

# City of Woodland Park

September 15, 2022 at 7:00 PM

## MINUTES

### 1. CALL TO ORDER AND ROLL CALL

Following a work session on the 2023 Budget Projections and Priorities for the Council, Mayor LaBarre called the regular City Council Meeting to order at 7 pm.

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

The following Staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Finance Director Vassalotti, Planning Director Schminke, Assistant to the City Manager Johnson and Deputy City Clerk Minton. City Attorney Wilson appeared via zoom.

### 2. PLEDGE OF ALLEGIANCE

### 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A.** Appointment to the Utility Advisory Committee. (A)  
(Presenter Deputy City Manager/City Clerk, Suzanne Leclercq)

City Clerk Leclercq reviewed with the Council that there is currently one open position on the Utility Advisory Committee and that the Clerk's office had received an application from Cindy Rumsey. Leclercq shared that Ms. Rumsey meets all of the requirements to apply to this Committee. Leclercq shared that Ms. Rumsey was in the audience this evening and available for any questions the Council may have.

Mayor LaBarre invited Ms. Rumsey to the podium. Ms. Rumsey shared with the Council her reasons for applying for this position. There being no discussion or questions from the Council, the following motion was made.

Motion: To appoint Cindy Rumsey to the Utility Advisory Committee. Ott/Nakai. Motion carried 7-0.

City Clerk Leclercq administered the Oath of Office to Ms. Rumsey.

- B.** Police Department Awards.  
(Presenter Chief of Police Chris Deisler)

Mayor LaBarre invited Police Chief Deisler to the podium. Chief Deisler shared that he was there before the Council this evening to present some Police Department Awards.

The first award that Chief Deisler presented was to citizen Christopher Hoffman. Mr. Hoffman helped Corporal Ledvina change a blown out tire on her patrol car. Chief Deisler presented Mr. Hoffman with the Chiefs Award of Excellence.

Deisler presented Dispatcher Lisa Ivy, Officer Patrick Vigil and Corporal Courtney Ledvina all with the Chief's Award of Excellence for a case that they all worked on together to help apprehend an escaped mental patient.

Following the presentation of the awards, Mayor LaBarre presented Citizen Hoffman, Dispatcher Ivy and Officers Vigil and Ledvina with a Mayor's pin.

- C.** Historic Preservation Committee - Historical Posters  
(Presenter, Planning Director Karen Schminke, AICP)

Planning Director Schminke shared with the Council the Historical Preservation Committee's posters over the past years and presented the Council with the 2022 poster.

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

#### **5. CONSENT CALENDAR**

- A.** Approval of minutes from the August 4, August 18 and September 1, 2022 Regular City Council Meetings. (A)  
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq reviewed the Consent Calendar with the Council. All items were approved in the same motion.

Motion: To approve the August 4th, August 18th and September 1st minutes and the approval of the July and August Statement of Expenditures. Case/Nakai. Motion carried 7-0.

- B.** Approval of the July 2022 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.
- C.** Approval of the August 2022 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.

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

Resident Jerry Penland shared his displeasure with three very large slash piles on Highway 67. Penland shared that not only are they an eye sore but also a major fire hazard. Penland shared that he was looking to the City and the City Council to solve this problem.

#### **7. UNFINISHED BUSINESS**

(Public Comment may be heard)

#### **8. ORDINANCES ON INITIAL POSTING**

(Public comment may be heard)

- A.** Approve ORDINANCE NO. 1429, SERIES 2022, on initial posting, an ordinance ACCEPTING CONVEYANCE OF TRACT A OF THE HIGHLANDS IN PARADISE, WOODLAND PARK, COLORADO, TO THE CITY OF WOODLAND PARK, and set the Public Hearing for October 6, 2022. (A)  
(Presentor, Planning Director, Karen Schminke, AICP)

Planning Director Schminke introduced Ordinance No. 1429, Series 2022 on initial posting.

There being no Council discussion or public comment, the following motion was made.

Motion: To approve Ordinance No. 1429, Series 2022 on initial posting, an ordinance accepting conveyance of Tract A of the Highlands in Paradise, Woodland Park, CO, to the City of Woodland Park and set the Public Hearing for October 6, 2022. Ott/Connors. Motion carried 7-0.

## **9. PUBLIC HEARINGS**

(Public comment may be heard)

- A.** Approve ORDINANCE No. 1428, SERIES 2022, An ordinance vacating that portion of right of way overlapping Lot 1A, The Homes At Brecken Heights, Woodland Park, Teller County, Colorado. (A)  
(Presenter, Planning Director Karen Schminke, AICP)

Planning Director Schminke reviewed the staff report with the Council regarding this Ordinance. Schminke shared the following:

The Applicant is requesting a vacation of approximately 1,000 sq.ft. of Alpine Meadows Drive. Alpine Meadows Drive is a small portion of right-of-way that extends 85 feet out of Morning Sun Drive. The portion of right of way that the applicant is wanting to vacate would be the northeastern most portions of this right of way. The remaining portions of the Alpine Meadows Drive would be used in conjunction with Brecken Court Drive public right-of-way to service the future residences at The Homes at Brecken Heights and existing businesses.

The final plat for The Homes at Brecken Heights was approved by City Council at their April 1<sup>st</sup>, 2021 Meeting. As shown in the attached application, this small portion of right-of-way overlaps with lot 1A on the final plat. In order for the applicant to maintain the layout of homes proposed in their final plat, this portion of right-of-way would need to be vacated.

Schminke shared the following 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.*

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: The vacation complies with this policy. No adverse affects are expected from the granting of this vacation. This vacation overlaps a residential lot, and currently is unimproved land. The portions of the right-of-way that are improved, will still remain, and service the neighboring businesses.

**§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:*

- 1. 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.*
- 2. 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.*
- 3. 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.*
- 4. In all instances not specifically proved 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.*
- 5. No portion of a roadway upon vacation, shall accrue to an abutting roadway.*

Staff Analysis: This type of vacation falls under §12.08.020(B). The right of way would be vested to lot 1A of the Homes at Brecken Heights, which is the closest property.

**§12.08.040 Vacation of roadway on boundary lines.**

*If a roadway constitutes the boundary lines of the city, it may be vacated only by joint action of the board of county commissioners and the city council.*

Staff Analysis: This vacation is completely contained within the City, so this section does not apply.

**§12.08.050 Connecting public road required**

*No roadway or part thereof shall be vacated so as to leave any land adjoining the street, alley, easement or public right-of-way without an established public road connecting the land with*

*another established public road.*

Staff Analysis: If the vacation is approved, all portions of land will still be connected to public right-of-way. Additionally, all portions of rights-of-ways connected to these properties would have a connection to other established public roads.

*§12.08.060 Reservation of land for utility uses*

*In the event of vacation of 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: The approved final plat from 2021 lists utility and drainage easements around the west, south, and east portions of Lot 1A. These easements would remain in place if the vacation of ROW is approved. Additionally, the proposed right-of-way vacation was referred to staff departments, and outside agencies that service these utilities. No comments were received to indicate that the maintenance or continued use of these types of utilities would be impacted by the right-of-way vacation.

*§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(30) days prior to the next regular scheduled planning commission meeting:*

- 1. A completed application form;*
- 2. 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;*
- 3. A processing fee as established by city council;*
- 4. The names and addresses of all adjacent property owners.*

Staff Analysis: A complete application meeting the above criteria has been submitted to staff, and is attached to this staff report.

*§12.08.080 Hearing – Planning Commission and City Council action.*

- 1. 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 notices 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.*
- 2. The planning commission shall make its written recommendations to the city council.*
- 3. 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 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: The Planning Commission public hearing is scheduled for August 11, 2022 and the City Council public hearing is scheduled for September 15, 2022. 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: 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: 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: These are typical costs that all applicants are subject to, and are billed upon closing the file.

At this time Mayor LaBarre opened the Public Comment portion of the Public Hearing. There being no Public Comment Mayor LaBarre closed the Public Comment portion of the Public hearing and the following motion was made.

Motion: To approve Ordinance No. 1428, Series 2022 an Ordinance vacating that portion of right of way overlapping Lot 1A, the Homes at Brecken Heights, Woodland Park, Teller County, Colorado. Zuluaga/Case. Motion carried 7-0.

**10. NEW BUSINESS**

(Public comment may be heard)

**11. REPORTS**

(Public comment not necessary)

**A. Mayor's Report**

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

**B. Council Reports**

Councilmember Connors shared that they finished the Flags for Schools program this week and that every elementary school in the district was visited and presented with new flags.

Councilmember Neal shared an update of the DDA. Neal also shared that the DDA Attorney would be teaching a class on Conflict of Interest on October 4.

Councilmember Ott shared an update of the Historical Preservation Committee.

**C. City Attorney's Report**

No report.

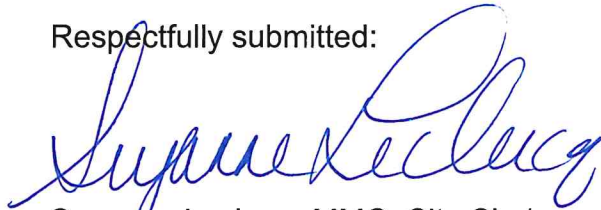
**D. City Manager's Report**

City Manager Lawson shared that Grace Johnson had been promoted to Assistant to the City Manager.

## 12. ADJOURNMENT

There being no further City business Mayor LaBarre adjourned the City Council Meeting at 7:54 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 6<sup>th</sup> DAY OF October, 2022



Hilary LaBarre, Mayor