

Those members of the public wishing to attend the meeting digitally are asked to please contact the Town Clerk Department at (970) 726-8081 ext. 208 or email [djardee@wpgov.com](mailto:djardee@wpgov.com) for a conference call-in number and passcode.



## WINTER PARK TOWN COUNCIL MEETING

Winter Park Town Hall – 50 Vasquez Road

Tuesday, July 7, 2020 – 3:00 p.m.

***Meeting will begin at 3:00 p.m. and go right into Executive Session. After executive session, the meeting will recess and the Regular Council Meeting will resume at 5:30 p.m.***

### AGENDA

1. Meeting Call to Order
  - a. Pledge of Allegiance
  - b. Roll Call of Council Members
2. Executive Session
  - a. Executive session to hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), all concerning the future gondola project

**Meeting will Recess and Resume at 5:30 p.m.**

3. Town Hall Meeting
4. Consent Agenda
  - a. Approval of June 16, 2020 Regular Meeting Minutes
5. Action Items
  - a. Public Hearing – Special Event Permit – 2020 Fitness in the Park Series
  - b. Resolution 1781, A Resolution Declaring Unused Vehicles and Equipment as Surplus Property and Authorizing Its Sale or Disposal
  - c. Resolution 1782, A Resolution Granting an Easement to Mountain Parks Electric to Install Electrical Lines and Vaults Within 80500 U.S. Highway 40
  - d. Ordinance 539, An Ordinance Approving the First Amendment to the Rendezvous at Winter Park Final Development Plan, First Reading

- e. Ordinance 540, An Ordinance Amending Sections 3-2-5 and 3-2-6 of the Winter Park Town Code to Define Economic Nexus and Update Methods for Collection and Remittance of Sales Tax, First Reading
  - f. Resolution 1783, A Resolution Extending the Declaration of a Local Disaster Emergency
  - g. Emergency Ordinance 541, an Emergency Ordinance Requiring Face Coverings During the Coronavirus (COVID-19) Public Health Emergency
- 6. Town Manager's Report
  - 7. Mayor's Report
  - 8. Town Council Items for Discussion

## MINUTES

**DATE:** Tuesday, June 16, 2020

**MEETING:** Winter Park Town Council

**PLACE:** Town Hall Council Chambers and Zoom Conference Meeting

**PRESENT:** Mayor Nick Kutumbos, Mayor Pro Tem Michael Periolat, Councilors Mike Davlin, Jennifer Hughes, Art Ferrari, Jeremy Henn, and Chris Seemann, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes and Town Clerk Danielle Jardee

### **OTHERS**

**PRESENT:** Chief of Police Glen Trainor, Finance Director Lizbeth Lemley, Community Development Director James Shockey, Public Works Director Gerry Vernon, Transit Director Michael Koch, and Town Planner Hugh Bell

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

Mayor Nick Kutumbos called the meeting to order at 5:30 p.m.

Mayor Nick Kutumbos led those present in reciting the Pledge of Allegiance.

#### **2. Town Hall Meeting (Public Comment)**

Winter Park Resident Lance Wood stated his concern about R-2-O down zones changing. Mr. Shockey responded stating the R-2-0 zoning would remain the same.

#### **3. Consent Agenda**

##### **3.a. Approval of June 2, 2020 Regular Meeting Minutes**

Councilor Art Ferrari moved and Councilor Chris Seemann seconded the motion approving the Consent Agenda. Motion Carried: 7-0.

#### **4. Action Items**

##### **4.a. Resolution 1777, A Resolution Approving Concrete Replacement Bid**

Public Works Director Gerry Vernon stated the capital project budget went down about 40% due to COVID-19. Mr. Vernon stated Staff recommends the concrete replacement bid go to JT Kopp Construction for a total amount of \$39,500 dollars.

Councilor Chris Seemann moved and Councilor Mike Davlin seconded the motion approving Resolution 1777, A Resolution Approving Concrete Replacement Bid. Motion Carried: 7-0.

##### **4.b. Resolution 1778, A Resolution Approving Pavement Maintenance Bid**

Public Works Director Gerry Vernon stated the pavement maintenance bid went out and received interest from four firms. Mr. Vernon stated Acord Asphalt in Granby was the lowest bidder. Mr. Vernon stated Staff recommends awarding the bid to Acord Asphalt for \$152,330 dollars.

Councilor Chris Seemann moved and Councilor Art Ferrari seconded the motion approving Resolution 1778, A Resolution Approving Pavement Maintenance Bid. Motion Carried: 7-0.

**4.c. Resolution 1779, A Resolution Authorizing the Mayor to Execute an Intergovernmental Agreement with the Towns of Fraser and Granby for Building Division Services**

Town Manager Keith Riesberg stated the resolution presented is to approve an intergovernmental agreement with the Towns of Fraser and Granby for the Town of Winter Park to continue providing building inspections services, which we have been doing since 2010. Mr. Riesberg stated the updated IGA clarifies the chain of command, oversight of responsibilities, and clarifies some of the insurance provisions. Mr. Riesberg stated the updated IGA clarifies when permit fee revenues exceed our expenses it allows for the Town to hold onto those funds and build a fund balance in that enterprise to fund up to two years of equivalent expenses. Mr. Riesberg stated this fund is for when permit revenues are not enough to cover expenses it will then ensure we have revenues to cover the operation of the building department.

Councilor Chris Seemann moved and Councilor Mike Davlin seconded the motion approving Resolution 1779, A Resolution Authorizing the Mayor to Execute an Intergovernmental Agreement with the Towns of Fraser and Granby for Building Division Services. Motion Carried: 7-0.

**4.d. Resolution 1780, A Resolution Authorizing the Town Manager to Execute an Agreement for the Allocation/Sharing of CARES Act Funding through Grand County**

Town Manager Keith Riesberg stated as noted in the memo this resolution is asking the Council to authorize the Town Manager to enter into an agreement with the County and the other municipalities regarding the sharing of funds from the CARES Act (Coronavirus Aid, Relief, and Economic Security Act). Mr. Riesberg stated under the CARES Act \$1.3 million dollars are available to Grand County. Mr. Riesberg stated to satisfy DOLA the County and municipalities had to come to an agreement on how those funds would be shared and distributed. Mr. Riesberg stated Town of Winter Park is eligible to receive \$128,000 dollars in reimbursements. Mr. Riesberg stated upon receipt of the funds, the funds will go back into the Town's general fund.

Councilor Art Ferrari moved and Councilor Jeremy Henn seconded the motion approving Resolution 1780, A Resolution Authorizing the Town Manager to Execute an Agreement for the Allocation/Sharing of CARES Act Funding through Grand County. Motion Carried: 7-0.

**4.e. Planning Commission Appointment**

Community Development Director James Shockey stated with the promotion of Mike Davlin, a vacancy opened on the Planning Commission. Mr. Shockey stated the vacancy was posted in the local newspaper, Town's social media site and newsletter. Mr. Shockey received four letters of interest, Planning Commission interviewed on June 9 and recommended the appointment of Gary Behlen to the Planning Commission for a four-year term. Mr. Shockey stated Council does need to confirm that appointment. Mr. Shockey stated in addition to the appointment, three other members terms have expired, and reappointment is necessary for Brad Holzwarth, Roger Kish, and Doug Robbins. Councilor Chris Seemann asked what the process is for a vacancy, this felt quick, and voiced his concern on the importance of outreach for boards and committees to get more people involved and more diversity. Councilor Seemann stated he leans toward tabling this appointment for a bit to take a better look at our outreach process. Councilor Mike Davlin agreed he would not mind discussing this further at Council retreat. Council discussed learning more about process, outreach, diversity, etc. for boards and commissions. Councilor Mike Davlin stated he agreed with learning more about outreach, however he does not think the reappointments of the three current members should wait.



Mayor Pro Tem Michael Periolat moved and Councilor Chris Seemann seconded the motion to table the new Planning Commission appointment to a later date. Motion Carried: 7-0.

Mayor Pro Tem Michael Periolat moved and Councilor Mike Davlin second the motion to reappoint Brad Holzwarth, Roger Kish, and Doug Robbins to four-year terms. Motion Carried: 7-0.

**5. Progress Reports**

**5.a. Community Partners**

*Nothing to Report.*

**5.b. Staff Reports**

*Nothing to Report.*

**6. Town Manager's Report**

**6.a. CML Delegate for Annual Business Meeting Discussion**

Town Manager Keith Riesberg stated the Town must authorize a delegate to vote on behalf of the Town for CML's (Colorado Municipal League) annual business meeting. Town Council stated Town Clerk Dani Jardee should be the delegate. Mr. Riesberg stated the Cooper Creek Transit Center is now open and busses will be running through there, however some logistics are still being worked out.

**7. Mayor's Report**

Mayor Nick Kutumbos stated businesses have been adapting and are seeing some revenue come in, it is all positive and moving forward as we see visitation increase. Mayor Kutumbos stated we should start to focus on fall and how that will transition will work and how we can help with the Winter Park Resort.

**8. Town Council Items for Discussion**

Councilor Art Ferrari stated his thanks to Town's Parks and Trails Crew, along with HTA for cleaning up the trails after the windstorm that took place. Councilor Ferrari asked if there is anything Staff can do to address trail parking up by Vasquez Rd., put signage at trailhead across from Town Hall. Town Manager Keith Riesberg stated Staff would touch base with the water district about the signage. Councilor Seemann stated Australia are opening ski resorts, it will be interesting to watch and see how it is done. Councilor Davlin asked Chief of Police Glen Trainor about the Police Department's policy on choke holds, etc. Mayor Kutumbos stated the Town of Fraser's Mayor Philip Vandernail did reach out to him, with a similar question and decided they would hold a joint meeting with the boards to go over messaging, and have the Police Department showcase their policies. Chief of Police Glen Trainor stated the things that have happened in this country have been horrific and nobody likes what they have seen. Chief Trainor stated when we started the department in 2005 the whole purpose was to treat people with dignity and respect and to establish relationships with the community. Chief Trainor stated we are human beings and we are all fallible, but I think we have done a good job of upholding that purpose because of the character of our officers. Chief Trainor stated in 2012 we signed on with Lexipol, which is a nationally recognized organization that does risk management for police departments. Chief Trainor stated up until the Governor signs the bill banning choke holds, the department did have a

provision for a lateral neck restraint but it was only allowed if officers were trained and no one has been trained, therefore no one has used it. Chief Trainor stated there is a 25% surcharge on citations specifically dedicated to training our officers, and de-escalation is a big part of the policy manual that the officers are taught and trained on. Chief Trainor stated our officers are well trained and value professionalism, and if you screw up here and embarrass the department, you will not work here. Town Manager Keith Riesberg stated a joint meeting is an opportunity to educate our elected officials and public on policies and to allow Chief Trainor to highlight what a quality department we have here.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 6:25 p.m.

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The next scheduled meeting of the Town Council will be Tuesday, July 7, 2020 at 5:30 p.m.

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Danielle Jardee, Town Clerk



**TOWN OF WINTER PARK  
TOWN COUNCIL  
July 7, 2020**

**SPECIAL EVENT PERMIT –PUBLIC HEARING**

**Applicant:** Winter Park and Fraser Chamber of Commerce

**Staff Contact:** Dani Jardee, Town Clerk

**Event Description:** Fitness in the Park takes place on Sundays throughout the summer at the Rendezvous Event Center at Hideaway Park from 9a.m. till 10 a.m. This is a chance for the community and guests to have an hour of free fitness led by a different instructor each week.

**Staff Comments:** The Special Event Permit application was received, reviewed and approved by Town staff. Notification of the Public Hearing on the permit was published in the Sky Hi News on July 1, 2020 and Middle Park Times on July 2, 2020. No comments have been received.

**Attachments:** Application, and Operations Plan

**Staff Recommendation**

Staff recommends the Town Council grant the Special Events Permit



## Special Event Permit Application

Please complete each section, additional sheets may be used if necessary. If your group will be serving alcoholic beverages, please complete Form DR 8439 also.

Name of Applicant:

Mailing Address of Applicant:

Contact Name:

Contact Number:

Contact Email:

Type of Special Event (i.e. fundraiser, concert):

Address of Special Event:

Do you have written permission to use the premises? ☐ Yes ☐ No

List the exact dates and times of the event:

Explain the nature of your organization, its function, and who/what benefits from its operations:

Who or what organization will be the recipient of the funds derived from this event?

Number of expected attendees:

Describe the premises where the event will take place:

What type of security will be provided?

Number of security personnel:

How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

What type of entertainment will be provided at the event?

How will attendees be checked for proper age (i.e. at the door, at the bar)?

How will underage attendees be identified so as to not be served alcoholic beverages (i.e. wristbands)?

How will the conduct of attendees be monitored and by whom?

Have volunteers or members of your organization (that will be present at the event) been trained in the sale/service of alcoholic beverages? If yes, what type of training and by whom?

What type of beverages and food or snacks will be available?

What is your organization's State Sales Tax Number?

What is your organization's Town Sales Tax Number?

Explain how this event will be marketed; describe what kinds of advertising material will be distributed and the targeted recipients:

**I hereby certify, under penalty of perjury, that the information provided to the Town of Winter Park contained in this application is true and accurate to the best of my knowledge.**



Applicant's Signature  
erin.griss@gmail.com

06/25/2020

Date

Applicant's Email Address

PO Box 3236 Winter Park, CO 80482

Applicant's Mailing Address

78967 US 40 Winter Park, CO 80482

Applicant's Physical Address

303-253-4391

Applicant's Home Phone #

Applicant's Alternate Phone #

STATE OF COLORADO        )       Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_  
COUNTY OF GRAND    )SS.  
TOWN OF WINTER PARK    )       Witness my hand and official seal:

Notary Public

My commission expires

----- DO NOT WRITE BELOW THIS LINE - OFFICIAL USE ONLY -----

Planning Department: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Conditions/Restrictions: \_\_\_\_\_

Public Works Department: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Conditions/Restrictions: \_\_\_\_\_

Police Department: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Conditions/Restrictions: \_\_\_\_\_

Town Clerk: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Conditions/Restrictions: \_\_\_\_\_

Final Approval: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Conditions/Restrictions: \_\_\_\_\_

# Winter Park

## Special Event Operations Plan

### Fitness in the Park

July 5, 12, 19, 26, Aug 2, 9, 16, 23, 2020

#### **Event Synopsis**

The Winter Park & Fraser Chamber is hosting several Fitness in the Park free activities on Sunday mornings at the Rendezvous Events Center at Hideaway Park, downtown Winter Park! The event is expected to draw 20-40 people to the park each Sunday. The events will be from 9-10am each Sunday morning on the stage.

It is expected that there will be pedestrians for a brief time in the area as they should be heading out to return to their cars following the conclusion of the event at 10am. It is not expected that people will cause any traffic control issues with the small amount of participants. Traffic control is not necessary for this crowd.

#### **Event Coordination**

WP Chamber Event Staff will be onsite for the start of the event to ensure social distancing and set up sound system provided by the Chamber and at the end of the event to gather all materials. Winter Park PW will follow up the event to gather any trash necessary but not expected to see much impact.

Schedule is as follows

<b>Task</b>	<b>Date</b>	<b>Details</b>
PW Staff to make sure entire park is cleaned from the event on Sat	Saturday evenings	Park must be presentable for Sunday morning event
Visitor Center Staff	Sun am	Staff to bring out sound system
Fitness members	Sun 9am-10am	Fitness instructors to teach class on the stage using microphone
Visitor Center Staff	10am	Pick up sound system

#### **Weather Forecast**

Going to be beautiful everyday I'm sure ;) (report to follow 1 week prior to event)

#### **Traffic Control Plan**

Traffic Control Devices

Speed limit on Hwy 40 will remain 35 mph for the event  
Rendezvous Way will remain open

#### **Post event**

PW staff to clean event which should not have a big impact. Chamber staff to pick up mats, and sound system.

**Other**

Restroom facilities/Trash cans check before and after event – PW staff on duty

**Scheduled personnel**

Laurie Mason / Mary Sittig

## MEMO

**TO:** Town Council  
**FROM:** Gerry Vernon, Public Works Director  
**DATE:** 07/07/2020  
**RE:** Consideration to Declare Surplus Property

### **BACKGROUND**

Over the past year, Public Works Staff has evaluated existing equipment to determine if it is beyond its useful life, if it still operates, and if it holds a place in our programmed "arsenal" of equipment to provide efficiency to our work. The steps that Town's typically take to dispose of surplus equipment include: 1.) A list of surplus equipment is developed; 2.) Town Council formally declares the list of equipment as surplus and authorizes its disposition; 3.) the equipment is sold via public surplus auction service. The last time the Town completed this exercise was 2017.

Staff plans to utilize the web-based auction services provided by Purplewave Auction. I have utilized their services several times in former cities and have been very pleased with the ease of selling as well as the auction results. A larger pool of competitive bidders increases the sales prices of the equipment. I have included their brochure for your review.

### **ANALYSIS**

The vehicles and equipment listed in the attachment are no longer useful and/or have exceeded their useful life expectancy. Most of the items are old, archaic, broken, and/or no longer hold any value to the Town's operation. The volume of surplus items is taking up useful storage space and losing any value they still retain. The other equipment items may still have useful life but no longer fit in our repair and maintenance programs. Sale of the surplus items will lower the Town's insurance costs and should generate approximately \$60,000.00 in revenue to the General Fund.

### **RECOMMENDATION**

Staff recommends the Town Council adopt Resolution #1781 declaring the listed equipment as surplus property and authorizing its sale or disposal.



### Alternative Motion

In the event the Town Council wishes to not declare the equipment as surplus then the following motion should be made:

I move to deny the declaration of surplus equipment with the following findings of fact:

☐ \_\_\_\_\_

☐ \_\_\_\_\_

☐ \_\_\_\_\_

**TOWN OF WINTER PARK**

**RESOLUTION NO. 1781  
SERIES OF 2020**

**A RESOLUTION DECLARING UNUSED VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND  
AUTHORIZING ITS SALE OR DISPOSAL**

**WHEREAS**, the Town of Winter Park owns vehicles and equipment that is no longer used or needed;  
and,

**WHEREAS**, these items can be classified as surplus property and made available for sale to private  
parties or disposed of; and

**WHEREAS**, the Town wishes to sell or dispose of said surplus property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Winter Park, Colorado to  
declare as surplus property the vehicles and equipment described in Exhibit A attached hereto and  
incorporated herein by this reference, and authorizes the sale/disposal of said surplus property.

**PASSED, ADOPTED AND APPROVED** this 7<sup>th</sup> day of July 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

**TOWN OF WINTER PARK**

\_\_\_\_\_  
Nick Kutrumbos, Mayor

ATTEST: \_\_\_\_\_

Danielle Jardee, Town Clerk

## Exhibit A - 2020 Auction List

### Pickup trucks:

1. 2000 Chevrolet 2500
2. 2003 GMC Sonoma
3. 1999 Ford F-350
4. 1999 Chevrolet 3500 Lift gate
5. 2002 GMC Sierra 2500

### Plow trucks:

1. 2001 Freightliner FL 80 w/ wing
2. 2001 Freightliner FL 80 w/o wing

### Bobcat attachments:

1. 20— Caretree tree spade
2. 2017 Bobcat Flail mower
3. 2017 Bobcat plate compactor
4. 73" Bobcat vibratory roller
5. Bobcat Tine bucket
6. Bobcat Trench roller

### Loader attachments:

1. 19—winged blade

### Misc. Items:

1. Air conditioning charger
2. 2008 Zamboni
3. Bus 42: 2000 Orion (40'), VIN: 1VH5H3H20Y6501120 (Not pictured)
4. Bus 50: 1999 Gillig (30'), VIN: 15GCA2111X1089359 (Not pictured)
5. Bus 51: 2005 Cutaway Ford (15'), VIN: 1GBE5V1E65F521389 (Not pictured)
6. Bus 54: 2000 Orion (40'), VIN: 1VH5H3H20Y6501148 (Not pictured)

2000 Chevrolet 2500

Mileage: 96434

Color: Blue





2003 GMC Sonoma

Mileage: 134,089

Color: Grey







1999 Ford F-350

Mileage: 101,481

Color: Red





1999 Chevrolet 3500 Lift gate

Mileage: 77388

Color: White





2002 GMC Sierra

Mileage:

Color: White





2001 Freightliner FL80 w/ wing

Mileage: 65,626



Color: White



2001 Freightliner FL80 w/o wing

Mileage: 49,534



Color: White



2008 Caretree tree spade



2017 Bobcat Flail Mower





2017 Bobcat plate compactor







2017 Bobcat vibratory roller





2017 Bobcat tine bucket





2017 Bobcat Trench Roller





19?? Ryland Wing Blade



2008 Zamboni





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**Corporate Headquarters**

825 Levee Drive | Manhattan, KS 66502  
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auction@purplewave.com

Purple Wave Auction redefines the way sellers reach buyers to turn assets into cash. Purple Wave specializes in liquidating equipment and vehicles through online, no reserve public auctions. Whether you have one asset or a fleet, Purple Wave provides the easiest and most straight forward way to sell used equipment quickly and efficiently. Take a look at our past auctions on [purplewave.com](http://purplewave.com) to see the consistently strong prices received for heavy trucks, trailers, vehicles and agriculture and construction equipment similar to yours.

The benefits of working with Purple Wave include:

- **We do the work.** Turnkey service, from start to finish. We photograph your assets, write the description, upload to the web site, advertise/promote the auction, sell to the highest bidder, collect the money and send you a settlement check.
- **No relocation costs.** No need to transport equipment to an auction site. We sell "as is, where is" eliminating costly transportation costs.
- **Fast turnaround.** Regularly scheduled auctions, no waiting for a sale. A typical month includes auctions specific to construction, agriculture, and trucks/trailers.
- **No reserve auctions.** Bidders compete with each other, increasing the value you receive.

Purple Wave is an Internet auction service, recently recognized by Inc., magazine as one of the fastest growing private companies in the United States. Purple Wave boasts more than 80,000 registered bidders and 150,000 monthly visitors to [purplewave.com](http://purplewave.com), helping sellers reach a much broader marketplace than traditional auctions.

Let Purple Wave become one of the tools you use to effectively manage and maximize the return on your assets. Please visit [purplewave.com](http://purplewave.com) for more information or call me with any questions you may have about selling your assets.

Best regards,

## WHY SELL WITH PURPLE WAVE?



### AUDIENCE

- large buying community
- we qualify bidders



### FREQUENCY

- multiple auctions each week
- auction dates fit your schedule
- 3 week bidding time maximizes exposure



### SERVICE

- our team comes to you
- we handle listings & photos
- we handle payments and transfer of ownership



### EQUIPMENT

- sell as is, where is
- no transportation costs
- no prep costs

## WHO WE ARE

**Purple Wave** specializes in the sale of agriculture, construction, industrial and government equipment through no-reserve, public Internet auctions — providing the easiest and most straightforward way to buy and sell used equipment quickly and efficiently.

**Purple Wave** is a full-service auction company that provides personalized service to each seller. **Purple Wave** supports the seller by marketing their assets, creating professional listings, conducting the sale on the seller's behalf and collecting payments.

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AUCTION  
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## GOVERNMENT SERVICES

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AUCTION



## WHAT OUR CLIENTS ARE SAYING ABOUT US.

*"The state of Kansas has seen a large increase in the net revenue received from the seizure auctions. I attribute this increase entirely to Purple Wave due to its Internet format, professional staff and positive customer service attitude."*

Darci Hamilton, Alcohol and Beverage Control Agent, Kansas Department of Revenue

*"Purple Wave made it easy to turn obsolete, unused assets into dollars that could be used to help replace aging assets. The auction was made easy, and the outcome exceeded our expectations."*

Evelyn Shields, Director of Public Works, University City, MO

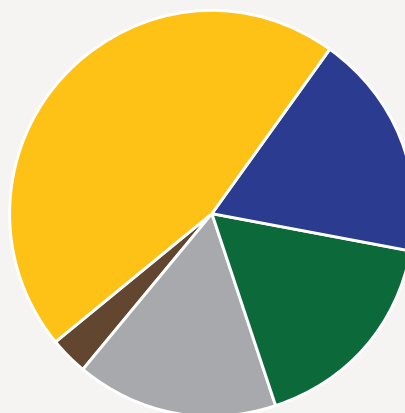
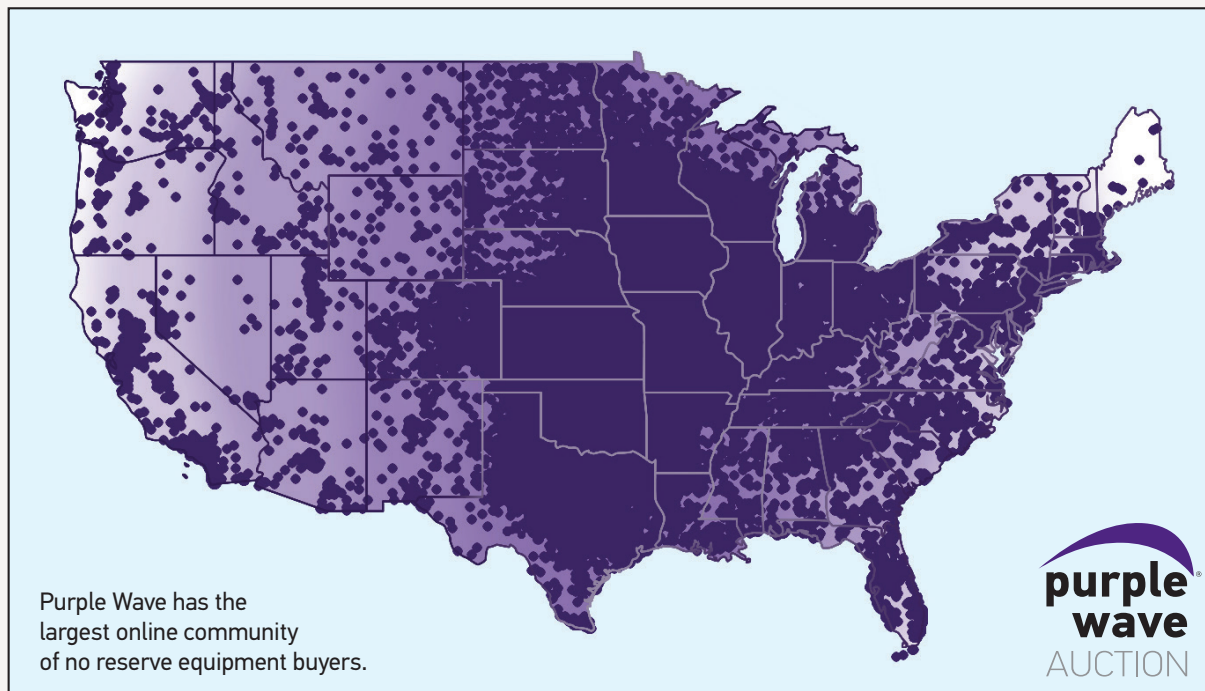
*"The convenience and low-cost option of using the services of Purple Wave made this an ideal method of selling excess items, not to mention the increased exposure over a traditional on-site county auction."*

David P. Carney, P.E. County Engineer, Monona County Engineer's Office, IA

*"Purple Wave's thorough preparation for our auction is impressive. The staff visited the six district locations located across the state to collect asset descriptions and picture assets, which is a huge help to KDOT staff. The process is easy with Purple Wave they handle all the details and they provide reliable and prompt service."*

Matt Miller, Surplus Property Manager, Kansas Department of Transportation

# Bidder and Industry Overview



## INDUSTRY OVERVIEW

- **Construction: 46%**
- **Government: 18%**
- **Agriculture: 17%**
- **Fleet: 16%**
- **Other: 3%**



Purple Wave  
Auction

Regional  
Auction

Local  
Auction

**BID NOW! purplewave.com**

**Straight.  
Simple.  
Sold.®**



**purple  
wave**  
AUCTION

### **AUCTION TERMS**

- Items sell to the highest bidder, there are no minimum bids or reserves.
- A 10% buyer's premium will be assessed to all purchases.
- Bidding on your own assets is a violation of both federal law and Purple Wave Auction terms.
- You can not sell, remove or withdraw any portion of the asset once contracted.
- Purple Wave will use best efforts to qualify bidders and collect payment. However, Purple Wave doesn't guarantee collection of payment.
- Settlement of the auction occurs within 15 business days post auction.





# Straight. Simple. Sold.®



## The easiest way to sell used equipment.

### FAST TURNAROUND



- Multiple auctions held every week
- Our auction dates fit your schedule

### WE HANDLE EVERY DETAIL

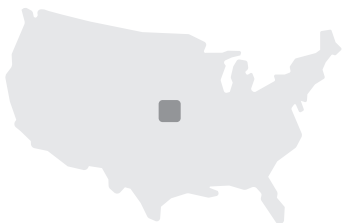


- Our team takes the photos and videos
- We handle post auction payment and titles

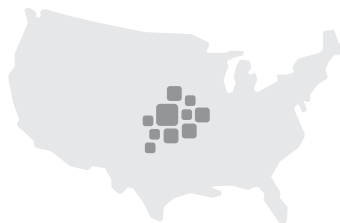
### PROVEN SUCCESS



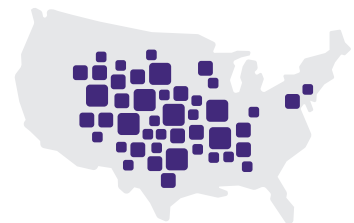
- All equipment is sold "AS IS, WHERE IS"
- No transportation or preparation cost



LOCAL AUCTION



REGIONAL AUCTION



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**NO RESERVE!**

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AUCTION



## MEMO

**TO:** Town Council  
**FROM:** Gerry Vernon, Public Works Director  
**DATE:** 07/07/2020  
**RE:** Mountain Parks Electric Easement Request

### **BACKGROUND**

In order to construct new electric power to the Public Works Facility, 80500 U.S. Highway 40, Mountain Parks Electric is requesting easements across the town-owned property.

### **ANALYSIS**

To get power to the new facility, an overhead line will have to be installed from Winter Park Drive over the river near the shop and existing trail. This will require a 120' wide permanent easement for the overhead portion. The power will then go underground to a transformer located near the middle of the property. This will require a 20' wide permanent easement. Power will then be distributed to the building from the transformer.

### **RECOMMENDATION**

Staff recommends the Town Council dedicate the easement by adopting the following resolution:

I move to approve Resolution 1782 that dedicates permanent easements to Mountain Parks Electric.

#### Alternative Motion

In the event the Town Council wishes to not dedicate the easement, staff recommends the Town Council make the following motion:

I move to not dedicate the easement to Mountain Parks Electric due to the following findings of fact:

☐ \_\_\_\_\_

☐ \_\_\_\_\_

**TOWN OF WINTER PARK**

**RESOLUTION NO. 1782  
SERIES OF 2020**

**A RESOLUTION GRANTING AN EASEMENT TO MOUNTAIN PARKS ELECTRIC TO INSTALL ELECTRICAL  
LINES AND VAULTS WITHIN 80500 U.S. HIGHWAY 40**

**WHEREAS**, Mountain Parks Electric is requesting to install overhead and underground electric lines and vaults to serve the new public works facility located at 80500 U.S. Highway 40; and,

**WHEREAS**, Mountain Parks Electric is requiring that the electric lines and vaults be in easements dedicated to them; and

**WHEREAS**, the Town Council has reviewed the *Right of Way Easement* attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of Winter Park, Colorado hereby approves the attached *Right-of Way Easement* and authorizes the Mayor to execute it on behalf of the Town.

**PASSED, ADOPTED AND APPROVED** this 7<sup>th</sup> day of July 2020 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

**TOWN OF WINTER PARK**

\_\_\_\_\_  
Nick Kutrumbos, Mayor

ATTEST: \_\_\_\_\_

Danielle Jardee, Town Clerk

## RIGHT-OF-WAY EASEMENT AND AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned (referred to in the plural whether one or more) for good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant unto MOUNTAIN PARKS ELECTRIC, INC., a cooperative corporation of the State of Colorado, (hereinafter called the "Cooperative") whose post office address is P.O. Box 170, Granby, Colorado, 80446, and to its successors and assigns, the right to enter upon the lands of the undersigned, situated in the County of Grand, State of Colorado, and more particularly described as follows:

Lot 1, Winter Park Triangle Parcel Subdivision Exemption, Sections 3 and 10, Township 2 South, Range 75 West, 6<sup>th</sup> P.M.

- 1) A one hundred and twenty foot (120') wide easement for overhead utilities and such additional distances for guys and anchors as necessary on the above described property commencing at a location north of Winter Park Drive; thence northerly three hundred and fifty feet (350') more or less; terminating at a point near the Fraser River Trail.
- 2) A twenty foot (20') wide easement for underground utilities and such appurtenant facilities as necessary commencing at the end point of the above stated overhead easement; terminating ten feet (10') past a transformer vault. Utilities as installed to become centerline of said easement.

The easement shall be for the purposes of erecting, constructing, re-constructing, replacing, altering, extending, up rating, upgrading, removing, operating, accessing, inspecting, repairing, maintaining and retiring over, under, and across the above-described lands either above or below the ground level, or both, and in, over, and under all bridges, streets, roads and highways thereon or abutting said lands, an electric supply/communication line or system, both for transmission and for distribution, and/or telecommunication lines and equipment, fixtures and systems for the transmission or provision of commercial and non-commercial electric and/or telecommunications services, advanced services and fiber optic services (including without limitation the transmission of voice, video, and data signals and the leasing, licensing or other transfer of use of dark fiber strands), all as the Cooperative shall find necessary and deem advisable; and at the option of the Cooperative, to remove and trim trees and shrubbery within the easement, and to cut and trim from time to time all dead, weak, leaning or dangerous trees, on or adjacent to the easement, that are tall enough to strike any part of the line or system in fallings and to permit access at all times to the lines for all of the purposes enumerated in this easement. For the purposes enumerated in this easement the Cooperative, its agents and employees shall have such right of ingress and egress across the above property as may be reasonably convenient to and from said rights of way to construct, re-construct, replace, inspect, and make such repairs, changes, alterations, improvements, removal from, substitutions and additions to facilities located within the easement as the Cooperative may from time to time deem advisable.

This easement is non-exclusive and perpetual, and shall run with the land, burdening all present and future owners.

The undersigned further agree, for themselves and for their heirs, representatives, successors, and assigns, that: 1) no buildings, structures, surface changes (fill or cut) in excess of 6 inches (6"), or other obstructions will be erected or permitted within ten feet (10') of any conductor, measured horizontally; and 2) no buildings, structures, surface changes of any kind in excess of six inches (6"), or other obstructions shall be erected or permitted outside of ten feet (10') if same shall interfere with or prevent access to the said line or will be so close to the line as to create a hazard, or to violate the clearances specified in the National Electrical Safety Code or as required by the Cooperative. The undersigned agree all equipment and facilities on the Cooperative's side of the point of delivery shall remain the property of the Cooperative.

The Cooperative shall clean, remediate, cure, repair and correct any damage to the surface of the Easement

Property caused by the Cooperative.

The undersigned warrants that the above-described lands are owned by the undersigned and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

The provisions of this easement shall be binding upon and shall inure to the benefit of the licensees, lessees, contractors, agents, heirs, executors, successors and assigns of the undersigned and the Cooperative. The rights, privileges and obligations granted and created hereunder may be assigned, licensed or otherwise conveyed or transferred, in whole or in part. The undersigned shall be entitled to all remedies at law or in equity to enforce the terms of this agreement or to recover damages for breach. If any provision of this agreement is held by a court of competent jurisdiction to be invalid or unenforceable or not run with the land, such holding shall not affect the validity or enforceability of the remainder of this agreement.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

TOWN OF WINTER PARK

\_\_\_\_\_  
Nick Kutumbos, Mayor

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020,

by Nick Kutumbos, Mayor of Winter Park

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk

## MEMO

**TO** Town Council

**FROM** James Shockey, Community Development Director

**DATE** July 7, 2020

**RE** Rendezvous at Winter Park – 1<sup>st</sup> Amendment to Final Development Plan

### **Project Overview:**

Ordinance 406, Series 2008 approved a Final Development Plan (FDP) for Rendezvous at Winter Park. The FDP was approved on May 6, 2008 and recorded with Grand County on August 5, 2008 at Reception No. 2008-007613.

The developer of Rendezvous at Winter Park, Rendezvous Colorado, LLC (Rendezvous), is requesting to amend Exhibit 11, Development Standards of the FDP. The original table and the revised table are included with this report. The table with the yellow highlight is the revised table. Below is a summary of the changes –

### **Residential Minimum Lot Size**

The single-family detached (SFD) lot size for PA-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16 has been reduced from 7,000sqft to 3,500sqft. The single-family detached and single-family attached lot size for PA-17 and 18 have been reduced from 7,000sqft to 5,000sqft.

The single-family attached (SFA) lot size for PA-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17 and 18 has been reduced from 7,000sqft to 1,250sqft.

The applicant is requesting the reduced lot size to reflect the smaller residential product types that Rendezvous is offering. This includes establishing lots sizes for cluster single-family residential types. The applicant states the smaller lot sizes result in additional property being allocated to common area and open space.

The residential minimum lot size for multi-family has been eliminated to allow additional flexibility in the product types being offered.

### **Setbacks**

- The front setback for PA-1 is proposed to be reduced from 10' to 5'.
- The side setback from PA-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16 has been reduced from 6' to 5'.
- The rear setback for PA-1, has been reduced from 15' to 5' and PA- 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16 has been reduced from 15' to 10'.

The applicant states the reduced setbacks have been adjusted accordingly to accommodate the smaller lot sizes.

### Notes

The following notes have been changed and/or added from the original table –

Note 3 has been changed to address the setback for garages that access a public right-of-way. The note requires garages be located a minimum of 20' from the property line. Staff agrees with this note.

Note 4 is a new note and has been added to address the setback for garages from a private right-of-way. Staff agrees with this note.

Note 5 was Note 4 in the original table. The original language states the minimum building separation shall be 12'. The revised language states that minimum building separation shall be as specified as above. There is no information in the revised table concerning building separation. During the Planning Commission hearing the applicant stated the minimum building separation would be determined based on setbacks. The applicant will need to update this note to add that language.

Note 6 was Note 5 in the original table. There are no changes.

Note 7 was Note 6 in the original table. There are no changes.

Notes 8-10 are new notes. They address building coverage for the subdivision. These notes replace the building coverage column that was in the original table. The notes are meant to clarify how building coverage is calculated. Staff agrees with these notes.

Note 11 is a new note that states multifamily buildings and single-family attached units with a common wall has a 0' setback. Staff agrees with this note.

Note 12 is a new note that states there shall not be a minimum lot frontage requirement for residential uses. This note was added as previously staff used the R-2 Zoning standard to calculate the minimum lot frontage. The applicant should explain why this note was added.

### Definitions

Staff has added several definitions to the revised table shown in red boxes. These definitions were created for the Unified Development Code (UDC) and should be included in the amendment to clarify what the various types of residential product are.

### Building Height

Staff requested the applicant verify what is considered multiple-family (MF) as it relates to the height column. SFD and SFA permits 40' while MF permits 50'. Based on the definitions from the UDC, a townhome is considered a SFA and a condominium is considered a MF. The applicant has provided the clarification in the revised table.



**Planning Commission Recommendation:**

The Planning Commission reviewed the 1<sup>st</sup> Amendment on June 23, 2020 and recommended approval through adoption of Planning Commission Resolution 3-2020.

**Staff Recommendation:**

Staff recommends the Town Council approve the 1<sup>st</sup> Amendment to the Rendezvous at Winter Park Final Development Plan by approving Ordinance 539, Series 2020.

TOWN OF WINTER PARK  
ORDINANCE NO. 539  
SERIES OF 2020

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE RENDEZVOUS AT  
WINTER PARK FINAL DEVELOPMENT PLAN.

WHEREAS, the Winter Park Town Council approved the Rendezvous at Winter Park Final Development Plan pursuant to Ordinance No. 406, Series of 2008, recorded with Grand County at Reception No. 2008007613;

WHEREAS, on March 9, 2020, Rendezvous Colorado, LLC ("Applicant") filed an application for approval of the First Amendment to Rendezvous at Winter Park Final Development Plan (the "Application");

WHEREAS, at a properly-noticed public hearing on June 23, 2020 the Planning and Zoning Commission approved the First Amendment to the Rendezvous at Winter Park Final Development Plan; and

WHEREAS, the Town staff has reviewed the First Amendment and recommends conditional approval to the Town Council;

WHEREAS, at a properly-noticed public hearing on July 7, 2020 and July 21, 2020, the Town Council considered the First Amendment; and

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, and any public comment, the Town Council finds and determines as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WINTER PARK, COLORADO, THAT:

1. Section 1. Findings. The Town Council hereby finds and determines that the First Amendment to Rendezvous at Winter Park Final Development Plan meets all of the applicable criteria set forth in Title 7 of the Winter Park Town Code.

Section 2. Decision. Based on the foregoing findings, the Town Council hereby approves the First Amendment to Rendezvous at Winter Park Final Development Plan.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this 7<sup>th</sup> day of July, 2020. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2020 at 5:30 p.m., or as soon thereafter as possible, at the Winter Park Town Hall.

TOWN OF WINTER PARK

\_\_\_\_\_  
Nick Kutrumbos, Mayor

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk



READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of \_\_\_\_\_  
to \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2020.

TOWN OF WINTER PARK

\_\_\_\_\_  
Nick Kutrumbos, Mayor

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk



June 16, 2020

Mr. James Shockey, Town Planner  
Town of Winter Park  
50 Vasquez Road  
P.O. Box 3327  
Winter Park, Colorado 80482

**Re: Rendezvous Winter Park  
Final Development Plan Amendment**

Dear James,

I am pleased to submit on behalf of the Rendezvous Colorado LLC, the enclosed Rendezvous Winter Park Final Development Plan amendment. This FDP amendment addresses and clarifies specific items outlined in the Development Standards chart including minimum lot size and building setbacks.

Since approval of the Final Development Plan, there have been market and real estate trends that have resulted in changes to the residential housing types and segmentation program. These adjustments have included incorporating a variety of product types to accommodate a multidimensional demographic. Some of these products include more maintenance free residential alternatives including townhomes and condominiums. There has also been a preference for clustered single-family homes that are located on modest home sites with access to a central open space system.

Outlined below is a summary of the revision the respective development standards.

**Minimum Lot Size** – The minimum lot sizes for specific planning areas have been updated to reflect the smaller residential product types. This includes establishing lots sizes for cluster single-family residential types. The smaller lot sizes results in additional property being allocated to common area and open space.

Further clarification has also been provided with Note 8 regarding maximum multi-family building coverage within a Tract which is 60%. Building coverages for detached single family homes on specific with different lot sizes has also been clarified (See Note 9).

Building Setbacks – Given the smaller lots, the side and rear setbacks have been adjusted accordingly. The front setbacks remain the same as the original approved Final Development Plan. It is clarified in Note 9 that attached or multi-family structures with a common wall will not be subject to side yard requirements.

Further clarification regarding driveway setbacks and depth has also been provided in Note 3. The driveway setbacks are the same as what was developed for the Roam project.

Enclosed is the Development Application and updated Development Standards chart. Other application items have been submitted with the Subdivision Exemption. As directed, submittal fees have been mailed to Town Hall.

Upon your review, we will be available to meet and provide additional information as required. We appreciate your assistance and look forward to working with you further on this project.

Sincerely,

Vogel & Associates, LLC

Jeffrey Vogel, AICP

Principal



## Revised Table

### Development Standards

Planning Area	Residential Minimum Lot Size		Maximum Building Height (1)		Front Setback (2)	Side Setback (4)	Rear Setback (5)
	SFD	SFA & Townhomes	SFD, SFA & Townhomes	MF			
PA-1	3,500 sf	1,250 sf	40 feet	75/55 feet (6)	5 feet (3)	5 feet	5 feet
PA-2	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-3	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-4	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-5	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-6	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-7	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-8	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-9	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-10	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-11	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-12	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-13	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-14	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-15	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-16	3,500 sf	1,250 sf	40 feet	50 feet	10 feet (3)	5 feet	10 feet
PA-17	5,000 sf	1,250 sf	40 feet	50 feet	10 feet (3)	6 feet	15 feet
PA-18	5,000 sf	1,250 sf	40 feet	50 feet	10 feet (3)	6 feet	15 feet
PA-19	7,000 sf	1,250 sf	40 feet	50 feet	10 feet (3)	6 feet	15 feet
PA-20	7,000 sf	1,250 sf	40 feet	50 feet	10 feet (3)	6 feet	15 feet
PA-21	7,000 sf	1,250 sf	40 feet	50 feet	10 feet (3)	6 feet	15 feet
PA-22	n/a	n/a	n/a	n/a	n/a	n/a	n/a

1. As defined in the Town of Winter Park Ordinance 324, Series of 2002.

2. Front setback measured from right of way or private access easement.

3. Front loaded garages shall be a minimum of 20 feet from the public right-of-way. Front loaded and side loaded garages located on a public right-of-way shall have a 20 foot minimum parking apron that is measured from face of garage to edge of property line adjacent to the public right-of-way.

4. Front loaded or rear loaded garages from private drives shall be a maximum of 5 feet from the property line or 20 feet from the property lines based on approved setbacks for the Planning Area. Lots with unique topographic and/or geometric configurations, the garage can be a maximum of 7 feet from the property line if at least one portion of the garage remains at 5 feet from the property line. Side loaded garages shall have a 20 foot minimum parking apron that is measured from face of garage to edge of property line.

5. Minimum building separation shall be as specified above. Roof overhangs, bay or box windows, fireplaces, cantilevers and other architectural features may be located within the side setback. Provided that the encroachment does not exceed 24 inches.

6. Roof overhangs, bay or box windows, fireplaces, cantilevers and other architectural features may be located within the rear setback. Provided that the encroachment does not exceed 24 inches. Decks, patios and covered porches may extend within 10' from the rear property line.

7. The building height shall be a maximum of 75 feet for lodging and hotel uses only. The maximum building height for multi family projects that do not contain accommodation units or function as a condominium hotel shall be 55 feet.

8. Tracts that contain attached single-family dwelling and multifamily (townhomes, condominiums, apartments) shall have a 60% maximum building coverage requirement. Individual lots shall not be required to meet building coverage requirements.

9. Tracts that contain detached single-family dwellings on lots less than 10,000 sqft. shall have a maximum building coverage of 40%. Individual lots shall not be required to meet building coverage requirements.

10. Tracts that contain detached single-family dwellings on lots greater than 10,000 sqft. shall have a maximum building coverage of 50% on each individual lot. The lots shall not be required to meet building coverage requirements.

11. Sideyard setbacks shall not apply to Multifamily buildings and single family attached units with a common wall.

12. There shall not be a minimum lot frontage requirement for residential uses.

Condominium means a multiple dwelling or development containing individually owned dwelling units and an undivided interest in jointly owned and shared areas and facilities.

Duplex means a pair of dwellings that may be located side-by-side with a shared wall from the finished floor to the roof, or that may be attached vertically, separated by a floor, which are located on a single platted lot.

Single-Family Attached Dwelling means two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

Single-Family Detached Dwelling means a single-family dwelling unit that is separated from other buildings by outside walls.

Townhouse means a type of single-family dwelling unit that is attached to two or more other single-family dwelling units by party walls that do not have penetrations.

Apartment means a multi-family building containing three or more dwelling units, excluding a townhouse, with each unit having an entrance to a hallway, stairway, or balcony in common with at least one other dwelling unit.

Original Table

### Development Standards

Planning Area	Residential Minimum Lot Size		Maximum Building Height (1)		Front Setback (2)	Side Setback (4)	Rear Setback(5)	Building Coverage
	SFD & SFA	MF	SFD	MF				
PA-1	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	75/55 feet(6)	10 feet (3)	6 feet	15 feet	n/a
PA-2	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-3	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-4	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-5	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-6	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-7	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-8	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-9	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-10	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-11	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-12	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-13	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-14	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA-15	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-16	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-17	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-18	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	55 feet	10 feet (3)	6 feet	15 feet	50%
PA-19	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-20	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-21	7,000 sf	5,000 sf + 2,000 sf per du in excess of one	40 feet	50 feet	10 feet (3)	6 feet	15 feet	50%
PA-22	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

1. As defined in the Town of Winter Park Ordinance 324, Series of 2002.
2. Front setback measured from right of way or private access easement.
3. Front loaded attached garages shall be a minimum of 20 feet from the right of way or private access easement. Detached garages for multi family uses shall be setback either 0 feet or a minimum of 14 from the right of way or private access easement.

4. Minimum building separation shall be 12 feet. Roof overhangs, bay or box windows, fireplaces, cantilevers and other architectural features may be located within the side setback. Provided that the encroachment does not exceed 24 inches.

5. Roof overhangs, bay or box windows, fireplaces, cantilevers and other architectural features may be located within the rear setback. Provided that the encroachment does not exceed 24 inches. Decks, patios and covered porches may extend within 10' from the rear property line.

6. The building height shall be a maximum of 75 feet for lodging and hotel uses only. The maximum building height for multi family projects that do not contain accommodation units or function as a condominium hotel shall be 55 feet .

Additional geotechnical investigations will be performed on potential geo hazard areas as identified on the Existing Features plan and in the geotechnical Investigation and Geologic Hazards Analysis prepared by JA Cesare and Associates, dated 10/15/05. Limitation on development will occur as recommended by the individual geotechnical investigations and determined on a case by case basis at the time of platting.

Development will be limited on steep slopes that exceed 30%. At the time of platting, the applicant will demonstrate that areas with steep slopes have been avoided to the greatest extent practicable. Roadway crossings and isolated pockets of 30% will be considered acceptable for development.

Development along ridgelines will be limited. Further analysis will be done at time of platting to analyze the impact of development in Visually Sensitive Areas.

### Parking

Parking for single-family detached homes will be provided within garages and/or off-street drives or parking lots. Off-street parking for multi-family projects may either include garages, surface parking lots and/or private drives or a combination thereof. Parking for commercial space will be provided by surface parking. Each development will satisfy the required parking requirements per the Roadway Report.

## MEMO

**TO** Mayor and Town Council  
**FROM** Lizbeth Lemley, Finance & HR Director  
**CC** Keith Riesberg, Town Manager  
**DATE** July 1, 2020  
**RE** Economic Nexus Ordinance

This ordinance is being presented in response to the Colorado Municipal League ("CML") and its economic nexus and marketplace facilitator model ordinance project. CML is urging the Town, as one of 72 home rule municipalities collecting its own sales tax, to adopt the ordinance and to begin using a Colorado Department of Revenue state portal (commonly referred to as "SUTS") to collect Town sales tax. Doing both will impose Town sales tax on internet transactions while also providing businesses with a single point of remittance for state and Town sales tax. Should council approve this ordinance, a resolution presenting the IGA with the State of Colorado to enter into a SUTS agreement will be presented at the next council meeting.

### **Background**

The CML economic nexus and marketplace facilitator model project is unique to home rule municipalities who collect their own sales tax because, for municipalities whose sales tax is collected by the state, which includes all statutory cities and towns, this issue was addressed in 2019 by passage of House Bill 19-1240 ("HB 19-1240").

HB 19-1240 codified the Colorado Department of Revenue ("DOR") rules requiring out- of-state vendors to collect and remit sales tax, established destination-based sourcing rules, and required marketplace facilitators to collect and remit sales tax on behalf of their third-party vendors. Currently, out-of-state vendors remitting to the Town of Winter Park have been doing so voluntarily because the Town is a self-collecting home rule municipality.

CML's effort addresses pressure from businesses that oppose Colorado's non-centralized state and local sales tax system. The business community has been vocal about the additional burden Colorado's separate local sales tax collection and payment process places on them (nationally only 3 states use this model), and state legislators are interested in finding a business-friendly approach. Pressure continues to mount with



adoption of Senate Bill 19-006, which formed a sales and use tax simplification task force "to study the necessary components of a simplified sales and use tax system for both the state and local governments, including home rule municipalities and counties."

The concern is that with enough business opposition, the general assembly will act to impose unified state collection of local sales tax throughout the state. At this point, the Town retains some local control. In addition to formalizing taxation on internet sales, this effort is about preventing a state-imposed end to local sales tax autonomy.

### **Analysis**

CML and other home rule municipalities are optimistic that in exchange for the standard language and the convenience of SUTS, out-of-state vendors and will not challenge collecting and remitting the sales tax avoiding the issues detailed above. Additionally, Town staff is confident this will also increase tax remittance from these vendors.

### **Recommendation**

Staff recommends the approval of the economic nexus ordinance as submitted for your consideration.

Should the Town Council wish to approve the ordinance the following motion should be made:

I move to approve Ordinance 540 as presented.

Should the Town Council wish to deny the proposed ordinance the following motion should be made:

I move to deny Ordinance 540 as presented.

Should you have any questions or need additional information regarding this matter, please contact me.

**TOWN OF WINTER PARK  
ORDINANCE NO. 540  
SERIES OF 2020**

**AN ORDINANCE AMENDING SECTIONS 3-2-5 AND 3-2-6 OF THE  
WINTER PARK TOWN CODE TO DEFINE ECONOMIC NEXUS AND  
UPDATE METHODS FOR COLLECTION AND REMITTANCE OF SALES  
TAX**

WHEREAS, the Town of Winter Park is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales taxes is clearly within the constitutional grant of power to the Town and is necessary to raise revenue with which to conduct the affairs and render the services performed by the Town;

WHEREAS, pursuant to such authority, the Town has adopted and enacted a Sales Tax Code (the "Code"), under which Town sales tax is levied on all sales and purchases of tangible personal property or taxable services at retail unless prohibited, as applicable to the provision of this Ordinance, under the Constitution or laws of the United States;

WHEREAS, the United States Supreme Court in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018), overturned prior precedent and held that a State is not prohibited by the Commerce Clause from requiring a retailer to collect sales tax based solely on the fact that such retailer does not have a physical presence in the State ("Remote Sales");

WHEREAS, based upon such decision, the retailer's obligation to collect tax on Remote Sales is no longer based on the retailer's physical presence in the jurisdiction by the Constitution or law of the United States, and the Code needs to be amended to clearly reflect such obligation consistent with said decision;

WHEREAS, the delivery of tangible personal property, products, or services into the Town relies on and burdens local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services;

WHEREAS, the failure to tax Remote Sales creates incentives for businesses to avoid a physical presence in the State and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the State and its municipalities;

WHEREAS, it is appropriate for Colorado municipalities to adopt uniform definitions within their sales tax codes to encompass marketplace facilitators, marketplace sellers, and multichannel sellers that do not have a physical presence in the Town, but that still have a taxable connection with the Town;

WHEREAS, the goal of adopting this ordinance is to join in on the simplification efforts of all the self-collecting home rule municipalities in Colorado;

WHEREAS, this ordinance provides a safe harbor to those who transact limited sales within the Town;

WHEREAS, absent this amendment, the continued failure of retailers to voluntarily apply and remit sales tax owed on Remote Sales exposes the Town to unremitted taxes and permits an inequitable exception that prevents market participants from competing on an even playing field;

WHEREAS, the Town adopts this ordinance with the intent to address tax administration, and, in connection with, establish economic nexus for retailers or vendors without physical presence in the State and require the retailer or vendor to collect and remit sales tax for all sales made within the marketplace as permitted in 2018 by the U.S. Supreme Court; and

WHEREAS, the State's adoption of economic nexus for state sales tax and state-collected municipal sales tax did not require voter approval under the Taxpayer's Bill of Rights ("TABOR"), Article X, § 20 of the Colorado Constitution, and, similarly, updating the Town's methods to allow collection and remittance of sales tax to the full extent permitted by law does not require voter approval under TABOR.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WINTER PARK, COLORADO, THAT:

Section 1. Section 3-2-5 of the Winter Park Town Code is amended by the revision to or addition of the following defined terms, which shall appear in alphabetical order:

ECONOMIC NEXUS: The connection between the town and a person not having a physical nexus in the State of Colorado, which connection is established when the person or marketplace facilitator makes retail sales into the town, and:

A. In the previous calendar year, the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in Section 39-26-102(3)(c), C.R.S., as amended; or

B. In the current calendar year, 90 days has passed following the month in which the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in Section 39-26-102(3)(c), C.R.S., as amended.

This definition does not apply to any person who is doing business in this state but otherwise applies to any other person.

**ENGAGED IN BUSINESS IN THE TOWN:** Performing or providing services selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption within the town. Engaged in business in town includes, but is not limited to, any one of the following activities by a person:

A. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction;

B. Sends one or more employees, agents or commissioned salespersons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons;

C. Maintains one or more employees, agents or commissioned salespersons on duty at a location within the taxing jurisdiction;

D. Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction;

E. Retailer or vendor in the state of Colorado that makes more than one delivery into the town within a 12-month period; or

F. Makes retail sales sufficient to meet the definitional requirements of economic nexus as set forth herein.

**MARKETPLACE:** A physical or electronic forum, including, but not limited to, a store, a booth, an internet website, a catalog, or a dedicated sales software application, where tangible personal property, taxable products, or taxable services are offered for sale.

**MARKETPLACE FACILITATOR:** A person who:

A. Contracts with a marketplace seller or multichannel seller to facilitate for consideration, regardless of whether or not the consideration is deducted as fees from the transaction, the sale of the marketplace seller's tangible personal property, products, or services through the person's marketplace;



B. Engages directly or indirectly, through one or more affiliated persons, in transmitting or otherwise communicating the offer or acceptance between a purchaser and the marketplace seller or multichannel seller; and

C. Either directly or indirectly, through agreements or arrangements with third parties, collects payment from the purchaser on behalf of the seller.

This definition does not include a person that exclusively provides internet advertising services or lists products for sale, and that does not otherwise meet this definition.

**MARKETPLACE SELLER:** A person, regardless of whether or not the person is engaged in business in the town, which has an agreement with a marketplace facilitator and offers for sale tangible personal property, products, or services through a marketplace owned, operated, or controlled by a marketplace facilitator.

**MULTICHANNEL SELLER:** A retailer that offers for sale tangible personal property, commodities, or services through a marketplace owned, operated, or controlled by a marketplace facilitator, and through other means.

**RETAILER OR VENDOR:** Any person selling, leasing or renting tangible personal property or services at retail. Retailer shall include any:

A. Auctioneer;

B. Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;

C. Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes;

D. Marketplace facilitator, marketplace seller, or multichannel seller.

E. All retailers or vendors shall obtain a business license pursuant to chapter 1 of this title, whether or not they operate on or from a premises in the town.

Section 2. Section 3-2-6 of the Winter Park Town Code is amended by the addition of the following new subsection J:

3-2-6: TAXABLE TRANSACTIONS, COMMODITIES AND SERVICES:

\* \* \*

J. Marketplace Sales:

1. A marketplace facilitator engaged in business in the town is required to collect and remit sales tax on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the town, whether or not the marketplace seller for whom sales are facilitated would have been required to collect sales tax had the sale not been facilitated by the marketplace facilitator.

2. A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under this chapter. Marketplace facilitators shall be liable for the taxes collected from marketplace sellers or multichannel sellers. The Town may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.

3. The liabilities, obligations, and rights set forth under this subsection J are in addition to any duties and responsibilities of the marketplace facilitator has under this chapter if it also offers for sale tangible personal property, products, or services through other means.

4. A marketplace seller, with respect to sales of tangible personal property, products, or services made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this chapter if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:

a. With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect

and remit sales tax on all sales subject to tax under this article;  
or

b. From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect sales tax and will collect sales tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.

5. If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing and recordkeeping requirements as any other retailer.

6. With respect to any marketplace sale, the town shall solely audit the marketplace facilitator for sales made by marketplace sellers or multichannel sellers but facilitated by the marketplace. The town will not audit or otherwise assess tax against marketplace sellers or multichannel sellers for sales facilitated by a marketplace facilitator.

Section 3. No obligation to collect the sales and use tax required by this Ordinance may be applied retroactively. Responsibilities, duties and liabilities described in Section 2 of a marketplace facilitator, marketplace seller, or multichannel seller begin upon the earlier of when they became licensed to collect the town's sales tax or when they became legally obligated to collect the town's sales tax.

Section 4. This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2020. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2020 at 5:30 p.m., or as soon thereafter as possible, at the Winter Park Town Hall.

TOWN OF WINTER PARK

\_\_\_\_\_  
Nick Kutumbos, Mayor

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by  
a vote of \_\_\_\_\_ to \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2020.

TOWN OF WINTER PARK

\_\_\_\_\_  
Nick Kutrumbos, Mayor

ATTEST:

\_\_\_\_\_  
Danielle Jardee, Town Clerk



**TOWN OF WINTER PARK  
RESOLUTION NO. 1783  
SERIES OF 2020**

**A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL  
DISASTER EMERGENCY**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency;

WHEREAS, on March 24, 2020, Mayor Jimmy Lahrman declared a disaster emergency in and for the Town of Winter Park, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act") and Winter Park Town Charter, Section 13.2;

WHEREAS, by Resolution No. 1765, adopted on March 24, 2020, the Town Council ratified and extended the Mayor's declaration for 30 days;

WHEREAS, since that time, the Town's regular municipal election has taken place, at which new council members were elected, and a new Mayor has been chosen; and

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, have continued uninterrupted, persist and require additional and sustained action by the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Winter Park, Colorado as follows:

1. Resolution No. 1765, Series of 2020, dated March 24, 2020, is hereby extended from its original expiration date of April 23, 2020, for the uninterrupted period of March 24, 2020 through March 23, 2021. All actions taken in reliance thereof since the original expiration are hereby ratified and affirmed.

2. Town Manager Keith Riesberg's designation as the Town's Emergency Manager continues as does his authorization to develop and implement policies and protocols as determined necessary to effectively manage Town personnel and resources during this emergency. Town Council will be notified of policies and actions generally requiring Town Council consideration.

3. Pursuant to C.R.S. § 24-33.5-709(1), this Resolution shall be given prompt and general publicity and shall be filed promptly with the Town Clerk, the Grand County Clerk and Recorder, and the Colorado Office of Emergency Management.

4. This declaration shall be effective from and through the uninterrupted period of March 24, 2020 through March 23, 2021 and may be extended or terminated by action of the Town Council.

PASSED, ADOPTED AND APPROVED this 7<sup>th</sup> day of July, 2020.

**TOWN OF WINTER PARK**

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Nick Kutrumbos, Mayor

ATTEST:

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Danielle Jardee, Town Clerk

**TOWN OF WINTER PARK  
ORDINANCE NO. 541  
SERIES OF 2020**

**AN EMERGENCY ORDINANCE REQUIRING FACE COVERINGS  
DURING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH  
EMERGENCY**

WHEREAS, on March 24, 2020, by Resolution No. 1765, Series 2020, the Town Council declared a local disaster emergency due to the COVID-19 pandemic;

WHEREAS, on July 7, 2020, by Resolution No. \_\_\_\_\_, Series 2020, the Town Council extended the disaster emergency for the entire uninterrupted period of March 24, 2020, through March 23, 2021, unless sooner terminated by action of the Town Council;

WHEREAS, the emergency conditions caused by the COVID-19 pandemic persist, the declaration of a local disaster emergency remains in place, and the emergency requires additional and sustained action by the Town;

WHEREAS, the Governor of the State of Colorado and the Colorado Department of Public Health and Environment have acknowledged that the wearing of face coverings in public settings is beneficial and helps to prevent the spread of COVID-19;

WHEREAS, this ordinance is adopted to attempt to limit the health impacts of COVID-19 within the Town by establishing requirements for the public to use face coverings to thereby slow the spread of COVID-19 within the Town, all as more fully set forth in this ordinance; and

WHEREAS, the Town Council finds that the adoption of this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WINTER PARK, COLORADO, THAT:

Section 1. Definitions. As used in this ordinance "face covering" means a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.

Section 2. Face Covering Required. Every person shall wear a face covering:

A. When entering and while inside of a place of business open to the public; and

B. In such other public indoor or outdoor places where such person is unable to maintain safe social distancing (six (6) or more feet of separation) from others not of the person's own household.

Section 3. Exceptions. Nothing in this ordinance shall be interpreted or construed to require the wearing of face coverings by the following persons:

- A. Persons under the age of two (2) years;
- B. Persons for whom a face covering would cause impairment due to an existing health condition or disability; or
- C. Persons working in a professional office who do not have any face-to-face interactions with the public.

Section 4. General Information. Pursuant to guidance issued by the federal Centers for Disease Control, individuals are strongly encouraged to wear cloth face coverings that:

- A. Fit snugly but comfortably against the side of the face;
- B. Include multiple layers of fabric;
- C. Allow for breathing without restriction; and
- D. Are able to be laundered and machine dried without damage or change to shape.

Section 5. Violation and Penalty.

A. It unlawful for any person to violate any provision of this ordinance. Each and every day of violation shall be deemed a separate offense.

B. The following civil penalties shall be imposed for violations of this ordinance:

Offense No.	Fine Amount
First Offense	\$ 50.00
Second Offense	\$250.00
Third Offense and Each Subsequent Offense	\$500.00

Section 6. Emergency Declaration. Pursuant to § 4.11 of the Town Charter, the Town Council hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, to prevent the further spread of COVID-19 in the Town.

Section 7. Effective Date. This ordinance shall take effect immediately upon the affirmative vote of at least 5 members of the Town Council.

Section 8. Repeal. This ordinance shall be automatically repealed at the earlier of March 23, 2021, or such time as the Town Council declares that the COVID-19 public health emergency within the Town has passed.



INTRODUCED, ADOPTED AND ORDERED PUBLISHED IN FULL this 7<sup>th</sup> day of  
July, 2020.

TOWN OF WINTER PARK

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Nick Kutrumbos, Mayor

ATTEST:

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Danielle Jardee, Town Clerk