



City of Woodland Park
City Council Agenda
June 4, 2020
7:00 PM

The Woodland Park City Council is pleased to have residents of the community take time to attend City Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared and will generally be limited to five (5) minutes in order to allow everyone the opportunity to be heard. **PUBLIC COMMENTS ARE EXPECTED TO BE CONSTRUCTIVE.** Questions raised on non-agenda items may be answered at a later date by letter in order to facilitate proper research.

PLEASE SIGN IN TO SPEAK ON A PARTICULAR AGENDA ITEM

Written comments are welcome and should be given to the City Clerk prior to the start of the meeting. Written materials will not be accepted during regular agenda items in the interest of time.

Due to COVID -19 practices the City will be practicing social distancing and limiting the public to the first 17 people in attendance to include staff and Council in the City Council Chambers. We will have an over-flow room set-up in the Parks and Recreation Classroom where the Council Meeting will be broadcasted and another 17 individuals may attend, also practicing social distancing. Please wear a face covering. Thank you. For those who would like to view the meeting at home [CLICK HERE](#)

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A.** Presentation of the Keep America Beautiful President's Circle Recognition Award to Keep Woodland Park Beautiful for standards of excellence achieved in 2019.

Presenter: Lor Pellegrino, City Planner

- B.** Appointment of City Councilmember or discussion on election calendar.

Presenter: Jason Myers City Attorney

- C.** Appointment to KWPB

Presenter: City Clerk Suzanne Leclercq

- D.** Appointment to the BOA

Presenter: City Clerk Suzanne Leclercq

- E.** Presentation of the Annual Audit for year ending December 31, 2019.

Presenter: Finance Director Emily Katsimpalis and Chris Parker of Hinkle & Company, PC.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Calendar and considered separately.

- A.** Approve Minutes from the May 19, 2020 Special Meeting the May 21, 2020 Regular Council Meeting. **(A)**

Presenter: Suzanne Leclercq, Assistant City Manager/City Clerk

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

7. UNFINISHED BUSINESS.

- A.** None

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

A. Consider Ordinance No.1379, Series 2020 on initial posting extending the temporary moratorium to January 23, 2021 on accepting applications for detached single-family uses in MFS and MFU zones and set the public hearing for June 18, 2020. **(A)**

Presenter: Planning Director Sally Riley

9. PUBLIC HEARINGS

(Public comment may be heard)

A. None

10. NEW BUSINESS

(Public comment may be heard)

A. None

11. REPORTS

(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report
 - 1. WAC re-opening

12. EXECUTIVE SESSION

Executive Session No. 1: Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Check-In with the City Manager.

ADJOURNMENT

****Per Ordinance No. 1363, Series 2020 posted on the City Website 06/01/2020**

Woodland Park City Council
Council Chambers – City Hall
May 21, 2020
7:00 PM

If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video.

1. ROLL CALL

The following members of Council present via zoom were: Mayor Val Carr, Mayor Pro-Tem Hilary LaBarre, Councilmembers Kellie Case, Hilary LaBarre, Rusty Neal, Jim Pfaff and Robert Zuluaga.

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

City Manager Darrin Tangeman	City Attorney Jason Meyers
Assistant City Manager/City Clerk Suzanne Leclercq	City Planner Lor Pellegrino
Public Works Director Kip Wiley	Planning Director Sally Riley
Management Analyst Rob Felts	

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

A. Recognition of Sally Riley's 35 years of service to the City of Woodland Park.

City Manager Darrin Tangeman shared the accomplishments of Planning Director Sally Riley's 35 years to the City and Citizens of the City of Woodland Park. Tangeman and Mayor Val Carr thanked Riley for her service and dedication and presented her with a 35 years of service plaque and gift.

Riley shared her gratitude with the Council and Citizens. Riley shared some of the highlights of her 35 years of service.

B. Appointments to the Parks and Recreation Advisory Board. City Clerk Suzanne Leclercq shared with the Council that after advertising for this position she has received 3 applications for 4 positions open. Leclercq shared that the PRAB bylaws state that the Board should consist of 7 citizens. 4 Board members must be City residents and 3 Board members may be Teller County residents. Leclercq shared that the applications received from Robert Cowles and Jerry Smith could be appointed this evening as both of these applicants were residents of the City. Leclercq shared that the application from Jan Wilson she would hold on to for a later date when a county resident would be eligible for appointment.

Both Robert Cowles and Jerry Smith appeared via zoom. Council thanked them for their willingness to serve.

Motion: A motion was made to appoint Robert Cowles and Jerry Smith to the Parks and Recreation Advisory Board. Case/Pfaff. Motion carried 6-0.

Woodland Park City Council
Council Chambers – City Hall
Special Meeting – Candidate Interviews
May 19, 2020
4 – 6 PM

If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video.

1. ROLL CALL: Mayor Carr called the meeting to order at 4 PM.

- A. The following members of Council were present: Mayor Carr, Mayor Pro-tem LaBarre, Kellie Case, Rusty Neal, Jim Pfaff and Robert Zuluaga.

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

City Manager Darrin Tangeman
Assist. City Manager/City Clerk Suzanne Leclercq
Management Analyst Rob Felts
City Attorney Jason Meyers

The Public was able to view the meeting via zoom.

Interviews of prospective Candidates for Appointment:

Interviews were held for the City Council position vacated by Noel Sawyer upon his resignation on April 7, 2020. This position will fill out the remainder of Sawyer's term which ends April of 2020. City Clerk Leclercq advertised the position for 30 days. The position was advertised on all social media and the City's Website. Leclercq received five applications. Applicant Barbara Roy withdrew her name prior to the interview process.

The candidates were interviewed in the order of receipt of their application. The candidates were all present.

Candidates for consideration of this appointment were:

Don Dezellem

Mark Agan

Darwin Naccarato

Stephanie Alfieri

Mayor Carr led the process with the Council taking turns asking questions. The questions asked were:

Why do you want to do this?

What should be one of the pressing needs/1st goals for Council following the COVID-19 pandemic?

What has been lacking in our town?

How do you plan to bring unity to the Council?

What is your opinion on opening the economy vs. our vulnerable population?

What is your opinion on the separation of Church and State and prayer before a Council Meeting?

What is your opinion regarding future developers and existing landowners, property rights?

How will you handle standing up for a principle that you believe in and not everyone liking you?

What is the role of the City Council as a governing body?

What skills do you bring to the table and how would you work towards brining consensus to the Council?

Opinion on the DDA and tax increment financing?

When considering the role of Council is it necessary for the Council to set the agenda?

What is your priority of how discretionary items in the City Budget should be looked at?

Would you vote to open businesses?

Candidates were given 5 minutes to do an opening statement and then responded to the questions.

Written correspondence received by the Clerk's Office regarding the candidates was distributed to the Council.

Council thanked the candidates and stated they would see them on Thursday at the regularly scheduled Council Meeting. May 21, 2020.

10. ADJOURNMENT: The meeting adjourned at 5:51 PM.

Suzanne Leclercq MMC, City Clerk

APPROVED THIS _____ DAY OF _____, 2020

Val Carr, Mayor

Due to technical difficulties Clerk Leclercq will administer the Oath of Office to them at a later date.

C. Appointment of new Councilmember. Mayor Carr shared the process for this evening's Council appointment with the Council, Candidates and audience. Carr shared that Mark Agan withdrew his application so now there were only three applications to consider for appointment. Mayor Carr shared that the process would look like this:

- Each candidate could have up to 3 people speak on their behalf for a total of 10 minutes each or 3 minutes each.
- Paper ballots would be distributed to the Council by the Clerk.
- There would be one round of voting only.
- If Council consensus there would be suspension of Resolution No. 339, Series 1996 which tables a tie vote to the next Council Meeting. There was a nod of heads that Council agreed to suspend this Resolution.
- Definition of a majority vote i.e. 4 votes. City Attorney Meyers added that in order for the vote to be a majority the winner must receive 4 votes.
- Mayor Carr shared that there was a great deal of public preference to bring this to a vote of the people. At this time City Clerk Leclercq shared that she had been in contact with the County Clerk. If we were to coordinate an election on the November ballot it would cost the City approximately \$10,000. Leclercq noted that if we were to have a Special Election it could cost anywhere from \$15,000 to \$20,000.
- The vote would occur.
- Ballots would be read into the record.
- Swearing in of new councilmember/or direction on election would occur.

At this time the following individuals approached the podium and spoke on behalf of the candidates.

- Kristie Mueller – spoke on behalf of Don Dezellem
- Tony Perry – spoke on behalf of Darin Naccarato
- Darlene Jensen – spoke on behalf of Stephanie Alfieri
- Corey Young – spoke on behalf of Darwin Naccarato
- Terry Harrison – spoke on behalf of Stephanie Alfieri

Mayor Carr thanked all of the individuals for speaking on behalf of the candidates.

At this time Mayor Carr opened up Council discussion regarding the candidates.

Mayor Pro-tem LaBarre stated that she did not believe at this time that Stephanie Alfieri should be considered because of her removal from the Main Street Board regarding an ethics violation.

Councilmember Case shared that Stephanie Alfieri was removed from the Main Street Board as a result of an ethics violation and code of conduct violation of the Main Street by-laws. Case shared that she couldn't imagine that Council would appoint Alfieri when there are two other viable candidates. Case also stated that she felt there may be a conflict of interest as Alfieri is an officer of the bank where the City and DDA do business.

Councilmember Neal shared that he had nothing further to add and hoped the decision ended up in the hands of the citizens.

Councilmember Pfaff shared that he agrees and feels the decision should be in the hands of the citizens. Pfaff stated that regarding Alfieri nothing had been determined regarding an ethics violation. It was not conclusive and he was concerned regarding the blanket accusations being made. Pfaff felt it was far from reasons for disqualification and that it had not been formally adjudicated. Pfaff added that he felt all the Candidates were qualified and had many positive aspects.

Councilmember Neal asked that a letter received from Chairman of the Main Street Board Laurie Glauth be added into the record. (The Clerk will attach letter as part of the minutes). Attachment 1.

Councilmember Zuluaga stated that he was deeply troubled with the jumping to conclusions and that it is unfortunate that it was being played out this way. Zuluaga also agreed that he felt the vacant council seat should go to a vote of the people.

Mayor Carr shared that Council had received the applications resumes and data and that the allegations were simply that. He felt the action also had not been adjudicated properly and should go to a court of law to decide. Carr shared that he would also like to see the decision go to a vote of the people.

At this time City Attorney Meyers shared that Council could choose an election that the Charter does not state that they are required to appoint this evening.

At this time Mayor Carr polled the Council. All of Council agreed that this decision should go to a vote of the people.

City Attorney Meyers asked that they vote to table the agenda item and also vote to proceed with direction to the Staff to move forward with the planning of an election coordinating with the County in November.

MOTION: To table item 3C. Appointment of Councilmember. Neal/Pfaff. 6-0. Motion carried.

MOTION: To bring the appointment of a councilmember to a coordinated election with the County in November. Carr/Case. 6-0. Motion carried.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

A. None

5. CONSENT CALENDAR:

A. Approve minutes from the May 7, 2020 Council Meeting.

B. Approve April 2020 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.

City Clerk Leclercq presented the consent calendar.

MOTION: To approve Consent Calendar as presented: Case/Pfaff. Motion carried 6-0.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

A. Dennis Cheaqui thanked the citizens with help finding his dog. Cheaqui shared that his family was relieved that their dog is home safe and sound.

5. UNFINISHED BUSINESS:

A. None

6. ORDINANCES ON INITIAL POSTING:

A. None

7. PUBLIC HEARINGS:

A. Approve Ordinance No. 1378, Series 2020 appropriating the purchase of certain water shares.

Public Works Director Kip Wiley presented this ordinance to the Council. There being no public comment or Council discussion a motion was made.

MOTION: To approve Ordinance No. 1378, Series 2020 appropriating the purchase of certain water shares. Case/Neal. Motion carried 6-0.

B. Approve Final Plat by Rampart Investment Group, LLC (Property Owner) for a minor one-lot subdivision o plat 2.1 acres in the NW ¼ of Section 24, Township 12 South, Range 69 W6PM in the Community Commercial Zone. **(QJ)**

Mayor Carr read the QJ announcement regarding electronics into the record.

City Planner Lor Pellegrino shared her presentation and staff report with the Council (via zoom). Pellegrino introduced Rick and Anne Mallet (the applicants) who appeared via zoom also.

Councilmember Zuluaga asked o there were any concerns regarding leakage from the tanks. Pellegrino stated there were none. Zuluaga asked the applicants what had been in the tanks previously. They stated that the tanks had contained dirt, sand and mag chloride.

At this time there being no further comments or questions from Council Mayor Carr opened up the Public Comment. There being none the following motion was made.

MOTION: Approve Final Plat by Rampart Investment Group, LLC (Property Owner) for a minor one-lot subdivision o plat 2.1 acres in the NW ¼ of Section 24, Township 12 South, Range 69 W6PM in the Community Commercial Zone. Zuluaga/Case. Motion carried 6-0.

8. NEW BUSINESS: None

9. REPORTS:

A. Mayor's Report: Mayor Carr shared the upcoming events for the Memorial Day weekend. Mayor Carr also shared a PSA regarding COVID-19. Mayor Carr shared with the Council that he has been taking FEMA courses on line and that they were free. He encouraged the rest of Council to take advantage of the classes.

B. Council Reports:

1. Mayor Pro-tem LaBarre asked that the Council to give consideration to becoming their own health board.
2. Councilmember Case shared news regarding the Woodland Park cleanup scheduled for 5/29. Case also reported that she attended a Parks and Recreation Advisory Board meeting where discussion was held about the possibility of the dedication of some land for a hiking train behind Caldwell Banker.
3. Councilmember Neal shared that he has reviewed the guide issued regarding the re-opening of restaurants and agrees with it.

4. Councilmember Pfaff shared his sentiments on opening Colorado now.
5. Councilmember Zuluaga shared his sentiments on opening Woodland Park now. Zuluaga also reported that there were currently three DDA openings. Zuluaga also stated that he knew nothing of the Ethics complaint letter sent to Main Street by a City Employee. Zuluaga shared that he felt it was the role of City Government to resolve issues and he was troubled how the ethics complaint was resolved. He shared that he would like an investigation and was deeply concerned. Zuluaga asked for further discussion and research.

- C. **City Attorney Reports:** City Attorney Meyers shared with Council that the potential of the City becoming its own health board is a very complex issue and would take quite a bit of research.
- D. **City Managers Reports:** City Manager Tangeman reviewed the CMCIR with Council asking for a consensus to this document. Councilmember Neal asked that he would like to see COVID-19 cases added to the list. Tangeman shared that he would engage the Mayor and reach out to the County for this information.

City Clerk Leclercq shared 2020 Census gathering information with the Council.

EXECUTIVE SESSION:

A motion was made to move into Executive Session for discussion of a legal matter under C.R.S. Section 24-6-402(4)(e) for discussion of matters that may be subject to negotiations, developing strategies for negotiations, and/or instructing negotiators for identification purposes: Cost Share Agreement.

Neal/Zuluaga. Motion carried 6-0. The open meeting was adjourned at 9:05 PM.

Council took a brief break.

Executive Session No. 1 was called to order at 9:23 PM. With all of Council, the City Manager and the City attorney present.

The Executive Session was adjourned at 10:06 PM and a motion was made to direct staff as discussed regarding Cost Share Agreement. Case/LaBarre. 6-0 motion carried

A motion was made to move into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Check-In with the City Manager. Case/LaBarre. Motion carried 6-0.

Executive Session No. 2 was called to order at 10:12 PM. All of Council, the City Manager and the City Attorney were in attendance. Councilmember Pfaff left the meeting at 10:50 PM and returned to the meeting at 10:56 PM. Executive Session No. 2 was adjourned at 11:18 PM. The open meeting was adjourned at the same time.

E. COMMENTS ON WRITTEN CORRESPONDENCE:

a. None.

F. ADJOURNMENT: 11:20 PM.

Suzanne Leclercq MMC, City Clerk

APPROVED THIS _____ DAY OF _____, 2020

Val Carr, Mayor



A 501(c)(3) Nonprofit Organization



Under Colorado Department
of Local Affairs

May 21, 2020

To: Mayor and City Council
City of Woodland Park

Dear Mayor and City Council,

The Woodland Park Main Street Board of Directors received a formal ethics complaint from City Manager Darrin Tangeman on May 16, 2020, for actions taken by three board members that “clearly violated Woodland Park Main Street’s Bylaws, Code of Conduct, and Conflict of Interest agreements.” In addition, the complaint stated that the actions are “clearly attempts to damage and not establish support and participation with the local government and violates the MOU with the City, DOLA, and WPMS. These actions could result in the dissolution of WPMS as a Main Street Program.”

Following the Main Street Board meeting on May 11, I received a verbal notification the following day about a forthcoming written complaint. On Wednesday, May 13, I was given a draft complaint and received a revised final complaint on Saturday, May 16, 2020.

The Main Street Board of directors met in Executive Session on the evening of May 18 to review and consider violations. We agree the actions and behaviors described in the complaint were inconsistent with Main Street’s governance model.

Our meeting resulted in one member resigning and two members being removed from the board after being asked to resign. The board’s decision was unanimous.

The Main Street Board would like to recognize and thank the three members for their time and contribution to the success of the WPMS organization over the years.

We value our relationship with all our partners and are committed to moving forward and building partnerships as outlined in our MOU with the City.

Respectfully Submitted,

Laurie Glauth

Chairman of the Board
Woodland Park Main Street Board



City of Woodland Park Staff Report for City Council

Meeting Date: June 4, 2020

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
8.A	Planning Legal	Sally Riley, AICP Planning Director Jason Meyers, City Attorney

AGENDA ITEM

Consider Ordinance No. 1379, Series 2020 on initial posting extending the temporary moratorium to January 23, 2021 on accepting applications for detached single-family uses in MFS and MFU zones and set the public hearing for June 18, 2020. (Administrative)

BACKGROUND INFORMATION

On October 3, 2019, City Council approved Ordinance No. 1354, Series 2019 establishing a nine month moratorium which is scheduled to expire on July 23, 2020. The Planning Commission has been working diligently to draft an amendment to the Zoning Code until their work was interrupted in March by the COVID-19 pandemic. The pandemic has delayed the legislative amendment process which has caused the need for a six month extension.

It is important to note, similar to the existing ordinance, Ordinance No.1379 CANNOT and WILL NOT affect any current applications or projects that have already been received. Those projects will continue through the process subject to the law in effect at the time of the application submittal. This moratorium extension merely puts a hold on applications for the next six (6) months so that code amendments can be addressed in a thoughtful approach.

Please contact Staff if you need additional background information prior to your consideration of this extension request on June 4th. Also please mark your calendars for a joint work session between City Council and the Planning Commission on Thursday, June 11th, 6 PM to discuss the draft legislative code amendments that the Commissioners have prepared thus far.

RECOMMENDATION

Approve Ordinance No. 1379, Series 2020 and set the public hearing for June 18, 2020.

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1379, SERIES 2020

AN ORDINANCE GRANTING AN EXTENSION OF THE TEMPORARY MORATORIUM
ESTABLISHED BY ORDINANCE NO. 1354, SERIES 2019 ABOUT ACCEPTING
APPLICATIONS FOR DETACHED SINGLE-FAMILY USES IN MFS AND MFU ZONES.

WHEREAS, the City Council approved Ordinance No. 1354, Series 2019 on October 3, 2019 establishing a nine-month moratorium which is scheduled to expire on July 23, 2020; and

WHEREAS, the Planning Commission has been interrupted in their work due to the COVID-19 pandemic which has delayed their legislative amendment process; and

WHEREAS, the City of Woodland Park has become aware of several potential inconsistencies and incongruences in the Woodland Park Municipal Code regarding allowing multiple detached single-family residential dwelling units in the Multi-Family Residential-Suburban District (MFS) and the Multi-Family Residential-Urban District (MFU) on a single property without subdivision and without consideration to density, spacing, utility services, and other concerns; and

WHEREAS, the City Council finds, determines and declares that it is necessary to make amendments to the City of Woodland Park Municipal Code to provide for the orderly development of property within the City of Woodland Park; and

WHEREAS, in order to effectuate an adequate public comment timeframe and process for the necessary Municipal Code amendments, the City Council also determines that there should be an extension to the temporary moratorium on accepting applications to develop more than one detached single-family residential dwelling unit in the MFS and MFU zones, and

WHEREAS, the City Council after public hearing deems it to be in the City's best interest to proceed with code amendments while the moratorium is in effect.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS:

Section 1. Moratorium Extension. The City Council hereby extends the moratorium from accepting applications for projects containing more than one single-family dwelling unit on a single MFS or MFU lot pursuant to Woodland Park Municipal Code §18.09.090 Table N.1 and N.2 by six months to January 26, 2021.

Section 3. Sunset Clause. This moratorium shall not be in effect beyond January 26, 2021, unless a subsequent regular ordinance extends this timeframe, or City Council determines the useful life of the moratorium has passed and ends the moratorium early by enacting a subsequent resolution.

Section 4. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 5. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS _____ DAY OF _____, 2020.

Honorable Mayor Val Carr

Attest: _____
Suzanne Leclercq, City Clerk

Approved as to Form: _____
Jason Meyers, City Attorney