Woodland Park City Council
Council Chambers - City Hall
December 3, 2020 Council Meeting Minutes
5:30 PM
(VIA ZOOM)

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: Mayor Val Carr, Mayor Pro-tem LaBarre, Councilmembers Kellie Case, Rusty Neal, Jim Pfaff, and Robert Zuluaga. Councilmember LaBarre was absent.

The following Staff Members also in attendance via zoom for this meeting were: City Manager, Darrin Tangeman, Assistant City Manager Michael Lawson, City Clerk, Suzanne Leclercq, Public Information Specialist, Grace Johnson, Finance Director, Emily Katsimpalis, Planning Director, Sally Riley, Parks and Recreation Director, Cindy Keating, Police Chief, Miles DeYoung, Public Works Director, Kip Wiley, City Attorney, Jason Meyers and City Engineer Robyn Brown.

2. PLEDGE OF ALLEGIANCE

3. SWEARING IN OF COUNCILMEMBER STEPHANIE ALFIERI

City Clerk Leclercq administered the Oath of Office to newly elected Councilmember Stephanie Alfieri.

4. EXECUTIVE SESSION:

At 5:44 PM the following motion was made:

To adjourn to Executive Session #1

Pursuant to C.R.S. Section 24-6-402(4)(f)(i) for discussion of a personnel matter, 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: Regarding the acting City Manager position.
Pfaff/Zuluaga. Motion carried 7-0.

The following individuals were present at this Executive Session: Mayor Val Carr, Mayor Pro-tem Hilary LaBarre, Councilmember Stephani Alfieri, Councilmember Kellie Case, Councilmember rusty Neal, Councilmember Jim Pfaff and Councilmember Robert Zuluaga. Assistant City Manager Michael Lawson and City Clerk Suzanne Leclercq were also present

At 5:54 Assistant City Manager Michael Lawson was asked to leave the meeting.

At 6:04 PM Mayor Carr concluded Executive Session No. 1 and opened the Public Meeting.

6:08 PM Public Meeting

MOTION: To authorize contract negotiations with Michael Lawson as Acting City Manager. Pfaff/Neal. Motion carried. 7-0.

At 6:10 PM the following motion was made:

To adjourn to Executive Session # 2

Pursuant to C.R.S. Section 24-6-402(4)(e)(1) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and the following purposes are provided for identification purposes: DDA development agreement negotiations regarding Midland Station. Pfaff/Zuluaga. Motion carried 7-0.

The following individuals were present at this Executive Session: Mayor Val Carr, Mayor Pro-tem Hilary LaBarre, Councilmember Stephani Alfieri, Councilmember Kellie Case, Councilmember rusty Neal, Councilmember Jim Pfaff and Councilmember Robert Zuluaga. Assistant City Manager Michael Lawson, City Clerk Suzanne Leclercq and DDA member Tanner Coy were also present

At 6:53 PM Mayor Carr concluded Executive Session #2 and opened the Public Meeting

7:06 PM Mayor Carr called the Public Meeting to order.

5. CEREMONIES, PRESENTATIONS AND APPOINTMENTS:

A. **C**harlie Estes from Keep Woodland Park Beautiful presented the Keep Woodland Park Beautiful Annual Report.

6. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

At this time Mayor Carr asked Council if he could have consensus as to whether or not the Council could make a December 17, 2020 Council Meeting. All councilmembers stated they could be present on that date.

7. CONSENT CALENDAR:

A. Approval of minutes from the November 16, 2020 Special City Council Meeting and the November 19, 2020 Regular Council Meeting. City Clerk Leclercq reviewed the Consent Agenda with Council.

MOTION: To approve minutes from the November 16, 2020 Special Council Meeting and the November 19, 2020 Regular Council Meeting. Carr/Neal. 6-0. Councilmember Alfieri abstained from the vote as she was not yet a Councilmember at these meeting.

B. Approval of the October 2020 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. Tabled from the 11/19/2020 Council Meeting.

MOTION: To Approve the October 2020 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. Tabled from the 11/19/2020 Council Meeting. Zuluaga/Neal. Motion carried 6-1 with Zuluaga voting no.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

A. No Public Comment

7. UNFINISHED BUSINESS:

A. To approve the Logan Simpson professional services contract to complete the 2021 Comprehensive Plan update and land use code review.

Planning Director Sally Riley reviewed this proposal with the Council and the scope of work to begin in January 2021.

After brief Council discussion the Council agreed with allowing Councilmember Neal to "tweak" the contract with Riley. Council agreed as long as there are no substantive changes that would be ok.

MOTION: To direct staff to move forward with the Logan Simpson Contract and bring to the December 17, 2020 Council Meeting with any changes after Councilmember Neal's review. LaBarre/Carr. Motion carried 6-1 with Zuluaga voting no.

8. ORDINANCES ON INITIAL POSTING

A. Consider on initial posting Ordinance No. 1386, Series 2020 AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CITY OF WOODLAND PARK, COLORADO FOR THE 2021 BUDGET YEAR FOR GENERAL FUND (100) and set the Public Hearing for December 17, 2020. Prior to the discussion of this initial posting Mayor Carr reviewed with the Council an email he sent out earlier in the week regarding items for Council consensus consideration.

1) Group the Elected Officials as one miscellaneous group with notations.

Council held discussion on this item with Councilmember Case stating that she feels it is a lack transparency. Case stated that all of the other budgets have individual line items and that the Council budget should as well. Councilmember LaBarre and Councilmember Neal shared their concerns and agreed with Councilmember Case. Councilmember Pfaff asked if the checkbook for the City was on line. Finance Director Katsimpalis stated that it was and Councilmember Pfaff shared that that was transparent and did not see this as an issue. Mayor Car received consensus to have the Council's budget dollar amount at $22,500 and stated that he will see if that budget can be broken out further.

2) **Adjust the mil levy rate to 15.750 mil rate.**

Mil rate reduction budget accommodations example:

rate	per mil $	Revenue	budget impact
16.249	$ 124,315.34	$ 2,020,000	$ -
15.750	$ 124,315.34	$ 1,957,967	**$ 62,033**

a. Associated adjustments necessary to track balanced budget goals are already in the adjusted 12/3/2020 budget version.

Council consensus on this item was reached.

3) <u>DDA – minor allocations to not handcuff them from operating:</u>

a. 215-710-2121	DDA - Beautification	**$2,000**
b. 215-710-3200	Professional Services	**$5,000**
c. 215-710-3700	Information Technology Services	**$350**
d. 215-710-5400	Advertising/Legal Notices	**$150**
e. 215-710-5800	Training/Travel	**$500**
f. 215-710-6100	Supplies	**$250**

Councilmember Case shared that she thought there was a consensus to give the DDA $0 with a request for an accounting of legal fees which the DDA had not responded to. Council consensus was reached on this item.

4) **<u>DDA –allocation to allow pursuit of WS development:</u>**

a. 215-719-7400 Woodland Station Improvements: **$30,000**

5) 100-199-2090 Visitor Center funding reduced to **$20,000**

a. Rebid, evaluation, and award delayed to 2021 due to adjustment.

6) 100-116-8802 Main Street funding changed to **$ 5,000**

a. This plus Main Street reserves ($20k+) will cover 2021 & 2022 program manager salary.

MOTION: Consider on initial posting Ordinance No. 1386, Series 2020 AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CITY OF WOODLAND PARK, COLORADO FOR THE 2021 BUDGET YEAR FOR GENERAL FUND (100) including recommended changes to staff and set the Public Hearing for December 17, 2020. Pfaff/Carr. Motion carried 4-3 with Case, Neal and LaBarre voting no.

B. Consider on initial posting Ordinance No. 1387, Series 2020 AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CITY OF WOODLAND PARK, COLORADO FOR THE 2021 BUDGET YEAR FOR ALL FUNDS EXCEPT THE GENERAL FUND (100) and set the Public Hearing for December 17, 2020.

Finance Director Katsimpalis introduced Ordinance No. 1387 on initial posting. There being no comment from Council Mayor Carr opened the Public Hearing.

Tony Perry read the following into the record regarding the DDA.

Council Meeting Agenda Item 8B supporting Statement

Position:

- First, if the DDA feels it has discretionary funds, those funds should be allocated for additional paydown of debt to Vectra Bank and the City of Woodland Park.
- Second, the Council should replace the current DDA and sit as the DDA Board. The council is closer to "the people" versus a group of current "business owners" in the district who proudly flaunt their conflicts of interest.
- Third, Council should mothball DDA operations and collect taxes in order to paydown the Vectra and City of Woodland Park debt as expeditiously as possible, recognizing the DDA lifecycle will most likely need to be extended to do so.
- Fourth, the DDA should expect that a developer for the property will eventually emerge with a project supported by the free market. If the council finds it necessary or prudent, it can convene as the DDA Board to entertain reasonable offers and only participate in the best interest of the community in supporting any developer.

Statements:

- The DDA by its very nature flies against free market economics and government involvement in areas it should not "TREAD".
- There have been good businesses that took advantage of TIF funds, and were certainly smart to tap into the program, but most of the businesses were strong enough that TIF funds were not the deciding factor. I would argue a business model that relies on TIF funds to be viable is not viable.
- The DDA was started to circumvent our city charter's ban against the city providing funds to businesses and developers for economic development.
- A primary driver and first Chairman of the DDA was a developer and former owner of the property that Natural Grocers sits on today, along with the former City Manager Mark Fitzgerald, who left town shortly after laying this rotten egg.
- If you do your research, across the country, DDA's are notorious for finding themselves in lawsuits. In fact, California, a state that rejoices in giving away taxpayer monies, outright banned DDA's. DDA's typically emerge in bigger city environments where graft and corruption are commonplace.
- Unfortunately, our citizen volunteer board did not exercise good judgement and "breached" the agreement with a developer and spent in excess of $600,000 of our tax dollars.
- The DDA has never acknowledged they lost the lawsuit. In fact, they argue they saved giving away land to the developer and saved the day.
- In fact, the DDA has never come right out and told us how much they spent on their two attorneys in addition to the judgement.

Councilmember Pfaff stated that he absolutely agreed with Mr. Perry's statement and shared that he would also like to get to a place of no DDA.

Councilmembers Case thanked Mr. Perry for his statement and agreed that she could no longer support the DDA. Mayor Pro-tem LaBarre also thanked Mr. Perry for his statement.

Councilmember Zuluaga thanked Mr. Perry and stated that he recognizes the failings and flaws of the DDA and that the DDA is willing and open to dissolving in an orderly manner. Zuluaga asked that those on the Board be supported and that the DDA for the past 5 years has been responsible with their funds and has done the best under the parameters the City has given to them.

Councilmember Alfieri agreed noting that this is one of the most viable developments that the DDA has seen in years and that we should see it through to the end. Alfieri stated that she was in support of spending the dollars to see where this project goes.

There being no other Public Comment Mayor Carr closed the Public Hearing.

MOTION: Consider on initial posting Ordinance No. 1387, Series 2020 AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CITY OF WOODLAND PARK, COLORADO FOR THE 2021 BUDGET YEAR FOR ALL FUNDS EXCEPT THE GENERAL FUND (100) and set the Public Hearing for December 17, 2020. Zuluaga/Alfieri. Motion carried 4 – 3 with Case, Neal and LaBarre voting no.

The time being 9:06 PM Mayor Carr called for a short recess.

At 9:20 PM Mayor Carr called the meeting back to order.

9. PUBLIC HEARINGS

A. Approve Emergency Ordinance No. 1388, Series 2020, AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICATION OF PORTIONS OF ORDINANCE 1383, SERIES 2020 AS THEY RELATE TO THE DEFINITIONS OF RECREATIONAL PARK TRAILERS AND RECREATIONAL VEHICLES.

Following Council comments with all Council being in consensus of passing Emergency Ordinance No. 1388, Series 2020 the Mayor opened up Public Comment.

David Buttery stated that he was not able to read the Emergency Ordinance until 2 PM today when it was posted. Buttery shared that he felt that was not enough notice. City Attorney Meyers responded that all that is required is that it is posted on the agenda prior to 24 hours of the meeting and that occurred.

Ivan (Bristlecone Lodge) shared that he felt that Council should have talked to someone in the RV business prior to passing Ordinance No. 1383.

Mike Nakai shared that this was a hard decision for Council and that this could allow transients to be in there for years if they choose. Nakai also shared that this has not been enforced by previous administrations and that the fire fighters have concerns regarding fire safety in some of these areas.

Councilmember LaBarre thanked everyone for their comment and shared that everybody needs a home and place to live.

MOTION: Approve Emergency Ordinance No. 1388, Series 2020, AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICATION OF PORTIONS OF ORDINANCE 1383, SERIES 2020 AS THEY RELATE TO THE DEFINITIONS OF RECREATIONAL PARK TRAILERS AND RECREATIONAL VEHICLES. Pfaff/Case. Motion carried 7-0.

10. NEW BUSINESS

A. Approve Resolution No. 868 certifying the mill levy for the 2021 Budget year.
Finance Director Katsimpalis shared with Council that they have been provided with two options of resolutions. Katsimpalis shared that Exhibit A of Resolution No. 868 would do a temporary reduction of the mill levy for one year. Exhibit B of Resolution No. 868 would issue a permanent reduction of the tax levy.

Councilmember Case commended the staff for the option of a temporary reduction sharing that this could lead the way to a larger mill levy reduction. Case shared that she would like to see a reduction that impacts people in a meaningful way not just $20. Case shared that Council should look at how Gallagher or the pandemic will affect the City and entertain maybe even a larger/permanent reduction.

Councilmember Pfaff shared that he opposed the first option and stated that even though it may be a modest amount we should give the money back to the people.

Mayor Carr congratulated the staff on their hard work with this and felt that even though a modest reduction that it should be given back to the people.

Mayor Pro-tem LaBarre shared that she felt taxation is theft and that a random number has been chosen with no plan on how it will impact the City. LaBarre shared that she was the only Councilmember to vote no on raising fees and that this makes no sense without a study of implications. LaBarre shared that the Council should stop fining people and increasing fees.

Mayor Carr and Councilmember Zuluaga shared that they did not vote on the things that Mayor Pro-tem LaBarre claims.

The time getting close to the 11:00 end to Council Meetings the Council made a motion to extend the Council Meeting to 11:30 PM. Zuluaga/Case. Motion carried. 7-0.

Councilmember Neal shared that everyone wants to see the Mill Levy reduced. Neal shared that as the Executive Level of the City that the Council needs to be looking 7 years down the road. Neil shared that the Council are supposed to be visionaries. Neal shared that the City currently has a "F" rating on our road network and that the mill levy increase was passed to fix our roads. Neal shared that we should work on fixing some more roads and a long-term plan. Neal stated that he would be supporting the temporary reduction.

Councilmember Zuluaga shared that the 410 fund covers the road and that a 1% sales tax goes into that fund to do so. Zuluaga also shared that the City has been made whole during COVID and that the City has not suffered. Zuluaga shared that he is looking at it from the citizens and businesses perspective and that this is a first step to reducing taxes and unnecessary city services.

Councilmember Alfieri shared that permanent Mill Levy reduction is only as permanent as the citizens allow it to be and that the citizens would make the right decision if levy ever needed to be increased.
Mayor Carr shared that in 2020 the City did very well but the Citizens did not.

At this time Mayor Carr opened the Public Comment.

David Buttery shared his disappointment that the Resolution was not made available to late in the day and that he looked forward to a mill levy reduction but not at this time. Buttery shared that the Council does not know currently what the future looks like and that this will have an impact on services.

Councilmember Case shared that she will not support a permanent Mill Levy reduction.

MOTION: Approve Resolution No. 868 certifying the mill levy for the 2021 Budget year Exhibit B making the mill levy reduction permanent. Carr/Pfaff. Motion carried Carr/Pfaff. 4- 3 with Case, LaBarre and Neal voting no.

B. Appointment and oath of office for the Acting City Manager effective December 12, 2020.

Mayor Carr shared that the Council would like to appoint Assistant City Manager Michael Lawson as the Acting City Manager contingent on contract being signed.

MOTION: To appoint Michael Lawson as the Acting City Manager. Pfaff/Case. Motion carried 7-0.

City Clerk Leclercq administered the Oath of Office to Lawson. Lawson thanked the Council.

11. REPORTS:

A. Mayor's Report: Mayor Carr shared the upcoming events for the next two weeks.

B. Council Reports:

Councilmember Alfieri shared that the Breakfast with Santa and the Crazy Hat contest albeit different this year were a success. Alfieri wanted to also thank the Parks, Buildings and Grounds crews for the beautiful Christmas lights.

Councilmember Neal shared that the Mayor, Councilmember Pfaff and City Attorney Meyers re-read Article 3 of Conflict of Interest.

C. City Attorney Reports: No report.

D. City Managers Reports: City Manager Tangeman shared his outgoing remarks with the City Council and Staff.

The time being 11:30 PM a motion was made to continue the Council Meeting to 11:0 PM. Care/Case. Motion carried 7-0.

At this time the City Council and City Staff shared their remarks and thanks to City Manager Tangeman.

The Mayor called the meeting adjourned at 11:53 PM.

Suzanne Leclercq MMC, City Clerk

APPROVED THIS 4th DAY OF February, 2021

Val Carr, Mayor