Hearing on December 7, 2023. (A)
(Presenter City Manager Aaron Vassalotti)

City Manager Vassalotti introduced Ordinance No. 1466, Series 2023 to the Council. There being no Public Comment or Council discussion, the following motion was made.

Motion: to approve Ordinance No. 1466, Series 2023 an ordinance Appropriating the Sums of Money to the Various Funds, in the amounts and for the Purpose set fourth for the City of Woodland Park, Colorado for the 2024 Budget Year for All funds Except the General Fund. Case/Neal. Motion carried 7-0.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of Resolution 910, Series 2023, supporting the Great Outdoors (GOCO) Grant Application. (A)
(Presenter Parks and Recreation Director Cindy Keating)

Parks and Recreation Director Keating introduced Resolution 910 regarding a GOCO application for the Avenger Property discussed with City Council earlier this evening and also during a prior Executive Session. Mayor LaBarre opened public comment. Mike Nakai shared that their maybe issues with parking and that most of the jurisdiction of the property was in El Paso County. Nakai shared that he felt the Council needed to go into this venture with their "eyes wide open".

The following motion was made:

Motion: to approve Resolution No. 910, Series 2023, supporting the Great Outdoors Grant Application. Case/Zuluaga. Motion carried 7-0.

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 PPACG. Case shared that she was interested in serving as secretary for PPACG and to do so she would have to be made the primary member of PPACG and the Mayor the alternate member. She was looking for consensus from the Council. The council gave Case the consensus to proceed as secretary for PPACG.

Councilmember Neal shared an update of the DDA.

Councilmember Connors shared that today is Pearl Harbor Day and an update from the HPC.

- C.** City Attorney's Report
- D.** City Manager's Report

1. 2023 Special Election - Deputy City Manager/City Clerk Suzanne Leclercq

Deputy City Manager/City Clerk shared a brief election update for the upcoming Special Election on December 12, 2023.

2. Sales Tax Update - City Manager Aaron Vassalotti

City Manager Vassalotti shared a Sales Tax update for the City for the City of Woodland Park.

12. ADJOURNMENT

The time being 8:29 pm and there being no further City business, Mayor LaBarre adjourned the City Council Meeting.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

Hilary LaBarre, Mayor



City of Woodland Park

February 15, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session regarding Short Term Rentals/Title 5, Mayor LaBarre called the regularly scheduled Council Meeting to order at 6:30 PM.

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

The following staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq (via zoom), Communications Coordinator Higgenbotham, City Attorney Williams and IT Technician Barnes.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Consideration of application from Kevin O'Neill for re-appointment to the Board of Adjustment. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)

Mr. O'Neill was not in attendance. This item was postponed to a future Council meeting.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of Ordinance No. 1471, Series 2024 on initial posting, an Ordinance of the City Council of Woodland Park, Colorado, reducing the City Sales Tax by 1.09%, effective January 1, 2025, and set the Public Hearing for March 7, 2024.
(L)
(Presenter City Manager Vassalotti)

This item was moved to Item 8 on the agenda so that Public Comment could be heard.

- B. Approval of the January 2024 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof.
(Presenter City Manager Vassalotti)

Motion: to approve the January 2024 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof. Nakai/Connors. Motion carried 6-0.

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

Arnie Sparnins - thanked the Council for their hardwork on Title 5 and Short Term Rentals this evening.

Kitten Walker - shared information on an upcoming Candidate Forum being held at Woodland

Park High School on March 20.

Carol Greenstreet - shared information on the IGA regarding the 1.09% sales tax for the Woodland Park School District.

Linda Murray - wanted to remind Council of Choice Schools and to keep special services in mind.

Khurshid Rogers - supported Council on an IGA with the School District providing oversight on how the dollars are being spent.

John Pacheco - shared information on the IGA between the School District and the City of Woodland Park. He also shared that the two entities should get back to holding their quarterly meetings.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

At this time, Council held discussion on Ordinance No. 1471, Series 2024 on initial posting, an Ordinance of the City Council of Woodland Park, Colorado, reducing the City Sales Tax by 1.09%, effective January 1, 2025 and set the Public Hearing for March 7, 2024.

Councilmember Zuluaga shared that the Ordinance was premature and that it should be tabled until after the work session being held with the Woodland Park School Board on February 29.

The following motion was made.

Motion: to table Ordinance No.1471, Series 2024 until a future date following the February 29th work session between the City of Woodland Park and the Woodland Park Board of Education. Zuluaga/Connors. Motion failed 2-4 with Case, LaBarre, Nakai and Harvey voting no.

Mayor Pro-tem Case shared that she felt that the Ordinance should move forward so that the Council can hear all the public comments. Councilmember Harvey shared that she would like to hear the public discussion and was feeling optimistic that an agreement would be reached on February 29. She would like to move the Ordinance forward to the Public Hearing so that the City does not lose leverage regarding this issue if an agreement cannot be made. Councilmember Zuluaga shared that he felt this approach was disrespectful to the school board. Mayor LaBarre shared that she doesn't appreciate the comments, saying the city is "threatening" the School Board.

At this time Mayor LaBarre opened up public comment.

Then following individuals spoke:

Tim Northrup - shared that he was disheartened from the last Council Meeting threatening to take the Sales Tax away from the School District.

Gwen Pekron - shared that she was involved from the beginning of the Sales Tax Ordinance and that the School District has never spent outside the items listed on the ballot. Pekron shared that the CFO of the School District has presented the Sales Tax expenditure report every June.

There being no further public comment the following motion was made.

Motion: to approve Ordinance No. 1471, series 2024 on initial posting, an Ordinance of the City Council of Woodland Park, Colorado, reducing the City Sales Tax by 1.09%, effective January 1, 2024 and set the Public Hearing for March 7, 2024. Harvey/Nakai. Motion carried 4-2 with Zuluaga and Connors voting no.

9. PUBLIC HEARINGS

(Public comment may be heard)

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of Resolution No. 912, Series 2024 - Amendments to the Keep Woodland Park Beautiful Committee (KWPB) by-laws. (A)
(Presenter - Chair of the Keep Woodland Park Beautiful Committee Kassidi Gilgenast)

Kassidi Gilgenast, Chair of the Keep Woodland Park Beautiful Committee, presented the amendments to the Keep Woodland Park Beautiful by-laws.

There being no Council discussion, the following motion was made.

Motion: to approve Resolution No. 912, Series 2024 - Amendments to the Keep Woodland Park Beautiful Committee by-laws. Case/Nakai. Motion carried 6-0

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the events for the next two weeks.

B. Council Reports

Mayor Pro-tem Case shared an update of recovery rates for Parks and Recreation and a PPACG-CDOT update.

Councilmember Zuluaga shared that KWPB needs volunteers.

Councilmember Nakai gave a brief update of the UAC.

Councilmember Connors shared upcoming Veteran events and updated the Council on the HPC.

C. City Attorney's Report

No report.

D. City Manager's Report

Deputy City Manager Leclercq shared an election update. Leclercq shared that the UOCAVA ballots have been mailed and that their regular ballots will be mailed beginning the week of March 11.

12. ADJOURNMENT

There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 7:25 pm.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

Hilary LaBarre, Mayor

DRAFT
CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1472, SERIES 2024

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLE 5 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS, TO LICENSE
AND REGULATE SHORT-TERM RENTAL BUSINESSES**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 to adopt licensing regulations and restrictions on the renting or leasing of real property for short-term occupancy of less than 30 days; and

WHEREAS, on December 12, 2023, Ordinance No. 1469, Series 2023 was passed via a citizens initiative. This Ordinance contained the following heading and title: “An Ordinance of the Citizens of Woodland Park 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.” The ballot language for this citizens initiative read as follows: “The Woodland Park Municipal Code be amended by a citizens initiative to define a short-term rental unit as a dwelling unit that is rented or utilized for furnishing lodging for any period of less than thirty (30) consecutive days and to define primary residence as the place where a person spends a majority of their time during the year; providing that short-term rental units that are the primary residence of the owner/operator are allowed in all single-family and commercial zoning districts and short-term rental units that are not the primary residence of the owner/operator are only allowed in commercial zoning districts and imposing requirements to which short-term rental units will be subject, including occupancy limits, parking requirements, and a requirement that the primary resident be living onsite throughout a short-term rental visitor stay;” and

WHEREAS, the Council finds business licensing regulations on short-term rental

businesses will ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Chapter 5.22, concerning Short-Term Rentals, is hereby added to Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Title 5 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the trustee of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a dwelling unit, or a portion thereof, that is leased or rented for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License from the City with respect to each short-term rental unit.

- (b) The initial license fee, renewal license fee and penalty amount for operating without a license shall be established by resolution of City Council, as may be amended from time to time. The license fee and renewal license fee shall be payable annually in advance.
- (c) The City shall verify the physical address of the Short-Term Rental Unit, and ensure that the unit and property complies with the permitted uses for the applicable zoning district before issuing or renewing a Short-Term Rental Business license.
- (d) Short-Term Rental Units owned and operated by full-time primary residents of that unit or property are permitted throughout the City, subject to all other applicable City Codes and ordinances.
- (e) Short-Term Rental Units that are not owned and operated by full-time primary residents of that unit or property are permitted only in the NC, CC, SC and CBD zoning districts, and are subject to all other applicable City Codes and ordinances.
- (f) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (g) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/short-term rental business licensee.
- (h) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (i) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (j) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (k) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, as well as other property maintenance requirements within the Code. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

(l) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.

(m) Each short-term rental unit shall submit to the City, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' vehicles, which provides for a minimum of two (2) off-street, on-site parking spaces for guest vehicles, with all short-term rental units with more than two (2) bedrooms providing a total of one (1) parking space per bedroom.

5.22.030 - Application, issuance and renewals.

(a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City, on application forms provided by the City. New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.

(b) The City may issue a new Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
- (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
- (3) The Short-Term Rental Unit and property complies with the permitted uses for the applicable zoning district, as provided for in the Table of Permitted Uses in Section 18.09.090, for Short-Term Rental Units, all applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
- (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.

(c) The City shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
- (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.

- (3) There are no outstanding health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
- (4) Within the last twelve (12) months there has been no more than two cited violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
- (5) Within the last twelve (12) months, there have been no more than two violations of any of the Short-Term Rental Business License or application requirements.
- (6) The Short-Term Rental Unit and property complies with the permitted uses for the applicable zoning district, as provided for in the Table of Permitted Uses in Section 18.09.090, for Short-Term Rental Units, all applicable requirements in Section 5.22.020 and Section 18.78.050 are and have been met, and all applicable application documentation has been provided.
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax pursuant to this Chapter 3.38 of this Code, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
- (e) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12)

months of any of the terms pertaining to the Short-Term Rental Business License. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a Short-Term Rental Business or leasing or renting out a Short-Term Rental Unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in a penalty amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2024.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1471
(Series of 2024)

**AN ORDINANCE OF THE CITY COUNCIL OF WOODLAND PARK, COLORADO,
REDUCING THE CITY SALES TAX BY 1.09%, EFFECTIVE JANUARY 1, 2025.**

WHEREAS, the City Council of the City approved an ordinance placing before the City's voters the proposition of increasing the City Sales Tax by 1.09% commencing July 1, 2016 , for “educational purposes” of the District; and

WHEREAS, the voters of the City approved such proposition at the April 5, 2016, election; and

WHEREAS, in order to formalize the understanding of the City and the District regarding the collection and administration of this tax, the Parties entered into an intergovernmental agreement on June ___, 2016, and

WHEREAS, the ensuing seven years of administration of this tax for the benefit of the District have revealed to the City Council some shortcomings in the original agreement and the need for said agreement to be updated, and

WHEREAS, The City Council has been trying to reach agreement with the District on reasonable amendments to the intergovernmental agreement that would address (a) a fair allowance to cover the City’s costs for collection and transmittal of tax proceeds to the District, (b) an annual accounting prepared for the Council by the District, which details how the tax proceeds were spent for educational purposes, as directed by voters, and (c) clarification that voters approved only that tax proceeds be spent to discharge debt in existence at the time the tax was approved by said voters, and

WHEREAS, The District has not been agreeable these modest requirements, which oversight Council regards as necessary to fulfillment of its public trust responsibility, insofar as nearly \$4 million of City tax revenues are pledged to the District, with the understanding that these funds will only be spent for “educational purposes” and limited debt relief, and the collection of this tax results in City merchants collecting one of the highest aggregate sales tax rates in Colorado, and

WHEREAS, the City tax was never intended as a means for allowing the District to backfill non-educational expenses, such as paying defense costs in lawsuits against the District; the proposed annual accounting will enable the City to determine whether these City tax proceeds are instead being spent as voters intended, and

WHEREAS, the District has numerous alternative means to generate its own tax revenue, means ably used by virtually every other school district in Colorado, and

WHEREAS, accordingly, the City Council, in order to reduce the tax burden on City taxpayers and businesses, wishes to repeal the 1.09% City “school” tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, determinations, facts and findings of the City Council.

Section 2. Effective January 1, 2025, Section 3.08.030(A) of the Woodland Park Code shall be amended as follows:

- A. There is levied a tax or excise upon all sales of tangible personal property and services specified in Section 3.08.050. Except as provided in this subparagraph, the rate levied shall be ~~four and nine-hundredths (4.09)~~ three (3.00) percent.

THE FOREGOING ORDINANCE IS HEREBY ADOPTED BY THE CITY COUNCIL OF WOODLAND PARK, COLORADO ON THIS ____DAY OF _____, 2024.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

**CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 917 (Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF WOODLAND PARK, COLORADO
TO RELOCATE THE MYRNA COG RAIL CAR TO
CITY PROPERTY AT CENTENNIAL TRAILHEAD**

WHEREAS, the City of Woodland Park (“City”) is a home rule municipality of the State of Colorado; and

WHEREAS, the City’s Charter establishes that City Council may act by Resolution; and

WHEREAS, on April 28, 2023, Tava House Properties, LLC purchased approximately 6.62 acres of Downtown Development Authority property known as 201 Saddle Club Avenue, Woodland Park, Colorado 80863 (“former DDA property”); and

WHEREAS, the Myrna Cog Rail Car (“Cog Car”) is currently located on the former DDA property and was excluded from the sale of the former DDA property to Tava House Properties, LLC; and

WHEREAS, as a condition of the sale, Tava House Properties, LLC agreed to pay all costs associated with relocating the Cog Car from the former DDA property; and

WHEREAS, on April 19, 2022, ownership of the Cog Car was transferred from the City’s Downtown Development Authority to the Ute Pass Historical Society (*See* “**Exhibit A**”); and

WHEREAS, the Ute Pass Historical Society will continue to manage and maintain the integrity of the Cog Car at its future location following removal from the former DDA property; and

WHEREAS, it is the desire of the City to allow the Cog Car to be placed onto City property at the following address: Centennial Trailhead, 74 N Walnut Street, Woodland Park, Colorado 80863 in order to permit continued public access and appreciation of the Cog Car.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The City Council approves the placement of the Myrna Cog Rail Car (“Cog Car”) on City property at the following address: Centennial Trailhead, 74 N Walnut Street, Woodland Park, Colorado 80863.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED BY THE CITY COUNCIL OF WOODLAND PARK, COLORADO ON THIS 7TH DAY OF MARCH, 2024.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

Exhibit A

April 19, 2022 Transfer of Ownership Agreement



**UTE PASS HISTORICAL SOCIETY
& Pikes Peak Museum**

P. O. Box 6875 • 231 East Henrietta Avenue,
Woodland Park, Colorado 80866
719-686-7512 • uphs@utepasshistoricalsociety.org
www.utepasshistoricalsociety.org

Transfer Of Ownership Agreement

Of the Cog Rail Car and a Metal Horses and Buggy Sculpture

This Agreement is between the Downtown Development Authority and the Ute Pass Historical Society for the transfer of ownership of the Myrna Cog Rail Car with rails and ties and the Metal Sculpture of the Horses and Carriage to the Historical Society. The Ute Pass Historical Society will manage and maintain the integrity of both the Cog Rail Car and the Metal Sculpture of the Horses and Carriage, wherever they are located. If the Cog Rail Car and the Metal Sculpture of the Horses and Wagon are moved the Ute Pass Historical Society will not be responsible for the cost of the move and not responsible for any damage caused by that move.

Both the the Metal Sculpture of the Horses and Carriage and the Cog Rail Car, with its rails and ties will be become part of the Ute Pass Historical Society's collection of artifacts, historic buildings, and a race car, all of which are insured by the City of Woodland Park.

Agreed to on: 4/19/22

By: Donna M. Finicle Representing the Ute Pass Historical Society

Print Name DONNA M. FINICLE

And: Merry Jo Larsen Representing the Downtown
Development Authority

Print Name MERRY JO LARSEN

And: Hilary LaBare Representing the City of Woodland Park

Print Name Hilary LaBare

DRAFT IGA: Following 2/29/24 meeting with WP School Board

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
WOODLAND PARK, AND THE WOODLAND PARK SCHOOL DISTRICT RE2**

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is entered into this ____ day of _____, 2024, by and between the City of Woodland Park, Colorado (the "City") a Colorado home rule municipal corporation, and the Woodland Park School District Re-2, (the "District") a duly and regularly created, organized and existing school district, existing as such under and by virtue of the Constitution and laws of the State of Colorado; the above-named entities may sometimes be collectively referred to herein as the "Parties" and individually as a "Party."

WHEREAS, the City Council of the City approved an ordinance placing before the City's voters the proposition of increasing the City Sales Tax by 1.09% commencing July 1, 2016 and continuing thereafter, for educational purposes of the District; and

WHEREAS, the voters of the City approved such proposition at the April 5, 2016, election; and

WHEREAS, in order to more formally establish the understanding of the Parties regarding the above matters, the Parties desire to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Acting from the authority granted to it by the approval of the ballot measure by the voters of the City, the City hereby agrees to take such action as is reasonable and necessary to implement Ordinance No 1284 establishing a separate account within the City's accounting records for the recording of the additional 1.09% sales tax (the "School Tax") of the City for District purposes as provided below.

On and after July 1, 2016, the proceeds from the Sales Tax, net **[Insert] % of said amount, which will be retained by the City** to cover the costs of collection and administration ~~in an amount equal to \$4,500.00 annually (\$375.00/month)~~, shall upon receipt by the City be deposited into a segregated special account to be established by the City (the "School Account"). This administration fee shall remain in effect for a period of five (5) years; at which time it will be reviewed and adjusted as warranted by the administration costs current at that time. Such proceeds of the Sales Tax shall be transferred to the District on a monthly basis on or before the last working day of the following month.

2. The City Council and the District agree to take such other action(s) as may be necessary to implement the provisions of this Agreement.
3. The City agrees to cooperate with the District to provide (i) sales tax information needed in connection with the original offering of any Certificates of Participation executed and delivered by the District to refund its existing general obligation debt or any Certificates of Participation as may be executed and delivered in the future which are expected to be paid in whole or in part from the Sales Tax; and (ii) annual sales and use tax information which the District will be required to update and file annually pursuant to Securities and Exchange Commission Rule 15c2-12.
4. **Consistent with voters' direction in the 2016 ballot issue, the District agrees to spend the proceeds of the City tax for educational purposes, including:**
 - a) **Post-secondary preparation courses;**
 - b) **Innovative school programs;**
 - c) **Technology;**
 - d) **Staff salaries;**
 - e) **Facility maintenance and improvements;**
 - f) **Providing funds to allow the Woodland Park School District to eliminate the District's debt service mill levy existing on July 1, 2016, by refinancing general obligation bond debt existing on July 1, 2016, thus reducing property taxes; and/or**
 - g) **Providing funds to make annually appropriated payments under any lease purchase financing used to refinance any general obligation debt existing on July 1, 2016, or to finance the costs of capital projects.**
5. **The District agrees to provide the City with a detailed written accounting of how the proceeds of the City tax received in the proceeding academic year were spent by the District by July 15 annually. Such accounting shall show the allocation of tax proceeds to any and all charter schools in the district. The City Council shall subsequently review this accounting, together with this agreement at a regular Council meeting.**
6. To the extent permitted by law, the District agrees to indemnify and hold harmless the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, which arise out of or are in any manner connected with this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of the District, or any officer, employee, representative, or agent of the District, or

if such claim arises out of Article X, Section 20 of the Colorado Constitution or in any way challenges the Sales Tax, involves any refund of such tax, including any related claim for attorney's fees. The District agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims or demands at the sole expense of the District, or at the option of City, agrees to pay City or reimburse City for the defense costs incurred by City in connection with, any such liability, claims, or demands. The District also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent. Notwithstanding the above, the District does not intend to and this Agreement shall not be construed to waive any rights it may have under the Colorado Governmental Immunity Act, C.R.S. §24-10-101 et. seq.

7. In the event either Party breaches any of the provisions of this Agreement, the other Party may bring an action for specific performance, damages or both in addition to any other remedies which may be allowed by law. Prior to bringing such an action, written notice shall be provided allowing the breaching Party thirty (30) days to cure said breach. In addition, the non-breaching Party may withhold further compliance with this agreement on its part until the breach is cured.
8. Any notices required to be given to the parties shall be either hand-delivered or sent by certified mail return receipt to the following addresses:

If to the City:

Michael Lawson, City Manager
City of Woodland Park, Colorado
P.O. Box 9007
220 West South Avenue
Woodland Park, Colorado 80866
(719) 687-2138

If to the District:

Ken Witt, Interim Superintendent
155 Panther Way
P.O. Box 99
Woodland Park, Colorado 80866
(719) 686-2000

9. This Agreement represents the entire agreement between the parties concerning the matters contained herein.
10. The laws of the State of Colorado (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

**WOODLAND PARK SCHOOL
DISTRICT RE-2**

**CITY OF WOODLAND PARK,
COLORADO**

President, Board of Education

Mayor

ATTEST

ATTEST

Secretary

Deputy City Manager/City Clerk