

## MINUTES

**DATE:** Tuesday, August 7, 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, Interim Town Manager Stan Zemler, and Town Clerk Dani Jardee

### **OTHERS**

**PRESENT:** Capital Projects and Parks Director Gerry Vernon, Community Development Director James Shockey, Police Chief Glen Trainor, Finance Director Bill Wengert, Planner One Mara Owens, Transit Director Michael Koch, Sgt. Ransom, Sgt. Curran, and Officers Finley, Malchow, Stensvad, and Kupser, and Office Manager Carol McHenry

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### **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. Fraser/Winter Park Police Department Promotional Ceremony**

Police Chief Glen Trainor stated two promotions within the Fraser/Winter Park Police Department. Mr. Trainor promoted Officer Paul Finley to Patrol Sergeant. Mr. Trainor stated Mr. Finley has been in law enforcement since 2005. Mr. Trainor promoted Sgt. Donnie Ransom to Commander/Assistant Police Chief. Mr. Trainor stated Mr. Ransom has been with the Fraser/Winter Park Police since 2012. Mr. Trainor stated he would like both officers to reaffirm their oaths of office. Mr. Finley and Mr. Ransom stated oaths. Mayor Lahrman on Town Councils behalf stated congratulations and thanks to the officers.

Clark Lipscomb stated an update on the underpass and delivered an invoice to Town Clerk Danielle Jardee.

Gigi Dominguez stated an update on the Old Town project. Mrs. Dominguez stated the bus shelter is now vertical and is impressive. Mrs. Dominguez stated she is looking forward to the new street lights and signs.

### **3. Consent Agenda**

- 3.a. Approval of July 12, 2018 Special Meeting Minutes**
- 3.b. Approval of July 17, 2018 Regular Meeting Minutes**
- 3.c. Approval of July 31, 2018 Special Meeting Minutes**

Councilor Chris Seemann moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving the Consent Agenda. Motion Carried: 7-0.

**4. Action Items**

**4.a. Approval of 21<sup>st</sup> Annual Winter Park Craft Fair Special Event Permit, Public Hearing**

Town Clerk Danielle Jardee stated J&J Enterprises submitted an application and fees for the 21<sup>st</sup> Annual Craft Fair. Ms. Jardee stated J&J Enterprises also had a letter of permission to use the privately-owned land near King’s Crossing Center for the craft fair. Ms. Jardee stated the Craft Fair would be held August 10, 11, and 12<sup>th</sup>, and Staff recommends approval. Mayor Lahrman opened the public hearing, hearing no comments. Mayor Lahrman closed the public hearing.

Councilor Chris Seemann moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving the 21<sup>st</sup> Annual Winter Park Craft Fair Special Event Permit. Motion Carried: 7-0.

**4.b. Approval of Fall Fest Special Event Permit, Public Hearing**

Town Clerk Danielle Jardee stated the Winter Park and Fraser Chamber applied for a special event permit for Fall Fest at the Rendezvous Event Center at Hideaway Park for September 15. Ms. Jardee stated there would be activities for the whole family, along with live music. Ms. Jardee stated the special event fee was waived, and the proper paper work was submitted. Ms. Jardee stated Staff recommends approval. Mayor Lahrman opened the public hearing, hearing no comments. Mayor Lahrman closed the public hearing.

Councilor Art Ferrari moved and Councilor Chuck Banks seconded the motion approving Fall Fest Special Event Permit. Motion Carried: 7-0.

**4.c. Ordinance 513, An Ordinance Amending Various Sections of the Winter Park Town Code to Alcohol and Marijuana, Based on Changes to State Law, First Reading**

Town Clerk Danielle Jardee stated Ordinance 513 allows Winter Park Town Code to be amended to reflect changes made to State Law. Ms. Jardee stated Alcohol and Marijuana laws are currently listed under Title 12 in the Colorado Revised State Statutes. Ms. Jardee stated Alcohol and Marijuana laws would be moving from Title 12 to Title 44.

Mayor Pro Tem Nick Kutrumbos moved and Councilor Jim Myers seconded the motion approving Ordinance 513, An Ordinance Amending Various Sections of the Winter Park Town Code to Alcohol and Marijuana, Based on Changes to Stated Law, First Reading. 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. Idlewild Final Development Plan Amendment, Public Hearing**

Mayor Lahrman explained tonight’s public hearing process. Mr. Lahrman stated tonight’s meeting is to review the development plan not the agreement, and no action will be taken. Community Development Director James Shockey presented the Idlewild final development plan amendment. Mr. Shockey stated the property was approved for 319 residential units, 70 accommodation units, and an undetermined amount of space for commercial use back in 2007. Mr. Shockey stated the land is broken into 5 planning areas, and the proposed use is for residential and lodging/commercial. Mr. Shockey stated the applicant (WP Idlewild LLC) wants a full-service hotel, to do that accommodation units need to be increased from 70 to 150. Mr. Shockey stated the applicant is asking for height variances to maximize open space. Mr. Shockey stated the requested height variances for each area are as follows, area 1, 43 feet, area 2, 55 feet, area 3, 75 feet, and area 4, 65 feet. Mr. Shockey stated the reason the applicant has requested height variances is to accommodate

under structure parking, and to keep small building footprints. Mr. Shockey reviewed setback numbers, internal setback of five feet, and various setbacks for perimeters. Mr. Shockey stated the Town would acquire the wetlands in area 5, which would be beneficial to the Town. Mr. Shockey stated the applicant has proposed a .25% RETA (real estate transfer assessment), a \$2.00-dollar square foot building cost for commercial use, and a requirement to house 30% of employees. Mr. Shockey stated the applicant's requests are very similar to that of Roam's annexation. Mr. Shockey stated Staff recommends they ask the applicant for a .5% RETA, an all-season trail dedication, and to amend the current vested rights agreement. Mr. Shockey stated the applicant has seven years left on their current vested rights, Staff is proposing a five-year vested rights plan with milestones met. Mr. Shockey stated Planning Commission did review this plan three times, and it passed on July 24 with conditions. Mr. Shockey stated the following conditions; condition one, area one is single family units only. Condition two, the language in the plan should reflect the topography in the plan, and parking should be in a garage, the applicant has met that condition. Condition three, areas two and four, height should be 55 feet, applicant has met condition for area two, but wants to keep height at 65 feet in area 4, condition half met. Planning Commission asked to go to 75 feet for hotel, and no condos built. Applicant agreed to 75 feet and added a condo hotel use. Planning Commission reviewed and will allow 20% to be a condo hotel use. Condition four, site lines, and condition five, building height will be determined by grades. The applicant also requested a demand study once hotel was secured to determine how much convention space is needed, and to amend coverage and density. Mr. Shockey stated Planning Commission did agree, and applicant did comply with making a year-round trail. Mr. Shockey stated the Planning Commission meeting was continued. Mr. Shockey stated the conditions as of July 24<sup>th</sup>. Condition one, third party site lines were determined by the applicant, a citizen flew drone and found discrepancies. A third-party verification was needed, applicant did not meet this condition. Condition two, improve traffic study, a study has not been done since 2007, traffic study needs to be updated, applicant did not meet that condition. Condition three, final development plan should be amended to allow for conference space, applicant did not do this. Condition four, final development plan should be amended to show parking language, and surface parking for guests. Condition five, plan should have shared access to Wheeler and VZF properties, applicant has met this condition. Condition six, the feasibility of having Rosie's Way as another access point to connect to Ski Idlewild Road, condition not met. Condition seven, add language to plan about how town homes will be constructed in area one. Condition eight, add language about parking. Condition nine pertains to gross density, and condition ten is a trail easement. Mr. Shockey stated the applicant has not agreed to the trail easement language. Mr. Shockey stated the Planning Commission recommended approval of the FDP with the following conditions – Area three zoned as hotel/conference center at 75 feet, applicant doesn't agree, and applicant doesn't want to limit condo hotel use. Planning Commission stated condo hotels don't come with recognition, and usually turn over to regular condos. The applicant stated they wanted to see if Council felt a traffic study was needed. Planning Commission stated concern over access on Ski Idlewild Road and Rendezvous Road during events, wanted consideration for Rosie's Way as an alternative. Easements, gross density, and shared access to properties have been agreed to. Parking has been addressed and changed in the final development plan. Public requested that each planning area not be dependent on others. Town Council commented and discussed building heights, RETA, affordable housing, vested rights, year-round trail, hotel study, and elevations of surrounding properties after hearing Mr. Shockey's presentation. Applicant WP Idlewild LLC's Gale Schrog stated Mr. Shockey covered the history, today we will be presenting to Town Council what was presented to the Planning Commission. DTJ Design's Dave Williams presented the amended version of the Idlewild plan. Mr. Williams presented the conceptual design plan and explained the presentation detailing heights and character of the buildings. Councilor Art Ferrari stated his concern over the height variances. Mr. Williams stated parking needed to be below the buildings, so that the property wasn't all paved. Mr. Williams explained to do this they need height variances. Town Council discussed building setbacks regarding Lookout Point homes, methodology on measuring building heights, elevation, and a

future peaking plant site. Mr. Lahrman stated Council will now listen to public comment. Mr. Lahrman explained that each person will get three minutes to comment. Winter Park and Fraser Residents, Brian Johnson, Don Berland, Mark Wilson, Steve Martin, Gary Mandelbaum, Jason Crawford, Bruce Hall, and Mark Johnson stated they were in favor of the Idlewild development plan. These citizens stated the hotel is a desired necessity for Winter Park. Most of the citizens spoke to the same issue, the lack of, and separation of lodging make it difficult to gather family for weddings, reunions, etc. Residents stated it would be nice to have a hotel where family could gather in the same place instead of dispersed throughout town. Jason Crawford stated he was if favor but would like to see the views and characters of Winter Park preserved. Kathy Wheeler stated she is not opposed to development but wants a clear definition of a full-service hotel. Mrs. Wheeler stated her concerns over soil studies, water tables, wet lands, and height variances. Mrs. Wheeler stated concern over being able to get to her home which is directly affected by this development during construction. Mrs. Wheeler asked if the 75-foot height variance will stay if the hotel is not built, and why the Town doesn't follow the 35-foot variance in the Town Master Plan. Winter Park Resident Gary Behlen stated he is in favor of the development but has issues with the proposed plan. Mr. Behlen stated issues and concerns with the current plan that he would like to see addressed, height variances, the trail system, street layout, traffic study, architecture, increasing open space, and storm water management. Fraser Resident Bruce Barwick stated the basic deal is in exchange for a full-service hotel, the developer gets height variances. Mr. Barwick stated with this plan the developer gets the height variance and can start building without the hotel. Mr. Barwick stated Winter Park is losing the art of the deal, and the Town's biggest leverage. Mr. Barwick stated the developer only agreed to one condition and ignored the rest. Mr. Barwick stated condo height with hotel need to be quid pro quo, bring hotel then developer gets height. Fraser Resident Paula Stuart stated allowing height variances within this plan will affect everyone in Town and future applicants. Mrs. Stuart stated Town's vision is to maintain air, water, and wildlife, why would Town Council not want more information. Mrs. Stuart stated she is vested in this community and is concerned about viewsheds. Mrs. Stuart stated a hotel should be secured before building the rest, and Marriott and Hilton were not reached out to by developer. Fraser Resident Chris Beigler voiced concerns over the plan. Mr. Beigler stated the developer has no commitment for a hotel, the developer only has two letters of interest from lower brand hotels. Mr. Beigler stated there is only one access point to the property not three like the developer says. Mr. Beigler stated his concern over traffic on Idlewild Road. Mr. Beigler stated he wants Council to give thoughtful consideration on how to plan for this development. Fraser Resident Chris Meier stated he is all in favor of a hotel, but proper due diligence needs to happen. Mr. Meier stated the Idlewild plan's math doesn't add up with elevations and heights. Mr. Meier stated concern over putting parking garages in wetlands. Mr. Meier stated this is just a developer wanting a height variance. Mayor Lahrman stated thanks to everyone for their letters and comments. Mr. Lahrman asked Council to give opinions and ask questions on what they have heard tonight. Councilor Chris Seemann asked Mr. Shockey about a traffic study and asked if vesting rights could be tied to certain triggers. Councilor Art Ferrari asked about soil studies. Mayor Pro Tem Nick Kutrumbos asked if there were any connectivity issues with Rendezvous, and how the Town is affected by the cost of trails and roads. Councilor Chuck Banks asked if Town could put a stipulation about the hotel before height variances are allowed. Council discussed the following topics and asked questions to Mr. Shockey and Mr. Schrog about traffic study and what that entails, vendor set up being problematic to traffic, bridge being built, power to hold developer to hotel, vesting right agreements, 3D modeling, restrictive zoning, trail easement, .5% RETA, soil sampling, condo hotel option, and hot beds. After discussion Council agreed on the following conditions/recommendations: completed traffic study, 3D Modeling, responsibility of developer to relocate trail if needed, .5% RETA, building coverage definition, 65-foot height on area four, access to Wheeler property during construction, vesting rights agreement, definition of a full-service hotel, defined design standards for project, and definition on how a condo hotel will be managed/regulated. Mr. Schrog asked Council for clarification on 150 hotel units, Council stated yes to go ahead with 150 hotel units.

Council clearly stated they don't want to see the Final Draft Plan again until everything is agreed on, and they can vote on it. Interim Manager Stan Zemler stated Town Staff can draft an agreement, and the applicant can respond to it. Council stated communication is key to making a final development plan agreement work. Mayor Lahrman stated this topic will continue to the September fourth Town Council Meeting at 5:30 p.m.

**4.e. Resolution 1629, Roam Special Districts**

*Town Council agreed to discuss Action Item 4.e. Resolution 1629, Roam Special Districts before Action Item 4.d. Idlewild Final Development Plan Amendment, Public Hearing.*

Icenogle Seaver Pogue's Shannon Smith Johnson stated she is here on behalf of the Roam Metropolitan Districts Numbers 1,2 and 3. Mrs. Johnson apologized in advance for having this item come before Council for a second time. Mrs. Johnson stated this Service plan was approved by Council on March 6, 2018. Mrs. Smith stated due to the timing of the negotiation of the Annexation agreement and recording of Ordinance 509, she is seeking reapproval of the service plan to avoid any ambiguity. Mrs. Smith stated proper notice was published in Middle Park Times on July 12, and notice was submitted in accordance with the Special Districts Act. Mrs. Smith stated no petitions for exclusions for property within the district were filed with the Town's attorney. Mrs. Smith stated Resolution 1629 just reapproves Roam Special Districts and infrastructure, there have been no changes since its original approval on March 6, 2018. Mayor Lahrman asked about the Gondola, since it was not mentioned in the service plan. Mrs. Smith stated the Gondola is included as a consideration, and it would be in district one.

Councilor Chris Seemann moved and Councilor Art Ferrari seconded the motion approving Resolution 1629, Roam Special Districts. Motion Carried: 7-0.

**5. Town Manager's Report**

**5.a. Rendezvous Naming Rights Agreement**

Finance Director Bill Wengert stated he was approached about the Rendezvous Naming Rights Agreement back in May. Mr. Wengert stated Rendezvous are disappointed that the agreement took so long to get in place. Mr. Wengert stated Rendezvous asked if they could get a prorated fee or if Town would extend the Agreement for another year. Mr. Wengert stated he needs direction from Council on this matter. Town Council stated the ok to move forward with adding another year to the agreement.

**6. Mayor's Report**

*Nothing to Report.*

**7. Town Council Items for Discussion**

*Nothing to Report.*

**8. Executive Session**

**Executive Session to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Town Manager services, and to consider personnel matters pursuant to C.R.S. 24-6-402(4)(f), concerning the Town Manager's employment.**

Councilor Chris Seemann moved and Councilor Art Ferrari seconded the motion to go into Executive Session in accordance with C.R.S. Title 24, Section 6, Subsection 402(4)(e).

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, Interim Town Manager Stan Zemler, Town Clerk Danielle Jardee, and Finance Director Bill Wengert.

Councilor Art Ferrari moved and Councilor Chris Seemann seconded the motion to draft an employment agreement with minor changes for Keith Reisburg for Mayor Lahrman to sign.  
Motion Carried: 7-0.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 9:25 p.m.

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The next scheduled meeting of the Town Council will be Tuesday, August 21, 2018 at 8:00 a.m.

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Danielle Jardee, Town Clerk