

Woodland Park City Council
Council Chambers – City Hall
Special Meeting
August 29, 2019, 5:00 PM

5:00 PM Council held a budget work session. City Manager Tangeman gave a revenues update and shared with the Council the staff priorities for the 2020 budget. Ben Schmitt gave a presentation on the 410 fund and a Capital Improvement Plan Presentation. Mayor Levy led the Council in a discussion regarding their 2020 priorities.

At **6:42 PM** Mayor Levy called the Special Meeting to order.

1. ROLL CALL

A. The following members of Council present were: Mayor Levy, Mayor Pro-Tem Carr, Kellie Case, Carrol Harvey, Hilary LaBarre, Paul Saunier and Noel Sawyer.

2. PLEDGE OF ALLEGIANCE

The following Staff Members were also in attendance for this meeting:

City Manager Darrin Tangeman	Finance Director Emily Katsimplas
Assistant City Manager/City Clerk Suzanne Leclercq	City Planner Lor Pellegrino
City Attorney Jason Meyers	
Public Works Director Kip Wiley	
Community Engagement Manager Karen Casey	
Planning Director Sally Riley	

3. Consider Ordinance No. 1353 an Emergency 90 day Ordinance imposing a temporary moratorium on accepting applications for single family uses in multifamily zones (Public comment may be heard)

City Attorney Jason Meyers introduced Emergency Ordinance No. 1353 and shared some background with the Council. Meyers shared that a recent project, which is still pending appeal before the City Council and Board of Adjustment, has highlighted several concerns within the Woodland Park Municipal Code in regards to allowing projects with more than one detached single-family dwelling unit in multi-family zoning districts.

Meyers reported that there are several other issues that may need to be explored as well. Meyers reported that the issues need to be addressed before any additional applications for this type of development is received to ensure that the growth is consistent with the expectations of the community, City Council and the comprehensive plan.

Meyers reported that it was important to note, that this emergency ordinance cannot and will not affect any current applications or projects that already have been received. This would merely put a hold on applications for the next 90 days so that the code issues could be addressed through a thoughtful approach.

At this time Mayor Levy opened up the Public Comment portion of the Public Hearing. Mayor Levy shared with the audience that there would be a time limit of 3 minutes per comment.

The following individuals spoke in favor of the Emergency Ordinance:

Joe Fury
Kim Ervin
Francis Maria Sinell
Paul Neal
Mike Nakai
Val Lundy

Eric Smith spoke in opposition of the Emergency Ordinance.

Mayor Levy closed the Public Comment portion of the Public Hearing and Council held their deliberation.

Councilmember Harvey stated that she felt the code needed to be examined.

Councilmember LaBarre noted that Council needs to be careful with this Emergency Ordinance that government is depriving property owners of using their land and that this was no threat to the public.

Councilmember Saunier stated that he agreed with the proposed moratorium.

Councilmember Sawyer stated that 90 days was just a drop in the bucket to wait and supported the moratorium.

Harvey stated that 90 days would just stop the process and that the process will take longer. Harvey stated that this is not an emergency.

Mayor Pro-tem Carr shared that he also did not see this issue as an emergency. Carr shared that there are flaws in the zoning code and welcomed people to come forth with changes. Carr noted that an uncomfortable situation for staff does not warrant an emergency.

Councilmember Case shared this is a personal property rights issue. She agreed that a code review was necessary without delay. Case shared that although this is a very important issue it doesn't warrant an emergency and she wouldn't be supporting it.

City Attorney Meyers and City Manager Tangeman shared with Council that another option is that Council can choose to send it to Planning Commission to begin their review of it and that the Council could choose to do a more deliberative process and go through the traditional

posting process which would be an initial posting followed by a public hearing. Tangeman shared with the Council that at any time someone can still bring in an application.

Councilmember Sawyer stated that he would like to listen to the staff and do as they are recommending.

Councilmember LaBarre shared that she felt this was a violation of due process and the 5th amendment. LaBarre stated that she believes that takings does not rise to an issue of public peace for an emergency moratorium.

Councilmember Saunier asked who is going to protect the citizens' rights.

Mayor Levy called the question.

Motion: Consider Ordinance No. 1353 an Emergency 90 day Ordinance imposing a temporary moratorium on accepting applications for single family uses in multifamily zones. Harvey/Case. 2-5 motion failed with the following Councilmembers voting against: Levy, Harvey, Case, LaBarre and Carr.

Tangeman noted that staff would bring it to the Planning Commission to determine what part of the code needs to be reviewed. Tangeman also noted that staff would place in on the September 19 agenda for a more deliberative process.

4. Approval of Settlement Agreement for Triple B Ranch.

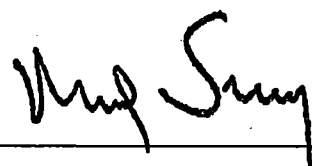
City Attorney Meyers reviewed the Settlement Agreement for Triple B Ranch.

Motion: to approve Settlement Agreement for Triple B Ranch. Harvey/Case 7-0.

Mayor Levy adjourned the meeting at 7:57 PM.


Suzanne Leclercq, City Clerk

APPROVED THIS 19th DAY OF September 2019


Neil Levy, Mayor