

Woodland Park City Council
Council Chambers - City Hall
March 4, 2021 Council Meeting Minutes
7:00 PM
(In Person and 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.

1. ROLL CALL - 6:00 PM

The following members of Council present via zoom were: Mayor Pro-tem Hilary LaBarre, Councilmembers Kellie Case, Rusty Neal and Jim Pfaff. Councilmembers Stephanie Alfieri and Robert Zuluaga appeared in person in the City Council Chambers.

The following Staff Members also in attendance via zoom for this meeting were: Planning Director, Sally Riley, Utilities Director, Kip Wiley, City Attorneys, Geoff Wilson, Nina Williams and Public Works Director Robyn Brown. Acting City Manager Michael Lawson, City Clerk Suzanne Leclercq and Management Analyst Robert Felts were in person.

Motion: To move into Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, regarding the purchase of property. Neal/Case. Motion carried 6-0.

The following individuals were present for the Executive Session: Mayor Pro-tem LaBarre, Councilmembers Alfieri, Case, Pfaff, Neal and Zuluaga. Acting City Manager Michael Lawson, City Attorney Geoff Wilson, City attorney Nina Williams, Planning Director Sally Riley and City Clerk Suzanne Leclercq were also present for the Executive Session.

The Executive Session began at 6:08 PM.

The Executive Session concluded at 7:00 PM and Mayor Pro-tem LaBarre opened the Public Meeting at 7:06 PM.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS:

Keep Woodland Park Beautiful: City Clerk Leclercq introduced Renzi Ricketts (via zoom) who applied to be on the KWPB Committee. Council asked Ms. Ricketts questions regarding her desire to be on the KWPB Committee.

MOTION: To appoint Renzi Ricketts to the Keep Woodland Park Beautiful Committee. Neal/Case. 6-0 Motion carried.

Board of Adjustment: City Clerk Leclercq introduced Valerie Lundy (via zoom) who applied to move from an Alternate Member of the Board of Adjustment to a Permanent Member of the Board of Adjustment. Council asked Ms. Lundy questions regarding her desire to change her position on the BOA.

MOTION: To appoint Valerie Lundy as a Permanent Member of the Board of adjustment. Zuluaga/Neal. 6-0 Motion carried.

Appointment of and/or discussion of Mayoral position: At this time Council asked City Attorney Geoff Wilson to explain the options available to them for appointing a Mayor. Mr. Wilson referred Council to the memo that Acting City Manager Lawson had written to the Council on February 17 which referred to City Charter Section 3.5.

Mr. Wilson reviewed with Council that they had three options.

1. To do nothing
2. Vote to fill the position either with Mayor Pro-tem LaBarre or advertise for others to apply.
3. Call for a Special Election

Councilmember Alfieri asked City Clerk Leclercq to explain what a Special Election would entail. Leclercq reviewed with the Council that the election costs would range from \$15,000 to \$20,000 and the process would take a few months to complete.

MOTION: To appoint Mayor Pro-tem LaBarre as Mayor of the City of Woodland Park. Case/Neal. 2-3. Motion failed. Alfieri, Pfaff, Zuluaga voting no and LaBarre abstaining from the vote.

MOTION: to direct the City Clerk to advertise for the position of Mayor. Position would be advertised for 30 days and review of the applicants would be at the April 15, 2021 Council Meeting. Pfaff/Alfieri. 5-1. Motion carried with Neal voting no.

3. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

4. CONSENT CALENDAR:

City Clerk Leclercq read the following into the Consent Calendar:

- A. Approval of minutes from the February 4 and February 18, 2021 Regular City Council Meetings.
- B. Approval of agreement between the City of Woodland Park, a Colorado home rule municipality and Wilson Williams LLP under which the Law Firm shall perform legal services.

Councilmember Alfieri noted a date that was incorrect in the minutes and City Clerk Leclercq stated she would amend the minutes.

MOTION: To approve the Consent Agenda as presented. Zuluaga/Alfieri. 6-0. Motion carried.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

A. Scott Davis asked the Council if there would be any repercussions to the DDA and KWPB member who was convicted of Election Fraud. Mayor Pro-tem LaBarre responded that Council was aware of the situation.

7. UNFINISHED BUSINESS:

- A. None

8. ORDINANCES ON INITIAL POSTING

- A. Consider Ordinance No. 1392, Series 2021 on first reading establishing a 12 month moratorium on the applicability and effective date two definitions contained in Ordinance

No. 1383, Series 2020 regarding recreational park trailers and recreational vehicles and set the Public Hearing for March 18, 2021.

Planning Director Riley reviewed this Ordinance on initial posting.

Councilmember Pfaff shared that he received an email from City Attorney Geoff Wilson regarding the possibility of recusing himself on this issue as it may be a possible conflict of interest. Pfaff shared that he would not be recusing himself on this matter as it was similar to any regular ordinance placed upon an apartment complex and that it was general and applicable to anyone.

City Attorney Wilson shared that he did send an email and have a conversation with Mr. Pfaff and that he would be sending the rest of the Council the email as well. Wilson reported that the Charter provides for the remaining members of Council to vote on whether or not they believe a Councilmember should recuse themselves or not.

Councilmember Pfaff shared that these businesses provide a much needed benefit to our Community.

MOTION: Consider Ordinance No. 1392, Series 2021 on first reading establishing a 12 month moratorium on the applicability and effective date two definitions contained in Ordinance No. 1383, Series 2020 regarding recreational park trailers and recreational vehicles and set the Public Hearing for March 18, 2021. Case/LaBarre. Motion carried 6-0.

9. PUBLIC HEARINGS

Prior to the Public Hearing Mayor Pro-tem LaBarre read the QJ announcement into the record.

LaBarre shared that she would be recusing herself from the vote on this Ordinance and asked Council if they had issue with her still facilitating the meeting. Council had no issue.

Councilmember Neal shared that he wanted to disclose that he owned 4 trailers and felt he could still be impartial to this item and asked whether he needed to recuse himself or not. City Attorneys Wilson and Williams both advised Neal that if he felt he could be impartial and unbiased he did not have to recuse himself. Neal stated that he could.

A. Consider Resolution No. 872, Series 2021 for a 2-year extension of Conditional Use Permit 18-01 (Ordinance 1330, 2018) and Site Plan Review 18-01 to July 19, 2022 for a proposed 72,400 SF storage facility on 4.74 acres on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone as requested by M3XP2, LLC (Applicant) and 19350 Group, LLC (Owner).

City Planner Lor Pellegrino shared her staff report and presentation on Resolution No. 872, Series 2021.

Pellegrino reviewed that on January 29, 2021 the City received a written request to extend CUP18-01 (which was approved by City Ordinance No. 1338, Series 2018) and SPR 18-01 all for a 72,400 square foot self-storage facility on 4.75 acres. The original approvals granted by City Council on July 19, 2018 were attached to the staff report for Council to review. Pursuant to Municipal Code 18.34.110 (Site Plan) and 18.57.090 (CUP) "authority to issue a zoning/development permit [ZDP] or building permit... shall expire two years after the date of approval". Since the developer continues to proceed with the submitted ZDPs (for infrastructure and site work, the water utility

bore under US24, and the climate-controlled building), they request an extension of the CUP and SPR approvals for an additional two years - from July 19, 2020 to July 19, 2022.

Pellegrino shared that at a public hearing on February 25, 2021, the Planning Commission recommended approval of a 2-year extension of CUP18-01 (Ordinance No. 1330, Series 2018) and SPR18-01 to July 19, 2022.

Pellegrino introduced Mr. Michael Harper who was in the audience and could answer any questions regarding the project, Council may have. Council discussed with Mr. Harper why an extension was needed and asked Mr. Harper what was taking so long with the project. Mr. Harper stated that a year ago they were moving ahead with their plan and then COVID hit. Financing slowed down and they had to start all over again securing their financing with the bank. Councilmember Zuluaga asked when they expected to break ground after the drilling is bored under the highway and Mr. Harper shared they thought it would be between 5 and 7 months. Mr. Harper stated that the drilling and construction could take place simultaneously.

Councilmember Alfieri shared that she was concerned that this extension would not be setting a precedent. Alfieri also asked about the creek bed and if there were any major changes to it.

Collen, the Engineer from Matrix shared that the project is outside of the 100 year flood plain and that it has been looked at currently. No Issues.

Following Council discussion with Mr. Harper, Mayor Pro-tem LaBarre opened the Public Comment portion of the Public Hearing. There being no Public Comment the Public Meeting was closed.

MOTION: Consider Resolution No. 872, Series 2021 for a 2-year extension of Conditional Use Permit 18-01 (Ordinance 1330, 2018) and Site Plan Review 18-01 to July 19, 2022 for a proposed 72,400 SF storage facility on 4.74 acres on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone as requested by M3XP2, LLC (Applicant) and 19350 Group, LLC (Owner). Neal/Case. Motion carried 5-0 with LaBarre abstaining from the vote.

10. NEW BUSINESS

A. Approve Resolution No. 871, Series 2021 a Resolution Reasserting the Rights of the City of Woodland Park and Its Residents and Condemning the Unlimited Use of Executive Orders Being Allowed by the Colorado State Legislature.

Councilmember Alfieri shared that Mayor Pro-tem LaBarre and Councilmember Neal had made changes to the initial draft of this Resolution that was brought forward to the Council on February 4. Councilmember Neal thanked Councilmember Alfieri for all of her work on this Resolution as well. Neal shared that they had solicited input from the County Commissioners as well.

At this time Mayor Pro-tem LaBarre opened up the Public Comment on this agenda item.

Bob Volpe shared that he opposed this Resolution and felt that this Resolution was vindictive and partisan.

Following Council discussion and Public Comment Councilmember Zuluaga read the following statement and asked that it be placed into the record:

“My thoughts on Resolution 871

Let me start by saying I am encouraged that three of my colleagues got together to iron out a proposed modification to Resolution 871.

In the wake of the loss of Mayor Carr to the China Virus, my friend and an inspiration in his advocacy of the best interests of Woodland Park and her citizens; I have deliberated long and hard on this Resolution, not that it has import in the rule of law; but rather that it could sound the tone of liberty and personal responsibility quickly being forgotten in the pandemonium of the now biased public discourse.

For the past 12 months I have watched tragic losses to small businesses in our City, domestic violence and marriage breakdown through the anxiety and stress brought about by onerous government bureaucrats thinking they know what is best for us all; the loss of civil liberties, the disruption to our children’s education, the social disconnect between us and the increase in suicides in our County to name a few equally concerning public health and safety concerns.

Yes, we were all set on alert when it was first reported that we had a worldwide outbreak of the China Wuhan Virus, a strain of the Covid virus (commonly known by medical folks as an annual strain of the flu). Yes it is a man-made modified strain and it is serious. However, 12 months later it is NOT what we thought it was. It is not on a par with The Spanish Flu, The Bubonic Plague or the like. But it sure has been a golden opportunity to attempt to take control of individuals’ personal liberties and person responsibility for our own lives.

People die from this virus. Our Mayor was sadly one of them. People die from the flu. We don’t track the deaths by flu anymore. Its all COVID. How about heart attacks, cancer, accidents, respiratory diseases (like pneumonia), strokes, Alzheimer’s and diabetes? People die from all these as well, and we do not shut down society. For me it is time to take an inventory of what is real and this Resolution could speak to that; albeit as some have said it is a “symbolic speech.”

Many of you are concerned about your health and if the government tells you to do something, you don’t question it; you just do it. That is your choice. I was elected by you to protect the health, safety and freedoms of all Woodland Park residents; from all enemies foreign and domestic. I raised my right hand and placed the other on my bible and swore to uphold the US and Colorado Constitutions and the Charter and Ordinances of the City of Woodland Park. I did not take an oath to uphold bad law and government overreach.

To this point, the Resolution is before us tonight because of the ongoing overreach by at least two branches of representative government.

One positive addition has come with this revised version and I support the addition of the paragraph,
“WHEREAS, the Governor has circumvented the representative balance of government, wherein emergency powers are limited and requires the legislature to convene to discuss and vote on any additional extension that would infringe on Coloradans liberties; we the elected officials in the City of Woodland Park call upon the Colorado State Legislature to vote on behalf of its citizens as to

whether the Governor's actions meet the limited requirements of protecting the health and safety of the public;"

HOWEVER;

1. I reject the removal of the language originally condemning first and foremost the unconstitutional limitations imposed upon the freedoms of our Citizens by the Governor. We have by constitutional design 3 branches of government that was intentionally designed by our forebearers to protect individual freedom and liberty from historic despotic forms of government that have plagued humanity since the beginning of time. Plagues have come and gone throughout civilization and 12 months into this one, with all the data and statistics we are able to bring to bear on rational minds; I, as an elected representative of 8200 residents, do not find that it justifies the many unintended consequences of top-down tyrannical government edicts done in the name of "public health and safety."
2. I reject the removal of the language that "Whereas, ALL businesses, places of worship, and governmental meetings, are essential to the exercise of individuals fundamental rights and it is discriminatory for the state to treat some, but not all, establishments with preference by labeling them as "essential". ALL businesses are ESSENTIAL. It is not the government's role, responsibility or lawful delegated authority to pick winners and losers in commerce and to threaten their livelihood if the business owner does not agree. Each has a right to feed his/her family.
3. I reject the language change to attempt to water down the position I have as your advocate to uphold your unalienable rights and to say that as Council "I call upon the Governor to take all necessary steps to prevent harm to its Citizens and local businesses." Governor Polis has had 12 months to evaluate the consequences of his executive orders; and has not considered the many other social damages his executive orders have caused. In this resolution I want to stand up for your rights as a Citizen of WP to say I stand with you and defend your right to self-responsibility to do what you deem important for you and your family. I am not waiting for the pleasure of a governor who does not know how to exercise restraint imposed on governance by US and Colorado Constitutions. Strong language reflecting this was in the original Resolution and in changes I propose.
4. And as an elected official, I am here to defend your rights as Citizens. The best governance is implemented at a local level. We seem to have forgotten this truth, as we hold our breath and go through the kaleidoscope of colors of the rainbow wondering which color the State deems, we will dance to next.

So why are we making this unenforceable, no teeth Resolution? Why bother? Let sleeping dogs lie. In a recent meeting with our City staff; I was advised the Governor expects us to be out of this "Pandemic" by sometime in September? Really? The statistics or in. At a 99.97 recovery rate for those under 70, and a 95% recovery rate for those over 70; I do not buy the koolaid. Americas Front Line doctors have an entirely different scientific take on this. (A Youtube search may not find them but Rumble will) With all the managed media hype, we are mindlessly accepting foreign law under the guise of public health and safety.

When we first considered this Resolution based on one passed by the Town of Monument, there were 22 other Counties across CO considering adopting a Resolution like this. Last week I learned that number has now increased to 44 of the 64 Counties across CO. We do not discuss this in a vacuum. Mississippi and Texas are releasing their citizens to get back to life as normal. All businesses are essential, mask by free will choice, etc.

In conclusion, I commend our Council for working to bring something to the table for a vote. I will point out that my suggestions to modification of the original Resolution were neither considered nor included in what is before Council tonight. I do not see in this revised Resolution, the courage to stand up for your rights as Citizens from the context of how I understand the role of government.

1. Every business is Essential and we need to say so. Our citizens have a right to their own lives. I reject restrictions that have shut down and restricted businesses. What happens when the Government again thinks they can make use of a crisis to again jerk your life around by arbitrary mandates?
2. I do not just “not approve,” but I strongly condemn the governors unchallenged extension of emergency orders from month to month. After a while it becomes the boy who cried wolf.
3. I do not support executive orders that limit attendance of and free speech at public meetings, places of worship or sporting events.
4. State authorities might attempt to pressure citizens into compliance; however I do not understand nor support the right of County and State authorities to enforce these pseudo-science public health orders.
5. And the kicker; why approve this revised resolution to state what to City is already doing? “The City Council of WP strongly encourages all citizens to follow Public Health Orders and take reasonable measures to ensure the health and safety of themselves, their families and their fellow citizens to reduce the risk of transmission of COVID-19?” Oh please.

To me, this is not only a Resolution which by its very definition is without teeth or force of law; but it is weak in stating the rights I wish to uphold for our residents. The battle for a Cancel Culture rages in America today. I like you have witnessed congress rush to pass bills they haven’t read. One could argue that 95% of the community won’t and didn’t read this Resolution. I see this current Resolution 871 Revised to be lacking in understanding as to what is most important to RESOLVE. It is in my opinion, milktoast.

I have sent my suggestions to Council in an edited and highlighted version which incorporates some of the first Resolution, some of this revised Resolution, and substantive Resolves that gives in my opinion clear direction to the reader and to the community that would give us a document worth standing for along with our fellow Coloradans who have also had enough government overreach in their communities.

I don’t have all the answers, but I offer some. I recommend all Council recommendations be considered and included before the Resolution receives a final vote.

Thank you.”

MOTION: Approve Resolution No. 871, Series 2021 a Resolution Reasserting the Rights of the City of Woodland Park and Its Residents and Condemning the Unlimited Use of Executive Orders Being Allowed by the Colorado State Legislature. Pfaff/Neal. Motion carried 4-2 with Case and Zuluaga voting no.

REPORTS:

- A. **Mayor's Report:** Mayor Pro-tem LaBarre shared the events of the next two weeks.

- B. **Council Reports:** Councilmember Alfieri shared that the DDA held the dedication of the Cog Railway car on Saturday and that it was a great event.

Councilmember Neal shared a report of KWPB and that a social media campaign was being held to remind people to pick up after their dogs. Neal thanked Grace Johnson for the design for this campaign.

Councilmember Zuluaga commented on Main Street and that there is an intern who will be doing a study on the impact of Main Streets across the State.

- C. **City Attorney Reports:**
- D. **City Managers Reports:**

Finance Director Emily Katsimpalis shared the Sales Tax and Lodging Report for the month and Planning Director Sally Riley gave a Comp Plan update.

City Manager Lawson thanked Parks and Recreation for the beautiful Recs Guide they put out and encouraged everyone to look for it on line. Lawson also thanked the City crews for their hard work today with all of the snow removal.

Mayor Pro-tem LaBarre adjourned the meeting at 9:27 PM.

Respectfully submitted:


Suzanne Leclercq MMC, City Clerk

APPROVED THIS 18th DAY OF March, 2021


Hilary LaBarre, Mayor Pro-tem