

Woodland Park City Council
Council Chambers – City Hall
January 3, 2019, 7:00 PM

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1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

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

City Manager Darrin Tangeman	Planning Director Sally Riley
Assistant City Manager / City Clerk Suzanne Leclercq	Deputy Public Works Director Ben Schmitt
Finance Director Mike Farina	City Planner Lor Pellegrino
Parks and Recreation Director Cindy Keating	Deputy City Clerk Chrissy Stapleford
Utilities Director Kip Wiley	Community Engagement Manager Karen Casey

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS:

- A.** Appointments to the Board of Adjustment Committee, Board of Review Committee, Keep Woodland Park Beautiful Committee, Planning Commission and Historical Preservation Committee. (1:03)

Administrative

Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk

City Clerk Leclercq reviewed with the Council all of the openings on the various Boards& Committees.

Board of Review – Move to appoint Jim Olsen as a regular member (filling David Dernbach's slot) and Jeff Smith as an alternate member through January 1, 2022.

MOTION: Move to appoint Jim Olsen as a regular member (filling David Dernbach's slot) and Jeff Smith as an alternate member through January 1, 2022. Harvey/Carr 6-0. Motion carried.

Board of Adjustment – Move to appoint Kerri Kilgore as a regular member (filling John Hanlon's slot) and Jerry L. Smith as an alternate member through January 1, 2021.

MOTION: Move to appoint Kerri Kilgore as a regular member (filling John Hanlon's slot) and Jerry L. Smith as an alternate member through January 1, 2021. Carr/Sawyer 6-0. Motion carried.

Keep Woodland Park Beautiful – Move to appoint Susan Branham as a member of KWPB.

MOTION: Move to appoint Susan Branham as a member of KWPB. Carr/Sawyer 6-0. Motion carried.

Planning Commission – Move to reappoint the three incumbents to a 3-year term ending January 1, 2022: Ellen Carrick, Lee Brown and Ken Hartsfield.

MOTION: Move to reappoint the three incumbents to a 3-year term ending January 1, 2022: Ellen Carrick, Lee Brown and Ken Hartsfield. Sawyer/Saunier 6-0. Motion carried.

Historical Preservation Committee – Move to reappoint Larry Black and new member Jim Unruh to a with 2-year term ending January 1, 2021.

MOTION Move to reappoint Larry Black and new member Jim Unruh to a with 2-year term ending January 1, 2021. Harvey/LaBarre 6-0. Motion carried.

City Clerk Suzanne Leclercq administered the Oaths of Office to all who were appointed.

- B. Appointment and Oath of Office to Assistant City Judge Sarah Christensen. (17:28)
Administrative
Presenter: Elizabeth McClintock, City Municipal Judge

Court Clerk Karla Collins introduced Sarah Christensen. Mayor Levy welcomed Ms. Christensen and shared that the Council was looking forward to having her on staff.

MOTION: Move to appoint Assistant City Judge Sarah Christensen. Harvey/Carr 6-0. Motion carried.

City Clerk Suzanne Leclercq administered the Oath of Office to Sarah Christensen.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

- A. None.

5. CONSENT CALENDAR: (22:28)

- A. Approve minutes of December 6, 2018 Council Meeting.
Administrative
Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk
- B. Approve November 2018 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.
Administrative
Presenter: Mike Farina, Finance Director
- C. Request for permission to serve alcohol at Meadow Wood Sports Complex as requested by Landis Seabolt – Woodland Park Hockey Association.
Administrative
Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk

City Clerk Suzanne Leclercq read the Consent Calendar into the record. City Clerk Leclercq reviewed the request to serve alcohol at Meadow Wood Sports Complex with the Council and shared the history of this annual event.

MOTION: To approve Consent Calendar. Sawyer/Carr. 6-0. Motion carried.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

A. None.

7. UNFINISHED BUSINESS:

A. None.

8. ORDINANCES ON INITIAL POSTING:

A. Consider Ordinance No. 1340, Series 2019 declaring the instrument for public notification process and method for the City of Woodland Park for the year 2019 and set the Public Hearing for January 17, 2019. (25:21)

Administrative

Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk

City Clerk Suzanne Leclercq informed the Council of the details of Ordinance 1340.

MOTION: Consider Ordinance No. 1340, Series 2019 declaring the instrument for public notification process and method for the City of Woodland Park for the year 2019 and set the Public Hearing for January 17, 2019. Carr/Harvey. 6-0. Motion carried.

9. PUBLIC HEARINGS:

Mayor Levy read the Quasi-Judicial announcement into the record.

A. Consider "The Highlands in Paradise" final plat subdivision of 7.07 acres into 9 residential lots and a 50-foot wide private road (Highlands Court) in the W½ of S19-T12S-R68W of the 6th P.M. as requested by North Peak Properties, LLC (property owner) and Mark McNab, Mark 2, LLC (applicant). (27:20)

Quasi-Judicial

Presenter: Lor Pellegrino, City Planner

City Planner Lor Pellegrino presented regarding the final plat subdivision. Mike Bramlett with JR Engineering discussed the drainage concerns in the area. Mark McNab addressed concerns regarding the development.

(Public Comment)

1. Deborah Frost read the following letter into the record:

"Dear Members of the City Council,

I am in agreement with Planning Commissioners Jerry Penland and Jon Devaux, who voted NO to the current plat proposal regarding Highlands in Paradise, which incorporates a private street in the midst of a public-street development; and I am asking the Town Council for a NO vote that aligns with theirs, or a modification of the plat that mandates Highlands Court Road will remain a public roadway.

The reason I ask for your NO vote or plat modification is that I agree with and support the primary points raised by Mr. Devaux and Mr. Penland: A private road in the middle of an established, public-road neighborhood, makes absolutely no sense.

In reading the article published by the Courier which described the last Planning Commission meeting, I am disturbed by the circular and no-information manner in which Mr. McNab explained the benefit and purpose of the private road, when asked. He is quoted as saying that "having a private road makes sense to this HOA."

A. I assume he is referring to the yet-unestablished HOA that will be populated by yet-unknown persons who will presumably purchase yet-unbuilt properties and maintain them through an HOA of yet-undetermined monthly or yearly expenses. All 9 of them, bearing the expenses of road maintenance, snow removal, street-side landscaping and enforcement of whatever else is in their HOA stipulations? I suggest it contradicts economic reality to build on the supposition that a 9-house HOA in the middle of an existing neighborhood is a sustainable entity.

In addition, Mr. McNab's justification that the "private road makes sense to this HOA" is like asking the Hershey company why Hershey candy bars are so popular and getting the response that Hershey bars are so popular because they are made to appeal to people.

This is clearly a circular argument designed to stonewall or dismiss discussion.

So I ask this question: why in the world should this City Council approve an arbitrarily-designated road to be established as Private when the developer, himself, cannot or will not explain its benefits to the existing community, nor even the benefits impacting the future residents who will live in these houses?

My concerns, however, go farther:

First: This developer chose to build in an established neighborhood that has clearly defined property parameters, architectural design requirements, and what I am calling a "built-in friendliness factor." This built-in "friendliness factor" is demonstrated by the lack of perimeter or front fencing, an openness for any hiker, dog-walker, bicyclist, etc., to be encouraged to travel our roads and enjoy the beauty of this neighborhood and this area. A road specifically designated as Private in the middle of this neighborhood is not consistent with the neighborhood standards, and I do not think it should be allowed.

Mr. McNab is quoted in the Courier as saying that the Highlands Court road offers "no access" through the "new neighborhood" to anything beyond, including Pike National Forest.

Given this statement, I suggest that rather than a Private Road designation, a sign at the beginning of the street should be posted, and simply state "no outlet." It seems to me that this would be a simpler and equally effective manner of informing non-residents there is nowhere to go on Highlands Court except to one of those nine houses.

Secondly: I feel that the developer's use of the word "neighborhood" for the one-street, nine-house construction area is misleading; "Neighborhood" is described by the online Google dictionary as "a district, especially one forming a community within a town or city." I find the key phrase in this definition to be forming a community. The fact of the matter is that Highlands Court does not qualify as

an independent neighborhood or community, but rather exists as a single street in an already-existing community within the City of Woodland Park.

This is more than a simple nit-picking of semantics. By the meaning of words we form our opinions, define our perspectives, and build our interpretations. The concept of "neighborhood" implies far more topographic independence/autonomy than a single road actually possesses. Hence a "neighborhood" might form an HOA, whereas it is financially impractical to consider a single street as HOA-qualifying.

Thirdly: I am concerned about the intentions of residents who will specifically seek out private-road entry in the midst of a public-road neighborhood. What are they trying to hide or escape? What do these people do in their homes of enhanced- privacy that should not be seen by nearby neighbors? While this may seem like a frivolous concern, current news frequently refers to illegal activities that have taken place within the walls of a private residence. The inability of police to patrol this private road makes me somewhat uneasy, and -in my estimation - may potentially attract those who engage in homebound, illicit activity.

Lastly: The online magazine timberhomeliving.com has researched private-road-living and states that homebuilders typically seek to create a private road for a) necessary access, b) a sense of exclusivity to their properties, c) a sense of seclusion, or d) the local government is unwilling to undertake the expense of providing a road.

A private road designation for Highland Courts Road does not fit any of these situations: The Paradise neighborhoods already have necessary access, there are multiple exclusive properties along the existing public roadways, and any sense of seclusion will be significantly diminished by the construction of homes along Locklin Way, which will sit directly above Highland Courts, as well as the already-intersecting neighborhood roads in close proximity.

There is probably a sense of frustration on Mr. McNab's part at these ongoing public processes; he may even feel like he is an unhappy participant in an endless game of "Mother, May 17" However, we residents in this well-established neighborhood have the same frustration from the opposite perspective: We are also wearied by the constant concern of having to ask, "Mother, why would you?"

As a point of integrity, responsibility, and even favorable reputation, it seems appropriate that if a builder chooses to undertake construction in an already-established area, the resulting structures should fit seamlessly into what already exists for architectural continuity throughout.

We believe both proposed and completed construction projects should follow the current, established neighborhood standards. We residents purchased into a community of individual custom homes, unfenced streets and walkways, public access, and a consistent "friendliness factor." We do not want an area where, as the Courier reported, a single street encourages its residents to immediately put up signs that read "private," or -as a future possibility - encloses its 9-house parameters with a gate and a fence so that it very much resembles a giant dog run thrust into an otherwise elegant neighborhood.

Thank you for your time and consideration of these points before casting your vote.

Deborah and Barry Frost/Majestic Parkway”

(Public Comment continued)

2. Claudia Miller asked questions to the developer regarding the specification on the homes to be built and prefers to have the open space then it be developed.
3. Tony Perry responded to Ms. Miller in regards to the specifications of the homes to be built.

MOTION #1 : THAT City Council approve the Highlands in Paradise final plat based upon the findings described in the Staff Report, the Planning Commission recommendation, and testimony and evidence provided at the public hearing subject to the following conditions:

1. Prior to recording the mylar, Developer shall provide the City a copy of the final “Declaration of Covenants, Conditions and Restrictions,” which covenants must be recorded simultaneously with the final plat. Harvey/Carr. 6-0. Motion carried.

MOTION # 2: THAT City Council accept the guarantee in the form of an irrevocable letter of credit as presented. Harvey/LaBarre. 6-0. Motion carried.

- B. Approve liquor application from WP Beverage, LLC, DBA Valero to grant a new Colorado Fermented Malt Beverage (3.2% Beer) Liquor License located at 520 E US HWY 24, Woodland Park, Colorado. (1:32:10)

Quasi-Judicial

Presenter: Chrissy Stapleford, Deputy City Clerk

Deputy City Clerk Chrissy Stapleford briefed the Council on the new changes to the liquor law regarding Fermented Malt Beverages.

Deputy City Clerk Chrissy Stapleford reviewed the details of the liquor application from WP Beverage, LLC, DBA Valero.

MOTION: Approve liquor application from WP Beverage, LLC, DBA Valero to grant a new Colorado Fermented Malt Beverage (3.2% Beer) Liquor License located at 520 E US HWY 24, Woodland Park, Colorado. Sawyer/Harvey. 6-0. Motion carried.

10. NEW BUSINESS:

- A. None.

11. REPORTS:

(Public comment not necessary)

- A. Mayor’s Report. (1:35:57)

1. Mayor Levy reminded Council and the Community of the upcoming Work Session Summit between the DDA and City Council. Mayor Levy read the events for the next two weeks.

- B. Council Reports. (1:36:58)

1. Councilmember Saunier thanked everyone for participating and wished them a Happy New Year.

2. Councilmember Sawyer wished everyone a Happy New Year.
- C. City Attorney's Report.
- D. City Manager's Report. (1:37:36)
 1. City Manager Darrin Tangeman asked Council for a consensus on the Critical Incident Report. Tangeman also informed Council that the monthly reports from departments will be modified and will include an executive summary. The first Citizen's Academy will be starting in February.
 2. City Clerk Suzanne Leclercq responded to a question from Mayor Pro Tem Carr regarding work sessions this year.
 3. Finance Director Mike Farina reviewed the 3rd quarter financial report.
 4. Deputy Public Works Director Ben Schmitt gave an update on the boiler at the Aquatic Center.
 5. Chief Miles DeYoung updated the Council on the ongoing search for missing woman Kelsey Berreth.

12. ADDED ITEM AGENDA:

A. None.

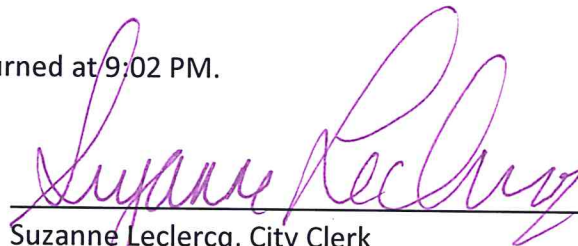
13. EXECUTIVE SESSION:

A. None.

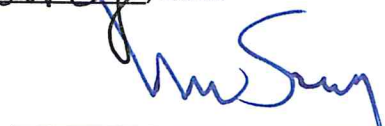
14. COMMENTS ON WRITTEN CORRESPONDENCE:

A. None.

15. ADJOURNMENT: The meeting adjourned at 9:02 PM.


Suzanne Leclercq, City Clerk

APPROVED THIS 17th DAY OF January, 2018


Neil Levy, Mayor