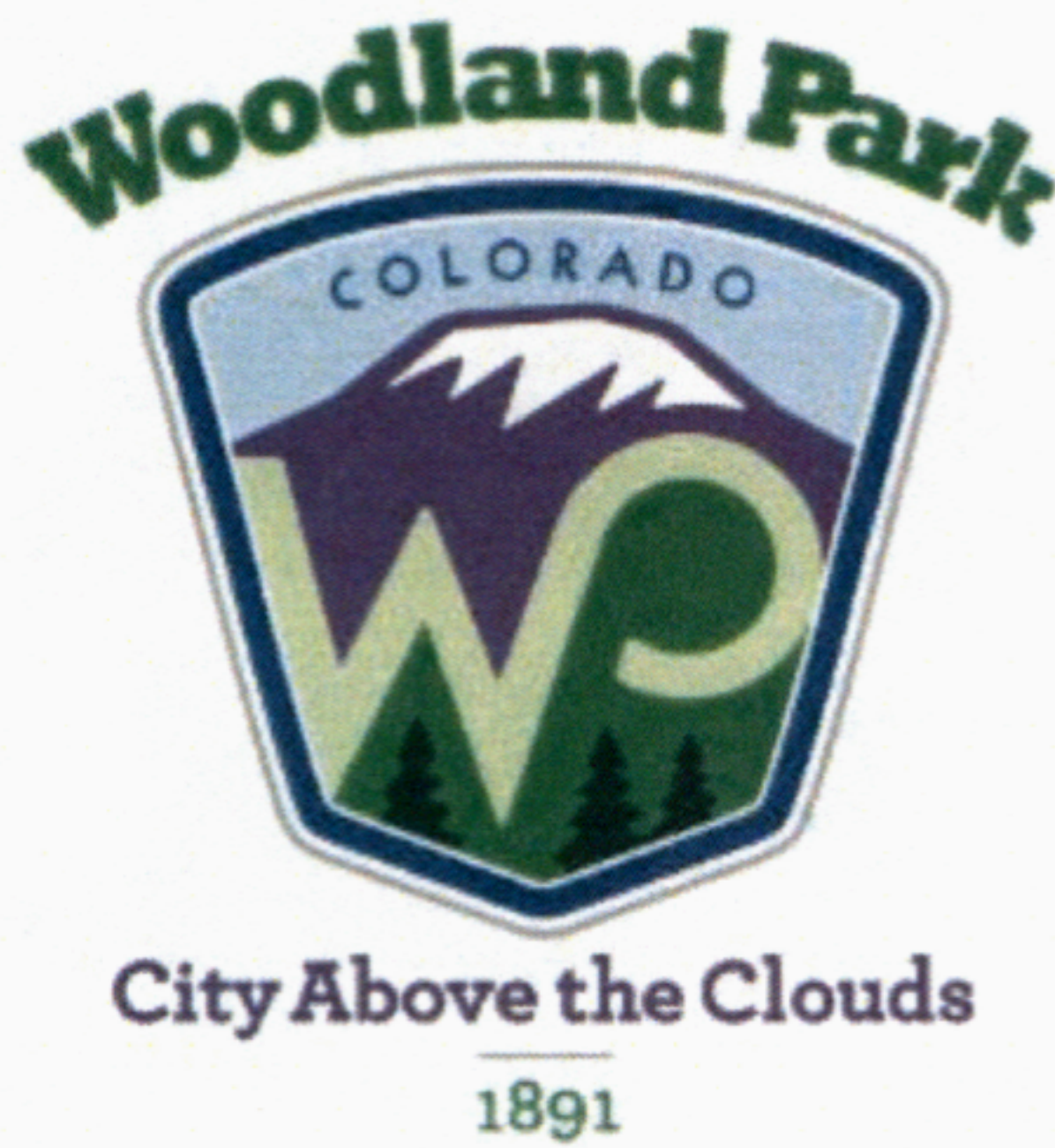




City of Woodland Park

March 21, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a joint work session with the City Council, Prospective Candidates, Downtown Development Authority, Planning Commission with Braver Angels, Mayor LaBarre called the City Council meeting to order at 6:30 pm.

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

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Parks and Recreation Director Keating, Chief of Police Deisler, Chief Accountant/Treasurer Edwards, Senior Planner Gates, City Attorney Williams, IT Technician Barnes and Communication Coordinator Higgenbotham.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Re-appointment to the Board of Adjustment. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Deputy City Manager/City Clerk Leclercq introduced Kevin O'Neill, who was applying for re-appointment to the Board of Adjustment. City Council interviewed Mr. O'Neill and the following motion was made.

Motion: To appoint Kevin O'Neill to the Board of Adjustment for a three-year term. Neal/Case. Motion carried 7-0.

Leclercq administered the Oath of Office to O'Neill.

- B. Great Outdoors Colorado (GOCO) announcement of a grant to the City of Woodland Park to purchase the 120-acre parcel known as the Avenger Open Space. (A)
(Presenter Parks and Recreation Director Cindy Keating)

Parks and Recreation Director Cindy Keating introduced PRAB members Chris Gonzales and Jeff Webb. Gonzales and Webb shared information on the purchase of a 120 acre parcel known as the Avenger Open Space project, where the City of Woodland Park just received a grant from GOCO in the amount of \$523,250. The City will be closing on this land in the next few weeks. The total cost of the project is \$753,250. The City of Woodland Park will be funding \$150,000 for this project and the Community will be donating \$80,000.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval 2024 Chipseal, Crackseal, Fogseal, and Citywide Striping Projects Contract between A1 Chipseal Co and Rocky Mountain Pavment, LLC and The City of Woodland Park for \$453,604.074. (Presenter Ben Schmitt, Director of Public Works)

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

Motion: to approve the Chipseal, Crackseal, Fogseal and Citywide Striping Projects Contract in the amount of \$453,604, the approval of the February Statement of Expenditures and the approval of the March 21, 2024 Council Minutes. Case/Connors. Motion carried 7-0.

- B. Approval of the February Statement of Expenditures.
(Presenter Chief Accountant/Treasurer Monet Edwards)
- C. Approval of the March 21, 2024, Regular City Council Meeting Minutes. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)

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

Costas Mitchakas shared his support of Jerry Penland for Mayor.

Jerry Penland shared that he did not give his consent for the mailing that was mailed out to the electors.

Kitten Walker shared information on attendees of the forum that was held last week hosted by Victory Life Church.

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. Public Hearing regarding a request from William L. Page for a two-year extension of the time limit to begin construction of the Best Western Hotel in Gold Hill Square South Building #6, Lots 2 & 3 Page's Subdivision (703, 717, 719 Gold Hill Place) in the Planned Unit Development (PUD) zone district pursuant to Municipal Code §18.30.050. (QJ)

Approval of either Resolution No. 917, Series 2024 to approve PUD extension request or Approval of Resolution No. 917, Series 2024 to deny extension request.

(Presenter Senior Planner, CJ Gates)

City Planner Gates reviewed his Staff Report with the Council sharing the following information.

PUD2024-01 Best Western at Gold Hill Square South PUD Extension: A request by William L. Page for a two-year extension of the time limit to begin construction of the Best Western Hotel in Gold Hill Square South Building #6, Lots 2 & 3 Page's Subdivision (703, 717, 719 Gold Hill Place) in the Planned Unit Development (PUD) zone district.

BACKGROUND

On January 6, 2016, the Planning Commission approved with conditions an amendment to the 1996 Gold Hill Square South PUD that allowed lodging use (a 70-room Best Western Hotel) and redesign of Building #6 on 1.37 acres. On February 4, 2016, City Council approved the dimensional standards for a 31% maximum building site cover, 98% maximum impervious cover, 46 foot maximum height, 50 foot minimum lot frontage, and zero foot front/rear/side minimum building setbacks.

Pursuant to Municipal Code §18.30.050 Time limit to begin construction—Extension:

A. *A time period of two years, beginning with the approval of the required detailed PUD plan, shall be required. Failure to begin construction within this two-year period shall void the plan as approved, unless a request for extension of time is granted by the city planning commission.*

B. *Application for extension of time shall be made to the planning commission and shall be accompanied by such evidence as is necessary to show substantial need, and shall be made before the two-year expiration date. The planning commission will hold at least one public hearing on the request and if, from the evidence submitted, the commission finds that an extension is warranted, a recommendation will then be made to the city council. If the council concurs with the recommendation of the commission, it may then by resolution grant the extension.*

First Extension

On January 25, 2018, the Planning Commission recommended granting a two-year extension and on February 1, 2018 via Resolution No. 824, City Council approved the request and granted a two-year extension to February 4, 2020.

Second Extension

On December 12, 2019, William L. Page submitted a second request for a two-year extension of PUD 15-001 to construct the Best Western at Gold Hill Square South. As stated by Mr. Page, he had run into “an impasse with Sherwin Williams on relocating their present store to a new location ... south of City Market. This put an immediate hold on our Best Western Hotel process.” This extension expires on February 4, 2022.

Third Extension

On November 22, 2021, Mr. Page submitted a third request for a two-year extension of PUD 15-001 to construct the Best Western at Gold Hill Square south. At that time Merit Academy had signed a short-term lease with Gold Hill Square South LLC for elementary school K-8 on the lower level (formerly Woodland Hardware) commencing July 1, 2021 and ending June 30, 2023. The lease provided Merit Academy two one-year extension options ending June 30, 2024, and June 30, 2025. Merit Academy has since moved out of the Gold Hill Square location in 2022. The Sherwin Williams lease expires the summer of 2025.

On February 3rd, 2022 the City Council then approved another extension of the PUD per Resolution 887 Series 2022. The 2022 Resolution stated that construction must commence by February 4, 2024 and all conditions and terms of the original approval of PUD 15.001 remain in place and are unchanged.

Current Request

The City of Woodland Park Staff received a completed application on January 19, 2024 requesting the PUD approval be extended for another two years. If the current extension request is approved by City Council, the approvals would be valid and construction would have to commence by February 4, 2026. According to the Applicant's narrative attached hereto, the applicant is "optimistic about Woodland Park future business stability, economic growth and interest rate project financing."

At this time, the proposed development continues to be consistent with the 2021 Comprehensive Plan, existing zoning regulations and other standards; compatible with the surrounding uses and development pattern; logically developed with the necessary infrastructure improvements and services; in the interest of public, health, safety and welfare of the citizens and visitors to Woodland Park; and, does not create adverse impacts to the natural environment.

REFERRALS AND NOTIFICATIONS

Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of this application as well as all meeting dates including the scheduled Planning Commission public hearing. Staff has received no written comments regarding this extension proposal.

The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, and the City Manager as well as external referral agencies including CORE, Black Hills Energy, CDOT, North East Teller County Fire Protection District (NETCFPD), and the City of Woodland Park Police Department. A comment from CDOT was received on January 31, 2024. CODT communicated that no records of the accesses being permitted in accordance with the State Highway Access Code were found. CDOT's full comment letter is attached hereto.

PLANNING COMMISSION FINDINGS

The Planning Commission held a public hearing on February 22, 2024 (minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission voted unanimously to recommend City Council approve of the request by William L. Page for a two-year extension (to February 4, 2026) of the time limit to begin construction of the Best Western Hotel in Gold Hill Square South Building #6, Lots 2 & 3 Page's Subdivision (703, 717, 719 Gold Hill Place) in the Planned Unit Development (PUD) zone district pursuant to Municipal Code § 18.30.050 subject to the following conditions:

1. The development is subject to all the conditions and dimensional standards specified with the original approval of PUD15-001 in January 2016.

If the City Council finds that an extension is warranted and grants the two-year extension to February 4, 2026, then the approving resolution should clearly state that the development is still to all of the conditions and dimensional standards specified with the original approval of PUD15-001 in January 2016.

City Planner Gates shared that there were two Resolutions for the Council to chose from. One resolution is to deny and the other is to approve.

At this time Council asked Mr. Page to approach the podium. Mr. Page shared the history of the previous requests. Following Council questions of Mr. Page, Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment Mayor

LaBarre closed the Public Comment portion of the Public Hearing and the following motion was made.

Motion: to approve the PUD extension providing Mr. Page submit for a final site plan approval through the Planning Department which will include reviews from internal and external review agencies. Zuluaga/Neal. Motion carried 5-2 with Case and Nakai voting no.

- B.** Approval of 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 Businesses.

City Attorney Williams reviewed Ordinance No. 1472, Series 2024. There being no questions from the Council, Mayor LaBarre opened the Public Comment portion of the Public Hearing.

Arnie Sparnins thanked Council for their work and shared that the New Neighbor Guidelines have significant relevance and that Council should approve Ordinance No. 1477, series 2024 as presented. There being no further Public Comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing.

City Manager Vassalotti shared that they would be laminated and displayed in all Short Term Rentals.

The following motion was made.

Motion: to approve 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 Businesses. Nakai/Harvey. Motion carried 7-0.

- C.** 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) (Tabled from the March 7, 2024 City Council Meeting) (Presenter City Manager Vassalotti)

City Manager Vassalotti reported that City Attorney Wilson had received an email from Brad Miller, the Woodland Park School Board's attorney, sharing that the school board had committed to signing the IGA. The School Board had agreed to all the terms of the IGA.

Council members Nakai and Neal shared that until the IGA is officially signed, Ordinance No. 1471 should be tabled until July 18, 2024.

There being no further Council discussion at this time, Mayor LaBarre opened the Public Comment portion of the Public Hearing. The following individuals spoke.

Nicole Wagoneer shared that she felt the Council was again being disingenuous and that they should vote no on this ordinance.

Mary Sekowski shared that she was disappointed and that this ordinance needed to be put to rest.

Anna Hand shared that the School Board has proven that they have misused money and that the Council should approve this ordinance and take the sales tax away.

There being no further public comment Mayor LaBarre closed the public comment portion of the public hearing. Following a brief Council discussion the following motion was made.

Motion: To continue 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 until July 18, 2024. Harvey/Neal. Motion carried 5-2 with Connors and Zuluaga voting no.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of Resolution No. 918, Series 2024 establishing water and sewer plant investment fees effective April 1, 2024. (A)
(Presenter Utilities Director Kip Wiley)

Utilities Director Wiley reviewed Resolution No. 918 with the Council. Mayor LaBarre commented that she felt the increased costs should be passed on to the residents rather to the contractors/developers/builders.

The following motion was made.

Motion: to approve Resolution No. 918, Series 2024 Establishing water and sewer plant investment fees effective April 1, 2024. Nakai/Neal. Motion carried 7-0.

- B.** Approval of Resolution 919, Series 2024, a Resolution of the City Council for the City of Woodland Park, Colorado Updating the 2024 Fee Schedule Regarding Short-Term Rental Businesses, Specifically initial License Fee, Renewal License Fee and Penalty for Operating Without a License. (A)
(Presenter City Attorney Williams)

City Attorney Williams reviewed the fee schedule for Short Term Rentals with the Council. Williams shared that staff recommended a lower fee of \$100 for the application. Williams shared that she left the penalty blank so that the Council could decide. Following Council discussion, there was consensus to have the penalty fee set at \$1,000.

Motion: to approve Resolution No. 919, Series 2024 with the application fee set at \$100 and the penalty fee set at \$1,000 as amended. Case/Nakai. Motion carried 7-0.

Mayor LaBarre read Resolution No. 919, Series 2024 into the record.

- C.** Approval of Resolution 920, Series 2024, a Resolution of the City Council for the City of Woodland Park Colorado, a Resolution Regarding Migrant Response and Declaring Status as a Non-Sanctuary City.
(Presenter Mayor Hilary LaBarre).

Mayor LaBarre read Resolution No. 920, Series 2024, a Resolution of the City Council for the City of Woodland Park Colorado, a Resolution Regarding Migrant Response and Declaring its Status as a Non-Sanctuary City into the record. Councilmember Zuluaga thanked Mayor LaBarre for moving this Resolution onto the record.

Motion: to approve Resolution No. 920, Series 2024, a Resolution of the City Council for the City of Woodland Park, Colorado, a Resolution Regarding Migrant Response and Declaring Status as a Non-Sanctuary City. Zuluaga/Harvey. Motion carried 7-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre thanked the Braver Angels for the worksession they held earlier.

B. Council Reports

Mayor Pro-tem shared information from Parks and Recreation and PPACG.

Councilmember Neal shared an update of the DDA.

Councilmember Zuluaga shared information on the UAC and KWPB.

C. City Attorney's Report

City Attorney Williams shared her gratitude for those that would be coming off the Council.

D. City Manager's Report

1. Year End Sales Tax Report for 2023

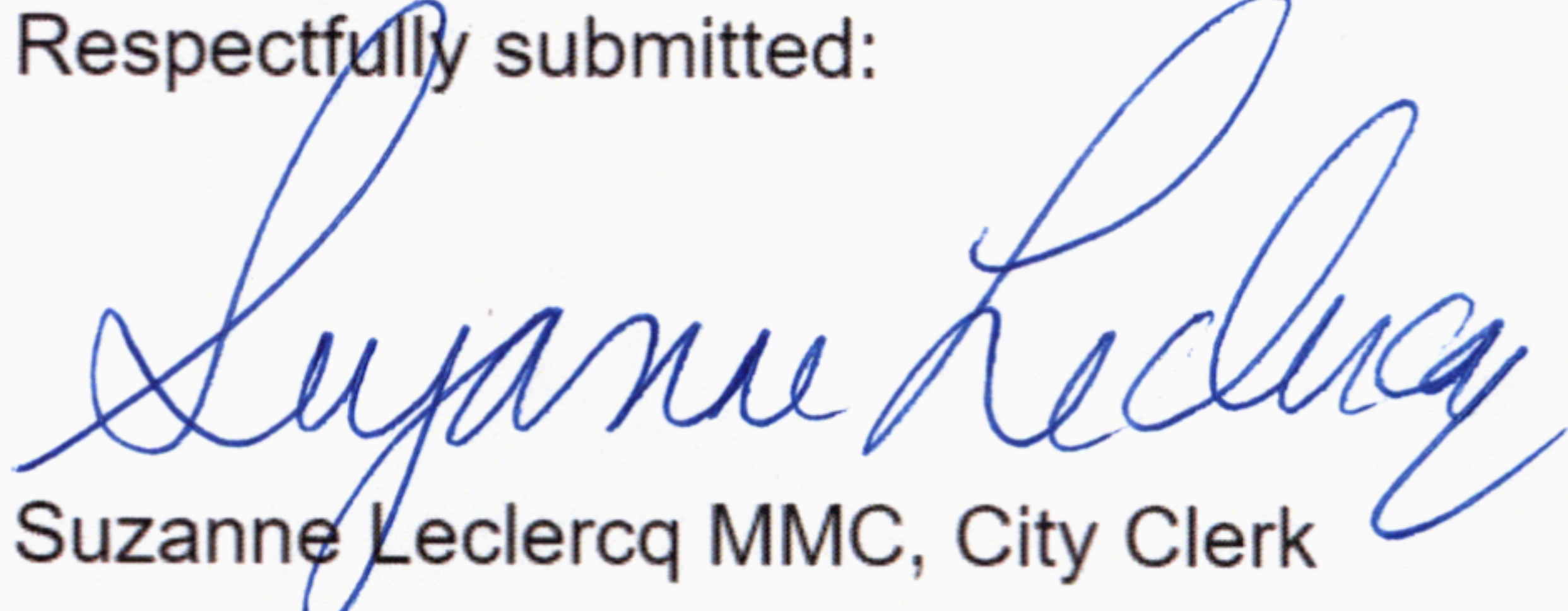
City Manager Vassalotti shared a Salex Tax update for 2023 and for January 2024.

Deputy City Manager/City Clerk Leclercq shared an election update.

12. ADJOURNMENT

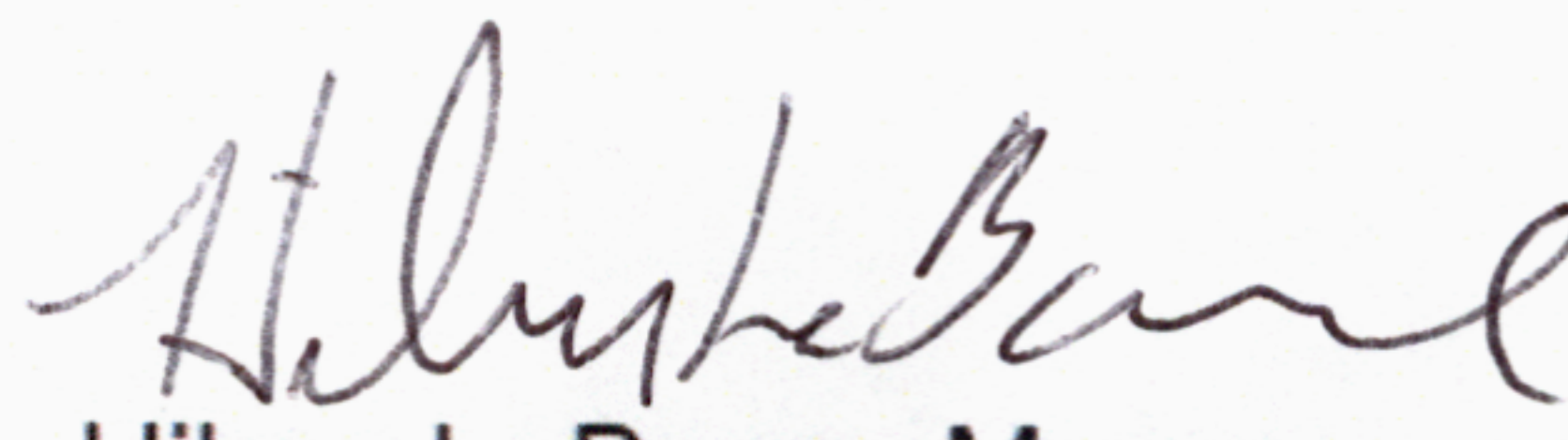
There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 9:22 pm.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 9th DAY OF April, 2024



Hilary LaBarre, Mayor