

City of Woodland Park

June 2, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

5:30 PM - City Council Work Session - City of Woodland Park Compensation Study

Mayor LaBarre called the Regular Council Meeting to order at 7:00 PM.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Nakai, Councilmember Ott, Councilmember Zuluaga. Councilmember Neal appeared via zoom.

The following Staff Members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, City Attorney Williams, Assistant to the City Manager Flets, Finance Director Vassalotti, Human Resource Generalist Jacob, Parks and Recreation Director Keating, Planning Director Schminke and City Engineer Ben Schmidt.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Re-cap of Wildfire Preparedness Day.
(Presenter, Mike Nakai)

Mike Nakai shared a re-cap of the Wildfire Preparedness Day. Nakai shared that they had over 350 participants at the event. Nakai shared that the participants felt that it was very useful information. Nakai thanked all the volunteers and sponsors for the event and also thanked the Council for their support.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of the May 14, 2022 Emergency City Council meeting minutes May 14, 2022. **(A)**
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Motion: To approve the May 14, 2022 Emergency City Council Meeting Minutes, the May 19, 2022 Regular City Council Meeting Minutes and the May 19, 2022 Statement of Expenditures. Case/Ott. Motion carried 7-0.

- B. Approval of the May 19, 2022 Regular City Council meeting minutes. **(A)**
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
- C. Approval of the April 2022 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. **(A)**
(Presenter Finance Director Aaron Vassalotti)

- D.** Approval of a contract from Logan Simpson in the amount of \$74,961 for the update to the Parks, Trails and Open Space Master Plan. **(A)**
(Presenter Parks and Recreation Director Cindy Keating)

Parks and Recreation Director Cindy Keating reviewed the contract for the update to the Parks, Trails and Open Space Master Plan presented by Logan Simpson for the amount of \$74,961. Keating shared the following information with the Council.

The PTOS Master plan was professionally developed in 2007 and updated by the PRAB in 2017, adopted by City Council in 2018. In the 2030 Comprehensive Plan, Envision Woodland Park: Parks, Trails and Open Space Goal 1: Develop and enhance Woodland Park's sense of place and quality of life by continuing to enhance the City's parks, trails and open space system. Objective 1.1, Action 1.1.2, Continue to implement the Woodland Park Parks, Trails and Open Space Master Plan. Update the Master Plan no later than 2023 to ensure that the information from the Comprehensive Plan is incorporated.

The City Council approved \$75,000 in the 2022 Budget to update the Parks, Trails and Open Space Master Plan. Using the Urban Leap application, Request for Proposals were issued March 3, 2022 with Proposals due April 15, 2022 at 1:00 p.m. Keating shared the following information with the Council regarding the RFP.

- ☐ 75 vendor views
- ☐ 6 interested vendors
- ☐ 2 proposal submissions

Submissions were received from Valerian and Logan Simpson. Both submissions met all proposal requirements, moving them both to the evaluation process. We had three community and two staff members for the evaluation and interview process; Teri Baldwin, Jerry Smith, Jim Rumsey, Brady Warner and Cindy Keating. Both proposals were reviewed and evaluated by all members and suggested we conduct interviews. Interviews were held on May 11. Although Valerian interviewed very well and brought a lot of energy to the project, Logan Simpson has the experience, staff depth, knowledge and recent completion of the 2030 Comprehensive Plan. Logan Simpson was selected for the project by a 4-1 vote of the evaluating team. The Proposed Contract includes:

- ☐ Community and Stakeholder Engagement
- ☐ Planning Context and Community Needs
- ☐ Vision, Goals and Policies
- ☐ Alternatives and Priorities
- ☐ Plan Development

Keating introduced the members of the review team that were in the audience, which included Gerry Smith, Teri Baldwin and Jim Rumsey. Keating shared that they were available if the Council had any specific questions for them this evening. Following Council discussion, the following motion was made:

Motion: To approve a contract from Logan Simpson in the amount of \$74,961 for the update to the Parks, Trails and Open Space Master Plan. Case/Ott. Motion carried 6-1 with Zuluaga voting no.

- E.** Approval of On Call Engineering and Land Use Development Services Contracts Between the City of Woodland Park, Basis, Baseline, JR Engineering, and Wilson and CO. (A)
(Presenter City Engineer Ben Schmidt)

City Engineer Ben Schmitte introduced the On Call Engineering and Land Use Development Services Contracts to the City Council. Schmidt shared the following information:

The City staff are working hard to provide safe, reliable, and functional infrastructure to the Citizens of Woodland Park. To complete major capital projects, develop our Citywide MS4 permit, and provide excellent customer service to our developers; the City solicited Request for Qualifications through the online procurement portal for On Call Engineering and Land Use Services. The RFQ specified the City could enter into contract with up to four firms, and renew contracts annually for up to five years.

The City received seven responsive proposals back. The top four firms (Baseline, Basis, JR Engineering, and Wilson and Co) were selected using grading criteria and a selection matrix which ranked the firms on their capacity to provide specialized expertise, and ability to work in conjunction with City staff to complete projects. The proposals were based on qualifications of the firms, with pricing submitted separately and not factored into the selection process. This allows for the City to utilize these firms for state and federally funded projects.

These consultants serve a vital role in design and project completion, since the City currently does not have in-house design and survey teams. It is common practice for municipalities to utilize these services, since they have a breadth of experience across multiple different project types (Civil, mechanical, structural, planning, etc.) and have dedicated specialized staff which can provide solutions for unique projects the City may complete.

There being no Council comments or Council discussion, the following motion was made:

Motion: To approve On Call Engineering and Land Use Development Services Contracts Between the City of Woodland Park, Basis, Baseline, JR Engineering, and Wilson and CO. Nakai/Connors. Motion carried 6 - 0 - 1 (abstain). Councilmember Neal abstained from voting. Neal expressed he did not have enough time to review the contracts.

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

Merry Jo Larsen shared an update of the DDA and their accomplishments. Larsen shared that she will be coming up for appointment at the next Council Meeting and would like the Council to consider her staying on the DDA Board until the Midland Station project is completed.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** To approve Ordinance No. 1423, Series 2022 on initial posting granting a Conditional Use Permit with a site plan review for the purpose of allowing a tow company to construct and utilize a commercial building with vehicle storage area on Lot 1, Sunny Glenn Retreat Subdivision Filing No. 2 (2730 Mountain Glenn Court) in the Community Commercial (CC) Zone and set the Public Hearing for

June 16, 2021. **(QJ)**

(Presenter Planning Director Karen Schminke)

Planning Director Karen Schminke introduced Ordinance No. 1423, Series 2022 on initial posting. There being no council questions or public comment comments, the following motion was made:

Motion: To approve Ordinance No. 1423, Series 2022 on initial posting granting a Conditional Use Permit with a site plan review for the purpose of allowing a tow company to construct and utilize a commercial building with vehicle storage area on Lot 1, Sunny Glenn Retreat Subdivision Filing No. 2 (2730 Mountain Glenn Court) in the Community Commercial (CC) Zone and set the Public Hearing for June 16, 2021. Neal/Case. Motion carried 7-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approve Ordinance No. 1422, Series 2022 a request by Skip Howes (Applicant) and the Tamarac Land Company (Property Owner) for a Conditional Use Permit (CUP) pursuant to §18.09.090.G.1. Contractors & Construction Services use on 4.22 acres in a portion of the W1/2 of the SW1/4 of Section 12, Township 12 South, Range 69 West of the 6th Principal Meridian, lying SW of "Tamarac Tech Park Filing No. 2" and lying NW of "Tamarac Tech Park Filing No. 1" with an address of 1010 Research Drive in the Service Commercial (SC) zone. **(QJ)**
(Presenter Planning Director Karen Schminke)

Planning Director Karen Schminke reviewed Ordinance No. 1422, Series 2022 with the Council. Schminke reviewed the following:

Background: The purpose of this conditional use permit request is to bring an existing non-conforming use into compliance; it was a request for a second driveway on the east end of the property that triggered this CUP application.

This site is a 4.22-acre parcel of land located in the W ½ of the SW ¼ of Section 12, Township 12 South, Range 69 West of the 6th Principal Meridian (on the northeast side of Research Drive) in northern Woodland Park. It is west of Highway 67. Surrounding areas include: Tamarac Tech Park Filing No. 2 to the north; a Teller County parcel and Tamarac Research & Development to the east; Tamarac Tech Park Filing No. 1 to the southeast; Stone Ridge Village Fil. 4 to the south, a Teller County parcel (Davis Subdivision) and Woodland Valley Ranch Fil. 1 to the west, and Sundance at Shining Mountain to the northwest. Based on the Teller County Property Records Database, this property (Account No. R0038507) contains one equipment building which was constructed in 1993.

The property was annexed into the City of Woodland Park in 1997. That process requires all properties to be zoned within 90 days of the annexation being finalized, but that zoning process did not occur at that time. After it was discovered that the property was not formally zoned at the time of annexation, a Zoning Application dated 7/27/2004 was submitted for the 14-acres making up the current business center at 800 Research Drive and the subject property at 1010 Research Drive. That application proposed the zoning of Service Commercial and the staff report for the rezoning stated "The property 1010 Research Drive is developed with contractor storage and services, and is planned to be subdivided into three commercial lots in the future." Photographs taken in 2004 show the existing conditions of the property with no evidence of outside storage. The zoning designation of Service Commercial

was then adopted, however a CUP Application for the existing use was not submitted at that time. In December 2019, a conversation was started between the applicant and the City on how best to bring the long-term use of the property (Contractor & Construction Services including related exterior storage) into conformance with the City Code. The CUP process was delayed with the impact of Covid-19 in early 2020.

In December 2021, the Applicant submitted a CUP Application for Contractor & Construction Services to codify the current and existing use of the property. The applicant is requesting a second driveway access at the eastern end of the property.

Site and Surrounding Properties: The property is located west of Highway 67 in the northern part of Woodland Park. It is bordered by Research Drive on the south and west and is zoned. There are a variety of uses and zoning districts in the area. The school district's bus barn property, which is not inside city limits, is located immediately to the east. The Woodland Park Police Department is located to the north (zoned Public/Semi-Public Land) and the Stoneridge Village development (zoned Planned Unit Development) is located to the south. There are several houses to the west that are zoned Suburban Residential and Sundance at Shining Mountain, zoned PUD, is located northwest of the subject property. There are existing mature evergreen trees located on the property's perimeter adjacent to Research Drive. Loy Gulch and its associated floodway run along the northern edge of the property.

The existing building, as well as the existing use (contractor and construction services) was in place on the site when it was annexed in 1997. Two existing contracting businesses operate from this site: Scott Homes, Ltd., and Lamb Excavating.

Analysis of Conditional Use Permit and Findings: Municipal code section §18.57 *Conditional Use Permit* regulates the review of conditional use permit requests. §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."* § 18.57.040.B specifies the standards by which all conditional uses must comply in order to receive approval. Below is a listing of the applicable CUP standards with staff's analysis.

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.*

Complies. The site was already developed prior to annexation in 1997 and has been used exclusively as a commercial property for contractors and construction services for over 25 years. It also pre-dates the addition of the residential uses in the surrounding area. No unmitigated potential impacts have been identified for continuation of this use at its current level.

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

Complies. This use has not endangered the public health and welfare. It is a low intensity use that that can be contained within the existing building and buffered/screened from

surrounding residential and commercial uses. Existing natural buffers include the Loy Gulch as well as the stand of pine trees located along Research Drive.

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

Complies. The existing use, Contractor & Construction Services, has been in place at this location for over 25 years. During that time there has been development of both commercial and residential uses in the surrounding area. Those subsequent neighboring uses would not have developed in this area if they would not have been supported by the real estate market.

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

Complies. The improvements to the subject property were made prior to annexation which occurred in 1997. The applicant and staff are not aware of any conflicts with neighboring properties related to the current use or operations in the past 20 years. A mixture of uses has been developed in the area. The Woodland Park School District constructed their bus barn in 1991. The SFRs across the street at 1060 Research Drive and 1101 Research Drive were built in 1997 and 2008, respectively. The Tamarac Business Center was built in 1998.

1. *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.*

Complies. The development is consistent with the following principles and goals as specified in the City's 2021 Comprehensive Plan.

Land Use and Growth Goal 1: Provide opportunities for growth and development while preserving community and environmental quality.

Economic Development Objective 1.2: Retain area businesses and assist with expansion or adding complementary businesses to create clusters and critical mass.

Sustainable Environment Objective 1.1: Recommend that development minimizes its impact on the natural environment and creates a quality human environment through sustainable design and practices.

1. *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.*

Complies. The existing use is being brought into compliance with the provisions, standards and requirements of city regulations adopted and in effect at the time of this application, including the SC zone district limitations and engineering specifications. The City Engineer has noted that per the City of Woodland Park drainage criteria manual, onsite detention and water quality control facilities shall be installed to mitigate *existing* run-off.

Utilities (water, sewer, electric and gas) are currently available in Research Drive. The existing metal building is not currently served with water or wastewater. Potential lot configurations for the future subdivision have been included in this application but are subject to review in a separate future application. City tap fees will be required when plumbing is

proposed to be added to the existing building or in conjunction with other permits that require these utilities.

1. *The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.*

Complies. The site was previously developed and has an existing driveway access at the western end of the property. At this time the only change being requested is a second driveway access from Research Drive into the eastern side of the property. This second submitted access point will allow for truck and trailer access to enter the property from Research Drive without impeding traffic flow. Most vehicles come and go early in the morning and return at the end of the working day. There is no anticipated increase in traffic related to this CUP application.

1. *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.*

Complies. The existing building was built in 1993 with appropriate regard for the site's topography and will remain in place. The bulk of the property is fairly level and sits lower than Research Drive.

The Loy Gulch and its associated floodplain area are located on the northern edge of the property. With the future subdivision of the property, Loy Gulch may be platted as a separate tract. However the City will not take ownership of the floodway unless the private owner improves Loy Gulch (armoring, erosion mitigation, etc.) to a level acceptable to the City. The applicant is proposing to use roto millings to stabilize the site's storage area surface, reduce dust, and maintain run-off water quality; he is also proposing to add a second driveway. A preliminary drainage study has been submitted and reviewed by the city engineer. The applicant has also met with City staff regarding the need to provide water quality detention for the existing site conditions, as well as the need to address the change in surface area with the addition of the second driveway and adding millings to the drive/storage areas. A final drainage report must be approved by the City Engineer before a grading permit or zoning development permit (ZDP) can be issued.

1. *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.*

Complies. The existing metal building is not currently served with water or wastewater. No changes or additions to the existing building are proposed at this time and future changes to the building and/or use that require water and wastewater will be subject to the regulations and tap fees in place at that time.

As a part of this application surface water drainage, air quality protection methods, and solid waste disposal are being addressed. The applicant is proposing to use roto milling in the areas of equipment use and storage on the subject property. The purpose of this is to reduce dust potential which in turn supports air quality protection. This change is surface material increases the need to install onsite detention and water quality control facilities to mitigate *existing* run-off (per the City of Woodland Park drainage criteria manual). In addition to defining hard surface areas for vehicle movement and exterior storage, the location for trash containers/roll-offs for solid waste removal should be identified on the final site plan.

1. *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.*

Complies. The continuation of the existing use will not create any significant safety hazards to the general public or to persons working on the site. The only comment received from NETCRPD was, "No issues from FD at this time to add a driveway for another storage lot. Driveway access should be minimum of 20' in width."

1. *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)*

Complies. At this time there are no changes or additions proposed for the existing building. Any future additions or changes to the existing building would be evaluated for compliance with City design guidelines. The retention of existing trees and screening proposed by the applicant will enhance the site and neighborhood. The CUP conditions require immediate improvements to the site that serve to clean up and further enhance the area.

There has been discussion regarding the placement of a 6-foot high screening fence along Research Drive. The site plan shows it located along the property line, however City code limits the height of solid fences in the front setback area to 36 inches. In the SC zone the required front setback is 50 feet; it is 25 feet in the majority of the City's other zone districts. Planning Commission made a recommendation that the 6-foot high screening fence be located 25 feet from the Research Drive property line. Staff has spoken with the City Manager, the approval authority in this situation, and he is comfortable implementing the Planning Commission's recommendation to place the fence 25-feet from the property line that is adjacent to Research Drive.

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 and City Council public hearings. The site was posted with public notice posters and notice of the public hearings was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no written comments regarding this conditional use permit request.

Applications were referred to City departments including Utilities, Public Works, Planning and Building and external agencies including CORE and the NETCFPD. Written comments were returned and have been included with this report.

Planning Commission Recommendation: The City of Woodland Park Planning Commission held a public hearing on March 10, 2022 and again on April 28, 2022 (see attached minutes). After consideration of the staff report and comments made at the public hearing, the Planning Commission recommended that City Council approve the Conditional Use Permit for the Contractors & Construction Services use as conditioned. These conditions are reflected in the draft of Ordinance No. 1422.

Following Schminke's presentation, Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment Mayor LaBarre closed the Public Hearing and the following motion was made.

Motion: To approve Ordinance No. 1422, Series 2022 a request by Skip Howes (Applicant) and the Tamarac Land Company (Property Owner) for a Conditional Use Permit (CUP) pursuant to §18.09.090.G.1. Contractors & Construction Services use on 4.22 acres in a portion of the W1/2 of the SW1/4 of Section 12, Township 12 South, Range 69 West of the 6th Principal Meridian, lying SW of "Tamarac Tech Park Filing No. 2" and lying NW of "Tamarac Tech Park Filing No. 1" with an address of 1010 Research Drive in the Service Commercial (SC) zone. Zuluaga/Nakai. Motion carried 7-0.

- B.** Consider a temporary use to operate from January 1 to December 31, 2022 for up to 365 days in the calendar year 2022 for Red Diamond Gastro Food Truck. **(withdrawn)**

This item was withdrawn from the agenda.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of Resolution No. 892, Series 2022 a Resolution by the City of Woodland Park, City Council, Colorado formalizing the City's decision to opt out of the paid Family and Medical Leave Insurance ("FAMLI") Program. **(A)**
(Presenter Human Resource Generalist Amy Jacob)

Human Resource Generalist Amy Jacob shared the following background information with the Council regarding Resolution No. 892, Series 2022: On November 3, 2020 Colorado voters approved the Paid Family and Medical Leave Insurance Act which established paid family and medical in Colorado to be funded through payroll taxes paid for by the employer and employees split 50/50. The payroll taxes would begin being deducted January 1, 2023. Local governments may elect to opt out of the program. The Director of the Division has set forth rules for the process by which a local government can decline to participate; the process by which local government that previously declined can later decide to opt into the program; and notice a local government is required to provide notice to its employees regarding their decision to opt in or out of the program, the ability of employees to elect their own coverage and any other necessary requirements. Jacob shared that the staff was recommending that the City opt out of the FAMLI Act.

Citizen Eugene Hoden shared that he felt the City should opt out of FAMLI as the employees want to take home as much of their paycheck as possible.

Motion: To approve Resolution No. 892, Series 2022 a Resolution by the City of Woodland Park, City Council, Colorado formalizing the City's decision to opt out of the paid Family and Medical Leave Insurance ("FAMLI") Program. Nakai/Ott. Motion carried 7-0.

- B.** To accept the 2022 Compensation Study as presented. **(A)**
(Finance Director Aaron Vassalotti)

Council directed Finance Director Vassalotti to move forward with preparing a Supplemental Appropriation for the next Council Meeting.

- C.** (REVISED) Approval of Resolution No. 893 Authorizing The Sale of A Permanent Easement To The Colorado Department Of Transportation For Sidewalk Improvements In Accordance With The Americans With Disabilities Act In The Amount Of \$1,500. (A)
(Presenter City Engineer Ben Schmidt)

City Engineer Schmidt reviewed the following information with the Council: In the Spring of 2023, the Colorado Department of Transportation ("CDOT") will begin a project to reconstruct ADA Curb Ramps along portions of the existing curb, gutter and sidewalk ("improvements") US-24 in the City of Woodland Park, to bring pedestrian facilities into compliance with federal accessibility requirements. A portion of the improvements are on City-owned property at 112 S Center St, and CDOT needs to acquire a Permanent Easement ("easement") for the improvements. The improvements benefit both the property and the general public, and CDOT is offering a sum of \$1,500 for the easement.

Motion: To approve Resolution No. 893 Authorizing The Sale of A Permanent Easement To The Colorado Department Of Transportation For Sidewalk Improvements In Accordance With The Americans With Disabilities Act In The Amount Of \$1,500. Case/Nakai. Motion carried 7-0.

- D.** Discussion and approval of transferring \$1,000 from the City Council's Budget to the Police Department's Budget to help defray the cost of food and water during wildfire support. (A)
(Mayor LaBarre and Councilmember Connors)

Withdrawn from the agenda.

- E.** Request to defer the transfer of Woodland Station property from the DDA to the City on 12/31/2023. (A)
(Councilmember Neal and Councilmember Zuluaga)

Following a brief Council discussion Council decided to table this item at this time and no vote was taken.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

B. Council Reports

The Councilmembers shared the updates from their various Boards and Committees.

C. City Attorney's Report

D. City Manager's Report

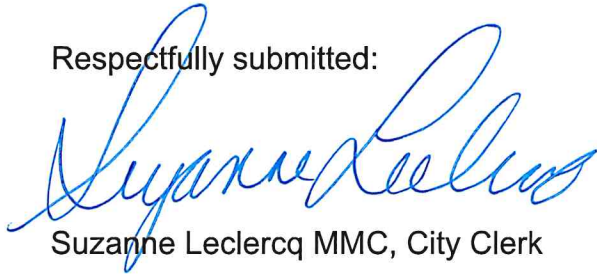
- 1. 2021 Year-End Report (A)**
(Presenter Finance Director Aaron Vassalotti)

Finance Director Vassalotti shared the 2021 year-end report with the Council.

12. ADJOURNMENT

There being no further City business, Mayor LaBarre adjourned the Council Meeting at 9:39 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 1st DAY OF July, 2022


Kelli Case - Mayor Pro-Tem