

MINUTES

DATE: Tuesday, June 5, 2018

MEETING: Winter Park Town Council

PLACE: Town Hall Council Chambers

PRESENT: Mayor Jimmy Lahrman, and Mayor Pro Tem Nick Kutrumbos, Councilors, Jim Myers, Chris Seemann, Mike Periolat, Art Ferrari, and Chuck Banks via telephone, Interim Town Manager Stan Zemler, and Town Clerk Dani Jardee

OTHERS

PRESENT: Housing Manager John Crone, Capital Projects and Parks Director Gerry Vernon, Community Development Director James Shockey, Police Chief Glen Trainor, Finance Director Bill Wengert, Planner One Mara Owens, and Transit Director Michael Koch

1. Meeting Call To Order

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

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

2. Town Hall Meeting

2.a. Election Law Presentation – Grand County Clerk and Recorder, Sara Rosene

Grand County Clerk and Recorder, Sara Rosene stated she would like to speak about the upcoming primary elections. Mrs. Rosene stated she wanted to reach out to Town Council to help get voter information out to Winter Park citizens. Mrs. Rosene stated Colorado changed to an all-mail ballot in 2013. Mrs. Rosene stated in 2016, if you were an unaffiliated voter you could only receive a ballot if you affiliated. Mrs. Rosene stated yesterday the County mailed out 10,420 ballots, 6,591 of those ballots were Republican or Democrat, the remaining 3,829 ballots were unaffiliated. This year the County asked if voters had a preference, if you had a preference you would be sent one ballot, if you didn't have a preference then two ballots would be sent. Mrs. Rosene stated voter instructions were sent out with the ballots, voters can only vote one ballot. Mrs. Rosene stated that out of the 723 registered voters in the Town of Winter Park, 45% are unaffiliated, which means those voters will be receiving two ballots. Mrs. Rosene stated she wanted Council to be aware so if people ask about the ballots, Council would be informed. Mrs. Rosene stated even though the County has spent extra money doing a mail ballot election, that it is worth it. Mail ballot elections allow more people to participate. The Chamber of Commerce and Town offered to put voter information up on their websites and email blasts.

Mountain Parks Electric General Manager, Tom Sawyer, presented Council with a Capital Credits check for the Town's allocated margins on electric service for the years 1991 and 1995. Mr. Sawyer stated he also brought a map of all the meter service in the Town. Mr. Sawyer asked if Council had any questions for him. Mayor Jimmy Lahrman asked if the Driver's Education Class is still going well, Mr. Sawyer responded yes. Councilor Chris Seemann asked how broadband is coming

along. Mr. Sawyer stated the County should see some action soon, the company should be out staking, and getting the rights-of-way perfected for commercial use. Mr. Sawyer stated Mountain Parks Electric is hoping to have something done within 18 months. Mayor Lahrman asked if Mountain Parks Electric feels comfortable taking on the growth that is happening on this end of the County. Mr. Sawyer stated yes, they are comfortable, the submeter station on County Road Five is currently at one-third capacity.

3. Consent Agenda

3.a. Approval of May 15, 2018 Regular Meeting Minutes

Councilor Chris Seemann moved and Councilor Jim Myers seconded the motion approving the May 15, 2018 Regular Meeting Minutes. Mayor Pro Nick Kutrumbos abstained. Motion Carried: 6-0.

3.b. Approval of Special Event Applications

- High Note Thursdays
- Cooper Creek Summer Event Series

Councilor Jim Myers moved and Councilor Chris Seemann seconded the motion approving Special Event Applications, High Note Thursdays, and Cooper Creek Summer Event Series. Motion Carried: 7-0.

3.c. Resolution 1621, Approval of Special Use Permit – Kona Shaved Ice

Councilor Art Ferrari asked the logistics of how the Kona Shaved Ice truck will work, if they are stationed outside of Hideaway Park, and vendors have paid to be in the Park. Chamber Director Catherine Ross asked if Kona Shaved Ice will have to pay vendor fee. Planner One Mara Owen stated that Kona Shaved Ice must abide by all guidelines listed in the Special Use Permit. Ms. Owen stated that the food truck will need permission to be in the area and will need to pay the appropriate vendor fees. Ms. Owen clarified to Council and the Chamber that Kona Shaved Ice will not be poaching any event or area, they are subject to all guidelines for the Town that other vendors must follow.

Councilor Chris Seemann moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Resolution 1621, Approval of Special Use Permit – Kona Shaved Ice. Motion Carried: 7-0.

4. Action Items

4.a. Approval of Special Event Permits, Public Hearing

- Blues from the Top
- Switchback Music Festival
- Ride the Rockies

Town Clerk Danielle Jardee stated the Chamber and Grand County Blues Society submitted Special Event Permit Applications for Blues from the Top, Switchback Music Festival, and Ride the Rockies. Ms. Jardee stated the appropriate paperwork for each festival was submitted, and public hearing notices properly posted to the newspaper. Ms. Jardee stated that both Blues and Ride the Rockies have taken place in Town before, however Switchback festival is a new event. Ms. Jardee stated that Switchback will be similar in style and set-up as the other weekend festivals that take place in Hideaway Park. Ms. Jardee asked Council if they had any questions. Grand County Blues Society's Maria Chavez stated to Council she would like to amend the Blues from the Top application. Ms. Chavez stated this year the children's stage would be moved to the top of the venue, which may require a generator. Ms. Chavez asked for consideration on closing the skate

park so that the generator could be placed there. Another consideration for closing the skate park during Blues from the Top is for public safety. Mrs. Ross stated that moving the stage is beneficial for that event, it will help with movement during the festival. Mayor Lahrman asked Capital Projects and Parks Director Gerry Vernon if moving the stage will work. Mrs. Ross stated she would like to do a walk-through of the park, to view other viable options. Mrs. Ross stated the Fraser/Winter Park Police requested that the Skate park be closed during Switchback Festival for public safety. Councilor Chris Seemann stated that closing the skate park is changing policy, Council hasn't done what they discussed previously about adding safety features to the park. Mayor Lahrman stated that the skate park safety features slipped through the cracks, and he will rely on Mr. Vernon to best utilize materials to make that area safe. Mr. Vernon stated he would like to use a heavy black netting around the skate park, a material that would be permanent because of the high pedestrian use. Mr. Vernon stated he hopes to find this material and get it up soon. Mrs. Ross asked if the special event permit can be approved conditionally to allow Staff time to figure out the generator situation, which in turn would allow the skate park to remain open. Mayor Lahrman stated Council has always been for utilizing all aspects of Hideaway Park.

Councilor Mike Periolat moved and Councilor Jim Myers seconded the motion to approve Special Event Permits, Blues from the Top, Switchback Music Festival, and Ride the Rockies with the condition to find a solution regarding the generator and the skate park. Motion Carried by the following roll call vote:

Jimmy Lahrman	“Aye”	Chuck Banks	“Aye”
Art Ferrari	“Aye”	Mike Periolat	“Aye”
Jim Myers	“Aye”	Chris Seemann	“Nay”
Nick Kutumbos	“Aye”		

Councilor Chris Seemann asked Staff about setting up a safe place during events. Chamber Director Catherine Ross stated this is the first she had heard this mentioned, she is happy to set that space up at events. Mayor Lahrman asked Capital Projects and Parks Director Gerry Vernon if this is possible, Mr. Vernon responded yes.

4.b. Resolution 1622, Approval of Winter Park Village Minor Subdivision Lots 5 and 6, Block 10

Planner One Mara Owen stated the application is proposing to replat lots 5&6, block 10, Winter Park Village in Old Town. Ms. Owen stated the proposal is to take two lots and subdivide them into four lots to allow the transfer of property once vertical improvements are constructed. Ms. Owen stated that the plat subdivides into four lots which allows it to be processed as a Minor Subdivision. Ms. Owen stated Building and Planning Staff have reviewed the plat and it is in conformance with Town's standards. Ms. Owen stated Staff recommends approval with the following conditions. Ms. Owen stated the following conditions: the applicant shall revise the submitted plans and documents in conformance with official red-marked print dated May 18, 2018. A certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided. A statement of Authority shall be provided for each party that signs the Final Plat. If there is a lien holder, a ratification and confirmation of the plat shall be provided. A digital file of the approved plat must be submitted. A school impact fee in the amount of \$2,847.62 shall be provided. An executed Final Plat Mylar and other supporting documents, as well as recording fees, be provided. Last condition is a 911 address plat shall be provided. Mayor Lahrman asked if this property is where the house burned down. Community Development Director James Shockey stated no, it is the lot above. Applicant Mike Ziehler stated his wife and he are building two duplexes and asked Council for an exemption on the subdivision fees. Mr. Ziehler stated with two duplexes, four units, drawing of lot lines, and party line agreements made, usually would require an HOA (Home Owners Association). Mr. Ziehler stated HOA's with two property owners do not work, they usually go defunct. Mr. Ziehler stated the option to do a subdivision within the Town Code has

two fees attached, dedication fee, and school impact fee. Mr. Ziehler stated he can subdivide into four lots and pay \$15,000 dollars in fees or set up an HOA which he believes will go defunct. Mr. Ziehler stated he wants to present a good product by subdividing lots, so that whoever purchases, owns the land. Mr. Ziehler stated he would like a consideration for exemption from the minor subdivision fees. Mr. Shockey stated either way it is still a subdivision, and fees are applicable, it can't be exempt from subdivision fees. Mr. Shockey stated if land and homes were owned by the same person and not sold then it would not be a subdivision. Mayor Lahrman stated the subdivision route seems to be the only way for applicant to go. Mr. Ziehler stated he would like to present an option for fees then. Mr. Ziehler stated the percentage of fees are based on the purchase price. Mr. Ziehler stated the seller gave him a \$35,000-dollar concession. Mr. Ziehler asked Town Council if they would allow him to pay his percentage of fees off that concession price. Staff stated the purchase price on deed is used to calculate the fees owed, if seller and buyer don't agree then an appraisal is necessary. Councilor Mike Periolat stated to Mr. Ziehler if you do the subdivision you will make better money. Mr. Periolat stated in summary that Council can't do anything for Mr. Ziehler regarding fees without an appraisal.

Councilor Mike Periolat moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Resolution 1622, Approval of Winter Park Village Minor Subdivision Lots 5 and 6, Block 10. Motion Carried: 7-0.

4.c. Ordinance 512, An Ordinance Amending Title 4, Chapter 9, Article B of the Winter Park Town Code by the Addition of a New Section 4-9B-14, Entitled Unauthorized Use of Waste Receptacles, Second Reading and Public Hearing

Police Chief Glen Trainor stated this ordinance will prohibit people from poaching private dumpsters. Mr. Trainor stated this ordinance was suggested by the Town's attorney to properly prosecute people. Winter Park Resident Gigi Dominguez asked if there is already an ordinance in place. Mr. Trainor stated there is currently a littering ordinance, this ordinance will basically strengthen that language. Mayor Lahrman opened the Public Hearing, hearing no comments, Mayor Lahrman closed the public hearing.

Councilor Art Ferrari moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Ordinance 512, An Ordinance Amending Title 4, Chapter 9, Article B of the Winter Park Town Code by the Addition of a New Section 4-9B-14, Entitled Unauthorized Use of Waste Receptacles, Second Reading and Public Hearing. Motion Carried by the following roll call vote:

Jimmy Lahrman	"Aye"	Chuck Banks	"Aye"
Art Ferrari	"Aye"	Mike Periolat	"Aye"
Jim Myers	"Aye"	Chris Seemann	"Aye"
Nick Kutrumbos	"Aye"		

4.d. Resolution 1623, Review and Approval of New Gondola Building Site

Planner One Mara Owen stated Winter Park Resort is designing the replacement of their existing Zephyr Express Chair Lift with a gondola system. Ms. Owen stated the project consists of a new upper building constructed on National Forest Land, a new queueing plaza and the remodel of their existing lower building. Ms. Owen stated the buildings consist of natural looking materials to blend into the mountain setting and have satisfied all design requirements. Ms. Owen stated building height, setbacks, and coverage are approved on an application by application basis by Council and Planning Commission. Ms. Owen stated the Planning Commission reviewed the design on May 22, and recommended approval with the following conditions. Ms. Owen stated the following conditions: The Forest Service shall provide approval of the design of the structure. The Forest Service shall review and approve the landscaping plan for the site, and a copy of the approved

landscaping plan shall be submitted to the Town. The Town Engineer shall provide approval of the drainage and storm water management plan. Approved drainage and erosion control shall be in place prior to site preparation, during construction, and through successful revegetation. Last condition, no site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has been implemented on the site. Ms. Owen stated in addition, the Planning Commission recommended to the Council, approval of the site plan and building elevations as they relate to the lot area, building spacing, setbacks, building coverage and building height. Ms. Owen stated Staff recommends approval of Resolution 1623. Mayor Lahrman stated there seemed to be some contentions from the community with the aesthetics of the building's design. Community Development Director James Shockey stated Planning Commission reviewed design standards, overall it met guidelines, and plan could move forward. Councilor Mike Periolat stated gondola buildings have to be sturdy and functional, he was surprised with the comments about aesthetics.

Councilor Jim Myers moved and Councilor Chris Seemann seconded the motion approving Resolution 1623, Review and Approval of New Gondola Building Site. Motion Carried: 7-0.

5. **Town Manager's Report**

Interim Town Manager Stan Zemler stated he had two quick things he would like to mention. Mr. Zemler stated a reminder to Council about their upcoming Spring Retreat on July 12 and 13. Mr. Zemler stated his concern about not having a Town Council meeting on July 3. Council stated they could hold a meeting on July 3. Councilor Mike Periolat asked about Idlewild, Mr. Shockey stated Council would see it on the June 19 agenda. Mr. Zemler stated a tentative July 3 meeting date dependent on the outcome of June 19 meeting.

6. **Mayor's Report**

Nothing to Report.

7. **Town Council Items for Discussion**

Councilor Chris Seemann stated he is shocked that the skate park safety situation is not worked out. Mr. Seemann stated he did an extensive walk through last year with Town Manager Drew Nelson and thought that it would be figured out by now. Mr. Seemann stated that this issue needs to be addressed, finished and managed. Interim Town Manager Stan Zemler stated Staff would address the skate park situation. Police Chief Glen Trainor stated clarification on the reason the Police have requested the skate park be closed during Switchback Music Festival. Mr. Trainor stated that Hideaway Park is a family friendly place, and due to the large consumption of marijuana that may occur during that event, he doesn't want to expose children to that.

8. **Executive Session**

Executive Session for the following purposes: (a) a conference with the Town's attorneys to receive legal advice on specific legal questions pursuant to C.R.S. § 24-4-402(4)(b), regarding the Cornerstone (underpass) litigation; (b) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations and instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), regarding amendment of the Sitzmark development agreement; (c) to discuss matters required to be kept confidential by federal or state law or rules and regulations, pursuant to C.R.S. § 39-21-113 and C.R.S. § 24-6-402(4)(c), regarding sales tax; and (d) to discuss the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest, pursuant to C.R.S. § 24-6-402(4)(a), for which a topic cannot be disclosed without compromising the purpose of the executive session.

Councilor Chris Seemann moved and Councilor Mike Periolat seconded the motion to go into Executive Session in accordance with C.R.S. Title 24, Section 4, Subsection 402(4)(b).

Upon conclusion of the discussion, the motion was made by Councilor Chris Seemann and seconded by Councilor Mike Periolat and unanimously carried to return to Regular Session. Those in attendance at that time were: Mayor Jimmy Lahrman, Mayor Pro Tem Nick Kutrumbos, Councilors Jim Myers, Chris Seemann, Art Ferrari, Mike Periolat, and Chuck Banks via telephone, Interim Town Manager Stan Zemler, Town Clerk Danielle Jardee, Community Development Director James Shockey, and Finance Director Bill Wengert.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 9:10 p.m.

The next scheduled meeting of the Town Council will be Tuesday, June 19, 2018 at 8:00 a.m.

Danielle Jardee, Town Clerk