

City of Woodland Park

September 5, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session presentation from Logan Simpson regarding the Master Plan for Meadow Wood Sports Complex, Mayor Case called the meeting to order at 6:30 PM.

The following Councilmembers were in attendance: Mayor Case, Mayor Pro-tem Nakai, Councilmember Baldwin, Councilmember Geer, Councilmember Harvey, Councilmember Jones and Councilmember Smith.

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager /City Clerk Leclercq, IT Technician Barnes, Parks and Recreation Director Keating, Communications Coordinator Higginbotham, Utilities Director Wiley, Planning Director Schminke and Senior Planner Gates.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

A. Cruise Above the Clouds Presentation (A)

Cruise Above the Clouds organizers shared information on their upcoming Cruise Above the Clouds and presented Mayor Case with two Cruise Above the Clouds posters.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

None.

5. CONSENT CALENDAR

A. Approval of the July 18 and August 1, 2024 Regular City Council Meeting Minutes.

Motion: to approve the July 18, 2024, and the August 1, 2024, Regular City Council Meeting Minutes. Nakai/Baldwin. Motion carried 7-0.

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

Jason Friesma, a licensed counselor in the City of Woodland Park, shared information on Proposition 122 and the benefit of healing centers for Veterans.

Aaron Helstrom shared information on how wonderful the Veterans Rally was and that it was a great event for the City of Woodland Park.

Jeralee Gonzales shared concerns with the IGA that the School District and the City of Woodland Park just signed.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

None.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Approval of Ordinance No. 1483, Series 2024, on initial posting, an Ordinance Amending Title 8 of the Woodland Park Municipal Code by adopting a new chapter 8.16 regarding off-street parking and loading area maintenance and set the Public Hearing for September 19, 2024. (L)

Motion: to approve Ordinance No. 1483, Series 2024 on initial posting, an Ordinance Amending Title 8 of the Woodland Park Municipal Code by adopting a new chapter 8.16 regarding off-street parking and loading area maintenance and set the Public Hearing for September 19, 2024. Geer/Smith. Motion carried 7-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** CUP/SPR Extension of Fred's Towing Conditional Use Permit and Site Plan (File #A24-0069): A request by M.V.E., Inc. (Applicant) and Gino LLC, A Colorado LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for a commercial building with vehicle storage area on Lot 1, Sunny Glen Retreat Subdivision Filing No. 2 (property address: 20499 US Hwy 24) in the Community Commercial (CC) zone. (QJ) (Presenter CJ Gates, Senior Planner)

(File #A24-0069) CUP/SPR Extension of Fred's Towing Conditional Use Permit and Site Plan: A request by M.V.E., Inc. (Applicant) and Gino LLC, A Colorado LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for Fred's Towing for a commercial building with vehicle storage area on Lot 1, Sunny Glen Retreat Subdivision Filing No. 2 (property address: 20499 US Hwy 24) in the Community Commercial (CC) zone. (QJ)

Senior Planner Gates presented the following information: This site is a 2.55-acre parcel of land east of Highway 24, south of Mountain Glen Drive in southeastern portion of Woodland Park. The site is accessed via an access easement from the parcel to the north, currently occupied by a gas station. Ute Pass Concrete, Sand and Gravel building, which is not inside city limits, is located to the south, while the sand and gravel yard is located to the east of the subject property and is zoned Heavy Service Commercial Light Industrial. There are existing mature evergreen trees and steep rocky terrain located on the property's western perimeter adjacent to Highway 24. On June 2, 2022 City Council approved a Conditional Use Permit (CUP) and Site Plan Review to allow for a tow company to construct and utilize a commercial building with vehicle storage on the subject property via Ordinance No 1423, Series 2022. The Ordinance is attached to this staff report and includes the nine conditions of approval.

Chapter 18 of the City Code outlines the process for the site plan approval in conjunction with the CUP. Staff makes comments on the preliminary documents during the CUP review and public hearing process and all comments get resolved when the applicant submits for their Final Site Plan which includes construction documents. The Final Site Plan and construction document review process is done administratively through the planning department. Since City Council approved the CUP and Site Plan, the Final Site Plan and construction document packet has gone through several rounds of review. The most recent resubmittal was received by the Planning Department on May 29, 2024, and there are still outstanding issues that need to be resolved.

EXTENSION REQUEST Expiration and Extensions of Conditional Use Permits are governed

by Municipal Code §18.57.090 – Expiration:

Authority to issue a zoning/development permit or building permit pursuant to the granting of a conditional use permit shall expire two years after the date of approval of the conditional use permit, except when one of the following conditions has been met:

- A. A zoning/development permit or building permit has been issued and is still deemed valid;
- B. Where no construction is required, the actual commencement and operation of the use has begun; or
- C. An extension has been granted by the city council. (Ord. 589-1993 § 6(part), 1993) On July 16, 2024 the City of Woodland Park Planning Department received an application from the applicant and property owner requesting a two-year extension of the approved Conditional Use

Permit and site plan. While no Zoning Development Permit has been issued, the applicant has been pursuing approval since January of 2023. Additionally, even though the extension application was submitted after the expiration date of the approval (June 2, 2024), Planning staff is supportive of extending the approvals due to the ongoing work of the applicant. If this extension request is approved, the CUP entitlement will expire on June 2, 2026.

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 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. No comments have been returned regarding this extension request.

PLANNING COMMISSION FINDINGS The Planning Commission held a public hearing on August 22, 2024 (draft 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 a two year extension of Fred's Towing Conditional Use Permit and Site Plan: A request by M.V.E., Inc. (Applicant) and Gino LLC, A Colorado LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for Fred's Towing for a commercial building with vehicle storage area on Lot 1, Sunny Glen Retreat Subdivision Filing No. 2 (property address: 20499 US Hwy 24) in the Community Commercial (CC) zone pursuant to Municipal Code §18.57.090, and the approving Resolution shall say clearly that the development is still subject to all the conditions and dimensional specified in the original approval.

STAFF FINDINGS Based on the Planning Commission's recommendation, staff recommends City Council approve Resolution No. 925 Series 2024 documenting the approval of a two-year extension of Fred's Towing Conditional Use Permit and Site Plan: A request by M.V.E., Inc. (Applicant) and Gino LLC, A Colorado LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for Fred's Towing for a commercial building with vehicle storage area on Lot 1, Sunny Glen Retreat Subdivision Filing No. 2 (property address: 20499 US Hwy 24) in the Community Commercial (CC) zone pursuant to Municipal Code §18.57.090, and the approving Resolution clearly states that the development is still subject to all the conditions and dimensional specified in the original approval.

Mayor Case opened up the public comment portion of the public hearing. There being no public comment, Mayor Case closed the public hearing and the following motion was made.

Motion: to approve Resolution 925, Series 2024 approving an extension of Fred's Towing Conditional Use permit and Site Plan. Harvey/Jones. Motion carried 7-0.

- B.** Approval of Ordinance No. 1480, Series 2024, an Ordinance of the City Council of the City of Woodland Park, Colorado, Submitting a Ballot Question to the Electors of the City asking whether the 1.09% Sales Tax Adopted by City Voters in 2016 to Benefit the School District Ought to be Repealed. (L)
(Presenter City Attorney Wilson)

Mayor Case shared with the public that the Council and the School Board signed an amended IGA. Mayor Case read the IGA into the record. City Attorney Wilson shared that Council had asked him to draft this ordinance and that it was presented on initial posting August 15, 2024, and today was the public hearing. Mayor Case opened up the public comment portion of the public hearing and the following individuals spoke.

The following individuals spoke against Ordinance No. 1480, Series 2024:

Mike Demuth
Scott Tally
Amanda Lockman
Rhonda Roberts
Mary Sekowski
Gwynne Pekron
Jameson Dion
LeAnna Tally
Nicole Wagoneer
Shannon Vollaro
Susan Schaeffer
Nicole Brauchi
Eric Lockman
Belinda Walsh
George Rausch
Aaron Helstrom

The following individuals spoke in favor of passing Ordinance No. 1480, Series 2024:

Laura Gordon
Logan Ruths
Sarah Voget
Shannon Vollaro
Khurshid Rogers
Johnnie Miller

Mick Bates shared that if anyone felt there was fraud going on at the School District, they should report it to the proper authorities.

Keegan Barkley shared that she is on the School Board and had not seen the amended IGA. Carol Greenstreet shared that she did not like the language of "and any other charter or

contract school" that was in the IGA.

There being no other public comment, Mayor Case closed the public comment portion of the public hearing. Mayor Case asked for Council discussion.

Councilmember Geer shared that he was grateful the IGA was in place and that now the outcome of the sales tax should be decided by the voters.

Councilmember Jones shared that the City and the Board worked hard to get the amended IGA into place and that we should let it play out.

Councilmember Case shared that she felt that the IGA was clear and that it was a very informational process to put together the IGA.

Council member Harvey thanked everyone for their input during the public comment and shared that she wanted to correct a couple of statements made. Harvey shared that only residents of the City of Woodland Park would be able to vote on this issue. Harvey also corrected the statement made regarding mil levy's and shared that mil levy's must be voted on by the people and that the sales tax going away does not necessarily mean property taxes would go up.

Harvey also shared that she does not like the dollars being distributed to online academies. Harvey shared that if the Council is not pleased with the reporting from the district in January, Council could bring this to a special election at a later time. At this time, Harvey made the following motion.

Motion: to kill Ordinance No. 1480, Series 2024. Harvey/Jones. 3-4. The motion failed with the following Councilmembers voting no: Geer, Smith, Nakai and Baldwin.

Following the failed motion, Councilmember Baldwin shared that she ran on a conservative platform. She shared that she has over 20 plus years experience in education and that something about the way the school board does their finances does not look right to her. Baldwin shared that she would like to see the voters decide this issue.

Councilmember Nakai shared that she felt the voters had the right to be heard through an election.

The following motion was made.

Approval of Ordinance No. 1480, Series 2024, an Ordinance of the City Council of the City of Woodland Park, Colorado, Submitting a Ballot Question to the Electors of the City asking whether the 109% Sales Tax adopted by the City Voters in 2046 to Benefit the School District Ought to be Repealed. Geer/Smith. Motion carried 4-3 with Case, Jones and Harvey voting no.

Deputy City Manager/City Clerk shared that she would be sending the question up to the County Clerk tomorrow to be placed on the November ballot.

The time being 8:46 PM Mayor Case called for a brief recess.

The time being 9:00 PM Mayor Case called the meeting back to order.

- C. Approval of Ordinance No. 1481, Series 2024, an Ordinance of the City Council of the City of Woodland Park pertaining to firearms on City Property. (L)
(Presenter City Attorney Wilson)

City Attorney Wilson introduced Ordinance No. 1481, Series 2024 for the Public Hearing.

Mayor Case called Chief of Police Deisler up to the podium to share his opinion on this ordinance. Deisler shared that he supported this Ordinance and agreed that firearms should not be allowed in the Court.

County Commissioner and handgun instructor Erik Stone shared that he supported the ordinance as well, and it was very similar to the one the County just passed.

At this time, Mayor Case opened up the public comment portion of the public hearing.

Jameson Dion thanked the Council for the ordinance.

Aaron Helstrom asked the Council to consider taking the UPCC out of the ordinance.

Eric Lockman shared that he felt open carry should be included in this ordinance.

Steve Leigh shared that he felt open carrying to people is uncomfortable.

There being no further public comment, Mayor Case closed the public comment portion of the public hearing and opened it up to Council discussion.

Mayor Pro-tem Nakai shared that she would not like open carry. Councilmember Harvey agreed. Councilmember Geer shared that he understood the feelings of individuals wanting open carry and that he was OK with the ordinance as is. Following council discussion, the following motion was made.

Motion: to approve Ordinance No. 1481, Series 2024, an Ordinance of the City Council of the City of Woodland Park pertaining to firearms on City Property. Harvey/Nakai. Motion carried 7-0.

- D. Approval of Ordinance No. 1482, Series 2024, amending Title 13 of the Municipal Code concerning Utilities to adopt a new code, Section 13.08.110 regarding financial relief for unexplained high water meter readings. (A)
(Presenter Utilities Director Wiley)

Utilities Director Wiley did a brief presentation on Ordinance No. 1482, Series 2024.

At this time, Mayor Case opened the public comment portion of the public hearing. There being no public comment, Mayor Case closed the public comment portion of the public hearing. There being no Council discussion, the following motion was made.

Motion: to approve Ordinance No. 1482, Series 2024, amending Title 13 of the Municipal Code concerning Utilities to adopt a new code, Section 13.08.110 regarding financial relief for unexplained high water meter readings. Geer/Baldwin. Motion carried 7-0.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Agreement between RME Ltd, LLL dba Elite Surface Infrastructure and the City of Woodland Park in the amount of \$1,277,149 for MMOF Sidewalk, ped ramp, and trail reconstruction. (A) (Presenter Ben Schmitt, Director of Public Works)

City Manager Vassaloti reviewed this agreement with the Council. There being no council discussion, the following motion was made.

Motion: to approve the Agreement between RME Ltd. LLC dba Elite Surface Infrastructure and the City of Woodland Park in the amount of \$1,277,149 for MMOF Sidewalk, ped ramp, and train reconstruction. Geer/Nakai. Motion carried 7-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Case shared the events for the upcoming two weeks.

B. Council Reports

Councilmember Baldwin shared an update on a CML report and new legislation.

Councilmember Geer shared that youth soccer and flag football are going strong. Geer also shared that basketball registration is currently taking place.

Councilmember Harvey shared that she attended a town hall meeting with Brittney Petterson for Veterans and the special guest was Dan Williams. Harvey also shared that the KWPB meeting was next Thursday.

Councilmember Jones shared that there was a DDA meeting next Tuesday and that he stopped by the Frizzen Golf tournament and that it went well.

Councilmember Smith shared information from the HPC meeting.

C. City Attorney's Report

No report.

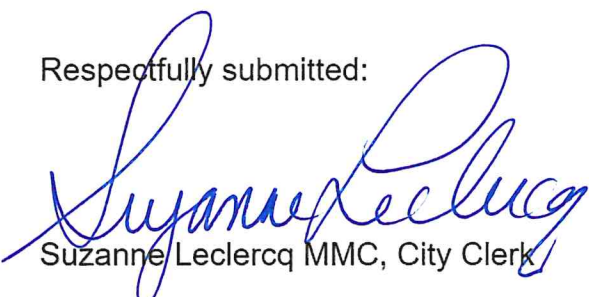
D. City Manager's Report

City Manager Vassalotti shared that the improvements to Highway 67 were going well and that there would be upcoming detours on Lovell Gulch as a result of road closures.

12. ADJOURNMENT

There being no further City business, Mayor Case and the time being 9:31 PM Mayor Case adjourned the City Council Meeting.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 19th DAY OF Sept, 2024


Kellie Case, Mayor