

**WOODLAND PARK CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBERS, CITY HALL  
JULY 19, 2007 – 6:15 P.M.**

**6:15 P.M. INTERVIEWS WITH PROSPECTIVE DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEMBER APPLICANTS:** Crane welcomed those in attendance and summarized the process, noting that the interviews were not being televised as part of the regular meeting. Council then conducted interviews with prospective DDA Board member applicants Ron Clausen, Jim Ignatius and Merry Jo Larsen.

**1. CALL TO ORDER AND ROLL CALL:** Crane called the meeting to order at 7:00 P.M. The following members of Council were present; Mayor Gary Crane, Jon DeVaux, Terry Harrison, Ken Matthews, Phil Mella, George Parkhurst, and Steve Randolph.

The following Staff Members were also in attendance:

City Manager David Buttery	City Clerk Cindy Morse
City Attorney Erin Smith	Police Chief Robert Larson
Utilities Director Jim Schultz	Public Works Director Bill Alspach
Planning Director Joe Napoleon	City Planner Sally Riley
Public Works Admin. Assistant Pat Mancini	

**2. PLEDGE OF ALLEGIANCE:** Mayor Crane led the audience in the Pledge of Allegiance.

**3. CEREMONIES, PRESENTATIONS & APPOINTMENTS:**

**A.** Consider appointments to the Downtown Development Authority Board of Directors: Crane reported that the Council interviewed three applicants for two positions on the DDA Board of Directors. Applicants interviewed were Ron Clausen, Jim Ignatius and Merry Jo Larsen. At this time, Mella announced that he would not be voting on these appointments, as he was not present for the interviews. Morse distributed paper ballots to Council. The results were as follows:

Crane voted for Ignatius and Larsen  
DeVaux voted for Ignatius and Larsen  
Harrison voted for Ignatius and Larsen  
Matthews voted for Ignatius and Larsen  
Parkhurst voted for Ignatius and Larsen  
Randolph voted for Ignatius and Larsen

Morse administered the Oath of Office to Ignatius and Larsen.

**B.** Introduction of Northeast Teller County Fire Protection District Chief Nick Lauria: Crane introduced Chief Lauria, and highlighted his resume for the audience. Lauria thanked Council and noted he is excited to be the new Chief, and encouraged citizens to contact him with comments or questions about the Fire District.

**4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:** None.

**5. CONSENT CALENDAR:**

**A.** Approve minutes of June 21, 2007 Regular Meeting. **(A)**

**B.** Approve June 2007 Statement of Expenditures and authorize Mayor to sign warrants in payment thereof. **(A)**

Crane read the Consent Calendar items into the record. Mella asked if the purchase of the John Deere Field Groomer was made using a bid process. Buttery noted it was.

**MOTION:** To approve the Consent Calendar as presented. Mella/Matthews.  
Motion carried 7-0.

**6. UNFINISHED BUSINESS:** None.

**7. ORDINANCES ON INITIAL POSTING:**

**A.** Approve Ordinance 1082 granting a Conditional Use Permit for Dirt Cheap Offroad, LLC to expand the existing business to include repair and sales of motorcycles, ATV's and snowmobiles in the Central Business District on Lot 2, Coleman's Subdivision, County of Teller, State of Colorado, more specifically known as 813 W. Lorraine Avenue, as requested by owner H. Scott Sears on initial posting and set the public hearing for August 2, 2007. **(QJ)**

**MOTION:** To approve Ordinance 1079 on initial posting and set the public hearing for July 19, 2007. DeVaux/Matthews. Motion carried 6-0 with Mella abstaining.

**8. PUBLIC HEARINGS:**

**A. TO BE WITHDRAWN:** Consider Ordinance 1080 vacating a 7.5 foot Utility and Drainage Easement on the Northerly Property Boundary of Lot 11, Block 2, Forest Edge Park Third Addition, for the purpose of constructing a retaining wall and driveway to access a new addition to the existing residence, more specifically 949 Edge Hill Drive, as requested by Terry and Lisa Harrison. **(QJ)**

Riley reported that the applicants have requested that this request be withdrawn; noting that the easements will remain in place and the construction will not encroach on the easements. Harrison noted he would be abstaining. Applicant Lisa Harrison addressed Council, thanking them for their initial review of the request.

**MOTION:** To withdraw Ordinance 1081 at the applicant's request. Parkhurst/Randolph. Motion carried 6-0.

**B.** Consider Ordinance 1079 granting a Conditional Use Permit for a Home Day Care for a maximum of 6 children on property in a Suburban Residentially zoned district described as Lot 129 of Northwoods Subdivision, Filing #5 (more specifically 1305 Northwoods Drive) as requested by owner Suzanne Roelof. **(QJ)**

Riley reviewed the staff report, noting that this request is for a maximum of six children. She reported that there are two conditions of approval that are standard for these types of Conditional Use Permit requests. She reported that the Fire District inspected the residence and approves of this use. Crane opened the public hearing. Matthews asked how this daycare license is monitored. Riley reported that the applicant is obligated to inform the City if the license is not renewed. Randolph asked about the easement for emergency access that is adjacent to this parcel. Riley explained the agreement that was entered into with the previous property owners to provide emergency access to the Meadow Wood Sports Complex via this easement. Parkhurst asked if the applicant is required to provide for snow storage due to the length of the driveway. Riley reported that no condition for that is included, and noted that the applicant will be mindful of snow removal during inclement weather. Harrison asked if the Fire District always does inspections for requests of this type. Riley reported they do. Applicant Suzanne Roelof addressed Council, and noted that she will tend to snow removal as the safety of the children is paramount. She also reported that the lower level is a garden level with access to the yard. Maureen Merriman, 1295 Northwoods Drive, addressed Council in support of this request. There being no further comment, the public hearing was closed. Mella asked that he be recused from consideration of this request due to his friendship with the applicant.

**MOTION:** That Mella is recused from consideration of this request. Crane/Matthews. Motion carried 6-0.

**MOTION:** To approve Ordinance 1079. DeVaux/Harrison. Motion carried 6-0.

**C.** Consider Subdivision Development Agreement and Final Plat for the purpose of subdividing the Wal-Mart Center Planned Business Development (PBD) into 6 lots and 4 tracts on a 45.094 acre parcel of land situated in a part of Lot 4, and part of the SE1/4 of the SW1/4 of Section 30, a part of the N1/2 of the SW1/4 of Section 31, a part of the NW1/4 NE1/4 of Section 31, and a part of the SW1/4 of the NE1/4 of Section 31 in T12S, R68W of the 6<sup>th</sup> P.M., more specifically 19600 Highway 24, as submitted by owner Wal-Mart Stores, Inc. **(QJ)**

Riley reviewed the staff report and a brief PowerPoint presentation, noting the location of the site. She reported that on April 13, 2005, the PUD/PBD zoning request and a Preliminary Plat were submitted and approved along with a final development plan. She noted that this is a 45-acre parcel with 6 lots and 4 tracts. She reported the Final Plat is consistent with the previously approved Preliminary Plat, with a few adjustments to existing easements, etc. She reported that the consistency of the Final Plat with the Preliminary Plat allows the owner of the parcel to record the Final Plat and convey lots. She reviewed the off-site improvements, the landscaping and noted that there is an adequate service drive to the lots to the north. She reported that the screening walls are currently under construction, and discussed the open space dedication along Fountain Creek and the Bike and Pedestrian Trail. She then reviewed the outstanding public improvements detailed in the Subdivision Development Agreement, and reported

that they are secured in the amount of \$389,250 by an irrevocable Letter of Credit. She noted that Council is considering two motions; the first to approve the Subdivision Development Agreement and the method of security, and the second to approve the final Plat subject to the three conditions contained in the staff report. She modified condition #3 to read as follows:

3. Developer shall provide the City the "Declaration of Covenants, Conditions and Restrictions" for information purposes when available.

Crane opened the public hearing. DeVaux asked how many of the outstanding public improvements will be complete before the store is opened. Riley noted the majority would be done, with some non-health and safety items remaining. Kevin Roberson, representing Kimley-Horn and the applicant, noted that he worked on the Preliminary Plat and the Final Plat, noting that they are consistent with each other, and reported that Wal-Mart is in agreement with all three conditions. Carolynne White, Counsel representing Wal-Mart, addressed Council noting that she had no presentation, but reserved the right to address Council if they had questions at a later point. Arnie Sparrins, 2621 Vista Glen Court, addressed Council to suggest installation of crash barriers at the signalized intersection at Morning Sun and Highway 24; discussed the Fountain Creek improvements and the ongoing maintenance of Fountain Creek, and suggested that Wal-Mart pay for the ongoing maintenance. He reported that if Council did not support that, he suggested delaying approval of the Final Plat and the Subdivision Development Agreement until costs to maintain Fountain Creek are determined and disclosed to the public. He discussed sediment flow in Fountain Creek and expressed concern about maintenance and liability. Buttery noted that Sparrins' comments covered a variety of designs and plans that have been previously approved. He noted that the City would accept maintenance for that portion of the creek that is dedicated to us. He reported that several Certified Engineers and engineering firms have reviewed these plans and all concerns were addressed. He discussed the retaining wall along the creek and noted the creek is sand, and it will change over time. He stated that we have done everything that is prudent, and reported that these plans have been reviewed from agencies beginning at the local level and ending at the Federal level. He reported that the City will be responsible for sediment monitoring under the bridge, and noted that no maintenance costs for that have been prepared. He noted that it is the City's considered opinion that the City absorbs maintenance costs and that is not out of context with other subdivision public improvements. He reported that there is a two-year warranty period on the improvements after the Letter of Map Review is approved. Public Works Director Alspach addressed Council noting that a two-year warranty period is adequate. He reported that he is currently monitoring the sediment levels under the bridge. Crane asked if defaults are found during this two-year period will Wal-Mart pay to correct them. Buttery reported that is correct.

Mella stated he felt there is to tax burden associated with the Fountain Creek maintenance – and noted it is no different that money spent to maintain other public infrastructure such as streets. DeVaux stated he felt that not all silt in Fountain Creek comes from one source. Buttery agreed. Crane asked if the City accepted the drainage

channel behind Safeway. Buttery noted we did. City Attorney Smith reported that it is important to understand that the Council's discretion is limited regarding the Final Plat. She noted that there has been testimony that the Final Plat is consistent with the previously approved Preliminary Plat, and that all criteria for Final Plat approval have been met. Randolph asked what exposure the City might have for potential damage caused outside our jurisdiction. City Attorney Smith reported the City would not be liable unless it was proven that the damage was outside the Governmental Immunity Act. DeVaux asked about the detention ponds under construction. Buttery reported they would control the flow rate downstream of Wal-Mart. Harrison asked if the retaining wall caves in after five years who pays. Smith reported it will be the City's wall and the City will pay. Public Works Director Alspach reported that the channel is designed for the 100-year storm to flow safely and accurately in Fountain Creek. There being no further comment, Crane closed the public hearing.

**MOTION:** To approve the irrevocable Letter of Credit in the amount of \$389,250 as the method of security and authorize the execution of the Subdivision Development Agreement for Wal-Mart Center Subdivision. Parkhurst/Matthews. Motion carried 7-0

**MOTION:** To approve for Wal-Mart Center Subdivision with the following conditions:

1. The Final Plat shall be amended and a mylar submitted for recording with the following addition; That a public drainage easement be added to Lot 6 that includes the improvements designed to convey the historic runoff from US 24 to Old Crystola Road and Fountain Creek.
2. The Developer shall provide a letter from the surveyor of the plat stating total area of open space, trail corridor, Fountain Creek drainage way and any other lands to be dedicated to the City. Developer shall provide a title insurance policy within 60 days after Final Plat approval. The amount for this title insurance policy will be based on the amount of land area being dedicated to the City with a value of \$24,000 per acre.
3. Developer shall provide the City the "Declaration of Covenants, Conditions and Restrictions" for information purposes when available.

Mella/Parkhurst. Motion carried 7-0.

## **9. NEW BUSINESS:**

**A.** To consider a modification of the City's "Water and Sewer Contract for Outside Users" to service the Pikes Peak Regional Medical Center Campus. **(A)**

Schultz reviewed the letter included in the packet and the history of this project. He noted the request is for donated or reduced taps fees and inside rates for water and wastewater services for the medical office buildings located on the campus. Schultz noted that decreased tap sales and the drought have substantially reduced utility revenues. He recommended that the Utilities Advisory Committee review this request and report back to the City Council. Crane noted that he is a member of the Utilities

Advisory Committee and supports their review of this request. DeVaux expressed concern about the medical office buildings being private for-profit ventures. Parkhurst believes that the City's Charter may prohibit this, and suggested legal review. Randolph supported the Utilities Advisory Committee review, and noted that Teller County recently issued policy changes regarding fees for certain projects. Mella reported he is on the Hospital Operating Board, and recused himself from discussion of this request. Bob Harvey, Executive Director for the Pikes Peak Regional Medical Center Hospital, addressed Council and thanked them for their support. He noted he looks forward to working with them on this request.

**MOTION:** To table action on this request and forward it to the Utilities Advisory Committee for review and report back to Council. Crane/Parkhurst. Motion carried 6-0.

**10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** Terry Fister, 404 County Road 21, asked if her street would be paved soon. It was determined that her street is in the County on Old Crystola Road, and is in the County's long term plan for paving.

**11. REPORTS:**

**A. Mayor's Report:** Crane reported he met with the State Representative from US Cable to address several customer service problems, and noted that US Cable is aware of the issues and working on corrective solutions for those problems.

**B. Council Reports:** Mella mentioned the timing of the signal lights at the Safeway intersection on Highway 24, noting he feels they aren't moving traffic efficiently. Aslpach noted he contacted CDOT, and reported that the final timing is still being worked out. He reported they have been to the area and are still analyzing the timing for that intersection.

**C. City Attorney's Report:** None.

**D. City Manager's and Department Managers' Reports:**

1. Buttery read a press release concerning staffing changes effective mid-August. He reported that Napoleon will resign his position as Planning Director and begin working for the Downtown Development Authority as their Executive Director; and Riley will be named Planning Director upon Napoleon's resignation. He noted that a third position would be recruited for the Planning Department, that being a Planner/Code Enforcement Officer.

2. Schultz spoke about a potential rate increase for the water utility. He noted that the drought, water conservation, and low tap sales have substantially reduced revenues. He noted that the downturn in growth is evidenced by 24 tap sales between July 1, 2006 and June 30, 2007. He reported that the Utilities Advisory Committee has reviewed this issue and proposed a 15% increase in rates. Schultz noted that the average residential customer using 5,000 gallons per month would see an increase of \$3.52 per month. Schultz reported this Ordinance would be presented to City Council

on August 2, 2007. Harrison asked for the date when the rates were last increased. Schultz noted 2002, with a small annual increase based on the Denver/Boulder/Greeley CPI on an annual basis every year thereafter.

**12. COMMENTS ON WRITTEN CORRESPONDENCE:** None.

**13. ADJOURNMENT:** There being no further business, the meeting was adjourned at 08:50 P.M.

Recorded by:

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Cindy Morse, MMC, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

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Gary Crane, Mayor