



City of Woodland Park

January 20, 2022 at 7:00 PM

MINUTES

1. 5:30 PM to 6:45 PM Open House Sally Riley's Retirement Celebration

2. CALL TO ORDER - ROLL CALL

Mayor Pro-tem LaBarre called the City Council meeting to order at 7:00 PM.

The following Councilmembers were present: Mayor Pro-tem LaBarre, Councilmember Alfieri, Councilmember Case, Councilmember Nakai, Councilmember Neal and Councilmember Zuluaga.

The following staff were present: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Assistant to the City Manager Rob Felts, Finance Director Aaron Vassalotti, Deputy City Manager/Director of Operations Kip Wiley and Planning Director Karen Schminke appeared via zoom.

3. PLEDGE OF ALLEGIANCE

4. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

A. Celebration of former Planning Director Sally Riley's retirement from the City of Woodland Park.

(Presenter Michael Lawson, City Manager)

City Manager Michael Lawson acknowledged the retirement of Planning Director Sally Riley after 36 years of service to the City of Woodland Park. Former City Manager David Buttery and Former Planning Commissioner Jon DeVaux shared some sentiments regarding Riley. Riley shared the history of her career at the City of Woodland Park. The City of Woodland Park presented Riley with flowers and a retirement gift.

B. Welcome and Happy New Year from Teller County Commissioners

Deleted off agenda.

C. Appointments to the Historical Preservation Committee.

(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq shared that she had received applications from the two incumbents of the Historical Preservation positions and that both David Langley and Laurie Glauth were both present this evening for questions. Following a brief interview with the Council, the following motions were made.

Motion: To appoint David Langley to the Historical Preservation Committee. Case/Nakai. Motion carried 6-0.

Motion: To appoint Laurie Glauth to the Historical Preservation Committee. Case/Neail. Motion carried 6-0.

City Clerk Leclercq administered the Oath of Office to both Langley and Glauth

- D. Oath of Office administered to Finance Director/City Treasurer Aaron Vassolotti.
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq administered the Oath of Office to Aaron Vassalotti as City Treasurer.

- E. Appointment of Mayor Pro-tem LaBarre to Mayor of the City of Woodland Park.
(Presenters Councilmember Neal and Councilmember Nakai)

Councilmember Neal shared that at this time he felt it was appropriate to appoint Mayor Pro-tem LaBarre as Mayor of the City of Woodland Park. Neal shared that LaBarre has been doing a good job and should be appointed to fulfill the role in its official capacity. Councilmember Alfieri and Zuluaga shared their disapproval of this appointment and concerns about the appointment occurring during an election in which Mayor Pro-tem LaBarre was running for election as Mayor.

Councilmember Zuluaga asked the following of Councilmembers Rusty Neal and Catherine Nakai.

1. Can you please explain to the citizens of Woodland Park why you would take such a step to bias or influence their vote coming up in April?
2. Is it the function of elected officials of Council to take feels good votes on behalf of the citizens?
3. This council had the opportunity to have a fully filled council, yet some of my colleagues here including the Mayor Pro Tem took steps in self interest to keep their perceived hold on power and limit the office by not voting for one the several capable applicants for mayor.
4. It is regrettable my colleagues have brought this matter before the public for open discussion as it compels me to bring to memory for our citizens the poor choices made on several occasions that have in my opinion harmed the proper functioning of our city.
5. This Mayor Pro Tem voted for herself and rejected the vote from her peers that we preferred a different applicant to fill the late Mayor Val Carrs position.
6. This mayor pro tem refused to allow open discussion for applicants for the DDA board and went straight to nominations thwarting the open discussion and examination of conflict of interest allegations which are still being raised each month at the DDA board meetings.
7. This Mayor Pro Tem, without open discussion nor the advising of this Council Member, chose to appoint Councilmember Nakai without public discussion nor examination of other valid candidates to fill one of the temporary vacancies.
8. And finally, it is my opinion, that although the Mayor Pro Tem has settled down into satisfactorily administering the office of Mayor Pro Tem for the past few months; there is no compelling reason for this body to change this status and make an appointment to that of Mayor. If the good citizens of our community choose to elect her lawfully as one of the proffered candidates in April, that will be soon enough. It is in my opinion highly inappropriate for this Council to bring this matter forward and for a vote this evening. I move that this matter be tabled.

Councilmember Alfieri shared that the Council should not be doing "feel good votes" and agrees with Councilmember Zuluaga.

Councilmember Case shared that she is all for this appointment.

There being no additional Council comment, the following motion was made.

Motion: To approve Hilary LaBarre as Mayor of the City of Woodland Park. Neal/Nakai. Motion carried 3-2. Zuluaga, Alfieri voting no. LaBarre abstained.

City Clerk Leclercq noted that with Mayor LaBarre being gone, at the following Council meetings, the Council should probably consider appointing a Mayor Pro-tem. Councilmember Zuluaga asked City Attorney Wilson if that was necessary and Wilson shared that the Charter states that a Mayor Pro-tem "shall" be appointed.

At this time the following motion was made.

Motion: Appoint Kellie Case as Mayor Pro-tem. LaBarre/Neal. Motion passed 3-2. Alfieri, Zuluaga voting no. Case abstained.

5. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

6. CONSENT CALENDAR

- A.** Approval of the December 2, 2021 Regular City Council Meeting Minutes.
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq introduced the minutes from the December 2, 2021 City Council Meeting.

Motion: To approve the December 2, 2021 City Council Meeting Minutes with the correction of a misspelling. Zuluaga/Neal. Motion carried 6-0.

- B.** Approval of the January 6, 2022 Regular City Council Meeting Minutes.
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq introduced the January 6, 2022 City Council meeting minutes.

Motion: To approve the January 6, 2022 City Council meeting minutes. Neal/Zuluaga. Motion carried 6-0.

- C.** Approval of Statement of Expenditures for November 2021.
(Presenter Finance Director, Aaron Vassalotti)

City Clerk Leclercq introduced the Statement of Expenditures for November 2021.

Following questions from the Council regarding expenditures to the Varga law firm and Logan Simpson, the following motion was made.

Motion: Approve the Statement of Expenditures for November 2021. Zuluaga/ Case. Motion carried 6-0.

- D.** Approval of HR Green Professional Services Agreement in the amount of \$39,950, for the development of the physical concepts and schematic layout for fiber networks. (Presenter, Assistant to the City Manager Rob Felts) **(Tabled from the January 6, 2022 Council Meeting)**

Assistant to the City Manager Rob Felts introduced the HR Green Professional Services Agreement that was tabled at the January 6, 2022 Council Meeting. The council shared that

their concerns and questions were addressed.

Motion: Approve HR Green Professional Services Agreement in the amount of \$39,950. Neal/Zuluaga. Motion carried 6-0.

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

No public comment.

8. UNFINISHED BUSINESS

(Public Comment may be heard (1))

9. ORDINANCES ON INITIAL POSTING

(Public comment may be heard (1))

- A.** Consider Ordinance No. 1417, Series 2022 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado amending Multiple Titles of the Woodland Park Municipal Code, Regarding Code Penalties and Violations and set the Public Hearing for February 3, 2022.
(Presenter City Attorney Geoff Wilson)

City Attorney Geoff Wilson introduced this ordinance on initial posting sharing that City Attorney Nina Williams would be present at the next Council Meeting to go into detail regarding this ordinance.

Motion: Consider Ordinance No. 1417, series 2022 on initial posting and set the Public Hearing for February 3, 2022. Alfieri/Case. Motion carried 6-0.

10. PUBLIC HEARINGS

(Public comment may be heard (1))

- A.** Approve Ordinance No. 1416, Series 2022 to amend Title 18 of the Woodland Park Municipal Code to address changes to family child care homes as required by recent State legislation known as House Bill 21-1222.
(Presenter, Planning Director Karen Schminke)

Planning Director Karen Schminke reviewed the following with the Council: On September 10, 2021, Colorado House Bill 21-1222 (HB 21- 1222) was signed into State law. This law allows State licensed home daycare facility to serve up to 12 children if operated by a person residing in the same dwelling where the child care is provided. HB 21-1222 also requires local governments to treat family child care homes as a permitted residential property use in the application of zoning and land use regulations. Therefore, Title 18 of the Woodland Park Municipal Code addressing family child care homes must be amended. This makes a "Family Child Care Home" with up to 12 children a permitted use in all zones except for HSC/LI. Zoning Development Permits (ZDP) are no longer required for this use. However, Family Child Care Homes must still be State licensed so that annual inspections by the State and Fire for life safety issues are the responsibility of the State licensing agency. Planning Committee held a Public Hearing on December 9 and voted unanimously recommend this approval.

There being no Council discussion Mayor LaBarre opened up the Public Comment. There being no Public Comment Mayor LaBarre closed the Public Comment and the following

motion was made.

Motion: To approve Ordinance No. 1416, Series 2022 to amend Title 18 of the Woodland Park Municipal Code to address changes to family child care homes as required by recent State legislation known as House Bill 21-1222. Neal/Nakai. Motion carried 6-0.

B. Presentation of proposed Charter Amendments.
(Presenter Charter Review Committee Chairman Frank Connors and Charter Review Committee)

Frank Connors, Chairperson of the Charter Review Committee, shared a PowerPoint presentation with the Council. Frank shared the background of the Charter Review Committee and the proposed Charter Review amendments before Council.

The council thanked Frank and the Committee for all of their dedication and hard work for the process.

The time being 8:55 PM Mayor LaBarre took a brief recess.

The time being 9:10 PM Mayor LaBarre called the Council Meeting back to order.

C. Approve Ordinance No. 1410, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to specify that Elected and Appointed Officials may be removed from Office for Misconduct.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney Wilson reviewed Ordinance No. 1410, Series 2021 (redlined) with the Council. Councilmember Alfieri shared that there is no need for this amendment. Alfieri shared that if the council wanted to remove an elected official they have a way to do that and this amendment takes the power away from the people. Zuluaga shared that he felt this was micromanaging. The council discussed the reasons for this and what exactly does "misconduct" mean. City attorney Wilson shared that his is a very common charter item amongst other municipalities. Councilmembers Case and LaBarre shared that the citizens have the right to vote on this amendment. Following Council discussion, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

John Davis shared that the City already has the recall process and spoke against this charter amendment.

Kassie Kimbrial also spoke against this ordinance. Kimbrial suggested that the Council amend this question to include that 2/3 of the Council must vote in the affirmative for this to pass.

Following Public Comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing.

Council continued to discuss how many votes would be needed to remove a Councilmember for misconduct. City attorney Wilson suggested that 2/3 of 7 which is 5 votes be added to the ordinance. Naka suggested that the wording say :by the affirmative role call of at least 5 members of the City Council).

Councilmember Zuluaga suggested the following motion.

Motion: To approve Ordinance No. 1410, Series 2021 with redlines and to add the affirmative vote of at least 5 councilmembers. Zuluaga/Case. Motion carried 5-1 with Alfieri voting no.

- D. Approve Ordinance No. 1411, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to Remove all Gender Specific References from the Charter and set the Public Hearing for January 20, 2022.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney Wilson reviewed Ordinance No. 1411, series 2021 with the City Council. Following Council discussion, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

Drew Hall spoke against this charter amendment. Hall suggested that, rather than the language being neutral, that it state he/she.

There being no further Public Comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing.

No motion was made by the Council. Ordinance dies.

- E. Approve Ordinance No. 1412, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to authorize the City Manager to Sign Contracts of a Value Below an Amount to be set by the City Council.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney Wilson shared Ordinance No. 1412, series 2021 with the City Council. Following a brief discussion by the Council, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

John Davis spoke out against Ordinance No. 1412.

There being no further comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing.

No motion was made by the Council. Ordinance dies.

- F. Approve Ordinance No. 1413, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to Authorize the City Manager to Require that the Oath of Office include an Affirmation that the Officer Swears to tell the Truth in Performing the Duties of the Office.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney Wilson reviewed Ordinance No. 1413, Series 2021 with the Council. Following Council discussion, Mayor LaBarre opened up the Public Comment.

John Davis shared that he felt this Charter Amendment was not necessary.

There being no further comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing.

No motion was made by the Council. Ordinance dies.

- G.** Approve Ordinance No. 1414, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to Repeal and Replace the Current General Conflict of Interest Provision with a more Detailed and Comprehensive Conflict of Interest Provision.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney reviewed Ordinance No. 1414, series 2021 with the Council. Councilmember Alfieri shared that she welcomed the opportunity to further clarify what Conflict of Interest is as it is very vague in the Charter.

The time being 11:00 PM, the Council made the following motion.

Motion: To extend the City Council Meeting to midnight. Zuluaga/Case. Motion carried 6-0.

At this time, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

Joe Fury spoke and shared that anytime there is an appearance of a Conflict of Interest it should be acknowledged. Fury shared that it should be more explicit and include close friendships as well.

Mike Nakai spoke and shared that there seemed to be a theme in the Charter Amendments/Comp Plan where citizens are fed up with the Council.

There being no further Public Comment, Mayor LaBarre closed the Public Comment portion of the Public Hearing and the following motion was made.

To approve Ordinance No. 1414, series 2021, an Ordinance of the City council for the City of Woodland Park, Colorado submitting a Ballot Question to the Electors of the City to amend the City's Charter to repeal and replace the current general Conflict of Interest provision with a more detailed and comprehensive Conflict of Interest Provision and accepting all redlines. Zuluaga/Case. Motion carried 6-0.

- H.** Approve Ordinance No. 1415, Series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to Clarify the Options for City Council in Filling a Vacancy on City Council.

(Presenters Charter Review Committee and City Attorney Geoff Wilson)

City Attorney Wilson reviewed Ordinance No. 1415, series 2021 with the Council. Councilmember Alfieri shared that it should say "appoint a qualified person through an open application process". Following Council discussion Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

John Davis shared that he felt that to fill a vacancy it should be an open application process to narrow choices down.

Following Public Comment, Mayor LaBarre closed the Public Comment portion of the Public

Hearing and the following motion was made.

Motion: To approve Ordinance No. 1415, series 2021, an Ordinance of the City Council for the City of Woodland Park, Colorado submitting a ballot question to the Electors of the City to amend the City's Charter to clarify the options for the City Council in filling a vacancy on City Council. Case/Nakai. Motion carried 4-2 with Alfieri and Zuluaga voting no.

11. NEW BUSINESS

(Public comment may be heard (1))

- A.** Approval of the Board of Adjustment's Rules of Procedure
(Presenters Planning Director Karen Schminke and Board of Adjustment Chairman Lou Ramon)

This item was tabled until the February 3, 2022 City Council Meeting.

The time being 11:57 PM, the following motion was made by Councilmember Zuluaga.

Motion: To continue the meeting until 1:00 PM. Zuluaga/Neal. Motion carried 6-0.

At this time, council took a 5 minute break.

- B.** Approve Resolution No. 884 a Resolution Establishing the Form and Procedures for the April 5, 2022 Regular Municipal Election.
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq reviewed Resolution No. 884 with the City Council. Leclercq shared that the election would be April 5, 2022 and that the election would be conducted as a mail ballot election following all of the Colorado State Statutes concerning mail ballot elections. Leclercq reviewed that the method of voting would be the Secretary of State approved ES&S Voting systems under the direct supervision of herself as the Designated Election Official for the City of Woodland Park.

Motion: To approve Resolution No. 884 a Resolution Establishing the Form and Procedures for the April 5, 2022 Municipal Election. Case/Nakai. Motion carried 6-0.

- C.** Approval of Resolution No. 885, Series 2022 a Resolution Opposing the Implementation of Mask Mandates on the Employees of the City of Woodland Park and Within the City of Woodland Park Facilities.
(Presenters, Councilmember Alfieri and Councilmember Zuluaga)

Councilmember Alfieri presented Resolution No. 885, a Resolution Opposing the Implementation of Mask Mandates on the Employees of the City of Woodland Park and Within the City of Woodland Park Facilities.

Mayor LaBarre began the discussion that she appreciates both sides of this issue but that section 4.3/4.4 gives the City Manager the authority to make these kind of decisions on behalf of his staff. LaBarre shared that this is in the City Manager's authority and she is not going to vote against him. LaBarre shared that the resolution is not appropriate and not the correct way to conduct business. Nakai shared that she struggles with what's in the resolution and will not micromanage the City Manager.. Nakai shared that she felt this was a violation of the City Charter. Case shared that she will not support anything that violates the Charter and approves the City Manager looking out for the staff. Neal shared that this is outside the authority of the Council and that he will not get baited into the decisiveness of political parties. Neal stated that individuals have the freedom of thought and their brains to do their

research. Neal shared that he felt that the City Manager had this as a tool at his disposal and was wise to try it. He stated that he would not violate the Charter.

At this time, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

Brad Donby, Eva Harmon, Taylor Seeley and Drew Hill all spoke out in support of the resolution.

Mike Nakai spoke out against the resolution.

The time being 1:00 AM, the Council made the following motion.

Motion: To continue the City Council meeting until 2 AM. Zuluaga/Alfieri. Motion carried 5-1 with Case voting no.

There being no further Public Comment Mayor LaBarre closed the Public Comment portion of the Public Hearing.

Councilmember Alfieri shared that she appreciates the hardships that the staff has been enduring, but she cannot see it as a reasonable excuse to dictate what a person does with their body. Alfieri shared that she respectfully requests the City Manager to remove this mandate and that she is not forcing him to do anything. Councilmember Zuluaga shared that he has taken an oath to uphold the Constitution and the Charter of the City of Woodland Park and he disagrees with this mandate.

Following Council discussion, the following motion was made.

To approve Resolution No. 885, Series 2022, a Resolution Opposing the Implementation of Mask Mandates on the Employees of the City of Woodland Park. Alfieri/Zuluaga. 2-4. Motion failed with LaBarre, Case, Nakai and Neal voting no.

12. REPORTS

(Public comment not necessary)

A. Mayor's Report

- 1.** Discussion and consensus of meeting officiant for the February 3rd and February 17 City Council Meetings.

Discussed and Councilmember Case was appointed as Mayor Pro-tem. She would be leading the meetings in the Mayor's absence.

B. Council Reports

Councilmember Nakai thanked the Charter Review Committee.

Councilmember Neal gave a DDA update.

Councilmember Zuluaga gave a PPACG update.

C. City Attorney's Report

None.

D. City Manager's Report

City Manager Lawson thanked the Charter Review Committee.

13. ADJOURNMENT

Mayor LaBarre adjourned the City Council meeting at 1:27 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2021


Hilary LaBarre, Mayor Pro-tem