

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. Vacant land
East		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.

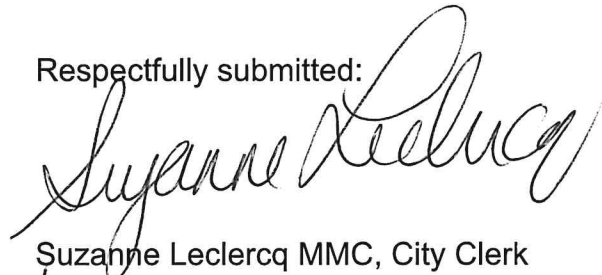
C. City Attorney's Report

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 20 DAY OF August, 2023



Hilary LaBarre, Mayor

Amendment to the April 20 City Council Minutes as requested by Councilmember Zuluaga:

10 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.

Councilmember Zuluaga asked Mr. Waggoner of Tava House Properties if the uses of phases 2 and 3 are subject to change from commercial. Mr. Waggoner stated that they are not subject to change and will be commercial uses. This is significant because it directly contradicts the language adopted by council in the newly amended Plan of Development. (To hear Councilmember Zuluaga's entire statement you can view the You Tube recording of the meeting. It starts at (3 hours and 37 minutes)

Add the following to the minutes for the record: Councilmember Zuluaga stated that he was concerned that the Disposition Development Agreement from 2009 and the two amendments were not included in the packet for Council to review and see the consequences of. Zuluaga stated that this agreement is between the City Council and the DDA, not an agreement with the buyer. (To hear Councilmember Zuluaga's entire statement you can view the You Tube recording of the meeting. It starts at 4 hours and 30 minutes).