



City of Woodland Park
City Council Agenda
July 1, 2021
6:15 PM

6:15 PM Worksession: Quasi-Judicial Workshop – presented by Nina Williams, City Attorney for the City of Woodland Park.

7:00 PM

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS**

- A. Appointments to the Keep Woodland Park Beautiful Committee.
(Presenter, City Clerk Suzanne Leclercq)
- B. Appointments to the Downtown Development Authority.
(Presenter, City Clerk Suzanne Leclercq)

- 4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- 5. CONSENT CALENDAR**

All matters listed under Consent Calendar are considered routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Calendar and considered separately.

- A. Approval of the June 17, 2021 Regular City Council Meeting Minutes.(A)
(Presenter, City Clerk Suzanne Leclercq)
- B. Approval of contract with Meyers Land Surveying for \$35,100 to conduct geophysical survey with ground penetrating radar and mapping of the Woodland Park Cemetery.(A)
(Presenter, Management Analyst Rob Felts)

- 6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA ¹**

- 7. UNFINISHED BUSINESS**
(Public Comment may be heard ¹)
 - A. None

- 8. ORDINANCES ON INITIAL POSTING**
(Public comment may be heard ¹)

The Woodland Park City Council is pleased to have residents of the community take time to attend City Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared and will generally be limited to five (5) minutes in order to allow everyone the opportunity to be heard. **PUBLIC COMMENTS ARE EXPECTED TO BE CONSTRUCTIVE.** ¹ Questions raised on non-agenda items may be answered at a later date by letter in order to facilitate proper research.

PLEASE SIGN IN TO SPEAK ON A PARTICULAR AGENDA ITEM

Written comments are welcome and should be given to the City Clerk prior to the start of the meeting. Written materials **will not** be accepted during regular agenda items in the interest of time.

- A. Approve Ordinance 1400, Series 2021 appropriating the purchase of certain water shares on initial posting and set the Public Hearing for July 15, 2021. **(A)**
(Presenter, City Clerk, Suzanne Leclercq)
- B. Approve Ordinance No. 1397, Series 2021 repealing the 180-day occupancy limitation for the definitions of Recreational Park Trailers and Recreational Vehicles and set the public hearing on August 5, 2021. **(L)**
(Presenter, Planning Director Sally Riley)

9. PUBLIC HEARINGS

(Public comment may be heard ¹)

- A. Approve Ordinance No. 1399, Series 2021 on initial posting eliminating the school related distance restrictions applicable to premises holding a Liquor License located in the Gold Hill Square South Shopping Center with addresses of 701 through 797 Gold Hill Square Place and 519 W. US 24. **(L)**
(Presenter, City Clerk Suzanne Leclercq)
- B. Approve Ordinance No. 1398, Series 2021 an Ordinance amending Chapter 14 of the Woodland Park Municipal Code to repeal and reenact Section 14.04.030 #25 concerning hours of closure of City Parks. **(L)**
(Presenter, Parks and Recreation Director Cindy Keating)

10. NEW BUSINESS

(Public comment may be heard ¹)

- A. Approval of the dedication of a Memorial Plaque for former Mayor Neil Levy to be located at Panther Field, Meadowood Sports Complex. **(A)**
(Presenter, City Clerk Suzanne Leclercq)
- B. Approve Resolution No. 877, Series 2021 authorizing the purchase of water shares from certain sellers, and appropriating cash from the Enterprise Funds for said Purchase. **(A)**
(Presenter, City Clerk Suzanne Leclercq)

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

¹

Public comment is intended for the community to provide feedback to the City Council. In an effort to facilitate a productive meeting, we urge everyone to strive to be respectful of one another. Public Comment is not intended to be a platform for argument or abrasive conduct. City Council and staff will take note of your concerns and comments and will work towards providing a response at a later time as appropriate. We ask that you state your name and municipality of residence before you begin your comments. Comments will be limited to 5 minutes. We appreciate your assistance in creating an atmosphere of civility as we all work together for the betterment of our community.

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.



City of Woodland Park Staff Report for City Council

Meeting Date: July 1, 2021

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
3A & B	Administration	Suzanne Leclercq City Clerk

ITEM:

Appointments to the following boards and committees:

- Keep Woodland Park Beautiful Committee
- Downtown Development Authority

BACKGROUND:

As Council is aware there are openings on the City’s Boards and Commissions. The City continues to advertise for these positions as per Council’s policy.

Pursuant to Council’s policy, a notice of these open positions is published on the City’s website and Facebook page.

1. **Keep Woodland Park Beautiful Committee** – there are currently 9 open positions on this committee. The City Clerk’s office received an application from Jeanette Horwood interested in being a member of this committee.

2. **Downtown Development Authority** - three positions on the Downtown Development Authority Board of Directors will have expired as of June 30, 2021. As per DDA’s by-laws those individuals in the expired positions may continue serving until Council makes appointments for these terms. The three positions that are expiring are currently held by Tanner Coy, Al Born and Nick Pinell. The new terms of office for these positions will expire on June 30, 2025. The City Clerk’s office has advertised for these soon to be expired terms. Pursuant to Council’s policy, a notice of the open position for this Board was posted on the City’s website and Facebook page. E-mails were sent to all incumbents.

The City Clerk’s Office received 6 applications for these positions. Applications were received from Al Born, Jon Gemelke, Tony Perry, Nick Pinell, Arden Weatherford and Tanner Coy

As per the DDA's policy attendance reports are taken into consideration for incumbent applicants. Nick Pinell attended 38 of 44 meetings since 6/19/2018. Al Born has attended 57 of 64 meetings since 7/11/2017. Tanner Coy has attended 64 of 64 meetings since 12/5/2017.

As per Colorado Revised Statutes "*each appointed member of the board, except any member from the governing body, shall reside, be a business lessee, or own real property in in the downtown development district within the municipality in which the authority is located.*": CRS: 31-25-806.

The applicants have been invited to attend the Council meeting on July 1, 2021.

RECOMMENDATION: Following Council consideration, move to approve appointment applicants to the various board and committees.

Woodland Park City Council
Council Chambers - City Hall
June 17, 2021
7:00 PM
(In Person/Via Zoom)

If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video. Time stamp after each item is noted for your convenience and corresponds with recorded video.

1. CALL TO ORDER AND ROLL CALL

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

City Clerk Leclercq called roll with the following members of Council present:

Mayor Pro-tem LaBarre, Councilmember Alfieri, Councilmember Case, Councilmember Neal, and Councilmember Zuluaga.

The following staff members appeared in person: City Manager Michael Lawson, City Attorney Geoff Wilson, City Clerk Suzanne Leclercq, Planning Director Sally Riley, Management Analyst Rob Felts and Utilities Director Kip Wiley.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS: (.57)

A. Appointments to the Historical Preservation Committee, Parks and Recreation Advisory Board and the Utility Advisory Committee.

Motion: To appoint Michelle Harris to the Historical Preservation Committee. Zuluaga/Neal. Motion carried 5-0.

Motion: To appoint Danuta Brown to the Parks and Recreation Advisory Board. Case/Alfieri. Motion carried 5-0.

Motion: To appoint Tim Rhatigan to the Utility Advisory Committee. Neal/Case. Motion carried 5-0.

City Clerk administered the Oath of Office to Brown and Rhatigan who were in the audience. Harris appeared via zoom and Leclercq will administer the Oath of Office at a later time to her.

B. Oath of Office to Deputy Judge Ronald Carlson. (14.57)

Municipal Judge Elizabeth McClintock introduced Ronald Carlson who was appointed by the City Council last month to the position of Deputy Municipal Judge. Council welcomed Carlson to the City and City Clerk Leclercq administered the Oath of Office to Carlson.

C. Discussion around amending the DDA 2021 Budget Appropriation. (19.53)

Councilmember Neal and Councilmember Case led a discussion regarding the DDA 2021 Budget Appropriation.

City Attorney Geoff Wilson will be sending a private memo to the City Council regarding an overview and/or risks of City Council managing the DDA Budget. Once the feedback from Attorney Wilson is received and reviewed Council agreed to look at bringing the \$30,000 allocated to the DDA for Woodland Station back to a future City Council agenda.

DDA Treasurer, Tanner Coy, Duane Carter and Attorney for the DDA Paul Benedetti all spoke regarding the DDA Budget.

Councilmember Zuluaga liaison to the DDA shared the following:

- The DDA statute requires the affairs of the DDA shall be under the direct supervision and control of its board. City Council does not qualify.
- The Board is required to exercise supervisory control over the director and staff of the DDA.
- The Board (and only the Board) shall exercise supervisory control over the activities of the director and staff of the DDA.
- The City's attempt to assume control of the DDA violates the statute and its covenants with Vectra.
- The fact that the DDA has no staff concerns me because, among its other duties, the DDA is required under its loan covenants to monitor and cooperate with the County to ensure that the TIF revenue is collected and deposited in the bond revenue fund.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

A. None

5. CONSENT CALENDAR: [\(1.28.11\)](#)

- A. Approval of the May 26, 2021 Special Meeting Minutes and June 3, 2021 Regular City Council Meeting Minutes.
- B. Approval of the April and May 2021 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.

Following Council's questions on the Statement of Expenditures the following motion was made:

Motion: To approve the Consent Calendar as presented. Case/Zuluaga. Motion carried 5-0.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

- No Public Comment

7. UNFINISHED BUSINESS:

A. None

8. ORDINANCES ON INITIAL POSTING (1:33:42)

A. Approve Ordinance No. 1399, Series 2021 on initial posting, eliminating the school related distance restrictions applicable to premises holding a Liquor License located in the Gold Hill South Shopping Center with addresses of 701 through 797 Gold Hill Place and 519 West US 24 and set the public hearing for July 1, 2021.

Planning Director Sally Riley presented this Ordinance on initial posting. Concerns were addressed by the Council as to why the school would want to be in an area with liquor establishments.

Following Council discussion the following motion was made:

Motion: To approve Ordinance No. 1399, Series 2021 on initial posting, eliminating the school related distance restrictions applicable to premises holding a Liquor License located in the Gold Hill South Shopping Center with addresses of 701 through 797 Gold Hill Place and 519 West US 24 and set the public hearing for July 1, 2021. Alfieri/Case. Motion carried 4 - 1 with Zuluaga voting no.

The time being 9:04 PM the Council took a short recess.

9. PUBLIC HEARINGS (2:15:46)

A. Approve Yuyo Subdivision Final Plat a request by N.E.S. Inc. (Applicant) and New Life Holding Corporation (Property Owner) for a minor subdivision for a (1) lot plat of 10 acres located at 1121 Sturman Parkway in the Planned Unit development (PUD).

Planning Director Riley reviewed this Final Plat with Council. After ahring the location and background of the project Riley shared the following staff review.

Subdivisions must conform to Chapter 17.24 Final Plat of the City of Woodland Park Municipal Code and the Sturman PUD zone district limitations. The Sturman PUD is attached to this staff report as Appendix B. In italics below are the relevant plat and design standards applicable to this final plat application followed by staff findings.

CHAPTER 17.24 FINAL PLAT

The subdivision regulations contain platting standards relating to the form and content of the plat mylar.

§17.24.070 Completed Plat Preparation. The completed final plat acceptable for recording shall be prepared as follows: A. The design should conform to the preliminary plat, if applicable, as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording. B. The drawing shall be made at a scale no less than one inch equals one hundred feet, by the use of India ink or other equally substantial solution, on a mylar or other equivalent medium with outer dimensions of twenty-four inches by twenty-six inches. Maps of two or more sheets shall be referenced to an index map on the first sheet.

Complies. A preliminary plat neither exists nor is required for a 1-lot minor subdivision. A mylar of the Final Plat will be prepared for recordation with the Teller County Recorder pending all applicable revisions, approvals, and executions.

§17.24.080 Information.

Complies. This plat has been prepared by licensed professional land surveyor Eric Simonson, Rampart Surveys, LLC, PLS No. 38560 and contains all the technical information listed in this section including subdivision name, vicinity map, owner and subdivider names, date of preparation, north arrow, dedication/certification and other statements, etc. Any revisions to the plat are listed as conditions in the staff recommendation.

§17.24.090.B Supplemental Material. Minor Subdivision.

Complies. The following supplemental material was supplied with the application: letter of intent; list of adjoining land owners; reduced size map; title commitment; and a drainage report and stormwater management plan.

§17.24.100 Other documents to be filed.

Complies. The applicant submitted a site plan sketch showing the proposed residence well outside all existing or proposed easements. As the property is enrolled in the Colorado Forest Agriculture Program, a Wildfire Mitigation Plan produced by a qualified forester was also submitted. All wildfire mitigation proposed is referenced on the Plat. A Subdivision Development Agreement for the water main extension is required prior to consideration by City Council. A set of architectural drawings was also submitted.

§17.28 IMPROVEMENT GUARANTEE

Complies. In lieu of completion of the water main extension, the subdivider shall agree to enter into a contract to guarantee completion of the roughly 700 foot long water main extension. This contract must be secured by a guarantee (cash in escrow or a letter of credit from a financial institution) in the amount of 150% of the cost of installation. The applicant, prior to Certificate of Occupancy, is required to extend the water main from the north point of the main under Sturman Parkway all the way to Lot 1. A service line will connect from the water main to the single family home proposed on Lot 1. The applicant will be submitting the Subdivision Development Agreement (SDA) complete with estimate and guarantee for the cost of this sewer main extension prior to City Council review.

§17.36 DEDICATIONS

§17.36.010 Dedication of Right-of-Way.

Complies. Public right-of-way (ROW) dedication is neither proposed nor required at this time. The only dedication required with this plat is for perimeter public utility easements, as shown on the plat.

§17.36.020 - 180. Park Capital Fees or dedication of land.

Complies. The applicant is proposing to submit fees-in-lieu of the required 0.027 acres (1,176 SF) of park land dedication per residential dwelling unit. The Parks and Recreation Advisory Board, at their meeting on May 12, 2021, agreed to accept the fees-in-lieu for this 1-lot residential subdivision. The 2021 Park Capital Fee is established by City Council for 2021

at \$2,133.00 per each new residential lot created. The total amount of Park Capital fee due for this 1-lot subdivision is \$2,133.00 and must be paid prior to recording of the plat by the City.

§17.40 DESIGN STANDARDS. The design standards contain specifications for a reasonable layout and design to ensure an efficient, orderly, well planned suitable subdivision ready for future construction in keeping with the character and environment of the City. All relevant applicable standards in this section were reviewed and those requiring additional information or conditioned are listed below.

§17.40.050 Streets - Frontage.

Complies. There is no frontage requirement in the Sturman PUD zone. Lot 1 has approximately 500 feet of frontage along Sturman Parkway (60-foot wide private access, ingress/egress easement).

§17.40.150 Street Names and Numbers.

Complies. An address of 1121 Sturman Parkway has been assigned.

§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. ... 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.

Complies. This plat shows 10-foot wide public utility and drainage easements along the north, south and east property boundaries and a 20-foot wide public utility and drainage easement along the west property boundary.

§17.44. IMPROVEMENTS. No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the city engineer. The city engineer is authorized to promulgate rules and regulations governing the design, materials used, and construction practices for all public improvements.

§17.44.030 Utilities.A.1. Water Lines and Fire Hydrants

Complies. Connection of Lot 1 to City water will require a 700 foot long extension of the water main. A Zoning Development Permit for public infrastructure including the plan and profile of the water main extension has been submitted and is in review to ensure conformance with all applicable City engineering specifications. Since the installation of the water main extension is proposed to occur after the approval of the plat, the subdivider will be required to submit a Subdivision Development Agreement complete with a 150% security guarantee (i.e., irrevocable letter of credit, escrow agreement or cash) to ensure installation.

§17.44.040.A Other Improvements - Telephone, Television, Electric services and lines

Complies. A service lines shall be placed underground and shown as such with the submittal of the subsequent Zoning and Building Permits.

§17.44.050 Subdivision Agreement

Complies. Prior to approval of the plat by City Council, the subdivider shall submit a signed subdivision development agreement (SDA) agreeing to install the water main extension.

Planning Director Riley shared that staff received no objections to the proposed final plat from the City departments or the public. Planning Commission held a public hearing on May 27, 2021 and recommended approval of the plat.

Mayor Pro-tem LaBarre opened up the Public Comment. There being no Public Comment Mayor Pro-tem LaBarre closed the Public Hearing. Following Council discussion the following two motions were made:

MOTION 1. THAT the City Council approve the Yuyo Subdivision based on findings of conformance to the Subdivision and Zoning regulations as described in the staff report and as presented at public hearings, subject to the following condition:

1. Prior to recording the mylar, the subdivider shall submit a Park Capital fee totaling \$2,133. Zuluaga/Case. Motion carried 5 - 0.

MOTION 2: THAT City Council accept the Subdivision Development Agreement for the YuYo Subdivision complete with the guarantee in the amount of \$55,030.50 as attached. Neal/Case. Motion carried 5 -0.

10. NEW BUSINESS

- A. None

11. REPORTS (2:41:27)

- A. Mayor’s Report - Mayor Pro-tem LaBarre shared the upcoming events for the next two weeks.
- B. Council Reports - Councilmembers Case, Neal and Zuluaga updated the Council on the various boards and committees that they are liaisons to.
- C. City Attorney’s Report - none
- D. City Manager’s Report
 1. Planning Director Riley updated the Council on the Comp Plan.
 2. City Manager Lawson updated the Council on the Sales and Lodging Report for April 2021.

12. ADJOURNMENT

Mayor Pro-tem LaBarre adjourned the Council Meeting at 10:00 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City

Clerk

APPROVED THIS _____ DAY OF _____, 2021

Hilary LaBarre, Mayor Pro-tem
City Council Minutes 6/17/2021



City of Woodland Park Staff Report for City Council

Meeting Date: July 1, 2021

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
5B	Administration	Rob Felts Management Analyst

ITEM:

Approval of contract with Meyers Land Surveying for \$35,100 to conduct geophysical survey with ground penetrating radar and mapping of the Woodland Park Cemetery.

BACKGROUND:

In 2020 the City suspended the sale of any new casket plots in the cemetery due to discrepancies noted between historical records and what was actually in the ground. Additionally, the cemetery, currently 66% developed, is at over 80% sold out. The requested geophysical survey will enable the City to once again provide casket plots by providing a clearer picture of what is where under the ground. Additionally, the survey is the first step in the development of the final 34% of the Cemetery. The information provided will show us a picture of areas to be avoided in future burial plots, excavation, and/or road placement. The accompanying mapping tools will allow for the survey information to be maintained and updated into perpetuity to prevent the need for future underground investigations.

Factual Findings

- The contract bid was open from April 12 – May 10, 2001
- Bids were received from seven companies, Meyers Land Survey provided the only solution to satisfactorily meet all requirements for the proposal in a single bid.
- Funds were approved for cemetery expansion in the 2020 and 2021 budget that have not yet been used (\$20,000 + \$60,000 respectively).
- If approved, Meyers Land Surveying can begin the survey in late July with a completed deliverable presented in September 2021.

RECOMMENDATION:

Approve the professional service contract with Meyers Land Surveying, as presented, authorize the Mayor Pro Tem to sign said contract, and authorize the Public Works Director to negotiate and approve change orders up to 10% of the contract total.



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

SURVEYING AND GPR/SPR SERVICES AGREEMENT

Project: Woodland Park Cemetery

Client: City of Woodland Park	Surveyor: Meyer Land Surveying Daniel Meyer, PLS 9201
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Client Billing/Mailing Address:

**City of Woodland Park
ATTN Cemetery
PO Box 9007
Woodland Park, CO 80866**

SCOPE OF WORK:

The below tasks include survey project coordination, field survey planning, meetings, administration fees, GPS, GPR and GIS data collection and processing and finalization of the data displayed in Chronicle cemetery management software. The Values are for budgetary purposes and All Work will be completed based on the total bid as a Fixed Firm Price.

- TASK 1 Control.....\$2,200**
 - Establish control on local state plane coordinate system.
 - Office analysis and adjustment of control to local position.
 - All control to be grid coordinates.
- TASK 2 GPS Existing Lot Pins.....\$2,700**
 - 7 Blocks
 - Approximately 408 Lots
- TASK 3 GPS Headstones (Document Occupied Graves).....\$2,700**
 - Collect GPS Points on 1300 Interments
 - Collect Image of each headstone (attached to GPS point)
- TASK 4 Ground Penetrating Radar (GPR) Collection.....\$11,000**
 - Trimble R8/R10
 - Run grid Across all lots and Extended new area



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

- TASK 5 Prepare Geophysical Investigation Report.....\$6,000**
- Documentation of GPR Methodology and Findings using the following data:
 - i. GPR Anomaly points in GIS
 - ii. GPS headstone points
 - iii. Georeferenced CAD Drawing
 - iv. 2016 Teller County LiDAR from state of Colorado
- TASK 6 Compile File Geodatabase for Deliverable and Input to Chronicle.....\$4,500**
- Georeferenced Cemetery CAD drawing or data file.
 - Digitize cemetery plots from georeferenced data using GPS collection data as check.
 - Enter interment information from headstone photos to GIS plots.
 - i. Include attribution for First Name, Last Name, Birth Year and Death Year as available.
 - Create file geodatabase to include the following data layers
 - i. Cemetery Plot Points – Collected in GPS Survey
 1. Headstone attribution and Photos attached to point.
 - ii. Cemetery Plot Areas – Digitized from CAD
 1. Headstone attribution and Photos attached to polygon.
 - iii. GPR Anomalies
 - iv. Lot Pins
- TASK 7 Chronicle Web GIS.....\$5,000**
- Outlined within Appendix 1: “Woodlands Cemetery Chronicle proposal”
- TASK 8 Hi-Resolution Orthorectified Imagery\$1,000**
- sUAS Acquired
 - Ground Sampling Distance (GSD) of one inch or less



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

Estimated Total ----- \$35,100
Estimated Move In Total ----- 1

Possible ADD's

TASK 9 Terrestrial Lidar\$Time and Material (T&M)

T&M rates material rates listed with services below

- Field Rate \$275/ Hr
i. Scan lidar in area of concern to locate potential settlement in the surface
Processing Rate \$165/ Hr
i. Use Scan to extract tree locations and sizes
ii. Use Autodesk product to create map and surface as requested
Materials required for product delivery at the clients request
i. External Hard Drive = hardware plus 10%
ii. Prints = material plus 10%

SPECIFIC PROJECT CONDITIONS:

- Billing is based on [] fee schedule rates [x] fixed fee proposal per scope of work**
Additional consultation, coordination or field work performed with/for client and third parties will be billed according to:

Rates available upon request

ITEMS REQUIRED TO BE PROVIDED BY THE CLIENT:

[x] Right of entry provided hereby for performance of the survey and related activities.

[] The following information shall be provided by client at no additional cost:

- [] Title Report or [] Prelim. Title Report [] Deeds
[] Control data [] Other _____

[] A deposit of \$ 0 is required prior to beginning of survey. Payment may be made by check or cash



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

**GROUND PENETRATING RADAR (GPR)/SURFACE PENETRATING RADAR (SPR)
SERVICE DISCLAIMER**

1. Client/Customer acknowledges and agrees that the analysis provided by MEYER LAND SURVEYING. (“MLS”) is to be used as a supplementary tool only and to assist Client/Customer in the conduct of any construction work including, but not limited to excavation, drilling, boring, cutting or trenching in connection with the site described hereunder (the “Excavation or Design Work”). The surveys and/or reports provided by MEYER LAND SURVEYING are not intended to be used as a primary guide for any Excavation or Design Work undertaken. Customer agrees to take the same care in any Excavation or Design Work as it would if the services of MEYER LAND SURVEYING had not been provided and Client/Customer did not have access to MEYER LAND SURVEYING’s work product. By signing below, Client/Customer has read and acknowledges the following description of Ground Penetrating Radar (“GPR”)/Surface Penetrating Radar (“SPR”) and the performance considerations and limitations related thereto:
 - (a) GPR/SPR offers the capability to detect subsurface objects that are not easily detected by conventional methods. In addition to the ability to detect metallic objects, Client/Customer is able to detect nonmetallic objects including, plastic, concrete, transite and clay pipes, rock, voids, strata layers, cables, and wood.
 - (b) GPR/SPR is able to detect this wide range of materials because of the nature of the technology being deployed. GPR/SPR sends radar pulses through the surface, and it receives and processes this signal when it is “bounced” off an anomaly below the surface. Through processing, GPR/SPR “calibrates” itself to the dielectric constant of the indigenous material. When the signal bounces off a material having a different dielectric constant, that change shows up as an anomaly. It is possible to determine depth by calculating the time traveled through a known medium. Deviations in the medium investigated can affect the depth calculations as well as the operators' ability to discern certain subsurface features.
 - (c) The limitations of GPR/SPR are mostly dictated by the medium under investigation. Clean dry sand is an example of a medium in which excellent results should be anticipated. The radar signal is able to penetrate with minimal loss of power and return from an anomaly again with minimal power loss. Dense wet clay is an example of a more difficult medium to work with as the radar signal is “absorbed” causing the returned signal to be weaker over depth and increasing the need for further processing and interpretation. Other factors such as soil with high salt content or salt water, external interference from cellular towers or broadcast stations, or a uniform layer of steel such as steel decking can also affect the performance of GPR/SPR.



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

(d) The Client/Customer must complete the following project information in order for MEYER LAND SURVEYING to effectively perform its services:

Type of Material, and Depth by Layer, From Surface (to limit of investigation):

a. Material: Top Soil Depth: 0"-4"

b. Material: Sand Depth: 4"-8"

Moisture Content: Low % Desired Evaluation Depth: 7'

Surface Characteristics: Rolling Terrain covered in grasses and sparse shrubs and trees

Any factors that may impede performance: None

RECITALS

1. STANDARD PROJECT CONDITIONS

- (a) Surveyor shall be the owner of and entitled to possession of all maps, drawings and other materials prepared pursuant to this agreement.
- (b) Scope of work and services are described above.
- (c) Schedule for project commencement is dependent on workload and/or when notice to proceed is given.

2. COMPLETE AGREEMENT

This Subcontract contains the entire agreement between the parties hereto with respect to the matters covered herein. No other agreements, representations, warranties, or other matters, oral or written shall be deemed to bind the parties hereto. The Contract Documents are incorporated in and made a part hereof as though fully restated herein.

3. PAYMENT/FEES

- (a) Client's payment is due upon project completion.
- (b) Research, graphic, reproduction or printing costs not listed will be billed at cost plus 10%.
- (c) Postage, telephonic and special mailing costs not listed in proposal will be billed at cost.



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

- (d) Photography and reprints not listed in proposal will be billed according to current fee schedule.
- (e) Outside fees including, but not limited to permits, application fees, recording fees, checking fees etc. will be paid by client and a check will be made out to appropriate jurisdiction without a date on the check and be provided to Meyer Land Surveying to submit with any documents.
- (f) Payments shall be made in full according to the below schedule:

- Net 10* Net 15* Due on Receipt
 Net 30* Other:

Net (##) is actual days from invoice date

4. CHANGES

- (a) Additional services or changes in scope of work will only be provided after the parties have executed a written change order, which may be in the form of additional contracts or field work authorization proposals signed by the Client.
- (b) For changes ordered by Client, Surveyor shall be entitled to an adjustment in the price of services reflective of the changes requested by Client.

5. ATTORNEY FEES, INTEREST, AND CHOICE OF VENUE

If collection proceedings begin on any unpaid balance, Client agrees to pay all attorneys' fees and costs incurred. Administrative late charges will be added to all accounts not paid within the terms of this Agreement at the rate of 1-1/2% per month. Client agrees that this transaction is entered into and will be performed in Orange County, California, USA. Client further agrees that proper venue for any action out of this transaction shall be Orange County, California.

6. TERMINATION

This agreement may be terminated upon: (a) written notice from either client or Surveyor prior to any expenses being incurred on client's behalf; or (b) client's payment for expenses and services rendered up to the date of Surveyor's receipt of client's written notice to terminate.



CONSTRUCTION | MAPPING | GIS | SCANNING | 3D MODELING

- 7. EXCAVATION/DESIGN WORK/INSURANCE Client/Customer hereby agrees that Client/Customer is solely responsible for properly executing any Excavation or Design Work. Client/Customer shall employ qualified operators and engineers and shall carry the appropriate liability insurance and/or bonding necessary for the type of Excavation or design Work undertaken. Any Design including our finding shall provide appropriate disclaimers. Any location of subsurface utilities is done as a good faith effort. The Client/Customer agree that MLS does not guarantee, or warranty should there be any variance in the found location once subsurface objects are exposed.
- 8. To the extent permitted by Colorado State Law, Client/Customer agrees to indemnify, defend, and hold harmless MEYER LAND SURVEYING their respective principals, members, managers and employees and the from and against any and all liabilities, damages, losses, claims, suits or judgments, and expenses of any nature, resulting from, by or on account of Work performed or any acts or missions of (including reasonable attorney fees) brought by third parties that MEYER LAND SURVEYING may incur as a result of (a) the performance of the Work or any acts or omissions of Client's/Customer's agents, employees or subcontractors; (b) the proper performance of MEYER LAND SURVEYING's services under this Agreement and (c) any action or inaction of Customer whether or not in reliance on the services or test results provided by MEYER LAND SURVEYING. At MEYER LAND SURVEYING's request, Client/Customer will at its own expense defend MEYER LAND SURVEYING against all claims suits and actions arising from said acts or omissions or any allegations of same.

 Daniel Meyer, PLS 9201
 Title: CFO
 Date:

 Client/Customer:
 Date:



City of Woodland Park Staff Report for City Council

Meeting Date: July 1, 2021

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
8A & 10B	Utilities Office	Kip Wiley Utilities Director

ITEM:

Ordinance 1400 and Resolution 877. Approval of certain water shares

BACKGROUND:

Resolution 877 authorizes the Mayor and City Clerk to enter into a contract for the City's purchase of 1.0 shares of stock in the Twin Lakes Reservoir and Canal Company from Leonard and Shirley Talkington. Ordinance 1400 is the acceptance of the 1.0 Twin lake shares as they are considered real property. The Twin Lakes shares are extremely vital to our water customers. Twin Lakes Reservoir shares produce transbasin water as well as providing water storage space in Twin Lakes Reservoir. The water that is produced from the shares is fully consumable water and the City uses this water to replace the consumable portion of our local water therefore making it legal to pump water from our local water sources. This share purchase does not expand our available water however it ensures our water security for future years.

All parties have accepted our offer for the 1.0 Twin Lakes shares. This will be a onetime cash payment. The City did not use a water broker for this purchase and therefore was able to save some money. This contract is structured so that the City will pay for and take delivery of the water this year. The purchase will be funded with water capital funds from the Water Utility Enterprise. We cannot predict when reservoir shares might become available and this expense was not included in the 2021 budget. The fund balance for the Water Enterprise is healthy and we are in a great position to take this opportunity to help secure our water future.

STAFF RECOMMENDATION:

Approve Ordinance 1400 on initial posting and Resolution 877, authorizing the Mayor and City Clerk to execute and attest the Water Purchase Contract with Leonard and Shirley Talkington for 1.0 Twin Lakes Reservoir shares.

**CITY OF WOODLAND PARK
ORDINANCE NO. 1400, SERIES 2021**

AN ORDINANCE APPROVING THE PURCHASE OF CERTAIN WATER SHARES.

WHEREAS, pursuant to Charter Section 12.3, the City is empowered to buy water rights; and

WHEREAS, pursuant to Resolution No. 877, Series 2021, the City Council authorized entering into contracts for the purchase of certain water shares, which water shares are more specifically described in Exhibit A attached hereto and incorporated by this reference (the "Shares"), subject to the terms and conditions contained in said contracts and subject to the provisions of the Woodland Park Municipal Charter, Section 15.2, requiring an ordinance be adopted for the purchase of real property; and

WHEREAS, the City has conducted the necessary due diligence under the terms of the contracts; and

WHEREAS, the sellers of the Shares have agreed to sell the Shares to the City of Woodland Park; and

WHEREAS, pursuant to Charter Section 15.2, the City Council by ordinance may purchase interests in real property, and the Shares constitute real property.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO ORDAINS as follows;

Section 1. The City Council hereby approves the purchase of the Shares and authorizes and Directs the City Manager or the Utilities Director to effect the closing on the purchase of the Shares and authorize them to execute the documents necessary to effect the closing.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING, FOLLOWING PUBLIC HEARING, THIS _____ DAY OF _____, 2021.

Hilary LaBarre, Mayor Pro-Tem

ATTEST:

Suzanne Leclercq, City Clerk

EXHIBIT A
The Water Shares

Leonard and Shirley Talkington
11300 County Road F
Olney Springs, CO 81062

1.0 Shares

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 877, SERIES 2021

A RESOLUTION AUTHORIZING THE PURCHASE OF WATER SHARES FROM CERTAIN SELLERS, AND APPROPRIATING CASH FROM THE ENTERPRISE FUNDS FOR SAID PURCHASE, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY THE CONTRACTS WITH SAID SELLERS.

WHEREAS, the City Council of the City of Woodland Park is desirous of enhancing the City's water supply; and,

WHEREAS, shares of Twin Lakes water are currently available for purchase at a competitive price; and,

WHEREAS, said purchase will result in cost savings to the City over a period of years.

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

The purchases of water shares from certain purchasers identified in Exhibit A attached hereto and made a part hereof (the "Sellers"), are hereby authorized and approved under the terms and conditions contained in the contracts with Sellers.

The Mayor and City Clerk are hereby authorized to execute and attest respectively the contracts with Sellers.

The payment for the purchase of said water shares in the amount of \$43,500.00, plus a contingency of \$1,000.00, shall be made from the Water Enterprise Fund.

This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED at a regular meeting held this _____ day of _____, 2021.

Hilary LaBarre, Mayor Pro-tem

ATTEST:

Suzanne Leclercq, City Clerk

EXHIBIT A

List of Sellers of Water Shares

Leonard and Shirley Talkington
11300 County Road F
Olney Springs, CO 81062

1.0 Shares

Contract

THIS 9th day of June, 2021 the City of Woodland Park, a Colorado municipal corporation, whose address is P.O. Box 9007, Woodland Park, CO 80866, its successors and assigns ("Buyer") agrees to buy and Leonard and Shirley Talkington ("Sellers"), whose address is 11300 County Road F, Olney Springs, CO 81062 agree to sell on the terms and conditions set forth in this Contract, the following described property in the County of Teller, State of Colorado.

Description of Water Rights. Sellers are the sole owners of 1.0 shares of capital stock in the Twin Lakes Reservoir and Colorado Canal Company, represented by Certificate Number 8826, and all direct flow and storage water rights, water in storage, and any other rights associated therewith, but not including easements to laterals, (collectively "WATER").

Purchase Price. The purchase price shall be \$43,500.00, payable at closing:

Closing Date. The hour and place of closing shall be determined by the Buyer and shall be reasonable for all parties.

Title. Title to the Water shall be merchantable in Sellers and Sellers shall provide Buyer with merchantable title to the Water at closing. Within five business days of the execution of this Contract, Sellers shall provide a copy of the stock certificate to Buyer. Said copy shall be witnessed by a third party and certified that it is a true and correct copy of the original stock certificate. At closing, Sellers shall deliver to BUYER the original stock certificate together with an assignment of stock containing general warranties of title and any warranties that may be established by law, and an irrevocable stock power giving Buyer the authority to transfer the ownership of the shares represented by the certificate from Sellers to Buyer on the records of the ditch or reservoir company, plus a general warranty deed from Sellers to Buyer transferring title in the Water. The assignment of stock and the general warranty deed shall be in form acceptable to Buyer. Possession of the Stock Certificates shall be delivered to Buyer at the respective closings.

Prior to closing, Sellers shall provide Buyer with letters from The Twin Lakes Reservoir and Colorado Canal Company stating that as of the date of closing, the current assessments for and any charges and fees associated with the Water are paid and that there are no outstanding delinquent assessments and charges for the past 6 years.

Sellers warrant that Sellers have clear title, and Sellers shall convey said title to the Water free and clear of all liens, prior or preemptive rights to purchase, encumbrances, assessments, taxes, leases, and adverse claims, except any ditch assessments not yet due and owing, and subject to the articles of incorporation, bylaws, and rules and regulations of The Twin Lakes Reservoir and Colorado Canal Company.

Sellers shall pay any and all current year taxes and assessments and any delinquent taxes and assessments on the Water; an amount equal to said taxes and assessments may be withheld from Sellers' closing proceeds, and escrowed, for payment of said taxes or assessments.

If title is not merchantable or is unsatisfactory to Buyer or if Buyer finds there are unacceptable impediments to Buyer's use of the Water, and written notice of defect(s) is given by Buyer to Sellers on or before the date of any closing, Sellers shall use reasonable effort to correct these defects prior to that closing. If Sellers are unable to correct these defects on or before that date, Buyer may terminate this Contract.

At Buyer's option, any encumbrance required to be paid may be paid at any closing from the proceeds of this transaction or from any other source.

By execution of this Contract, Sellers hereby revoke any and all previous proxies related to or affecting the Water.

Closing Costs. Closing costs shall be borne as follows:

a. Sellers shall pay for the cost of all tax certificates and fees for obtaining and recording releases of encumbrances, subordinations and other title curative instruments.

b. Buyer shall pay all escrow fees, stock transfer fees, recording fees, any title insurance premiums, and any abstract costs.

Evidence of Title and Use.

Upon signing this Contract, Sellers shall deliver to Buyer a copy of the assignments or recorded deed(s), if any, conveying the Water to Sellers and any abstract of title in Sellers' possession relating to the Water. Sellers shall furnish to Buyer any other evidence of Sellers' title to the Water as may be reasonably requested by Buyer. Sellers consent to Buyer obtaining information relating to mortgages, deeds of trust, encumbrances, liens, taxes, or adverse claims on the Water and authorize any holder of such mortgages, deeds of trust, encumbrances, liens or adverse claims to release such information to Buyer. Sellers authorize The Twin Lakes Reservoir and Colorado Canal Company to disclose ownership records and other information to Buyer. Buyer shall incur the cost of title opinions or evaluations or title insurance commitments necessary for Buyer to determine the merchantability of the Water or status of title.

At the final closing, all abstracts of title and title insurance policies shall be returned to Sellers.

Remedies. Time is of the essence hereof. If any payment due is not paid, honored or tendered when due, or if any other obligation is not performed as provided in this Contract, there shall be the following remedies:

a. If Buyer is in default Sellers may elect to treat this Contract as being in full force and effect and Sellers shall have the right to an action for specific performance or damages, or both.

b. If Sellers are in default Buyer may elect to treat this Contract as terminated without further notice. Buyer may also recover damages or elect to treat this Contract as being in full force and effect and Buyer shall have the right to an action for specific performance or damages, or both.

c. In the event of any arbitration or litigation arising out of this Contract, the prevailing party shall be awarded all reasonable costs and expenses, including attorneys' fees.

Successors and Assigns. This contract is not assignable without the non-assigning party's prior written consent. The covenants, conditions and terms contained in this Contract shall bind and inure to the benefit of Sellers and Buyer and their respective heirs, distributees, executors, administrators, successors, and assigns.

Additional Warranties and Representations of the Sellers. Sellers warrant and represent that Sellers are the lawful owner of the Water and that Sellers have full right, power and authority to enter into this Contract and to convey the Water. Sellers further warrant and represent that there are no pending actions, litigation, or claims which might give rise to any court proceeding or contingent claims, which would adversely affect Sellers' title to the Water. Buyer warrants and represents that it is a municipality and home rule city under the laws of the State of Colorado with tax exempt ID number 98-00978-0000.

Notices. Any notice required or permitted to be given under this Contract shall be in writing and shall be deemed to have been given or delivered when delivered by hand or three (3) days after deposited in a United States Post Office, registered or certified mail, postage prepaid, return receipt requested, and addressed to the addresses first referenced above.

Amendments and Termination. This Contract may be amended, modified or terminated only by written instrument executed by the parties.

Survival. Each and every covenant, promise, warranty, obligation, liability, representation or payment contained in this Contract shall not merge in any assignment, deed, or covenant, but shall survive such assignment, deed, and covenant

and related closings, and shall be binding and obligatory upon the parties hereto.

Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

Recordation. Following execution of this Contract by the parties hereto, the Buyer may cause this Contract to be recorded in the County Clerk and Recorder's Office of any applicable county and in any other applicable government office.

Waivers. No right under this Contract may be waived, except by written instrument executed by the parties waiving such right. No waiver of any breach of any provision contained in this Contract shall be deemed a waiver of any preceding or succeeding breach of that provision or of any other provision contained in this Contract. No extension of time for performance of any obligations or acts shall be deemed an extension of the time for performance of any other obligations or acts.

Entire Agreement of the Parties. This Contract constitutes the entire agreement between the parties and supersedes all prior agreements, offers, acceptances and understandings of the parties with respect to the subject matter hereof. All prior and contemporaneous conversations, negotiations, possible alleged agreements, representations, covenants and warranties concerning the subject matter hereof are merged herein.

Recommendation of Counsel. By signing this agreement, Sellers acknowledge that this document has important legal and tax consequences and Sellers should consult with legal and tax or other counsel before signing this contract. Buyer makes no representations or warranties regarding the legal or tax consequences of any or all of this transaction, including but not limited to the taxation of interest paid. Sellers represent that Sellers are relying upon and shall rely solely upon Sellers' own investigation and consultants regarding such legal and tax consequences.

Buyer, The City of Woodland Park

Attest:

By: _____
Mayor

City Clerk

Accepted and signed by Sellers this 9th day of June, 2021:

Leonard Talkington
Shirley Talkington
Leonard and Shirley Talkington



City of Woodland Park City Council Memo

Initial Posting: July 1, 2021, 7pm

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
3.A	Planning	Sally Riley Planning Director

AGENDA ITEM 8.B:

Approve Ordinance No. 1397, Series 2021 on initial posting repealing the 180-day occupancy limitation for the definitions of Recreational Park Trailers and Recreational Vehicles and set the public hearing for August 5, 2021. **(L)**

BACKGROUND

1. On May 27, 2021 after a robust discussion, Planning Commission tabled Ordinance No. 1397 to June 24th to hold a work session on June 10th and consider policies associated with the existing land use expectations for the three existing campgrounds/RV Parks in Woodland Park.
2. During the June 10, 2021 work session, based upon a Planning Commission suggestion, Staff presented an “administrative policy” allowing the existing RV Parks and Campgrounds to operate as they currently exist. This administrative policy would ensure that:
 - a. existing and future campers are not evicted;
 - b. vehicles and trailers within the campground are registered, insured & mobile;
 - c. campground or number of spaces or land use does not expand; and
 - d. upkeep, care and condition of the property and vehicles are maintained.
3. See attached summary of the June 10, 2021 Planning Commission work session.
4. On June 16, 2021, Planning Staff met with Jeff and Jean Baldwin and suggested that the City could issue a “status quo” letter to each RV/campground property owner as assurance that their business could continue “as is” with no enforcement of the ambiguous terminology of temporary, short-term or transient. The official letters will also establish a land use baseline unique to each business (i.e., number of spaces, number of park models, campground rules, etc.). Furthermore, the owners will be informed that if changes are desired to the 2021 land use baseline, then the owners will be obligated to make request through a public process, such as:
 - a. Woodland RV Park = Amendment to the current PUD zoning
 - b. Bristlecone Lodge and RV Park = Establish a Conditional Use Permit (CUP)
 - c. Diamond Campground = Amendment to their 1976 CUP
5. Planning Commission is holding a Public Hearing on June 24, 2021 and the results of this hearing will be shared with Council after the July 1st Council packet is distributed.

RECOMMENDATION: To approve Ordinance No. 1397 on initial posting to repeal the 180-day occupancy limitation for the definitions of Recreational Park Trailers and Recreational Vehicles and set the public hearing for August 5, 2021.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1397, SERIES 2021**

AN ORDINANCE REPEALING THE 180-DAY OCCUPANCY LIMITATION AS IT RELATES TO THE DEFINITIONS OF RECREATIONAL PARK TRAILERS AND RECREATIONAL VEHICLES.

WHEREAS, the City of Woodland Park has become aware of several potential unintended consequences with the passage and application of Ordinance 1383, Series 2020 as it relates to the operation of campgrounds and recreation vehicle parks; and,

WHEREAS, the City Council determines that the unintended impacts to the property values of recreation vehicle parks and to the people currently residing within the City at recreational vehicle parks could create immediate harm if the current definitions are applied without further consideration; and,

WHEREAS, the City Council after public hearing deems it to be in the City's best interest to repeal the 180-day occupancy limitation as it relates to the definitions of Recreational Park Trailers and Recreational Vehicles.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS:

Section 1. Code Revision. The City Council of Woodland Park hereby declares that the 180-day occupancy limitation contained in the definitions for Recreation Park Trailers and Recreation Vehicles is repealed as follows:

18.06.405. "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters ~~of no more than 180 days~~ for recreational, camping, or seasonal use that is built on a single chassis mounted on wheels. Recreational park trailers are typically constructed in compliance with applicable American National Standards Institute (ANSI) standard A 119.5. Recreational park trailers are only allowed in recreational vehicle parks and/or campgrounds.

18.06.410. "Recreational vehicle" means a vehicle which is manufactured, constructed, or equipped primarily for use as a self-propelled home, house car, or mobile living quarters, capable of being legally operated on the highways, and containing permanently installed essential living facilities for intermittent or short-term occupation ~~of no more than 180 days~~. This term shall not include any towed utility trailer, nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger bus.

Section 2. Effective Date. Pursuant to the Woodland Park Charter Article VII Section 7.5, this Ordinance shall take effect seven (7) days after publication following final passage.

Section 3. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

PASSED BY CITY COUNCIL ON FIRST AND FINAL READING AS AN EMERGENCY ORDINANCE THIS _____ DAY OF _____, 2021.

Mayor Pro-tem Hilary LaBarre

ATTEST:

Suzanne Leclercq, City Clerk

WOODLAND PARK PLANNING COMMISSION MEETING MINUTES for June 10, 2021 – 7:00 PM

Council Chambers, 220 W South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to sriley@city-woodlandpark.org.

- 1. ORDER AND ROLL CALL:** Order was called at 7:00 p.m. Commissioners present in-person: Chairman DeVaux, Vice-Chairman Ken Hartsfield, Lee Brown, Larry Larsen, Ellen Carrick, Al Bunge. Staff present in-person: Planning Director Sally Riley, City Planner Lor Pellegrino, City Attorney Nina Williams.
- 2. APPROVAL OF MINUTES:** The May 27, 2021 minutes were approved as presented.
- 3. PUBLIC HEARINGS.** None.
- 4. WORK SESSION.** To discuss policies related to Ordinance No. 1397 repealing the 180-day occupancy limitation for Recreational Park Trailers and Recreational Vehicles.

Planning Director Riley gave a brief verbal overview of RVs and Park Models and presented a draft administrative policy to supplement Ordinance 1397 to ensure that existing and future campers are not evicted; to require that RVs be registered, insured and mobile; to limit expansion of the use; and, to provide for the upkeep, care and maintenance of the property, structures, RVs, and use. The intent is to find a compromise between current operations and regulations. She stated that all three campgrounds have been given the draft policy and that the public hearing on the ordinance is scheduled for June 24.

Commissioner Bunge: Supports the policy as written but he believes that the use should end with the existing tenant. He does not want these parks to turn into eyesores, no matter who owns them. His aim is to protect the community. He believes the City should change with the evolution of the RV community.

Commissioner Carrick: Stated that she toured the Woodland RV Park and feels that it is clean and well run. She agrees with the policy but would like to delete “at a moment’s notice” as that is too onerous. The Park Models are not owned by the park/property owner. She is undecided about whether the use should end with the tenant. She would like staff to consider new zoning (or perhaps an overlay district).

Vice-Chairman Hartsfield: He believes the original intent is for recreational use and temporary occupancy. Does not agree with eliminating the 180-day limit and suggests that campgrounds be rezoned to a residential use if permanent occupancy is permitted. He suggests creating a new zone district. He believes that the use should end with the tenant – if a long term tenant leaves, then the next RV that moves in should be temporary use. He recommends a contract or agreement to enforce the administrative policy as a means to better enforce the policy. Trashiness and maintenance are separate issues.

Commissioner Larsen: He understands that this is a hybrid use and believes a flexible administrative policy is the right approach (similar to how we administer the sign code). He is concerned by Council’s position. He believes that the use should end with the tenant. Attention should be focused on the three existing parks and a reasonable compromise.

Commissioner Brown: Believes that the residential use should end with the existing tenant. He also stated that the policy needs to be clearer about who can and cannot be evicted. He accepts the Council view but feels the “temporary, short term” language should remain but not enforced with respect to current occupants. There is no land use right now and care should be taken to creating a legal use. The current campground business model that the current owners apply is contrary to the Municipal Code. He would like to see the City Attorney draft language that retains short term use but not enforced with current occupants.

Chairman DeVaux: He is concerned about the ability to sell the campground. He also stated that campgrounds and RV parks make the City a destination and that permanent occupancy should occur. He suggested that the City Attorney talk to the Baldwin's attorney.

City Attorney Williams: She commended the Planning Commission on all the work they did on Ordinance 1383. Residential use was never permitted therefore residential use cannot be "grandfathered" as part of the code. Enforcement would be based on the baseline site plan and it is in the property owner's best interest to voluntarily conform with policies. The City could clarify the policy with a letter to each campground.

Ivan Mehlhoff (owner of Bristlecone Campground): He offers month-to-month leases but many customers stay more than 180 days in aggregate (for example, some people live in the campground while they are building their house, some are Charis students who are here for the college term).

Jeff Baldwin (owner of Woodland RV Park): He purchased the park in 1984 and caters to customers who stay as long as they wish on an extended stay basis. Many jurisdictions like El Paso, Colorado Springs, and Manitou Springs do not restrict occupancy. Folks want and need alternative housing. Rents, mortgages and building costs have skyrocketed. We have provided that alternative option to nurses, dentists, regional managers, students, police officers, retirees, mechanics, single women, etc. We charge \$550.00 per month. Our rules are strictly enforced by the campground manager. He stated that he will lose half of his business if the 180-day limit remains. The park is valued at \$2.5 million and taxes are paid. Six customers currently have consistently stayed longer than 180 days. We are temporary, transitional, seasonal and long term and we allow park models to pull in depending on space and availability. He believes the draft policy is redundant, further limits RV park owners, and injures property rights.

Mac McVicker: Suggests that in the RV world there is no such thing as permanent houses but that the Commissioners should focus on their goal. RVIA likes terms like "temporary" because then they don't have to meet IRC codes. If the goal is to avoid dilapidated parks, then 180 days is irrelevant. Refocus on what you want these parks to look like, not an occupancy limit. Work with current park owners to implement their rules and best practices into regulations with particular consideration given to life/safety issues.

Mike Nakai: It is not your role to placate City Council. Four votes of Council is required to overturn the Planning Commission recommendation. A tie vote is a fail. Consider if you want full-time RVs and park models expanded, status quo or reduced over time. The original premise was to reduce full-time occupancy of campgrounds over time. Status quo was the compromise that this administrative draft policy attempts to achieve. He disagrees that due process was denied to the campground owners. State of Colorado stays are limited to 14 days. 180 days satisfies summer seasonal use and is double what Teller County allows. He suggests the Commissioners should not feel obligated to bend over backwards for Council.

5. REPORTS

- A. Envision Woodland Park 2030: Planning Director Riley briefly provided the status of the comprehensive plan. Each draft chapter will be reviewed at the next subcommittee meeting (in-person on June 28). Commissioners can expect to review a complete draft of the revised plan during the July and August Planning Commission meetings.
- B. The next Planning Commission meeting on June 24, 2020 will include Ordinance 1397 and a work session on the proposed Comprehensive Plan land use map.

6. ADJOURN: The meeting adjourned at 9:13 pm.

Approved this _____ day of _____, 2021 by _____
Jon DeVaux, Chairman



City of Woodland Park City Council Memo

Public Hearing: July 1, 2021, 7pm

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
9A	City Clerk	Suzanne Leclercq City Clerk

AGENDA ITEM

Approve Ordinance No. 1399, Series 2021 eliminating the school related distance restrictions applicable to premises holding a Liquor License located in the Gold Hill Square South Shopping Center with addresses of 701 through 799 Gold Hill Place and 519 W. US 24. (L)

BACKGROUND

1. The Planning Department recently received an application requesting a PUD amendment to Gold Hill Square South to use a portion of Building #6 for a public charter school, kindergarten through 8th grade.
2. Colorado State Statues and Woodland Park Municipal Code restricts the issuance of a liquor license within a certain distance of a school.
3. The local licensing authority (i.e., City of Woodland Park), by ordinance, may eliminate or reduce the distance restrictions imposed by the State, or may eliminate one or more types of schools or campuses from the application of any distance restriction established by the State.
4. In the past, the City Council has reduced and eliminated the separations distances. In 1985, the separation distant was reduced from 500 feet to 400 feet throughout the City. As recent as 2012, the separation distance was eliminated within the Special Downtown Overlay Area as shown by a map in §18.48.095 of the Municipal Code.
5. Staff believes it is reasonable and in the best interests of the Gold Hill Square South business and property owners to eliminate the separation requirements for liquor establishments and Merit Academy Charter School.

RECOMMENDATION

Move to approve Ordinance No. 1399, Series 2021 eliminating the school related distance restrictions applicable to premises holding a Liquor License located in the Gold Hill Square South Shopping Center with addresses of 701 through 799 Gold Hill Place and 519 W. US 24..

ATTACHMENTS

- Ordinance No. 1399, Series 2021

Please contact the City Clerk (687-5295) or Planning Director (687-5283, if you have any questions.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1399, SERIES 2021**

AN ORDINANCE ELIMINATING THE SCHOOL-RELATED DISTANCE RESTRICTIONS APPLICABLE TO PREMISES HOLDING A LIQUOR LICENSE LOCATED WITHIN THE GOLD HILL SQUARE SOUTH SHOPPING CENTER WITH ADDRESSES OF 701 THROUGH 799 GOLD HILL PLACE AND 519 W. US24.

WHEREAS, C.R.S. § 12-47-313(d)(I) and C.C.R. 47-1020 restrict the issuance of a retail liquor license, a liquor licensed drugstore license, a beer and wine license, a hotel and restaurant license, a tavern license, a brew pub license, a club license, an arts license, a racetrack license, an optional premises license, a retail gaming tavern license, a vintner's license and a special events license, if the building in which the alcohol beverages are to be sold is located within five hundred feet of any public or parochial school or the principal campus of any college, university, or seminary; and

WHEREAS, C.R.S. § 12-47-313 allows the City of Woodland Park to eliminate or reduce such distance restrictions by ordinance; and

WHEREAS, by Ordinance No. 382, Series 1985, the City Council reduced the distance for hotel and restaurant licenses city-wide to four hundred feet; and

WHEREAS, by Ordinance No. 1173, Series 2012, the City Council eliminated the school-related distance restriction applicable to a premises holding a liquor license located within the area as shown on the Special Downtown Area Overlay Map contained in §18.48.095; and

WHEREAS, it has been determined by the City Council that it is in the best interests of the citizens of the City of Woodland Park to eliminate the school-related distance restrictions applicable to premises located or to be located within the Gold Hill Square South Shopping Center with addresses of 701 through 799 Gold Hill Place and 519 W. US24.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS:

Section 1. The distance restriction imposed by Section 12-47-313 (d)(I), C.R.S, and C.C.R. § 47-1020 are eliminated for all classes of licenses to which they apply for premises located within the Gold Hill Square South Shopping Center with addresses of 701 through 797 Gold Hill Place and 519 W. US24 as shown by Exhibit A. Accordingly, the minimum distance required by Section 12-47-313(d)(I), C.R.S. and C.C.R. § 47-1020 from those premises holding a liquor license to any public or parochial school or the principal campus of any college, university, or seminary is eliminated.

Section 2. This Ordinance shall be in full force and effect from and after its publication as required by law.

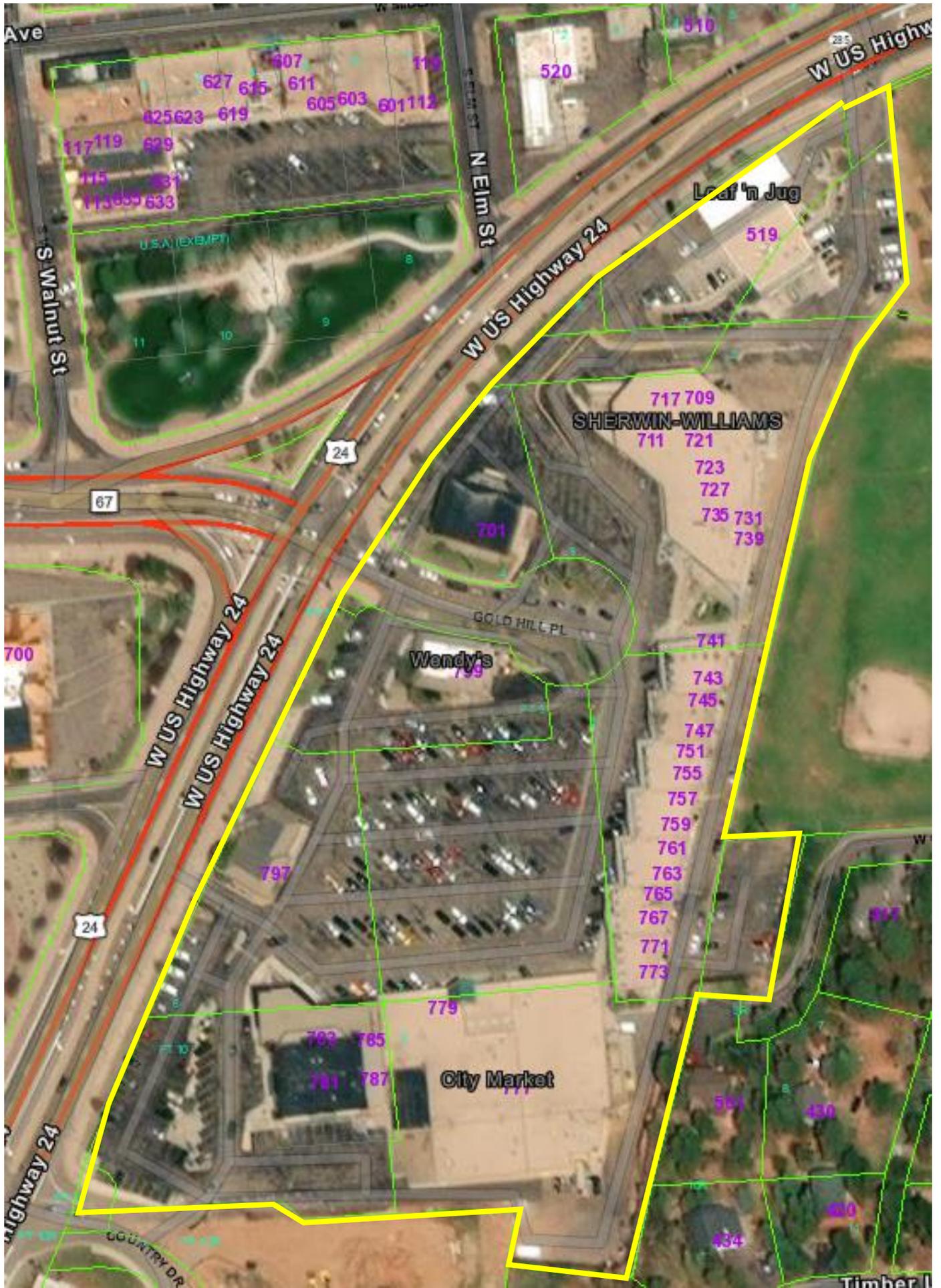
PASSED BY CITY COUNCIL ON FIRST AND FINAL READING AS AN EMERGENCY ORDINANCE THIS _____ DAY OF _____, 2021.

Mayor Pro-tem Hilary LaBarre

ATTEST: _____

Suzanne Leclercq, City Clerk

EXHIBIT A - SUBJECT PROPERTY outlined in yellow





City of Woodland Park Staff Report for City Council

Public Hearing: July 1, 2021

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
9. B.	Parks and Recreation	Cindy Keating Parks and Recreation Director

AGENDA ITEM

Ordinance No. 1398, Series 2021 on public hearing, amending Chapter 14 of the Woodland Park Municipal Code to repeal and reenact Section 14.04.030 #25 concerning hours of closure of City Parks and set the public hearing for June 17, 2021.

BACKGROUND

The Police Department approached the Parks and Recreation Department requesting a review of park hours and posting hours consistently throughout the parks. The current City Municipal Codes states that parks are closed from 11:00 p.m.-Sunrise. The Parks and Recreation Advisory Board recommended that Neighborhood Parks follow the seasons and be closed from dusk to dawn and both the Sports Complex and Community Park, due programming and rentals, remain closed from 10:00 p.m. to dawn. The Police Department supports the recommended changes in park closures. [At the June 3, 2021 City Council Meeting, council approve unanimously to change the park closure hours to read Neighborhood Parks are closed from thirty \(30\) minutes after sunset to thirty \(30\) minutes before sunrise, Community Parks and Sport Complexes are closed from 10:00 p.m. to thirty \(30\) minutes before sunrise.](#)

PARKS AND RECREATION ADVISORY BOARD

On February 10, 2021 the Parks and Recreation Advisory Board voted unanimously to *Update the City Municipal Code, Parks Code, to state all Neighborhood Parks are closed from dusk to dawn; Community Parks and Sport Complexes are closed from 10:00 p.m. to dawn by ordinance to be approved by City Council.*

[On June 7, the Parks and Recreation Advisory Board reviewed the changes presented by City Council. Via email, the board unanimously approved the removal of the thirty \(30\) minutes after sunset and thirty \(30\) minute before sunrise in the Park Closure amendment.](#)

RECOMMENDATION

Move to approve the amended park closure to state, *Neighborhood Parks are closed from sunset to sunrise; Community Parks and Sport Complexes are closed from 10:00 p.m. to sunrise. It is unlawful for any person to remain in any park or park building outside of these hours other than a City employee in the performance of their duty or persons participating in City sponsored activities or with the written consent of the Director.*

ATTACHMENTS

- Ordinance No. 1398, Series 2021
- Minutes from February 10, 2021 Parks and Recreation Advisory Board meeting

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1398, SERIES 2021**

AN ORDINANCE AMENDING CHAPTER 14 OF THE WOODLAND PARK MUNICIPAL CODE TO REPEAL AND REENACT SECTION 14.04.030 #25 CONCERNING HOURS OF CLOSURE OF CITY PARKS

WHEREAS the City Council of the City of Woodland Park finds, determines, and declares that it is in the public’s best interests to provide amended park hours for neighborhood, sport complex and community parks, and

WHEREAS the City Council of the City of Woodland Park finds, determines, and declares that it is necessary to make amendments to the City of Woodland Park Code to ensure proper enforcement of neighborhood, sport complex and community park hours.

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

Section 1. The Woodland Park Municipal Code § 14.04.030 (25) is repealed and reenacted as follows:

25. PARKS CLOSED – Neighborhood Parks are closed from sunset to sunrise; Community Parks and Sport Complexes are closed from 10:00 p.m. to sunrise. It is unlawful for any person to remain in any park or park building outside of these hours other than a City employee in the performance of their duty or persons participating in City sponsored activities or with the written consent of the Director.

Section 2. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 3. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect from after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS
_____ DAY OF _____, 2021.

Honorable Mayor Pro Tem LaBarre

ATTEST:

Suzanne Leclercq, City Clerk

CITY COUNCIL
July 1, 2021
Council Agenda Item No. 10 A.

TO: MAYOR PRO-TEM LABARRE AND CITY COUNCIL

FROM: SUZANNE LECLERCQ, CITY CLERK

DATE: June 23, 2021

RE: Approval of the dedication of a Memorial Plaque for Mayor Neil Levy

BACKGROUND: As Council will recall Resolution No. 874, Series 2021 Establishing the Naming and Memorial Committee was adopted by Council on April 15, 2021.

City Manager Michael Lawson received a letter from Carrol Harvey asking that a plaque be placed at Panther Field in the Meadowood Sports Complex to honor the memory of the late Mayor Neil Levy.

As per Resolution No. 874 the Committee members consist of City Manager, Michael Lawson, City Clerk, Suzanne Leclercq, Parks and Recreation Director, Cindy Keating, Mayor Pro-tem Hilary LaBarre and Councilmember Case. The Committee reviewed the request from Carrol Harvey and would like to ask Council to approve this Memorial Plaque to be placed at Panther Field in the Meadowood Sports Complex. I have attached the letter of request from Carrol Harvey.

Date: 5 June 2021

To: Woodland Park Naming and Memorial Committee
Attn: City Manager, Woodland Park
P.O. Box 9007
Woodland Park, CO 80866

Received
6-7-21
SU

From: Carrol Harvey
515 Falcons Rest Place
Woodland Park, CO 80863

Subject: Letter of Interest; Mayor's Memorial for Neil A. Levy

Reference: Resolution No. 874, Series 2021 Establishing the Naming and Memorial Committee

Dear Committee Members,

It is my great honor to request official recognition of former Mayor Neil A. Levy in the form of a Mayor's Memorial Plaque as described in the reference above. It is my hope that this plaque be presented as part of the formal dedication of a sports field to be re-named in honor of Mayor Levy later this year.

Mayor Levy served as the City of Woodland Park's Mayor from 2014 to 2020. His untimely passing in August 2020 left a huge void in a city that came to know and respect him as a tremendous leader and humanitarian.

Neil was immensely passionate about the Woodland Park community. He strived to make Woodland Park a great place for businesses and families. A successful businessman himself, he and his wife owned The Swiss Chalet Restaurant here in Woodland Park and the Pepper Tree in Colorado Springs. He was an active member of the Woodland Park Chamber of Commerce from 2005 until 2013, serving as Board Chairman from 2012 to 2013.

An elected official who stayed away from politics, Neil was the people's mayor who looked for solutions rather than controversy. His ability to work toward consensus on some particularly contentious issues was a rare trait into today's political landscape.

The Woodland Aquatic Center, a community goal that came to fruition because of Neil's tireless efforts, opened during his administration. The community turned out by the hundreds to celebrate when the Center opened. Neil often spoke with pride that the Center's value to Woodland Park was best measured by the fact that every third grader in this town now knows how to swim!

Neil was a strong supporter of the school district, where his three sons attended all 12 years. He coached the Woodland Park High School baseball team, sometimes attending City Council meetings in coaching gear immediately after a baseball game concluded. But Neil was more than an athletic coach—he was a true mentor to countless youth in the area, as well.

Following Neil's passing last year, a local newspaper remarked that Neil was a "mini-ambassador" for our town. He was that and more. I know of no other public figure, businessman, or resident who so tirelessly championed Woodland Park, our youth, our businesses, and all that is good in our community. I know there are plenty of young people who will remember his dedication and good humor for the rest of their lives. A small reminder of Neil's legacy represented in a Memorial Plaque will help us all to recall and honor a true leader, inspiration, and friend for years to come. Thank you for your consideration of this request.

Carrol Harvey