



City of Woodland Park

City Council - revised May 3, 2023

May 4, 2023 at 7:00 PM

AGENDA

6:00 PM Council interviews of interested applicants to fill vacated Council seat.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. Appointment of Councilmember to fill vacated Council term. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
 - B. Appointment of Downtown Development Authority Member to fill vacated term.
(A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
 - C. Proclamation Recognizing May as Mental Health Awareness Month.
(Presenter Ashlee Shields, Suicide Prevention Coordinator - Teller County)
 - D. Celebration and Congratulations of the Woodland Park High School Welding Team on their State Champion placements.
(Presenter CTE Teacher/Coordinator, Gary Adamson)
 - E. Welcome and introduction of Justin Kurth, Field Representative & Outreach Coordinator for Congresswoman Brittany Pettersen (CO-7).
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the April 6, 2023 and April 20, 2023 Regular City Council meeting minutes. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
7. **UNFINISHED BUSINESS**
(Public Comment may be heard)
8. **ORDINANCES ON INITIAL POSTING**
(Public comment may be heard)
 - A. Consider Ordinance No. 1450, Series 2023, on initial posting, an Ordinance for the City of Woodland Park, Approving An Amendment to a Conditional Use Permit and Site Plan, for 18.09090.N.5 "Apartment Building(S) On A Single Lot" Use Located on Tamarac Parkway with a Legal Description of Lot 6, Tamarac Tech Park Filing No. 5 within the Multi-Family Residential-Urban Zone District and set the Public Hearing for May 18, 2023. (QJ) (Presenter Planning Director Karen Schminke)

- B. Consider Ordinance No. 1449, Series 2023, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Creating Chapter 2.16 of the Woodland Park Municipal Code, Regarding Emergency Management, To Establish a Process for the Declaration of a Local Emergency and to Specify the Authority of the City Council and City Manager During the Same and set the Public Hearing for May 18, 2023. (L)
(Presenter City Attorney Nina Williams)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A. Approval of a change of location for Shadi Inc. DBA Judges, currently located at 108 East Midland Avenue, to 100 Morning Sun Drive, Woodland Park, Colorado. (QJ)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
- B. Approval of a Modification of a Hotel and Restaurant Liquor License for Thai Good Eats located at 102-104 Midland Avenue, Woodland Park, CO 80863.
(Presenter Deputy City Manager / City Clerk, Suzanne Leclercq)
- C. Approval of Ordinance No. 1448, Series 2023, 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 2023 Budget Year, and Amendment Ordinance No. 1433, Series 2022. (A)
(Presenter Finance Director Aaron Vassalotti)

10. NEW BUSINESS

(Public comment may be heard)

- A. Approval of Resolution No. 903, Series 2023 Codifying the City Council Rules and Procedures. (A)
(Presennter City Manager Michael Lawson)
- B. Approve Resolution 902 establishing 10 Multifamily Residential Water Tap Allotments for a portion of W ½ of the NW ¼ of Section 24, Township 12 South, Range 69 West of the 6TH Principle Meridian, also known as part of the Kowitz Tracts. (A)
(Presenter Utilities Director Kip Wiley)
- C. Approval of Subdivision Development Agreement - Stone Ridge Subdivision Filing No. 5.
(Presenter, Planning Director Karen Schminke)

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

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



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Suzanne Leclercq, Deputy City Manager/City Clerk

DATE: May 4, 2023

SUBJECT: Appointment of Councilmember to fill vacated Council term. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

BACKGROUND: As the Council will recall, a Council Seat was vacated by David Ott when he resigned. At the April 20, 2023 City Council Meeting, Council discussed the different methods that they could use to fill this seat. The council decided that they would like to advertise and do the appointment process. As directed by the City Council, the City Clerk advertised the position and posted the following Public Notice:

PUBLIC NOTICE

SEEKING CANDIDATES FOR CITY COUNCIL VACANCY

Pursuant to Section 3.5 of the City of Woodland Park Home Rule Charter, public notice is hereby given that letters of interest with qualifications are being requested by the City Council of Woodland Park from City residents interested in filling a vacated Council seat for the remainder of term ending April, 2024 at which time the seat will be filled at the City's Regular Municipal Election. Letters of interest must be submitted by e-mail to sleclercq@city-woodlandpark.org, or by mail to the City Clerk, Suzanne Leclercq, P.O. Box 9007, Woodland Park, CO 80866-9007. Letters can also be received by hand delivery to Woodland Park City Hall, 220 W. South Avenue, by noon on Thursday April 27, 2023. The interviews for the appointment will take place at the May 4, 2023 City Council Meeting. Candidates must reside in the City of Woodland Park for at least one year, must be a citizen of the United States for not less than one year and must be at least 18 years of age. Questions may be addressed to the City Clerk's Office at 687-5295.

The City Clerk's Office received three letters of interest for this vacancy.

Letters were received from: Don Dezellem, Carrol Harvey and George Jones. All three letters are attached for the Council to review. All three applicants have been notified and invited to attend the Council interviews which will take place on May 4th at 6:00 PM. At this meeting only the interviews will occur. The appointment/vote of the applicants will take place during the regularly scheduled Council Meeting occurring at 7 pm.

Following discussion with Mayor LaBarre, the Council will use the following method for the voting

process. The method being used is called run-off voting. Here is the definition of Run-off Voting - The reason we are going this direction is to give the Council the best choice for the seating of a candidate.

The **two-round system (TRS)**, also known as **runoff voting**, **second ballot**, or **ballotage**, is a [voting method](#) used to elect a single candidate, where voters cast a single vote for their preferred candidate. It generally ensures a [majoritarian](#) result, not a simple-[plurality](#) result as under [first past the post](#). Under the two-round election system, the election process usually proceeds to a second round only if in the first round no candidate received a [simple majority](#) (more than 50%) of votes cast, or some other lower prescribed percentage. Under the two-round system, usually only the two candidates who received the most votes in the first round, or only those candidates who received above a prescribed proportion of the votes, are candidates in the second round. Other candidates are excluded from the second round.

Source: Wikipedia.

We will be doing this process by paper ballots. All ballots will contain the name of the Councilmember voting and the results will be read out loud into the record.

Round 1 - Vote for who you would like to be appointed to the Council.
If there is a clear winner (majority), we are done. If not, continue on.

Round 2 - Eliminate the voter with the least number of votes. Vote between the remaining two candidates last to who you would like to appoint.
If there is a clear winner (majority), we are done. If tie vote again.

Round 3 Tie Vote - vote again

Round 4 Tie Vote - vote again

Round 5 - to break the tie a lot drawing will occur. We will use the method that we have used in recent years of drawing a card. High card wins and Councilmember is appointed.

RECOMMENDATION:

ATTACHMENTS:

1. Dezelle application
2. Harvey application
3. Jones application

Donald Dezellem
402 1/2 N Maple St
PO Box 364
Woodland Park, CO 80866
719-205-3592
jcsdzlm@yahoo.com

April 24, 2023

Ms. Suzanne Leclercq
City Clerk
City of Woodland Park
220 W South Ave
P.O. Box 9007
Woodland Park, CO 80866

Dear Ms. Leclercq,

I am submitting this Letter of Interest for the position of council member, City of Woodland Park. I have lived and worked in Woodland Park or the surrounding area since 1991 when I moved here to manage the local McDonald's. I owned a home on Circle Drive Avenue as it was called at the time from 1992 to 2004. I moved to the Springs at that time due to work and not finding a place to rent in Woodland Park. In 2006 I moved to Green Mountain Falls until 2008. My job at the time which provided rent free housing took me to Thornton for ten months and then back to the Springs where I resided until 2017. I was able to move back to Woodland Park in January 2017.

Education:

June 1977: High School Diploma Ernest Righetti High School Santa Maria, CA
June 1979: Associate in Liberal Arts Allan Hancock College Santa Maria, CA
September 1979 to June 1980 - Attended California State Polytechnic University, San Luis Obispo studying Recreation Administration.

Work Experience:

2014 to present: Walmart- Woodland Park, CO Currently Service Writer for Auto Center
2007 to 2014: Extra Space Storage- Colorado Springs and Thornton, CO Site Manager
2000 to 2007: 7-Eleven- Woodland Park and Colorado Springs, CO Store Manager/Franchise Coach
1998 to 2000: Allstate Insurance- Woodland Park, CO Licensed Customer Representative
1976 to 1998: McDonald's- Santa Maria, CA and Woodland Park, CO Started as crew and worked up to General Manager (15 years) and Management Trainer (9 years). Selected as an Outstanding Store Manager in the Los Angeles Region for 9 consecutive years.

Community Involvement:

City of Woodland Park Parks and Recreation Advisory Board member 2019-Present.
Chairperson of PTOS/Sustainability subcommittee 2030 Comprehensive Plan
Member 2022 Charter Review Committee
Former member Pikes Peak Rotary 1992-1998 (Scholarship co-chairperson, Rotarian of the Year)
Active member of Dayspring Christian Fellowship since 1993, attended even when residing in Colorado Springs and Thornton. I currently serve as Deacon in charge of facilities and security.
Regularly attend city council meetings and work sessions.
Candidate for city council in last three municipal elections, have previously interviewed for unfilled

council and mayor positions.

Reasons for Applying:

Since 1991 I have either lived, worked, or worshiped in Woodland Park. I have seen this town grow from a small town with dirt roads, one grocery store, Ben Franklin Store was the closest thing to a department store, few traffic lights, and people who were active in their community (the Christmas Parade, the Old Fashion 4th of July, Concert above the Clouds, social and civic clubs). From managing McDonald's and the Rotary Club I knew many of the pastors, police chief and officers, fire chief, many local business leaders, school officials. teachers, and coaches.

Our town has changed since then both in size, population, and demographics. Residents are divided over the direction our town will take in the future over growth (planning, zoning and codes), city services, Charis, heritage preservation, transportation, new businesses and industries, wildlife, availability of housing, water, STR's, and the proper role of city government and council among other issues. Some residents feel that some council members do not represent the people but self interests. I bring nothing to the dais except a desire to serve the people of Woodland Park. At the same time some citizens lack an understanding of how city government works, how the city must work within the confines of the current charter, codes, planning and zoning regulations, and how sometimes actions they are opposed to happen due to these limitations.

If selected to council, I will seek to find ways to provide citizens provide input to their representatives, promote the citizen academy to foster an understanding of how the city runs, hold quarterly meet and greets to allow the residents to interact and provide feedback, and promote existing avenues such as city website, public input at council meetings, involvement on boards and committees, and use of the What's Up Woodland Park App.

I will work at fostering an environment within the council of respectfulness and cooperation. I may not agree with your point of view but I will respectfully listen to you, ask questions, and you may be able to change my position but I will expect the same respect from you during discussions. Thomas Jefferson recognized the need for compromise, both as a means to build consensus for a more perfect union and as a means to defer to the future resolving issues that could break the country apart. My decisions will be based on the information provided to all council by staff, public comment, and is it the proper role of government to act upon.

When selected I will work with my fellow council members to pass a STR ordinance that supports the rights of both citizens and STR owners fairly. Eliminating unnecessary financial barriers so local business owners can prosper will help Woodland Park become a shopping, recreational, cultural, and event destination that will aid in increasing sales and lodging tax revenues. While I realize that being a small town results in an inability to compete with large towns wage wise for police officers and other city employees, we need to find creative ways to retain these valuable employees and reduce hiring/turnover costs to the city along with providing a properly maintained infrastructure. Ensuring a budget that provides the safety and health of the citizen (police, water, sewage, roads), provides for an adequate financial reserve, and services existing debt as quickly as possible is essential. Building mutually beneficial working relationships with Teller County, El Paso County, surrounding towns and cities, state and federal entities is essential to Woodland Park future.

In closing, I bring for your consideration a candidate who has observed our council at work for many years, is informed on many of the issues, is involved in our community, has seeked office before and

has support from both citizens and past/current community leaders, and is willing to serve their community.

Thank you for your consideration,

Donald Dezellem

April 25, 2022

Carrol Harvey

515 Falcons Rest Place

Woodland Park, CO 80863

Suzanne Leclercq

Assistant City Manager and City Clerk

P.O. Box 9007

Woodland Park , Colorado 80866

Ms. Leclercq,

I am submitting this letter of intent to signify my interest in filling the current Woodland Park City Council vacancy.

I am a registered voter in Teller County and have lived in Woodland Park for 18 years. I have lived in Colorado for nearly thirty years with breaks in residency during military assignments

My background and accomplishments include a sincere desire to join our elected Councilmembers as they address the needs and challenges of our mountain community.

I often introduce myself as a retired US Army officer. But, more importantly I am the wife of a retired US Marine Corps officer and stepmom to two wonderful young men who have blessed us with six grand children and a great grand baby.

My education includes an undergraduate degree in political science and a master's degree in strategic intelligence. I have completed numerous graduate-level programs in military studies, homeland security and emergency operations.

Immediately following college, I worked as a social worker, county planner and substitute teacher with special needs children. On active duty, I served in various intelligence-related positions and commanded from the platoon to battalion-level. Post military retirement, I served as an intelligence and counter-terrorism consultant for numerous private and public sector customers. I recently retired from federal service as a disaster operations specialist.

As most of you know, since choosing Woodland Park as my "forever home", I have served as the Chair of the Woodland Park Planning Commission and as City Councilmember and Mayor Pro-tem. I am now back on the Planning Commission. During my time as a Councilmember, I served as the City's liaison to several state and local committees and boards.

I am certain I can fill the service gap between Councilmember Ott's departure and the next City election cycle. I can immediately address the upcoming issues facing the community.

- I am experienced with the budget cycle, and I am **ready** to assist the City staff and Council when a new budget is presented for review and approval
- I am familiar with the community and Council's recent deliberations on short term rentals and am **ready** to listen and act on this crucial topic
- I am **ready** to provide context and background to the Council regarding the review and consolidation of the City's zoning and land use code
- I am **ready** to join the committed Councilmembers serving our City now. No down time, no learning curve, just experience and a desire to continue and build on the accomplishments we have all made to make Woodland Park a great place to live, work and raise our families.

Thank you for your consideration of my letter of intent and I look forward to meeting with the Council to answer your specific questions.

Sincerely.

Carrol Harvey

ciharvey@hotmail.com

719-964-3962

GEORGE F. JONES

LETTER OF INTEREST

CONSIDERATION FOR APPOINTMENT TO CITY COUNCIL

- ➔ *Fresh voice representing the citizens of Woodland Park*
- ➔ *Local Business Co-Founder & Investor*
- ➔ *Local Non-Profit Leadership*

INTRODUCTION

Mayor LeBarre, Council and City Staff, thank you for your consideration of my interest in the vacated Council Seat. I recognize that this seat will expire after the next general election in April of 2024. This presents a unique opportunity for a community-minded and invested citizen to bring a fresh and positive perspective to the council. Because of our businesses and our passion for main street businesses I have had the unique opportunity to hear many different sides of the issues facing Woodland Park. Just as uniquely, I have the opportunity to hear from locals, visitors and county residents about the positive elements of Woodland Park!

The culture of Woodland Park is evolving. Some changes are positive such as downtown development, fresh businesses, new restaurants, and new residents arriving monthly. Some changes are challenging. Throughout our time in Woodland Park, we have come to recognize that businesses need to adapt to change – actively listening to customers and adopting those ideas or pivoting to new ventures as opportunities arise. This, I believe, is what City Council is well positioned to do. Actively listening to the community, paying attention to trends, enforcing our position as a Home Rule entity, and ensuring the City Staff are funded and providing the proper services to the citizens and businesses in Woodland Park.

Background

- Married to my lovely wife Lynn for 36 years this coming June
- Three grown children and one 9 month old grandson
- Software Engineer and Master Consultant with EDS and then HP for over 20 years
- Principal Product Manager for Sprint and then T-Mobile for 4 years
- Director of Business Development for Ooma, Inc. (NYSE: OOMA) for 1 year

- Board of Directors, Community Partnership for 4 years
- Co-Founder of Colorado GearLab which has been operating for 5 years
- Co-Founder of Zebz OutFooter which we started 4 months ago
- Sole proprietor of Sentinel Trail Properties and Sentinel Point Properties 2.5 years and 6 months respectively

The Opportunity

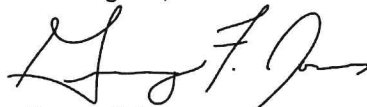
As stated earlier, this is a rather unique situation for City Council and for me personally. My direct interest in this position is to further serve our community and experience a turn on City Council with an eye toward an elected position. I bring my business skills, my involvement in serving a key non-profit in our community, and a fresh perspective that could be beneficial in navigating through items that come before council.

QUALIFICATIONS

- Resident of Woodland Park for 6 years
- 30+ years in technology development and managing strategic partnerships
- Local business owner and co-founder of 2 businesses on main street
- Actively serving on the Board for a local Non-Profit
- Member of the 2022 Charter Review Board

Thank you again for your consideration of my desire to further serve the community of Woodland Park.

Best Regards,



George F. Jones



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Suzanne Leclercq, Deputy City Manager/City Clerk

DATE: May 4, 2023

SUBJECT: Appointment of Downtown Development Authority Member to fill vacated term. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

BACKGROUND: Following the resignation of Matt McCracken from the Downtown Development Board, the City Clerk's Office advertised the vacancy with the following Public Notice:

PUBLIC NOTICE

DOWNTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS OPENING

The City Council of the City of Woodland Park is accepting applications from persons who are interested in serving as a member on the City's Downtown Development Authority Board of Directors. This term is to fill a vacated position. Interested applicants must reside, be a business lessee, or own real property in the Downtown Development District in the City of Woodland Park. In addition, an officer or director of a corporation having its place of business in the District is also eligible to serve on this Board. Applicants must be available for meetings when called, and usually in the morning. The term of this office will expire on June 30, 2024.

Application forms are available on the City's website www.city-woodlandpark.org or at the City Clerk's office in City Hall, 220 West South Avenue in Woodland Park. Completed applications are submitted to the City Clerk's office not later than noon on April 27, 2023. Applications may be personally delivered to the City Clerk's office at City Hall; delivered by FAX at 719-687-5232; or delivered by mail to the City Clerk at PO Box 9007, Woodland Park, CO 80866.

Please contact Suzanne Leclercq MMC, City Clerk office at 687-5295 with any questions.

The City Clerks' Office received one application from Eric Cabrera. The application from Mr. Cabrera will be sent to the Council under a separate email. Mr. Cabrera will be invited to attend the City Council Meeting.

RECOMMENDATION:

ATTACHMENTS: None

***PROCLAMATION RECOGNIZING “
May as Mental Health Awareness Month” 2023***

WHEREAS, mental health is essential to everyone’s overall health and well-being; and
WHEREAS, everyone experiences times of stress and struggles in their lives; and
WHEREAS, community understanding and available supports and services can greatly impact a person’s ability to handle their stress and struggle and move forward; and
WHEREAS, promoting mental health and wellness leads to higher overall productivity, better educational outcomes, lower crime rates, stronger economies, lower health care costs, improved family life, improved quality of life and increased lifespan; and
WHEREAS, research recognizes that adverse childhood experiences – which include, but are not limited to physical, emotional and sexual abuse, physical and emotional neglect, household dysfunction, untreated mental illness, incarceration of a household member, domestic violence, and separation or divorce involving house hold members – are traumatic experiences that can have a profound effect on a child’s developing brain and body and can result in poor physical and mental health g during childhood and adulthood; and
WHEREAS, studies show that the effects of adverse child experiences are felt by people regardless of race, ethnicity, religion, gender, sexual orientation, or socio-economic status;
WHEREAS, each business, school government agency, healthcare provider, faith based organization, non-profit agency and citizen shares accountability for the community’s mental heal needs and has a **responsibility** to promote mental wellness and support prevention efforts; and
WHEREAS, the City of woodland Park recognizes the impact of awareness and education, access to services and acceptance of the importance of mental health and well-being to a person’s overall success.

NOW, THEREFORE, the Members of the City of Woodland Park City Council hereby proclaim the month of May 2023, as “Mental Health Awareness Month” in the City of Woodland Park and encourages our citizens to help promote the awareness and education of Mental Health.

DONE THIS 4th day of May 2023 in the City of Woodland Park, Colorado.

LIST OUT NAMES OF GOVERNING BOARD MEMBERS,

_____	_____
_____	_____
_____	_____

ATTEST:

CITY SEAL

CITY CLERK, SUZANNE LECLERCQ



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM:

DATE: May 4, 2023

SUBJECT: Celebration and Congratulations of the Woodland Park High School Welding Team on their State Champion placements.
(Presenter CTE Teacher/Coordinator, Gary Adamson)

BACKGROUND:

RECOMMENDATION:

ATTACHMENTS: None



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM:

DATE: May 4, 2023

SUBJECT: Welcome and introduction of Justin Kurth, Field Representative & Outreach Coordinator for Congresswoman Brittany Pettersen (CO-7).

BACKGROUND:

RECOMMENDATION:

ATTACHMENTS: None



City of Woodland Park

April 6, 2023 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session with Pikes Peak Regional Department to discuss changes to the Building Code, Mayor LaBarre called the Council Meeting to order at 7 PM.

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

The following staff members were present: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Public Works Director Schmitt, Police Chief Lawson, Finance Director Vassalotti, Planning Director Schminke, Parks and Recreation Director Keating, Senior Planner Gates, Assistant to the City Manager Johnson, Communications Specialist Higginbotham and Deputy City Clerk/Public Works Admin Assistant Minton.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

A. Appointments to the Parks and Recreation Advisory Board. (A) (Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq reviewed with Council that there were three terms on the Parks and Recreation Advisory Board that expired at the end of April 2023. Leclercq reviewed with the Council that the positions were advertised and that she received applications from all of the incumbents to re-apply. Leclercq shared that Don Dezellem, Danuta Brown and Jeff Webb all reapplied and wanted to continue their terms on this Board and Commission. Leclercq shared that Dezellem and Brown were in the audience and available for questions, and that Webb was available via zoom for questions.

Following interviews by the Council, the following motions were made.

Motion: To appoint Don Dezellem to the Parks and Recreation Advisory Board. Case/Nakai. Motion carried 6-0.

Motion: To appoint Danuta Brown to the Parks and Recreation Advisory Board. Nakai/Zuluaga. Motion carried 6-0.

Motion: To appoint Jeff Webb to the Parks and Recreation Advisory Board. Case/Connors. Motion carried 6-0.

City Clerk Leclercq administered the Oath of Office to Dezellem and Brown. Leclercq shared that she would administer the Oath of Office at a later date to Webb.

- B.** Presentation from the Woodland Park School District Interim Superintendant Ken Witt and School Board Member David Illingworth.

School Board President David Rusterholtz and School Board Vice President David Illingworth addressed the Council with updates to the Woodland Park School District.

- C.** Appointment of a Councilmember liaison to the Historical Preservation Committee. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

Following Council discussion on Council liaisons to the various Boards and Commissions, the following motion was made.

Motion: To appoint Councilmember Connors as the Council Liaison to the Historical Preservation Committee. Zuluaga/Connors. 5-1. The motion carried with Nakai voting no.

- D.** Proclamation celebrating E-911 Dispatchers for National Telecommunicators' Week. (A)
(Presenter, Chief of Police Chris Deisler)

Chief Deisler shared with the Council the importance of the work that the dispatchers do day in and day out. Mayor LaBarre read the Proclamation celebrating E-911 Dispatchers for National Telecommunicators' Week into the record and presented the Dispatchers with Mayor's Pins.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A.** Approval of the March 16, 2023 Regular City Council meeting minutes.
(Presenter, Deputy City Manager City Clerk Suzanne Leclercq)

City Clerk Leclercq read the Consent Calendar into the record.

Motion: To approve the March 16, 2023 Regular City Council meeting minutes.
Case/Connors. Motion carried 6-0.

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

Lorraine Merl shared with the Council that she is unhappy with decisions the School Board is making. Merl also thanked the City Staff for being so helpful.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

- A.** Discussion and direction given to City Clerk Leclercq on the process for the appointment of a new City Councilmember to replace David Ott. (A)
(Presenter Deputy City Manager/City Clerk Leclercq)

Mayor LaBarre asked City Clerk Leclercq to review the processes that the Council can use to fill the vacated seat on Council due to the resignation of David Ott. Leclercq reviewed with Council that they can do any of the following processes:

1. Appoint someone from the floor
2. Have an application process, do interviews and appoint.
3. Call for a Special Election
4. Do nothing and leave the seat vacant.

At this time, Councilmember Zuluaga made the following motion.

Motion: Appoint Don Dezelle to the vacant City Council Seat. Zuluaga/Connors. 2-4

Motion failed with LaBarre, Case, Nakai and Neal voting no.

Following Council discussion, Council directed City Clerk Leclercq to do the application/appointment process. Leclercq shared that she would start advertising and accepting applications. Leclercq stated that she would have this on the May 4, 2023 City Council agenda.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Consider Ordinance No. 1445, Series 2023, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Adopting the Plastic Pollution Reduction Act and Establishing Penalties for Violating the Act, on initial posting, and set the Public Hearing for April 20, 2023. (L)
(Presenter, Finance Director Aaron Vassalotti)

Finance Director Vassalotti presented Ordinance No. 1445, Series 2023 on initial posting.

Vassalotti shared the following information:

BACKGROUND:

In 2021, the Colorado General Assembly enacted House Bill 21-1162. Beginning January 1, 2024, the act prohibits stores and retail food establishments from providing single-use plastic carryout bags to customers. Certain retail food establishments (primarily restaurants), and small stores that operate solely in Colorado and have 3 or fewer locations are exempt from the Act and may continue to provide single-use plastic carryout bags.

Between January 1, 2023, and January 1, 2024, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located. On and after January 1, 2024, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.

A store is required to remit, on a quarterly basis beginning April 1, 2024, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues. The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program. In addition, beginning January 1, 2024, all retail food establishments, including restaurants, are prohibited from distributing any expanded polystyrene food containers for ready-to-eat food.

The City may enforce a violation of the legislation against a store or retail food establishment in any reasonable manner the City chooses. The legislation provides that a county enforcing the legislation may impose a fine up to five hundred (\$500.00) for the second violation and up to one thousand dollars (\$1,000.00) for third or subsequent violations. No fine is provided for a first violation.

The City may use the portion of the bag fee it receives (1) to administer and enforce the bag fee, and/or (2) for any recycling, composting, or other waste diversion programs, including outreach and Page 21 of 157 education activities. Other communities are using the fee to

defray the cost of administration, to fund reusable bag giveaways, and fund an initial education campaign about the bill.

The City Council should determine: (1) if the \$0.10 fee should be increased; and (2) what enforcement mechanisms, if any, the City will use to enforce violations of the Act. The attached draft ordinance does not increase the fee and follows the guidelines the state provided for counties but can be revised to reflect the Council's direction. As currently written, a warning would be issued to a store for a first violation in a two year period; a \$500 fine would be imposed for a second violation in a two year period; and a \$1,000 fine would be imposed for a third or subsequent violation in a three-year period. Please let me know if you have any questions regarding the Act or proposed ordinance.

Following Council discussion and direction from Council, Vassalotti will bring back an amended Ordinance with a reduction of fees.

Motion: to approve Ordinance 1445, Series 2023 on initial posting and bring back amendments to the Ordinance for the Public Hearing on April 20, 2023. Case?Neil. Morion carried 5-1 with Zuluaga voting no.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approval of Ordinance No. 1443, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-Term rental Licenses to December 31, 2023. (A)
(Presenter, City Attorney Nina Williams)

City Attorney Williams reviewed Ordinance No. 1443, series 2023 with the Council.

Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

The following individuals spoke:

Marky Sekowski shared that she was against the moratorium.

Arnie Sparnins shared that he supported the moratorium being extended.

Patricia Stinner shared that she agreed with Arnie Spanins. Stinner shared she had concerns about how violations were going to be enforced.

At this time, Mayor LaBarre closed the Public Comment portion of the Public Hearing. Following a brief Council discussion, the following motion was made.

Motion: To approve Ordinance No. 1443, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Extending a Temporary moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-Term rental Licenses to December 31, 2023. Zuluaga/Connors. Motion carried 5-1 with Neal voting no.

- B.** Approval of Ordinance No. 1444, Series 2023, an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone. (QJ)
(Presenter, CJ Gates, Senior Planner)

Senior Planner Bates reviewed the Staff Report regarding Ordinance No. 1444 Series 2023 with the Council.

BACKGROUND

Lot 1, Woodland Park Aquatic Center is a 2.10 acre lot that was previously subdivided from the 42.136 acre tract of land lying east of Baldwin Avenue and owned by the RE-2 School District. The construction of the Woodland Aquatic Center includes a water slide (as seen on Figure 2) with a total building height of 33.5 feet which was achieved through a height variance process. The Aquatic Center is a total of 24,785 SF and contains two pools, locker rooms, changing cabanas, lobby and a parking lot with 34 spaces.

On July 28, 2022 Teller County sent a letter to the applicant regarding public safety concerns associated with Verizon Wireless connectivity issues in all of Teller County. The Teller County Office of Emergency Management, along with the Board of County Commissioners, outlined that the lack of connectivity with the Verizon service was having a negative impact on public safety and commerce within the County. Verizon Wireless' solution to this problem was to deploy a temporary cell on wheels (COW) while they identified a more permanent solution. The application attached hereto is the Verizon Wireless' permanent solution to the problem stated above. The proposed facility will become part of the Verizon Wireless's overall telecommunication network, providing service to the City of Woodland Park and Teller County area.

According to Chapter 18.61.020 of the City of Woodland Park Municipal Code, towers and antennas exceeding fifty feet in height require a SUP. This current application is being processed as a SUP is due to the fact that the proposed new antenna has a total height of 60 feet (56'-3" for the antenna and an additional 3' -7" to the top of the tower roof). The proposed facility will be fully concealed within a structure designed to complement the existing building architecture of the Aquatic Center.

SITE AND SURROUNDING PROPERTIES

The subject property is zoned Public/Semi-Public Land (P/SPL) (Figure 3) and is bordered by Baldwin St. to the west, Woodland Park High school to the East and North, and Gateway Elementary School to the south. To the west of the subject property, across Baldwin St. are parcels zoned Community Commercial where commercial business are existing. Woodland Park High school and Gateway Elementary exist on the same parcel and are zoned P/SPL. The proposed communication facility will be located within the western portion of the subject property bordering N. Baldwin St.

The uses and zone districts for the area immediately surrounding the subject property are as follows:

USE ZONE North & East Woodland Park High School P/SPL
West N Baldwin St & Privately owned business CC
South Gateway Elementary School P/SPL

ANALYSIS OF SPECIAL USE PERMIT AND FINDINGS

Municipal code section §18.61 Special Use Permit regulates the review of special use permit requests. §18.61.040 states, "The standards for special use permits are intended only as a minimum necessary for review. An application for a special 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 the best interest of the city.” § 18.61.040 also specifies the standards by which all special uses must comply in order to receive approval. Below is a listing of the applicable SUP standards from Code Section 18.61.040 complete with staff’s analysis. .

The proposed development and use shall have a demonstrated direct public benefit to the city. **Complies.** The service provided by the proposed communication facility will have a direct public benefit to the City. The proposed facility will become part of Verizon Wireless’ overall telecommunication network, providing service to Woodland Park and across Teller County

The proposed development and use shall not materially endanger the public health and welfare. **Complies.** The proposed communication tower along with all fiber and power lines will be enclosed within a structure or underground. The proposed communication facility will not materially endanger the public health and welfare.

The proposed development and use shall not substantially injure the value of vicinity properties. **Complies.** The proposed facility includes a structure to enclose all telecommunication materials. The proposed structure will be painted to match the existing Woodland Park Aquatic Center. The proposal will not substantially injure the value of vicinity properties.

The proposed development and use shall be in harmony with the area in which it is to be located. **Complies.** The proposed development is compatible with the public/semi-public land zone district where the site is located.

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.

Public Safety and Emergency Management Goal 1: Continue to provide excellent public safety and emergency services.

Resiliency Objective 3.1: Maintain redundancy in communication systems.

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.

May Comply. Currently, there is one major concern that to the location of proposed easements. The proposed plans include an easement that is not compliance with City Code. Per Municipal Code §17.40.170 “Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty foot wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. Where the rear lot line abuts on property outside of the subdivision of which there are no easements provided for of at least ten feet in width, then the easement or alley on the rear lot lines in the subdivision shall be at least twenty feet in width. Side lot easements, where necessary shall be at least ten feet in

width, five feet of which shall be on each side of a common lot line. Where required, easements for public sewer or water shall be required with the width to be determined in accordance with the City engineering specifications.”

The proposed facility may comply if the applicant is willing to comply with this specific section of the Municipal Code and use existing established utility easements that are available.

The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated. Complies. The proposed facility is unmanned and no impact to traffic is anticipated. After construction is complete, the site will be visited on average by one vehicle per month for routine maintenance.

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 proposed facility will be located on the Woodland Park Aquatic Center property and will have no impact to topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features.

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 proposed facility does not require or involve any water supply, wastewater disposal, solid waste disposal, air quality protection methods, or surface water drainage.

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 applicant is taking ownership of all construction and maintenance and claims does not increase public danger.

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)

May Comply. The proposed facility will be painted to match the existing structure and all telecommunication materials will be enclosed within the proposed structure. Staff will be requesting additional design modifications so the structure will better harmonize with the existing building.

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. While staff has received a couple inquiries about the application no public comment on the proposal have been submitted. Applications were referred to City departments including the City Attorney, the City Manager, the City Clerk, Utilities, Public Works, Planning and Building and external agencies including CORE and the Northeast Teller County Fire Protection District, Black Hills Energy, Core Electric, Century Link/Lumen, and TDS Telecom.

A copy of staffs red-line comments are attached hereto as “City Review Red-line Comments”
The applicant also submitted a response packet to staffs comments and is also attached hereto as “Applicant Response Packet”.

PLANNING COMMISSION RECOMMENDATION The Planning Commission held a public hearing on March 9th, 2023 (draft minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission voted unanimously to recommend City Council to approve the Special Use Permit for a Special Use Permit for a 60’-0” concealed antenna facility at the front (west side) of the existing Woodland Aquatic Center, designed to complement the existing building architecture and conceal the VZW antennas and equipment within, at 111 N. Baldwin Street, L1, Woodland Aquatic Center, which is in the Public / Semi-Public Land (P/SPL) zone district, subject to the following conditions: 1. An updated site plan, resolving all issues identified on the redlined plans must be approved by the City before any Zoning Development Permit (ZDP) will be issued. 2. An Agreement for use of the City property must be finalized and signed by all parties prior to issuance of any ZDP. 3. The applicant must secure necessary easements to finalize the location of and ensure all power and telecommunication lines are run underground. 4. Coordinate with staff to modify the tower design to better harmonize with the existing WAC building.

STAFF RECOMMENDATION That the City Council move to: Approve Ordinance 1444, Series 2023, based on the findings contained in the staff report and as presented at public hearings, an ordinance granting a special use permit with a site plan review for the purpose of Verizon to construct and utilize a concealed antenna communication facility in the Public/Semi-Public Lands (P/SPL) zone.
Following a lengthy discussion from the Council regarding the location of the tower and the health effects on the children at the school, Mayor LaBarre opened the Public Comment portion of the Public Hearing.

Jenavie Brandt shared that she was opposed to the tower and concerned about brain cancer in children. She also shared her concerns with no studies being done by the FCC since 1996.

Councilmember Zuluaga felt that the Council needed more time prior to making this decision and asked if this item could be continued.

Motion: To continue Ordinance No. 1444, Series 2023 to the April 20, 2023 City Council Meeting. Zuluaga/Connors. Motion carried 4-2 with LaBarre and Case voting no.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of contract for the Woodland Park Hockey Rink repairs in the amount of \$330,967.96, between Becker Arena Products and the City of Woodland Park.
(Presenter Public Works Director, Ben Schmitt)

Public Works Director Ben Schmitt reviewed the contract for the Woodland Park Hockey Rink repairs with the Council. Schmitt shared with the Council that most of the contract payment

was coming from CIRSA as this was an insurance claim.

The following motion was made.

Motion: To approve a contract for the Woodland Park Hockey Rink repairs in the amount of \$330,967.96 between Becker Arena Products and the City of Woodland Park. Case/Nakai. Motion carried 6-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

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

B. Council Reports

Councilmember Connors reviewed activities involving the VFW.

Nakai shared an update from HPC.

Neal shared an update of the DDA.

Zuluaga shared that the city-wide clean-up is scheduled for June 3, 2023.

C. City Attorney's Report

D. City Manager's Report

1. Sales Tax Update-January 2023

Finance Director Vassalotti shared the update of Sales Tax for January 2023.

12. ADJOURNMENT

There being no further, City Business Mayor LaBarre adjourned the meeting at 10:28 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

Hilary LaBarre, Mayor



City of Woodland Park

April 20, 2023 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

The time being 7:00 PM Mayor LaBarre called the City Council Meeting to order.

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

The following staff members were present: City Manager Michael Lawson, Deputy City Manager/City Clerk Suzanne Leclercq, Finance Director Aaron Vassalotti, Planning Director Karen Schminke, Senior Planner CJ Gates, Public Works Director Ben Schmitt, Community Engagement Coordinator Kristen Higginbotham, Utilities Director Kip Wiley and Deputy City Clerk/Public Works Admin Assistant Sarah Minton.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Graduation of the Class of 2023 Citizens Academy.
(Presenter Assistant to the City Manager Grace Johnson)

City Manager Lawson introduced the Citizen Academy Graduates for the 2023 year. Mayor LaBarre gave each graduate a Mayor's pin.

- B. Introduction and Presentation by CORE.
(Presenter Local Government and Business Relations Manager Angie Bedolla)

Angie Bedolla, Business Relations Manager of CORE Electric, shared what is new and exciting at CORE Electric for the 2023 year.

- C. Introduction and Presentation of UC Health,
(Presenter Hospital Administrator Ron Fitch)

Ron Fitch, Hospital Administrator, and Brian West, Head Nurse of UC Health at Pikes Peak Regional Hospital shared an update of what is occurring at the Hospital.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of the March 2023 Statement of Expenditures and authorize the Mayor to sign warrants in payment thereof.

Motion: to approve the March 2023 Statement of expenditures and authorize the Mayor to sign warrants in payment thereof. Zuluaga/Neal. Motion carried 6-0.

- B. Approval of Housing Needs Assessment Contract.
(Presenter Assistant to the City Manager, Grace Johnson)

City Manager Lawson presented the Housing Needs Assessment Contract to the Council. Councilmember Neal had some questions regarding the fact that the scope of work in the contract did not include STR's. Neal shared that he felt that the Housing Needs Assessment would be used to generate information for the Council regarding STR's and that could be used as a guide for the Council. City Manager Lawson shared that STR's are mentioned in additional information provided by the contractor. Councilmember Neal shared that he felt comfortable with that.

Motion: To approve the Housing Needs Assessment Contract. Neal/Nakai. Motion carried 6-0.

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

Carol Greenstreet shared that the School Board needs to understand that community leaders are aware that they are not following policies and that there is a distrust of them and their actions in the community.

Craig Johnson, shared that the school and parents need the Council's help. Johnson shared that the School Board is choosing to eliminate mental health services in the district and that it is greatly needed.

Zehan Rodgers, a student from Woodland Park High School shared that he is worried about teacher retention and that the School Board has created a hostile work environment for the teachers and that the teachers feel silenced.

Bridget Curran shared that the tax dollars that the voters approved (Sales Tax 1.09%) are not being used to benefit the students. The School Board is choosing not to apply for the grants needed.

Carrol Harvey shared that she wanted to address the 1.09% Sales Tax with the Council and that the Council could choose to reduce the amount. Harvey shared that the School Board is not using the Sales Tax for the intended purpose as per the IGA between the School District and the City.

Jamie Anderson, a local therapist, was very concerned about the School Board taking away mental health services from the students in the School District. Anderson shared the importance of mental health for students.

Ashlee Shields, a suicide prevention coordinator for Teller County, shared the importance of mental health services for students and asked the Council to consider a proclamation for Mental Health Awareness month in May.

James Friesma shared that he was concerned about statements made by School Board Member David Illingworth regarding SRO's and mental health services at the school. Friesma shared that he was concerned that the School Board has chosen to forego 1.2 million dollars in grants and has eliminated 15 mental health positions in the district.

Dr. Michael Stewart shared that elections have consequences and that Mr. Witt, the school district superintendent, was recalled from Jeff Co. He was concerned that over 100 families were trying to enroll their families in other districts and he felt, as a result of this school board, the schools were in trouble.

Jason Roshek shared that amongst all of the turmoil at the school, teachers and administrators leaving, that the students were excelling and doing great things.

Jerry Penland shared that the Council has had 63 days to do what is right regarding STR's and has chosen to do nothing. Penland shared that now it will be up to the citizens to decide via a citizen's initiative to do what is right.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Consider Ordinance No. 1446, Series 2023, on initial posting, an Ordinance Amending Chapter 15.02 of The Municipal Code of The City of Woodland Park by Adopting by Reference the Pikes Peak Regional Building Code, 2023 Edition, Which Adopted by Reference Certain Secondary Codes, as Amended, Including The 2021 International Building Code (IBC), The 2021 International Residential Code (IRC); The 2021 International Mechanical Code (IMC); The 2021 International Fuel Gas Code (IFGC); The 2021 International Energy Conservation Code (IECC); The 2021 International Existing Building Code (IEBC); The 2021 International Pool And Spa Code (ISPSC); And Certain State Adopted Codes Related to Electrical, Plumbing, and Conveyances; and set the Public Hearing for May 18, 2023. (L)
(Presenter, Planning Director, Karen Schminke)

Planning Director Karen Schminke reviewed Ordinance No. 1446, Series 2023 on initial posting.

Motion: to approve Ordinance No. 1446, Series 2023 on initial posting, Ordinance amending Chapter 15.02 of the Municipal Code and set the Public Hearing for May 18, 2023. Connors/Case. motion carried 5-1 with Zuluaga voting no.

- B.** Consider Ordinance No. 1447, Series 2023 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations, to License and Regulate Short Term Rentals and set the Public Hearing for May 4, 2023.
(A)
(Presenter City Attorney Geoff Wilson)

City Attorney Wilson deferred the introduction of Ordinance No. 1447, Series 2023 on initial posting, to Councilmember Neal as it was Councilmember Neal and Mayor Pro-tem Case who asked that this ordinance be drafted. Following Council discussion, Councilmember Neal asked that this ordinance be withdrawn.

Motion: to withdraw Ordinance No. 1447, Series 2023 on initial posting. Neal/Case. Motion carried 6-0.

The time being 9:07 PM, Mayor LaBarre called for a short recess.

At 9:20 PM, Mayor LaBarre called the meeting back into session.

- C.** Consider Ordinance No. 1448, Series 2023 on initial posting, 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 2023 Budget Year, and Amending Ordinance No. 1433, Series 2022 and set the Public Hearing for May 5, 2023. (A)
(Presenter Finance Director Aaron Vassalotti)

Finance Director Vassalotti presented Ordinance No. 1448, Series 2023 on initial posting.

Motion: To approve Ordinance No. 1448, Series 2023 on initial posting, 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 2023 Budget Year, and Amending Ordinance No. 1443, Series 2022 and set the Public Hearing for May 5, 2023. Zuluaga/Nakai. Motion carried 6-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approval of a Modification of a Tavern Liquor License for 110 Reserve located at 110 Midland Avenue, Woodland Park, CO 80863.

(Presenter Deputy City Clerk / Public Works Admin, Sarah Minton)

Deputy City Clerk/Public Works Admin Assistant Sarah Minton reviewed the modification of a Tavern Liquor License for 110 Reserve located at 110 Midland Avenue, Woodland Park, CO. Minton reviewed that 110 Reserve is now taking over the area known as Miss Priss and would like to license that area for alcohol use.

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 a modification of a Tavern Liquor License for 110 Reserve located at 110 Midland Avenue, Woodland Park, CO 80863. Nakai/Case. Motion carried 6-0.

- B.** Approval of Stone Ridge Village Filing No. 5 Final Plat Public Hearing (QJ)
(Presenter, Senior Planner, CJ Gates)

Senior Planner CJ Gates presented Filing No. 5 Stone Ridge Village Final Plat to the Council. Gates reviewed his Staff Report with the Council.

SUB#2022-06: Stone Ridge Village Filing No. 5. Final Plat. A request by Dana Duncan, Stone Ridge Village, LLC. (Property Owner) and Skip Howes (Applicant and Project Coordinator) to approve a major subdivision of 7.95 acres platted into 18 lots with easements and road rights-of-way in the Stone Ridge Village Planned Unit Development (PUD) situated to the North and West of the existing intersection of Firestone Drive and Stone Ridge Drive. The property is located in the S1/2 of the NE1/4 of Section 14, Township 12 South, Range 69 West of the 6th P.M. in the City of Woodland Park, Teller County.

Background: Annexation of the 200-acre Stone Ridge Village property was approved by City Council on July 18, 2002. Two years later, a PUD zone district was established with approval of a PUD Final Development Plan and Preliminary Plat. Stone Ridge Village PUD is a unique blend of single-family residential neighborhoods, a variety of multi-family units, commercial tracts for offices, churches, institutional uses and neighborhood services with more than 51 acres of public open space.

The Preliminary Plat and PUD Final Development Plan were approved March 18, 2004. Stone Ridge Village Filings No. 1 and No. 2 were approved October 5, 2006 with 71

single-family lots. Stone Ridge Village Filing No. 3 was approved on September 21, 2017 with 28 lots on 11.87 acres, and Stone Ridge Village Filing No. 4 was approved on July 18, 2019 with 21 lots on 9.44 acres. This final plat request for Stone Ridge Village Filing No. 5 includes 18 lots on 7.95 acres.

PROCESS

As a major subdivision, this platting involves:

- construction of new streets, sidewalks, curbs, gutters and stormwater system;
- extension of municipal facilities (i.e., water and sanitary sewer system) and dry utilities;
- no adverse effect to the remainder of the parcel or adjoining property; and
- conformance with the City's comprehensive plan and other adopted plans, as well as the zoning ordinance, and subdivision regulations.

A major subdivision authorization is a two-step public process with approval of a Preliminary Plat (completed in 2004) and submission of a final subdivision plat (that includes public hearings before the Planning Commission and City Council).

SURROUNDING ZONING and USES

	Zone	Land Use
North	PUD	Vacant land, which is part of the Stone Ridge Subdivision Preliminary Plat.
West	PUD	Vacant land, which is part of the Stone Ridge Subdivision Preliminary Plat.
East	PUD	Single family homes/lots in Stone Ridge Village Filing No. 3.
South	PUD/SR	Single family homes/lots in Northwoods Subdivision Filing No. 4.
South	PUD/UR	Single family homes/lots in Stone Ridge Village Filing No. 1.
East		Vacant land that is unplatted owned by Spruce Ridge Properties, LLC

Stone Ridge Village PUD is located west of Highway 67 and is accessed from Stone Ridge Drive which is directly west of Kelly's Road. Stone Ridge Drive intersects with Firestone Drive, the majority of the existing road is located within filing 3 of Stone Ridge. As part of filing 5 Firestone Drive will be extended to the west and Stone Ridge Drive will be extended to the north. The aerial photo in Figure 2 provides an overview of the subject area. Specific uses and zoning can be seen within the table.

Stone Ridge Village PUD is subject to the following dimensional standards as established by a 2005 PUD amendment:

- Height: 35-foot maximum building height measured at mean grade.
- Setbacks: 25-foot minimum front/rear setback for ½ acre lots (21,780 SF) or less; an 18-foot front/rear setback is allowed with no more than two adjacent lots with side-by-side 18-foot setbacks, or no more than three lots if one of the three is a corner lot. 8-foot minimum side setback for ½ acre lots (21,780 SF) or less, a 5-foot side minimum setback on one side of the lot is allowed while the other side must be 8 feet and two 5-foot side lot setbacks may straddle a common lot line. For corner lots, the front setback adjacent to one street shall be a minimum of 25 feet and the reverse street side may have a minimum 18-foot setback.

- Garages: 25-foot minimum setback from the front property line to garage vehicle access point.
 - Lot area: Minimum: 11,000 SF Maximum: 47,500 SF
 - Lot coverage: Per maximums as provided in Article 17.40.250 of Woodland Park Subdivision regulations.
 - Lot Frontage: 25-foot minimum along road.

• **PROPOSED PLAT**

Residential use is permitted in this portion of the overall Stone Ridge PUD. In this filing of the Stone Ridge Subdivision, the Applicant proposes to develop 18 lots for single family dwelling units as seen in Figure 3. Construction of each dwelling unit is subject to administrative approval of a Zoning Development Permit (ZDP). The ZDP process also includes a compliance check of criteria such as setbacks, height, parking, landscaping, architecture and other site improvements for utilities, grading, drainage, and erosion control.

The configuration of the proposed final plat is consistent with the approved 2004 Preliminary Plat. In comparing the preliminary and final plats, the only minor differences to note relate to small changes in lot shape and reduced road right-of-way widths. Even with small changes to the lot shapes, the lots range in size from 14,556 SF to 27,962 SF which is consistent with the preliminary plat.

Regarding right-of-way widths, Firestone Drive was originally proposed to have a 50-foot road right-of-way (ROW) width. The final plat now shows the ROW to be 45-feet by the intersection with Stone Ridge Drive and tapers to 40-feet in width at the west end of the plat. The original wider ROW width was designed to include road pavement and the installation of utilities, such as gas and electric, on either side of the pavement within the ROW. Local gas and electric utilities now desire to have easements for their use dedicated outside the ROW. This plat reflects that desire and includes a *15-foot Public Utilities & Improvements Easement* on either side of the ROW to accommodate the utilities.

The other item to note is, in Stone Ridge Filing No. 1, at the end of Snowshoe Court there is a 30-foot utility easement between Lots 32 and 33 (as seen on Figure 4). There is an 8" water main and an 8" sanitary sewer main in this easement. The construction drawings for this filing show the 8" water main connecting with the water main in Michael Lane. Consistent with the preliminary plat, this easement needs to be extended into the southeast corner of Lot 17 of the proposed plat for filing No. 5.

INFRASTRUCTURE

The applicant submitted Zoning Development Permit (ZDP) applications to the City of Woodland Park for approval of Grading and Infrastructure Plans. City staff conditionally approved these ZDPs on May 17, 2022 and the construction has commenced on this site. The approved construction documents are attached hereto.

Drainage improvements include curb, gutter and an overall stormwater system in accordance with the drainage plan and report that was previously approved for the Stone Ridge PUD. Addendum No. 1 to the Final Drainage Report was prepared by JPS Engineering on

June 7, 2019 which concluded that “the existing capacity of Detention Pond L1 is adequate for the remaining phases of single-family development within Stone Ridge subdivision.”

Water and sanitary sewer mains and service lines are currently under construction in accordance with the 2011 City Engineering Specifications. Stone Ridge Village is subject to prior agreements including the City’s conversion from “developer supplied water” to water development fees. Per Ordinance No. 838, the Developer deeded his water rights, wells, easements, and appurtenances to the City. Also, Ordinance No. 838 requires payment of a Water Development Fee of \$1,200 per residential lot prior to recording the Final Plat. Because wells and water rights were conveyed to the City, no water rights fees are collected for the development of this property.

Access and traffic flow to Filing No. 5 is provided from Hwy 67 via Stone Ridge Drive and a second access at Research Drive which connects to Ridgestone Drive and subsequently to Firestone Drive. The majority of the lots within filing No. 5 are to the west of the intersection of Stone Ridge Drive and Firestone Drive. Stone Ridge Village PUD has two access points to Hwy 67, which will serve 136 homes when Filings Nos. 1 – 5 are built-out.

The road network within Filing No. 5 includes a 50-foot wide right-of-way for Stone Ridge Drive. As noted above, the right-of-way for Firestone Drive is 45-feet wide by the intersection with Stone Ridge Drive and tapers to 40-feet in width at the west end of the plat.

As this PUD continues to build out, other connections into the residential areas of the development include:

1. A connection from the southern edge of Eagle Pines Subdivision at Eagle Pines Drive; and
2. At the south west corner of Stone Ridge Village connecting at Meadow Wood Sports Complex and on to Evergreen Heights Drive.

These proposed access points are part of an overall road network to service the interior of Stone Ridge Village with a total of 340 residential units.

Pursuant to the Stone Ridge Village Annexation Agreement, improvements to the intersection of Kelley’s Road and Highway 67 (i.e., deceleration and acceleration lanes, left turn lanes) were completed by the owner with the first filing. In addition, the owner provided the City with an \$82,000 letter of credit to be used toward a new traffic signal on Highway 67 which has been installed and is operational.

CODE COMPLIANCE

Final Plat Chapter 17.24 and Design Standards Chapter 17.40

The Subdivision Regulations contain platting and design standards for all types of subdivisions. The platting standards contain specifications relating to the form of the plat while the design standards contain specifications for a reasonable layout and design of lots, blocks, streets, sidewalks, easements and alleys to ensure an efficient, orderly, well planned subdivision ready for future construction. In italics below are the relevant plat and design standards applicable to this major subdivision application followed by a staff analysis.

§17.24.070 Completed plat preparation. A. The design should conform to the preliminary plat, if applicable, as conditionally approved, except that the final plat may constitute on that

portion of the approved preliminary plat which is proposed for immediate recording.

Complies. The lots mostly conform to the preliminary plat. There are minor variations in lot size for the properties along Firestone Drive. The width of Firestone Drive was modified from 50 feet, to a varying right of way width of 45 to 40 feet. To compensate for the reduced road width, a 15 foot wide public utilities and improvements easement is proposed on each side of the roadway.

§17.24.080 Information. Note: This is lengthy list of technical information required to be contained on the Final Plat and prepared by a licensed professional land surveyor.

Complies. The criteria from this section has been reviewed by staff and is determined to be acceptable.

§17.40.010 - Purpose. *The character and environment of the City of Woodland Park for future years will be greatly affected by the design of subdivisions and the plats that are approved by the City. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area, safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or with abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area. In order to meet the above objectives, the city encourages innovative subdivision design.*

Complies. As determined at Preliminary Plat, this subdivision provides for a well-designed subdivision with lots that are accessible from the extension of Firestone Drive and Stone Ridge Drive. Safe and convenient vehicular and pedestrian movement is provided with local streets and sidewalks designed to City standards. Staff finds that the proposed subdivision:

- Provides safe and convenient vehicular and pedestrian movement;
- Provides desirable lots and settings for single family homes;
- Makes use of natural contours, views and affords privacy;
- Protects from adverse noise and vehicular traffic; and
- Schools, parks, churches and other community facilities are within reasonable proximity to the subdivision.

§17.40.020 - Site consideration. *Land which the city finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the city to solve the problems created by the unsuitable land conditions. If the problem cannot be suitably corrected, such land shall be set aside for uses which shall not involve a danger or a harmful situation.*

Complies. Filing No. 5 is suitable for development. The proposed lots have similar topographical features to the surrounding previously developed lots in Stone Ridge Village, as well as the Northwoods Subdivision located to the south.

§17.40.050 - Streets—Frontage. *No subdivision shall be approved unless the area to be subdivided shall have a frontage on an existing street shown upon a plat approved by the planning commission and city council and recorded in the county clerk and recorder's office. Wherever an area to be subdivided is to utilize an existing adjacent street, the subdivider shall be required to improve said street to city specifications.*

Complies. Each lot has adequate frontage with a minimum of 25' frontage. Lots will be accessed off of newly constructed portions of Firestone Drive, and Stone Ridge Drive. The applicant has begun construction of the infrastructure within this filing. They have provided cost estimates for the construction of these roadways, and are required to complete their construction. A subdivision development agreement is required and the applicant must provide a financial guarantee for the cost of the public improvements prior to the filing of the final plat with Teller County.

§17.40.170 - Easements. *Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty feet wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. Where the rear lot line abuts on property outside of the subdivision of which there are no easements provided for of at least ten feet in width, then the easement or alley on the rear lot lines in the subdivision shall be at least twenty feet in width. Side lot easements, where necessary shall be at least ten feet in width, five feet of which shall be on each side of a common lot line. Where required, easements for public sewer or water shall be required with the width to be determined in accordance with the city engineering specifications.*

Substantially complies. All easements are shown on the final plat and adequate for all utilities. Public utility and improvement easements are provided along each property line. The easements are as follows:

- 15 feet along right of way frontages.
- 5 feet per lot alongside property lines.
- 10 feet along rear property lines, except for lots 13-17 which contain a 30 foot conservation easement.

The following easements are also necessary:

- The 30-foot utility easement between Lots 32 and 33 of Filing No. 1 needs to be extended across the southeast corner of Lot 17 in filing No. 5.
- Instead of the currently proposed 10-foot easement, a 15-foot easement is needed along the west property line of lots 11 and 12. These west property lines will abut the Ridgestone Drive ROW when it is extended as part of a future filing.
- The applicant provided staff an updated Final Plat Exhibit, including the necessary easements as staff outlined above, just prior to the Planning Commission hearing on March 23rd. The updated Final Plat Exhibit is attached hereto. This condition still substantially complies due to the fact that the changes made by the applicant have not been provided on the Final Plat document that will be signed and recorded. Staff's goal

is to ensure all of the correct easement information is shown on the Final Plat document that would ultimately be recorded.

§17.40.210 - Lots. *The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and in driveway access to buildings on such lots from an approved street.*

Complies. All lots are reasonably arranged and buildable with adequate provision made for driveway access from an approved street and a viable building envelope.

§17.40.250 – Land use intensity ratios. *Each single family lot resulting from a new subdivision or replat of an existing subdivision shall include a lot coverage standard as permitted in the Table LCS below. Lot coverage is that are of the lot that is covered by a principle building or accessory building. Driveways, decks, and patios are not calculated as part of the lot coverage standard.*

Complies. Table LCS requires that lots between 14,556 SF to 27,962 SF have a maximum site coverage of 25% to 20%. Plat note No. 6 reflects this regulation. Below are the relevant portions of Table LCS.

12,000-18,000 square feet	25% minus 1% for each additional 1,200 square feet of lot area, to a maximum site coverage of 20%
18,000+ square feet	20%

§17.36.020 – Park capital fees or dedication of land. *Every major or minor subdivision which is platted for residential use shall pay a park capital fee in the amount established by city council per resolution for public parks, recreation areas and open space. The city council based upon advisement from the parks and recreation advisory board and subsequent recommendation by the Planning Commission may, at its option subject to policy established by Section 17.36.050 require land dedication in the amount of 0.027 acres per residential unit. In a cluster development, this land shall not count toward the minimum required open space.*

Complies. The Stone Ridge PUD approved in 2004 required the developer to dedicate 22.93 acres of park land adjacent to Meadow Wood Sports Complex (deeded to the City in 2004) and various open space tracts; therefore, no park capital fees are collected with Filing No. 5. As development occurs into the future, various open space tracts will be dedicated to the City for a total of 28.71 open space within the 200 acre PUD.

PUBLIC NOTICES

Notice of the Planning Commission and City Council hearings was sent to the owners of the property to be subdivided, to adjacent property owners within 150 feet of the site, and to the appropriate agencies at least ten days prior to the hearing date. A notice of the public hearing was published in the Pikes Peak Courier at least seven days prior to the Planning Commission hearing and posted on the proposed subdivision site at least ten days prior to the hearing. One public comment has been submitted to staff and is attached hereto.

The subdivision plat was referred to various City departments including Public Works, Utilities, Parks and Recreation, Finance, CORE, NETCFD, Black Hills Energy, Century Link, Peak

Internet and TDS Cable. The final Plat application was presented to the Parks and Recreation Advisory Board on March 8th, 2023. The Board took no action on this item because all land requirements have been met.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on March 23, 2023 (draft minutes attached). After consideration of the staff report, and comments made at the public hearing, the Planning Commission voted unanimously to recommend to City Council approval of the Stone Ridge Village Filing No. 5 with a variance to allow 40'-45' road right-of-way width for Fire Stone Drive and subject to the following conditions:

1. The developer must enter into a subdivision development agreement including financial guarantee for the cost estimate (approved by the city) of the remaining infrastructure to be installed. The agreement shall be the City's standard Subdivision Development Agreement with any amendments or additions as required by the city.
2. The Final Plat shall be amended prior to recording with the following notes or corrections:
 - The 30-foot utility easement between Lots 32 and 33 of Filing No. 1 needs to extend across the southeast corner of Lot 17 in Filing No. 5.
 - Instead of the currently proposed 10-foot easement, a 15-foot easement is needed along the west property line of lots 11 and 12. These west property lines will abut the Ridgestone Drive ROW when it is extended as part of a future filing.
1. Prior to recording a Final Plat, the Applicant shall pay a \$1,200 Water Development Fee for each single-family residential lot (a total of \$21,600 for Filing No. 5). Water tap fees in Stone Ridge Village are not subject to water rights fees.
2. Developer shall provide the City a copy of the final "Declaration of Covenants, Conditions and Restrictions," which Covenants must be recorded simultaneously with the Final Plat.

Following Gates presentation Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment Mayor LaBarre closed the Public Comment portion of the Public Hearing. There being no Council discussion the following motion was made.

Motion: To approve Stone Ridge Village Filing No. 5 Final Plat. Zuluaga/Connors. Motion carried 6-0.

- C. Approval of Ordinance No. 1445, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Adopting the Plastic Pollution Reduction Act and Establishing Penalties for Violating the Act. (L)
(Presenter Finance Director Aaron Vassalotti)

Finance Director Vassalotti presented Ordinance No. 1445, Series 2023. Vassalotti shared the following information regarding this ordinance.

- The Colorado legislature adopted House Bill 21-1162, the Plastic Pollution Reduction Act ("the Act"), which imposes a ten cent (\$0.10) per bag fee on plastic and paper carryout bags

beginning January 1, 2023

- Between January 1, 2023, and January 1, 2024, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located. On and after January 1, 2024, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located

- A store is required to remit, on a quarterly basis beginning April 1, 2024, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues.

- *The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

Allowable Uses

- Administrative and Enforcement Costs incurred as a result of HB21-1162

- Any Recycling, Composting, or other waste diversion programs and related outreach and education activities

- The Act provides that Stores, as defined therein, must collect the bag fee and remit sixty percent (60%) of such fees to the local municipality on a monthly basis beginning July 1, 2023.

Council Direction from initial posting

- Penalties for violation. Violation of the provisions of the Plastic Pollution Reduction Act as adopted by the City by this section shall be punishable by the issuance of a written warning for a first offense within two years; a fine of \$50.00 for a second offense within two years; and a fine of \$100.00 for a third or subsequent offense within two years.

At this time Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment nor any Council discussion Mayor LaBarre closed the Public Hearing and the following motion was made.

Motion: To approve Ordinance No. 1445, Series 2023 an Ordinance of the City Council for the City of woodland Park, Colorado Adopting the Plastic Pollution Reduction Act and Establishing Penalties for Vilolating the Act. Case Connors. Motion carried 5-1 with Zuluaga voting no.

- D. Approval of Ordinance No. 1444, Series 2023, an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone. (QJ) (Continuance of Council deliberation, from the April 6, 2023 Council Meeting - Public Testimony has been concluded)
(Presenter, CJ Gates, Senior Planner)

Prior to the continuing discussion of this item by Council, Councilmember Zuluaga read the following in to the record and recused himself from this hearing:

"I have a written statement for the record: Suzanne, I am asking that you put this in the written minutes for this meeting.

At the Council meeting of April 6, 2023, Item 9 (b) was brought before Council in the matter of Approval of Ordinance No. 1444, Series 2023, an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone. (QJ). A continuance of this matter is before us this evening.

It seems that according to our City attorney(s), they feel that I overstepped my role as your representative as an elected City Councilman in one of the hats we are asked to wear as a judge. Privately, our City Attorney sent an exhaustive 2 ½ page letter to myself, my fellow councilmembers and City staff, chastising me and accusing me of unlawful behavior, bias and violating my legal responsibilities, and the possibility of creating legal jeopardy for any action by council.

Let me set my position straight so there is no ambiguity in anyone's mind as to my intention to faithfully serve my oath of office as your elected representative on this Council. If I have violated your trust in me, or I have compromised the City in my sincere desire to serve your interests to the best of my ability; I ask for your forgiveness.

My oath to faithfully perform the duties of office of Councilman consists of 3 parts; to Support

1. the Constitution of the United States,
2. the Constitution of the State of Colorado and
3. the Charter and Ordinances of the City of Woodland Park.

Keeping it brief, I have learned there is a difference between my role as a Legislator and another role that has been gradually being drummed into my head; as that is, in some matters to serve as a Judge. According to our Charter, serving as a judge in what is termed Quasi-Judicial matters is only spelled out in Title 5 when the City Manager denies a license or application. The matter can then be brought before Council. The question of Due Process is a much larger discussion.

Where is the unlawful or unconstitutional behavior that are the cause of such uproar amongst those who get paid the big bucks vs. your volunteer elected officials?

I quote our attorney from his confidential Attorney- Client Privileged Communication I choose to disclose:

"As your attorneys, we lack the power to order Councilmember Zuluaga to take the action that we recommend. Nor can Council (this is not a conflict of interest, under the Charter) force Councilmember Zuluaga to recuse himself."

I spoke to no one about the quasi-judicial matter brought before Council at that meeting. I endeavor to do my due diligence as I prepare for our meetings and that represents hours and hours of study and research. When reviewing the above mentioned item, I felt prompted by an inner prompting to answer a question that arose out of reviewing this material; "what about the effects upon the close proximity to our children?" I did not come with any predetermined opinions or conclusions to the Council meeting; I came with questions and concerns which I offered to my colleagues to examine. They were supposed to be in the packet tonight, however this information is not in the written record for any one's authentic examination. Those more skilled in QJ matters recommended that my comments be disregarded

presuming them to reflect bias and prejudice.

In the interest of giving my colleagues and the applicant the opportunity to adjudicate this matter without further delay; I recuse myself from this matter in good faith to defuse any legal tension surrounding this application.

I will continue to serve you from the best of my understanding of the original intent of our nation's founders and our City fathers."

As this was a continuation of Ordinance No. 1444, Series 2023 from the April 6, 2023 Council Meeting, Gates did not re-do the presentation that was done on April 6. Mayor LaBarre shared that the Public Comment portion of the Public Hearing was concluded on April 6 and there would be no Public Comment on this item this evening. LaBarre reviewed with the Council that this item was continued for Council deliberation only.

Following Council discussion regarding the height of the tower, lightning strikes and the aesthetics of the tower, the following motion was made.

Motion: to approve Ordinance NO. 1444, Series 2023 an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi- Public Lands Zone. Neal/Case. Motion carried 4-1. Connors voting no and Zuluaga recusing himself.

- E. Approval of Resolution No. 904, Series 2023, a Resolution Approving an Amendment to the Woodland Park Downtown Development Authority Plan of Development. (QJ)
(Presenter Planning Director Karen Schminke)

Planning Director Schminke reviewed the Staff Report for Resolution No. 904, Series 2023, a Resolution Approving an Amendment to the Woodland Park Downtown Development Authority Plan of Development.

Summary TAVA House Properties, LLC (THP) shall proceed with the following Plan of Development (Plan) for the 6.63 acres this is commonly known as "Woodland Station". While there are other adjacent properties that may eventually be incorporated into the Plan, since THP does not own or control those parcels, our focus for this Plan is just for the Woodland Station property. Once THP acquires the 6.63 acres, immediate work begins in working with the City of Woodland Park Planning Staff in the form of submittals for Phase I, the TAVA Restaurant facilities. It is the hope of THP that site work can begin late summer of this year, with a grand opening in the summer of 2024. Phases 2-3 will occur as outlined below, with Phase 4 eventually bringing in a housing component or mixed-use development, so Phases 1-3 will all be commercial uses. It should be noted that Phases 2-4 are subject to change and are dependent on market factors and demands, and as such, the uses and placement of those uses is in concept form only. THP will conform to all City of Woodland Park Zoning standards and also the Woodland Station Overlay District Regulations as well as Design Guidelines.

Phase 1

Within six (6) months after the conveyance of the Woodland Station property (the "Subject Property") by the DDA to THP (the "Phase 1 Approval Deadline"), THP shall use best efforts

to obtain final non-appealable approval from the City of Woodland Park and any other governmental or quasi-governmental entities having jurisdiction of all entitlements or approvals necessary to construct all necessary private and public improvements necessary (the "Phase 1 Improvements") to support Phase 1, including a replat of the Subject Property to create a separate lot or lots for Phase 1. This Phase will see the beginning of construction for the TAVA House Restaurant that will house 2 restaurant concepts, a culinary school and a small banquet hall. Consisting of about 10,000 square feet, this facility will employ 40+/- people in various capacities for restaurant management along with full and part time workers.

Phase 2

THP shall commence construction on improvements within the Phase 2 portion of the Subject Property on or before December 31, 2025. Buyer anticipates such improvements to be commercial buildings around a center town square concept, with the end-users/tenants to be determined at a future date. Buyer shall substantially complete construction of the public and private improvements within Phase 2 of the Property on or before December 31, 2027.

Phase 3

THP shall commence construction on improvements within the Phase 3 portion of the Subject Property on or before December 31, 2027. TAVA House anticipates such improvements to include any additional infrastructure work needed in collaboration, including cost-sharing, with the City of Woodland Park, State of Colorado, Colorado Department of Transportation, Colorado Public Health Department, and United States Army Corps of Engineers, and other governmental or third parties as may be required. THP shall substantially complete construction of the improvements within Phase 3 of the Property on or before December 31, 2029.

Phase 4

THP, or its successor and/or assignee, shall commence construction on improvements within the Phase 4 portion of the Property as soon as reasonably practicable after completion of the Phase 3 improvements, subject to applicable market conditions. TAVA House currently estimates such construction to commence on or before December 31, 2030. Buyer anticipates such improvements to include primarily residential improvements, with possible commercial improvements as well, to be determined by prevailing market conditions and the final product constructed upon Phase 1, Phase 2 and Phase 3. THP, or its successor and/or assignee, shall substantially complete construction of the improvements within Phase 4 of the Property on or before the date that is thirty-six (36) months after the date THP (or its successor/assign) commences construction of improvements located within the Phase 4 portion of the Property.

Following the review of the four phases of the POD being proposed, Schminke also drew attention to the section of the staff report that listed other considerations that would be reviewed in more detail at the time of subdivision and subsequent site plan reviews. These items included lot configuration, infrastructure, environmental concerns, site access and circulation. Director Schminke noted that since the primary access into the property is from Highway 24, CDOT review and approval is required and they may require improvements such as changes in signalization or turning lanes, which could potentially impact Bergstrom

Park. She also identified land uses, parking, architectural design and landscaping, parks & trails, and historical assets as items that would be addressed in more detail in subsequent applications.

Councilmember Zuluaga asked the DDA questions regarding the amendment and the Disposition Agreement. Council heard from the developer Derek Wagoneer, DDA Chairperson Tony Perry and DDA Attorney Marcus McAskin regarding the Development Authority Plan and they answered Councilmember Zuluaga's questions. Following Councilmember Zuluaga's questions, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

Tanner Coy wanted to add clarification regarding the Plan of Development. Coy shared that the Foundation Plan guides the DDA in all its activities. Coy shared that he felt they were confusing the Plan of Development and the Foundation Plan and that they needed to be careful.

The time being 10:56 PM, the following motion was made.

Motion: to continue the Council Meeting to midnight. Case/Neal. Motion carried 6-0.

Chairperson Perry asked the DDA Attorney to respond to Mr. Coy's comments. Mr McAskin commented that the text of Resolution No. 904 has the clarity needed in it and that the Foundation Plan is not being replaced.

At this time, there being no further questions, Mayor LaBarre closed the Public Comment portion of the Public Hearing and the following motion was made.

Motion: To approve Resolution No. 904, Series 2023, a Resolution Approving an Amendment to the Woodland Park Downtown Development Authority Plan of Development. Case/Nakai. Motion carried 5-1 with Zuluaga voting no.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Request by Brad Bealby for billing credit for his water bill - reference Resolution No. 264, Series 1993.

(Utilities Director Kip Wiley and Resident Brad Bealby)

Utilities Director Kip Wiley reviewed the following with the Council.

Utility billing had discovered continuous water flow at 600 Pinon Ridge Dr. starting on Friday December 23, 2022 and continued until Monday December 26, 2022. Utility Billing called the customer on January 6, 2023 to inform them. Utility billing was out of the office for the holiday and was out of the office on vacation the first couple of days in January. The normal monthly usage for this customer is usually between 2,000 and 5,000 gallons. With continuous water flow for the 4 days in question the monthly billing jumped to 35,000 gallons. This was a 5 week billing cycle so I would estimate normal usage to be around 5,000 gallons for the month. The discrepancy in water usage would be 30,000 gallons.

During the conversation with the customer on January 6th the customer informed the City that they were out of town and in no way was water being used. The City informed him eyeonwater reports usage data by the hour and it showed water started running at 2:00p.m.

on the 23rd and stopped on the 26th at approximately 3:00p.m. The customer wanted relief on their water bill and the City directed them to Resolution 264 series 1993 for unexplained high water usage. The customer and the City have gone through the steps for determining if there is truly unexplained water usage per the resolution. The City has determined that the meter was reporting accurately and there is not an unexplained high water usage.

The customer believes it is truly unexplained and would like relief of the water bill. After going through the steps for water bill relief on Resolution 264 the City determined the unexplained water usage started when the customer left their home and stopped when they returned. The City performed three additional meter reads (usually one read per week) after the event. Those reads showed the City's existing meter was accurately reporting usage based off of previous usage. The City also performed an inspection on February 13, 2023 of the water fixtures in the home. They found two water closets could be leaking and the downstairs water closet actually leaked during the inspection. This could be the culprit to the unexplained usage. The City then replaced the existing meter after verifying it was accurately reporting meter readings with a new meter and collected three additional readings (about one reading per week) to confirm accurate water usage with the previous usage. The meter reads were confirmed and the new meter is reporting the same usage as the old meter. The City did not send the old meter in for testing as it would not be cost prohibited and we believe it is reporting accurately. It would cost more to test the meter than to give the customer relief on the water bill.

The customer has also had the water fixtures in the home inspected by a licensed plumber. The plumber did not find any leaks and has provided a report stating their finding. The customer also believes that a leaking toilet cannot use that much water in a four-day span. I am sure the customer will provide his own data to the Council.

At this time, Mayor LaBarre invited Mr. Brad Bealby to the podium who shared the following information:

On January 6, 2023 he was informed by Judy Bundy from the City that he was going to receive a very large city bill due to high water usage. Mr. Bealby shared that this was the first time he was aware of any issue. Bealby shared that, due to the extreme amount of water, he took it upon himself to immediately inspect his property for any signs of a water leak. He determined there was no leak. Mr. Bealby shared the process that he went through to determine the cause of the overage. Mr. Bealby also hired a plumber to validate his findings.

Mr. Bealby shared in his conclusion that there was adequate information that pointed towards the possibility that the meter had an issue. Mr. Bealby shared that he met with Deputy City Manager Leclercq and Utilities Director Wiley on March 28th to speak with them about recourse available to him and, as a result of that conversation, he is here this evening. Mr. Bealby would like reimbursement available to him following Resolution 264, from 1993.

Following discussion by the Council, the following motion was made.

Motion: to approve the reimbursement payment of \$475.00 to Mr. Bard Bealby. Neal/Zuluaga. Motion carried 6-0.

Council directed Director Wiley to update Resolution 264 from 1993 to reflect the costs of plumbers today.

**B. Approval of Subdivision Development Agreement - The Haven At Paradise.
(Presenter, Senior Planner, CJ Gates)**

Senior Planner CJ Gates reviewed the Staff Report regarding the Haven at Paradise information.

When developing a subdivision the developer/subdivider has the option of either completing all the infrastructure improvements prior to requesting approval of the final plat, or entering into a Subdivision Development Agreement (SDA) with the City of Woodland Park. It is at the City's discretion, to enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by City Code, or otherwise specified by the city according to city specifications.

City Council approved the final plat for The Haven At Paradise subdivision at the March 16, 2023 meeting. That approval was subject to the condition that the developer must enter into a subdivision development agreement including financial guarantee for the cost estimate of the remaining infrastructure to be installed. The agreement is to be the city's standard subdivision development agreement with any amendments or additions as required by the city. Any special requirements unique to a particular subdivision due to terrain, etc., shall be defined in the agreement.

To secure this contract, the subdivider is required to provide, subject to approval of the city council, either a cash escrow, an irrevocable letter of credit, or bond. The amount of the financial security is required to be at least equal to the cost, as estimated by the subdivider and approved by the city engineer, of installing all required improvement plus 50 percent. The developer for The Haven At Paradise has provided the cost estimates for completing the infrastructure and these have been approved by the City Engineer.

The developer has yet to finalize and provide the form of financial security. The recommendation is for City Council to approve the SDA and Exhibit A (Improvement Costs) as presented. The SDA and associated final plat are to be recorded concurrently after the financial guarantee is provided to the City.

The following motion was made.

Motion: to approve the Subdivision Development Agreement - the Haven at Paradise. Case/Neal. Motion carried 6-0.

**C. Approval of Subdivision Development Agreement - Stone Ridge Subdivision
Filing No. 5.**

(Presenter, Senior Planner, CJ Gates)

Skip Howes, the applicant, asked that this item be tabled to the 5/4/2023 Council Meeting.

Motion: to table the approval of the Subdivision Development Agreement - Stone Ridge Filing No. 5. Neal/Nakai. Motion carried 6-0.

**D. Approval of Resolution No. 903 Codifying the City Council Rules and
Procedures. (A)
(Presenter City Manager, Michael Lawson)**

This item was tabled to the May 4, 2023 City Council Meeting.

Motion: To table Resolution 903, Series 2023, Codifying the City Council Rules and Procedures to the May 4, 2023 City Council Meeting. Case/Neal. Motion carried 6-0.

- E.** Approval of Resolution No. 905, Series 2023, a Resolution Approving the Woodland Station Development Agreement and Authorizing the Woodland Park Downtown Development Authority to Convey the Woodland Station Property to TAVA House Properties, LLC. (QJ)
(Presenter, Planning Director Karen Schminke)

Planning Director Schminke introduced Resolution No. 905, Series 2023 to the Council.

Chairperson Perry, of the DDA, shared Fair Value Information with the City Council. Perry shared that Fair Value is somewhat subjective (the statute states that Fair Value is whatever the DDA and Council determine FV to be). Factors that the DDA and Council must take into account include the following:

In addition, Mr. Perry shared that the Council should (in determining fair value) also take into account the fact that (1) the DDA has not pledged any TIF for any phase of the plan of Development, and (2) the uses proposed in the plan will generate sales tax, property tax and use tax revenues for the City. Councilmember Zuluaga shared that he did not agree with how Mr. Perry came up with the Fair Value.

Councilmember Zuluaga shared that he was concerned that the buyer could come to the City for infrastructure costs and that Section 9.17 of the Charter does not permit that. Perry shared that the buyer would be having SMART Meetings with the City and that they have yet to be determined. Perry shared that some of the infrastructure costs are the City's responsibility and Zuluaga shared that the DDA lays out that the developer is responsible.

Following further Council discussion, the following motion was made.

Motion: to approve Resolution No. 905, Series 2023, a Resolution Approving the Woodland Station Development Agreement and Authorizing the Woodland Park Downtown Development Authority to Convey the Woodland Station Property to TAVA House Properties, LLC. Connors/Nakai. Motion carried 5-1 with Zuluaga voting no.

- F.** Signature Events Micro-Grant Program Process review.
(Presenter, Assistant to the City Manager Grace Johnson)

The time being 11:56 PM the Council voted to continue the meeting until 12:15 AM.

Motion: Continue the City Council Meeting until 12:15 AM. Nakai/Case. Motion carried 6-0.

City Manager Lawson reviewed the Signature Events Micro-Grant Program. Sharing the following information.

During the 2023 Budget Process, Council set aside \$15,000 out of lodging tax revenue to support signature events in our community. The City Staff staff was tasked with creating the development of a program to distribute funding to qualifying signature events.

Program Overview is as follows:

- Qualifying events will be invited to apply for funding by completing an application online or in-person
- The Parks and REcreation Advisory Board will receive all applications digitally after the application period closes.
- Individually, PRAB members will score each application using the provided rubric
- At a public PRAB meeting, members will review and discuss each application. Majority vote by the board will determine funding approval and amount.

Lawson shared with the Council that because the program is funded specifically from lodging tax, the primary purpose is to increase tourism. Signature events are events that primarily attract tourists from outside of Woodland Park, but also attract community involvement and local interest. They have the potential for economic impact, ie. increased hotel occupancy, visitation, and restaurant sales. Signature events balance community impact and interest and City lodging/sales tax benefits.

Lawson shared that the Eligibility events will be as follows:

- To be considered for funding, applicants must complete the application in its entirety by the deadline advertised.
- One supplemental page supporting the application may be added if desired.
- Funding will be determined solely on the merit of the application and presentations will not be required.
- Awarded funds must be used for events held in 2023.
- The maximum amount of funding that can be requested is \$5,000 per event.
- Applicants must provide a W-9
- Applicants must include the City logo on promotional materials where applicable.
- No funds distributed under this program shall be used for the promotion of religion or in support of any political candidate or ballot issue or prospective political candidate or ballot issue.
- The City has the sole discretion to award all or none of these funds.

Lawson shared that the funding could be used for the enhancement of existing events, promotion and day of event expenses. Disallowable expenses include cash awards, prizes, scholarships, loan reduction and any expenses not directly related to the event.

Lawson reviewed that a final report will be required from each event receiving Signature Event funding for each year and must be submitted by December 31 of the funded year. Failure to submit a final report may result in in-eligibility for future funding. Lawson shared that this is a pilot program and it will be evaluated and modified as needed for 2024. City Staff will also be collecting data throughout the year to identify exact quantities of in-kind and financial support we already provide for signature/community events. Lawson shared the proposed timeline with the Council.

City Manager Lawson asked for Council consensus to proceed and Council concurred. Councilmember Zuluaga stated he was not in agreement.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks. LaBarre also reminded the staff to work on the Ordinance for setbacks regarding towers etc.

B. Council Reports

Mayor Pro-tem Case shared the winners of the coloring contest. Case reminded Staff to update the Resolution regarding utility reimbursements from 1993.

C. City Attorney's Report

D. City Manager's Report

12. ADJOURNMENT

Mayor LaBarre adjourned the City Council meeting at 12:12 AM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

Hilary LaBarre, Mayor



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: May 4, 2023

SUBJECT: Consider Ordinance No. 1450, Series 2023, on initial posting, an Ordinance for the City of Woodland Park, Approving An Amendment to a Conditional Use Permit and Site Plan, for *18.09090.N.5 "Apartment Building(S) On A Single Lot"* Use Located on Tamarac Parkway with a Legal Description of Lot 6, Tamarac Tech Park Filing No. 5 within the Multi-Family Residential-Urban Zone District and set the Public Hearing for May 18, 2023. (QJ) (Presenter Planning Director Karen Schminke)

BACKGROUND: In 2021, Ordinance No. 1409, Series 2021 was approved authorizing a conditional use permit and site plan review (CUP/SPR) for a multi-family residential development consisting of a combination of apartments and townhomes on Lots 6 and 7 of Tamarac Tech Park Filing No. 5. This prior project proposed 112 apartments and 20 townhomes (132 total dwelling units) on Lot 6 and 35 townhome dwelling units on Lot 7.

This current request is to amend the CUP/SPR for only Lot 6 to revise the number and type of dwelling units and includes associated changes to the site plan. Instead of a combination of apartments and townhomes, they are now proposing 8 apartment buildings that contain a total of 122 attached multi-family dwelling units (10 less dwelling units for Lot 6 than the prior approval).

RECOMMENDATION: Approve on initial posting, Ordinance no. 1450, Series 2023, an ordinance approving an amendment to a conditional use permit and site plan, for *18.09090.n.5 "apartment building(s) on a single lot"* use located on Tamarac Parkway with a legal description of Lot 6, Tamarac Tech Park Filing No. 5 within the multi-family residential-urban zone district and set the public hearing for May 18, 2023.

ATTACHMENTS: 1. Ordinance No 1450 - Tamarac Apartments

**CITY OF WOODLAND PARK
ORDINANCE NO. 1450, SERIES 2023**

AN ORDINANCE APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT AND SITE PLAN, FOR 18.09090.N.5 “APARTMENT BUILDING(S) ON A SINGLE LOT” USE LOCATED ON TAMARAC PARKWAY WITH A LEGAL DESCRIPTION OF LOT 6, TAMARAC TECH PARK FILING NO. 5 WITHIN THE MULTI-FAMILY RESIDENTIAL-URBAN ZONE DISTRICT.

WHEREAS, the City of Woodland Park previously approved Ordinance No. 1409, Series 2021 granting a Conditional Use Permit, Preliminary Plat and Site Plan Review for a multi-family dwelling unit development including three apartment buildings (112 units) on a single lot and 55 townhomes on Tamarac Parkway within the Multi-Family Residential-Urban Zone District, with a legal description of Lots 6 and 7, Tamarac Tech Park Filing No. 5; and,

WHEREAS, the City of Woodland Park has subsequently received a request to amend the prior Conditional Use Permit and Site Plan for Lot 6, Tamarac Tech Park Filing No. 5 to instead allow a multi-family dwelling unit development for eight apartment buildings (122 units) on a single lot in the Multi-Family Residential-Urban Zone District; and,

WHEREAS, an application to amend and establish said conditional use and site plan as it pertains to Lot 6 Tamarac Tech Park Filing No. 5 has been submitted and considered in accordance with City Municipal Code Chapter 18.57 and other applicable regulations; 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; signs were posted; surrounding property owners’ letters were mailed; and

WHEREAS, the Woodland Park Planning Commission considered the request on April 13, 2023 and recommended approval with conditions based on evidence in the staff report and presented at the public hearing; and,

WHEREAS, City Council has considered the request, the 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 and Site Plan Review have been satisfied; and,

WHEREAS, Ordinance 1409, Series 2021, as it pertains to Lot 7 Tamarac Tech Park Filing No. 5 remains in effect; and

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 6, Tamarac Tech Park Filing No. 5, 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, “Apartment Building(s) on a Single Lot” use subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit for and receive approval of a:
 - a. Final Site Plan for a permitted use including landscaping, drainage, architectural elevations, access, etc.;
 - b. Infrastructure Zoning Development Permit, fees-in-lieu shall be submitted pursuant to MC 18.33.170.
 - c. ZDP’s and Building Permits for all new construction, including:
 - i. All Civil/Construction drawings
 - ii. Final Drainage Report
 - iii. Final Landscaping Plan
 - iv. Final Site Plan
 - v. Final Floor Plans and Elevations
 - vi. Final Grading, Sediment and Erosion Control Plan (with BMP’s)
 - vii. Final Utility Plan (water, sewer, power, etc.)
 - viii. Final Photometric Plan
 - ix. CO Stormwater Permit/Stormwater Management Plan
2. Coordinate with staff to modify the “Type A” building façade to better harmonize with the Woodland Park “mountain western” aesthetic.
3. A final updated site plan, resolving all issues identified on the redlined plans must be approved by the City before any Zoning Development Permit (ZDP) will be issued.
4. The applicant must submit an updated grading plan to the City and CORE Electric Cooperative incorporating that the grade is not changing +/- 6 inches along Colorado State Highway 67.
5. All development impact fees must be paid prior to any ZDP issuance including but not limited to tap fees, stormwater capital improvement fees, transportation capital fees, etc. Fees shall be calculated concurrent with the ZDP review.
6. The Applicant must submit traffic letter with addendum to CDOT and gain approval.

Section 4. Recitals. The recitals contained in this Ordinance constitute the findings of City Council and are incorporated herein by reference.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2023.

Hilary LaBarre, Mayor

ATTEST:

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1449, Sereis 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO CREATING CHAPTER 2.16 OF THE WOODLAND PARK MUNICIPAL
CODE, REGARDING EMERGENCY MANAGEMENT, TO ESTABLISH A PROCESS
FOR THE DECLARATION OF A LOCAL EMERGENCY AND TO SPECIFY THE
AUTHORITY OF THE CITY COUNCIL AND CITY MANAGER DURING THE SAME**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through its City Council, possesses the authority to adopt laws and ordinances within its police power in furtherance of public health, safety, and welfare;

WHEREAS, pursuant to C.R.S. § 24-33.5-701 *et seq.*, the City, by and through its City Council, possesses the authority to adopt laws and ordinances to authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery;

WHEREAS, at present, the City’s ability to respond to an emergency situation is derived almost entirely from the City Charter, with limited, enumerated situations like the accidental discharge of hazardous materials or water shortages addressed specifically by the Woodland Park Municipal Code (the “Code”);

WHEREAS, the proliferation of wildfires across Colorado, as well as the recent pandemic, has highlighted the need for a clearer and more comprehensive set of emergency management provisions which specify and delineate the emergency authorities and roles of the City Council and the City Manager during a declared local emergency; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to create Chapter 2.16 of the Code, as it relates to the establishment of comprehensive emergency management provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Chapter 2.16 of the Woodland Park Municipal Code, concerning emergency management is hereby created to read as follows:

Chapter 2.16 - EMERGENCY MANAGEMENT

2.16.010 - Purpose and intent.

- A. The purpose of this chapter is to provide for continuity and efficient operation of local government in times of emergency.
- B. This chapter provides the necessary organization, powers, and authority to enable a timely and effective use of all available resources to prepare for, respond to, and recover from civil emergencies, emergencies, or disasters that are likely to affect the health, security, safety, or property of city residents.
- C. The city manager, or in the city council's discretion, the mayor, shall declare, manage, and end an officially declared local emergency.
- D. The provisions of this chapter are to be interpreted and enforced in a manner that is consistent with the Constitution of the United States, the Constitution of the state of Colorado, and Colorado state law on emergency management, C.R.S. § 24-33.5-701, *et seq.*, as amended.

2.16.020 - Definition.

As used in this chapter, "local emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons or property within the city, including, without limitation, fire, flood, wind, storm, earthquake, epidemic, pandemic, infestation, explosion, aircraft crash, air pollution, hazardous substance incident, oil spill, contamination of air or water requiring immediate action to avert danger or damage, water or power shortage, drought, civil disturbance, condition of riot or insurrection, hostile military or paramilitary action, or any other disaster or emergency that requires the aid and assistance of outside, local, state, or federal agencies.

2.16.030 - Declaration of emergency.

- A. The city manager may declare a local emergency when the city manager determines that there is reasonable cause to believe that the city, or any part of the city, is suffering from, or is in imminent danger of suffering from, a local emergency, and that such a declaration is required to avoid or mitigate serious injuries to members of the public or the loss of life or property. However, the power to declare a local emergency is subject to the power of the city council to determine, by appropriate motion and majority vote, that the mayor, instead of the city manager, shall declare the local emergency or exercise the emergency powers enumerated in this chapter to manage the emergency.
- B. Any declaration of a local emergency shall be promptly filed with the city clerk, delivered to the Teller County office of emergency management, and forwarded to the state office of emergency management. As soon as possible thereafter, the city manager shall notify the city council and the county clerk. The public shall also be notified promptly through general dissemination to the news media, posting on the city website, and by the use of other means of communication appropriate for informing the general public.

C. No declaration of local emergency may exceed seven days from the time of declaration of the local emergency, except with the consent of the city council. No declared local emergency shall extend beyond the next regular or special meeting of the city council unless, at such meeting, the declaration of emergency is specifically approved for a longer duration by resolution of the city council.

2.16.040 - Emergency powers.

Upon the declaration of a local emergency, the city manager shall, upon a finding of need, issue such orders as may be required to protect the health, safety, and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any local emergency. Such orders, once issued, may be changed from time to time during the period of the declared local emergency based upon the discretion of the city manager and may include, without limitation, orders to accomplish the following objectives:

A. To call upon regular and auxiliary enforcement agencies and organizations within or outside of the city to assist in preserving and keeping the peace and the preservation of life and property of the residents of the city;

B. To close streets, sidewalks, parks, and other public places and to delineate areas within the city where the local emergency exists;

C. To impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas to immediately remove themselves from the streets, sidewalks, parks, and other public places;

D. To appropriate and expend funds, execute contracts, authorize the acquisition of property, equipment, services, supplies, and materials on the open market at not more than commercial prices without the strict adherence to normal procurement procedures, subject to the following limitations:

1. The authority of the city manager to approve contracts during a local emergency shall be limited to contracts that are reasonably related to the local emergency and in an aggregate amount not to exceed fifty thousand dollars per contract.

2. The suspension of normal procurement procedures shall remain in effect for the duration of the local emergency, unless earlier terminated by the city council.

3. If such powers are exercised during a local emergency, the city manager shall provide to the city council in advance of each regular meeting of the city council a summary of all contracts approved, including the name of the contractor or vendor, amount of the contract, and purpose of the contract.

E. To hire or contract for construction, snow removal, engineering, architectural, building,

electrical, plumbing, or other professional or construction services essential to the continued operation of the city without the advertising of bids or strict adherence to normal procurement procedures;

F. To close or limit the use of any public building or facility within the city;

G. To issue any administrative regulations consistent with this chapter;

H. To temporarily suspend or modify provisions of any ordinance or regulation if strict adherence to such ordinance or regulation would prevent, hinder, or delay action that is necessary to address the local emergency; and

I. To take any other action necessary for and reasonably related to the preservation of life and property within the city.

2.16.050 - Conflicting orders.

Any orders issued pursuant to this chapter in response to a local emergency shall take precedence over existing ordinances, rules, and regulations if a conflict exists.

2.17.060 - Violations.

Any person who knowingly violates any order issued pursuant to this chapter in response to a declared local emergency commits a misdemeanor and upon conviction thereof shall be punished in accordance with Chapter 1.12 of this code.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Suzanne Leclercq, Deputy City Manager/City Clerk

DATE: May 4, 2023

SUBJECT: Approval of a change of location for Shadi Inc. DBA Judges, currently located at 108 East Midland Avenue, to 100 Morning Sun Drive, Woodland Park, Colorado. (QJ)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

BACKGROUND:

CITY OF WOODLAND PARK

Liquor License Summary

Note: Liquor License forms contain a mixture of confidential and public information. In an effort to protect the confidentiality of items such as Social Security Numbers, Drivers License numbers, and dates of birth, liquor application forms will no longer be available to the public. This summary is intended to give Council and citizens the public content of the issue at hand.

=====

Type of Action Requested: Conduct Public Hearing for a change of location of the Hotel and Restaurant Liquor License for Judge's Char Grill.

Applicant: Fernando Morales (The Shadi Inc) DBA Judge's Char Grill.

Application details:

- Applicant is Fernando Morales
- LLC has current sales tax license and FEIN number.
- A petition of needs and desires has been completed and is deemed sufficient.
- The location is eligible to be licensed.
- Possession of the property is documented by a rent to own agreement.

Factual Findings:

- The application was submitted on April 3, 2023.
- Subject property was posted on April 24, 2023 as required by law.
- Public Notice was published on the City's Website April 24, 2023.
- Character of the applicant is not an issue for this hearing.
- All applicable fees have been paid.

RECOMMENDATION: Following Public Hearing, approve a change of location for the Hoetl & Restaurant Liquor License for Judges' Char Grill from 108 E Midland Ave, to 100 Morning Sun Dr, Woodland Park CO 80863.

ATTACHMENTS: None



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Suzanne Leclercq, Deputy City Manager/City Clerk

DATE: May 4, 2023

SUBJECT: Approval of a Modification of a Hotel and Restaurant Liquor License for Thai Good Eats located at 102-104 Midland Avenue, Woodland Park, CO 80863.
(Presenter Deputy City Manager / City Clerk, Suzanne Leclercq)

BACKGROUND:

Note: Liquor License forms contain a mixture of confidential and public information. In an effort to protect the confidentiality of items such as Social Security Numbers, Drivers License numbers, and dates of birth, liquor application forms will no longer be available to the public. This summary is intended to give Council and citizens the public content of the issue at hand.

=====

Type of Action Requested: Conduct Public Hearing for a modification of a Hotel and Restaurant Liquor License for Thai Good Eats to extend service area to 102-108 Midland Ave, Woodland Park, CO.

Applicant: Daneille Bowers (Thai Good Eats) DBA Thai Good Eats located at 102-104 Midland Ave, Woodland Park, CO 80863

Application details:

- Applicant is Danielle Bowers
- LLC has current sales tax license and FEIN number.

- A petition of needs and desires is not necessary for a modification of a liquor license since the location in question has been previously licensed.
- The location is eligible to be licensed.
- Possession of the property is documented by a lease expiring May 31, 2033.

Factual Findings:

- The application was submitted on April 24, 2023.
- Subject property was posted on April 24, 2023 as required by law.
- Public Notice was published on the City's Website April 24, 2023.
- Character of the applicant is not an issue for this hearing.
- All applicable fees have been paid.

RECOMMENDATION: Following Public Hearing, approve modification application from Thai Good Eats for a modification of the Hotel & Restaurant Liquor License located 102-104 Midland Ave, Woodland Park, Colorado to extend service area to 102-108 Midland Ave, Woodland Park, CO.

ATTACHMENTS: None



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Aaron Vassalotti, Finance Director

DATE: May 4, 2023

SUBJECT: Approval of Ordinance No. 1448, Series 2023, 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 2023 Budget Year, and Amendment Ordinance No. 1433, Series 2022. (A)
(Presenter Finance Director Aaron Vassalotti)

BACKGROUND:

1. In the fall of 2022, City staff discovered extensive damage and vandalism to the City Hockey Rink. A police report was filed and an insurance claim was filed to repair the facility. The City has selected Becker Arena Products to perform the repairs and upgrade the fiberglass facing and kick plate. The cost of the repairs is \$284,088.52 and the cost of the fiberglass facing and kick plate is \$16,719.44. The total cost is \$300,879.96.
2. The City received two reimbursement checks from Colorado Intergovernmental Risk Sharing Agency (CIRSA) in the amounts of \$289,940.02 and \$7,512.67, totaling \$297,452.69.
3. The difference between the CIRSA reimbursements and the total cost of the repairs and upgrades leaves a balance needed from the General Fund of \$3,427.27.

RECOMMENDATION: Approve Ordinance No. 1448, Series 2023

ATTACHMENTS:

1. 2023 Supplemental Appropriation #1
2. 2023 Supplemental Appropriation #1-Summary
3. ORD 1448 - 2023 supplemental appropriation
4. Staff Report - Supplemental 04.20.2023

City of Woodland Park
2023 Amended Budget
Supplemental Appropriations

	2023 Current Budget	2023 Supplemental Appropriation (incr/decr)	2023 Amended Budget
General Fund (100)			
Revenue	\$ 14,368,282	\$ 297,453	\$ 14,665,735
Expenditures	(14,357,581)	(300,880)	(14,658,461)
Revenue over/(under) Expenditures	\$ 10,701	\$ (3,427)	\$ 7,274
Fund Balance Summary:			
Beginning Fund Balance - 1/1/2022	\$ 3,722,727		\$ 3,722,727
Revenue over/(under) Expenditures	10,701	(3,427)	7,274
Ending Fund Balance - 12/31/2022	\$ 3,733,428	\$ (3,427)	\$ 3,730,001
Ending Fund Balance Designations:			
Non-spendable Due from DDA			\$ 550,000
Non-spendable Inventory/Prepaid Expenditures			65,386
Restricted for Emergencies (TABOR 3%)			433,623
Unrestricted, Unassigned			-
Ending Fund Balance - 12/31/2022			\$ 1,049,009
Supplemental Appropriation Detail:			
	Expenditures	Revenue	
1. Hockey Rink Repairs	\$ 300,880	\$ 297,453	
Total adjustment	\$ 300,880	\$ 297,453	

City of Woodland Park
2023 Supplemental Appropriation

Exhibit A

General Fund	
Increase Budgeted Revenues	\$ 297,453
Supplemental Appropriation	300,880

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1448, SERIES 2023

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 2023 BUDGET YEAR, AND AMENDING ORDINANCE NO. 1433, SERIES 2022.

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. 1433, SERIES 2022,” be and the same is hereby adopted as follows:

Section 1. The 2023 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 4th DAY OF May 2023.

Hilary LaBarre, Mayor

ATTEST:

Suzanne Leclercq, City Clerk



City of Woodland Park Staff Report for City Council

Meeting Date	Agenda Item
April 20, 2023	
Department	Presenter
City Manager's Office/ Finance	Michael Lawson, City Manager Aaron Vassalotti, Finance Director

Item Title

Ordinance 1448, Series 2023 to amend 2023 Budget expenditure appropriations (Budget Supplemental Ordinance)

Long title: Ordinance No. 1448, Series 2023, 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 2023 BUDGET YEAR, AND AMENDING ORDINANCE NO. 1433, SERIES 2022

History

City Council adopted the City's 2023 Annual Budget on December 1, 2022. 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.

Summary

The purpose of this supplemental appropriation is summarized below. This budget expenditure adjustment and revenue source is described in the attachment to this report.

- **Hockey Rink Repair**

- In the fall of 2022, City staff discovered extensive damage and vandalism to the City Hockey Rink. A police report was filed and an insurance claim was filed to repair the facility. The City has selected Becker Arena Products to perform the repairs and upgrade the fiberglass facing and kick plate. The cost of the repairs is \$284,088.52 and the cost of the fiberglass facing and kick plate is \$16,719.44. The total cost is \$300,879.96.
- The City received two reimbursement checks from Colorado Intergovernmental Risk Sharing Agency (CIRSA) in the amounts of \$289,940.02 and \$7,512.67, totaling \$297,452.69.
- The difference between the CIRSA reimbursements and the total cost of the repairs and upgrades leaves a balance needed from the General Fund of \$3,427.27.

Staff Recommendation

Approve Ordinance No. 1448, Series 2023 to amend the 2023 Annual Budget.

Question for Council

Does the City Council approve Ordinance No. 1448, Series 2023 and set the public hearing for May 4, 2023?

**WOODLAND PARK CITY COUNCIL
COUNCIL RULES OF PROCEDURE
Rev. April 20, 2023**

		Exhibit A Page
Section 1.	Purpose and Effect	
Section 2.	Parliamentary Authority	
Section 3.	Duties of Officers	
Section 4.	Meeting Provisions	
Section 5.	Council Meetings, Occurrence, Notice Provisions, and Minutes	
Section 6.	Council Meeting Agenda and Order of Business	
Section 7.	Agenda Preparation	
Section 8.	Conducting Public Hearings	
Section 9.	City Council Committees	
Section 10.	Additional Items	
Section 11.	Sanctions	

Section 1. Purpose and Effect. These Rules of Procedure ("Rules") constitute the official rules of procedure for the Woodland Park City Council and are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules do not grant rights or privileges to members of the public or third parties.

These Rules shall be periodically reviewed as needed, but at least every [Posted] five years; therefore, the Rules shall be reviewed in the month of January of every year ending in zero (0) or five (5), or as soon thereafter as practicable and may be reviewed any other time that Council shall choose to review them.

These Rules do not supersede the provisions of the Home Rule Charter of the City of Woodland Park, Colorado, ("Charter") but are only intended to supplement the provisions of the Charter and Woodland Park Municipal Code ("Code").

References herein to "he" or "his" are not intended to be gender specific and instead shall be read as "he or she" and "hers or his".

Section 2. Parliamentary Authority. In all decisions arising from points of order, the Council may consult the most current edition of Robert's Rules of Order Newly Revised (currently the 11th edition), a copy of which is maintained in the office of the Woodland Park City Clerk ("Clerk"). Any reference to Robert's Rules of Order in these rules means the most current edition of Robert's Rules of Order. A majority of a quorum of Councilmembers present at a meeting may waive any rule.

Section 3. Duties of Officers.

a. Presiding Officers.

The Mayor shall be the presiding officer of the Council. He shall preside at meetings of the Council, and shall have the same right to speak and vote therein as any member. (Charter § 3.2)

The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as Mayor, shall retain all powers granted herein to Councilmen. (Charter § 3.3)

b. Presiding Officer's Duties. It will be the duty of the Presiding Officer to:

- i. Call the meeting to order.

- ii. Keep the meeting to its order of business.
- iii. Control discussion in an orderly manner.
 - 1. Give every Councilmember who wishes an opportunity to speak when individually recognized by the Presiding Officer.
 - 2. Allow city staff participation when recognized by the Presiding Officer.
 - 3. Permit audience participation at the appropriate times.
 - 4. Require all speakers to identify themselves by name and current municipality of residence for the record, and at the speaker's option, his or her street address, speak to the question and observe the rules of order.
- iv. Request that the City Clerk state each motion before it is discussed and before it is voted upon.
- v. Put motions to a vote and City Clerk announce the outcome.
- vi. Confirm that a Councilmember's request of staff is agreeable to a majority of Council present. The City Manager shall first consider a request requiring extensive staff effort or study. On any request, staff may seek clear direction from a majority of the Council.
- vii. Allow any Councilmember to request a roll call vote.
- c. Presiding Officer-Question of Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member. A majority vote of Council present in favor of an appeal may overrule the Presiding Officer's ruling.

A speaker is out of order when speaking of matters foreign to the issue.

On questions that are debatable, the minority has the undeniable right to deliberate.

- d. ATTENDANCE. In the event an member of Council is unable to attend and meeting of the Council, such member is requested to make a reasonable effort to so advise the City Clerk, City Manager, or Mayor in advance of the meeting. In the event a Councilmember is not in attendance at a meeting, such absence shall be considered excused, unless any Councilmember objects to the excusal of such absence.
 - i. In the event of objection, the City Council shall determine by majority vote whether the absence is excused or unexcused.
 - ii. In the event a Council member is absent for three (3) regular meetings in a two-year term, any absence thereafter shall be considered unexcused unless

the City Council has previously approved the extended absences.

- iii. When a member's absence from a meeting is declared unexcused by the City Council, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the City Council for reconsideration. Such reconsideration may occur upon the concurrence of a majority of the councilmembers present.
- iv. If a member accrues more than three (3) unexcused absences within a two-year term may subject a Councilmember to disciplinary action by a majority vote of the rest of the Council. If a member accrues more than four (4) unexcused absences or eight (8) total absences within a two-year term the Council may declare the seat vacant.
- v. If any Councilmember is absent for three successive meetings, without prior approval by the Council in advance of such, and fails to attend the fourth meeting, the seat shall be declared vacant.

Except in the event of a personal need or emergency, no member may leave the meeting while a meeting is in progress without the request and permission of the Mayor. In such event, the Mayor may delay Council action, or proceed without the absent member(s) unless the matter before Council is quasi-judicial.

Section 4. Meeting Provisions. All Council Meetings shall comply with the requirements of the Colorado Open Meetings Law, § 24-6-401 and § 24-6-402, C.R.S. (All regular, special and emergency meetings of the Council shall be open to the public and citizens shall have an opportunity to be heard under such rules and regulations as the Council may prescribe. (Charter § 3.11)).

- a. Quorum. A majority of the members of the Council including the Mayor in office at the time shall constitute a quorum for the transaction of business at all Council meetings. A quorum shall be present at all regular, special and emergency meetings before any formal or legally binding action shall be taken by the Council. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date. In the absence of all members, the Clerk may adjourn any meeting for not longer than one (1) week. (Charter § 3.12).
- b. Seating Arrangement. The Mayor shall sit at the center of the Council dais, and the Mayor Pro Tem shall sit at the right hand of the Mayor. The City Attorney shall sit at the left hand of the Presiding Officer, to readily assist in consultations for order of the meeting. The City Manager shall sit at the left hand of the City Attorney. The remaining Councilmembers shall be seated to the right of the Mayor Pro Tem in descending order of seniority on the Council. If two or more Councilmembers have identical seniority, they shall be seated in alphabetical order by last name.
- e. Forms of Address. Council members shall always address each other in a respectful manner. For regular meetings and other formal settings, every effort should be attempted to address the Mayor as "Mr., Madam or Ms. Mayor" or "Mayor

~~(surname)." For regular meetings and other formal settings, every effort should be attempted to address the Mayor Pro Tem and Councilmembers as "Mr., Madam or Ms. (surname)" or "Councilmember (surname)." For study sessions and other informal settings, the Mayor may be addressed as "Mr., Madam, or Ms. Mayor" or "Mayor (surname)," and the Mayor Pro Tem and Councilmembers may be addressed by their first names.~~

- d. Dissents and Protests. Any Councilmember shall have the right to express dissent from any ordinance or resolution of the Council and have the reason entered in the minutes, if requested by the dissenting Councilmember.
- e. Voting. The votes during all Council Meetings and Committee balloting shall be transacted as follows:
 - i. Unless otherwise provided for by Charter, ordinance, or resolution, all votes shall be by a roll call vote taken by the Clerk, except that at the request of the City Clerk or any Councilmember, either a voice vote or show of hands vote may be taken by the Clerk, and the City Council may, in voting upon appointments to Council, (Boards and Commissions, vote by paper ballot and may vote for any one of the candidates for appointment. The paper ballot shall have the name of the Council Person casting the vote upon it and at the conclusion of the vote, the paper ballots shall be collected and given to the City Clerk who shall read the vote cast by each Council Person into the record. Each candidate receiving a majority of present Council Members votes shall be appointed to the Board or Commission. (Charter § 7.14)). (In all roll call votes during a meeting, the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one (1) position alphabetically in each successive roll call vote. (Charter § 7.3 (c)).

On any matter upon which a tie vote is recorded, the matter shall fail. ~~be considered automatically postponed to a subsequent meeting.~~ (Any member refusing to vote, except when not so required by this Charter, shall be considered delinquent in his duties and an affirmative vote shall be cast and recorded in his name. (Charter § 7.3 (a), last sentence)).

In the event the Mayor or any Councilmember, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said Mayor or Councilmember shall declare such interest. If the Mayor or any Councilmember fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest. ((b) Neither the Mayor nor any member of the Council shall vote on any question in which he has a conflict of interest, other than the common public interest, or on any question concerning his own conduct. (Charter § 3.14))

A vote by "Yes" or "No" shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the minutes of the Council proceedings. (Every member, when present, must *vote* upon ordinances, resolutions and motions, except a member shall be excused from *voting* on

any question in which he has a conflict of interest or on any question concerning his own conduct. Each member of the Council who is present shall *vote* when his name is called, unless excused by the unanimous consent of the remaining members present. Any member refusing to *vote*, except when not so required by this Charter, shall be considered delinquent in his duties and an affirmative *vote* shall be cast and recorded in his name. (Charter § 7.3 (a)).

(The "Yes" and "No" votes upon all ordinances, resolutions and motions shall be entered upon the minutes, except that where the *vote* is unanimous it shall only be necessary to state that the *vote* was unanimous. (Charter § 7.3 (b)).

Debate. The Presiding Officer should offer the maker of the motion the opportunity to speak first during discussion on the motion. Individual Councilmembers, after recognition by the Presiding Officer, may each speak.

- ii. Where electronic voting mechanisms are utilized, the final vote will be held privately by the Clerk until all members have finalized their vote electronically, after which the individual Councilmember votes will be announced and posted publicly.

f. General Meeting Decorum.

- i. While the Council is in session, the members must preserve order and decorum. A member should not by conversation or otherwise (a) delay or interrupt the proceedings; (b) disrupt any member while speaking or the peace of the Council; or (c) refuse to obey the orders of the Council or the Presiding Officer, except as otherwise provided in these rules.
- ii. Persons may address the City Council regarding any action of the City Council, individual Councilmember, or individual staff member. However, they shall direct their remarks to the entire City Council and shall exercise proper respect and decorum. A person (or persons) disrupting a Council meeting shall be asked by the Presiding Officer to cease the disruptive behavior. The Presiding Officer, in the event of any disturbance or disorderly conduct in Council Chambers, shall have the power to order the same to be cleared and shall have authority to appoint a member of the Police Department as a temporary sergeant at arms for the purpose of preserving order in and near the Council Chambers.

g. Confidentiality.

- i. Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions. Confidentiality also covers information provided to Councilmembers outside of executive sessions when the information is exempt from disclosure under law.

A decision to breach confidentiality, or to waive a privilege, such as the

attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the city as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of the councilor's authority. Further, the intentional dissemination of confidential information received in executive session, whether oral or written, shall constitute misconduct of office.

- ii. Following an executive session, the designated City staff representative handling the issue shall manage the contact with any other party. Any Councilmember having any contact or discussion shall make full disclosure to the City Manager and/or the Council in a timely manner.

h. Comfort Recesses.

- ~~i. A break may be taken at 9:00pm. Regular comfort breaks shall be taken at 2 hour intervals for a minimum of 10 minutes each, starting from the initial Council Meeting time. This initial time shall include any Executive, Special, or Work/Study Sessions that are before the regular meeting schedule.~~
- ~~ii. A mandatory 15 minute break shall occur prior to any Council Meeting, commonly taken at 6:45 PM for nourishment or other comfort necessities.~~

i. Seating and other arrangements.

- ~~i. Council chambers shall consist of general public seating arranged in a manner to maximize the seating and allow for comfortable spacing. At no time shall more persons occupy chambers that are permitted by the fire code or other applicable regulation.~~
- ii. The city staff who sit at the dais are the City Manager, City Attorney, City Clerk, and the designated sergeant-at-arms (Chief of Police or their law enforcement designee) and other presenting staff when additional seating is available. Remaining staff shall sit at a staff table.
- iii. Council may designate a staff table to allow room for additional staff presenting to place their materials and limit the use thereof to staff only.
- iv. Council may designate a press table to be utilized by credentialed members of the press including, for example, newspaper and radio staff and reporters.

Section 5. Council Meetings, Occurrence, Notice Provisions, and Minutes.

- a. Regular Meetings. Regular Meetings are held the first and third Thursdays of the month at ~~7:00-6:00~~ p.m., except that Council meetings times may be adjusted to accommodate holding executive session(s) prior to the order of business.

- b. Special Meetings. Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any two (2) members of the Council, on not less than twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence or place of business, and written notice posted in not less than three (3) public places. (Charter § 3.8 (a)). (No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. (Charter § 3.8 (b))). For purposes of the noticing of special meetings, an e-mail, and a text message, followed by an acknowledgement, shall be considered a written notice.
- c. Work or Study Sessions. References to “Work Sessions” for the purpose of these procedures are equally applied to “Study Sessions”. The Council, at its sole discretion, may schedule and hold Work or Study Sessions as it deems necessary. Work or Study Sessions are informal meetings for the purpose of review or discussion of certain topics: i.e. programs, projects, or issues; the upcoming Regular Business Meeting preliminary agenda; forthcoming programs and future Council agenda items; progress on current programs or projects. The City Manager may request to provide other information they feel is appropriate for consideration for a Work Session. Work or Study Sessions are intended to provide information or to develop policy consensus, and are not generally used for final actions.
- d. Executive Sessions. The Council may meet in executive session only under those circumstances allowable by the laws of the State of Colorado; provided, however, that no formal or legally binding action by the Council for the City shall be taken at any such executive session. (Charter § 3.11 (a)).

The Council may hold executive sessions from which the public may be excluded, for those purposes allowable by the laws of the State of Colorado.

- e. Public Notice. The City shall comply with the provisions of § 24-6-402, C.R.S. to provide notice of Council meetings.
- f. Minutes. The City Clerk shall prepare action minutes for all regular and special meetings. Action minutes will minimally include the following items:
 - i. Place of the meeting;
 - ii. Time the meeting started and ended;
 - iii. Which members of Council were present and, if relevant, any absences;
 - iv. The fact that a quorum was present;
 - v. Text of all main motions taken up by the Council and their disposition (passed, failed, referred to a committee, postponed, etc.);
 - vi. Any points of order that were made and their resolution; and
 - vii. Any other notations required under Charter, Code, or these Rules; and
 - viii. If Council went into executive session, the time of entering and the time of leaving such session. (See “Mastering Council Meetings” by Ann G. McFarlane)
- g. Recordings. At a minimum, the City Clerk shall audio record all regular, special, and work session meetings in an archival media form. Video recordings that include

audio are an acceptable alternative for documenting the meeting/session. For purpose of retention, work sessions shall comply with the statute retention requirements of regular meetings.

- i. All recordings shall be retained by the City Clerk in accordance with existing statute requirements.
- ii. All recordings shall be available for public records requests in compliance with existing statutes.
- iii. When digital recordings are available, endeavor to have them available on the city web site as soon as possible.

Section 6. Council Meeting Agenda and Order of Business.

- a. Order of Business for Regular Business Meetings. The typical order of business for each Regular Business Meeting shall be as follows:

- i. Call to Order
- ii. Roll Call
- iii. Pledge of Allegiance
- iv. Ceremonies, Presentations, and Appointments
- v. Approval of Agenda Order & Content (Additions, Deletions or Corrections to Agenda)
- vi. Consent Calendar (Public Comment May Be Heard)
- vii. Public Comment on Items Not On the Agenda.
- viii. Unfinished Business (Including Public Hearings)
- ix. Ordinances on Initial Posting (Public Comment May Be Heard)
- x. Public Hearings (Public Comment May Be Heard)
- xi. New Business (Public Comment May Be Heard)
- xii. REPORTS:
Reports should be confined to Public Service Announcements, Liaison reports, and other community based announcements or presentations. No personal or ad hominem attacks or election campaigning shall be allowed.

1. Mayor's Report
2. Council Reports
3. City Attorney's Report
4. City Manager's Report(s)

- xiii. Executive Session (if necessary). (Executive Sessions may also be held first or prior to the order of business).
- xiv. Adjournment

This Order of Business may be changed from time to time upon majority vote or consensus of the City Council.

The agenda of a Special Meeting shall generally follow the same format as that provided for Regular Business meetings.

- b. Order of Business for Work or Study Sessions. The order of business for each Work or Study Session shall be flexible to better accommodate discussion and time sensitive issues and may be changed upon majority approval of the Council. The

typical agenda order will be as follows:

- i. Call to Order
- ii. Roll Call
- iii. Pledge of Allegiance (optional)
- iv. Approval of Agenda Order & Content (Additions, Deletions or Corrections to Agenda)
- v. Study Session Items for Discussion or Review
- vi. Public Comments
- vii. Adjournment

c. Precedence of Motions.

Motions are to be phrased in an affirmative grammatical manner; and avoidance of any “double negative” type grammar in motions is encouraged.

A Councilmember may withdraw his/her motion at any time before it is put to a vote.

When any motion is upon the floor and the question is under debate, no motions shall be received but the following, and they shall generally have precedence in the following order, to wit:

Not debatable

- To adjourn.
- To call for the previous question.
- To postpone to a date certain.

Debatable

- To postpone a legislative matter indefinitely.
- To recess for a definite time.
- To refer.
- To amend.
- To amend the motion to amend.
- To lay on the table.

- d. Council Agenda. No item shall be voted upon which is not on the agenda as approved by the Council at the meeting, except that Council may vote to hold an executive session that is not on the agenda as approved by the Council at the meeting.
- e. Consent Calendar. The items on the consent calendar include those that: (a) have been previously discussed by the Council; (b) can be reviewed by the Council without further explanation based on the information delivered to the Council by the administration; or (c) are so routine or technical in nature that passage is likely.

Ordinances on initial posting shall appear on the consent calendar. As public

comment is customarily heard on Second Reading of the ordinance, which occurs at the meeting following initial posting, public comment will ordinarily not be taken at the meeting when initial posting occurs. Notwithstanding this customary practice, the presiding officer may choose to receive public comment on initial posting, should the circumstances warrant.

Councilmembers may ask questions about items on initial posting, but staff presentations will not be scheduled at initial posting. Background information on the item may be included in the packet for the meeting at which initial posting occurs.

The motion to adopt the consent calendar shall be non-debatable and have the effect of moving to adopt all items on the consent calendar. Since adoption of any item on the consent calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the consent calendar. Therefore, under the item "Approval of Agenda Order & Content," the Presiding Officer should inquire if any Councilmember wishes an item to be withdrawn from the consent calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council meeting.

Under the item "Consent Calendar," the Presiding Officer should inquire if any Councilmember wishes to record a "no" vote. If a Councilmember wishes to record a "no" vote without withdrawing the item from the consent calendar, the Councilmember may do so by identifying the agenda item number and stating that intention at the time the Presiding Officer inquires whether any items are to be withdrawn from the consent calendar. The City Clerk records any "no" vote for any remaining Consent Calendar item(s), noting which item(s) have a specific "no" vote registered by dissenting Councilmember(s) along with the dissenting Councilmember name. The Consent Calendar adoption motion vote shall include the voting of all Councilmembers, dissenting to individual items or not.

f. Public Comments.

- i. Oral and Written Comments. Any citizen or his or her designated spokesperson may speak under public comments for no more than ~~three five~~ minutes, unless this rule is suspended by the Council. A speaker may read written comments they have authored themselves. In the case of a disability prohibiting a written comment speaker from speaking, they may designate a citizen spokesperson to execute the reading of their comments. Suspension of the ~~three five~~-minute rule will require agreement by the majority of the Council present. A citizen or his/her designees may speak once per public comment period. If a citizen or his/her designee appearing before the Council has used ~~three-five~~ minutes, that person, after all those who have signed up to speak have done so, may continue to address the Council if Council votes to suspend the rule.

All other written comments shall be handed to council, but no other written comments or correspondence shall be read into the record.

Public comment will not be taken in connection with items designated on the Council Agenda as Initial Posting or First Reading, Unfinished Business or New Business, except with special permission of the presiding officer.

The Presiding Officer shall have the discretion to address any issue raised by a citizen during public comments, refer the matter to the staff, or a future study session for discussions and/or thank the citizen for his or her comments.

Councilmembers may ask citizens clarification questions, during ~~Public Comment~~, public comment, however public comment is not intended to be a dialogue or debate between the witness and Councilmembers.

The Council may more informally take public comments at a study session, when appropriate and practical.

- ii. Identification of Speakers. Persons testifying shall identify themselves for the record by name and municipality of residence, and at the person's option, his or her street address. If representing an organization, the speaker shall also identify the location of the organization.
- iii. Instructions for Speakers. Instructions for speakers will be affixed to the podium. The Presiding Officer will advise speakers that their comments are being recorded and are a matter of public record.
- iv. Addressing Council Outside of a Public Hearing or Public Comments. No person may address the Council while it is in session without the recognition of the Presiding Officer.
- ~~v. Time restrictions. Public comment should not exceed thirty (30) minutes, but may be extended by the majority of City Council. Persons signed up to speak may not share, pass, or designate their time to another speaker.~~
- g. Reports of the Mayor and Councilmembers. Reports of the Mayor and Councilmembers shall be directly related to City business. Such reports may include, but are not limited to: request for future agenda items; report on events or meetings of outside municipal boards or groups to which a Council member has been assigned or appointed; announce community-wide events; introduce citizen concerns or inquiries about City services; or to make simple information requests that can be easily answered by City staff at the City Council Meeting or by later communication. Council should endeavor to give City Staff advance notice of any staff requests made during these Reports, when possible.

The Mayor and Councilmembers shall not use this portion of the Meeting to make political statements; to rebut, respond to, or refute actions previously taken by the City Council; or to comment about or respond to the actions or comments of a fellow Councilmember.

Section 7. Agenda Preparation. The Council's agenda for meetings belongs to the Council

whose purpose is to conduct the business of the City for the benefit of the citizens. In order for the Council to have sufficient advance knowledge of and preparation time for the upcoming agenda, the following procedure shall be followed for generating a future agenda for any Regular Council meeting:

- a. The City Clerk, under direction of the City Manager, will maintain an informal, draft, preliminary agenda for the next several regular Council meetings that includes dates and anticipated agenda items for said meetings. The preliminary agenda shall also include pending agenda items that have not been scheduled. This preliminary agenda shall be provided to Council on a weekly basis for review, information, comment, and to allow modifications to be made by Council.
- b. An item for a Council meeting may be placed or modified on the informal, preliminary agenda list, via email request to the City Manager and City Clerk, by any of the following methods:
 - i. A majority vote of the Council at a prior meeting.
 - ii. Council consensus at a prior meeting.
 - ~~iii. By the Mayor and any other Councilmember~~
 - iv. By any two Councilmembers. The names of the requester Councilmembers shall be set forth on the agenda.
 - ~~v. By the City Manager or City Clerk or City Attorney, and one Councilmember or Mayor~~

~~Agenda items will be scheduled, as determined by the Mayor or Mayor Pro-tem in the absence of the Mayor, in consultation with the City Manager.~~
- c. Agenda items that are continued from one meeting to another will be placed on an available future meeting agenda based upon workloads, priorities, and other scheduling considerations, as determined by the Mayor or Mayor Pro-tem in the absence of the Mayor, in consultation with the City Manager.
- d. Regular meeting agendas shall become finalized at the Mayor's meeting 8 days before the regular meeting with the Mayor, Mayor Pro-tem, City Manager, City Clerk, and City Attorney. The agenda will then be provided to City Council who will review and provide any additional comments within 24 hours after which the Mayor or Mayor Pro-tem in the absence of the Mayor and City Clerk shall finalize the agenda and packet which should be available at city hall by 5:00 p.m. at least 6 days before the next Council meeting or delivered electronically to Councilmembers.
- e. Special meeting agendas shall become finalized by the Mayor or Mayor Pro-tem in the absence of the Mayor and consensus of Council and posted as soon as practicable, and in compliance with Colorado law, before the meeting.
- f. In the event of emergency or time sensitive matters, any agenda may be amended with concurrence of at least two Councilmembers or the Mayor and a Councilmember and posted as soon as possible in compliance with Colorado law.

Matters that can practically be held at a later date should be placed upon the preliminary agenda for later scheduling to ensure proper due diligence.

g. Public Requests for Presentations and Proclamations.

- i. It is the policy of the City to only consider requests to allow presentations or to make proclamations for events, issues, or causes that directly affect Woodland Park residents, businesses, and organizations.
- ii. The City Council will only consider requests that are timely and have potential relevance to a majority of Woodland Park's residents, businesses, and organizations. Requests to make a formal presentation to Council must be accepted only from individuals or organizations located in Teller County.
- iii. Each ~~of these items~~ presentation or proclamation has a five (5) minute time limit.
- iv. In order for any PowerPoint or similar visual aid to be used as part of any presentation to Council, a copy of such presentation must have been included in the packet distributed to the Council before the meeting at which such visual aid is proposed to be used.
- v. No action will be taken immediately following a presentation. Any action by the Council will be made an agenda item for a future meeting of the Council.
- vi. Presentations that include a request for some sort of official action by the Council shall be placed on the agenda under the "New Business" heading.
- vii. Presentations, ceremonies, and proclamations shall be limited to three (3) agenda items per meeting unless approved by two Councilmembers in advance per the process described above.

Section 8. Conducting Public Hearings.

- a. Rules for conducting Public Hearings. Generally, and except where the Code specifies different procedures, the following rules of procedure will apply to public hearings (and public comment on items on the agenda for which the Council accepts public comment). However, these rules may be altered, amended, or revised upon consensus of the City Council.
 1. Presiding Officer shall declare the public hearing open and ask for Councilmembers to disclose any ex parte communications or conflict of interest that may result in recusals.
 2. Staff's review of the Staff Report with project description, findings and recommendation.
 3. Applicant's presentation and justification for their request. (Note: The applicant may present first followed by the staff report, if preferred.)
 4. Presiding Officer shall recognize questions from the Council to the applicant and staff, as needed, during the presentations.
 5. Presiding Officer shall open the Public Comment portion of the hearing.
 6. Presiding Officer shall close the Public Comment portion of the hearing.
 7. The applicant may then present rebuttal evidence and additional information to further clarify any questions that may have been raised by the public.
 8. Presiding Officer may recognize any final questions from the Council and

- conclude the evidentiary portion of the hearing.
9. Upon closure of the evidentiary portion of the hearing, the Presiding Officer encourages deliberations on the findings of the application.
 10. Presiding Officer encourages a Motion and second to the Motion.
 11. Presiding Officer requests any further discussion on the Motion.
 12. Motion is voted upon, making a determination on the request.
- b. Rules for conducting Quasi-Judicial Hearings. The following additional rules shall be observed during any Council quasi-judicial public hearing:
- i. Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial matter is on the agenda, the City Attorney, or the City Clerk, in the absence of the City Attorney, shall inform the public what the Charter and Code permit as to public comments on quasi-judicial matters. If comments are provided in writing, such written comments must be filed with the Clerk no later than 1:00 p.m. of the Wednesday preceding the hearing. No material submitted later than that time will be considered by the Council unless permitted by the Presiding Officer.
 - ii. The Presiding Officer shall declare the public hearing open, and ask councilmembers to disclose ex parte oral or written communications.

Section 9. City Council Committees.

- a. To help the City Council complete its work and to make City Council Meetings more efficient, the Council may form Committees to gather information; consider project/program options; or other duties as may be assigned by the City Council. Any such Committee shall only be authorized to investigate and evaluate those matters referred to it by the City Council.
- b. Each Councilmember shall be notified when a Council Committee meets and shall receive a copy of the Meeting Agenda. After a Council Committee has met, the Committee Chair shall report the Committee's activities to the entire Council at the next Regular Meeting; or the assigned staff support employee shall prepare a written summary of the Committee's activities for distribution to the entire Council.
- c. The following basic rules shall apply to City Council Committees:
 - i. Ad Hoc Committee Assignments. Ad hoc committees of not more than three Councilmembers may be appointed by the Presiding Officer, with the concurrence of the Council, from time to time as the need arises. The Presiding Officer, with the concurrence of the Council, shall also appoint the chair of any such ad hoc committees. Example: Vehicle Usage Review Committee (VURC).

The City Manager may be an ex-officio member of any and all such committee(s).

- ii. Standing Committee Assignments. If standing committees are formed, their

members shall be appointed by the Presiding Officer, with the concurrence of the Council. The Presiding Officer, with the concurrence of the Council, shall also appoint the chair of such standing committees.

- iii. Committee Meetings Open to Public. All meetings of committees designated pursuant to this Section shall comply with the requirements of the Open Meetings Law §24-6-401 and §24-6-402, C.R.S.

Section 10. Additional Items.

- a. Decorum - General. Councilmembers are strongly encouraged to exercise principles of general decorum in all aspects of their official City conduct, including but not limited to public statements, press releases, media interviews and written correspondence constituting a public record. For purposes of this subsection, "general decorum" shall mean politeness, courtesy, professionalism, and avoidance of personal insults, ridicule, bullying, slanderous remarks and ad hominem attacks with respect to other City officials, employees, and fellow Councilmembers.
- b. Electronic Devices. Councilmembers may use computers, electronic tablets, smart phones, personal digital assistants and similar devices, whether personal or City-issued, to access data during council meetings in a manner that is not distracting to others or disruptive to the meeting. Councilmembers shall not communicate using telephonic, text messaging, video chat/streaming, or any form of social media during a council meeting. During quasi-judicial matters, Council members shall not make or receive personal, private phone calls, text messages, or emails while at the Council dais. Outside quasi-judicial matters, Councilmembers should keep personal communication to a minimum for urgent family or personal communications and not use electronic means to avoid the open discussion of public business. Councilmembers shall not communicate in any electronic format with another Councilmember during a council meeting.
- c. Social media. This policy applies to any pre-existing or proposed social media tools including but not limited to: social media websites, blog, microblogging, discussion forums, photo and video sharing websites, wiki, and virtual worlds used to conduct official city business including matters effecting the City Council's policy making functions consisting of the discussion or undertaking of a rule, regulation, ordinance, or formal action of the City Council or the exercise of functions required or authorized by law or involving the receipt or expenditure of public funds
 - i. Officials must not reveal any confidential or privileged information about the city, its constituents, its employees, or its contractors.
 - ii. Officials should be honest and accurate to the best of their ability when posting information or news, and should correct any mistakes, misstatements and/or factual errors in content upon discovery and in a timely manner. Officials should not post or share information known to be false, intentionally misleading.
 - iii. Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the City Council, a

board or committee, the city administration, or any city department.

- iv. Officials are expressly prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. as such, officials are prohibited from deleting posts and related comments regarding any city-related matters and are prohibited from convening and discussing substantive issues online to avoid violation of Colorado open records act and Colorado sunshine law.
 - v. Officials are strongly encouraged to separate personal social media accounts from professional social media accounts so that city-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to city matters.
 - vi. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The city strives to be professional in its operations and processes.
 - vii. Officials are prohibited from deleting comments that do not violate stated posting restrictions from Woodland Park city residents or blocking said residents on official social media websites, blog, microblogging, discussion forums, photo and video sharing websites, wiki, and virtual worlds. Officials may not violate the free speech rights of members of the public by removing comment based on the viewpoint or opinion expressed.
- d. Conduct outside of meetings. Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper decorum in the City of Woodland Park. Honesty and respect for the dignity of each Councilmember and community member should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.
- i. Councilmembers should not make promises or guarantees on behalf of the city, staff, other city boards, committees or commissions, or the City Council.
 - ii. Councilmembers should not make personal comments, attacks, or derogatory remarks about other Councilmembers. While it can be acceptable to publically disagree about an issue, it is unacceptable to make derogatory remarks about others, their opinions and actions.
 - iii. When appearing in a non-official representation capacity before another governmental agency or organization the Councilmember shall clearly state that the statement is their own. Councilmembers should be cautious that even when they represent their own opinions, it still may reflect upon the city. Councilmembers may relate official actions and positions taken by the City Council.

- e. Conduct with city staff. Per the City Charter, the City of Woodland Park is a Council-Manager form of government which requires separation of certain responsibilities. Governance of the city relies upon the cooperative efforts of elected officials, who set policy, and city staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
- i. Councilmembers should treat all staff as professionals and practice clear and honest communication that respects the abilities, experience, and dignity of each staff member. Unprofessional or abrasive conduct to staff is not acceptable. If an employee behaves unprofessionally towards Council or the public, Councilmembers should inform the City Manager or City Attorney directly and immediately, in some form of confidential communication.
 - ii. Information requests should be handled through the City Manager, City Attorney, or Municipal Judge as appropriate unless these direct reports have provided additional guidelines and directions for staff interactions. Requests for follow-up or directions to staff should be made only through the City Manager or City Attorney. When in doubt about if it is appropriate to have contact with staff, Councilmembers should ask the City Manager or City Attorney.
 - iii. Unless the charter or ordinances require, or if expressly invited to participate, Councilmembers should avoid being involved in administrative functions. Councilmembers should not attempt to influence city staff on the making of appointments, awarding of contracts, selection of city consultants, processing of development applications or granting of licenses or permits.
 - iv. Council should avoid being involved in employment issues. Councilmembers should not express concerns or criticize the performance of any city employee(s) in a public forum or in a public manner. If a Councilmember has concern with an employee, the Councilmember should report the same in private communication to the City Manager or City Attorney. Councilmembers should report contact with city employees to the City Manager or City Attorney as appropriate.
 - v. Councilmembers should not solicit political support from staff in any form including financial contributions, display of posters or lawn signs, name on support lists, etc. City staff may, as private citizens with constitutional rights, support political candidates but all such activities shall be done away from the work place and on private time.
 - vi. The City Manager and City staff should likewise treat all Council members as professionals and practice clear and honest communication that respects the abilities, experience, and dignity of each Council member. Unprofessional or abrasive conduct by staff toward Council is not acceptable. The City Manager should immediately take corrective action if an employee behaves unprofessionally towards Council or the public.

Section 11. Sanctions.

- a. City Council acting by majority, may impose sanctions on fellow Councilmembers; including reprimand, or public censure, pursuant to the following:
 - i. Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council. Serious infractions of the city charter, city ordinances, the code of ethics, or these rules of procedures, could lead to sanctions as deemed appropriate by the council.
 - ii. Councilmembers should first point out infractions to the offending Councilmember(s). If the offences continue, the matter should then be referred to the Mayor in private. If the Mayor is the offender, then the Councilmember should refer the matter to the Mayor Pro-tem.
 - iii. It is the responsibility of the Mayor (or Mayor Pro-tem if appropriate) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the allegations may be brought to a public meeting at the request of at least two (2) Councilmembers. Any sanction shall be by super majority (2/3 or greater) vote of the Council.
 - iv. If the alleged violation occurred outside the direct observation of the Mayor or Councilmembers, the matter should be referred to the Mayor. The Mayor, or the majority of Council, may request the matter be referred to a third party investigator to determine if a violation occurred.

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 903
(Series of 2023)

A RESOLUTION REVISING THE CITY COUNCIL RULES OF PROCEDURE

WHEREAS, § 31-4-209, C.R.S. gives the City Council of each municipality the power to determine its own rules, procedure, and order of business; and

WHEREAS, § 3.7 of the Woodland Park Charter states that the Council shall determine the rules of procedure governing meetings; and

WHEREAS, from time to time, the City Council amends its Rules of Procedure by Resolution; and

WHEREAS, the City Council desires to amend its Rules of Procedure so that it may more effectively and efficiently conduct the business affairs of the City Council.

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

Section 1. Adopting Rules of Procedure. The City Council's Rules of Procedure (“Rules”) are hereby adopted in their entirety to read as set forth in Exhibit A, attached hereto (any additions are shown in underlined text; while any deletions are shown in strikethrough). All previous versions of the City Council's Rules of Procedure adopted by Resolution, if in conflict with these Rules, are hereby superseded and repealed.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED BY THE CITY COUNCIL OF WOODLAND PARK, COLORADO ON THIS ____ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Kip Wiley, Deputy City Manager/Director of Operations

DATE: May 4, 2023

SUBJECT: Approve Resolution 902 establishing 10 Multifamily Residential Water Tap Allotments for a portion of W ½ of the NW ¼ of Section 24, Township 12 South, Range 69 West of the 6TH Principle Meridian, also known as part of the Kowitz Tracts. (A)
(Presenter Utilities Director Kip Wiley)

BACKGROUND: The Developer (HopTree Development LLC) of a portion of W ½ of the NW ¼ Section 24, Township 12 South, Range 69 West of the 6th Principle Meridian, also known as part of the Kowitz Tracts has requested to reserve 10 water taps for a 10 multifamily dwelling unit project (5 duplexes). The 2.18 acre site (across from Tractor Supply) is planned to include 12 Multi-Family Residential dwelling units and associated improvements.

The duplex units are designed with a second floor open concept built on a crawl space. The units consist of 1,688 square feet of living space, 4 bedrooms, 2.5 bathrooms and a 2 car garage.

This property was rezoned in 2021 to Multi-Family Suburban. Multi-family Suburban allows up to 8 unit/acre. The Developer could build up to 17 units however, the site has some elevation challenges and the developer has decided to build 6 duplexes (12 units). The Developer will also have to extend a water line and sewer line for this development.

The 10 multi-family taps for this project come out of the multi-family bank; however, the taps are purchase at a single family rate. Staff considers this project similarly to a townhouse/condominium (single family residential) project when assessing the tap fees for each unit. To date the multi-family bank has 32 taps available. If this project is approved there will be 22 multi-family taps remaining in the bank.

CONDITIONS OF APPROVAL:

Pursuant to Section 13.27.050 D. water taps for multifamily projects are allocated by City Council on a project-by-project basis. The Developer is requesting the approval of 10 water tap allocations for the multifamily project. The applicant shall pay \$200 per multi-family tap allocation at the time of City Council approval. Tap allotments are required to be used within a two-year timeframe from the date of City Council approval. If not used within the two-year window, the applicant may obtain one two-year administrative extension of the multifamily water tap allocations by

requesting an extension and paying another \$200/dwelling unit tap allocation fee. Such requests shall be made in writing and delivered with payment to the City Manager or his designee prior to the initial expiration of the City Council approved tap allocation. This administrative extension shall be granted unless the subject project is out of compliance with applicable City Code provisions.

Resolution #380 was adopted on August 7, 1997 to establish criteria with which to evaluate multifamily water tap allocations. Listed below are the twelve criteria and the staff's response as to whether the Grove at Spruce Haven project meets or does not meet each criterion.

Multifamily criteria for tap allocation	YES	NO
• 1. Are taps currently available as provided by the tap management plan?	X	
• 2. Can the community economically provide for the water and waste water treatment capacity?	X	
• 3. The project design furnishes efficient access for police, fire and emergency services.	X	
• 4. The project adequately addresses and mitigates on and off site transportation and circulation impacts.	X	
• 5. The proposal is compatible with surrounding land uses and mitigates potential negative impacts on adjoining uses.	X	
• 6. The proposal addresses affordable housing needs.	X	
• 7. The proposal includes service and facilities for the senior community and the handicapped.	X (seniors)	X (handicapped)
• 8. The project provides for the protection and preservation of natural resources.	X	
• 9. The project does not detrimentally impact significant cultural or historic features.	X	
• 10. A. The project design is aesthetically inviting, pedestrian friendly.	X	
• 10. B. The project design is consistent with local mountain character and small town environment	X	

X

- 11. The project design conforms to the Parks, Trails and Open Space Master Plan by providing access and linkage to existing and planning recreational facilities trail and sidewalk systems, schools, neighborhoods and commercial areas.

STAFF'S POSITION:

The City's water tap management program plan provides the mechanism by which the City controls water taps sales to be compatible with the City's water supply. The plan requires an annual allotment of water taps and a periodic assessment of water supply. Multi-family water taps are available in the multi-family bank and with the reduction in water taps plan to serve this subdivision the City can further to secure its water into the future.

Staff supports that the proposed 12 dwelling unit project can be served with the City's water and sewer system.

RECOMMENDATION: Approve Resolution 902 allowing 10 water tap allocations for the proposed project.

ATTACHMENTS: 1. Res 902 Grove at Spruce Haven Tap Allocation - 10 Taps

**CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 902, SERIES 2023**

**A RESOLUTION ESTABLISHING 10 MULTIFAMILY RESIDENTIAL WATER
TAP ALLOTMENTS FOR A PORTION OF W ½ OF THE NW ¼ OF SECTION
24, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPLE
MERIDIAN, ALSO KNOWN AS PART OF THE KOWITZ TRACTS.**

WHEREAS, the Developer (HopTree Development LLC) of a portion of W ½ of the NW ¼ Section 24, Township 12 South, Range 69 West of the 6th Principle Meridian, also known as part of the Kowitz Tracts, is requesting 10 Multifamily Residential water taps for 10 multifamily dwelling units (5 duplexes); and

WHEREAS, the City Council of the City of Woodland Park adopted a Water Tap Management Plan in 1997; and

WHEREAS, the implementation of the City's Water Tap Management Plan requires the annual establishment of a single family residential water tap allotment and a periodic multifamily residential dwelling unit allotment in accordance with procedures established by the plan; and

WHEREAS, the City requires all multifamily taps to be allocated on a project approval basis pursuant to Section 13.27.050.D. of the Municipal Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY
COUNCIL OF THE CITY OF WOODLAND PARK THAT:

Section 1: The City of Woodland Park hereby approves water tap allocations for 10 multifamily dwelling units (5 duplexes) with the terms and conditions expressed in Section 2. The water tap allocations will support the proposed project located at 920 Spruce Haven Drive, portion of W ½ of the NW ¼ Section 24, Township 12 South, Range 69 West of the 6th Principle Meridian, also known as part of the Kowitz Tracts, Woodland Park, CO.

Section 2: The water tap allocation will be valid on the date starting from City Council approval. Allocation fees in the amount of \$200/dwelling must be paid upon City Council approval. If allocation fees are paid and no project phases are started or taps paid in-full within the two-year date of approval, the applicant shall forfeit the water tap allocations and any funds associated with the allocations. The forfeited allocations will be returned to the multifamily allotment bank. For projects which are not initiated as described above within the initial two-year tap allocation period approved by City Council, the applicant may obtain one two-year administrative extension of the multifamily water tap allocations by

requesting the extension and paying another \$200/dwelling unit tap allocation fee. Such requests shall be made in writing and delivered with payment to the City Manager or his designee prior to the initial expiration of the City Council approved tap allocation. This administrative extension shall be granted unless the subject project is out of compliance with applicable City Code provisions.

This Resolution was adopted at a regular meeting of the City Council of the City of Woodland Park, Colorado held on the _____ day of _____, 2023.

Hilary LaBarre, Mayor

ATTEST:

Suzanne Leclercq, City Clerk



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: May 4, 2023

SUBJECT: Approval of Subdivision Development Agreement - Stone Ridge Subdivision Filing No. 5.
(Presenter, Planning Director Karen Schminke)

BACKGROUND: When developing a subdivision the developer/subdivider has the option of either completing all the infrastructure improvements prior to requesting approval of the final plat, or entering into a Subdivision Development Agreement (SDA) with the City of Woodland Park. It is at the City's discretion, to enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by City Code, or otherwise specified by the City according to city specifications.

City Council held a hearing and approved the proposed final plat for Stone Ridge Village Filing No. 5 at the April 20, 2023 meeting. Since the infrastructure for the subdivision is still under construction, the developer must enter into a subdivision development agreement, including financial guarantee for the cost estimate (approved by the city) for all of the remaining infrastructure to be installed. The agreement shall be the city's standard subdivision development agreement with any amendments or additions as required by the city.

To secure this contract, the subdivider is required to provide, subject to approval of the City Council, either a cash escrow, an irrevocable letter of credit, or bond. The amount of the financial security is required to be at least equal to the cost, as estimated by the subdivider and approved by the city engineer, of installing all required improvements plus 50 percent.

Since the April 20th Council meeting, the developer for Stone Ridge Village Filing No. 5 has provided updated cost estimates for completing most of the infrastructure. However, they have not provided cost estimates for the 'dry utilities' (i.e. electric, gas, communication) as required by M.C. Section 17.44.030 and 17.44.040. Since there are still missing cost estimated City staff has not given final approval for the cost estimates. At this time, the developer must still provide cost estimates satisfactory to the City and must also provide the form of financial security.

The recommendation is for City Council to approve the SDA as presented however, Exhibit A must be updated with cost estimates acceptable to the City. The SDA and associated final plat are to be recorded concurrently after the financial guarantee is provided to the City.

RECOMMENDATION: Approve the Subdivision Development Agreement for Stone Ridge Village Filing No. 5, with the requirements that Exhibit A must be updated with cost estimates acceptable to the City; and the SDA and associated final plat are to be recorded concurrently after the financial guarantee is provided to the City.

ATTACHMENTS:

1. Stone Ridge Filing 5 - SDA - 4.13.23
2. Stone Ridge F 5 UPDATED Infra. Cost Estimate 5.2.23
3. Stone Ridge Filing 5 Plat Exhibit

10.1 SUBDIVISION DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of April, 2023 by and between the CITY OF WOODLAND PARK (the “City”), and Stone Ridge Village, LLC, Dana Duncan, Manager (the “Developer”):

WHEREAS, the property which is subject to this agreement is the Stone Ridge Village Filing 5, within the City of Woodland Park, County of Teller, Colorado, and the Developer has submitted this plat for the subject property to the City for approval as required by City Ordinance; and

WHEREAS, the Developer and City desire to provide for the orderly development of the subject area now submitted to platting and provide for all matters required by the Subdivision Regulations, Engineering Specifications, Zoning Ordinance and all other applicable ordinances of the City; and

WHEREAS, City Code Section 13.12.040, City Code Section 13.36.030 and City Code Section 17.44.030 provide for an agreement with those desiring to extend water or sewer facilities, requiring all third parties to pay for their pro-rata share of the cost of extension prior to tapping on to said facilities; and

WHEREAS, the parties hereto wish to make an equitable agreement defining various terms concerning the construction/installation of such facilities,

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. GENERAL CONDITIONS

1. The Developer agrees as follows:
 - a. To develop the platted area in accordance with the Subdivision Regulations, Engineering Specifications, Zoning Ordinance and all other applicable ordinances of the City.
 - b. To install and construct the following public improvements: street base and surface, water lines, sanitary sewer line, drainage, street signs, traffic control signs; and all other improvements necessary to develop the area in accordance with the Subdivision Regulations, Engineering Specifications, Zoning Ordinance, and all other applicable ordinances of the City. All public improvements shall be installed/constructed in accordance with the engineering plans filed with and conditionally approved by the City Engineer or appointed representative on May 17, 2022 and according to revised engineering plans as may be received and approved by the City Engineer or appointed representative.
 - c. To obtain, place, and keep current with the City, a surety bond, letter of credit, or other acceptable assurance, for the purpose of guaranteeing to the City, the installation, interim maintenance and final acceptance by the City of all public improvements in accordance with the Subdivision Regulations, Engineering specifications, Zoning Ordinance, and all other applicable ordinances of the City. The amount of the collateral shall be

equal to one hundred and fifty percent (150%) of the construction cost as estimated by the Developer and approved by the City Engineer or appointed representative. The amount of this collateral is hereby set at \$_____ as shown by Exhibit A attached. The Developer shall remain liable for all costs of completion of the required public improvements in excess of this amount.

- d. The Developer agrees that after initial acceptance by the City Engineer or appointed representative of all public improvements, said improvements shall become the sole and exclusive property of the City free and clear from any liens, claims, restrictions or encumbrances. The Developer shall furnish the City lien waivers and/or satisfactory proof that all claims and payments to be made in connection with installation/construction of said public improvements have been satisfied.
 - e. The Developer SHALL FURTHER: Maintain all public improvements in the subdivision until these improvements have received initial acceptance by the City for maintenance. The Developer agrees to warrant workmanship and material for one (1) year from date of initial acceptance by the City.
2. All improvements shall be completed by April 20, 2024 unless an extension is granted as outlined in Section 17.28.030 of the Municipal Code. Street paving shall not be completed until all water, sanitary sewer, drainage, and other utilities are installed and accepted by the City unless otherwise approved by the City Engineer or appointed representative.
3. The City and the Developer agree and understand as follows:
- a. All construction installation shall be done and accomplished in accordance with City Ordinances, Engineering Specifications, rules, regulations, and standards in effect at the time of the execution of this Agreement and under the observation of the City.
 - b. The construction cost for all public improvements shall be borne by Developer.
 - c. Any costs for engineering, construction staking, and right of way acquisition shall be borne by Developer.
 - d. If desired by the City, portions of the improvements may be placed in service when completed, but such use and occupation shall not constitute an acceptance of said portions. However and notwithstanding the preceding sentence, any portion of the improvements placed into service by the City for a period of twelve (12) months shall constitute an initial acceptance by the City of such portions of the improvements, as applicable, unless the Developer is notified in writing by the City during said period of service of specified deficiencies for correction by the Developer.
 - f. The City will issue building permits for construction on lots only when the final grade within the right-of-way, at least the first lift of paving, curb and gutter, cable, phone, electrical, gas, water, wastewater, stormwater, fire hydrants, street name, and traffic control signs installed and erosion control

are in place and functionally complete as determined by the City Engineer or appointed representative.

- g. Public improvements installed/constructed pursuant to this Agreement are eligible for initial acceptance in accordance with the Subdivision Regulations, Engineering Specifications, Zoning Ordinance, and all other applicable ordinances of the City, which initial acceptance upon written request of the Developer shall not be unreasonably withheld, conditioned or delayed by the City Engineer or appointed representative. Request for final acceptance, in writing, may be received by the City no sooner than twelve (12) months following initial acceptance. After inspection the City will identify and provide a written list of deficiencies based on physical inspection of the public improvements. The Developer shall correct all said deficiencies to the City Engineer or appointed representative's satisfaction within six (6) months from the date said deficiency list was issued. When all said deficiencies have been corrected, the City will grant a final acceptance to the Developer.
- h. From time to time, as work to be performed and public improvements to be installed/constructed progresses, the Developer may request in writing that the City inspect such work and improvements as are completed and that corresponding reductions of the collateral be granted. These requests will be processed in a manner similar to a request for initial acceptance. When the City is satisfied that such work and improvements as are specified by the Developer have been completed in accordance with the terms hereof, the City Engineer or appointed representative will submit his statement that he has no objection to the partial reduction of so much of the above specified collateral as is necessary to pay the cost of the work performed and improvements installed/constructed pursuant to this Agreement. In no event shall the amount of any collateral which remains subsequent to any request and approval of a partial release be less than one hundred fifty percent (150 percent) of the established construction cost of the required public improvements for which no release has been made. Also in the event partial releases have been requested and approved, the City and the Developer agree that upon satisfactory completion of all required public improvements, all remaining collateral shall be released by the City to the Developer.
- i. In order to obtain any releases of the collateral, the Developer shall be required to submit to the City satisfactory documentation confirming proof of payment for contractor services, materials, professional services and other expenditures related to the installation/construction of the applicable public improvements.
- j. Water and sewer improvements shall be considered as individual entities and shall be inspected and accepted separately as such. Streets and drainage improvements shall be considered together and shall be accepted together as such.

- B. UTILITY REIMBURSEMENT: Not Applicable
- C. SPECIAL REQUIREMENTS: As Required
 - 1. Developer shall pay a Water Development Fee for each single-family residential lot (a total of \$21,600 for Filing No. 5)
 - 2. The **Developer** shall provide “as built” construction drawings of the public improvements prior to initial acceptance.
 - 3. Prior to recording the Final Plat, the City Engineer must approve the water line easement location at the end of Red Haven Place.
- D. IT IS FURTHER AGREED between the parties that this Agreement shall be recorded in the records of Teller County at Developer expense; and further, that this Agreement shall be binding upon the heirs, successors, and assigns of the parties hereto. The parties also agree that upon the satisfactory completion of the obligations and terms of this Agreement, the parties shall cause to be recorded in the records of Teller County a document releasing the subdivided property and the parties, as well as their respective heirs, successors and assigns, from the obligations and covenants imposed herein.
- E. IT IS FURTHER AGREED that the rights and remedies of the City provided in this Agreement shall not be exclusive and are in addition to any other rights or remedies provided by law. In the event the City is required to pursue legal action to enforce the terms of this Agreement and prevails, the Developer shall be liable for reimbursement of the City’s court costs and attorneys’ fees resulting therefrom.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF WOODLAND PARK, COLORADO

ATTEST:

BY: _____
Mayor

By: _____
City Clerk

BY: _____
Stone Ridge Village, LLC, Dana Duncan, Manager

Mailing Address

STATE OF COLORADO)
) S.S.
COUNTY OF TELLER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____.

Witness my hand and official seal.

My commission expires _____

Notary Public

10.2 SAMPLE PERFORMANCE GUARANTEE

DATE _____
NAME: _____

STREET _____

PROJECT _____

From _____

To _____

The undersigned Contractor hereby guarantees that:

The materials and workmanship furnished under this contract will be according to City engineering specification and will be free from defects for a period of one (1) year from the date of final acceptance by the City.

Within the guarantee period and upon notification to the Contractor by the City, the Contractor shall promptly make all needed adjustments, repairs or replacements arising out of defects, which in the judgment of the City, become necessary during such period.

The costs of all materials, parts, labor, transportation, supervision, special tools and supplies required for replacement of parts, repair of parts, or correction of abnormalities shall be paid by the Contractor.

The Contractor also extends the terms of this guarantee to cover repaired parts and all replacement parts furnished under the guarantee provisions for a period of one (1) year from the date of their installation.

If within 24 hours after the City gives the Contractor notice of a defect, failure, or abnormality of the work, the Contractor neglects to make, or undertake with due diligence to make, the necessary repairs or adjustments, the City is hereby authorized to make the repairs or adjustments himself or order the work to be done by the third party, the cost of the work to be paid by the Contractor plus 15 percent.

In the event of an emergency where, in the judgment of the City, delay would cause serious loss or damage, repairs or adjustment may be made by the City, or a third party chosen by the City, without giving notice to the Contractor, and the cost of the work shall be paid by the Contractor.

NOTARY PUBLIC

CONTRACTOR

Doing Business As

Stone Ridge Village Filing 5

Public Improvement Estimates

Updated May 2, 2023

Curb & Gutter

Mobilization	1 LS	\$10,000.00	\$10,000.00
Stone Ridge Drive			
SR Drive - North	287 LF	\$45.00	\$12,915.00
SR Drive - South	293 LF	\$45.00	\$13,185.00
8' Sidewalk	290 LF	\$40.00	\$11,600.00
Cross Pan	550 SF	\$18.89	\$10,389.50

Firestone Drive

West	946 LF	\$45.00	\$42,570.00
East	948 LF	\$45.00	\$42,660.00
5' Sidewalk	946 LF	\$25.00	\$23,650.00
Ada Ramp	1 each	\$3,360.00	\$3,360.00

Subtotal Curb & Gutter \$170,329.50

Paving & Subgrade

Mobilization CTS	1 LS	\$4,500.00	\$4,500.00
CTS Install 3%-10" depth	3537 SY	\$13.50	\$47,749.50
Mobilization Asphalt	1 LS	\$3,500.00	\$3,500.00
Asphalt 4" depth	3537 SY	\$26.80	\$94,791.60

Subtotal Paving \$150,541.10

Hydro Seed Revegetation ROW

Mobilization	1 LS	\$350.00	\$350.00
Stone Ridge Drive			
North - 11'	3157 SF		
South - 11'	3223 SF		
Firestone Drive			
West - 6'	5676 SF		
East - 6'	5688 SF		
	17744 SF	\$0.19	\$3,424.59

Subtotal ROW revegetation \$3,774.59

Street Signs

Stop Sign Firestone - in hand		\$0.00	
Install Signs	1 each	\$250.00	

Subtotal Street Signs \$250.00

Site Clean up concrete

Lump sum haul off	1	\$20,719.50	\$20,719.50
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Subtotal Site Clean up \$20,719.50

Total Public Improvement costs \$345,614.69

50% surcharge \$172,807.35

Total guarantee requirement \$518,422.04

LS Lump Sum
SF Sq Ft
LF Lineal Feet
SY Sq Yard

STONE RIDGE VILLAGE FILING NO. 5
LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER
(S1/2 NE1/4) OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF
THE 6th P.M., CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE RIDGE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY, DANA E. DUNCAN, MANAGER, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

TO WIT:

LEGAL DESCRIPTION – STONE RIDGE VILLAGE, FILING NO. 5 EXTERIOR BOUNDARY.

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 682864 OF THE RECORDS OF THE TELLER COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2 NE1/4) OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF THE 6th P.M., CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 28, STONE RIDGE VILLAGE FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 605359 OF SAID COUNTY RECORDS, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "JR. ENG. PLS 25369" FROM WHICH THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SE1/4 NE1/4), SAID POINT ALSO BEING THE NORTHWEST CORNER OF NORTHWOODS SUBDIVISION FILING NO. 4, AS RECORDED UNDER RECEPTION NO. 313663 OF SAID COUNTY RECORDS, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "JR. ENG. PLS 25369" BEARS S89°33'37"W, A DISTANCE OF 1352.61 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S89°33'37"W ALONG THE SOUTHERLY LINE OF SAID STONE RIDGE VILLAGE FILING NO. 1, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID SE1/4 NE1/4 AND THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 543248 OF SAID COUNTY RECORDS, A DISTANCE OF 643.63 FEET TO THE SOUTHWEST CORNER OF LOT 32, OF SAID STONE RIDGE VILLAGE FILING NO. 1 AND THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°33'37"W CONTINUING ALONG THAT LINE COMMON TO SAID SE1/4 NE1/4, SAID RECEPTION NO. 543248 AND SAID NORTHWOODS SUBDIVISION FILING NO. 4, A DISTANCE OF 622.06 FEET;

THENCE N26°27'22"E, A DISTANCE OF 89.89 FEET;

THENCE N61°01'35"W, A DISTANCE OF 156.03 FEET;

THENCE ALONG THE ARC OF A 2016.66 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 0°34'02", AN ARC LENGTH OF 129.34 FEET (THE LONG CHORD OF WHICH BEARS N36°50'58"E, A LONG CHORD DISTANCE OF 129.32 FEET) TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 761.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16°00'34", AN ARC LENGTH OF 212.64 FEET (THE LONG CHORD OF WHICH BEARS N43°01'01"E, A LONG CHORD DISTANCE OF 211.95 FEET);

THENCE S46°10'05"E, A DISTANCE OF 103.98 FEET;

THENCE N81°54'52"E, A DISTANCE OF 117.19 FEET;

THENCE N50°30'32"E, A DISTANCE OF 17.93 FEET;

THENCE N63°13'38"E, A DISTANCE OF 328.41 FEET;

THENCE N26°38'35"W, A DISTANCE OF 84.82 FEET;

THENCE N62°04'54"E, A DISTANCE OF 170.33 FEET;

THENCE ALONG THE ARC OF A 1021.89 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°37'06", AN ARC LENGTH OF 28.86 FEET (THE LONG CHORD OF WHICH BEARS S27°35'41"E, A LONG CHORD DISTANCE OF 28.86 FEET);

THENCE N58°39'03"E, A DISTANCE OF 192.07 FEET;

THENCE S31°36'14"E, A DISTANCE OF 106.89 FEET TO THE MOST NORTHERLY CORNER OF LOT 17, OF STONE RIDGE VILLAGE FILING NO. 3, AS RECORDED UNDER RECEPTION NO. 702446 OF SAID COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE SOUTHWESTERLY LINE OF LOT 18, OF SAID STONE RIDGE VILLAGE FILING NO. 3;

THENCE S55°48'02"W ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, A DISTANCE OF 142.13 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF STONE RIDGE DRIVE, AS DEPICTED ON SAID STONE RIDGE VILLAGE FILING NO. 3;

THENCE S55°01'32"W ALONG THE NORTHERLY TERMINUS OF SAID STONE RIDGE DRIVE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE THEREOF;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES;

1.) THENCE ALONG THE ARC OF A 1021.89 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06°03'57", AN ARC LENGTH OF 108.19 FEET (THE LONG CHORD OF WHICH BEARS S38°00'28"E, A LONG CHORD DISTANCE OF 108.14 FEET);

2.) THENCE ALONG THE ARC OF A 1798.40 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°16'35", AN ARC LENGTH OF 8.67 FEET (THE LONG CHORD OF WHICH BEARS S60°35'53"W, A LONG CHORD DISTANCE OF 8.67 FEET);

3.) THENCE S29°15'49"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID STONE RIDGE VILLAGE FILING NO. 1;

THENCE ALONG THE BOUNDARY LINE OF SAID STONE RIDGE VILLAGE FILING NO. 1 THE FOLLOWING FIVE (5) COURSES;

1.) THENCE ALONG THE ARC OF A 1848.40 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°03'45", AN ARC LENGTH OF 260.10 FEET (THE LONG CHORD OF WHICH BEARS S64°46'03"W, A LONG CHORD DISTANCE OF 259.89 FEET);

2.) THENCE S33°38'04"E, A DISTANCE OF 101.82 FEET;

3.) THENCE S60°43'54"W, A DISTANCE OF 164.08 FEET;

4.) THENCE S29°16'06"E, A DISTANCE OF 100.00 FEET;

5.) THENCE S00°26'23"E, A DISTANCE OF 47.77 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 7.95 ACRES OF LAND, MORE OR LESS.

DEDICATION:

THE UNDERSIGNED OWNER HAS CAUSED SAID TRACT TO BE PLATTED INTO LOTS, STREETS AND EASEMENTS AS SHOWN ON THE PLAT. THE UNDERSIGNED DOES HEREBY GRANT UNTO THE CITY OF WOODLAND PARK THOSE EASEMENTS, RIGHTS-OF-WAY AND AREAS FOR PUBLIC USE SHOWN ON THE PLAT; THE SOLE RIGHT AND AUTHORITY TO RELEASE OR CONVEY ALL OR ANY SUCH EASEMENTS, RIGHTS-OF-WAY AND AREAS FOR PUBLIC USE SHALL REMAIN EXCLUSIVELY VESTED IN THE CITY OF WOODLAND PARK. ALL STREETS ARE HEREBY DEDICATED TO THE CITY OF WOODLAND PARK FOR PUBLIC USE. ALL EASEMENTS SHALL RETAIN THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS. NO PERMANENT STRUCTURES EXCEPT FENCING UPON CITY APPROVAL SHALL BE ALLOWED ON ANY EASEMENT.

WITNESS MY HAND THIS ____ DAY OF _____, 2022.

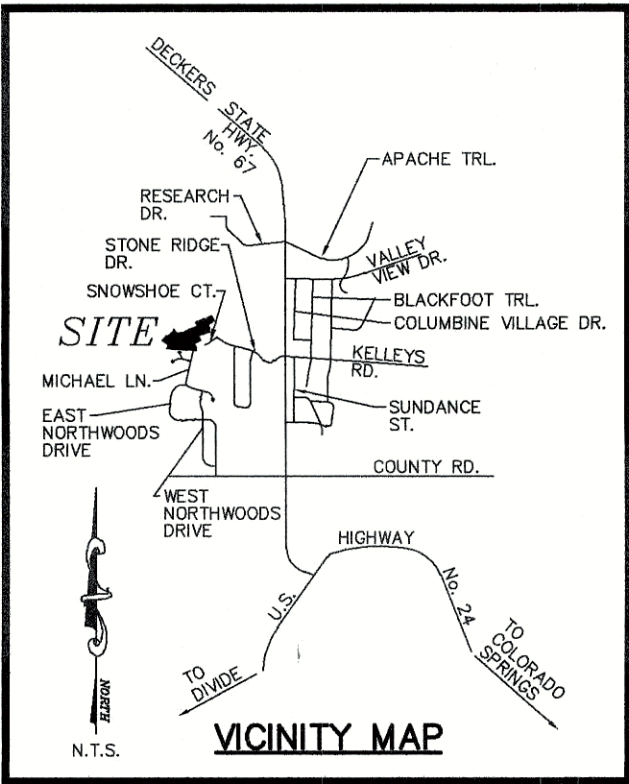
DANA E. DUNCAN, MANAGER, STONE RIDGE VILLAGE, LLC

STATE OF COLORADO }
COUNTY OF TELLER }

THE ABOVE AND FOREGOING STATEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022.

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC



EASEMENTS:

UNLESS SHOWN GREATER IN WIDTH, BOTH SIDES OF ALL SIDE LOT LINES ARE HEREBY PLATTED WITH A FIVE (5) FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE AND BOTH SIDES OF ALL REAR LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE AND ALL FRONT LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND IMPROVEMENTS.

SUBDIVIDER/OWNER:

STONE RIDGE VILLAGE, LLC
DANA DUNCAN, MANAGER
300 SUNNY GLEN COURT
WOODLAND PARK, CO 80863
(719) 687-0800

SURVEYOR:

ERIC SIMONSON
RAMPART SURVEYS, LLC
P.O. BOX 5101
WOODLAND PARK, CO 80866
(719) 687-0920

APPROVAL BY THE PLANNING COMMISSION:

APPROVED BY THE PLANNING COMMISSION FOR THE CITY OF WOODLAND PARK, COLORADO THIS ____ DAY OF _____, 2022, A.D.

CHAIRMAN

ATTEST:

RECORDING SECRETARY PLANNING COMMISSION

APPROVAL BY THE CITY COUNCIL:

THIS PLAT AND THE DEDICATION TO THE PUBLIC OF THE STREETS AND PUBLIC WAYS SHOWN HEREON, AND THE PUBLIC UTILITY EASEMENTS AS SHOWN ARE HEREBY ACCEPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, THIS ____ DAY OF _____, 2022, A.D.

MAYOR

ATTEST:

CITY CLERK

COUNTY TREASURER:

ALL TAXES ASSESSED AND DUE ON THE PROPERTY DESCRIBED ABOVE HAVE BEEN PAID IN FULL. SIGNED THIS ____ DAY OF _____, 2022, A.D.

TELLER COUNTY TREASURER

SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFIES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS DIRECT SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 40 OF THE COLORADO REVISED STATUTES, 1973 AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOUR FIRST DISCOVERY OF SUCH DEFECT, IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTES:

1.) ALL BEARINGS USED HEREIN ARE BASED UPON AN ASSUMED BEARING OF S89°33'37"W, A DISTANCE OF 1352.61 FEET BETWEEN A REBAR AND 3-1/4" ALUMINUM CAP STAMPED "JR ENG PLS 25369" AT THE EAST ONE-QUARTER OF SECTION 14 AND A 3-1/4" ALUMINUM CAP STAMPED "JR ENG PLS 25369" AT THE EAST ONE-SIXTEENTH CORNER OF SECTION 14.

2.) NO BUILDING PERMITS SHALL BE ISSUED FOR BUILDING SITES WITHIN THIS PLAT UNTIL ALL REQUIRED FEES HAVE BEEN PAID AND ALL REQUIRED PUBLIC IMPROVEMENTS AND UTILITIES HAVE BEEN INSTALLED AS SPECIFIED BY THE CITY OF WOODLAND PARK OR ALTERNATIVELY, UNTIL ACCEPTABLE ASSURANCES GUARANTEEING THE PAYMENT OF THE FEES AND THE COMPLETION OF ALL REQUIRED PUBLIC IMPROVEMENTS AND UTILITIES HAVE BEEN PLACED ON FILE WITH THE CITY OF WOODLAND PARK. ALL EXPENSES INVOLVED IN NECESSARY IMPROVEMENTS TO WATER, WASTE, SANITARY SEWER SYSTEM, GAS SERVICE, ELECTRICAL SERVICE, DRAINAGE SYSTEM AND STREET SYSTEM SHALL BE FINANCED BY THE SUBDIVIDER, NOT THE CITY. THE APPROVAL OF THIS PLAT MAY BE WITHDRAWN IF ALL CONDITIONS OF APPROVAL ARE NOT MET.

3.) THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY RAMPART SURVEYS FOR EITHER OWNERSHIP OR EASEMENTS OF RECORD. FOR EASEMENTS OF RECORD SHOWN HEREON RAMPART SURVEYS RELIED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY OF WOODLAND PARK, FILE NO: 1760828, (COMMITMENT DATE: JULY 25, 2022 AT 08:00 AM), AS PROVIDED TO RAMPART SURVEYS BY THE CLIENT. NO OTHER EASEMENTS OF RECORD ARE SHOWN EXCEPT AS FOUND THEREIN. THE NUMBERS USED BELOW CORRESPOND WITH THE NUMBERS USED ON SCHEDULE B, PART II EXCEPTIONS IN THE ABOVE REFERENCED COMMITMENT.

1. – 8. RAMPART SURVEYS DID NOT ADDRESS THESE ITEMS.

9. THE PROPERTY IS SUBJECT TO ANY AND ALL SEVERED OR RESERVED MINERALS AND MINERAL ESTATES.

10. THE PROPERTY IS SUBJECT TO RESERVATIONS OF (1) ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING, OR OTHER PURPOSES AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS, AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL CUSTOMS, LAWS AND DECISIONS OF COURTS; (2) RIGHT OF THE PROPRIETOR OF ANY VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AS PROVIDED BY LAW, AS SET FORTH IN U.S. PATENT(S) NO. 3266, BLM SERIAL NO. C01160_027, ISSUED APRIL 28, 1898 TO ANNA A. SPIELMAN; AND PATENT NO. 2458, BLM SERIAL NO. C01300_247, ISSUED OCTOBER 20, 1890 TO WILBER V. EASTHAM; AS POSTED IN THE BUREAU OF LAND MANAGEMENT, GENERAL LAND OFFICE RECORDS.

11. THE PROPERTY IS SUBJECT TO RESERVATIONS OF (1) ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING, OR OTHER PURPOSES AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS, AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL CUSTOMS, LAWS AND DECISIONS OF COURTS; (2) RIGHT OF THE PROPRIETOR OF ANY VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AS PROVIDED BY LAW, (3) RIGHT OF WAY FOR ANY DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, AS SET FORTH IN U.S. PATENT NO. 115378, BLM SERIAL NO. MW-0561-451, ISSUED JUNE 10 1898 TO JOHN G. WHITE AND THOMAS CUMMINS, AS POSTED IN THE BUREAU OF LAND MANAGEMENT, GENERAL LAND OFFICE RECORDS.

12. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN DEED, RECORDED NOVEMBER 1, 1981 AT RECEPTION NO. 298030 IN DRAWER 41 AT CARD 1461A.

13. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS, RECORDED JULY 27, 1981 AT RECEPTION NO. 313732 IN BOOK 334 AT PAGE 635. (DOES NOT AFFECT SUBJECT PROPERTY)

14. THE PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS, PROVISIONS, OBLIGATIONS OF THE UNITED STATES, AS SET FORTH IN U.S. PATENT NO. 10171983, BLM SERIAL NO. COC 03794FD, ISSUED OCTOBER 17, 1983 TO THE NATURE CONSERVANCY, ET AL, AS POSTED IN THE BUREAU OF LAND MANAGEMENT, GENERAL LAND OFFICE RECORDS.

15. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN DEED, FROM J. LAURENCE SHEERIN AND F.B. HOWES, JR TO THE STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, RECORDED APRIL 24, 1991 AT RECEPTION NO. 390126 IN BOOK 576 AT PAGE 106. (DOES NOT AFFECT SUBJECT PROPERTY)

16. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN RIGHT-OF-WAY EASEMENT, RECORDED OCTOBER 15, 1991 AT RECEPTION NO. 390126 IN BOOK 576 AT PAGE 106.

17. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN RIGHT-OF-WAY EASEMENT, RECORDED SEPTEMBER 14, 1992 AT RECEPTION NO. 399288 IN BOOK 625 AT PAGE 226.

18. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN GENERAL RIGHT OF WAY EASEMENT, RECORDED FEBRUARY 16, 1994 AT RECEPTION NO. 417037 IN BOOK 726 AT PAGE 28.

19. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN GENERAL RIGHT OF WAY EASEMENT, RECORDED FEBRUARY 15, 1995 AT RECEPTION NO. 430123.

20. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN AGREEMENT, RECORDED MARCH 24, 1999 AT RECEPTION NO. 489451.

21. THE PROPERTY IS SUBJECT TO MATTERS AS SET FORTH ON LAND SURVEY PLAT DATED JUNE 11, 1999 AND RECORDER IN THE LAND SURVEY PLATS OF THE CLERK AND RECORDER OF TELLER COUNTY, COLORADO IN BOOK LS 4 AT PAGE 23.

22. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN GRANT OF EASEMENT(S), RECORDED SEPTEMBER 28, 2001 AT RECEPTION NO. 524109; RECORDED SEPTEMBER 28, 2001 AT RECEPTION NO. 524110.

23. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN AGREEMENT CONCERNING WATER DEVELOPMENT FEES RECORDED SEPTEMBER 22, 2000 AT RECEPTION NO. 509811.

24. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION NO.947, SERIES 2002 ANNEXATION, BY AND BEFORE THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO RECORDED AUGUST 1, 2002 AT RECEPTION NO. 536884.

25. THE PROPERTY IS SUBJECT TO MATTERS AS SET FORTH IN THE DUNCAN ANNEXATION PLAT RECORDED OCTOBER 7, 2002 AT RECEPTION NO. 539722.

RECORDING:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT ____ O'CLOCK ____ M., THIS ____ DAY OF _____, 2022, A.D., AND IS DULY RECORDED UNDER RECEPTION NUMBER ____ OF THE RECORDS OF TELLER COUNTY, COLORADO.

SEE: _____

BY: _____

TELLER COUNTY CLERK AND RECORDER

NOTES -- CONTINUED:

26. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION NO. 949, SERIES 2002 ANNEXATION, BY AND BEFORE THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO RECORDED OCTOBER 16, 2002 AT RECEPTION NO. 540086.

27. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION NO. 991, SERIES 2004 ZONING, BY AND BEFORE THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO RECORDED MARCH 26, 2004 AT RECEPTION NO. 563875.

28. THE PROPERTY IS SUBJECT TO TERMS, AGREEMENTS, PROVISIONS, CONDITIONS, OBLIGATIONS AND EASEMENTS AS CONTAINED IN PERMANENT EASEMENT, RECORDED JUNE 23, 2010 AT RECEPTION NO. 636259.

29. THE PROPERTY IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE (DELETING ANY RESTRICTIONS INDICATION ANY PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN) AS CONTAINED IN INSTRUMENT RECORDED APRIL 12, 2007 AT RECEPTION NO. 605533. AMENDMENT RECORDED MARCH 6, 2008 AT RECEPTION NO. 615611. AMENDMENT RECORDED NOVEMBER 14, 2016 AT RECEPTION NO. 693041, AND ANY AND ALL AMENDMENTS AND/OR SUPPLEMENTS THERETO. AMENDMENT RECORDED NOVEMBER 15, 2017 AT RECEPTION NO. 702473 AND RECORDED NOVEMBER 15, 2017 AT RECEPTION NO. 702474.

4.) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NUMBER 08119C0139D (MAP REVISED SEPTEMBER 25, 2009), THE SUBJECT PROPERTY LIES WITHIN OTHER AREAS, ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

5.) ALL FUTURE UTILITIES ARE REQUIRED TO BE UNDERGROUND.

6.) PURSUANT TO SECTION 17.40.250 OF THE MUNICIPAL CODE, EACH LOT SHALL HAVE A MAXIMUM SITE COVERAGE BETWEEN 25% TO 20% DEPENDING ON THE LOT SIZE, AS SPECIFIED IN TABLE LCS.

7.) ALL LINEAL UNITS DEPICTED ON THIS SUBDIVISION PLAT ARE U.S. SURVEY FEET.

WATER AVAILABILITY DISCLAIMER:

AT THE TIME THIS PLAT IS BEING APPROVED BY THE CITY OF WOODLAND PARK, THE GROWTH REPRESENTED BY ITS BUILD-OUT IS COMPATIBLE WITH THE CITY'S MASTER PLAN. THE CITY IS IN THE PROCESS OF DEVELOPING WATER SUPPLIES, WHICH ARE SUFFICIENT TO SERVE THE CITY IN ACCORDANCE WITH THE MASTER PLAN. HOWEVER, BECAUSE WATER DEVELOPMENT IS ONLY PARTIALLY WITHIN THE CITY'S CONTROL, THE CITY CANNOT RESERVE WATER FOR SPECIFIC LANDS AND CANNOT GUARANTEE THAT WATER TAPS WILL BE AVAILABLE FOR ANY SPECIFIC PROPERTY AT ANY FUTURE DATE INCLUDING ANY LOTS IN THIS PLAT.

REVISION DATE:
DATE OF PREPARATION: AUGUST 19, 2022

SUB. PLAT – STONE RIDGE VILLAGE FILING NO. 5
CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO

RAMPART
SURVEYS, LLC

P.O. Box 5101 Woodland Park, CO. 80866 (719) 687-0920

DRAWING: 22023FP.DWG

PAGE 1 OF 2

STONE RIDGE VILLAGE FILING NO. 5
LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER
(S1/2 NE1/4) OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 69 WEST OF
THE 6th P.M., CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO

LEGEND:

- SET 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560"
- ⊙ FOUND REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"
- ⊙ FOUND REBAR AND 3-1/4" ALUMINUM CAP STAMPED "J.R. ENG PLS 25369" (1/16 CORNER)
- ⊙ FOUND REBAR AND 3-1/4" ALUMINUM CAP STAMPED "J.R. ENG PLS 25369" (1/4 CORNER)

UNPLATTED
(RECEPTION NO. 682664)

FOUND 3-1/4" ALUMINUM CAP
STAMPED AS SHOWN - EAST
1/16 CORNER SECTION 14,
T. 12 S., R. 69 W.

JR ENG
T 12 S R 69 W
E 1/16
C S 14 C
1997
PLS 25369

FOUND 3-1/4" ALUMINUM CAP
STAMPED AS SHOWN - WEST
1/4 CORNER SECTION 13,
T. 12 S., R. 69 W.

JR ENG
T 12 S R 69 W
1/4
S 14 S 13
1997
PLS 25369

0' 50' 100'
SCALE: 1" = 50'
JOB NO.: 22023
AUGUST 19, 2022

NORTHWOODS SUBDIVISION FILING NO. 4
(RECEPTION NO. 313663)

UNPLATTED
(RECEPTION NO. 543248)

SUB. PLAT - STONE RIDGE VILLAGE FILING NO. 5
CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO

RAMPART
SURVEYS, LLC

P.O. Box 5101 Woodland Park, CO. 80866 (719) 687-0920

DRAWING: 22023FP.DWG PAGE 2 OF 2