

## MINUTES

**DATE:** Tuesday, March 6, 2018

**MEETING:** Winter Park Town Council

**PLACE:** Town Hall Council Chambers

**PRESENT:** Mayor Jimmy Lahrman, Mayor Pro Tem Nick Kutumbos via phone, Councilors Jim Myers, Chuck Banks, Mike Periolat, Chris Seemann, and Barbara Atwater, Interim Town Manager Stan Zemler, Town Clerk Dani Jardee, and Town Attorney Kendra Carberry

**OTHERS**

**PRESENT:** Finance Director Bill Wengert, Housing Director John Crone, Capital Projects and Parks Director Gerry Vernon, Community Development Director James Shockey, Public Works Director Russ Chameroy, and Police Chief Glen Trainor

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### 1. **Meeting Call To Order**

Mayor Jimmy Lahrman called the meeting to order at 5:30 p.m.

Mayor Lahrman led those present in reciting the Pledge of Allegiance.

### 2. **Town Hall Meeting** *Nothing to Report.*

### 3. **Consent Agenda**

#### 3a. **Approval of February 20, 2018 Regular Meeting Minutes**

#### 3b. **Approval of March 01, 2018 Special Meeting Minutes**

Councilor Jim Myers moved and Councilor Chris Seemann seconded the motion approving the Consent Agenda, items a and b. Motion Carried: 7-0.

### 4. **Action Items**

#### 4.a. **Oath of Office for Town Clerk**

Town Clerk Danielle Jardee stated the Oath of Office given to her by Mayor Jimmy Lahrman.

#### 4.b. **Appointment of Stan Zemler as Interim Town Manager**

Town Council appointed Stan Zemler as the Interim Town Manager.

Councilor Chris Seemann moved and Councilor Chuck Banks seconded the motion to approve the appointment of an Interim Town Manager. Motion Carried: 7-0.

#### 4.c. **Special Event Permit – Winter Park Music Festival, Cooper Creek**

Town Clerk Danielle Jardee stated that the Winter Park Music Festival is an annual event, expected to draw 2,100 attendees three weekends in April. Ms. Jardee stated the event is a concert and

awards ceremony for Band and Choir kids from all over the country. The event is held in the Cooper Creek parking lot.

Councilor Mike Periolat moved and Councilor Chris Seemann seconded the motion to approve Special Event Permit – Winter Park Music Festival, Cooper Creek. Motion Carried: 7-0.

**4.d. Public Hearing (Local Liquor Licensing Authority) – Application for Change of Location filed by Mountain Spirits LLC d/b/a Riverside Spirits (to be continued to March 20, 2018)**

Councilor Barbara Atwater moved and Councilor Chris Seemann seconded the motion to continue the Public Hearing (Local Liquor Licensing Authority) – Application for Change of Location filed by Mountain Spirits LLC d/b/a Riverside Spirits. Motion Carried: 7-0.

**4e. Ordinance 509, an Ordinance Annexing Property Located in Unincorporated Grand County to the Town, Zoning the Property as Planned Development, and Approving an Associated Final Development Plan for the Property (Roam/Beavers), Second Reading and Continued Public Hearing**

Jeff Vogel of Vogel and Associates stated an update of the Roam Development Project. Mr. Vogel stated he had been working closely with Town Staff to clarify and address the concerns that were voiced at the last two public hearings, and planning commission meetings. Mr. Vogel stated that some revisions were made, and Town Staff is in agreeance with those revisions. Mr. Vogel stated there were some minor adjustments and revisions made to the Metropolitan District Service Plan, along with the Annexation Agreement. Mr. Vogel stated the Fraser River Development Group are confident in what is being set forth to Town Council today. Mr. Vogel stated that in regards to the Final Development Plan, and Land Use Plan nothing has really changed since the last meeting. The open space, trail corridors, and trail easements have all stayed the same. Mr. Vogel stated that the cornerstones of the Fraser River Development Group are river preservation and conservation. Mr. Vogel stated that Fraser River Development Group has been making sure that the Final Development Plan is environmentally, socially, economically balanced, and fiscally beneficial for the Town of Winter Park. Mayor Jimmy Lahrman opened the Public Hearing for all topics related to Roam, Ordinance 509, Annexation and Development Agreement, and Resolution 1607, Special Districts. Town Attorney Kendra Carberry started by reading a table setting letter of support for the Roam Annexation and Development from Ryan Barwick of Grand Adventures. Most Winter Park Residents stated their support for Roam, however they had many concerns involving specific sections within the Annexation Agreement and Final Development Plan. Winter Park Residents, Priscilla Kirouac, Heather Green, Linda Behlen, and Guy Kirouac each stated their shared concerns. The major concerns were protection for the Fraser River, and the lack of open space dedication. Residents stated that no public access to the river, and a 16- foot river easement listed in the Final Development Plan are not acceptable. The open space dedication concerned many, residents do not believe a 24 -acre corridor for wildlife is enough space. Residents stated that the 5.5 acre dedicated Porphyry Park is considered a geological hazard, which is not ideal for a park. Residents also stated concern over timing of land dedications, river access, public fishing, trail easements, and the financial responsibilities of the Town of Winter Park. Mrs. Behlen stated she was disappointed in the process of this project. Mrs. Behlen stated that this has been in negotiation since 2016 however the Public wasn't made aware until 2018. Winter Park Residents stated that Town Staff and Town Council are moving too quickly with this decision. They urged the Town Council to let new Interim Town Manager Stan Zemler take time to review the plan. Mr. Kirouac stated that it seems inappropriate to vote on a large development plan before the new Town Master Plan is updated. Mr. Vogel and Community Development Director James Shockey addressed the public and their concerns. Mr. Shockey stated that the park will be funded by the developer and

then turned over to Town. Mr. Shockey stated that the additional 1% RETA will pay for the footbridge, and that revenues from this project will pay for amenities. Mr. Vogel stated that they have been working on Roam with stakeholders, land owners, and neighbors for the past two years. Regarding the new Town Master Plan, they feel fortunate that Town is updating their plan as Roam was working on their plan. Mr. Vogel stated that the Fraser River Trail is a gem, and Roam will enhance it, so that the river can be enjoyed by everyone. Mr. Vogel stated that Mr. Fanch who is a principle in this project along with Chip Besse is a vested, long-term player. Mr. Vogel stated that Roam is a pivotal piece for the Town of Winter Park, and for a project to be viable there has to be some give and take. Mr. Vogel stated that the Fraser River Development group has followed the process the Town wanted, and Mr. Shockey agreed. Winter Park Resident Gary Behlen stated he is in favor of Roam, however is concerned with many details in the Roam Plan and would like to see clarification. Mr. Behlen stated that the Final Development Plan is still in draft form and should not be voted on yet. Mr. Behlen stated his many concerns, some of those concerns echoed the Residents that spoke before him. Mr. Behlen listed sections of the Agreement and Plan that needed to be addressed. Some of the listed items that were not mentioned earlier were existing signage altered, construction pile, drainage, wells and septic, subdivision platting, round a bout, improvements to Hwy 40 and Vasquez, wetland mitigation, and a gondola. Mr. Behlen explained each item on his list as he went through them. Mayor Lahrman, Mr. Shockey, and Mr. Vogel addressed each item and gave Mr. Behlen their response/reason/clarification. Mr. Behlen stated that negotiations should not be done in public. Mayor Lahrman stated that public negotiating is the Town's process. Mr. Behlen stated concerns about the mill levy within the District Service Plan and Intergovernmental agreement. Alan Pogue explained how mill levy works, and how it works in the District Service Plan and Intergovernmental agreement. Winter Park Resident Theron Hofsefz urged Town Council to listen to Public comments and not vote on Roam tonight. Winter Park Business Owner Ken Banish stated that residents keep thinking they are losing something when the focus should be on what the Town is gaining. Grand County Resident Wendy Magwire stated her main interest is the preservation of natural resources. Mr. Vogel stated that they will follow Town process, and every part of the plan will have to go through the proper process, evaluation, and approval before development can start. Winter Park Property Owner Keith Neale stated he is thrilled Bob Fanch is involved and wants the Council to move forward with the Roam project. Mr. Neale stated that Mr. Fanch has preserved and developed responsibility in Town of Winter Park and believes he will do the same with the Roam project. Mr. Neale stated that from a master planning perspective not everything is perfect, finding good balance is important. Winter Park Resident George Sharpe asked if an impact study on how this development will affect Winter Park Resort has been done. Mayor Lahrman responded no, however growth is happening everywhere. Mayor Lahrman stated that as the Town grows, it will be focusing on utilizing development in a positive way. Mayor Lahrman stated that the Town Master Plan addresses how the Town will best plan for all the new development. Fifth Generation Grand County Resident Ehren Samuelson stated that growth and development are inevitable, he just wants to make sure the right steps are being taken to preserve and conserve. Old Town Resident Mike Kennedy stated his thanks to Staff and Council, and strongly supports the proposed annexation and plan. Mr. Kennedy stated that he is happy the development is happening in Town. Colorado Parks and Wildlife's Jeromy Huntington introduced himself to Town Council and wanted to reach out to the Town, and the Developers. Mr. Huntington stated he is happy to help with preservation, conservation, and management plans as the project progresses. Mayor Lahrman closed the Public Hearing. Town Attorney Kendra Carberry and Attorney Tom Ragonetti argued a couple sections of the Annexation draft. Mrs. Carberry and Mr. Ragonetti debated sections 1.3 Nature of Development Agreement (vesting rights), 8.2.3 Conflicts, and 9.7 Conflict with Other Provisions of the Town Code. Both parties negotiated, revisions were made, and parties finally agreed. Mayor Lahrman addressed Chip Besse about the timing of the Affordable Housing parcel. Mayor Lahrman and Councilors Chuck Banks, and Mike Periolat stated their concerns on tying land parcel to a building permit number because of what happened with the Lakota Development. Mrs. Carberry stated the option

of tying it to the 591-building permit or the end of the 20-year vested rights period. Fraser River Development Company and Town agreed to that option. Mrs. Carberry stated that both parties have agreed on the terms of the Roam Annexation and Development Agreement without the exhibits. Mr. Vogel stated he would like to work out exhibits with Staff, all agreed to this.

Councilor Chris Seemann moved and Councilor Jim Myers seconded the motion to approve the Roam Annexation and Development Agreement. Motion Carried: 7-0.

Councilor Chris Seemann moved and Councilor Jim Myers seconded the motion to approve Ordinance 509, an Ordinance Annexing Property Located in Unincorporated Grand County to the Town, Zoning the Property as Planned Development, and Approving an Associated Final Development Plan for the Property (Roam/Beavers). Motion Carried by the following roll call vote:

Jimmy Lahrman	“Aye”	Chuck Banks	“Aye”
Nick Kutrumbus	“Aye”	Mike Periolat	“Aye”
Jim Myers	“Aye”	Chris Seemann	“Aye”
Barbara Atwater	“Aye”		

**4f. Resolution 1607, A Resolution Approving the Consolidated Service Plan for Roam Metropolitan Districts Nos. 1, 2 and 3**

Councilor Chris Seemann moved and Councilor Jim Myers seconded the motion to approve Resolution 1607, a Resolution Approving the Consolidated Service Plan for Roam Metropolitan Districts Nos. 1, 2 and 3. Motion Carried: 7-0

**6. Town Manager’s Report**

Interim Town Manager Stan Zemler stated the hiring process for a new manager will be a topic on the March 20, 2018 Agenda.

**7. Mayor’s Report**

Mayor Jimmy Lahrman stated that he met with the Olympic Committee down in Denver to see if Colorado would or could hold the Olympic Games in the future. Mr. Lahrman stated the feedback was good at the meeting, it would be expensive, and a very long way away, possibly 2030. Mr. Lahrman stated there will be a meeting to hand out more funds from the Donor Advised Housing fund on Monday, March 19, 2018. Mr. Lahrman stated the Donor Advised Housing fund is still \$37,000 dollars shy of meeting its goal. Mr. Lahrman stated that Executive Director of the Grand Foundation Megan Ledin has a plan to present to the board on how to reach that goal.

**8. Town Council Items for Discussion**

Councilor Jim Myers stated his thanks to everyone for tonight’s meeting.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 9:30 p.m.

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The next scheduled meeting of the Town Council will be Tuesday, March 20, 2018 at 8:00 a.m.

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Danielle Jardee, Town Clerk