



# City of Woodland Park

## City Council

October 21, 2021 at 7:00 PM

### AGENDA

*5:30 PM Worksession Council Chambers - Presentation of the proposed Budget Message for the 2022 budget year for the City of Woodland Park.*

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
  - A.** Presentation of the Flag and the Pledge of Allegiance by Cub Scout Pack 20.
- 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
  - A.** Introduction of Cub Scout Pack No. 20.  
(Pack Leader Jeremy Gibson)
  - B.** Proclamation declaring Harold Ahrendt Day in celebration of Harold Ahrendt's 100th birthday.
- 4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- 5. CONSENT CALENDAR**
  - A.** Approval of the October 7, 2021, Regular City Council Meeting Minutes. **(A)**  
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq)
- 6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
- 7. UNFINISHED BUSINESS**

None
- 8. ORDINANCES ON INITIAL POSTING**

(Public comment may be heard (1))
- 9. PUBLIC HEARINGS**

(Public comment may be heard (1))

  - A.** Consider Ordinance No. 1404 a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone.  
**(QJ)**  
(Presenter, Planning Director Sally Riley)

- B.** Consider Ordinance No. 1405 Series 2021 a request by Stuft Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone. **(QJ)**  
*(Presenter, Planning Director Sally Riley)*
- C.** Consider Ordinance No. 1406 Series 2021 a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone. **(QJ)**  
*(Presenter, Planning Director Sally Riley)*
- D.** Consider Ordinance No. 1407 Series 2021, Adjusting Expenditure Appropriations to the various funds for the City of Woodland Park, Colorado for the 2021 Budget Year, and amending Ordinances No. 1386 and 1387, Series 2020. **(A)**  
*(Presenter, Finance Director Aaron Vassalotti)*

## **10. NEW BUSINESS**

(Public comment may be heard (1))

- A.** Approve Multimodel Transportation Options Funding (MMOF) Intergovernmental Agreement (IGA) with CDOT Region 2 in the amount of \$1,048,614 with 50% local match (\$524,307) for pedestrian improvements including 4,284 linear feet of sidewalk repair or new; 34 ADA compliant pedestrian ramps; and 0.8 mile asphalt overlay for Centennial Trail.  
*(Presenter, Planning Director Sally Riley)*
- B.** Approve Resolution No. 883, Series 2021 a Resolution Approving the Colorado Opioids Settlement Memorandum of Understanding.  
*(Presenter, City Attorney Nina Williams)*

## **11. REPORTS**

(Public comment not necessary)

- A.** Mayor's Report
- B.** Council Reports
- C.** City Attorney's Report
- D.** City Manager's Report

## **12. ADJOURNMENT**

\*Per Ordinance No. 1391, Series 2021 posted on the City Website

### **Key to agenda abbreviations:**

**(A) Administrative-** matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

**(L)Legislative-** typically in the policy arena; legislative matters affect large areas and large

groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

**(QJ)Quasi-Judicial-** apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial



# City of Woodland Park

## City Council

October 7, 2021 at 7:00 PM

### MINUTES

#### 1. CALL TO ORDER AND ROLL CALL

Mayor Pro-tem LaBarre called the meeting to order at 07:00 PM.

Deputy City Manager/City Clerk Leclercq called roll with the following Councilmembers present:

Councilmember Alfieri, Councilmember Nakai, Councilmember Case, Mayor Pro-Tem Labarre, Councilmember Neal, Councilmember Zuluaga.

The following staff members appeared in person: City Manager Michael Lawson, City Attorney Elliot Browning, Deputy City Manager/City Clerk Suzanne Leclercq, Assistant to the City Manager Rob Felts, Planning Director Sally Riley, Marketing and Communications Coordinator Grace Johnson, Parks and Recreation Director Cindy Keating, Aquatic's Manager Brady Warner and Deputy City Manager/Director of Operations Kip Wiley. Finance Director Aaron Vassalotti appeared via zoom.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Appointments to the Downtown Development Authority, Utility Advisory Committee, Planning Commission and Keep Woodland Park Beautiful Committee. **(A)**  
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq) [\(2:04\)](#)

City Clerk Leclercq reviewed the Staff Report with the Council. Leclercq shared that there are currently openings on the various boards and committees for the city and that she continues to advertise. Leclercq shared that this evening, Council would be considering appointments to the Downtown Development Authority, the Planning Commission, the Utilities Advisory Committee and the Keep Woodland Park Beautiful Committee.

**Downtown Development Authority:** Leclercq shared that currently there is one vacancy on the DDA Board. The vacancy is a result of Jan Wilson's resignation and the term expires 6/30/2022. Leclercq shared that she received two applications for this position. Leclercq shared that the applicants are Christopher Hilderhof and David Mijares. Leclercq reported that both applicants meet the criteria to be appointed to this Board and that both applicants were in the audience this evening.

**Planning Commission:** Leclercq shared that there are currently three vacancies on the



Planning Commission. Two terms expire on 1/1/2024 and one term expires on 1/1/2023. Leclercq shared that she had received an application from Carrol Harvey and that Ms. Harvey meets the eligibility requirements to be on the Planning Commission. Leclercq shared that Ms. Harvey is in the audience this evening.

**Utility Advisory Committee:** Leclercq shared that there are currently four positions open on the UAC. Two permanent positions and two alternate positions. Leclercq shared that she received an application from incumbent Rick McVey. Leclercq shared that Mr. McVey was in the audience this evening.

**Keep Woodland Park Beautiful Committee:** Leclercq shared with the Council that there are currently eight vacancies on the Keep Woodland Park Beautiful Committee. Leclercq shared that she received two applications. One from Claudia Miller and one from Audra Pflug. Leclercq shared that both applicants were in the audience this evening.

Council interviewed the applicants and the following motions were made.

**MOTION:** Approve the appointment of David Mijares to the Downtown Development Authority Board. Case/Neal. Motion carried 5-1 with Alfieri voting no.

**MOTION:** Approve the appointment of Carrol Harvey to the Planning Commission. Nakai/Zuluaga. Motion carried 5-1 with Alfieri voting no.

**MOTION:** Approve the appointment of Rick McVey to the Utility Advisory Committee. Case/Neal. Motion carried 6-0.

**MOTION:** Approve the appointment of Claudia Miller to the Keep Woodland Park Committee. Case/Neal. Motion carried 5-1 with Alfieri voting no.

**MOTION:** Approve the appointment of Audra Pflug to the Keep Woodland Park Committee. Nakai/Case. Motion carried 6-0.

Following the Council's vote, City Clerk Leclercq administered the Oath's of Office to those applicants appointed.

- B.** Proclamation Recognizing October as Arts Month. **(A)**  
*(Presenter, Andy Vick Executive Director, Cultural Office of the Pikes Peak Region) (37:42)*

Council viewed a video regarding October as Arts Month presented by Andy Vick, Executive Director of the Cultural Office of the Pikes Peak Region. Following the video Mayor Pro-tem LaBarre read the Proclamation dedicating October as Arts Month into the record.

- C.** 2nd Quarter update of the Woodland Park Aquatic Center.  
*(Presenter, Parks and Recreation Director Cindy Keating) (48:30)*

Parks and Recreation Director Cindy Keating presented the 2nd Quarter Report on the Woodland Park Aquatic Center.

(Power Point presentation attached. See pages 8 - 11)

- D. Recognition of David Ott as a participant in the Veterans Local Government Management Fellow Program for the City of Woodland Park.  
(Presenter, Assistant to the City Manager Rob Felts) [\(57:59\)](#)

Assistant to the City Manager Rob Felts shared the VLGF Program with the Council and introduced David Ott. Mayor Pro-tem LaBarre thanked Ott for his participation in the program and presented him with a City coin.

**4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**

None.

**5. CONSENT CALENDAR**

- A. Approval of the September 2, 2021, Regular City Council Meeting Minutes. (A)  
[\(1:02:51\)](#)

City Clerk Leclercq presented the Consent Calendar to the Council with the first item being the approval of the minutes from the September 2, 2021 Regular City Council Meeting.

**MOTION:** Approve the September 2, 2021 Regular City Council Meeting minutes. Nakai/Case. Motion carried 6-0.

- B. Approve August 2021 Statement of Expenditure Reports and authorize the Mayor to sign Warrants in payment thereof. (A)  
(Presenter, Finance Director Aaron Vassalotti)

City Clerk Leclercq introduced the Approval of the August 2021 Statement of Expenditure Reports and shared that Finance Director was available via zoom for any questions regarding this report.

**MOTION:** To approve the August 2021 Statement of Expenditure Reports and authorize the Mayor to sign Warrants in payment thereof. Case/ Zuluaga. Motion carried 6-0.

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

None.

**7. UNFINISHED BUSINESS**

(Public Comment may be heard (1))

None.

**8. ORDINANCES ON INITIAL POSTING**

(Public comment may be heard (1))

- A. Approve Ordinance No. 1404 on initial posting a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone and set the public hearing for October 21, 2021. (QJ)  
[\(1:06.01\)](#)  
(Presenter, Planning Director Sally Riley)

Planning Director Sally Riley introduced Ordinance No. 1404, Series 2021 on initial

posting. Riley shared that this 5.41 acre site is currently zoned Single Family Suburban Residential (SFR). The applicant would like to rezone to Community Commercial (CC) in order to continue the preschool (daycare) use. In 1994, the Church purchased the property and received permission to build the existing building when the property was zoned C-2. In 1997, the property's zone district was changed to SFR during the zoning code overhaul of the entire city. The staff believes this was an oversight and the property should have remained commercially zoned. Recently, the staff learned that the Church's daycare center was planning to remodel their interior classrooms. The request for a building permit triggered staff's discovery that the underlying SFR zone does not support a commercial daycare use, thus the need to rezone to CC. Riley reminded Council that this is a Quasi - Judicial Hearing and that no discussion should be had until the Public Hearing.

**MOTION:** Approve Ordinance No. 1404 on initial posting a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone and set the public hearing for October 21, 2021. Neal/Nakai. Motion carried 6-0.

- B.** Approve Ordinance No. 1405 a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone and set the public hearing for October 21, 2021. (QJ) [\(1:09:01\)](#)  
(Presenter, Planning Director Sally Riley)

Planning Director Riley introduced Ordinance No. 1405 on initial posting. Riley shared that the applicant proposes to open a family-style restaurant in the existing 4,860 square foot building (formerly Denny's) located at 100 Morning Sun Drive in the neighborhood commercial (NC) zone. In 2001, the former auto repair shop was remodeled and converted into Zak's restaurant. Zak's was replaced by Primo's restaurant in 2005. When Primo's left in 2009, the building remained vacant until 2011, when Mr. Pete LaBarre purchased it and received approval for CUP 11-003 for the Denny's restaurant. Denny's closed in mid-2017 and the building has been vacant ever since. Per MC 18.45.010 and City Charter 15.7(c), if a use is discontinued or abandoned for one (1) or more years, future uses shall conform to the provisions of the Code (i.e., a new CUP is required).

**MOTION:** To approve Ordinance No. 1405, series 2021 a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone and set the public hearing for October 21, 2021. Nakai/Case. Motion Carried 6-0.

- C.** Approve Ordinance No. 1406 on initial posting a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone and set the public hearing for October 21, 2021. (QJ) [\(1:14:48\)](#)  
(Presenter, Planning Director Sally Riley)

Planning Director Riley introduced Ordinance No. 1406, series 2021 on initial posting. Riley shared that the Applicant (Longman) is requesting vacation of Parcel A – that part of the alley

in Block 6 between Gunnison Avenue and County Road located between his lot and his neighbor to the west (Wester). Parcel A is 15 feet wide by 90 feet long for a total of 1,350 square feet. Mr. Longman wishes, and with Mr. Wester's concurrence, to own the entire vacated alley to facilitate and guarantee continued access to his garage.

**Motion:** To Approve Ordinance No. 1406, Series 2021 on initial posting a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone and set the public hearing for October 21, 2021 City Council. Zuluaga/Neal. Motion Carried 6-0.

- D. Approve Ordinance No. 1407 Series 2021 on initial posting, an Ordinance Adjusting Expenditure Appropriations to the various funds for the City of Woodland Park, Colorado, for the 2021 Budget Year, and amending Ordinances No. 1386 and 1387, Series 2020 and set the Public Hearing for October 21, 2021.

*(Presenter, Finance Director Aaron Vassalotti)*

[\(1:17:39\)](#)

City Manager Lawson introduced Ordinance No. 1407, Series 2021 on initial posting, ordinance Adjusting Expenditure Appropriations to the various funds for the City of Woodland Park, Colorado, for the 2021 Budget Year.

Councilmembers Zuluaga and Alfieri expressed issues with the \$12,000 allocated towards COVID vaccine incentives in the Supplemental Appropriations and were concerned that this would be a liability to the City. Councilmember Zuluaga read the following article out-loud and asked that the City Clerk place this article into the record regarding COVID vaccines: *(Article attached, see pages 12 - 15) end of document)*

Council discussed the possibility of the City Attorney doing research on the liability a vaccine incentive would have for the City. Following Council discussion, Councilmember Case asked that the vaccine incentive be removed from the Supplemental Appropriation.

The following motion was made.

**MOTION:** To remove the vaccine incentives in the amount of \$12,000 from the Supplemental Appropriations. Case/Alfieri. Motion carried 4-2 with Nakai and Neal voting no.

After a brief Council discussion the following motion was made.

**MOTION:** To Approve Ordinance No. 1407 Series 2021 **as amended** on initial posting, an Ordinance Adjusting Expenditure Appropriations to the various funds for the City of Woodland Park, Colorado, for the 2021 Budget Year, and amending Ordinances No. 1386 and 1387, Series 2020 and set the Public Hearing for October 21, 2021. Case/Zuluaga. Motion carried 6-0.

***The time being 9:06 PM the Council took a brief recess. Mayor Pro-tem LaBarre readjourned the meeting at 9:20 PM.***

## **9. PUBLIC HEARINGS**

(Public comment may be heard (1))

- A.** Approve a new Hotel & Restaurant Liquor License for the Stuft Food Emporium , LLC dba as the Stuf'd Food Emporium located at 100 Morning Sun Drive, Woodland Park, Colorado 80863. **(QJ) (2:20:35)**  
(Presenter, Deputy City Manager, City Clerk Suzanne Leclercq)

City Clerk Leclercq reviewed the Staff Report with the Council. Leclercq noted that the applicant, Stuft Food Emporium, had applied for a Hotel Restaurant Liquor License. The applicant has a current sales tax license and FEIN number. The applicant has submitted a petition signed by 30 local residents and/or business owners stating that this business is desirable and meets the requirements of the neighborhood. The location is eligible and the Clerk's office has received proof of possession of the property. The application was submitted to the City Clerk's Office on August 30, 2021 and the Clerk's office published the Public Notice on the City's website on September 20, 2021. Leclercq reported that the property was also posted on that same date and that the character of the applicant is not an issue for this hearing. Leclercq also reported that all of the fees for this license have been paid.

Leclercq introduced the applicants to the Council. Mayor Pro-tem LaBarre opened the Public Hearing. There being no Public Comment, Mayor Pro-tem LaBarre closed the Public Hearing and the following motion was made.

**MOTION:** Approve a new Hotel & Restaurant Liquor License for the Stuft Food Emporium , LLC dba as the Stuf'd Food Emporium located at 100 Morning Sun Drive, Woodland Park, Colorado 80863. Nakai/Alfieri. Motion carried 6-0.

## **10. NEW BUSINESS**

(Public comment may be heard (1))

None

## **11. REPORTS**

(Public comment not necessary)

### **A. Mayor's Report**

Mayor Pro-tem LaBarre shared the upcoming events of the next two weeks.

### **B. Council Reports**

**Alfieri** - no report

**Case** - no report

**Nakai** - shared updates on Main Street and the Charter Review Committee.

**Neal** - shared updates on the Historical Preservation Committee and the Downtown Development Authority.

**Zuluaga** - shared that he enjoyed the CML networking that took place at the recent CML Conference and also shared an update on PPACG. Zuluaga also asked that the Council put on a future agenda the discussion of the Veterans Rally. Zuluaga asked the City Staff to try and figure out whether or not there was an increase in Sales Tax as a result of this event.

**C. City Attorney's Report**

None

**D. City Manager's Report**

City Manager Lawson shared that the Citizens Academy was currently taking place and that they had a full class of 25 attendees. Lawson also thanked the Citizen Academy students that were in attendance at tonight's meeting.

1. Comprehensive Plan and Land Use Code update.  
(Presenter, Planning Director Sally Riley)

Planning Director Riley shared a brief update of the Comprehensive Plan and Land Use Code update.

**12. ADJOURNMENT**

Mayor Pro-tem LaBarre adjourned the City Council Meeting at 9:56 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021

Hilary LaBarre, Mayor Pro-tem



WOODLAND AQUATIC CENTER

# Second Quarter Report

APRIL - JUNE, 2021



# OPERATIONS AND PROGRAMS

## Reservation Only:

- **Lap Lanes**
  - M-F: 5:30 - 11:15 AM
  - M & W: 3:30 - 6:15 PM
  - SAT: 8:00 - 10:45 AM
- **Leisure Lanes & Lazy River**
  - TU & TH:  
5:30 - 10:15 AM
- **High Risk Open Swim**
  - 3:30 - 4:30 PM
- **Shallow Water Fitness**
  - M, W, F: 8:00- 8:45 AM  
9:00 -9:45 AM
- **Deep Water Fitness**
  - TH: 5:30 - 6:15 PM

## Registration Only:

- **Private Family Swim Lessons**
  - **TU & TH**  
3:30 - 4:15 PM  
4:30 - 5:15 PM  
5:30 - 6:15 PM
- **Woodland Swim Academy**
  - M & W: 4:00-4:30 PM  
4:45 - 5:15 PM  
5:30 - 6:00 PM
  - M-F: 10:00 - 11:45 AM
- **American Red Cross Courses**
  - Lifeguard /Junior Lifeguard
  - Babysitter Bootcamp

## Registration Only (CONT):

- **Events**
  - Parent's Night Out
- **Rentals**
  - Birthday Parties
  - After Hour Rentals

## First Come, First Serve to Capacity

- **Open Swim**
  - W: 12:00 - 4:00 PM
  - M & F: 12:00 - 4:00 PM
  - SAT & SUN: 11:00 AM - 4:00 PM
- **Dive In Movies**



# OPERATIONS & STAFFING

## HOURS (APRIL 1- MAY 31)

|                 |                                                 |
|-----------------|-------------------------------------------------|
| Monday – Friday | 5:30 a.m. - 11:30 a.m.<br>3:30 p.m. - 6:30 p.m. |
| Wednesday       | 12:00 p.m. - 4:00 p.m.                          |
| Saturday        | 8:00 a.m. - 4:00 p.m.                           |
| Sunday          | 11:00 a.m. - 4:00 p.m.                          |

**62 hours / week**

## HOURS (JUNE 1)

|                 |                        |
|-----------------|------------------------|
| Monday – Friday | 5:30 a.m. - 6:30 p.m.  |
| Saturday        | 8:00 a.m. - 4:00 p.m.  |
| Sunday          | 11:00 a.m. - 4:00 p.m. |

**78 hours / week**

## FULL TIME EMPLOYEES

Aquatics Manager, Assistant Aquatics Manager, Facility Maintenance

## PART TIME EMPLOYEES

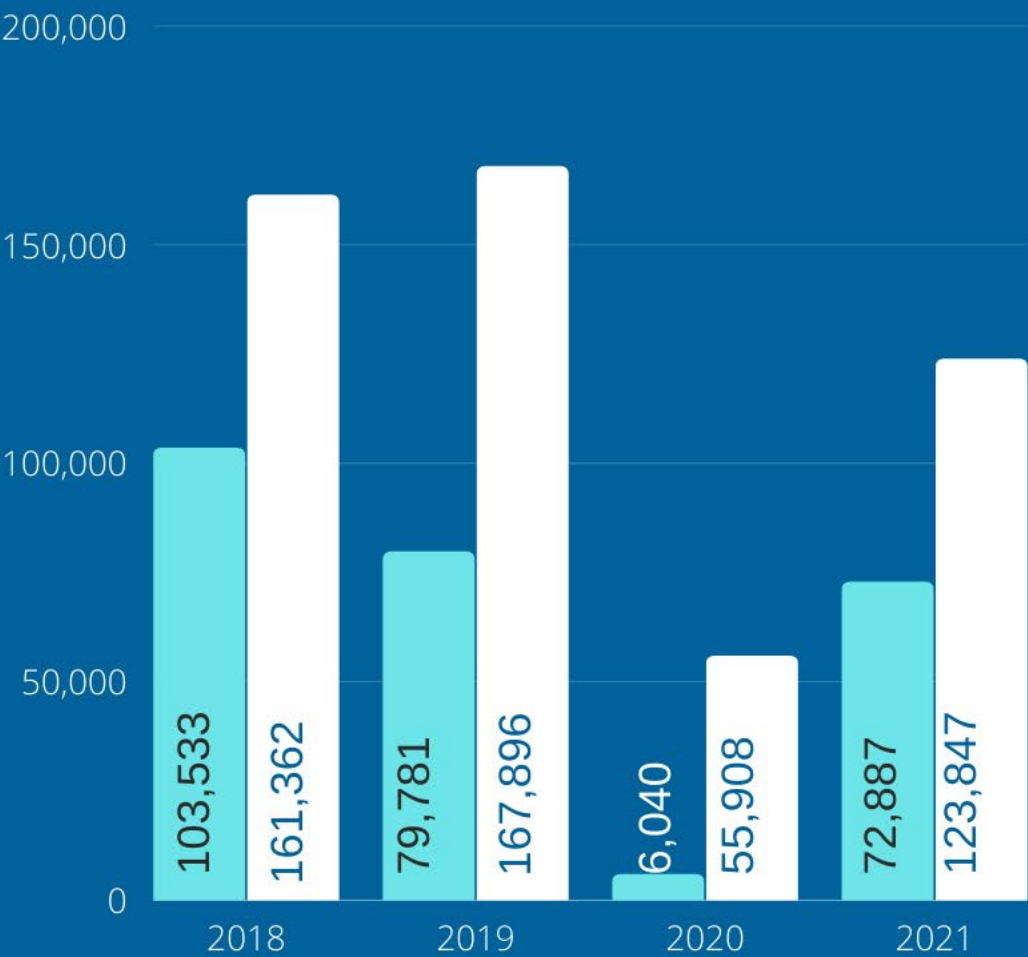
Lead Guard, Life Guard, Water Fitness,  
Water Safety Instructor

**3 Full Time + 10 Part Time**

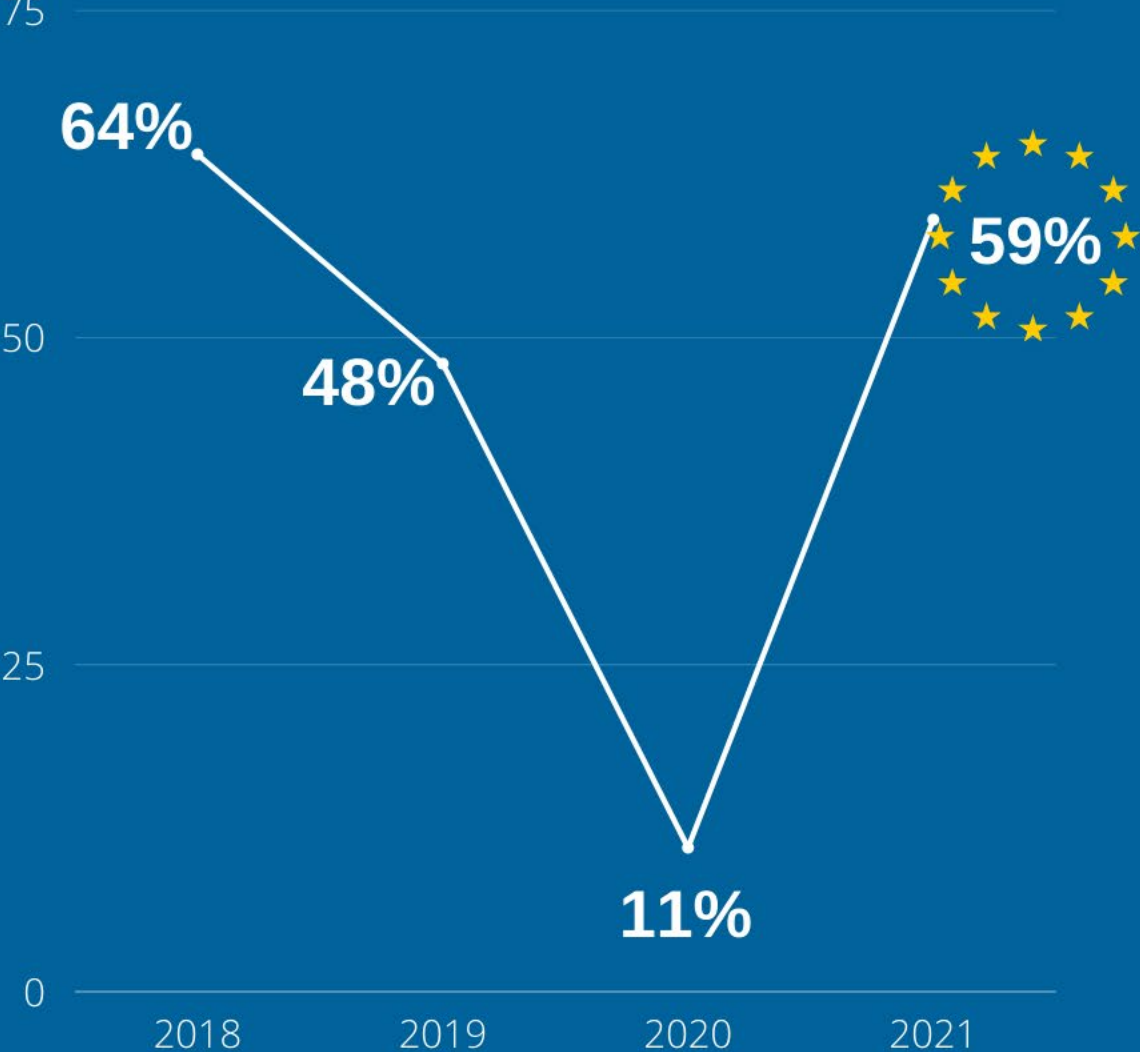


# SECOND QUARTER FINANCIALS

## Revenue v. Expenses



## Recovery Rate



# FDA Accidentally Reveals List Of Covid Vaccine Side Effects (Myocarditis, Autoimmune Disease & Death)

👤 Luis T   📁 CDC, Children Health, COVID-19, Covidian Cult, deception, FDA, Health, health misinformation, mRNA, Sick Fuckers, Side Effects, Vaccines, VAERS   ⌚ August 2, 2021   ⌵ 1 Minute

An FDA slideshow presentation regarding Covid vaccines (<https://humansarefree.com/category/vaccines>) last year accidentally displayed a long list of possible adverse reactions to the vaccine, including myocarditis, seizures and even death.

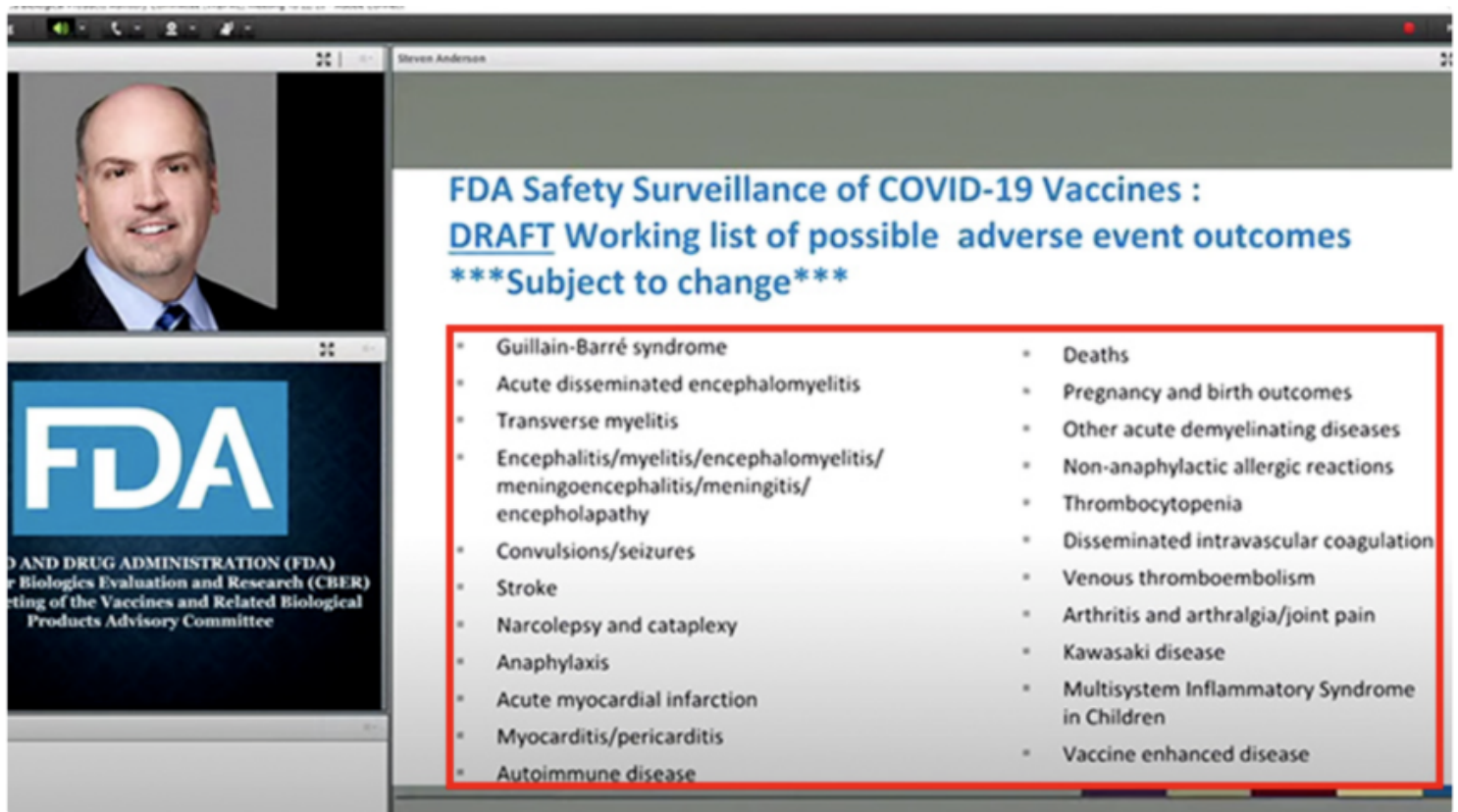


Image Credit: YouTube / U.S. Food and Drug Administration

The slide, showing the FDA's draft list of "possible adverse event outcomes," appeared briefly (<https://youtu.be/1XTiL9rUpkg?t=9220>) during a public meeting by the US Food and Drug Administration's Product Advisory Committee on Oct, 22, 2020 reviewing the safety and efficacy of Covid-19 vaccines (<https://humansarefree.com/category/vaccines>).



🚑 side effects accidentally shown at FDA presentation 2020 appeared for split second at 2:33:40 of original timing of FDA presentation Oct 22nd. During that split sec, screen showed adverse effects of 🚑 which FDA knew about in Oct 2020, even before they allowed it. [pic.twitter.com/y85PaD4tsR](https://t.co/y85PaD4tsR) (<https://t.co/y85PaD4tsR>)

— 🦠 Gawjus\_G 🦠 (@gawjus\_g) July 28, 2021 ([https://twitter.com/gawjus\\_g/status/1420512587284889607?ref\\_src=twsrc%5Etfw](https://twitter.com/gawjus_g/status/1420512587284889607?ref_src=twsrc%5Etfw))

The slide is headlined, “FDA Safety Surveillance of COVID-19 Vaccines: DRAFT Working list of possible adverse event outcomes \*\*\*Subject to change\*\*\*.”

**FDA Safety Surveillance of COVID-19 Vaccines :**  
**DRAFT Working list of possible adverse event outcomes**  
**\*\*\*Subject to change\*\*\***

- Guillain-Barré syndrome
- Acute disseminated encephalomyelitis
- Transverse myelitis
- Encephalitis/myelitis/encephalomyelitis/ meningoencephalitis/meningitis/ encepholopathy
- Convulsions/seizures
- Stroke
- Narcolepsy and cataplexy
- Anaphylaxis
- Acute myocardial infarction
- Myocarditis/pericarditis
- Autoimmune disease
- Deaths
- Pregnancy and birth outcomes
- Other acute demyelinating diseases
- Non-anaphylactic allergic reactions
- Thrombocytopenia
- Disseminated intravascular coagulation
- Venous thromboembolism
- Arthritis and arthralgia/joint pain
- Kawasaki disease
- Multisystem Inflammatory Syndrome in Children
- Vaccine enhanced disease

**FDA**  
 FOOD AND DRUG ADMINISTRATION (FDA)  
 Center for Biologics Evaluation and Research (CBER)  
 161st Meeting of the Vaccines and Related Biological Products Advisory Committee

Possible adverse reactions shown in the FDA’s “working list” include:

- Guillain-Barré syndrome
- Acute disseminated encephalomyelitis (“Characterized by a brief but widespread attack of inflammation in the brain and spinal cord that damages myelin – the protective covering of nerve fibers,” according to NIH.)
- Transverse myelitis
- Encephalitis/ myelitis/ encephalomyelitis/ meningoencephalitis/ meningitis/ encepholopathy
- Convulsions/seizures
- Stroke
- Narcolepsy and cataplexy
- Anaphylaxis
- Acute myocardial infarction
- Myocarditis/pericarditis
- Autoimmune disease
- Deaths
- Pregnancy and birth outcomes
- Other acute demyelinating diseases
- Non-anaphylactic allergic reactions

- Thrombocytopenia
- Disseminated intravascular coagulation
- Venous thromboembolism
- Arthritis and arthralgia/joint pain
- Kawasaki disease
- Vaccine enhanced disease

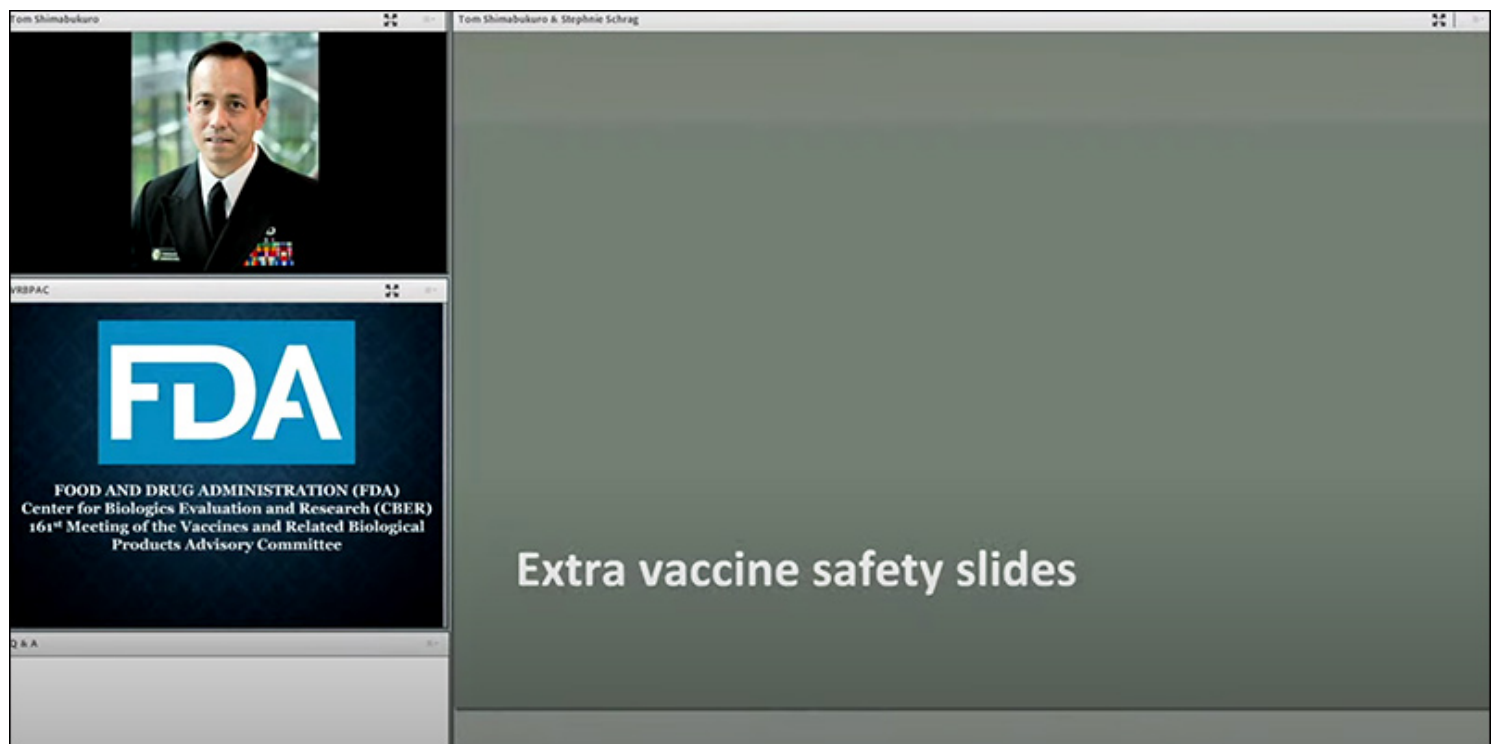
The list also notes “Multisystem Inflammatory Syndrome in Children” as one possible outcome following vaccination.

While adverse events were generally discussed throughout the meeting, the slide’s contents were not covered in-depth.

The meeting came as the FDA was considering granting emergency use authorization to Pfizer and Biontech’s experimental jab.

Despite the long list of known possible side effects, the FDA later granted Pfizer emergency use authorization on December 11, 2020, about two months after the meeting.

During the same meeting, a similar list of adverse reactions also appeared briefly during deputy director of the Immunization Safety Office at the CDC Tom Shimabukuro’s presentation (at around 2:06:29 (<https://youtu.be/1XTiL9rUpkg?t=7589>)).





Tom Shimabukuro


VBPAC


**FOOD AND DRUG ADMINISTRATION (FDA)**  
Center for Biologics Evaluation and Research (CBER)  
161<sup>st</sup> Meeting of the Vaccines and Related Biological Products Advisory Committee

Q & A

Tom Shimabukuro & Stephanie Schrag

## Preliminary list of VAERS AEs of special interest

- \* COVID-19 disease
- \* Death
- \* Vaccination during pregnancy and adverse pregnancy outcomes
- \* Guillain-Barré syndrome (GBS)
- \* Other clinically serious neurologic AEs (group AE)
  - Acute disseminated encephalomyelitis (ADEM)
  - Transverse myelitis (TM)
  - Multiple sclerosis (MS)
  - Optic neuritis (ON)
  - Chronic inflammatory demyelinating polyneuropathy (CIDP)
  - Encephalitis
  - Myelitis
  - Encephalomyelitis
  - Meningoencephalitis
  - Meningitis
  - Encephalopathy
  - Ataxia
- \* Seizures / convulsions
- \* Stroke
- \* Narcolepsy / cataplexy
- \* Autoimmune disease
- \* Anaphylaxis
- \* Non-anaphylactic allergic reactions
- \* Acute myocardial infarction
- \* Myocarditis / pericarditis
- \* Thrombocytopenia
- \* Disseminated intravascular coagulation (DIC)
- \* Venous thromboembolism (VTE)
- \* Arthritis and arthralgia (not osteoarthritis or traumatic arthritis)
- \* Kawasaki disease
- \* Multisystem Inflammatory Syndrome (MIS-C, MIS-A)

Tom Shimabukuro


VBPAC


**FOOD AND DRUG ADMINISTRATION (FDA)**  
Center for Biologics Evaluation and Research (CBER)  
161<sup>st</sup> Meeting of the Vaccines and Related Biological Products Advisory Committee

Q & A

Tom Shimabukuro & Stephanie Schrag

## Preliminary list of VSD pre-specified outcomes for RCA

- \* Acute disseminated encephalomyelitis (ADEM)
- \* Acute myocardial infarction (AMI)
- \* Anaphylaxis
- \* Acute respiratory distress syndrome (ARDS)
- \* Arthritis and arthralgia / joint pain
- \* Convulsions / seizures
- \* Disseminated intravascular coagulation (DIC)
- \* Encephalitis / myelitis / encephalomyelitis / meningoencephalitis / meningitis / encephalopathy (not ADEM or TM)
- \* Guillain-Barré syndrome (GBS)
- \* Immune thrombocytopenia (ITP)
- \* Kawasaki disease (KD)
- \* Multisystem Inflammatory Syndrome in Children (MIS-C)
- \* Myocarditis / pericarditis
- \* Narcolepsy / cataplexy
- \* Stroke
- \* Transverse myelitis (TM)
- \* Venous thromboembolism (VTE)

The question stands: why if the FDA was aware of the litany of possible adverse outcomes, which macabrely include death, did they not inform the public about the risks, and instead choose to authorize its approval.

Here's the FDA's full "Vaccines and Related Biological Products Advisory Committee" meeting on 10/22/2020.



## City Council Staff Report CC Public Hearing October 21, 2021

### AGENDA ITEM

**ZON2021-08:** Consider Ordinance No. 1404 a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone. **(QJ)**

### BACKGROUND

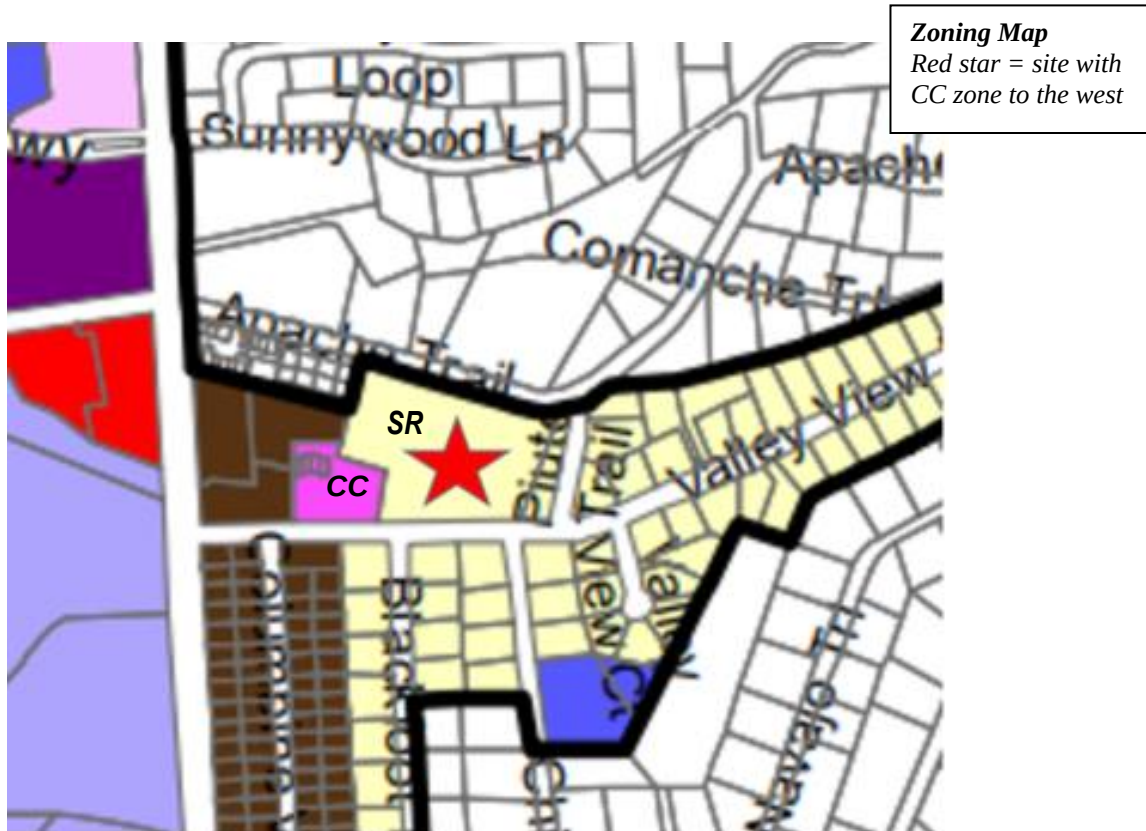
This 5.41 acre site is currently zoned Suburban Residential (SR). The Applicant would like to rezone to Community Commercial (CC) in order to continue the preschool (daycare) use. In 1994, the Church



purchased the property and received permission to build the existing building when the property was zoned C-2. In 1997 the property's zone district was changed to SR during the zoning overhaul of the entire City. Staff believes this was an oversight and the property should have remained zoned commercial. Recently, Staff learned that the Church's daycare center was planning to remodel their interior classrooms. The request for a building permit triggered Staff's discovery that the underlying SR zone does not support a commercial daycare use, thus the need to rezone to CC.

## EXISTING SURROUNDING USES AND ZONING

|              | ZONE                                                                                 | USE                                                                                                                                                                                        |
|--------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NORTH</b> | Residential (R-1) and Teller County ROW                                              | Area is outside the City Limits: Apache Trail and single family homes in Teller County                                                                                                     |
| <b>EAST</b>  | Suburban Residential (SR)                                                            | Teller County Water and Sanitation District pump station, Piute Trail and Park View Estates Subdivision single family homes                                                                |
| <b>SOUTH</b> | Suburban Residential (SR)                                                            | Valley View Drive and Park View Estates Subdivision single family homes                                                                                                                    |
| <b>WEST</b>  | Community Commercial (CC) and Multi-family Urban and Teller County Multifamily (R-2) | Office Building know as Jamestown Square owned by Woodland Community Church, Trailhead Townhomes under construction by Habitat for Humanity, and Apache Village Townhomes in Teller County |



The adjacent Community Commercial (CC) zone (hot pink) is known as Jamestown Square and is also owned by the Woodland Park Community Church. The rezone would unify the zoning with the church's office building and would restore the original commercial zone and uses

The table below provides a summary and comparison of uses for SR and CC zones.

|                                       | <b>SUBURBAN RESIDENTIAL (SR)<br/>MC 18.12</b>                                                                                   | <b>COMMUNITY COMMERCIAL<br/>(CC) MC 18.21</b>                                                                                                                                                                     |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose</b>                        | Max. 1 unit/acre and place of worship                                                                                           | General retail, office, community service business                                                                                                                                                                |
| <b>Permitted Uses<br/>(typical)</b>   | Park/Playground/Tennis Court, Small Home Child Care, Essential Services                                                         | Sports Club, Vet, Pet Shop, Rec Center, Auto Part Sales, Auto Rental, Office, Bank, Copy Shop, Health Clinic, <b><u>Child Care Center</u></b> , Restaurant, Retail Sales, one Single Family Unit/Duplex per lot   |
| <b>Conditional Uses<br/>(typical)</b> | Residence Care Home, Nursing Home, School, Church, Public Facility, Duplexes/Multi-Family Units subject to platting, Apartments | Greenhouse, Campground, RV Park, Appliance/Furniture Repair, Gas Station, Auto Sales, Contractor Services/Office, Hotel, Fast Food, Warehouse, Self-Storage, Multi-family (3+ DU) subject to platting, Apartments |
| <b>Height</b>                         | 30 feet (20 feet accessory building)                                                                                            | 35 feet                                                                                                                                                                                                           |
| <b>Setbacks</b>                       | 25 feet Front/Rear, 8 feet Side (4 feet accessory buildings)                                                                    | 25 feet Front/Rear; 8 feet Side (15 feet abutting residential zone)                                                                                                                                               |
| <b>Frontage</b>                       | 40 feet                                                                                                                         | 50 feet                                                                                                                                                                                                           |
| <b>Parking</b>                        | MC 18.14.070<br>• 1.5 spaces/1-bedroom unit<br>• 2 spaces/2-bedroom unit<br>• 2.5 spaces/3+-bedroom unit                        | Typ. 1 space/200 SF of floor area                                                                                                                                                                                 |
| <b>Fencing &amp; Shrubbery</b>        | MC 18.42: max. 6' high privacy fence                                                                                            | 6-foot high solid fence buffer abutting residential; may be barbed                                                                                                                                                |
| <b>Signs</b>                          | MC 18.48.070.C: Low-profile identification sign allowed by permit                                                               | Commercial signs allowed by permit                                                                                                                                                                                |
| <b>Sidewalks</b>                      | MC 18.33.170: Construction required or fees-in-lieu                                                                             | Construction required or fees-in-lieu.                                                                                                                                                                            |
| <b>Landscaping</b>                    | 18.33.180.E: Street yard landscape strip (20') adjacent to street                                                               | 25% of lot (1/2 next to residential zone)                                                                                                                                                                         |
| <b>Open Space</b>                     | 40% of lot                                                                                                                      | 20% of lot                                                                                                                                                                                                        |



## **EXISTING USE CONSIDERATIONS**

**Access.** This developed lot has adequate access to/from Valley View Drive to the south and a secondary access point to/from Apache Trail.

**Utilities.** Water and sewer is provide by the Teller County Water and Sanitation District who has historically serviced this property when it was the former Williams Restaurant and Resort in the 1980s. Fire hydrants are serviced through the City of Woodland Park Utilities Department. Dry utilities (i.e., natural gas, electric, phone and cable) are provided by their respective utility companies.

**Drainage and Topography.** The site is predominantly developed with 23,892 SF sanctuary, lobby, offices, gymnasium, kitchen, classrooms and large parking lot. The 1994 design included proper drainage and stormwater detention. Because the site is encumbered with the FEMA regulated Loy Gulch Floodplain, a Flood Hazard Development Permit was reviewed and approved in 1994.

**Parking.** The 1994 site plan and development provided adequate parking for the place of worship. However in 2017, the church expanded their parking lot by adding 51 new spaces to accommodate the growth of the church. The drainage facilities and detention pond was also improved to handle the additional stormwater run-off.

**Child Care Center.** The Woodland Park Community Church has been operating the “Learning Center” preschool since 2000. The Center provides childcare for approximately 75 preschool children which is much needed service for families in the region. The rezoning will allow for this service to continue.

## **REZONING ANALYSIS**

Amendments to Title 18 (including supplements, changes, modifications or repeal of boundaries or regulations) are regulated by MC 18.69.010 and City Charter Section 15.7. This section of the Municipal Code outlines the process for review and the review bodies involved, but does not provide any specific review criteria. It is staff policy to use the following review criteria when considering rezoning applications:

1. *Is the proposed zoning consistent with the Comprehensive Plan Map?*



- **No.** The 2010 Plan Map identifies the subject property as “Residential” which aligned with the site’s 1997 zoning. However, this rezoning request will cause the Envision 2030 Comprehensive Plan Map to be updated to commercial use.



2. *Is the proposed zoning consistent with the Comprehensive Plan Goals and Objectives?*
- **Yes.** Staff believes that the rezoning request meets many Plan Goals and Objectives including:  
Community Wellbeing Goal #2 As the population demographic in Woodland Park shifts, maintain our reputation as a child-friendly community....”  
Education Objective #1.1 Ensure that a diverse range of learning opportunities is accessible and available for residents, visitors and business owners of all ages.  
Envision 2030 DRAFT Comprehensive Plan Education Goal #1: Woodland Park values, supports and invests in the local education systems as essential instruments in community development.  
Quality child care options are essential for working families.
3. *Have changes occurred in the surrounding properties that warrant a change in zoning classification?*
- **Yes.** The tract has been used as a place of worship with preschool program since 2000. The surrounding properties are mostly built-out with high density multifamily units and lower density single family units. The demand for quality daycare for families with young children is a real and pressing change that supports this rezoning application.
4. *Is rezoning to MFU zone appropriate at this location?*
- **Yes.** The original C-2 was appropriate when Woodland Park Community Church was developed in 1994. The Church itself is more of a commercial use. The surrounding multifamily and residential uses are and compatible with the church services and child care center.
5. *Can this commercial rezone be served with planned water resources?*
- **Yes.** The City’s planned water resources and Teller County Water and Sanitation District are adequate to service the existing church and daycare facility. The proposed zone change will have no net effect on water usage.
6. *Can this commercial rezone be served with wastewater treatment resources?*
- **Yes.** With the recently completed expansion of the City’s wastewater treatment plant, the City’s wastewater treatment capacity can service this commercial use and a service population of 14,100 people. Wastewater treatment capacity to serve the proposed zoning change is available and adequate for present and future needs.

## **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. The site was posted with a public notice poster and notice of the public hearing was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no written comments regarding this rezoning proposal.

Applications were referred to the City Utilities/Public Works Director, the City Inspector, CORE, NETCFPD and Teller County. All comments made have incorporated into this Staff Report.

### **STAFF RECOMMENDATION**

APPROVE the zone change from Suburban Residential (SR) to Community Commercial (CC) to for the 5.41 acres site with a legal description of Lot 2, Park View Estates, Filing #2. (800 Valley View Drive).

### **PLANNING COMMISSION REVIEW**

The Planning Commission public hearing occurred on September 23, 2021. Pursuant to Title 18.69 and the City Charter Section 15.7, the Planning Commission shall review the application and make a recommendation to City Council. The Commission recommended approval unanimously and the draft minutes are attached.

### **CITY COUNCIL REVIEW**

The City Council first reading of the rezoning ordinance is scheduled for October 7, 2021 and the public hearing is scheduled for October 21, 2021. Pursuant to Title 18.69 and City Charter Section 15.7, City Council shall review the request and shall either zone the property or deny the request. Four (4) affirmative votes of the Mayor and members of Council shall be required to overrule the recommendations of the Planning Commission. Any request denied shall not be resubmitted or reconsidered for a period of one (1) year after such denial, unless an initiated petition is approved (City Charter Section 8.1).

### **STAFF REPORT ATTACHMENTS**

1. Application
2. Minutes from the September 23, 2021 meeting
3. Ordinance No. 1404, Series 2021



**2021 GENERAL APPLICATION**  
(Revised 1/1/2021)

Project # 202108248  
Case # ZON2021-08  
Fee(s): See City of Woodland Park  
Fees Sheet (Plus publication/recording  
fees, as applicable)



**Type of Application (Check one or more as applicable)**

- |                                                           |                                                         |                                           |
|-----------------------------------------------------------|---------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Site Plan Review Permitted Use   | <input type="checkbox"/> Special Use Permit             | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Site Plan Review Conditional Use | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Exemption Plat   |
| <input type="checkbox"/> Conditional Use Permit           | <input type="checkbox"/> PUD Amendment                  | <input type="checkbox"/> Final Plat       |
| <input checked="" type="checkbox"/> Zoning Change         | <input type="checkbox"/> Appeal                         | <input type="checkbox"/> Townhouse Plat   |
| <input type="checkbox"/> Extension of Development         | <input type="checkbox"/> Variance                       | <input type="checkbox"/> Condominium Plat |

**1. Applicant Information**

- a. Applicant Name Woodland Park Community Church
- b. Project Coordinator ☐ Property Owner ☒
- c. Mailing Address 700 Valley View Dr. Woodland Park, CO 80863
- d. E-mail Address jim@wpcchurch.org
- e. Phone Numbers Home (719)687-9444 Work \_\_\_\_\_ Mobile \_\_\_\_\_

**2. Property Owner Information (if different from above)**

- a. Name \_\_\_\_\_ Project Contact? Yes ☐ No ☐
- b. Mailing Address \_\_\_\_\_
- c. E-mail Address \_\_\_\_\_
- d. Phone Numbers Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_

**3. Site Information**

- a. Site Address 800 Valley View Dr.
- b. Lot L2 Block \_\_\_\_\_ Subdivision Park View Estates 2
- c. Property Zoning SR Lot Size 5.41 Acres ☒ Square Feet ☐

**4. Project Information**

- a. Project Name WP Community Church Re-zone
- b. Brief Description of Project/Request To change zone classification from Suburban Residential to Community Commercial
- c. Project Narrative (On a separate sheet provide additional project details and how the proposal complies with the applicable code requirements, which can be found in Section 8 of this application.)

**5. Consultant Information** (if applicable)

**a. Architect**

- i. Project Contact David Langley
- ii. Firm Name David A Langley PC
- iii. Physical Address 350 W Henrietta Ave, Woodland Park, CO 80863
- iv. Mailing Address P.O. Box 5858, Woodland Park, CO 80866
- v. E-mail Address david@davidalangley.com
- vi. Phone Numbers: Business (719)686-0500 Mobile \_\_\_\_\_

**b. Engineer**

- i. Project Contact \_\_\_\_\_
- ii. Firm Name \_\_\_\_\_
- iii. Physical Address \_\_\_\_\_
- iv. Mailing Address \_\_\_\_\_
- v. E-mail Address \_\_\_\_\_
- vi. Phone Numbers: Business \_\_\_\_\_ Mobile \_\_\_\_\_

**c. Planner**

- i. Project Contact \_\_\_\_\_
- ii. Firm Name \_\_\_\_\_
- iii. Physical Address \_\_\_\_\_
- iv. Mailing Address \_\_\_\_\_
- v. E-mail Address \_\_\_\_\_
- vi. Phone Numbers: Business \_\_\_\_\_ Mobile \_\_\_\_\_

**d. Surveyor**

- i. Project Contact \_\_\_\_\_
- ii. Firm Name \_\_\_\_\_
- iii. Physical Address \_\_\_\_\_
- iv. Mailing Address \_\_\_\_\_
- v. E-mail Address \_\_\_\_\_
- vi. Phone Numbers: Business \_\_\_\_\_ Mobile \_\_\_\_\_

**e. Other** (specify role) \_\_\_\_\_

- i. Project Contact \_\_\_\_\_
- ii. Firm Name \_\_\_\_\_
- iii. Physical Address \_\_\_\_\_
- iv. Mailing Address \_\_\_\_\_
- v. E-mail Address \_\_\_\_\_
- vi. Phone Numbers: Business \_\_\_\_\_ Mobile \_\_\_\_\_



## 6. Submittal Requirements

The following items must be included at time of submittal (in addition to items on the submittal checklists) or the application will not be processed (additional copies may be requested).

| Type of Application | 24" x 36" Plan Set | 11" x 17" Plan Set | Adobe Acrobat Portable Document Format (.pdf) electronic Plan Set on a flash drive | Warranty Deed or Title Policy | List of adjoining property owners within 150' | Copies of reports (narrative, traffic study, drainage, etc.) |
|---------------------|--------------------|--------------------|------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------|--------------------------------------------------------------|
| All Types           | 1                  | 1                  | 1                                                                                  | 1                             | 1                                             | 1                                                            |

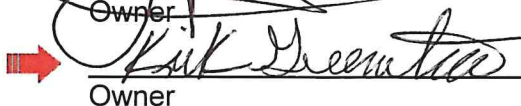
## 7. Applicable Code Sections

The following are the applicable code sections by type of application and are for assisting applicants in completing the required project narrative. The City of Woodland Park's Municipal Code can be found at [www.city-woodlandpark.org/Charter&Code](http://www.city-woodlandpark.org/Charter&Code). Subdivision requirements are in Title 17 and Zoning is in Title 18 of the Municipal Code.

| Type of Application              | Applicable Code Sections                                                                                                                                         |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Plan Review Permitted Use   | Chapters 18.34, 18.33 and 18.39                                                                                                                                  |
| Site Plan Review Conditional Use | Chapters 18.34, 18.57, 18.33 and 18.39                                                                                                                           |
| Conditional Use Permit           | Chapter 18.57 plus applicable site plan regulations                                                                                                              |
| Zoning Change                    | There are no specific standards, but the applicant should provide supporting argument for a zoning change, including how it complies with the Comprehensive Plan |
| Special Use Permit               | Chapter 18.61 plus applicable site plan regulations                                                                                                              |
| Planned Unit Development         | Chapters 18.30, 18.33, 18.39, Sections 17.20.070, and 17.20.080                                                                                                  |
| Appeal                           | Chapter 18.54                                                                                                                                                    |
| Variance                         | Chapter 18.60                                                                                                                                                    |
| Preliminary Plat                 | Chapter 17.20 plus applicable subdivision sections                                                                                                               |
| Exemption Plat                   | Section 17.52.030 plus applicable subdivision sections                                                                                                           |
| Final Plat                       | Chapter 17.24 plus applicable subdivision sections                                                                                                               |
| Townhouse Plat                   | Chapter 17.32 plus applicable subdivision sections                                                                                                               |
| Condominium Plat                 | Chapter 17.32 plus applicable subdivision sections                                                                                                               |

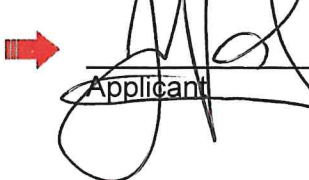
## 8. Certification of Ownership

I (We) do hereby declare and affirm that I (we) am (are) the exclusive owner(s) and title holder(s) of the above described property.

 James Vandermeer Executive Pastor 8/17/21  
 Owner Date  
 Kirk Greenlee Senior Pastor 8/17/21  
 Owner Date

## 9. Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

I certify that I understand that the proposed development is in accordance with all provisions of the City of Woodland Park's Municipal Code and other applicable regulations.

 Applicant 8/17/21  
 Date



**CITY OF WOODLAND PARK  
ZONING CHANGE APPLICATION CHECKLIST**

---

**PLEASE PROVIDE THE FOLLOWING ATTACHMENTS:**

- A. Map of the proposed rezoning area and legal description.
- B. Zoning change justification – a narrative addressing the eight questions below.
- C. Site sketch plan or site plan review application of the proposed development or redevelopment of the area.
- D. Warranty Deed or Title Policy that verifies your ownership of the property.
- E. List of the surrounding property owners and addresses.

**JUSTIFICATION FOR THE REQUEST**

The City Municipal Code does not provide specific criteria with which to evaluate a rezoning request. As a result, several general questions are asked to draw a rational opinion of whether the change in zoning makes good sense for the community and can be supported by the City Council.

1. Describe the history of the property. When was the property annexed into the City and how long has it been zoned within the City? How long have you owned the property and who were the previous owners? What was your intent for the property when you purchased it?

*The property was originally developed by Woodland Park Community Church while the zoning was still considered C-2 commercial. During the rezoning in 1996-97, the zoning was changed to Suburban Residential. The church purchased the property and received permission to build in 1994. When the property was purchased it was intended to be used as a church with many groups both within the church and within the community using it for gatherings of all kinds.*

2. Describe what you intend to do with property if zoning change is granted? What are your future development or redevelopment plans? Attach a Site Plan that depicts your narrative.

*We have been operating our Learning Center preschool in some form since 2000. Our intent with the rezoning is to continue to run this facility, which provides childcare for 75 preschool aged children from our community. It is one of the highest rated and most highly regarded preschools in our region.*

3. How has the neighborhood changed or surrounding property changed that would support the justification of a zoning change? Include information about the appropriateness of this zoning classification at your location.

*This change would be restoring the property to it's original zoning and would allow for the continuation of the Learning Center preschool. The church itself is more of a commercial property than a residential. Our usage model will not be changing based on this zoning change but the church usage is more consistent with a community commercial zoning than suburban residential. It would also unify the zoning with the adjacent zone that the church office building currently occupies.*

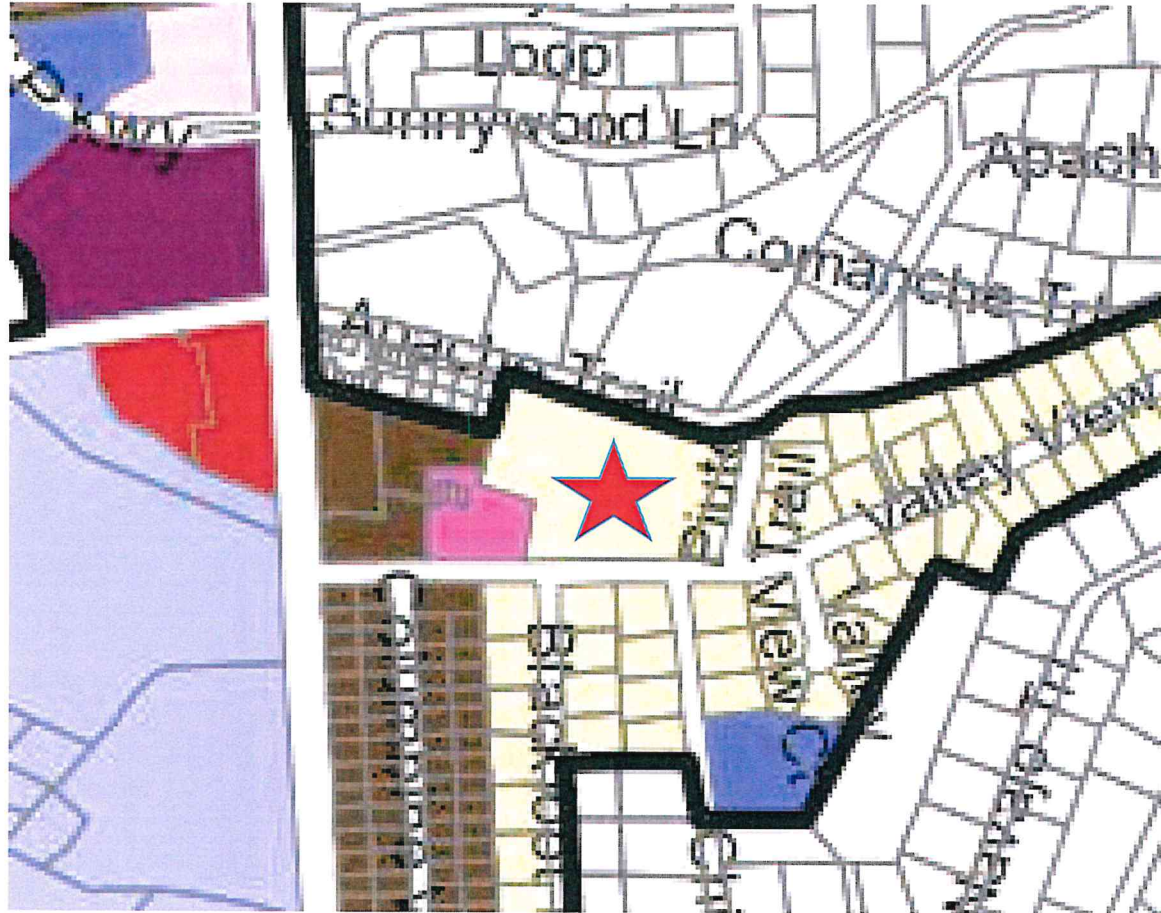
4. Describe how proposed zoning is consistent with the Comprehensive Plan Map?  
*The zoning is a change from the current Comprehensive Plan Map which as of 2010 considered this property residential. There is a project underway to amend the 2010 plan map. The request would make this change to be updated on the new plan map.*
5. Describe how the proposed zoning is consistent with Comprehensive Plan Goals and Objectives?  
*Within the Envision Woodland Park 2030 plan there is a statement that the planning department would like to encourage mixed-use buildings in our community and within the housing areas. This rezoning would allow for the greatest amount of mixed use of the church facility in the future. Also the population growth focus will require greater childcare infrastructure to support the increase in families within the community. The rezoning will allow The Learning Center preschool to be a large factor in supporting those families.*
6. Describe the need for your proposed development or redevelopment project in Woodland Park that requires a zoning change.  
*The rezoning is necessary to maintain one of the largest and most highly regarded preschool facilities in our community.*
7. Describe the City's capability and capacity to serve the proposed development or redevelopment (maximum density) of the site with the City's planned water resources and existing wastewater treatment capacity?  
*The proposed change will have no net effect on the existing water and wastewater systems. It will maintain the current level of usage from the property.*
8. Describe how you plan to meet the City's development or redevelopment standards for drainage, floodplain criteria, traffic, grading, landscaping, tree preservation, lighting, parking, architectural design and other site design considerations.  
*The proposed change will have no net effect on the existing drainage, floodplain, traffic, etc. This is not a structural change to the facility, just a rezoning to match the current usage model.*

Woodland Park Community Church  
Lot 2, Park View Estates Filing #2  
800 Valley View Drive, Woodland Park

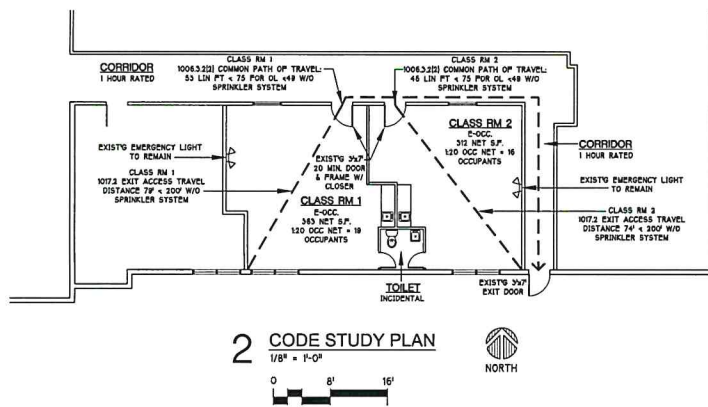
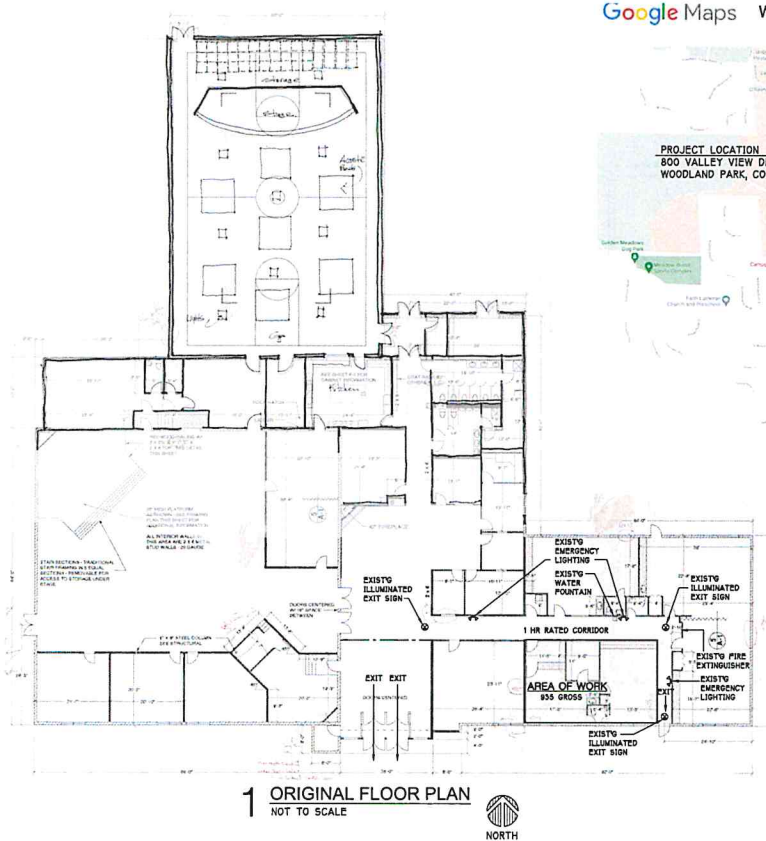
Subject Property



Request to change  
Zone District from  
Suburban Residential  
(light yellow) to  
Community  
Commercial (hot pink)







Google Maps Woodland Park Community Church



**INDEX OF DRAWINGS:**  
A1.0 EXISTING PLAN & CODE STUDY & NOTES  
A2.0 DEMO & NEW CONSTRUCTION, RCP & DETAILS

**OWNER:**  
WOODLAND PARK COMMUNITY CHURCH  
PO BOX 448  
WOODLAND PARK, CO 80866  
KIM LEITHNER  
wpcic@gmail.com

**STREET ADDRESS:**  
800 VALLEY VIEW DR  
WOODLAND PARK, CO

**SCHEDULE NO:**  
R0023564

**ZONING:**  
SR

**LEGAL DESCRIPTION:**  
L2 PARK VIEW ESTATES 2

**APPLICABLE CODES:**  
2017 PIKES PEAK REGIONAL BUILDING CODE (PPRBC)  
2015 INTERNATIONAL BUILDING CODE (IBC)  
2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)  
2015 INTERNATIONAL MECHANICAL CODE (IMC)  
2015 INTERNATIONAL FUEL GAS CODE (IFGC)  
2015 INTERNATIONAL PLUMBING CODE (IPC)  
2017 NATIONAL ELECTRICAL CODE (NEC)

#### GENERAL NOTES:

1. APPLICABLE CODES:  
ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE GOVERNING CODES AND APPLICABLE STANDARDS. (2017 IBC)
2. DIMENSIONS:  
DO NOT SCALE DRAWINGS. ALL DIMENSIONS ARE TO FACE OF STUD, STRUCTURAL INSULATED PANELS, FACE OF CONCRETE, OR FACE OF ICF UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE CONFIRMED AND CORRELATED BY THE CONTRACTOR AT THE JOB SITE. IN CASE OF QUESTIONS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT FOR FURTHER CLARIFICATION.
3. GUARANTEE:  
THE ARCHITECT MAKES NO EXPRESSED OR IMPLIED GUARANTEE FOR PRODUCTS IDENTIFIED BY TRADE NAME OR MANUFACTURER.
4. NOTE TO GENERAL CONTRACTOR, BUILDER AND TRADES:  
RESPONSIBILITIES SHALL INCLUDE: CONFIRMATION AND CORRELATION OF ALL DIMENSIONS AT THE JOB SITE; FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION; COORDINATION OF ALL OTHER TRADES; FURNISHING ALL ITEMS REQUIRED FOR THE PROPER EXECUTION, COMPLETION AND SATISFACTORY PERFORMANCE OF ALL WORK NECESSARY, INDICATED REASONABLY INFERRED OR REQUIRED BY ANY CODE WITH JURISDICTION TO COMPLETE THEIR SCOPE OF WORK FOR A PROPERLY FINISHED JOB. IN CASE OF ANY QUESTIONS OR NEED FOR FURTHER CLARIFICATION OF INFORMATION AND OR DETAILS, CONTACT THE ARCHITECT PRIOR TO FURTHER CONSTRUCTION OR FABRICATION FOR ITEMS IN QUESTION. IN ANY ASPECT THAT THE PLANS ARE NOT FOLLOWED, THE ARCHITECT ACCEPTS NO RESPONSIBILITY.
5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL WORK AND MATERIALS IN ACCORDANCE WITH ALL LOCAL REGULATORY AGENCIES, APPLICABLE BUILDING CODES AND REQUIREMENTS.
6. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF WORK, INSPECTIONS AND APPROVALS IN ALL FIELDS OF THEIR WORK AND OBTAINING THE FINAL "CERTIFICATE OF OCCUPANCY".
7. THE GENERAL CONTRACTOR SHALL HAVE ON SITE, THE APPROVED CONSTRUCTION DRAWINGS AND BUILDING PERMITS.
8. THE GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL PURCHASE AND MAINTAIN CERTIFICATES OR INSURANCE WITH RESPECT TO WORKMEN'S COMPENSATION, PUBLIC LIABILITY AND PROPERTY DAMAGE FOR THE LIMITS AS REQUIRED BY LAW.
9. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE SECURITY OF THE PROJECT AND SHALL BE RESPONSIBLE FOR DISPLINES OF ALL TRADES ON THE PROJECT.
10. ANY DISCREPANCIES BETWEEN THE ARCHITECTURAL DRAWINGS AND CONSTRUCTION NOTES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY FOR RESOLUTION.
11. "TYPICAL" MEANS IDENTICAL FOR ALL SAME CONDITIONS UNLESS OTHERWISE NOTED. "SIMILAR" MEANS COMPARABLE CHARACTERISTICS FOR THE CONDITIONS NOTED. VERIFY DIMENSIONS AND ORIENTATIONS ON PLAN AND WITH THE ARCHITECT.
12. PROVIDE  $\frac{3}{4}$ " WATER RESISTANT GYP. BD AT ALL WET LOCATIONS INCLUDING ON WALLS BEHIND PLUMBING FIXTURES.
13. PROVIDE LEVER TYPE DOOR HANDLES OPERABLE BY A SINGLE EFFORT WITH NO GRASPING OR HAND MOVEMENT REQUIRED. ALL EXIT DOORS SHALL BE OPERABLE FROM THE INTERIOR, WITHOUT ANY SPECIAL KNOWLEDGE, EFFORT OR USE OF A KEY.
14. PROVIDE WOOD BLOCKING BETWEEN VERTICAL STUDS AS NECESSARY FOR PROPER ATTACHMENT OF BASE CABINETS, COUNTERTOPS, GRAB BARS ETC.
15. THRESHOLDS TO BE A MIX. HEIGHT OF  $\frac{1}{2}$ " WITH BEVELED EDGE WITH A MAX. VERTICAL LEVEL CHANGE OF  $\frac{1}{4}$ ".

#### PROJECT DATA:

**BUILDING DESCRIPTION:**  
EXISTING STRUCTURE PERMIT:  
TELLER COUNTY - #A03928 1994  
OCC. CLASS: A-3  
AREA OF WORK: E OCCUPANCY WITHIN PLACES OF WORSHIP  
CONSTRUCTION TYPE: V-B  
NON-SPRINKLED

**OCCUPANCY:**  
TOTAL OCCUPANT LOAD IS UNCHANGED

**BLDG GROSS AREA:**  
23,892 SQ. FT.  
**AREA OF WORK:**  
935 SQ. FT.

**REQUIRED EXITS (IMPROVEMENT AREA):**  
1 EXIT REQUIRED  
1 EXIT PROVIDED

**LANGLEY ARCHITECTS**  
David Langley Architects PC  
P.O. Box 2450  
350 W. Henrietta Ave.  
Woodland Park, Colorado 80866  
Tel: 719-466-0500  
Fax: 719-467-9003  
www.davidlangley.com  
© 2021

**PRELIMINARY DOCUMENTS**  
**NOT FOR CONSTRUCTION**

**THE LEARNING CENTER**

WOODLAND PARK COMMUNITY CHURCH  
800 VALLEY VIEW DRIVE, WOODLAND PARK, CO TELLER COUNTY

NEW & DEMO FLOOR PLANS

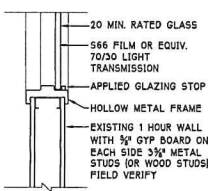
PRELIM DATE: 07.20.2021  
BID DATE:  
RELEASE DATE:  
REVISION DATE:

SHEET:

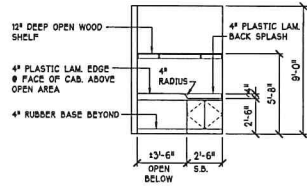
A1.0

PROJECT NUMBER: 21-15

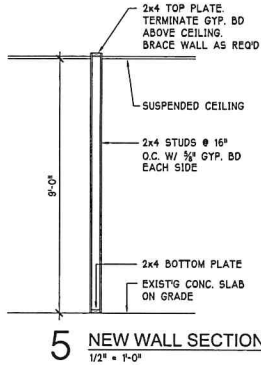




**3 DETAIL 20 MIN. LABELED ASSEMBLY WINDOW**  
1 1/2" x 7'-0"



**4 TYP. CAB. ELEVATION**  
1/4" x 7'-0"



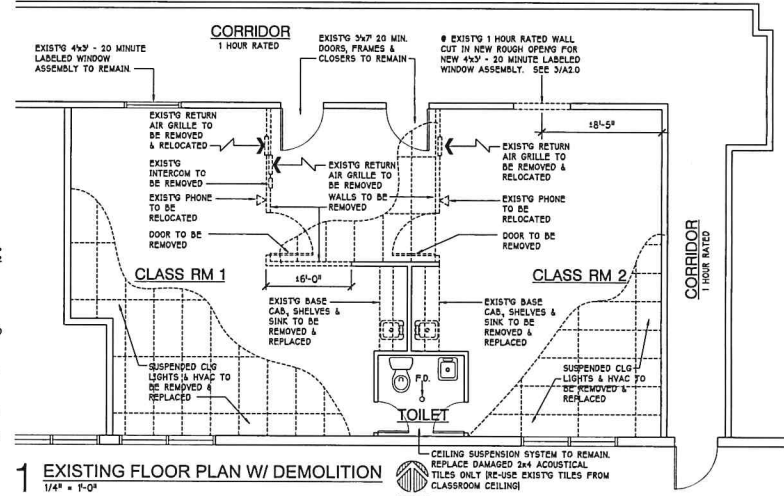
**5 NEW WALL SECTION**  
1/2" x 7'-0"

**RCP LEGEND:**

|     |                                                                                                                                                                               |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD  | DIMMER SWITCH                                                                                                                                                                 |
| LED | BRAND: DIMI 2x4 LED TROFFER, LED FLAT PANEL TROFFER LIGHT 20 W 5000K, 6500 LUMENS, 0-10V DIMMABLE, 120V-277V ACDC, 50000 HOUR LIFE, LED DROP CEILING LIGHT FIXTURE - OR EQUAL |
| CD1 | EXISTING SUPPLY DIFFUSER TO BE RE-LOCATED                                                                                                                                     |
| EF1 | EXISTING EXHAUST FAN                                                                                                                                                          |
| CD2 | EXISTING SUPPLY DIFFUSER                                                                                                                                                      |
| W1  | EXISTING WALL LIGHT                                                                                                                                                           |

**DEMOLITION GENERAL NOTES:**

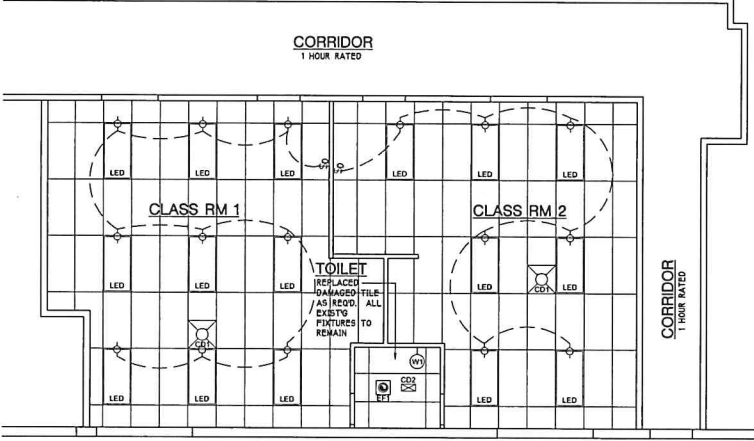
1. T.B.R. - TO BE REMOVED
2. THE CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL EXISTING UTILITIES AND METER LOCATIONS WITH THE UTILITY COMPANY OR GOVERNMENTAL AUTHORITY HAVING JURISDICTION OVER THIS PROJECT.
3. DISCOVERY OF ANY UTILITY DURING CONSTRUCTION SHALL BE CAPPED AND LEFT AVAILABLE FOR RECONNECTION DURING NEW CONSTRUCTION WHERE POSSIBLE.
4. REMOVE WALLS ETC. AS SHOWN. COORDINATE WITH ARCHITECT FOR ALL TEMPORARY & NEW STRUCTURAL SUPPORT INCLUDING SHORING & BRACING.
5. THE CONTRACTOR SHALL KEEP PREMISES FREE FROM ACCUMULATION OF WASTE MATERIALS AND DEBRIS.
6. REMOVE ELECTRICAL SWITCHES, CONDUIT AND FIXTURES ONLY WHERE WALLS OR CEILINGS ARE TO BE REMOVED.
7. ALL DIMENSIONS ARE APPROXIMATE AND BASED ON EXISTING CONDITIONS.
8. CUTS INTO EXISTING WALLS ARE TO BE LEFT CLEAN AND SMOOTH TO ALLOW FOR CONNECTION TO NEW CONSTRUCTION. CONTRACTOR TO NOTIFY THE OWNER IF ANY DISCREPANCIES OCCUR FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.
9. ALL EXISTING 2x4 FLUORESCENT LIGHT FIXTURES TO BE REMOVED & REPLACED
10. RE-USE EXISTING SUSPENDED CEILING TILES THAT ARE IN GOOD CONDITION AS NEEDED IN EXISTING TOILET ROOM.



**1 EXISTING FLOOR PLAN W/ DEMOLITION**  
1/4" x 7'-0"

**IN AREA OF WORK:**

1. REMOVE & REPLACE FLOORING
2. REMOVE & REPLACE SUSPENDED CLG
3. REMOVE & REPLACE ALL LIGHT FIXTURES



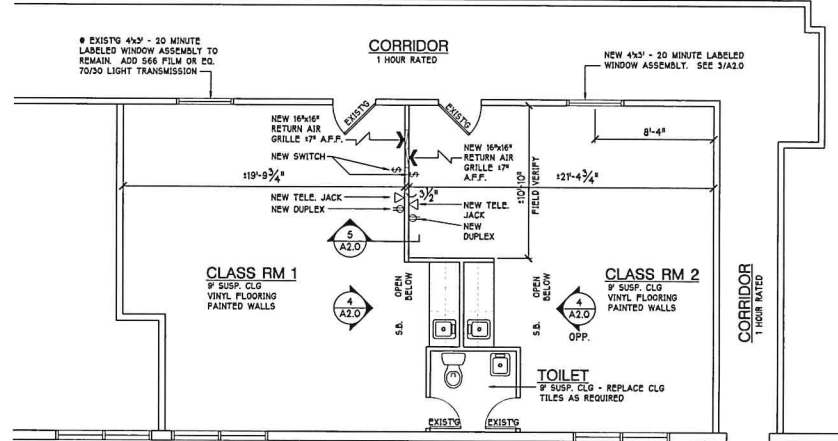
**2 FLOOR PLAN W/ NEW CONSTRUCTION**  
1/4" x 7'-0"

**PLUMBING NOTE:**

1. EXISTING WATER CLOSET, LAVATORY & FLOOR DRAIN IN TOILET ROOM TO REMAIN.
2. SINKS @ EXISTING COUNTERTOPS TO BE REPLACED ALONG WITH EXISTING CABINETS. LOCATIONS OF SINKS TO REMAIN THE SAME USING EXISTING PLUMBING INCLUDING HOT & COLD SUPPLY, SS WASTE LINES AND VENTING.

**LEGEND:**

|       |                    |
|-------|--------------------|
| —     | NEW CONSTRUCTION   |
| —     | EXISTING TO REMAIN |
| - - - | TO BE REMOVED      |



**2 FLOOR PLAN W/ NEW CONSTRUCTION**  
1/4" x 7'-0"

**IN AREA OF WORK:**

1. NEW VINYL TILE FLOOR WITH WOOD GRAIN 8 1/2"x58 1/2"
2. NEW 4" RUBBER BASE
3. NEW ORANGE PEEL
4. ALL WALLS TO BE PAINTED
5. NEW CLASS A 2x4' SUSPENDED ACOUSTICAL CEILING TO MATCH EXIST'G ARMSTRONG CALLA OR EQ. W/15/16" PRELUDE 'XL' SUSPENSION SYSTEM. REFER TO REFLECTED CEILING PLAN FOR LAYOUT
6. REFER TO REFLECTED CEILING PLAN FOR NEW LIGHTING & HVAC LAYOUT.



**LANGLEY ARCHITECTS**  
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**PRELIMINARY DOCUMENTS NOT FOR CONSTRUCTION**

**THE LEARNING CENTER**

WOODLAND PARK COMMUNITY CHURCH  
800 VALLEY VIEW DRIVE, WOODLAND PARK, CO  
TELLER COUNTY

REFLECTED CEILING PLAN

PRELIM DATE: 07.20.2021  
BID DATE:  
RELEASE DATE:  
REVISION DATE:

SHEET:  
**A2.0**

PROJECT NUMBER: 21-15

**WOODLAND PARK PLANNING COMMISSION**  
**MEETING MINUTES for September 23, 2021**  
**Council Chambers, 220 W South Avenue, Woodland Park**

---

*This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to [sriley@city-woodlandpark.org](mailto:sriley@city-woodlandpark.org).*

**(6:00 pm) WORK SESSION**

Chairman DeVaux called order at 6:00 pm.

|                |                                                            |
|----------------|------------------------------------------------------------|
| Present        | Chairman Jon DeVaux                                        |
| Present        | Vice-Chairman Ken Hartsfield                               |
| Present        | Commissioner Lee Brown                                     |
| Present        | Commissioner Larry Larsen                                  |
| Present        | Commissioner Ellen Carrick                                 |
| Absent         | Commissioner Al Bunge                                      |
| Staff Present: | Planning Director Sally Riley, City Planner Lor Pellegrino |

- A. Envision Woodland Park 2030 Final Review and Edits: The Planning Commission received the revised document with all revisions included. A few more revisions were discussed during this work session and will be incorporated. An editor is reviewing the entire document for consistency. Any Planning Commission outstanding concerns should be sent to Mrs. Riley by Wednesday next week. The final document will be ready on October 7 and the Planning Commission public hearing to adopt the Comprehensive Plan is October 14. It will be forwarded to City Council to endorse the following week.
- B. Mrs. Riley went over a list of short term rentals pros and cons. City Council is considering whether or not to direct staff to consider code changes.

**(7:00 pm) REGULAR MEETING**

- 1. ORDER AND ROLL CALL.** Chairman DeVaux called order at 7:01 pm.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| Present          | Chairman Jon DeVaux                                        |
| Present          | Vice-Chairman Ken Hartsfield                               |
| Present          | Commissioner Lee Brown                                     |
| Present          | Commissioner Larry Larsen                                  |
| Present          | Commissioner Ellen Carrick                                 |
| Absent (excused) | Commissioner Al Bunge                                      |
| Staff Present:   | Planning Director Sally Riley, City Planner Lor Pellegrino |

- 2. APPROVAL OF MINUTES.** The July 22, 2021 minutes were approved, as presented.

**3. PUBLIC HEARINGS**

- A. ZON2021-08:** consider a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21.

Mrs. Riley presented the staff report citing compliance with rezoning criteria and the comprehensive plan. She stated that the Church was unaware that the zoning was not in place and recommended that the Planning Commission approve the rezoning so that the existing daycare use can continue.

Chairman DeVaux opened the public comment portion of the meeting.

Mr. Mark Lucas is in favor of the rezoning and asked about the capacity of the daycare. The applicant stated that currently 75 children are enrolled and with the proposed addition, up to 90 can be enrolled.

Chairman DeVaux closed the public comment portion of the meeting.

Commissioner Hartsfield asked if other zones might be possible. Mrs. Riley stated that CC is the most appropriate zone since it abuts a lot zoned CC immediately to the west. Any other zone could be considered spot zoning which is legally problematic.

Commissioner Brown stated that the CC zone may not be the best fit given all the other uses allowed but that he is still in favor of the rezoning.

Commissioner Brown moved, and Commissioner Hartsfield seconded, that the Planning Commission recommend that City Council approve the request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**B. CUP2021-02:** consider a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP) for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria for a conditional use permit for a restaurant use and recommended approval of the CUP.

The applicant stated that they are excited to open a restaurant in Woodland Park and offered to pass out menus describing their “stuff” food concept (which is large and flavorful portions).

Chairman DeVaux opened the public comment portion of the meeting.

Mrs. Kimberley Butcher spoke citing the following concerns: i. she did not receive a letter of notification or a phone call, ii. The on-site sign has been on the ground for a week, iii. a bar is not the best business to have in a residential neighborhood - downtown would be better, iv. the restaurant may turn into a “Gentleman’s Club”, and v. Stuff Foods advertising on the internet brings up advertising for a gentleman’s club in Colorado Springs.

Chairman DeVaux closed the public comment portion of the meeting.

The applicant stated that Snotty Fox is a client of the Stuff Food Truck business but that’s it. Stuff Foods is interested in opening a family restaurant only and not a gentleman’s club. The restaurant will close at 10 pm except Fridays and Saturdays, when it may close at 11 pm.

Mrs. Riley stated that adult entertainment is not permitted in the NC zone and is only permitted in industrial zones in the City. She also stated that a new sign will be posted as soon as possible.

Commissioner Hartsfield asked about parking. Mrs. Riley stated that the site satisfies the City’s requirements of 1 space/4 seats or 1 space/100 SF and that there is ample on-site parking. Commissioner Hartsfield stated that he supports the request and the restaurant should be given the opportunity to succeed on a site with past restaurant uses.

Commissioner Brown believes that while the US24/Morning Sun Drive intersection is uncomfortable and problematic in design, a restaurant use is appropriate on this site.

Commissioner Carrick supports a restaurant use given the history of restaurant use on this site and does not believe traffic will be an issue for the residential neighborhood.

Commissioner Hartsfield moved, and Commissioner Brown seconded, that the Planning Commission recommend that City Council approve a request by Stuft Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP 2021-02) for §18.09.090.P.2 Traditional/Family Restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone subject to the following conditions:

1. Prior to opening the restaurant:
  - a. A water fixture unit count shall be submitted to the Utilities Department; and
  - b. The parking lot shall be restriped.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**C. VAC2021-05:** consider a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria in Chapter 12.08 for vacating a right-of-way (alley) and recommended approval of the vacation request.

Chairman DeVaux opened the public comment portion of the meeting and seeing no one wishing to speak, closed the public comment portion of the meeting.

Commissioner Brown suggested that a condition be added to state that full vesting of that vacated portion of the alley will go to Mr. Longman.

Commissioner Larsen moved, and Commissioner Carrick seconded, that the Planning Commission recommend that City Council approve the request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone subject to the following conditions:

1. Reservation of a public access and utility easement to the City over the vacated portion (Parcel A); and
2. That Parcel A vest entirely with Mr. Longman (Lot 4, Block 6, Elm Heights).

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

#### **4. REPORTS**

**A.** Mrs. Riley reported that City Planner Pellegrino's last day with the City is September 24. The Commissioners thanked her for her service and wished her well.

**5. ADJOURN.** The regular meeting adjourned at 8:18 pm.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_  
Jon DeVaux, Chairman



## **CITY OF WOODLAND PARK ORDINANCE NO. 1404, SERIES 2021**

AN ORDINANCE TO REZONE FROM SINGLE FAMILY RESIDENTIAL SUBURBAN (SR) TO COMMUNITY COMMERCIAL (CC) TO 5.41 ACRES WITH A LEGAL DESCRIPTION OF LOT 2 PIKE VIEW ESTATES, FILING #2 WITH A PHYSICAL ADDRESS OF 800 VALLEY VIEW DRIVE

WHEREAS, the City of Woodland Park (the “City”) has received a request to rezone a 5.41-acre parcel with a legal description of Lot 2, Pike View Estates Filing #2 (the “Property”) owned by Woodland Park Community Church from Single Family Residential Suburban (SFR) to Community Commercial (CC); and

WHEREAS, in accordance with Municipal Code Section 18.72.060, and Charter Sections 7.2 and 15.7.b.1., public hearing notices were published in the local newspaper, posted on the property, and mailed to adjacent property owners; and

WHEREAS, the Woodland Park Planning Commission held a public hearing on September 23, 2021 and recommended approval based on testimony presented at that hearing; and

WHEREAS, City Council has reviewed the request, the Staff and Planning Commission recommendations, and after holding a public hearing on October 21, 2021, hereby finds that based upon the evidence contained in the City Council Staff Report and testimony presented at the City Council public hearing, the rezoning request meets all the legal requirements and criteria for a rezoning; and

WHEREAS, it is in the City’s best interest to rezone the Property from Single Family Residential Suburban (SFR) to Community Commercial (CC).

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS ADOPTION OF THIS ORDINANCE AS FOLLOWS:

Section 1. Property Description. That 5.41-acre parcel with a legal description of Lot 2, Pike View Estates Filing #2 with a physical address of 800 Valley View Drive, Woodland Park, Colorado.

Section 2. Zoning. The property described above is hereby zoned Community Commercial (CC) and the City Official Zoning Map is hereby amended to reflect such determination.

Section 3. Water Availability. Water development is only partially within the City’s control. The City cannot reserve water for the Property and cannot guarantee that water taps will be available for any additional development associated with the Property at any future date.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

Section 5. Recitals. The recitals contained in this Ordinance constitute the findings of the City Council and are incorporated herein by reference.

PASSED BY THE CITY COUNCIL ON SECOND AND FINAL READING, FOLLOWING PUBLIC HEARING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Hilary LaBarre, Mayor Pro Tem

ATTEST: \_\_\_\_\_  
City Clerk



# Woodland Park

## Planning and Building

City Council Meeting: October 21, 2021

Department

Planning

Presenter

Sally Riley  
Planning Director

---

**PROJECT:** CUP2021-02 Stuft Food Emporium

**FROM:** City Planner Lor Pellegrino, AICP

**REQUEST:** Consider a Conditional Use Permit for MC §18.09.090.P.2 Traditional/Family Restaurant use

**LOCATION:** 100 Morning Sun Drive (Lot 2, Morning Sun Business Park)

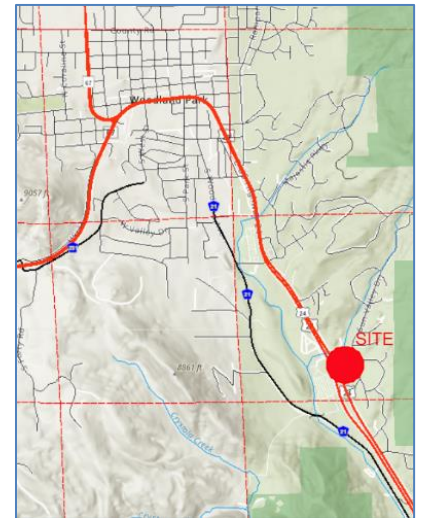
**ZONING:** Chapter 18.20 Neighborhood Commercial District (NC)

**APPLICANT:** The Stuft Food Emporium

**LAND OWNER:** High Country Real Estate Holdings, LLC (Peter LaBarre)

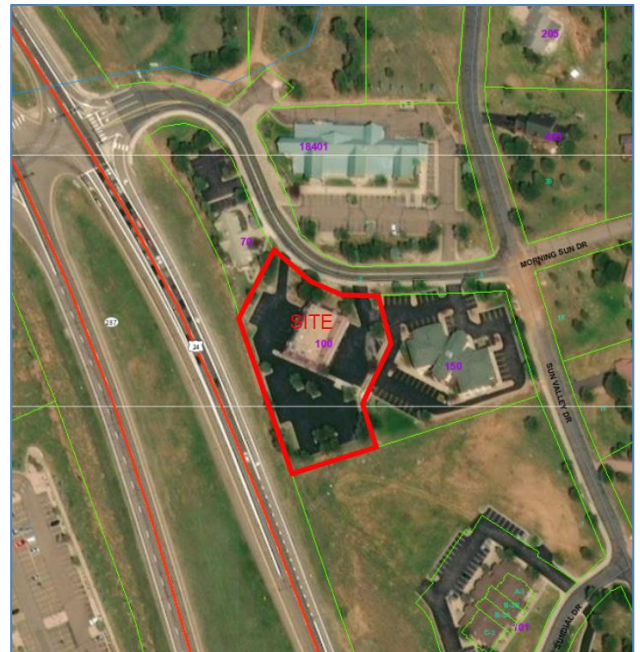
**NEXT STEP:** October 7, 2021 City Council First Reading  
October 21, 2021 City Council Public Hearing

---



### I. PROPOSAL

The applicant proposes to open a family-style restaurant in the existing 4,860 square foot building located at 100 Morning Sun Drive near the southerly boundary of the City. The site is on the east side of US24 at the southwest corner of Morning Sun Drive and Sun Valley Drive. When originally constructed in 1987 for City Auto (a 5,940 SF auto service shop), the building was the first to be erected in the area. In September 2001, the Morning Sun Business Park plat submitted by Developer Allen Brown was approved by City Council and 2.16 acres was divided into 3 lots. Lot 2 (1.15 acres) was created to contain the existing City Auto building and surrounding site for parking. Upon platting, the City Auto building was renovated to a restaurant (Zak's Tavern and Grill began operation in 2002) and the other two lots proposed as office/medical







### III. CONDITIONAL USE PERMIT REVIEW CRITERIA

In the NC zone district, traditional/family restaurant uses are a conditional use. Section 18.57.040.A states: *“The standards for conditional use permits are intended only as a minimum necessary for review. An application for a conditional use permit, even though meeting the minimal standards of this chapter and code, may be denied, if it is determined that the development and use is not in the best interest of the city.”*

Section 18.57.040.B of the Code includes the following standards that all conditional uses must demonstrate compliance with (*followed in italics by a staff analysis of how the proposed use complies*):

1. The proposed development and use shall have a demonstrated direct need to be located at the location proposed and provide adequate mitigation measures to lessen all identified impacts.

**Staff Analysis:**

*Complies.*

*The proposed family style restaurant will be located in an existing building and on a site that has accommodated numerous restaurants in the past and satisfies the needs of a restaurant in the future, including but not limited to availability of sufficient parking, good highway visibility, and within a commercial zone. No additional impacts are identified and mitigation is not required.*



2. The proposed development and use shall not endanger the public health and welfare.

**Staff Analysis:** *Complies.*

*The proposed restaurant use is located in an established building and commercial development. The equipment for the new restaurant must comply with all health codes in effect. If renovations are proposed to the building, they must comply with all building codes in effect (as applicable).*

3. The proposed development and use shall not substantially injure the value of vicinity properties.

**Staff Analysis:** *Complies.*

*The proposed restaurant use is located in a building that has traditionally housed a restaurant and is in a commercial development and adjacent to US Highway 24. Vicinity commercial property values should increase with the occupancy of a vacant building.*

4. The proposed development and use shall be in harmony with the area in which it is to be located.

**Staff Analysis:** *Complies.*

*No changes are being proposed to the exterior of the building or the site.*

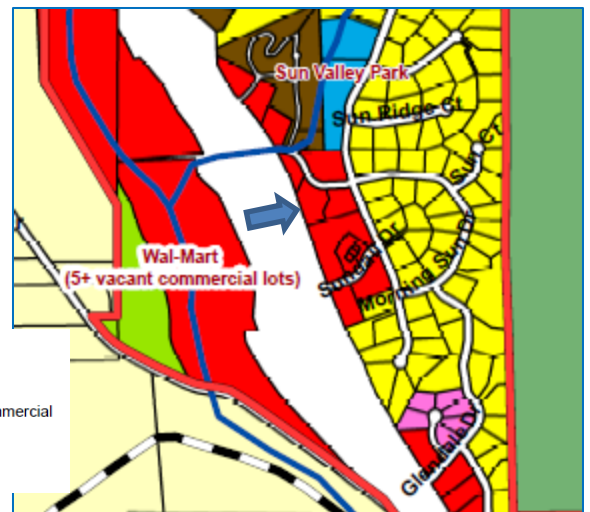
5. The proposed development and use shall conform to the provisions, objectives and policies of all city plans, adopted and in effect at the time of application, including but not limited to growth management, transportation, utilities, capital improvements and downtown redevelopment.

**Staff Analysis:** *Complies.*

*The proposed development (restaurant use) complies with numerous policies, goals and objectives of the Woodland Park 2010 Comprehensive Plan: it provides job opportunities, adds a complementary business to a commercial cluster, facilitates critical commercial mass and reduces sales tax leakage. The future land use is commercial.*

#### Legend

|                                                                                                          |                                                                                                                     |                                                                                                                           |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|  citylim              |  Open Space                      |  Mixed-Use                             |
|  Waterways            |  Teller County Rural Residential |  Teller County Neighborhood Commercial |
|  Wetlands             |  Single Family Residential       |  Commercial                            |
|  Pike National Forest |  Multi-Family Residential        |  Public/Semipublic Land                |



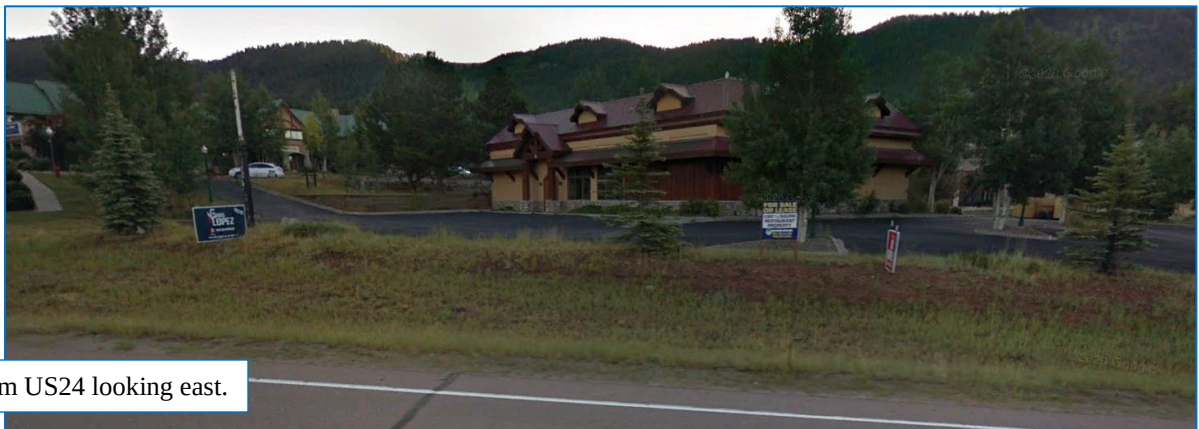
6. The proposed development and use shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to zoning, subdivision, utilities, buildings and construction, business regulations and engineering specifications.

**Staff Analysis:** *Complies as conditioned.*

*Per MC 18.39.050.H, the parking lot shall be upgraded to be free of potholes and trash, and re-stripped so that parking space lines are clearly visible and distinct.*



7. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.  
**Staff Analysis:** *Complies.*  
*The applicant submitted, and staff accepted, the trip generation letter prepared by LSC Transportation Consultants, Inc. for the Denny's restaurant (dated May 4, 2011). This letter indicated that the proposed Denny's restaurant should not generate any additional traffic over and above what the previous restaurant use created. Staff believes the same to be true for Stuft Foods – that traffic generated should be similar to the traffic generated with the Denny's restaurant – and mitigation is not required.*
8. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.  
**Staff Analysis:** *Complies.*  
*The proposed expansion will utilize existing buildings and parking areas, so no changes are being made that will impact topography and other site features. The existing detention pond in the southwest corner of the site is privately held by the land owner and the land owner is responsible for regular maintenance.*
9. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.  
**Staff Analysis:** *Complies as conditioned.*  
*The proposed development complies with this provision. Water and wastewater billing has been reactivated. The backflow prevention device has been tested and found satisfactory. Prior to opening, a fixture unit count shall be submitted to the Utility Department. It is the responsibility of the land owner/tenant to ensure that the lift station and grease interceptors are regularly maintained and functioning properly.*
10. The proposed development and use shall be designed, constructed and maintained to not unduly increase the public danger of fire, explosion and other safety hazards upon the public, and persons residing or working on the site and vicinity.  
**Staff Analysis:** *Complies.*  
*No significant safety hazards are created by reintroducing a restaurant to this site.*
11. The development and use may be required to provide architectural design schemes and may also require amenities such as, but not limited to, fencing, landscaping, buffer areas and other aesthetic enhancement measures, as required by the city council. (Ord. 589-1993 § 6(part), 1993)  
**Staff Analysis:** *Complies.*  
*No exterior changes are being proposed apart from a new sign which will be processed by separate permit. No additional amenities are required.*



From US24 looking east.

#### **IV. PLANNING COMMISSION RECOMMENDATION**

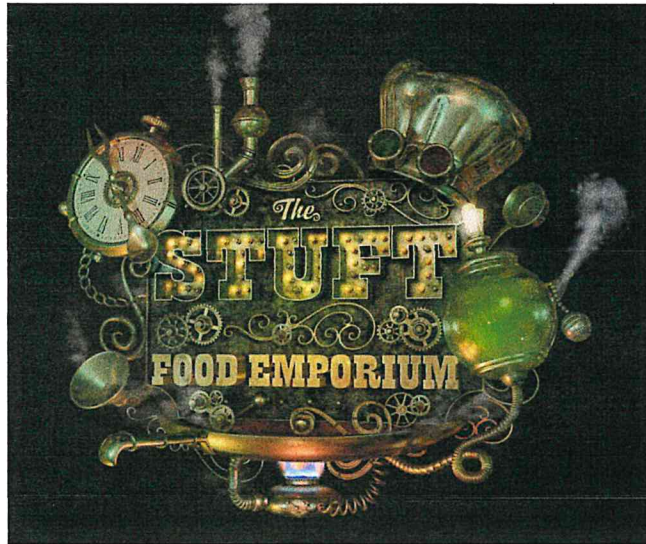
Planning Commission and Staff recommend approval of Conditional Use Permit CUP 2021-02 for §18.09.090.P.2 Traditional/Family Restaurant use at 100 Morning Sun Drive (Lot 2, Morning Sun Business Park) subject to the following conditions:

1. Prior to opening the restaurant:
  - a. The roof shall be repainted; and
  - b. The parking lot shall be restriped.

#### **ATTACHMENTS**

- Denny's Site Plan
- Draft Planning Commission Minutes from Sept. 23, 2021
- Ordinance No. 1405





**MAROVITCH CONCESSIONS LLC**

100 MORNING SUN DR

WOODLAND PARK, CO 80863

WOODLAND PARK MAYOR & CITY COUNCIL

Dear Sirs and Madams,

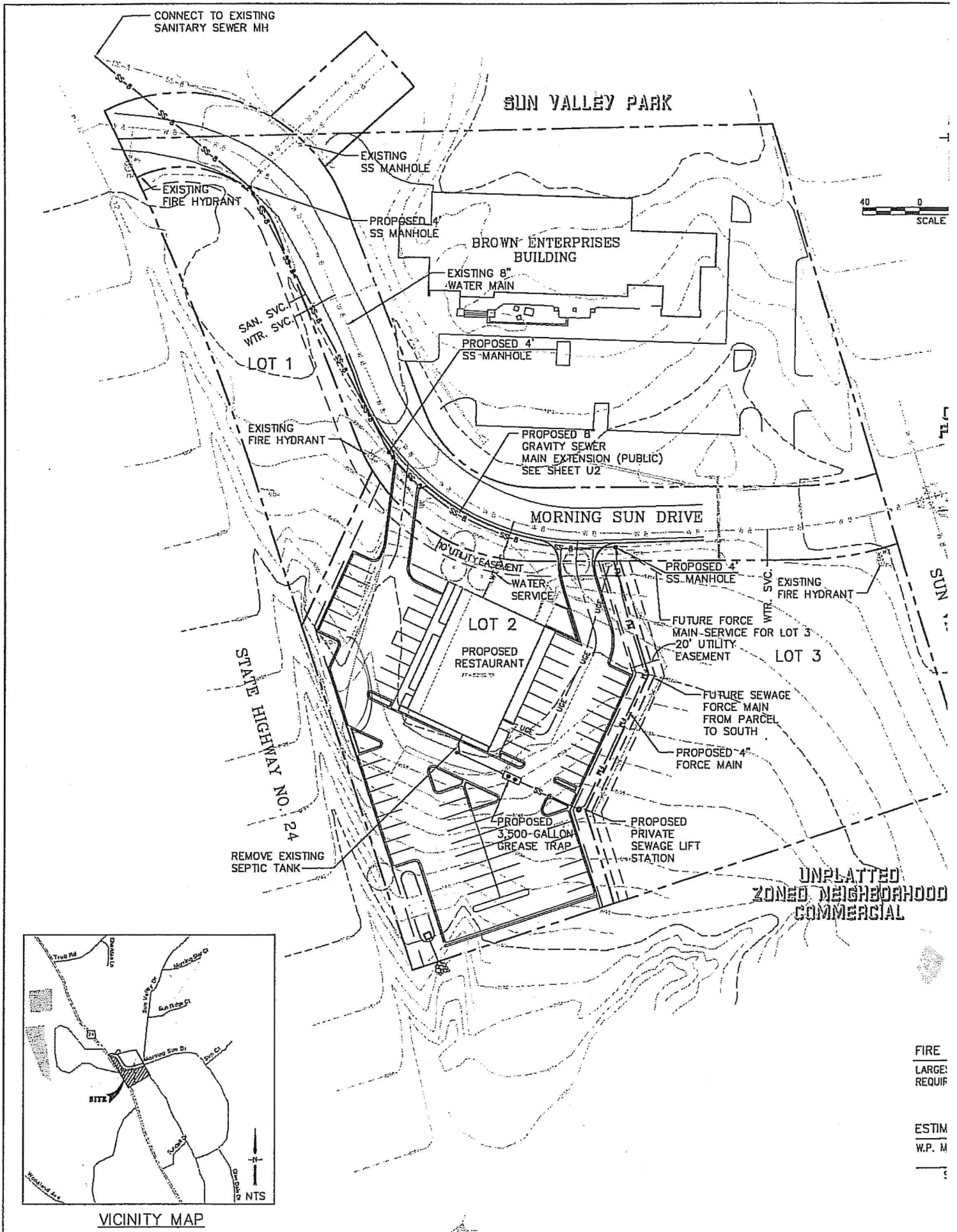
Marovitch Concessions LLC, sba The Stuft Food Emporium, is seeking a conditional use permit for the building located at 100 Morning Sun Drive, Lot 2, Morning Sun Business Park. This request is based on meeting the following criteria:

1. This location is conveniently located across the street from Walmart and is located by other business parks, making it a great location for a family style restaurant and for workers to have an option for lunch. The location helps ease the congestion in traffic from and to the downtown area and allows for separation from residential areas, as well as help with traffic impact issues.
2. With the layout of the location it allows for only entering the building from the side road, rather than creating potential issues with an entrance directly from the highway. The operations, as well as our standards for public health and safety, provide an environment designed to eliminate threats to public safety and wellness.
3. This building has been vacant for several years so having an occupied building will not injure, but enhance the surrounding property values.

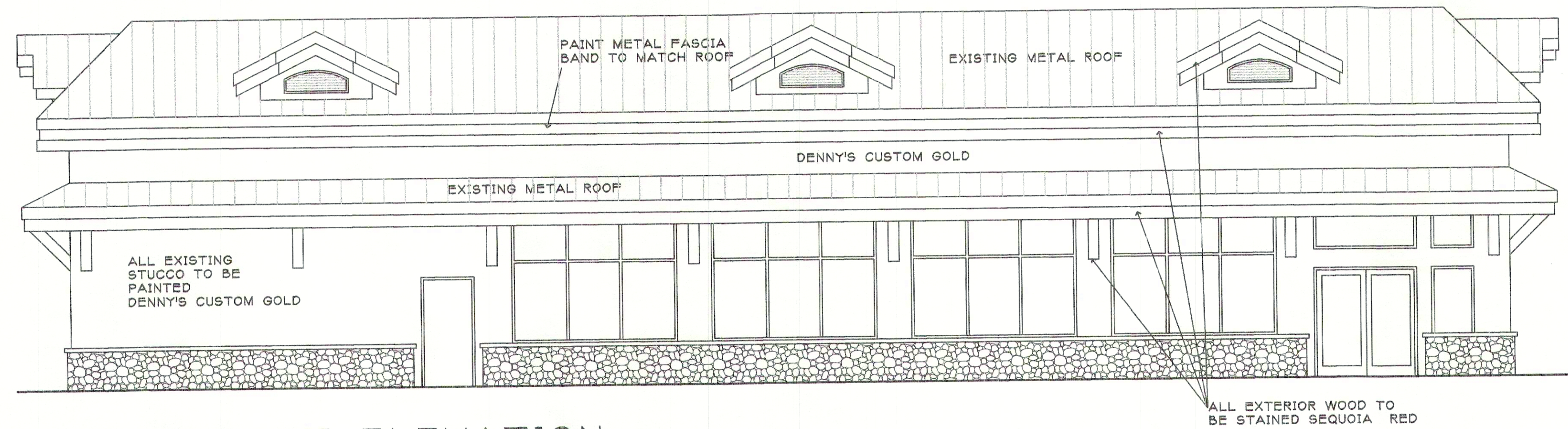
4. This restaurant project is a wonderful option for Woodland Park and it's surrounding areas as it will bring the same energy and sense of family and comradery that Woodland Park treasures within its community. A safe space to enjoy family, friends, celebrate a special occasion, take the team players out after a great game night. This is a place to bring the community together under one roof that not only provides a safe but a uniquely wonderfully experience to the area.
5. This project conforms to the provisions, objectives and policies of all City plans, adopted and in effect at this time.
6. The project conforms to the provisions, objectives and policies of all City regulations, adopted and in effect at this time and will conform to the provisions, objectives, and policies of all City regulations, adopted and in effect at such time as the conditional use permit is granted.
7. The proposed development and use will accommodate any anticipated on and off site generated traffic.
8. The property will be maintained as constructed with appropriate regard to the topography, surface drainage, soil potentials, natural and man-made hazards, streams, and environmentally significant features.
9. The location has water and sewage lines provided by the City of Woodland Park. There is a 3,500 grease interceptor on site separating the property drain lines from the City's wastewater main.
10. The property has been designed, constructed, and maintained to not increase the public danger of fire, explosions, or other safety hazards and that proper procedures are in place.
11. Any changes to the design of the building will be done in a manner to comply with all City requirements including plan approval, permitting, and so forth.

Respectfully submitted by,

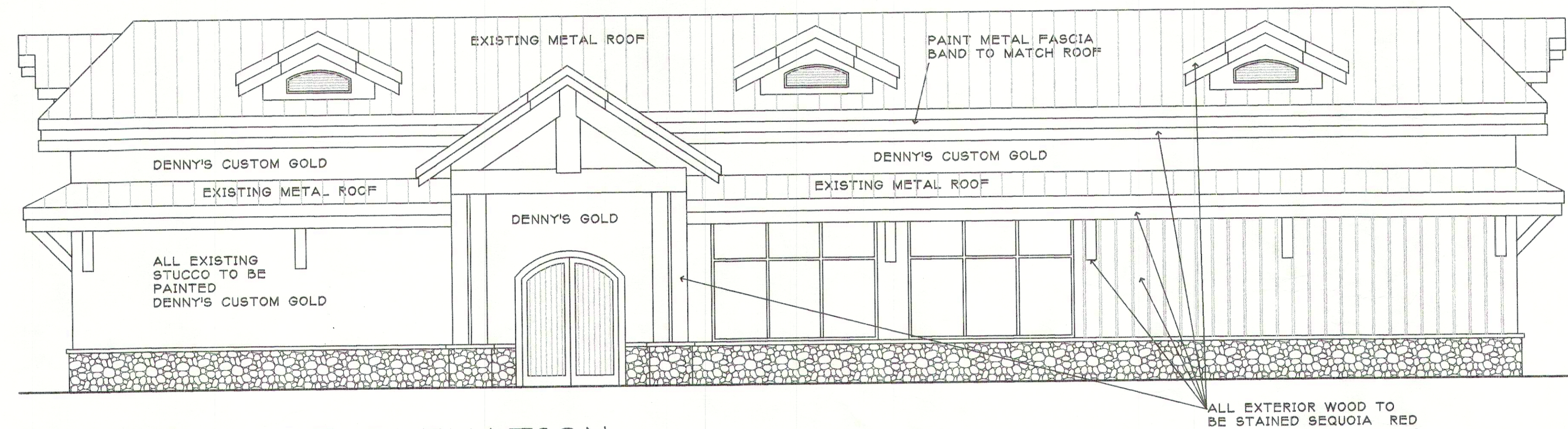
Mark Marovitch  
Owner  
Marovitch Concessions LLC  
DBA The Stuft Food Emporium



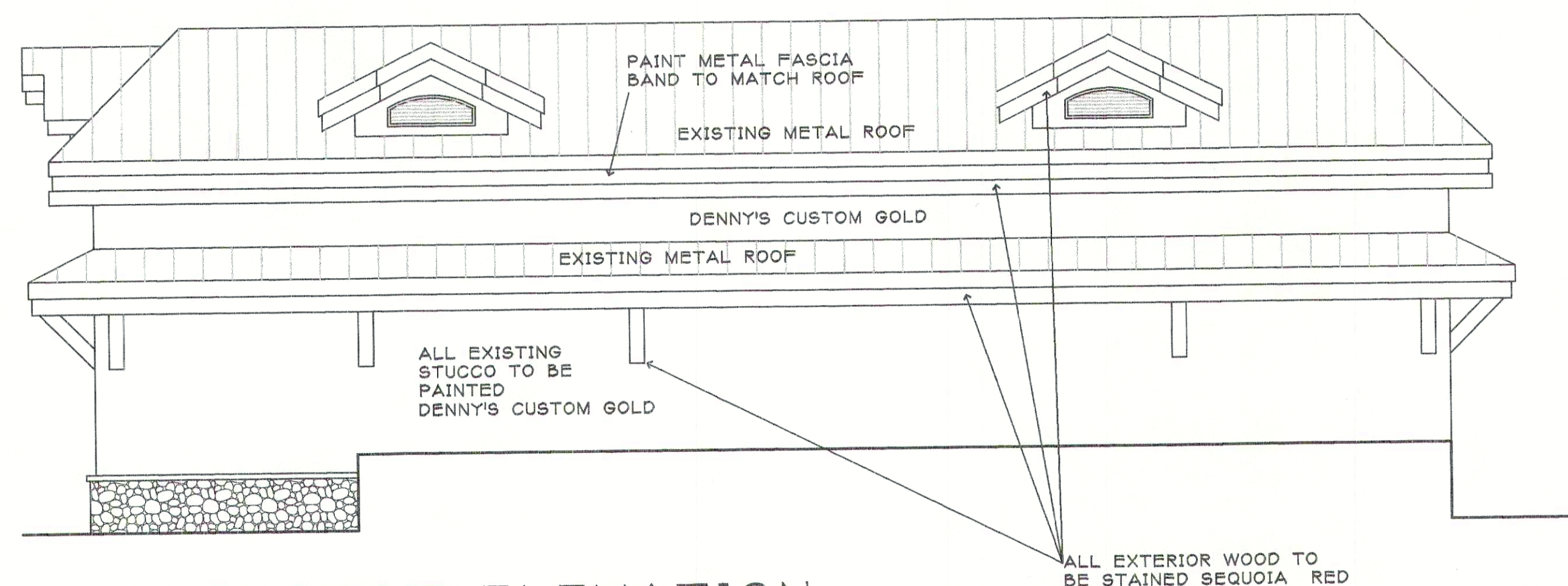




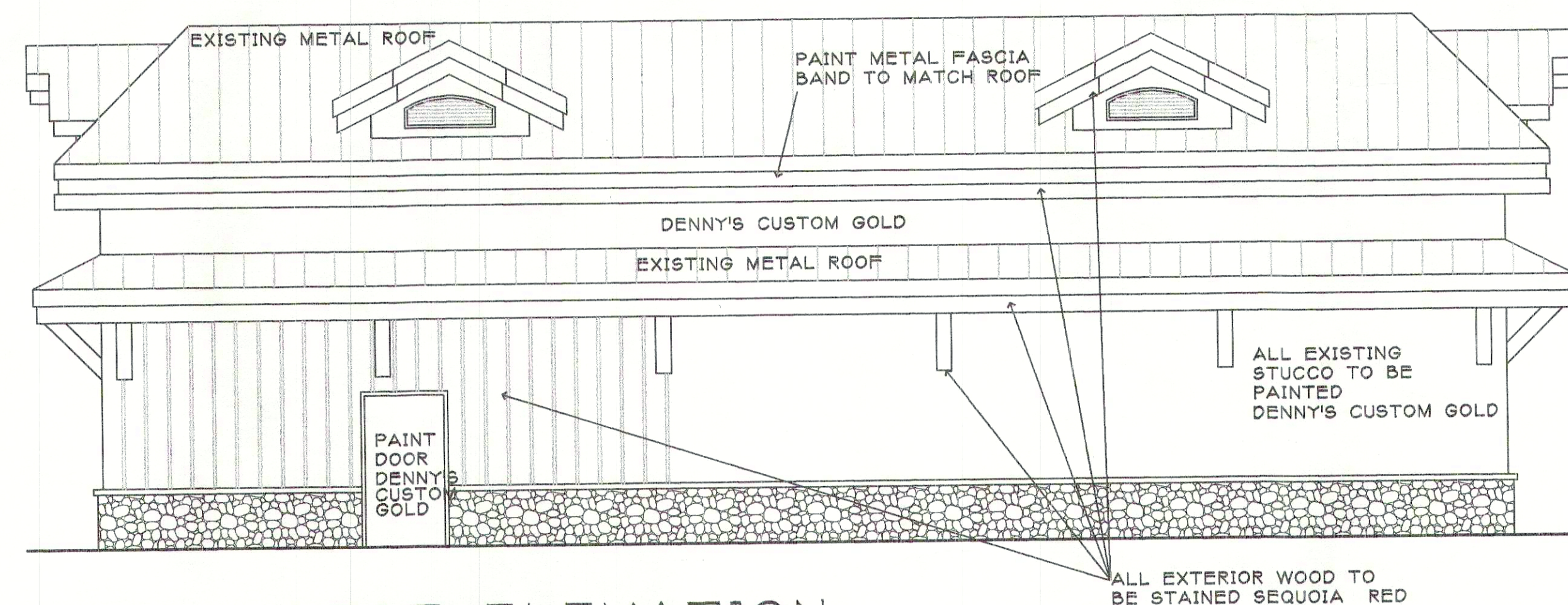
**SOUTHEAST ELEVATION**  
SCALE 3/16" = 1'-0"



**NORTHWEST ELEVATION**  
SCALE 3/16" = 1'-0"



**NORTHEAST ELEVATION**  
SCALE 3/16" = 1'-0"



**SOUHWEST ELEVATION**  
SCALE 3/16" = 1'-0"

SEAL

DATE  
8-26-11

REVISIONS



DENNY'S RESTAURANT

100 MORNING SUN DRIVE  
LOT 2, MORNING SUN BUSINESS PARK  
WOODLAND PARK, COLORADO

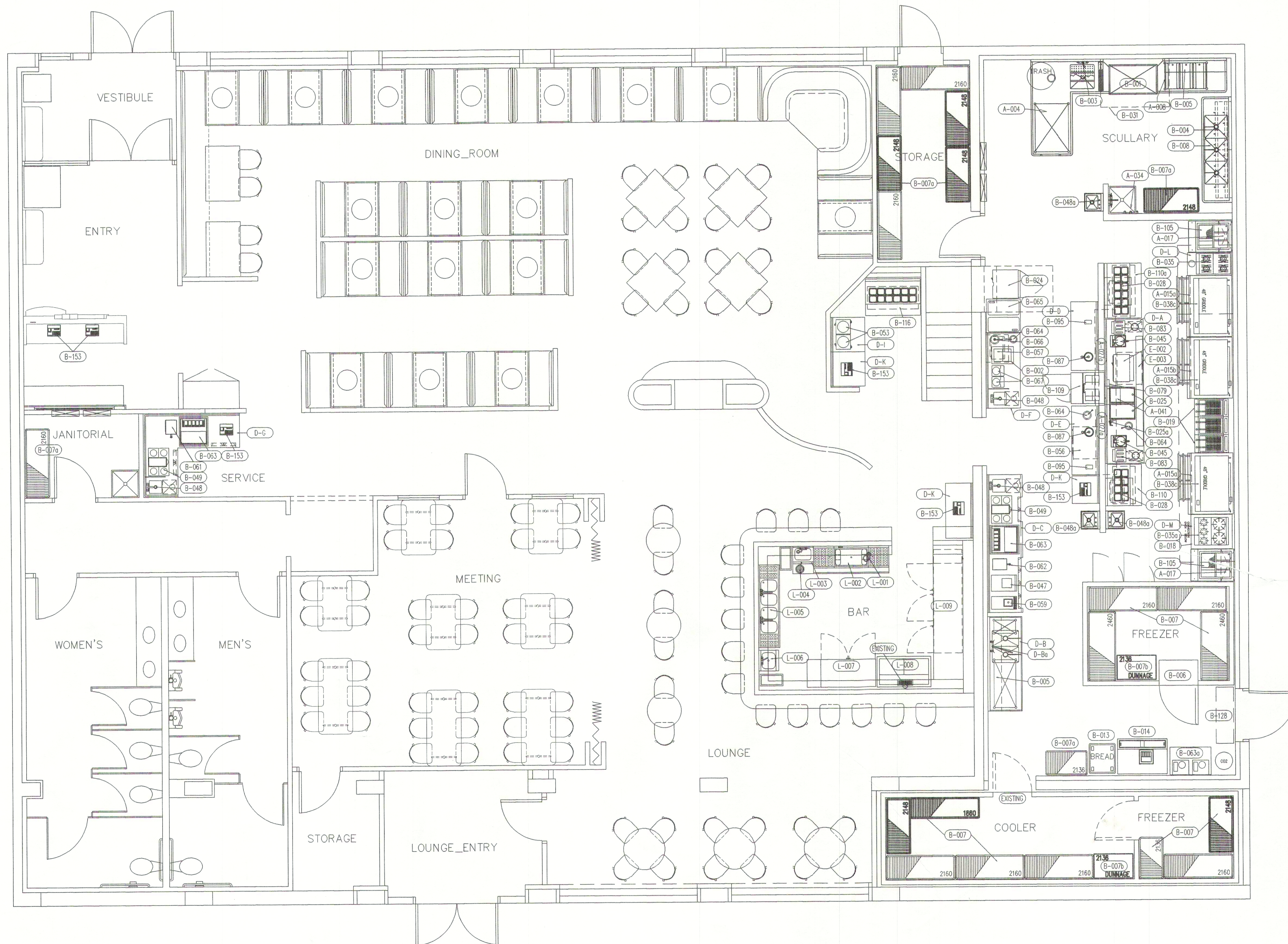
CRS Architects, LLC

1231 Rampart Range Road  
Woodland Park, CO 80863  
719-687-1787 719-687-1443 FAX

SHEET 1 OF 1

A1.2





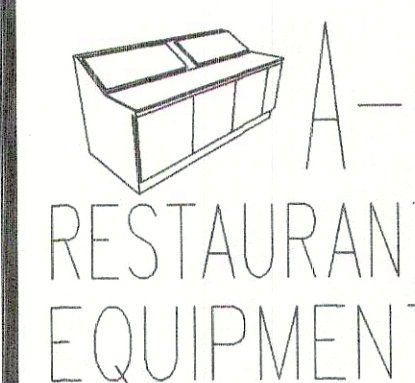
FOOD SERVICE EQUIPMENT FLOOR PLAN — 168 SEATS

REVISION

|  |
|--|
|  |
|  |
|  |

The plans, ideas, arrangements, and designs indicated or represented by this drawing are owned by, and are the property of A-1 Restaurant Equipment, and in connection with this specific project, and shall not be used, in whole or in part, for any purpose for which they were not originally intended without written permission from A-1 Restaurant Equipment.

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FOOD SERVICE EQUIPMENT & FURNISHING DEALER

295 SOUTH 250 EAST  
BURLY, ID 83318  
PHONE - 208-677-3285  
FAX - 208-677-9980  
E-MAIL - justin@alreg.com

PROJECT: DENNY'S RESTAURANT  
WOODLAND PARK, CO

|              |                      |
|--------------|----------------------|
| SHEET TITLE  | EQUIPMENT FLOOR PLAN |
| JOB NUMBER   |                      |
| DRAWN BY     | J. Slick             |
| DATE         | 20 JUNE 2011         |
| SCALE        | 1"=1'-0"             |
| APPROVED BY  |                      |
| SHEET NUMBER |                      |

FS-1



**WOODLAND PARK PLANNING COMMISSION**  
**MEETING MINUTES for September 23, 2021**  
**Council Chambers, 220 W South Avenue, Woodland Park**

---

*This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to [sriley@city-woodlandpark.org](mailto:sriley@city-woodlandpark.org).*

**(6:00 pm) WORK SESSION**

Chairman DeVaux called order at 6:00 pm.

|                |                                                            |
|----------------|------------------------------------------------------------|
| Present        | Chairman Jon DeVaux                                        |
| Present        | Vice-Chairman Ken Hartsfield                               |
| Present        | Commissioner Lee Brown                                     |
| Present        | Commissioner Larry Larsen                                  |
| Present        | Commissioner Ellen Carrick                                 |
| Absent         | Commissioner Al Bunge                                      |
| Staff Present: | Planning Director Sally Riley, City Planner Lor Pellegrino |

- A. Envision Woodland Park 2030 Final Review and Edits: The Planning Commission received the revised document with all revisions included. A few more revisions were discussed during this work session and will be incorporated. An editor is reviewing the entire document for consistency. Any Planning Commission outstanding concerns should be sent to Mrs. Riley by Wednesday next week. The final document will be ready on October 7 and the Planning Commission public hearing to adopt the Comprehensive Plan is October 14. It will be forwarded to City Council to endorse the following week.
- B. Mrs. Riley went over a list of short term rentals pros and cons. City Council is considering whether or not to direct staff to consider code changes.

**(7:00 pm) REGULAR MEETING**

- 1. ORDER AND ROLL CALL.** Chairman DeVaux called order at 7:01 pm.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| Present          | Chairman Jon DeVaux                                        |
| Present          | Vice-Chairman Ken Hartsfield                               |
| Present          | Commissioner Lee Brown                                     |
| Present          | Commissioner Larry Larsen                                  |
| Present          | Commissioner Ellen Carrick                                 |
| Absent (excused) | Commissioner Al Bunge                                      |
| Staff Present:   | Planning Director Sally Riley, City Planner Lor Pellegrino |

- 2. APPROVAL OF MINUTES.** The July 22, 2021 minutes were approved, as presented.

**3. PUBLIC HEARINGS**

- A. ZON2021-08:** consider a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21.

Mrs. Riley presented the staff report citing compliance with rezoning criteria and the comprehensive plan. She stated that the Church was unaware that the zoning was not in place and recommended that the Planning Commission approve the rezoning so that the existing daycare use can continue.

Chairman DeVaux opened the public comment portion of the meeting.

Mr. Mark Lucas is in favor of the rezoning and asked about the capacity of the daycare. The applicant stated that currently 75 children are enrolled and with the proposed addition, up to 90 can be enrolled.

Chairman DeVaux closed the public comment portion of the meeting.

Commissioner Hartsfield asked if other zones might be possible. Mrs. Riley stated that CC is the most appropriate zone since it abuts a lot zoned CC immediately to the west. Any other zone could be considered spot zoning which is legally problematic.

Commissioner Brown stated that the CC zone may not be the best fit given all the other uses allowed but that he is still in favor of the rezoning.

Commissioner Brown moved, and Commissioner Hartsfield seconded, that the Planning Commission recommend that City Council approve the request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**B. CUP2021-02:** consider a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP) for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria for a conditional use permit for a restaurant use and recommended approval of the CUP.

The applicant stated that they are excited to open a restaurant in Woodland Park and offered to pass out menus describing their “stuff” food concept (which is large and flavorful portions).

Chairman DeVaux opened the public comment portion of the meeting.

Mrs. Kimberley Butcher spoke citing the following concerns: i. she did not receive a letter of notification or a phone call, ii. The on-site sign has been on the ground for a week, iii. a bar is not the best business to have in a residential neighborhood - downtown would be better, iv. the restaurant may turn into a “Gentleman’s Club”, and v. Stuff Foods advertising on the internet brings up advertising for a gentleman’s club in Colorado Springs.

Chairman DeVaux closed the public comment portion of the meeting.

The applicant stated that Snotty Fox is a client of the Stuff Food Truck business but that’s it. Stuff Foods is interested in opening a family restaurant only and not a gentleman’s club. The restaurant will close at 10 pm except Fridays and Saturdays, when it may close at 11 pm.

Mrs. Riley stated that adult entertainment is not permitted in the NC zone and is only permitted in industrial zones in the City. She also stated that a new sign will be posted as soon as possible.

Commissioner Hartsfield asked about parking. Mrs. Riley stated that the site satisfies the City’s requirements of 1 space/4 seats or 1 space/100 SF and that there is ample on-site parking. Commissioner Hartsfield stated that he supports the request and the restaurant should be given the opportunity to succeed on a site with past restaurant uses.

Commissioner Brown believes that while the US24/Morning Sun Drive intersection is uncomfortable and problematic in design, a restaurant use is appropriate on this site.

Commissioner Carrick supports a restaurant use given the history of restaurant use on this site and does not believe traffic will be an issue for the residential neighborhood.



Commissioner Hartsfield moved, and Commissioner Brown seconded, that the Planning Commission recommend that City Council approve a request by Stuft Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP 2021-02) for §18.09.090.P.2 Traditional/Family Restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone subject to the following conditions:

1. Prior to opening the restaurant:
  - a. A water fixture unit count shall be submitted to the Utilities Department; and
  - b. The parking lot shall be restriped.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**C. VAC2021-05:** consider a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria in Chapter 12.08 for vacating a right-of-way (alley) and recommended approval of the vacation request.

Chairman DeVaux opened the public comment portion of the meeting and seeing no one wishing to speak, closed the public comment portion of the meeting.

Commissioner Brown suggested that a condition be added to state that full vesting of that vacated portion of the alley will go to Mr. Longman.

Commissioner Larsen moved, and Commissioner Carrick seconded, that the Planning Commission recommend that City Council approve the request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone subject to the following conditions:

1. Reservation of a public access and utility easement to the City over the vacated portion (Parcel A); and
2. That Parcel A vest entirely with Mr. Longman (Lot 4, Block 6, Elm Heights).

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

#### **4. REPORTS**

**A.** Mrs. Riley reported that City Planner Pellegrino's last day with the City is September 24. The Commissioners thanked her for her service and wished her well.

**5. ADJOURN.** The regular meeting adjourned at 8:18 pm.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_  
Jon DeVaux, Chairman

**CITY OF WOODLAND PARK, COLORADO**  
**ORDINANCE NO.1405, SERIES 2021**

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR “18.09.090.P.2 TRADITIONAL FAMILY RESTAURANT” USE AT 100 MORNING SUN DRIVE WITH A LEGAL DESCRIPTION OF LOT 2, MORNING SUN BUSINESS PARK WITHIN THE NEIGHBORHOOD COMMERCIAL ZONE DISTRICT.

WHEREAS, the City of Woodland Park has received an application from The Stuff Food Emporium to consider approval of Conditional Use Permit of a traditional family restaurant within the Neighborhood Commercial Zone District on a parcel of land located at 100 Morning Sun Drive, with a legal description of Lot 2, Morning Sun Business Park; and,

WHEREAS, an application to establish said conditional use has been submitted and considered in accordance with City Municipal Code Chapter 18.57; and,

WHEREAS, in accordance with Municipal Code Sections 18.57.050 and 18.72.060 and Charter Sections 7.6 and 15.7 b.1., public notices were published in the Pikes Peak Courier on September 8, 2021 and October 6, 2021; signs were posted on August 31, 2021; surrounding property owners’ letters were mailed on August 23, 2021; and a public hearing was held by the City Planning Commission on September 23, 2021; and,

WHEREAS, City Council has considered the application including staff and Planning Commission recommendations, and after holding a public hearing finds that, as detailed in the staff report and at the public hearing, the standards for granting approval of a Conditional Use Permit have been satisfied.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO,  
ORDAINS THAT THIS ORDINANCE IS HEREBY ADOPTED AS FOLLOWS:

Section 1. Property Description. The property is legally described as Lot 2, Morning Sun Business Park, Woodland Park, Teller County, Colorado.

Section 2. Public Notice. All applicable notice requirements pursuant to the Municipal Code have been satisfied.

Section 3. Approvals. This property is hereby approved for a Conditional Use Permit for “18.09.090.P.2 Traditional Family Restaurant” use subject to the following conditions:

1. Prior to opening the restaurant:
  - a. The roof shall be repainted; and
  - b. The parking lot shall be restriped.



PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING  
PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Hilary LaBarre, Mayor Pro-tem

ATTEST:

\_\_\_\_\_  
Suzanne Leclercq, City Clerk



# Woodland Park Planning and Building

City Council Meeting: October 21, 2021

Department

Planning

Presenter

Sally Riley  
Planning Director

---

**PROJECT:** VAC2021-05 Longman ROW VAC

**FROM:** Planning Director Sally Riley

**REQUEST:** Vacate 90 foot long by 15 foot wide part of the alley between Gunnison Avenue and County Road

**LOCATION:** 640 W. Gunnison Avenue (Lot 4, B6, Elm Heights)  
605 N. Walnut Street (Lots 6&7, B6, Lake Addition)

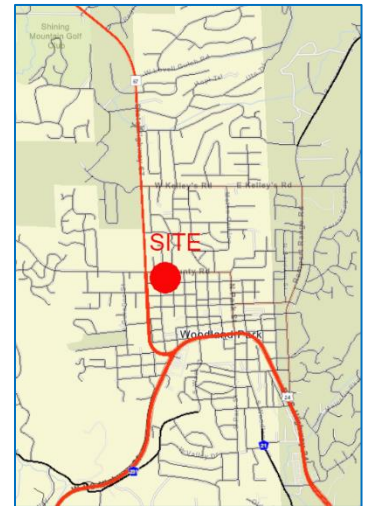
**ZONING:** Chapter 18.13 Urban Residential (UR)

**APPLICANT:** Longman, Anthony P. & Lisa M.

**LAND OWNERS:** Longman, Anthony P. & Lisa M. (Lot 4) and  
Wester, Derin C. (Lots 6 & 7)

**NEXT STEP:** October 7, 2021 City Council First Reading Ord. 1406  
October 21, 2021 City Council Public Hearing Ord. 1406

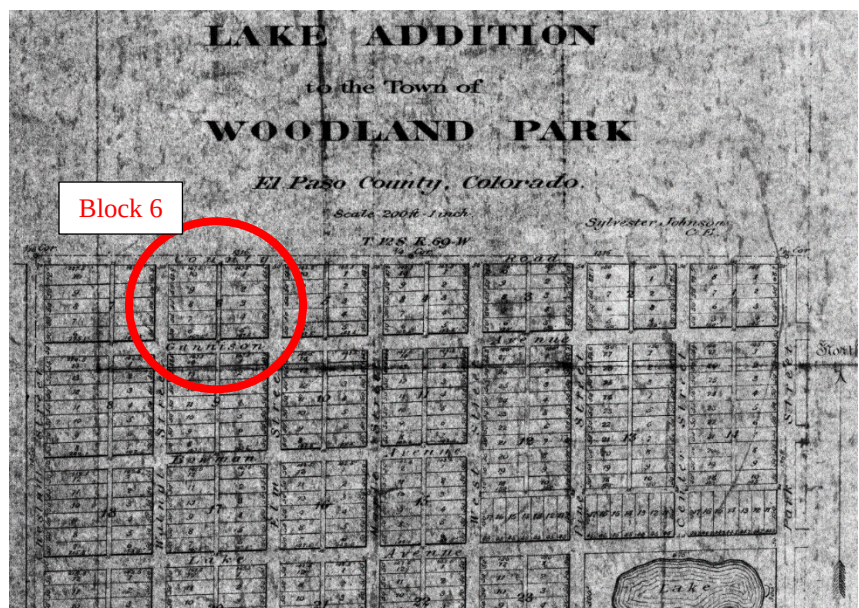
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## I. PROPOSAL

The Applicant (Longman) is requesting vacation of Parcel A – that part of the alley in Block 6 between Gunnison Avenue and County Road located between his lot and his neighbor to the west (Wester). Parcel A is 15 feet wide by 90 feet long for a total of 1,350 square feet. Mr. Longman wishes, and with Mr. Wester's concurrence, to own the entire vacated alley to facilitate and guarantee continued access to his garage.

The 15' wide alley was originally platted in 1890 through all of Block 6 in the Lake Addition to the Town of Woodland Park. Lots 6 and 7 and the alley remain as originally platted but Mr. Longman's lot (Lot 4) was created in 1982 as part of

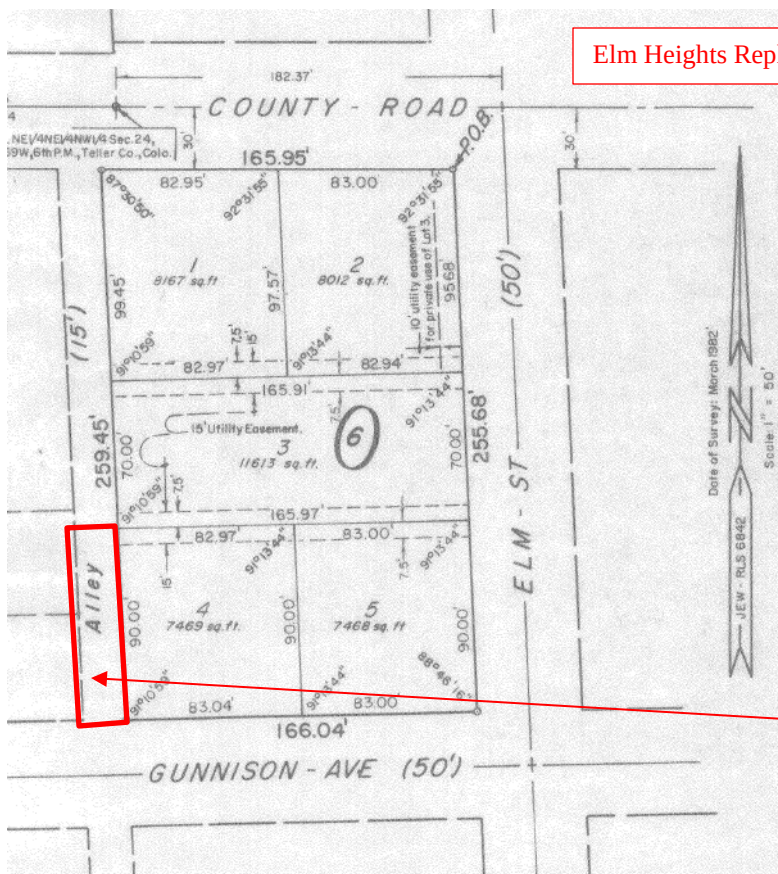
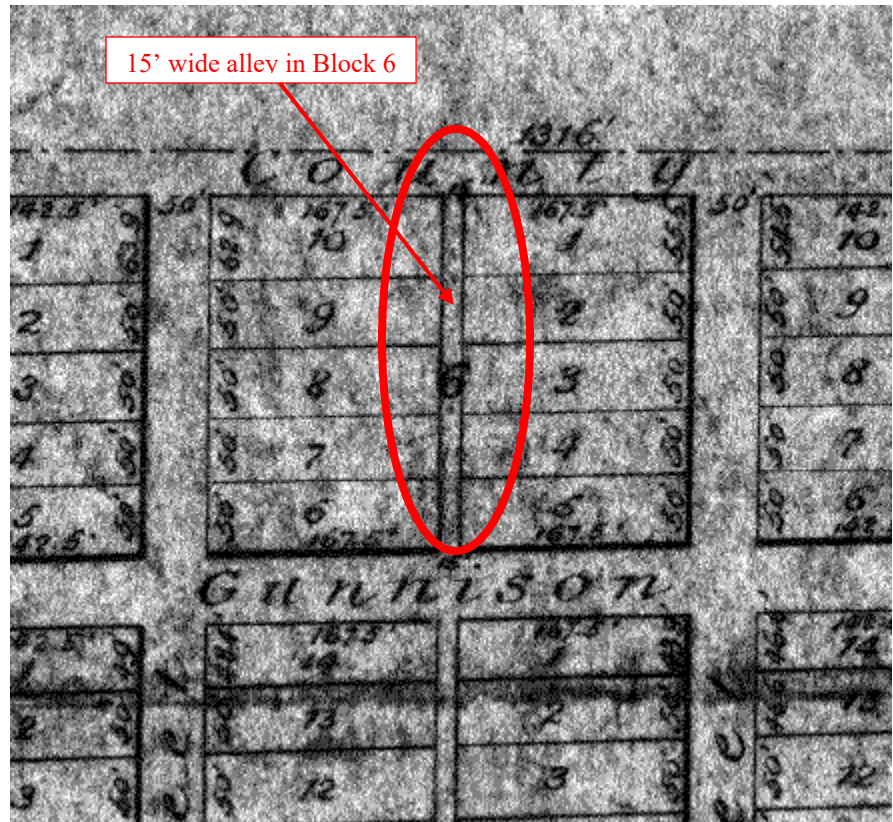




the Elm Heights subdivision which replatted and reconfigured Lots 1 through 5 of Block 6 (see below).

The entire alley is currently undeveloped. A power pole and Core (formerly IREA) power lines exist within Parcel A. The applicant's sewer line traverses the north end of Parcel A and a gas meter is located in the north end. The applicant uses Parcel A to access his garage. No other landowners in Block 6 use Parcel A and in fact, many have blocked the alley right-of-way with fences.

Core and the City Public Works Department have reviewed the request and do not object to the vacation so long as the 1,350 SF area is retained as a public access and utility easement.



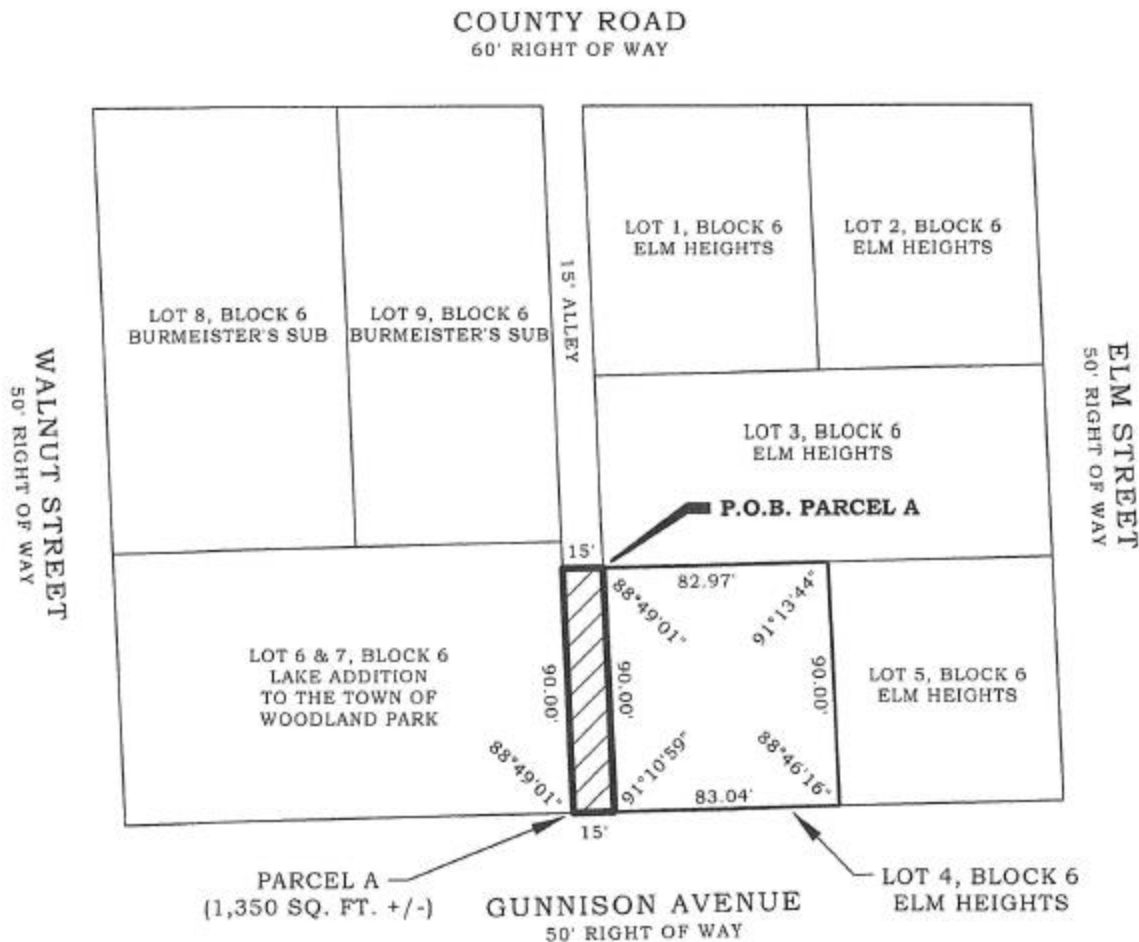
## II. VACATION CRITERIA

This request is subject to Municipal Code (MC) Chapter 12.08 Vacation of Public Rights-of-Way and the City's right to vacate public rights of way is specified as follows:

### 12.08.030 City right to vacate.

The city council, by ordinance, may vacate any street, alley, easement or public right-of-way or part thereof located within the corporate limits of the city, subject to the provisions of the City Charter and the Constitution and statutes of the state.

The applicant would like to vacate that 1,350 SF area of land identified as Parcel A below:



This vacation request was reviewed and assessed to ensure compliance with the applicable sections of MC Chapter 12.08 as follows:

**12.08.010 Policy declaration.** The city declares the following to be its general policy regarding vacation of streets, alleys, easements and public rights-of-way: The vacation of streets, alleys, easements and public rights-of-way shall be considered based on its effect on utilities located in said rights-of-way, emergency services access, feasibility of road construction, access to lots abutting the vacation, area traffic patterns and adjacent landowners input.

**Staff Analysis:** *Complies.*





Currently, this alley is not used for access by emergency services; the feasibility of further road/alley construction is unlikely; access to abutting lots via the alley is not necessary; and, area traffic patterns would not be affected. The City would reserve the entire Parcel A as an easement ensuring access and future infrastructure development if needed. If vacated, there would be no detrimental effect on utilities since the reservation would allow access and the location of future public utilities. NETC Fire, Black Hills, Core (IREA), CenturyLink, TDS Telecom and Peak Internet have no objections to the vacation. Adjacent owner input was sought by the applicant. He sent out a letter and personally spoke to the four (4) landowners abutting the Block 6 alley (see copy in application) and no concerns were expressed by anyone.







**12.08.020 Vesting of title upon vacation.** Whenever any roadway has been conveyed to, or acquired by, the city for use as a street, alley, easement or public right-of-way, and thereafter is vacated, title to the lands included within such street, alley, easement or public right-of-way or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues, as follows:

- A. In the event that a street, alley, easement or public right-of-way, which constitutes the exterior boundary of a subdivision or other tract of land, is vacated, title to the street, alley, easement or public right-of-way shall vest in the owners of the land abutting the vacated street, alley, easement or public right-of-way, at the time the street, alley, easement or public right-of-way was acquired for public use, was a part of the subdivided land, or was a part of the adjacent land.
- B. In the event that less than the entire width of a street, alley, easement or public right-of-way is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.
- C. In the event that a street, alley, easement or public right-of-way bounded by straight lines is vacated, title to the vacated street, alley, easement or public right-of-way shall vest in the owners of the abutting land, each abutting owner taking to the center of the street, alley, easement or public right-of-way, except as provided in subsections A and B of this section. In the event that the boundary lines of abutting lands do not intersect the roadway at a right angle, the land included within such roadway shall vest as provided in subsection
- D. In all instances not specifically provided for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land or any part thereof is nearest in proximity.
- E. No portion of a roadway, upon vacation, shall accrue to an abutting roadway.

**Staff Analysis:** *Complies.*

*If vacated, half of the 15 foot alley should vest with Mr. Wester and the other half should vest with Mr. Longman. However, Mr. Wester does not want his half and has agreed to give his half to Mr. Longman so that Mr. Longman will take ownership of the entire 1,350 SF Parcel A.*



**12.08.060 Reservation of land for utility uses.** In the event of vacation, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches, canals or drainage and appurtenances, and for electric, telephone and similar lines and appurtenances.

**Staff Analysis:** *Complies.*

*The draft ordinance attached reserves the entire 1,350 SF Parcel A as a public utility and access easement.*

**12.08.070 Procedure for requesting a vacation.** Any person desiring the vacation of any street, alley, easement or other public rights-of-way, located within the city, shall file with the city clerk the following, at least thirty days prior to the next regular scheduled planning commission meeting:

- A. A completed application form;
- B. Plat and legal description of proposed vacation; plat shall be drawn by a registered land surveyor and shall be on eight and one-half inches by eleven-inch paper whenever possible;
- C. A processing fee as established by city council;
- D. The names and addresses of all adjacent property owners.

**Staff Analysis:** *Complies.*

*The complete application has been accepted by staff and is attached to this staff report.*

**12.08.080 - Hearing—Planning commission and city council action.**

- A. The planning commission shall hold a public hearing on the vacation request. Notice of the public hearing shall be published in the official city newspaper at least seven days prior to the public hearing. The property proposed to be vacated shall be posted at least ten days prior to the public hearing and notice shall be sent to adjacent property owners at least ten days prior to the public hearing. The planning commission shall recommend approval or disapproval to the council, or table the request until the next regularly scheduled meeting.
- B. The planning commission shall make its written recommendations to the city council.
- C. The city council shall conduct a public hearing concerning the proposed recommendations by the planning commission, which recommendation shall be part of the council records for such hearing. Notice of public hearing shall be published and posted at least seven days prior to the public hearing, the notice for the city council public hearing may be done at the same time as the notice for the planning commission hearings.

**Staff Analysis:** *Complies.*

*The Planning Commission public hearing is scheduled for September 23, 2021 and the City Council public hearing is scheduled for October 21, 2021. All public hearing notices have been published, mailed and posted per Municipal Code requirements.*

**12.08.090 Vacation to be accomplished by ordinance.** After the public hearing, if the council elects to proceed with the vacation, the actual vacation of any property within the street, alley, easement or other public right-of-way within the city shall be accomplished by ordinance.

**Staff Analysis:** *Complies.*

*A draft ordinance has been created and is attached to this staff report.*

**12.08.100 - Recording of vacation ordinance.** An ordinance for vacation of any street, alley, easement or public right-of-way, once duly passed and effective, shall be filed with the office of the county clerk and recorder for Teller County.

**Staff Analysis:** *Complies.*

*If passed, the ordinance will be recorded with Teller County.*

**12.08.110 - Reimbursement to city.** In addition to the processing fee, the applicant shall reimburse the city for all publishing, posting, ordinance drafting and filing costs.

**Staff Analysis:** *Complies.*

*These are typical costs that all applicants are subject to and are billed upon closing the file.*

### **III. PLANNING COMMISSION RECOMMENDATION**

Staff and Planning Commission recommend approval of VAC2021-05 to vacate that 1,350 SF part (Parcel A) of the public ROW (alley) between Gunnison Avenue and County Road in Block 6, Lake Addition to the Town of Woodland Park as submitted by Mr. Longman (applicant) subject to the following conditions:

1. Reservation of a public access and utility easement to the City over the vacated portion (Parcel A).

### **ATTACHMENTS**

Application

Minutes from the Sept. 23, 2021 Planning Commission Meeting

Ordinance No. 1406, Series 2021



# Planning Application Entry Form

[Print Record](#)[Go To Development Fees Receipt Form](#)

ID

[Open Permit Comments](#)

Permit Number 202108249

Project # EXT/Case # VAC2021-05

Development Case ☐

Date Received 8/23/2021

Date Routed 8/24/2021

Date Initial Permit Approved

\*Date Permit Paid

\*NOTE: If Non-profit enter Date Approved in Date Permit Paid field for report

Project Type VAC

Project Type Number 12

Project Classification Public ROW

Non-Profit, Residential or Commercial Residential

Date CO Requested

Temp CO Auth Approved

Date Temp CO Expires

NOTE: Above Field required only for SINS and TUPs

Project Name Longman Vacation of Public

Site Address Number 640

Site Address Name W. Gunnison Ave.

Lot Number 4

Block Number 6

Subdivision Elm Heights

Filing #

Applicant Business Name

App First Name Anthony

App Last Name Longman

App Phone Number 818-481-8338

PO Box

Mailing Address Street # 640

Mailing Address Street Name W. Gunnison Ave.

City Woodland Park

State CO

Zip Code 80863

Owner First Name Anthony

Owner Last Name Longman

Zone Class UR

Applicant Project Value \$0.00

## UTILITIES SECTION

Tap Allocation Date

Allocation Exp Date

Water Tap #

Sewer Tap #

Tap Paid Date

Tap Exp Date

Taps Refunded ☐

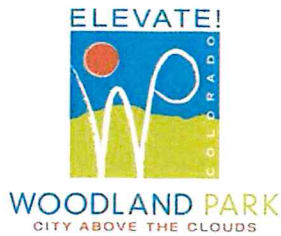
Inside/Outside User

Meter Installed ☐

Filed in Area

Planner Office





VACATION OF A PUBLIC  
RIGHT-OF-WAY  
2021 Application Form  
(Revised 1/1/2021)

MC § 12.08

Project # 202108249  
Fees: VAC 2021-05  
ROW Vacation=\$899.00  
(Plus publication and recording fees)



1. Applicant Information (Include all property owners involved with the vacation request)

|                                         |                                                  |                                                |
|-----------------------------------------|--------------------------------------------------|------------------------------------------------|
| Property Owner<br>(First and Last Name) | #1 Anthony Longman<br>Lisa Longman               | #2 Derin Wester                                |
| Mailing Address                         | 640 W. Gunnison Avenue<br>Woodland Park CO 80863 | 605 N. Walnut Street<br>Woodland Park CO 80863 |
| E-Mail Address                          | anthonylongman@mac.com                           | Sonnyderin@yahoo.com                           |
| Phone Numbers                           | (818) 481-8338                                   | (619) 261-5000                                 |

2. Property Information

- a. Street Address 640 W. Gunnison Avenue, Woodland Park CO 80863  
b. Legal Description (Lot, Block, Subdivision) Lot 4, Block 6, Elm Heights  
c. Zone District UR

3. Vacation/Establish Easement Request Information

- a. Provide a General Description of the Area Requested to be Vacated/Established  
That portion of the alley between Gunnison Avenue and County Road that lies between The West boundary of 640 W. Gunnison and the E. Boundary of 605 N. Walnut St.
- b. Reason for Request 640 W. Gunnison relies on use of this land to access its garage, and has done so since it was built on.
- c. What Utilities or Drainage Facilities Exist in the Area? Power pole, gas line, phone lines, probably a sewer connection.
- d. Will Any Lots Be Denied Street Access If This Vacation Is Approved?  
Yes ☐ No ☒ If Yes, Please Describe \_\_\_\_\_



#### 4. Submittal Requirements

The following information must be submitted with the application pursuant to Chapter 12.08 for the vacation of streets, alleys, easement, or other public rights of way.

| Applicant Check          | City Check | Submittal Requirements:                                                                                                                                                                                                                                                                                         |
|--------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> |            | <b>Complete Application</b> A completed application for a vacation upon forms supplied by the Planning Department.                                                                                                                                                                                              |
| <input type="checkbox"/> |            | <b>Application Fee</b><br>As outlined on page one.                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> |            | <b>Recording/Publication Fees</b> Teller County Clerk and Recorder charges fees to record documents. You will be billed for these costs plus publication costs incurred by the Planning Department. <i>Recording fees: \$13.00 for the first page, \$5.00 for each page thereafter, plus \$2.00 e-file fee.</i> |
| <input type="checkbox"/> |            | <b>Adjoiners List (Required only for Vacation of Right of Way)</b><br>A complete list of names and mailing addresses of all adjacent property owners within 150' of the subject property.                                                                                                                       |
| <input type="checkbox"/> |            | <b>Proof Of Ownership</b> Warranty deed or title policy.                                                                                                                                                                                                                                                        |
| <input type="checkbox"/> |            | <b>Exhibit/Drawing</b> An exhibit or drawing by a registered land surveyor showing the proposed easement or right of way vacation. The exhibit shall be drawn on 8 1/2" x 11" paper. A legal description of the subject property is also required.                                                              |

#### 5. Certification

I (we) do hereby declare and affirm that I (we) am (are) the owner(s) of the subject property(s) affected by this vacation request.

➡ Owner Anthony Langman Jim Rugman Date 8/23/2021

➡ Owner Dan C. Werbe Date 8/23/2021

| City Use Only |                                                                                                                                                                                |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.            | Submission <u>Aug 23, 2021</u> , 20 <u>21</u> , taken by <u>Lor P.</u>                                                                                                         |
| 2.            | Review and Approval from the Utility Service Companies<br>IREA (electric) _____ Century Link (phone) _____<br>Black Hills (natural gas) _____ Baja (cable TV) _____            |
| 3.            | Public Hearing Notices<br>Posted On <u>Sep 13</u> , 20 <u>21</u> (PC+CC)<br>Published on <u>Sep 15</u> , 20 <u>21</u> Property Owner Notification <u>Sep 10</u> , 20 <u>21</u> |

PC PH Sep 23  
 CC Ord IR Oct 7  
 CC Ord PH Oct 21

## LEGAL DESCRIPTION

### PARCEL A

THE SOUTHERLY NINETY FOOT (90) OF THE FIFTEEN FOOT (15) WIDE ALLEY OF BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK, TELLER COUNTY, COLORADO, AS RECORDED IN PLAT BOOK EP AT PAGE 307 OF THE RECORDS OF THE TELLER COUNTY CLERK AND RECORDER, LOCATED IN THE NW ONE-QUARTER (NW1/4) OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF THE 6TH P.M., IN THE CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 6, ELM HEIGHTS, AS RECORDER UNDER RECEPTION NUMBER 301864 OF THE RECORDS OF THE TELLER COUNTY CLERK;

THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID LOT 4, BLOCK 6, ELM HEIGHTS, A DISTANCE OF 15.00 FEET MORE OR LESS TO THE EAST LINE OF LOT 7, BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK;

THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 7 AND LOT 6, BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK, A DISTANCE OF 90.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF GUNNISON AVENUE;

THENCE EASTERLY, ALONG THE NORTHERLY RIGHT OF WAY OF GUNNISON AVENUE, A DISTANCE OF 15.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 6, ELM HEIGHTS;

THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 4, BLOCK 6, ELM HEIGHTS, A DISTANCE OF 90.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL A CONTAINS 1,350 SQUARE FEET (0.031 ACRES) OF LAND, MORE OR LESS.



PREPARED BY  
JEFFREY L. OTTEN  
COLORADO P.L.S. NO. 33199  
FOR AND ON BEHALF OF:  
HIGH COUNTRY LAND SERVICES LLC  
4175 NORTH ROAD  
DIVIDE, COLORADO 80814  
719-687-0141



# EXHIBIT A

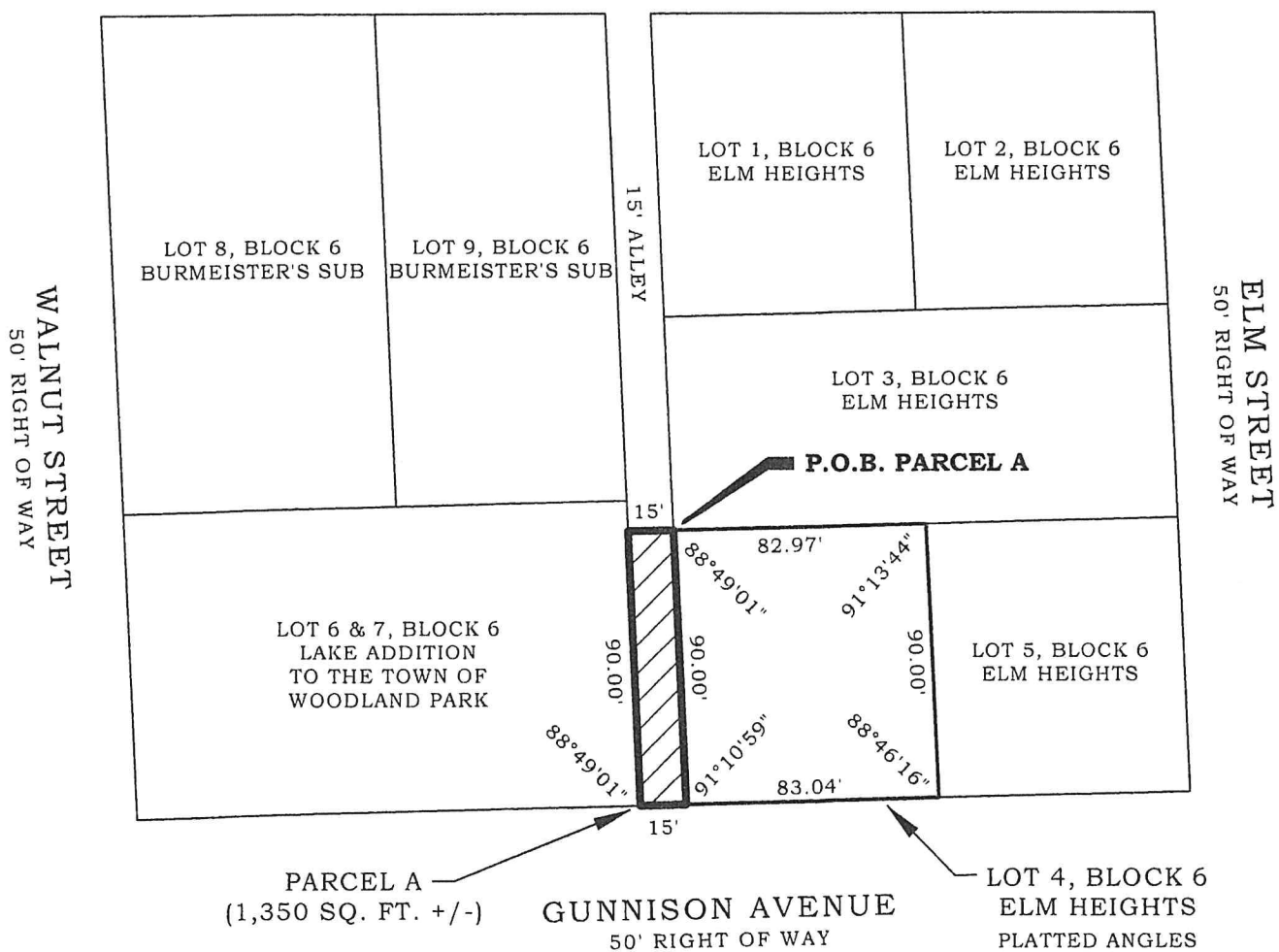


0 30 60  
FEET

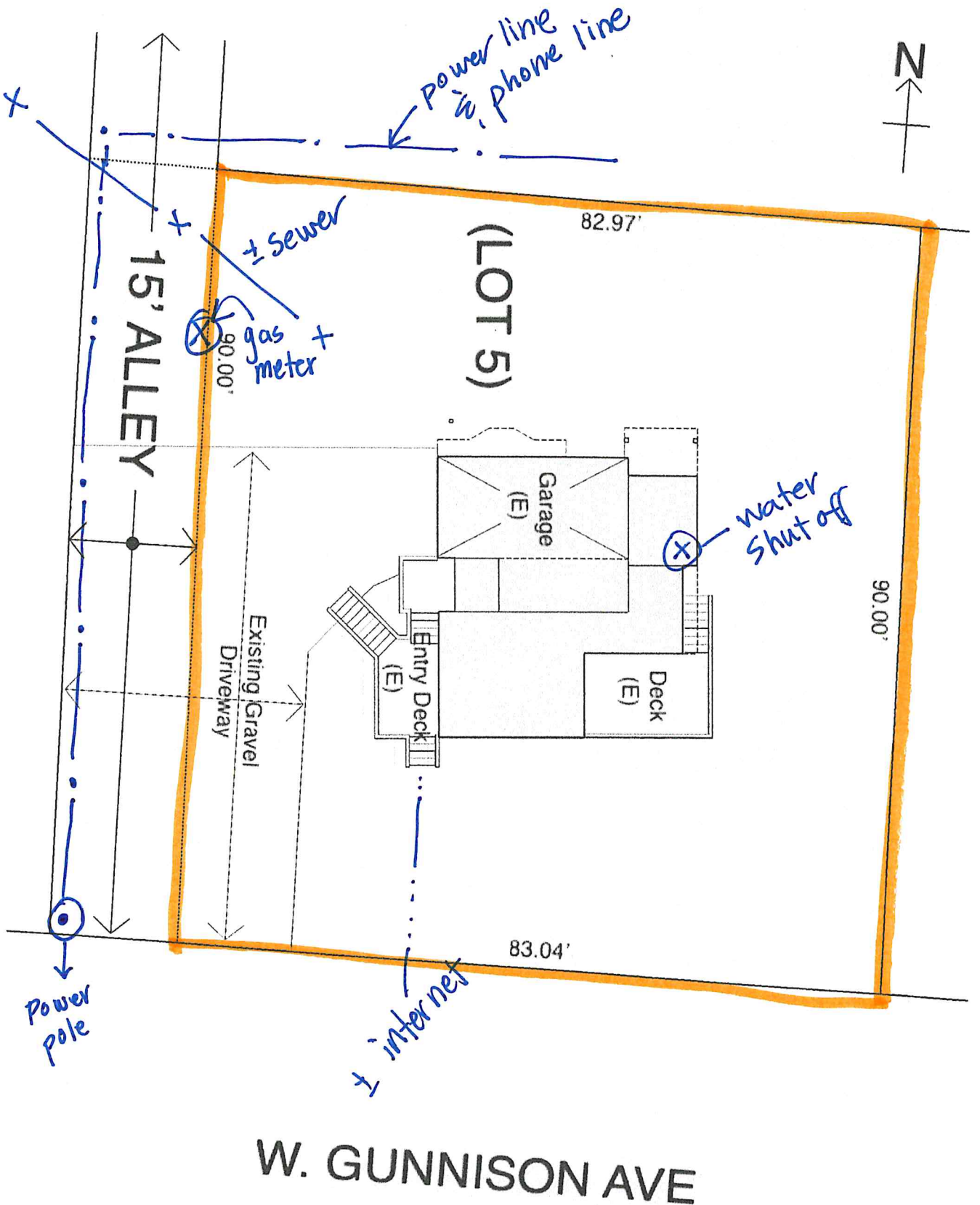
1 INCH = 60 FEET

AUGUST 16, 2021

COUNTY ROAD  
60' RIGHT OF WAY



PREPARED BY  
**HIGH COUNTRY LAND SERVICES**  
LAND SURVEYING AND MAPPING  
4175 NORTH ROAD DIVIDE, CO 80814  
719-505-3576 719-687-0141



Site Plan for 640 W. Gunnison Ave, Woodland Park CO [Scale 1/16" = 1'-0 drawn by Anthony Longman 8.23.21]



From: **Anthony P Longman** anthonylongman@me.com  
Subject: City of W.P. Planning Dept's requirement  
Date: August 23, 2021 at 7:08 PM  
To: **Derin Wester** sonnyderin@yahoo.com



Hi Derin,

I met with the City Planner Lor Pellegrino this afternoon to submit the documents regarding our requested vacation of the alley between our properties.

In compliance with her request at this meeting, I am sending you a document which I would be grateful if you would print and sign, and let me know when I can drop by to collect it from you for submittal to the City along with the rest of our documentation.

Many thanks again for your cooperation and help,

Anthony Longman

Planned vacation of paper alley between 640 W. Gunnison Avenue & 605 N. Walnut Street.

August 23<sup>rd</sup>, 2021.

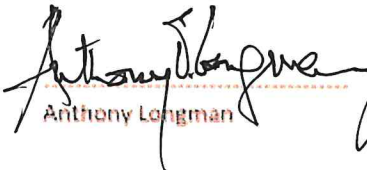
To whom it may concern:

The undersigned parties, Anthony & Lisa Longman, and Derin Wester, are the owners respectively of the properties at 640 W. Gunnison Avenue and 605 N. Walnut Street, Woodland Park, Colorado.

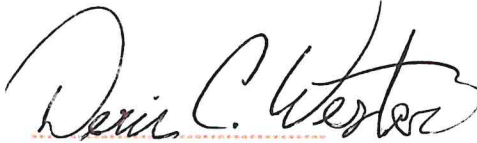
Between their properties is a portion of a 15ft wide paper alley owned by the City of Woodland Park. The property at 640 W. Gunnison Avenue is configured in such a way that from the time of its construction, access to the garage has only been possible by driving over this portion of the alley.

The normal practice of the City, where the vacation of a paper alley is requested, is to divide the vacated land into two equal width parcels that become the respective property of the owners of the lots on each side of the paper alley.

At the request of Anthony & Lisa, Derin has kindly agreed to participate, without any payment, in requesting the City to vacate the full width of the portion of the paper alley where it abuts 640 W. Gunnison Avenue, so that the entire width of the alley at this point becomes the property of Anthony & Lisa, in this way formalizing the de facto function of the land as part of the driveway at 640 W. Gunnison Avenue.

  
Anthony Longman

  
Lisa Longman

  
Derin Wester

640 W. Gunnison paper alley vacation proposal – synopsis of neighbor notification interactions.

The attached notice, explaining our intent, and offering the opportunity to participate in a vacation of the full length of the alley in this block, was delivered by hand to the owners listed below at their respective addresses, including a brief introductory face to face conversation explaining our intentions.

| <u>Owner</u>                   | <u>Address</u>  |
|--------------------------------|-----------------|
| Barlow, Robert A.              | 650 Elm Street  |
| Earhart, Teresa J. and Gary M. | 651 County Road |
| MacArthur, Johanna R.          | 641 County Road |

In no case was there any expression of interest during the specified period or since then, in participating in this process, leading us to proceed with this application, as per the agreement between ourselves and Derin Wester, the owner whose property at 605 N. Walnut Street abuts the alley directly across from our property at 640 W. Gunnison Avenue.

Anthony & Lisa Longman  
8.23.2021



Notice to Owners of Properties Bordering North-South Paper Alley, West of Elm Street Between West Gunnison Avenue and County Road.

The above referenced paper alley has shared boundaries with 5 Properties. Their addresses are 640 W. Gunnison Avenue, 605 N. Walnut Street, 651 County Road, 641 County Road and 650 Elm Street.

Because the portion of the alley that abuts W. Gunnison Avenue is in continual use to access their garage, Anthony and Lisa Longman (the owners of 640 W. Gunnison Avenue) and Derin Wester (who owns 605 N. Walnut Street) have reached an agreement between them to request that the City of Woodland Park vacate the portion of the alley that lies between their two properties, with ownership of this portion of the alley to be given entirely to Anthony and Lisa Longman. (In any vacation of the alley, the City would still retain an easement to preserve its right of access.)

The City has agreed in principle to this proposal, with the condition that the owners of the other 3 properties that border the alley are to be notified of this proposal, in case they all may wish to participate in the vacation of this alley and can agree among themselves on how the ownership of the land should be disposed. (The presumption of the City in all cases is to split ownership of a vacated paper alley down the centerline, but alternative arrangements that are agreed between the parties are acceptable to the City.)

A fee (on the order of \$1,000) is required by the City to process the vacation. The current plan is that Anthony and Lisa will pay this fee. However, in the event that the other owners agree to participate, we propose the fee would be shared among the properties that benefit from increased land area proportionately to the acquired land area. It should be noted that each lot that increases in size as a result will also end up paying a somewhat higher property tax.

Anthony and Lisa ask that the other owners notify them by July 20<sup>th</sup> 2021 if they can agree on how to participate. Otherwise, we will proceed at that point to request the City to vacate just the portion of the alley that concerns us.

If you wish to contact us, Anthony and Lisa can be reached at the following phone numbers:

|         |              |
|---------|--------------|
| Anthony | 818-481-8338 |
| Lisa    | 805-231-6082 |

A partial plot map with the alley down the left side is attached on the back of this notice.

Thank you for your time and attention.

With kind regards,

Anthony & Lisa Longman      Derin Wester







# Teller County Government

The Official Site For Teller County, Colorado

## Property Records Database

[Teller Home](#)[County Offices](#)[Contributing Offices](#)[New Search](#)[Mapping Application](#)[Foreclosures](#)

## Property Record Database

### Account Information (provided by Assessor)

**Account No** R0022283

**Parcel Id** 6029.242430070

**2021 Values** [A PDF of the 2021 Notice of Value](#)

**Actual** \$345,109

**Assessed** \$24,680

**Tax Dist** 60

**Acct Type** Residential

**School Dist** RE-2

**Acres** 0.1700

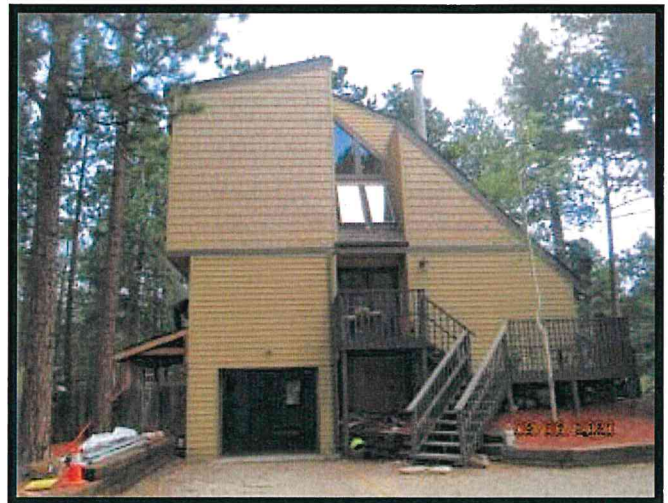
**Map No.** 3029-24

**Owner Name** LONGMAN, ANTHONY P &  
LISA M

**Mailing Address** 640 W GUNNISON AVE  
WOODLAND PARK, CO  
808631022

**Physical Address** 640 W GUNNISON AVE

**Area** LAKE ADD



**Legal Description** L4 B6 ELM HEIGHTS

[Show Map](#)

[Show Sales Map](#)

[Comparable Residential Sales](#)

**Zoning Information** (provided by Community Development Services Division for Questions call 719-687-3048 )

**Zoning** UR

### Land Information (provided by Assessor)

**Land Type Abst Code Acres**

Residential 1112 0.1700

**TOTAL** 0.1700

### Building Information (provided by Assessor)

**Building ID** 1

|                                            |                            |                                |
|--------------------------------------------|----------------------------|--------------------------------|
| <b>Occupancy</b> Single Family Residential | <b>Abst code</b> 1212      |                                |
| <b>Style</b> 3 Story                       | <b>% Occ</b> 100%          | <b>Year build</b> 1982         |
| <b>SQFT</b> 1,710                          |                            | <b>Adj Yr Blt</b> 1994         |
| <b>Bed Rooms</b> 4                         | <b>Baths</b> 2.00          | <b>Remodeled</b> 2020          |
| <b>Rooms</b> 7                             | <b>Stories</b> 3           | <b>% Remodeled</b> 0%          |
| <b>Exterior</b> Frame Vinyl                | <b>Story Ht</b> 8          | <b>Roof Type</b> Shed          |
| <b>Interior</b> Drywall                    | <b>Foundation</b> 18 Block | <b>Roof Comp</b> Shingle Heavy |
| <b>Quality</b> Average                     | <b>Condition</b> Average   | <b>HeatType</b> Forced Air     |

**Inventory Building ID 1**

| <b>Type</b> | <b>Description</b> | <b>Units</b> |
|-------------|--------------------|--------------|
| Add On      | Stove Wood Average | 1            |
| Basement    | Bsmnt Block 8 ft   | 252          |
| Basement    | Finished           | 252          |
| Garage      | Built In           | 350          |
| Porch       | Cvrd Wood Deck     | 12           |
| Porch       | Wood Deck          | 102          |
| Porch       | Wood Deck          | 144          |
| Porch       | Wood Deck          | 200          |
| Porch       | Wood Roof          | 60           |

**Transfers (provided by Assessor)**

| <b>Sale Date</b> | <b>Reception No</b> | <b>Deed Type</b> | <b>Sale Price</b> |
|------------------|---------------------|------------------|-------------------|
| 07/22/1982       | 303603              | Warranty Deed    | \$76,000          |
| 09/25/1992       | 399769              | Warranty Deed    | \$87,900          |
| 05/30/1997       | 462731              | Warranty Deed    | \$147,000         |
| 02/28/2002       | 530406              | Warranty Deed    | \$168,500         |
| 07/27/2006       | 596393              | Warranty Deed    | \$227,500         |
| 11/07/2019       | 720960              | Warranty Deed    | \$375,000         |

**Building Permits**

| <b>Date</b> | <b>Permit No.</b>      | <b>Description</b>                           | <b>Permit Issued By</b> |
|-------------|------------------------|----------------------------------------------|-------------------------|
| 04/14/1993  | <a href="#">A03070</a> | None                                         | Teller County           |
| 10/26/1994  | <a href="#">A04714</a> | FURN,VENT,IN/OUT GAS                         | Teller County           |
| 06/15/2005  | <a href="#">A29279</a> | None                                         | Teller County           |
| 11/12/2010  | <a href="#">A40968</a> | Reroof Tear Off                              | Teller County           |
| 09/25/2013  | <a href="#">A46121</a> | WATER HEATER REPLACEMENT                     | Teller County           |
| 12/02/2013  | <a href="#">J00698</a> | WATER HEATER REPLACEMENT                     | Woodland Park           |
| 04/19/2019  | <a href="#">M23693</a> | FURNACE REPLACEMENT                          | Woodland Park           |
| 05/07/2019  | <a href="#">M26822</a> | PANEL SWAP                                   | Woodland Park           |
| 07/09/2019  | <a href="#">M38598</a> | INTERIOR REMODEL (CREATING BEDROOM) NO MEP'S | Woodland Park           |



|            |                        |                      |
|------------|------------------------|----------------------|
|            | NEEDED                 |                      |
| 11/04/2020 | <a href="#">N17955</a> | WHOLE HOUSE RE PLUMB |
| 05/26/2021 | <a href="#">N50476</a> | DECK REPAIR          |

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|  |  |               |
|--|--|---------------|
|  |  | Woodland Park |
|  |  | Woodland Park |

**Property Tax History (provided by Treasurer). Delinquent taxes are not shown on this website.**

[Tax detail on Treasurers Web Site \(Note: Select Public User Login Button if prompted\)](#)

| <b>Tax<br/>Year</b> | <b>Tax<br/>Amount</b> |
|---------------------|-----------------------|
| 2015                | \$1,460.34            |
| 2016                | \$1,345.42            |
| 2017                | \$1,259.42            |
| 2018                | \$1,257.34            |
| 2019                | \$1,837.48            |

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E-Mail suggestions or comments to [WebDeveloper](#)  
08/24/2021 09:18:50 AM



## AERIAL PHOTO





# WOODLAND PARK PLANNING COMMISSION MEETING MINUTES for September 23, 2021

## Council Chambers, 220 W South Avenue, Woodland Park

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*This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to [sriley@city-woodlandpark.org](mailto:sriley@city-woodlandpark.org).*

### **(6:00 pm) WORK SESSION**

Chairman DeVaux called order at 6:00 pm.

|                |                                                            |
|----------------|------------------------------------------------------------|
| Present        | Chairman Jon DeVaux                                        |
| Present        | Vice-Chairman Ken Hartsfield                               |
| Present        | Commissioner Lee Brown                                     |
| Present        | Commissioner Larry Larsen                                  |
| Present        | Commissioner Ellen Carrick                                 |
| Absent         | Commissioner Al Bunge                                      |
| Staff Present: | Planning Director Sally Riley, City Planner Lor Pellegrino |

- A. Envision Woodland Park 2030 Final Review and Edits: The Planning Commission received the revised document with all revisions included. A few more revisions were discussed during this work session and will be incorporated. An editor is reviewing the entire document for consistency. Any Planning Commission outstanding concerns should be sent to Mrs. Riley by Wednesday next week. The final document will be ready on October 7 and the Planning Commission public hearing to adopt the Comprehensive Plan is October 14. It will be forwarded to City Council to endorse the following week.
- B. Mrs. Riley went over a list of short term rentals pros and cons. City Council is considering whether or not to direct staff to consider code changes.

### **(7:00 pm) REGULAR MEETING**

1. **ORDER AND ROLL CALL.** Chairman DeVaux called order at 7:01 pm.

|                  |                                                            |
|------------------|------------------------------------------------------------|
| Present          | Chairman Jon DeVaux                                        |
| Present          | Vice-Chairman Ken Hartsfield                               |
| Present          | Commissioner Lee Brown                                     |
| Present          | Commissioner Larry Larsen                                  |
| Present          | Commissioner Ellen Carrick                                 |
| Absent (excused) | Commissioner Al Bunge                                      |
| Staff Present:   | Planning Director Sally Riley, City Planner Lor Pellegrino |

2. **APPROVAL OF MINUTES.** The July 22, 2021 minutes were approved, as presented.

3. **PUBLIC HEARINGS**

- A. **ZON2021-08:** consider a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21.

Mrs. Riley presented the staff report citing compliance with rezoning criteria and the comprehensive plan. She stated that the Church was unaware that the zoning was not in place and recommended that the Planning Commission approve the rezoning so that the existing daycare use can continue.

Chairman DeVaux opened the public comment portion of the meeting.

Mr. Mark Lucas is in favor of the rezoning and asked about the capacity of the daycare. The applicant stated that currently 75 children are enrolled and with the proposed addition, up to 90 can be enrolled.

Chairman DeVaux closed the public comment portion of the meeting.

Commissioner Hartsfield asked if other zones might be possible. Mrs. Riley stated that CC is the most appropriate zone since it abuts a lot zoned CC immediately to the west. Any other zone could be considered spot zoning which is legally problematic.

Commissioner Brown stated that the CC zone may not be the best fit given all the other uses allowed but that he is still in favor of the rezoning.

Commissioner Brown moved, and Commissioner Hartsfield seconded, that the Planning Commission recommend that City Council approve the request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**B. CUP2021-02:** consider a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP) for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria for a conditional use permit for a restaurant use and recommended approval of the CUP.

The applicant stated that they are excited to open a restaurant in Woodland Park and offered to pass out menus describing their “stuff” food concept (which is large and flavorful portions).

Chairman DeVaux opened the public comment portion of the meeting.

Mrs. Kimberley Butcher spoke citing the following concerns: i. she did not receive a letter of notification or a phone call, ii. The on-site sign has been on the ground for a week, iii. a bar is not the best business to have in a residential neighborhood - downtown would be better, iv. the restaurant may turn into a “Gentleman’s Club”, and v. Stuff Foods advertising on the internet brings up advertising for a gentleman’s club in Colorado Springs.

Chairman DeVaux closed the public comment portion of the meeting.

The applicant stated that Snotty Fox is a client of the Stuff Food Truck business but that’s it. Stuff Foods is interested in opening a family restaurant only and not a gentleman’s club. The restaurant will close at 10 pm except Fridays and Saturdays, when it may close at 11 pm.

Mrs. Riley stated that adult entertainment is not permitted in the NC zone and is only permitted in industrial zones in the City. She also stated that a new sign will be posted as soon as possible.

Commissioner Hartsfield asked about parking. Mrs. Riley stated that the site satisfies the City’s requirements of 1 space/4 seats or 1 space/100 SF and that there is ample on-site parking. Commissioner Hartsfield stated that he supports the request and the restaurant should be given the opportunity to succeed on a site with past restaurant uses.

Commissioner Brown believes that while the US24/Morning Sun Drive intersection is uncomfortable and problematic in design, a restaurant use is appropriate on this site.

Commissioner Carrick supports a restaurant use given the history of restaurant use on this site and does not believe traffic will be an issue for the residential neighborhood.



Commissioner Hartsfield moved, and Commissioner Brown seconded, that the Planning Commission recommend that City Council approve a request by Stuft Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP 2021-02) for §18.09.090.P.2 Traditional/Family Restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone subject to the following conditions:

1. Prior to opening the restaurant:
  - a. A water fixture unit count shall be submitted to the Utilities Department; and
  - b. The parking lot shall be restriped.

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

**C. VAC2021-05:** consider a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria in Chapter 12.08 for vacating a right-of-way (alley) and recommended approval of the vacation request.

Chairman DeVaux opened the public comment portion of the meeting and seeing no one wishing to speak, closed the public comment portion of the meeting.

Commissioner Brown suggested that a condition be added to state that full vesting of that vacated portion of the alley will go to Mr. Longman.

Commissioner Larsen moved, and Commissioner Carrick seconded, that the Planning Commission recommend that City Council approve the request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone subject to the following conditions:

1. Reservation of a public access and utility easement to the City over the vacated portion (Parcel A); and
2. That Parcel A vest entirely with Mr. Longman (Lot 4, Block 6, Elm Heights).

**YES:** Brown, DeVaux, Carrick, Larsen, Hartsfield

**NO:** None

Motion **PASSES**

#### **4. REPORTS**

**A.** Mrs. Riley reported that City Planner Pellegrino's last day with the City is September 24. The Commissioners thanked her for her service and wished her well.

**5. ADJOURN.** The regular meeting adjourned at 8:18 pm.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_  
Jon DeVaux, Chairman

# **CITY OF WOODLAND PARK, COLORADO**

## **ORDINANCE NO. 1406, SERIES 2021**

AN ORDINANCE VACATING THAT PORTION OF THE ALLEY BETWEEN LOTS 6-7,  
BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK AND LOT 4,  
BLOCK 6, ELM HEIGHTS

WHEREAS, the City Council, after public hearing with notice as required by law, finds that it is in the best interest of the citizens of the City of Woodland Park to grant the requested vacation; and

WHEREAS, no land adjoining the public alley right-of-way requested to be vacated would be left, by reason of this vacation, without an established public road or public access easement connecting said land with another established public road.

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

That the Ordinance entitled "AN ORDINANCE VACATING THAT PART OF THE ALLEY BETWEEN LOTS 6-7, BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK AND LOT 4, BLOCK 6, ELM HEIGHTS," be and is hereby adopted as follows:

Section 1. The portion of the alley labeled Parcel A as shown in Exhibit A and legally described in Exhibit B is hereby vacated by the City of Woodland Park.

Section 2. Title to the entirety of Parcel A, by agreement of all involved parties, shall vest with Lot 4, Block 6, Elm Heights.

Section 3. There is hereby reserved by and to the City:

- a. a 15' wide public access easement for ingress and egress in, across, over, through and under Parcel A; and
- b. a 15' wide utility easement in, across, over, through and under Parcel A. The City may assign an interest in such utility easement as appropriate to a utility service provider as the need arises.

Section 4. This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING  
PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

---

Mayor Pro-Tem Hilary LaBarre

ATTEST: \_\_\_\_\_  
City Clerk Suzanne Leclercq



# EXHIBIT A



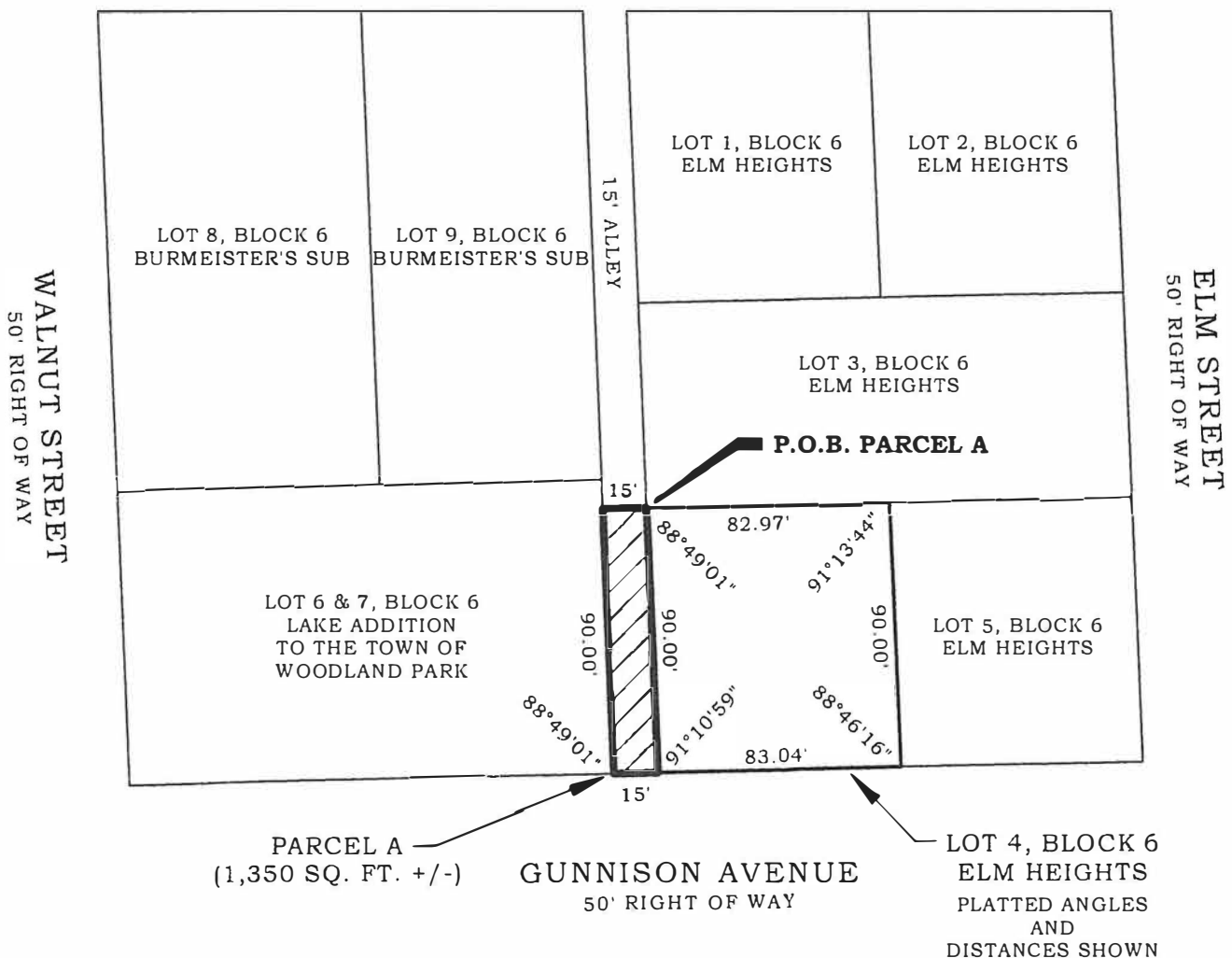
0 30 60

FEET

1 INCH = 60 FEET

AUGUST 16, 2021

COUNTY ROAD  
60' RIGHT OF WAY



PREPARED BY  
**HIGH COUNTRY LAND SERVICES**  
LAND SURVEYING AND MAPPING  
4175 NORTH ROAD DIVIDE, CO 80814  
719-505-3576 719-687-0141

# EXHIBIT B

## LEGAL DESCRIPTION

### PARCEL A

THE SOUTHERLY NINETY FOOT (90) OF THE FIFTEEN FOOT (15) WIDE ALLEY OF BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK, TELLER COUNTY, COLORADO, AS RECORDED IN PLAT BOOK EP AT PAGE 307 OF THE RECORDS OF THE TELLER COUNTY CLERK AND RECORDER, LOCATED IN THE NW ONE-QUARTER (NW1/4) OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF THE 6TH P.M., IN THE CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 6, ELM HEIGHTS, AS RECORDER UNDER RECEPTION NUMBER 301864 OF THE RECORDS OF THE TELLER COUNTY CLERK;

THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID LOT 4, BLOCK 6, ELM HEIGHTS, A DISTANCE OF 15.00 FEET MORE OR LESS TO THE EAST LINE OF LOT 7, BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK;

THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 7 AND LOT 6, BLOCK 6, LAKE ADDITION TO THE TOWN OF WOODLAND PARK, A DISTANCE OF 90.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF GUNNISON AVENUE;

THENCE EASTERLY, ALONG THE NORTHERLY RIGHT OF WAY OF GUNNISON AVENUE, A DISTANCE OF 15.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT 4, BLOCK 6, ELM HEIGHTS;

THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 4, BLOCK 6, ELM HEIGHTS, A DISTANCE OF 90.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL A CONTAINS 1,350 SQUARE FEET (0.031 ACRES) OF LAND, MORE OR LESS.

PREPARED BY  
JEFFREY L. OTTEN  
COLORADO P.L.S. NO. 33199  
FOR AND ON BEHALF OF:  
HIGH COUNTRY LAND SERVICES LLC  
4175 NORTH ROAD  
DIVIDE, COLORADO 80814  
719-687-0141







## City of Woodland Park Staff Report for City Council

| Meeting Date          | Agenda Item                  |
|-----------------------|------------------------------|
| October 21, 2021      |                              |
| Department            | Presenter                    |
| City Manager's Office | Michael Lawson, City Manager |

### Item Title

Ordinance 1407, Series 2021 to amend 2021 Budget expenditure and revenue appropriations (Budget Supplemental Ordinance)

Long title: Ordinance No. 1407, Series 2021, AN ORDINANCE ADJUSTING EXPENDITURES APPROPRIATIONS 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, AND AMENDING ORDINANCES NO. 1386 AND 1387, SERIES 2020.

### History

City Council adopted the City's 2021 Annual Budget on December 17, 2020. Pursuant to the City's Home Rule Charter, City Council can amend the budget when the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget.

On initial posting on October 7, 2021, the City Council voted to remove an incentive for City employees to receive the COVID-19 vaccine from the Grants Fund. No other changes were made to the ordinance.

### Summary

The purposes of this supplemental appropriation are summarized by fund below. Each budget expenditure adjustment and revenue source is described in the attachment to this report.

There are a few key items that drive the need for the supplemental.

- Mid-year COLA for employees.** In the Budget Message for the 2021 Annual Budget, the City Council was encouraged to consider a mid-year 2021 cost of living adjustment for staff. The recommendation to wait until after the first quarter of the year to award increases came as economic uncertainty related to the pandemic led the City to budget very conservatively. At the close of the third quarter of the year, City revenues are stable and growing. The rapid increase in the consumer price index (5.3% over the previous 12 months as of August 2021) suggests inflation is strong. To ensure employee salaries can do not fall further behind due to inflation, a COLA is recommended. A 3% 2021 mid-year COLA is proposed with an additional COLA likely to be recommended for 2022.
- American Rescue Plan Act federal stimulus.** The City's Grants Fund will be used to appropriate a special federal stimulus payment made to the City via the American Rescue Plan Act (ARPA). These funds are for one-time purposes. Not all ARPA funds awarded to the City (\$1.9 million) will be appropriated in this supplemental.

## Summary of all supplemental appropriations by fund

- **General Fund (Fund 100). Increase by \$651,389.**
  - ***Appropriate debt service payment - \$500,000.*** To properly account for a \$500,000 expenditure payment to the debt service reserve in the General Fund. The payment was approved by the City Council for but not budgeted as an expenditure in the 2021 Annual Budget. This payment will be used to pay down the principal remaining when the note for the Woodland Aquatic Center debt becomes callable after December 31, 2025.
  - ***Mid-year cost of living adjustment (COLA) - \$135,897.*** Eligible City staff will receive a 3% mid-year cost of living adjustment (COLA), retroactive to January 1, 2021, totaling \$135,897 for the fund. This amount will come from higher-than-budgeted General Fund revenues. The General Fund will transfer out funds to cover the COLA in the Grants Fund (\$1,936) and the Cultural and Recreation Fund (\$11,765).
  - ***Amend revenue budget for Lodger's Tax transfer (\$0 expenditure).*** The revenue associated with the transfer from the Lodger's Tax Fund to the General Fund was recorded incorrectly in the 2021 Annual Budget. The General Fund revenue from the transfer in of lodger's tax will be reduced from \$165,000 to \$149,630 (difference of \$15,370) to accurately match the transfer out budgeted in the Lodger's Tax Fund. The result is General Fund revenues will be reduced by \$15,370.
  - ***Victim's Advocate vehicle replacement - \$15,492.*** The Victim's Advocate vehicle was totaled in a deer strike accident early in the year. The vehicle was replaced primarily with a monetary gift to the City's Police Department in the aftermath of the Kelsey Berroth case. Of the total cost of \$19,092 for the replacement vehicle, \$3,600 came from a VALE grant (Grants Fund) with the \$15,492 balance coming from the General Fund (Berroth gift (\$14,207) and salvage recovery costs for the totaled vehicle (\$1,285)).
- **Grants Fund (Fund 210). Increase by \$112,536.**
  - ***Victim's Advocate vehicle replacement - \$3,600.*** The Victim's Advocate vehicle was totaled in a deer strike accident early in the year. The vehicle was replaced primarily with a monetary gift to the City's Police Department in the aftermath of the Kelsey Berroth case. Of the total cost of \$19,092 for the replacement vehicle, \$3,600 came from a VALE grant (Grants Fund) with the \$15,492 balance coming from the General Fund (Berroth gift (\$14,207) and salvage recovery costs for the totaled vehicle (\$1,285)).
  - ***Mid-year COLA - \$1,936.*** Eligible City staff will receive a 3% mid-year COLA, retroactive to January 1, 2021, totaling \$1,936 for this fund (Victim's Advocates). This amount will come from higher-than-expected General Fund revenues. Excess General Fund revenues will be transferred into this fund on a one-time basis to offset the increase.
  - ***ARPA - COVID-19 hazard pay - \$67,000.*** Eligible City staff across all funds will receive hazard pay associated with providing City services while interacting directly with members of the public during the COVID-19 pandemic between March 2020 and May 2021. The total cost is \$67,000 and will be paid entirely from the Grants Fund. This amount will come from the American Rescue Plan Act federal stimulus payment.
  - ***ARPA - Municipal broadband deployment plan, Phase 1 - \$40,000.*** Add \$40,000 to conduct Phase 1 of a municipal broadband deployment plan. This high-level plan will devise a fiber optic layout, conceptual plan, and telecommunications master plan for



future construction of a municipal fiber optic network. The funding for the plan will come from the American Rescue Plan Act federal stimulus payment.

- **Culture and Recreation Fund (Fund 220). Increase \$11,765.**
  - **Mid-year COLA - \$11,765.** Eligible City staff will receive a 3% mid-year COLA, retroactive to January 1, 2021, totaling \$11,765 for the fund. This amount will come from higher-than-expected General Fund revenues. Excess General Fund revenues will be transferred in to this fund on a one-time basis to offset the increase.
- **Water Fund (Fund 510). Increase by \$14,753.**
  - **Mid-year COLA - \$14,753.** Eligible City staff will receive a 3% mid-year COLA, retroactive to January 1, 2021. This amount will come from savings in the fund.
- **Wastewater Fund (Fund 520). Increase by \$12,679.**
  - **Mid-year COLA - \$12,679.** Eligible City staff will receive a 3% mid-year COLA, retroactive to January 1, 2021. This amount will come from savings in the fund.

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#### **Staff Recommendation**

Approve Ordinance No. 1407, Series 2021 to amend the 2021 Annual Budget.

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#### **Question for Council**

Does the City Council approve Ordinance No. 1407, Series 2021 to amend the 2021 Annual Budget?

**CITY OF WOODLAND PARK, COLORADO**  
**ORDINANCE NO. 1407, SERIES 2021**

AN ORDINANCE ADJUSTING EXPENDITURE APPROPRIATIONS 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, AND AMENDING ORDINANCE NO. 1386, SERIES 2020.

WHEREAS, the Home Rule Charter of the City of Woodland Park specifies that City Council may, by ordinance, make supplemental appropriations when there are available for appropriation revenues in excess of those estimated in the budget.

NOW, THEREFORE, THIS ORDINANCE:

THE CITY OF WOODLAND PARK, COLORADO, ORDAINS

That an Ordinance entitled “AN ORDINANCE ADJUSTING EXPENDITURE APPROPRIATIONS 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, AND AMENDING ORDINANCE NO. 1407, SERIES 2021,” be and the same is hereby adopted as follows:

Section 1. The 2021 Amended Budget for the City of Woodland Park, Colorado, which is attached hereto as Exhibit A and incorporated by this reference, is hereby adopted and the monies are appropriated to the various funds as the same are budgeted.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING, FOLLOWING PUBLIC HEARING, THIS 7th DAY OF OCTOBER 2021.

\_\_\_\_\_  
Hilary LaBarre, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne Leclercq, City Clerk



**City of Woodland Park**  
2021 Supplemental Appropriation

Exhibit A

General Fund

|                            |    |         |
|----------------------------|----|---------|
| Increase Budgeted Revenues | \$ | 651,389 |
| Supplemental Appropriation |    | 651,389 |

Grants Fund

|                            |    |         |
|----------------------------|----|---------|
| Increase Budgeted Revenues | \$ | 112,536 |
| Supplemental Appropriation |    | 112,536 |

Culture and Recreation Fund

|                            |    |        |
|----------------------------|----|--------|
| Increase Budgeted Revenues | \$ | 11,765 |
| Supplemental Appropriation |    | 11,765 |

Water Utility Fund

|                            |    |        |
|----------------------------|----|--------|
| Increase Budgeted Revenues | \$ | -      |
| Supplemental Appropriation |    | 14,753 |

City of Woodland Park  
2021 Amended Budget  
Supplemental Appropriations

|                                   | 2021<br>Current<br>Budget | 2021<br>Supplemental<br>Appropriation | 2021<br>Amended<br>Budget |
|-----------------------------------|---------------------------|---------------------------------------|---------------------------|
|                                   | (incr/decr)               |                                       |                           |
| General Fund (100)                |                           |                                       |                           |
| Revenue                           | \$ 11,674,284             | \$ 651,389                            | \$ 12,325,673             |
| Expenditures                      | (11,676,035)              | (651,389)                             | (12,327,424)              |
| Revenue over/(under) Expenditures | \$ (1,751)                | \$ -                                  | \$ (1,751)                |

Fund Balance Summary:

|                                   |              |      |              |
|-----------------------------------|--------------|------|--------------|
| Beginning Fund Balance - 1/1/2021 | \$ 4,175,596 |      | \$ 4,175,596 |
| Revenue over/(under) Expenditures | (1,751)      | -    | (1,751)      |
| Ending Fund Balance - 12/31/2021  | \$ 4,173,844 | \$ - | \$ 4,173,844 |

Ending Fund Balance Designations:

|                                              |  |              |
|----------------------------------------------|--|--------------|
| Non-spendable Due from DDA                   |  | \$ 665,000   |
| Non-spendable Inventory/Prepaid Expenditures |  | 65,386       |
| Restricted for Emergencies (TABOR 3%)        |  | 398,337      |
| Unrestricted, Unassigned                     |  | 3,045,121    |
| Ending Fund Balance - 12/31/2021             |  | \$ 4,173,844 |

Supplemental Appropriation Detail:

|                               | Expenditures | Revenue    |
|-------------------------------|--------------|------------|
| 1. COLA 3%                    | \$ 135,897   | \$ 135,897 |
| 2. Debt Service Payment       | 500,000      | 500,000    |
| 3. Police Vehicle Replacement | 15,492       | 15,492     |
| Total adjustment              | \$ 651,389   | \$ 651,389 |



City of Woodland Park  
2021 Amended Budget  
Supplemental Appropriations

|                                   | 2021<br>Current<br>Budget | 2021<br>Supplemental<br>Appropriation | 2021<br>Amended<br>Budget |
|-----------------------------------|---------------------------|---------------------------------------|---------------------------|
|                                   | (incr/decr)               |                                       |                           |
| <b>Grants Fund (210)</b>          |                           |                                       |                           |
| Revenue                           | \$ 113,600                | \$ 112,536                            | \$ 226,136                |
| Expenditures                      | (113,600)                 | (112,536)                             | (226,136)                 |
| Revenue over/(under) Expenditures | \$ -                      | \$ -                                  | \$ -                      |

Fund Balance Summary:

|                                   |           |      |           |
|-----------------------------------|-----------|------|-----------|
| Beginning Fund Balance - 1/1/2021 | \$ 33,034 | \$ - | \$ 33,034 |
| Revenue over/(under) Expenditures | -         | -    | -         |
| Ending Fund Balance - 12/31/2021  | \$ 33,034 | \$ - | \$ 33,034 |

Supplemental Appropriation Detail:

|                                           | Expenditures | Revenue    |
|-------------------------------------------|--------------|------------|
| 1. VAF - COLA 3%                          | \$ 1,936     | \$ 1,936   |
| 2. VALE - Police Vehicle Replacement      | \$ 3,600     | \$ 3,600   |
| 3. ARP - Hazard Pay for Frontline Workers | \$ 67,000    | \$ 67,000  |
| 4. ARP - Fiber Phase I                    | \$ 40,000    | \$ 40,000  |
| Total adjustment                          | \$ 112,536   | \$ 112,536 |

**Downtown Development Authority (215)**

|                                   |      |      |
|-----------------------------------|------|------|
| Revenue                           | \$ - | \$ - |
| Expenditures                      | -    | -    |
| Revenue over/(under) Expenditures | \$ - | \$ - |

Fund Balance Summary:

|                                   |              |      |              |
|-----------------------------------|--------------|------|--------------|
| Beginning Fund Balance - 1/1/2021 | \$ 1,322,041 | \$ - | \$ 1,322,041 |
| Revenue over/(under) Expenditures | -            | -    | -            |
| Ending Fund Balance - 12/31/2021  | \$ 1,322,041 | \$ - | \$ 1,322,041 |

Ending Fund Balance Designations:

|                                      |              |
|--------------------------------------|--------------|
| Non-spendable - Land Held for Resale | \$ 1,060,194 |
| Unrestricted, Unassigned             | 261,847      |
| Ending Fund Balance - 12/31/2021     | \$ 1,322,041 |

Supplemental Appropriation Detail:

|                  | Expenditures | Revenue |
|------------------|--------------|---------|
| Total adjustment | \$ -         | \$ -    |

**Culture and Recreation Fund**

|                                   |              |           |              |
|-----------------------------------|--------------|-----------|--------------|
| Revenue                           | \$ 1,211,555 | \$ 11,765 | \$ 1,223,320 |
| Expenditures                      | (1,211,064)  | (11,765)  | (1,222,829)  |
| Revenue over/(under) Expenditures | \$ 491       | \$ -      | \$ 491       |

Fund Balance Summary:

|                                   |            |      |            |
|-----------------------------------|------------|------|------------|
| Beginning Fund Balance - 1/1/2021 | \$ 196,923 | -    | \$ 196,923 |
| Revenue over/(under) Expenditures | 491        | -    | 491        |
| Ending Fund Balance - 12/31/2021  | \$ 197,414 | \$ - | \$ 197,414 |

Ending Fund Balance Designations:

|                                  |            |
|----------------------------------|------------|
| Non-spendable - Inventory        | \$ 85,003  |
| Unrestricted, Unassigned         | 112,411    |
| Ending Fund Balance - 12/31/2018 | \$ 197,414 |

Supplemental Appropriation Detail:

|                  | Expenditures | Revenue   |
|------------------|--------------|-----------|
| 1. COLA 3%       | \$ 11,765    | \$ 11,765 |
| Total adjustment | \$ 11,765    | \$ 11,765 |

City of Woodland Park  
2021 Amended Budget  
Supplemental Appropriations

|                                                  | 2021<br>Current<br>Budget | 2021<br>Supplemental<br>Appropriation | 2021<br>Amended<br>Budget |
|--------------------------------------------------|---------------------------|---------------------------------------|---------------------------|
|                                                  | (incr/decr)               |                                       |                           |
| <b><u>Lodging Tax Fund (230)</u></b>             |                           |                                       |                           |
| Revenue                                          | \$ 165,000                | \$ -                                  | \$ 165,000                |
| Transfers Out                                    | (149,630)                 | (15,370)                              | (165,000)                 |
| Revenue over/(under) Transfers Out               | <u>\$ 15,370</u>          | <u>\$ (15,370)</u>                    | <u>\$ -</u>               |
| <b><u>Fund Balance Summary:</u></b>              |                           |                                       |                           |
| Beginning Fund Balance - 1/1/2021                | \$ -                      | -                                     | \$ -                      |
| Revenue over/(under) Transfers Out               | 15,370                    | (15,370)                              | -                         |
| Ending Fund Balance - 12/31/2021                 | <u>\$ 15,370</u>          | <u>\$ (15,370)</u>                    | <u>\$ -</u>               |
| <b><u>Supplemental Appropriation Detail:</u></b> |                           |                                       |                           |
| Transfer to General Fund                         |                           | Transfers Out                         | Revenue                   |
|                                                  |                           | <u>\$ 15,370</u>                      |                           |
| Total adjustment                                 |                           | <u>\$ 15,370</u>                      | <u>\$ -</u>               |
| <b><u>Conservation Trust Fund (240)</u></b>      |                           |                                       |                           |
| Revenue                                          | \$ 75,300                 | \$ -                                  | \$ 75,300                 |
| Transfers Out                                    | (88,000)                  | -                                     | (88,000)                  |
| Revenue over/(under) Transfers Out               | <u>\$ (12,700)</u>        | <u>\$ -</u>                           | <u>\$ (12,700)</u>        |
| <b><u>Fund Balance Summary:</u></b>              |                           |                                       |                           |
| Beginning Fund Balance - 1/1/2021                | \$ 33,684                 | -                                     | \$ 33,684                 |
| Revenue over/(under) Transfers Out               | (12,700)                  | -                                     | (12,700)                  |
| Ending Fund Balance - 12/31/2021                 | <u>\$ 20,984</u>          | <u>\$ -</u>                           | <u>\$ 20,984</u>          |
| <b><u>Supplemental Appropriation Detail:</u></b> |                           |                                       |                           |
| Total adjustment                                 |                           | Expenditures                          | Revenue                   |
|                                                  |                           | <u>\$ -</u>                           | <u>\$ -</u>               |

City of Woodland Park  
2021 Amended Budget  
Supplemental Appropriations

|                                                        | 2021<br>Current<br>Budget | 2021<br>Supplemental<br>Appropriation | 2021<br>Amended<br>Budget |
|--------------------------------------------------------|---------------------------|---------------------------------------|---------------------------|
|                                                        | (incr/decr)               |                                       |                           |
| <b>Streets Capital Improvement Projects Fund (410)</b> |                           |                                       |                           |
| Revenue                                                | \$ 2,292,269              | \$ -                                  | \$ 2,292,269              |
| Expenditures                                           | (3,926,490)               | -                                     | (3,926,490)               |
| Revenue over/(under) Expenditures                      | <u>\$ (1,634,221)</u>     | <u>\$ -</u>                           | <u>\$ (1,634,221)</u>     |

Fund Balance Summary:

|                                   |                     |             |                     |
|-----------------------------------|---------------------|-------------|---------------------|
| Beginning Fund Balance - 1/1/2021 | \$ 2,638,561        | -           | \$ 2,638,561        |
| Revenue over/(under) Expenditures | (1,634,221)         | -           | (1,634,221)         |
| Ending Fund Balance - 12/31/2021  | <u>\$ 1,004,340</u> | <u>\$ -</u> | <u>\$ 1,004,340</u> |

Ending Fund Balance Designations:

|                                       |                     |
|---------------------------------------|---------------------|
| Restricted for Emergencies (TABOR 3%) | 68,768              |
| Restricted for Street Improvements    | 935,572             |
| Ending Fund Balance - 12/31/2018      | <u>\$ 1,004,340</u> |

Supplemental Appropriation Detail:

|                  | Expenditures | Revenue     |
|------------------|--------------|-------------|
| Total adjustment | <u>\$ -</u>  | <u>\$ -</u> |

**Water Utility Fund (510)**

|                                   |                       |                    |                       |
|-----------------------------------|-----------------------|--------------------|-----------------------|
| Revenue                           | \$ 2,296,340          | \$ -               | \$ 2,296,340          |
| Expenditures                      | (4,013,882)           | (14,753)           | (4,028,635)           |
| Revenue over/(under) Expenditures | <u>\$ (1,717,542)</u> | <u>\$ (14,753)</u> | <u>\$ (1,732,295)</u> |

Funds Available Summary:

|                                    |                     |                    |                     |
|------------------------------------|---------------------|--------------------|---------------------|
| Beginning Fund Balance - 1/1/2021  | \$ 5,247,221        | -                  | \$ 5,247,221        |
| Revenue over/(under) Expenditures  | (1,717,542)         | (14,753)           | (1,732,295)         |
| Ending Fund Available - 12/31/2021 | <u>\$ 3,529,679</u> | <u>\$ (14,753)</u> | <u>\$ 3,514,926</u> |

Supplemental Appropriation Detail:

|                  |                  |             |
|------------------|------------------|-------------|
| 1. COLA 3%       | Expenditures     | Revenue     |
|                  | \$ 14,753        | \$ -        |
| Total adjustment | <u>\$ 14,753</u> | <u>\$ -</u> |



City of Woodland Park  
2021 Amended Budget  
Supplemental Appropriations

|                                               | 2021<br>Current<br>Budget | 2021<br>Supplemental<br>Appropriation | 2021<br>Amended<br>Budget |
|-----------------------------------------------|---------------------------|---------------------------------------|---------------------------|
|                                               | (incr/decr)               |                                       |                           |
| <b>Water Utility Fund (520)</b>               |                           |                                       |                           |
| Revenue                                       | \$ 2,031,072              | \$ -                                  | \$ 2,031,072              |
| Expenditures                                  | (1,820,344)               | (12,679)                              | (1,833,024)               |
| Revenue over/(under) Expenditures             | \$ 210,728                | \$ (12,679)                           | \$ 198,048                |
| <br>Funds Available Summary:                  |                           |                                       |                           |
| Beginning Fund Balance - 1/1/2021             | \$ 4,178,865              | -                                     | \$ 4,178,865              |
| Revenue over/(under) Expenditures             | 210,728                   | (12,679)                              | 198,048                   |
| Ending Fund Available - 12/31/2021            | \$ 4,389,593              | \$ (12,679)                           | \$ 4,376,913              |
| <br><u>Supplemental Appropriation Detail:</u> |                           | Expenditures                          | Revenue                   |
| 1. COLA 3%                                    |                           | \$ 12,679                             | \$ -                      |
| Total adjustment                              |                           | \$ 12,679                             | \$ -                      |



## STAFF REPORT

**TO:** Mayor Pro-Tem LaBarre and City Council

**FROM:**

**DATE:** October 21, 2021

**SUBJECT:** Approve Resolution No. 883, Series 2021 a Resolution Approving the Colorado Opioids Settlement Memorandum of Understanding.  
(Presenter, City Attorney Geoff Wilson)

---

### **BACKGROUND:** BACKGROUND

The Colorado Department of Law has come to an agreement with the Colorado's local governments for distributing opioid settlement and recovery funds to local counties and municipalities, to abate the opioid crisis in our communities.

The State, as well as several Colorado local governments, have pursued litigation against various pharmaceutical companies for their role in causing the opioid epidemic in Colorado. That litigation recently resulted in settlements with Purdue Pharma, McKinsey & Co., Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, resulting in up to approximately \$400 million in settlement funds for both the State and Colorado local governments to abate the opioid crisis. Legal claims will be released only when 95% of participation by certain local governments has been reached. In addition, if both the city and county participate, intra-county share will look as follow: Teller County will receive 66.1557% and the City of Woodland Park will receive 13.3445% of the default percentage that each Local Government will receive from the LG Share amount attributed to its County Area (assuming full participation by all Local Governments).

### **STAFF RECOMMENDATION** STAFF RECOMMENDATION

Staff recommends approval to participate in the opioids settlements and distribution process.

### **RECOMMENDATION:** SUGGESTED MOTION

Move to approve Resolution No. 883, Series 2021 approving the Colorado Opioids Settlement Memorandum of Understanding (MOU).

**ATTACHMENTS:**

1. Resolution No. 883 - opioid settlement
2. 2 Colorado Opioid MOU Summary (003) #2
3. 3 Colorado Opioid MOU FAQ (003) #5

4. 4 Johnson Johnson - Janssen Opioid Settlement Participation Form #3
5. 5 Distributor Opioid Settlement Participation Form (003) #1
6. 6 Local Government Opioid Escrow Agreement #4



**CITY OF WOODLAND PARK, COLORADO  
RESOLUTION NO 883, SERIES 2021**

**A RESOLUTION APPROVING THE COLORADO OPIOIDS SETTLEMENT  
MEMORANDUM OF UNDERSTANDING (MOU)**

**WHEREAS**, the City Council of the City of Woodland Park, Colorado, along with various other Colorado local governments and the State of Colorado, are party “Plaintiffs” in federal litigation against various pharmaceutical manufacturers and distributors (party “Defendants”) regarding the national opioid crisis; and

**WHEREAS**, the Plaintiffs to the litigation in the State of Colorado anticipate one or more settlements with some of the Defendants in the federal litigation; and

**WHEREAS**, in anticipation of one or more settlements, the state of Colorado and various Colorado local governments have negotiated an agreement governing the allocation, distribution and expenditure of any settlement proceeds paid in connection with the opioid litigation; and

**WHEREAS**, on August 26, 2021, Colorado Attorney General Philip J. Weiser signed the attached MOU, together with MOU Exhibits A through G, governing the allocation, distribution, expenditure on behalf of the State of Colorado; and

**WHEREAS**, the City Council of the City of Woodland Park, Colorado believes it to be in the best interest of the City to approve the MOU, which will allow settlement proceeds to be used in Woodland Park for services, programs and other purposes as set forth on Exhibit A to the MOU.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO:**

**Section 1.** The City hereby formally adopts and approves the Colorado Opioids Settlement Memorandum of Understanding (MOU), together with Exhibits A through G, as signed and approved on August 26, 2021, and by such approval, the City of Woodland Park shall become a party to such MOU.

**Section 2.** The City Council authorizes the Mayor Pro Tem to execute any documents necessary to formalize such approval.

The foregoing Resolution was adopted by the City Council of, Woodland Park, Colorado, on the 21<sup>st</sup> day of October, 2021.

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Honorable Mayor Pro Tem LaBarre

ATTEST:

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Suzanne Leclercq, City Clerk

## **Colorado Opioids Settlement Memorandum of Understanding**

### **Summary**

Below is a brief overview of the key provisions outlined in the Colorado Opioids Settlement Memorandum of Understanding (“Colorado MOU”). The Colorado MOU was signed by Colorado Attorney General Phil Weiser on August 26, 2021. In order to receive the full settlement payments for all of Colorado, strong participation by local governments signing on to the Colorado MOU is necessary.

Local governments and the State prepared the Colorado MOU, which prioritizes regionalism, collaboration, and abatement in the sharing and distribution of opioid settlement funds. The points below summarize the framework laid out in the Colorado MOU for distributing and sharing opioids settlement proceeds throughout Colorado. Please see the full Colorado MOU and exhibits for additional details.

While Colorado’s local governments are currently being asked to participate in recent settlements with the “Big 3” Distributors (AmerisourceBergen, Cardinal Health, and McKesson) and Johnson & Johnson, the Colorado MOU is intended to apply to all current and future opioid settlements.

#### **A. Allocation of Settlement Funds**

The Colorado MOU provides the framework for fairly dividing and sharing settlement proceeds among the state and local governments in Colorado. Under the Colorado MOU, settlement proceeds will be distributed as follows:

- 1. 10% directly to the State (“State Share”)**
- 2. 20% directly to Participating Local Governments (“LG Share”)**
- 3. 60% directly to Regions (“Regional Share”)**
- 4. 10% to specific abatement infrastructure projects (“Statewide Infrastructure Share”)**

Under the Colorado MOU, all settlement funds must be used only for “Approved Purposes,” a long and broad list that focuses on abatement strategies. These strategies emphasize prevention, treatment, and harm reduction. Some examples of these strategies include training health care providers on opioid use disorder (“OUD”) treatment and responsible prescribing, expanding telehealth and mobile services for treatment, and increasing naloxone and rescue breathing supplies. The list of Approved Purposes is broad enough to be flexible for local communities, while ensuring that settlement funds are used to combat the opioid epidemic. The list of Approved Purposes is attached as Exhibit A to the MOU, unless the term is otherwise defined in a settlement.



## **B. General Abatement Fund Council**

A General Abatement Fund Council (the “Abatement Council”), consisting of representatives appointed by the State and Participating Local Governments, will ensure that the distribution of opioid funds complies with the terms of any settlement and the terms of the Colorado MOU. The Abatement Council will consist of 13 members, seven appointed by the State and six appointed by the Participating Local Governments.

## **C. Local Government Share (20%)**

Twenty percent of settlement funds will be paid directly to Participating Local Governments. Exhibit D to the Colorado MOU lists the percentage to each County Area (that is, the county government plus the municipalities within that county), and Exhibit E further breaks down those allocations to an intracounty level using a default allocation.

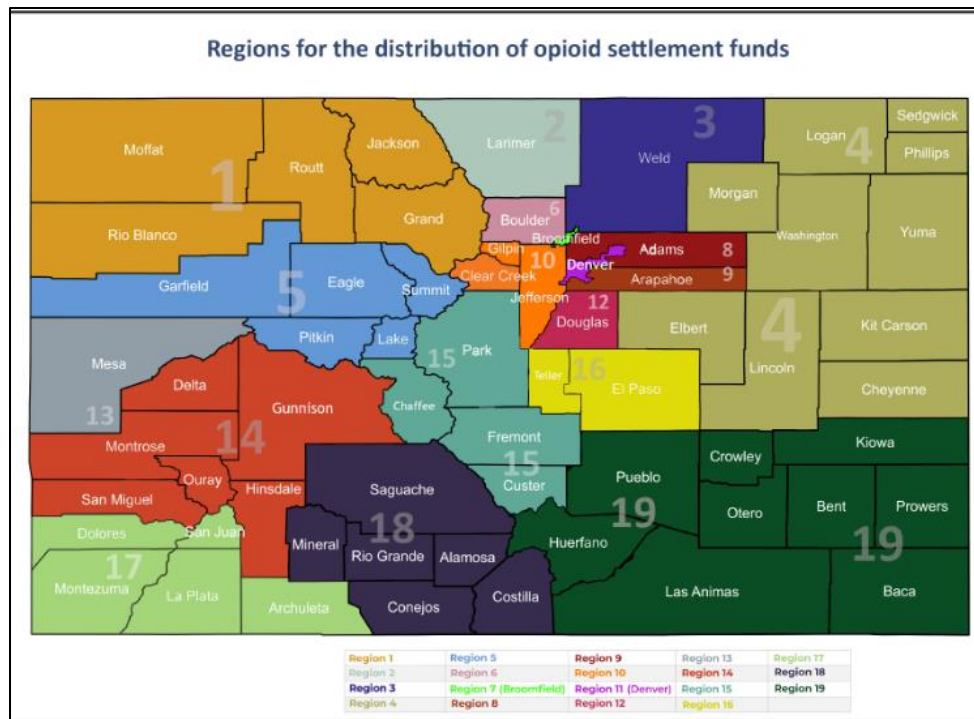
The allocations to each County Area in Exhibit D are based on three factors that address critical causes and effects of the opioid crisis: (1) the number of persons suffering opioid use disorder in the county; (2) the number of opioid overdose deaths that occurred in the county; and (3) the amount of opioids distributed within the county.

The intracounty allocations in Exhibit E are a default allocation that will apply unless the local governments in a County Area enter into a written agreement providing for a different allocation. These allocations are based on a model, developed by health economist experts, which uses data from the State and Local Government Census on past spending relevant to opioid abatement.

Participating Local Governments will provide data on expenditures from the LG Share to the Abatement Council on an annual basis. If a local government wishes, it may forego its LG Share and direct it to the Regional Share. A local government that chooses not to participate or sign onto the Colorado MOU will not receive funds from the LG Share and the portion of the LG Share that it would have received will instead be re-allocated to the Regional Share for the region where that local government is located.

## **D. Regional Share (60%)**

Sixty percent of settlement funds will be allocated to single- or multi-county regions made up of local governments. These regions were drawn by local governments to make use of existing local infrastructure and relationships. The regional map is shown below, as well as in Exhibit C to the Colorado MOU:



Allocations to regions will be calculated according to the percentages in Exhibit F. Each region will create its own “Regional Council” to determine what Approved Purposes to fund with that region’s allocation from the Regional Share. Regional governance models are attached to the Colorado MOU as Exhibit G. Each region may draft its own intra-regional agreements, bylaws, or other governing documents to determine how the Regional Council will operate, subject to the terms of the Colorado MOU. Each Regional Council will provide expenditure data to the Abatement Council on an annual basis.

A local government that chooses not to participate or sign onto the Colorado MOU shall not receive any opioid funds from the Regional Share and shall not participate in the Regional Councils.

#### **E. State Share (10%)**

Ten percent of settlement funds will be allocated directly to the State for statewide priorities in combating the opioid epidemic. The State maintains full discretion over distribution of the State Share anywhere within the State of Colorado. On an annual basis, the State shall provide all data on expenditures from the State Share, including administrative costs, to the Abatement Council.

#### **F. Statewide Infrastructure Share (10%)**

Ten percent of the settlement funds will be allocated to a Statewide Infrastructure Share to promote capital improvements and provide operational assistance for the development or improvement of infrastructure necessary to abate the opioid crisis anywhere in Colorado.

The Abatement Council shall establish and publish policies and procedures for the distribution and oversight of the Statewide Infrastructure Share, including processes for local governments or regions to apply for opioid funds from the Statewide Infrastructure Share.

#### **G. Attorneys' Fees and Expenses Paid Through a Back-Stop Fund**

To a large extent, the national opioid settlements occurred because of the pressure that litigating entities and their counsel exerted on defendants through their lawsuits. The attorneys' fee provision equitably allocates the cost of attorneys' fees, while also allowing non-litigating entities to share in the 25% premium for releases by the litigating entities in the "Big 3" Distributor and Johnson & Johnson settlements. The work that was done by the litigating entities and their law firms in the litigation has substantially contributed to achieving the settlements that are currently being offered and those that are anticipated in the future.

The Attorney General and local governments have agreed to a "Back-Stop Fund" for attorneys' fees and costs. Before a law firm can apply to the Back-Stop Fund, it must first apply to any national common benefit fee fund. The Back-Stop Fund will only be used to pay the difference between what law firms are owed and the amount they have received from a national common benefit fee fund.

Attorneys' fees are limited to 8.7% of the total LG Share and 4.35% of the total Regional Share. No funds will be taken from the Statewide Infrastructure Share or State Share.

A committee will be formed to oversee payments from the Back-Stop Fund. The committee will include litigating and non-litigating entities. Importantly, any excess money in the Back-Stop fund, after attorneys' fees and costs are paid, will go back to the local governments.

#### **H. Participation in the Colorado MOU and Expected Timeline**

The MOU was designed to ensure that as many local governments as possible would agree to its terms. Strong participation from local governments is needed to receive the full settlement payments for all of Colorado. On August 26, 2021, Colorado Attorney General Phil Weiser signed the MOU. It is projected that settlement funds from the "Big 3" Distributor/Johnson & Johnson settlements could be made available as soon as July 2022 and will be distributed within Colorado according to the MOU.

Along with the MOU, each local government will need to sign a Subdivision Settlement Participation Form for each of the settlements (the "Big 3" Distributor settlement and the Johnson & Johnson settlement) releasing their legal claims and stating they are participating in the settlements. In addition, a Colorado Subdivision Escrow Agreement should be signed to ensure legal claims are released only when 95% participation by certain local governments has been reached. That 95% participation threshold is important because it triggers certain amounts of incentive payments under the settlements and signals to the settling pharmaceutical companies that the settlements have wide acceptance.

A copy of the MOU with signature pages for each local government, the Subdivision Settlement Participation Forms, and the Colorado Subdivision Escrow Agreement will be



provided by the Attorney General’s Office. The documents should be executed by the individual or body with authority to do so on behalf of their respective county or municipality and submitted by mail or email to either CCI or CML at the following addresses:

|                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>For Counties:</u></b><br><br>Colorado Counties, Inc.<br>800 Grant, Ste 500<br>Denver, CO 80203<br><br>Email:<br>Kiley Burress at <a href="mailto:KBurress@ccionline.org">KBurress@ccionline.org</a><br>Katie First at <a href="mailto:KFirst@ccionline.org">KFirst@ccionline.org</a> | <b><u>For Municipalities:</u></b><br><br>Colorado Municipal League<br>1144 N. Sherman St.<br>Denver, CO 80203<br><br>Email: <a href="mailto:opioidsettlement@cml.org">opioidsettlement@cml.org</a> |
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If you have any questions, please reach out to Heidi Williams of the Colorado AG’s office at [Heidi.Williams@coag.gov](mailto:Heidi.Williams@coag.gov).

## **Colorado Opioids Settlement MOU: Frequently Asked Questions**

### **1. What does this “settle” and why does Colorado need an MOU?**

Nationwide settlements have been reached with the “Big 3” opioid distributors (McKesson, Cardinal Health, and AmerisourceBergen) and opioid manufacturer Johnson & Johnson to resolve claims by state and local governments that these companies contributed to the opioid epidemic. The claims being settled include those raised by local governments in the national multi-district litigation (“MDL”), *In Re: National Prescription Opiate Litigation*, MDL 2804 (N.D. Ohio). More information about these settlements can be found at <https://nationalopioidsettlement.com/>.

The Colorado MOU establishes the framework for distributing and sharing these settlement proceeds throughout Colorado. Local governments and the State prepared the Colorado MOU, which prioritizes regionalism, collaboration, and abatement. It is expected that the Colorado MOU will also be used for settlements with other opioid defendants in the future, including any settlement from Purdue Pharma’s bankruptcy proceeding. Colorado Attorney General Phil Weiser signed the MOU on August 26, 2021. The Colorado MOU is included in this packet from the Attorney General’s Office and can also be found at [www.coag.gov/opioids](http://www.coag.gov/opioids).

### **2. Who put together the Colorado MOU?**

Local government officials from across Colorado were involved in the negotiation of the Colorado MOU with the Attorney General’s Office. County commissioners, mayors, county and city attorneys, and other stakeholders came together with the assistance of Colorado Counties, Inc. (“CCI”) and the Colorado Municipal League (“CML”) to establish the framework and negotiate the details of the Colorado MOU.

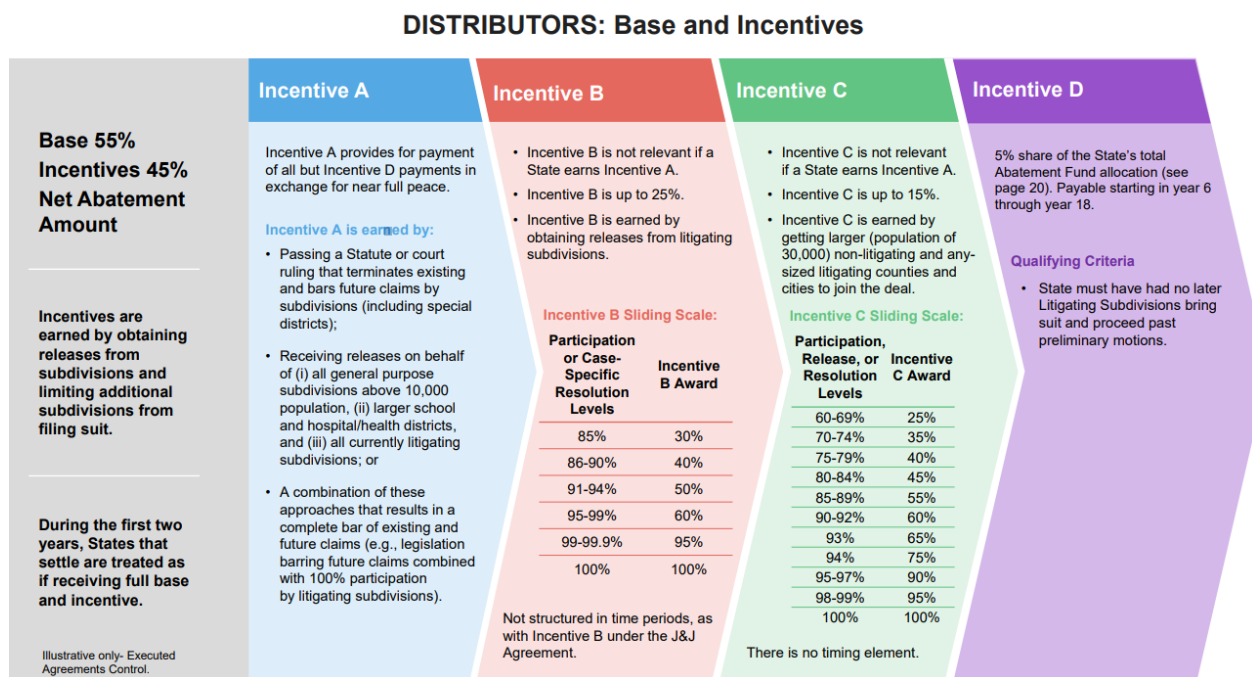
### **3. How much money will Colorado receive and over what period of time?**

Funds from the Big 3 and Johnson & Johnson settlements will be distributed over a period of years. The Big 3 distributors will pay a maximum of \$21 billion over 18 years, while Johnson & Johnson will pay a maximum of \$5 billion over no more than nine years. In total, up to approximately \$22.8 billion in settlement proceeds will be payable to state and local subdivisions nationwide. Each state receives a percentage of that recovery, and Colorado’s maximum share from these settlements will likely be more than \$300 million.

However, as discussed more below, Colorado will receive its maximum share of settlement payments only if enough local governments sign on to the deal. Also, the settling defendants have the option to “walk away” from the deals if there is not enough participation, so it is important that a “critical mass” of local governments signs on soon. Otherwise, the entire deal could fall through.

#### 4. How can we maximize Colorado's recovery?

The MOU was designed to ensure that as many local governments as possible would agree to its terms. The Big 3 Distributor and Johnson & Johnson settlements include incentive payments based on how many governments participate. Strong participation from local governments is needed to receive the full settlement payments for all of Colorado. Local governments should sign the Colorado Subdivision Escrow Agreement to ensure their legal claims are released only when 95% participation by local governments has been reached, which secures significant incentive payments under these settlement agreements. For more information on the incentive payments, please see the graphics below:





## JOHNSON & JOHNSON: Base and Incentives

|                                                                                                                                                                                                                             | Incentive A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Incentive B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Incentive C                                      | Incentive D       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
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| <div>Base 45%</div> <div>Incentives 55%</div> <div>Global Settlement Abatement Amount</div> <div>Incentives are earned by obtaining releases from subdivisions and limiting additional subdivisions from filing suit.</div> | <p>Incentive A provides for payment of all but Incentive D payments in exchange for near full peace.</p> <p>Earning Incentive A also causes substantial payments, the first three years of payments, accelerated and paid within 90 days.</p> <p><b>Incentive A is earned by:</b></p> <ul style="list-style-type: none"><li>Passing a Statute or court ruling that terminates existing and bars future claims by subdivisions (including special districts);</li><li>Receiving releases on behalf of (i) all general purpose subdivisions above 10,000 population, (ii) larger school and hospital/health districts, and (iii) all currently litigating subdivisions; or</li><li>A combination of these approaches that results in a complete bar of existing and future claims (e.g., legislation barring future claims combined with 100% participation by litigating subdivisions).</li></ul> | <ul style="list-style-type: none"><li>Incentive B is not relevant if a State earns Incentive A.</li><li>Incentive B is up to 30%.</li><li>Incentive B is earned from obtaining releases from litigating subdivisions.</li></ul> <p><b>Incentive B Sliding Scale:</b></p> <table><tr><th>Participation or Case-Specific Resolution Levels</th><th>Incentive B Award</th></tr><tr><td>75%</td><td>50%</td></tr><tr><td>76%</td><td>52%</td></tr><tr><td>77%</td><td>54%</td></tr><tr><td>78%</td><td>56%</td></tr><tr><td>79%</td><td>58%</td></tr><tr><td>80%</td><td>60%</td></tr><tr><td>85%</td><td>70%</td></tr><tr><td>90%</td><td>80%</td></tr><tr><td>95%</td><td>90%</td></tr><tr><td>100%</td><td>100%</td></tr></table> <p><b>Timing element</b><br/>Incentive B is structured in time periods and states will receive a percentage of sliding scale payments depending on when they reach 75% of litigating subdivisions signed on: (a) 0-210 days = 100% of sliding scale; (b) 211-365 = 75% of sliding scale; and (c) 366-2 years from effective date = 50% of sliding scale.</p> | Participation or Case-Specific Resolution Levels | Incentive B Award | 75% | 50% | 76% | 52% | 77% | 54% | 78% | 56% | 79% | 58% | 80% | 60% | 85% | 70% | 90% | 80% | 95% | 90% | 100% | 100% | <ul style="list-style-type: none"><li>Incentive C is not relevant if a State earns Incentive A.</li><li>Incentive C is up to 20%. It breaks Incentive C in two parts.</li><li>Incentive C is earned by getting larger (population of 30,000) litigating and non-litigating counties and cities to join the deal. 5% is awarded for obtaining a State's ten largest general purpose subdivisions (cities and counties).</li></ul> <p><b>Incentive C Sliding Scale:</b></p> <table><tr><th>Participation, Release, or Resolution Levels</th><th>Incentive C(1) Award</th></tr><tr><td>60%</td><td>40%</td></tr><tr><td>70%</td><td>45%</td></tr><tr><td>80%</td><td>50%</td></tr><tr><td>85%</td><td>55%</td></tr><tr><td>90%</td><td>60%</td></tr><tr><td>91%</td><td>65%</td></tr><tr><td>92%</td><td>70%</td></tr><tr><td>93%</td><td>80%</td></tr><tr><td>94%</td><td>90%</td></tr><tr><td>95%</td><td>100%</td></tr></table> <p>There is no timing element.</p> | Participation, Release, or Resolution Levels | Incentive C(1) Award | 60% | 40% | 70% | 45% | 80% | 50% | 85% | 55% | 90% | 60% | 91% | 65% | 92% | 70% | 93% | 80% | 94% | 90% | 95% | 100% | <p>5% share of the State's total Abatement Fund allocation (see page 20). Payable starting in year 6 through year 18.</p> <p><b>Qualifying Criteria</b></p> <ul style="list-style-type: none"><li>State must have had no later Litigating Subdivisions bring suit and proceed past preliminary motions in the 5 years following the Effective Date.</li></ul> |
| Participation or Case-Specific Resolution Levels                                                                                                                                                                            | Incentive B Award                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
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| Participation, Release, or Resolution Levels                                                                                                                                                                                | Incentive C(1) Award                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 60%                                                                                                                                                                                                                         | 40%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 70%                                                                                                                                                                                                                         | 45%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 80%                                                                                                                                                                                                                         | 50%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 85%                                                                                                                                                                                                                         | 55%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 90%                                                                                                                                                                                                                         | 60%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 91%                                                                                                                                                                                                                         | 65%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 92%                                                                                                                                                                                                                         | 70%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 93%                                                                                                                                                                                                                         | 80%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 94%                                                                                                                                                                                                                         | 90%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |
| 95%                                                                                                                                                                                                                         | 100%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                  |                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                               |

### 5. Is participation limited to litigating entities?

No, participation is not limited to governments that filed suit in the opioid litigation. Money from these settlements will be used for opioid crisis abatement in communities across Colorado, regardless of whether they have chosen to sue. All Colorado local governments are eligible to participate in the settlements and join the MOU, and the MOU does **not** allocate more funds to cities and counties that chose to file suit—all cities and counties in Colorado are allocated funds based on the same objective factors.

### 6. How will settlement proceeds be divided within the state under the Colorado MOU?

Under the Colorado MOU, settlement proceeds will be distributed as follows:

- 10% directly to the State (“State Share”)
- 20% directly to Participating Local Governments (“LG Share”)
- 60% directly to Regions (“Regional Share”)
- 10% to specific abatement infrastructure projects (“Statewide Infrastructure Share”)

### 7. How will the money be spent?

Under the Colorado MOU, all settlement funds must be used only for “Approved Purposes,” a long and broad list that focuses on abatement strategies. These strategies emphasize prevention, treatment, and harm reduction. Some examples of these strategies include training health care providers on opioid use disorder (“OUD”) treatment and responsible prescribing, expanding telehealth and mobile services for treatment, and increasing naloxone and rescue breathing

supplies. The list of Approved Purposes is broad enough to be flexible for local communities, while ensuring that settlement funds are used to combat the opioid epidemic. The list of Approved Purposes is attached as Exhibit A to the MOU, unless the term is otherwise defined in a settlement.

To ensure that settlement funds are in fact used only for Approved Purposes, a General Abatement Fund Council (the “Abatement Council”) will be formed. This committee will consist of thirteen representatives appointed by the State and Participating Local Governments to ensure opioid funds are spent in compliance with the terms of the settlements and the Colorado MOU.

## **8. How will direct payments to local governments be allocated?**

Under the Colorado MOU, 20% of the settlement funds will be paid directly to local governments. A list of the percentage of settlement funds that will be allocated to each County Area (that is, the county government plus the municipalities within that county) is Exhibit D to the Colorado MOU. Those allocations are further broken down to an intracounty level in Exhibit E, which is a default allocation.

The allocations to each County Area are based on three factors that address the relative severity of the opioid crisis: (a) the number of persons suffering from Opioid Use Disorder in the county; (b) the number of opioid overdose deaths in the county; and (c) the amount of opioids distributed within the county (measured in Morphine Milligram Equivalent units).

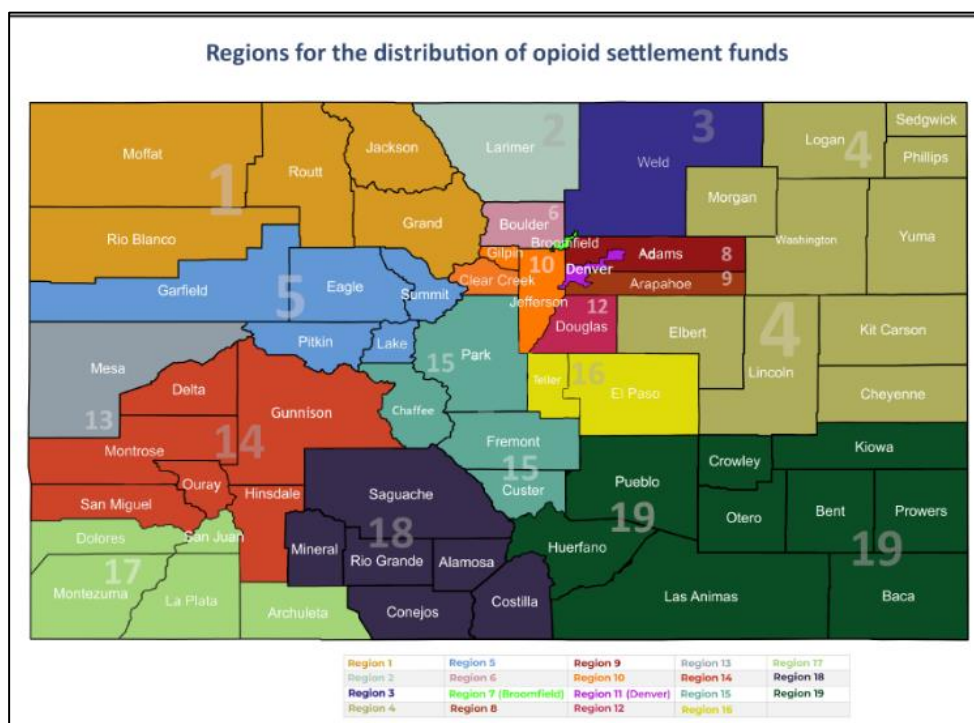
The intracounty allocations in Exhibit E are based on a default allocation model that will apply unless the local governments in a County Area enter into an agreement that provides for a different allocation model. These allocations are based on a model developed by health economist experts, which use data from the State and Local Governments Census on past spending relevant to opioid abatement.

To ensure transparency and that settlement funds are used for Approved Purposes, local governments that receive settlement funds directly will be required to provide expenditure data to the Abatement Council on an annual basis. Local governments that wish to join the MOU but do not wish to receive any direct payments have the option to redirect their payments to the Regional allocation described below.

A local government that chooses not to participate or sign onto the Colorado MOU will not receive funds from the LG Share and the portion of the LG share that it would have received will instead be re-allocated to the Regional Share described below.

## **9. How will payments to Regions be allocated?**

Under the Colorado MOU, 60% of the settlement funds will be allocated to single- or multi-county regions made up of local governments. Local governments in Colorado worked collaboratively to develop the Regional Map, which emphasizes existing local infrastructure and relationships. The regional map is below, as well as included in the Colorado MOU as Exhibit C:



For more information on the percentages of settlement funds that will be allocated to each Region, please see Exhibit F of the Colorado MOU.

#### **10. How will the Regions be governed?**

Each Region will create its own “Regional Council” consisting of members from the constituent local governments to determine what Approved Purposes to fund with the Region’s allocation. The Regional Council will have the power to make spending decisions in the Region. The Regions will designate a fiscal agent prior to receiving any settlement funds. Regional governance models are attached to the Colorado MOU as Exhibit G. Each Region may draft its own intra-regional agreements, bylaws, or other governing documents to determine how the Regional Council will operate. Each Regional Council will provide expenditure data to the Abatement Council on an annual basis.

#### **11. How will the Statewide Infrastructure Share work?**

Many stakeholders have expressed a need for capital improvements across Colorado, and particularly in underserved areas, to abate the opioid crisis. The Colorado MOU directly addresses this by allocating 10% of settlement funds going to these projects. This money will be distributed by a statewide committee based on need. The Abatement Council will establish and publish policies and procedures for the distribution and oversight of the Statewide Infrastructure Share, including processes for local governments or regions to apply for opioid funds from the Statewide Infrastructure Share.



## 12. How will attorneys' fees and expenses be paid?

The Attorney General and local governments have agreed to a "Back-Stop Fund" for attorneys' fees and costs. The attorneys' fee provision in the Colorado MOU equitably allocates the cost of attorneys' fees across all local governments, while also allowing non-litigating entities to share in the 25% premium for releases signed by the litigating entities in the "Big 3" Distributor and Johnson & Johnson settlements.

Before a law firm can apply to the Back-Stop Fund, it must first apply to any national common benefit fee fund. The Back-Stop Fund will only be used to pay the difference between what law firms are owed and the amount they have received from a national common benefit fee fund. Attorneys' fees are limited to 8.7% of the total LG Share and 4.35% of the total Regional Share. No funds will be taken from the Statewide Infrastructure Share or State Share.

A committee will be formed to oversee payments from the Back-Stop Fund. The committee will include litigating and non-litigating entities. Importantly, any excess money in the Back-Stop fund, after attorneys' fees and costs are paid, will go back to the local governments.

## 13. Why is this a great result for local governments?

The Colorado MOU will ensure effective and efficient use of funds without dilution or diversion of opioid settlement money to unrelated purposes or unnecessary overhead expenses. In the Colorado MOU the local governments control 80% of the settlement funds.

- Bottom-Up Approach – The need is at the local level, so the resources should be, too.
- Local Voices – The communities bearing the brunt of this burden must have a meaningful seat at the table to make decisions about where resources go.
- Flexibility – The Colorado MOU provides an opportunity for local governments to decide how to entrust their own regional funds without unnecessary red tape.

## 14. How do I sign the MOU?

Local governments should sign four documents.

a. First is the MOU.

b. Next, each local government will need to sign a Subdivision Settlement Participation Form for each of the **two settlements** (the "Big 3" Distributor settlement and the Johnson & Johnson settlement) releasing their legal claims and stating they are participating in the settlements.

c. In addition, a Colorado Subdivision Escrow Agreement should be signed to ensure legal claims are released only when 95% participation by certain local governments has been reached, which secures a significant portion of the incentive payments described in FAQ 4, above. Under the terms of the Colorado Subdivision Escrow Agreement, CCI (for counties) or

CML (for municipalities) will hold the MOUs and the Subdivision Settlement Participation Forms for each of the settlements in escrow until 95% participation by local governments has been reached as to specified incentive payments under the respective settlement agreements.

Copies of the Subdivision Settlement Participation Forms, the MOU with signature pages for each local government, and the Colorado Subdivision Escrow Agreement will be provided by the Attorney General's Office. The documents should be executed by the individual or body with authority to do so on behalf of their respective county or municipality and submitted by mail or email to either CCI or CML at the following addresses:

|                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>For Counties:</u></b><br>Colorado Counties, Inc.<br>800 Grant, Ste 500<br>Denver, CO 80203<br><br>Email:<br>Kyley Burress <a href="mailto:KBurress@ccionline.org">KBurress@ccionline.org</a><br>Katie First <a href="mailto:KFirst@ccionline.org">KFirst@ccionline.org</a> | <b><u>For Municipalities:</u></b><br>Colorado Municipal League<br>1144 N. Sherman St.<br>Denver, CO 80203<br><br>Email: <a href="mailto:opioidsettlement@cml.org">opioidsettlement@cml.org</a> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you have any questions, please reach out to Heidi Williams of the Colorado AG's office at [Heidi.Williams@coag.gov](mailto:Heidi.Williams@coag.gov).

## **EXHIBIT K**

### **Settlement Participation Form**

|                      |        |
|----------------------|--------|
| Governmental Entity: | State: |
| Authorized Official: |        |
| Address 1:           |        |
| Address 2:           |        |
| City, State, Zip:    |        |
| Phone:               |        |
| Email:               |        |

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT K**

**Subdivision Settlement Participation Form**

|                      |        |
|----------------------|--------|
| Governmental Entity: | State: |
| Authorized Official: |        |
| Address 1:           |        |
| Address 2:           |        |
| City, State, Zip:    |        |
| Phone:               |        |
| Email:               |        |

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("*Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.



7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Colorado Subdivision Escrow Agreement

|                      |           |
|----------------------|-----------|
| Governmental Entity: | State: CO |
| Authorized Official: |           |
| Address 1:           |           |
| Address 2:           |           |
| City, State, Zip:    |           |
| Phone:               |           |
| Email:               |           |

The governmental entity identified above (“*Governmental Entity*”) hereby provides Colorado Counties, Inc. (for counties) or the Colorado Municipal League (for municipalities) (“*Escrow Agent*”) the enclosed copies of the Governmental Entity’s endorsed Subdivision Settlement Participation Forms and the Colorado Opioids Settlement Memorandum of Understanding (“Colorado MOU”), to be held in escrow. The Subdivision Settlement Participation Forms apply respectively to (1) the National Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation, dated July 21, 2021 (“*Distributor Settlement*”); and (2) the National Settlement Agreement with Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson, dated July 21, 2021 (“*J&J Settlement*”). Pursuant to this Agreement, the Subdivision Settlement Participation Forms and the Colorado MOU will be released only if there is 95% participation by local governments in Colorado as further explained below.

### **Purpose of this Agreement**

By endorsing a Subdivision Settlement Participation Form in the Distributor Settlement and the J&J Settlement, a governmental entity agrees to participate in those settlements and release any legal claims it has or may have against those settling pharmaceutical companies. This Colorado Subdivision Escrow Agreement is meant to ensure that the legal claims of governmental entities in Colorado will be released only when 95% participation by certain governmental entities has been reached. That 95% participation threshold is important because it signals to the settling pharmaceutical companies that the settlement has wide acceptance which will then secure significant incentive payments under these settlement agreements.

### **Escrow**

The Escrow Agent shall promptly report the receipt of any Governmental Entity’s endorsed Subdivision Settlement Participation Forms and Colorado MOUs to the Colorado Attorney General’s Office and to the law firm of Keller Rohrback L.L.P. These documents shall be released by the Escrow Agent to the Colorado Attorney General’s Office if and when the Escrow Agent is notified by the Attorney General’s Office and Keller Rohrback that that the threshold 95% participation levels have been reached for both the Distributor Settlement and the J&J Settlement, as further described below. If by December 29, 2021, the Escrow Agent has not received notification that the threshold 95% levels have been reached for both the Distributor Settlement and the J&J Settlements, then the documents being escrowed shall be returned to the Governmental Entities and all copies shall be destroyed.



### **Distributor Settlement**

The Attorney General's Office and Keller Rohrback shall jointly submit a written notification to the Escrow Agent when it has been determined that the percentages of populations eligible for Incentives B and C, as described in Sections IV.F.2 and IV.F.3 of the Distributor Settlement, are each 95% or more. For purposes of this Escrow Agreement, the percentages of populations eligible for Incentives B and C under the Distributor Settlement will include governmental entities that sign a Subdivision Settlement Participation Form subject to an escrow agreement and governmental entities that sign a Subdivision Settlement Participation Form that is not subject to an escrow agreement.

### **J&J Settlement**

The Attorney General's Office and Keller Rohrback shall jointly submit a written notification to the Escrow Agent when it has been determined that the Participation or Case-Specific Resolution Levels for Incentives B and C, as described in Sections V.E.5 and V.E.6 of the J&J Settlement, are each 95% or more. For purposes of this Escrow Agreement, the percentages or populations eligible for Incentives B and C under the J&J Settlement will include governmental entities that sign a Subdivision Settlement Participation Form subject to an escrow agreement and governmental entities that sign a Subdivision Settlement Participation Form that is not subject to an escrow agreement.

Colorado Subdivision Name \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date



## STAFF REPORT

**TO:** Mayor Pro-Tem LaBarre and City Council

**FROM:**

**DATE:** October 21, 2021

**SUBJECT:** Mayor's Report

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**BACKGROUND:**

**RECOMMENDATION:**

**ATTACHMENTS:** None



## STAFF REPORT

**TO:** Mayor Pro-Tem LaBarre and City Council

**FROM:**

**DATE:** October 21, 2021

**SUBJECT:** City Attorney's Report

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**BACKGROUND:**

**RECOMMENDATION:**

**ATTACHMENTS:** None