

If members of the public wish to attend the meeting digitally the link is below in yellow. The meeting will go on in person regardless of technical difficulties with Zoom.

WINTER PARK TOWN COUNCIL MEETING

Winter Park Town Hall – 50 Vasquez Road

Tuesday, January 2, 2024 – 4:15 p.m.

Dinner Provided



Meeting will go directly into the executive session (closed to the public); Council will recess at 5p.m. and resume the regular meeting at 5:30 p.m.

AGENDA

1. Meeting Call To Order
 - a. Pledge of Allegiance
 - b. Roll Call of Council Members
2. Executive Session Pursuant to:
 - a. C.R.S. 24-6-402(4)(e) to determine positions relative to matters being negotiated, to discuss negotiations, and instruct negotiators on the terms and conditions of a potential annexation agreement for the Bertron annexation.
 - b. C.R.S. 24-6-402(4)(e) to determine positions relative to matters being negotiated, to discuss negotiations, and instruct negotiators on the terms and conditions of an amendment to the Lakota Pointe development agreement.

RECESS WILL RESUME REGULAR MEETING AGAIN AT 5:30 p.m.

3. Resume Meeting 5:30 p.m.
4. Town Hall Meeting (*Public Comment*)

Public Comment is restricted to three minutes per person, and you must state your name and physical address for the record. Please be mindful of not reiterating other people's comments.
5. Consent Agenda
 - a. Approval of December 5, 2023, Regular Meeting Minutes
 - b. Resolution 2107, A Resolution Authorizing the Amendment to the 2022 Faster Grant to Reflect One Electric Bus Rather Than Two Diesel Buses

6. Action Items
 - a. Resolution 2108, A Resolution Approving Town Council Regular Meeting and Town Council Workshop Times for 2024
 - b. Resolution 2109 A Resolution Establishing a Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law
 - c. Resolution 2110, A Resolution Adopting a Policy on Town Hall Meeting Public Comment
 - d. Public Hearing, Resolution 2111, A Resolution Approving a Special Use Permit Regarding a Long-Term Mobile Vending Use for Mary's Mountain Cookies
7. Town Manager's Report
8. Mayor's Report
9. Town Council Items for Discussion

You are invited to a Zoom webinar.

When: January 2, 2024 05:30 PM Mountain Time (US and Canada)

Topic: Town of Winter Park Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_DWzbonYxRzOczSD94EVv3w

MINUTES

DATE: Tuesday, December 5, 2023

MEETING: Winter Park Town Council

PLACE: Town Hall Council Chambers and Zoom Meeting Call

PRESENT: Mayor Nick Kutumbos, Mayor Pro Tem Jennifer Hughes, Councilors, Rebecca Kaufman, Art Ferrari, Jeremy Henn, Michael Periolat and Riley McDonough and Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Town Clerk Dani Jardee

OTHERS

PRESENT: Chief of Police Glen Trainor, Community Development Director James Shockey, Transit Manager Charles McCarthy, Building Official Tom Hawkinson, and Public Works Director Jamie Wolter

Mayor Nick Kutumbos called the meeting to order at 4:30 p.m.

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

Mayor Nick Kutumbos reads the legal executive session script.

Councilor Jeremy Henn moved and Mayor Pro Tem Jennifer Hughes seconded the motion to go into the following Executive Session in accordance with C.R.S. 24-6-402(4)(f) for a personnel matter that is the Town Manager's annual performance evaluation. Motion carried: 7-0.

2. **Executive Sessions Pursuant to:**
- 2.a. **C.R.S. 24-6-402(4)(f) for a personnel matter that is the Town Manager's annual performance evaluation.**

Mayor Nick Kutumbos concluded the executive session at 5:01 p.m.

Upon conclusion of the discussion, Mayor Nick Kutumbos read the closing executive session script, those in attendance at that time were: Mayor Nick Kutumbos, Mayor Pro Tem Jennifer Hughes, Councilors Art Ferrari, Rebecca Kaufman, Jeremy Henn, Michael Periolat, and Riley McDonough, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Town Clerk Dani Jardee.

RECESS, WILL RESUME REGULAR MEETING AT 5:30 PM

4. **Town Hall Meeting**
Joey Mulhearn stated comments regarding the executive session for the Town Manager and then about Facebook comments.
5. **Consent Agenda**

- 5.a. **Approval of November 21, 2023, Regular Meeting Minutes**
- 5.b. **Resolution 2104, A Resolution Approving Purchase of a Toro Workman UTX with V Blade for Sidewalk Plowing**
- 5.c. **Resolution 2105, A Resolution Approving the Lease of a Favero Lorenzo SR3X Snowcat for Winter Trail Grooming**

Councilor Rebecca Kaufman moved and Councilor Jeremy Henn seconded the motion approving the Consent Agenda. Motion carried: 7-0.

6. Action Items

- 6.a. **Ordinance 612, An Ordinance of the Town Council of the Town of Winter Park, Colorado, Adopting by Reference the 2021 Editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Existing Building Code, the International Energy Conservation Code, and the International Fire Code and the 2020 Edition of the National Electrical Code, with Amendments, Related Definitions, and Setting Forth Penalties for Violations Thereof, Second Reading and Public Hearing**

Building Official Tom Hawkinson stated he has nothing to add and there have been no changes since the first reading and he is available to answer questions. Mayor Kutrumbos opened the public hearing. Joey Mulhearn asked if Council has read these manuals and asked them to do so before approving because they affect small business owners. Mayor Kutrumbos closed the public hearing.

Councilor Art Ferrari moved and Councilor Michael Periolat seconded the motion approving Ordinance 612, An Ordinance of the Town Council of the Town of Winter Park, Colorado, Adopting by Reference the 2021 Editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Existing Building Code, the International Energy Conservation Code, and the International Fire Code and the 2020 Edition of the National Electrical Code, with Amendments, Related Definitions, and Setting Forth Penalties for Violations Thereof, Second Reading and Public Hearing. Motion carried by following roll call vote:

Rebecca Kaufman	"Aye"	Art Ferrari	"Aye"
Riley McDonough	"Aye"	Jennifer Hughes	"Aye"
Michael Periolat	"Aye"	Jeremy Henn	"Aye"
Nick Kutrumbos	"Aye"		

- 6.b. **Ordinance 615, An Ordinance Revising Amounts Budgeted and Appropriated for Fiscal Year 2023 and Amending the 2023 Adopted Budget for the Town of Winter Park, Colorado, Second Reading and Public Hearing**

Town Manager Keith Riesberg stated this is the annual budget amendment that we bring forward at the end of the fiscal year to make minor modifications and true up for the year end projections. Mr. Riesberg stated ordinance 615 shows one amendment which adjusts revenues to the transit and trails fund to reflect the change of when funds were received. Mr. Riesberg stated the timing of funds received were in the previous fiscal year, that is why the amendment presented is to reduce revenues in the transit and trails fund from \$15 million dollars to \$7 million dollars. Mr. Riesberg stated Staff recommends approval. Mayor Kutrumbos opened the public hearing. Joey Mulhearn stated he was speechless. Mayor Kutrumbos closed the public hearing.

Mayor Pro Tem Jennifer Hughes moved and Councilor Art Ferrari seconded the motion approving Ordinance 615, An Ordinance Revising Amounts Budgeted and Appropriated for Fiscal Year 2023 and Amending the 2023 Adopted Budget for the Town of Winter Park, Colorado, Second Reading and Public Hearing. Motion carried by following roll call vote:

Jeremy Henn	"Aye"	Michael Periolat	"Aye"
Jennifer Hughes	"Aye"	Riley McDonough	"Aye"
Art Ferrari	"Aye"	Rebecca Kaufman	"Aye"
Nick Kutumbos	"Aye"		

6.c. Resolution 2106, A Resolution Levying Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Winter Park, Colorado for the 2024 Budget

Town Manager Keith Riesberg stated each year the Town is required to certify the tax levy for the following year's budget to meet the operational needs of the Town. Mr. Riesberg stated our Finance Director has calculated the net assessed valuation after adjusting for SB 23B-001 that was approved in special session. Mr. Riesberg stated based on direction from Town Council received earlier this year, the Town's mill levy will be 3.765 mills with an assessed valuation in excess of \$264 million dollars. Mr. Riesberg stated this year, this mill levy in addition to the assessed valuation will yield an estimated \$995,000 dollars of revenue for the Town's operational needs and forestry and natural resources needs. Mr. Riesberg stated Staff does recommend approval of Resolution 2106.

Councilor Rebecca Kaufman moved and Councilor Jeremy Henn seconded the motion approving Resolution 2106, A Resolution Levying Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Winter Park, Colorado for the 2024 Budget. Motion carried: 7-0.

7. Town Manager's Report

Town Manager Keith Riesberg stated we wanted to advise Council that at next week's Board of County Commissioner's meeting the Commission will be hearing from CDOT (Colorado Department of Transportation) about planned projects in Grand County that will be moving forward. Mr. Riesberg stated the primary focus will be the project slated for Red Dirt Hill, but there will also be an opportunity to meet our new transportation commissioner for our region. Mr. Riesberg stated Staff will be in attendance and stated it is a public meeting if any of Council would like to attend.

8. Mayor's Report
Nothing to report.

9. Town Council Items for Discussion

Councilor Jeremy Henn stated there was a great turnout at the open house in Hideaway Junction Phase I last week, and there will be another open house this week, Thursday, December 7 from 4 – 7 p.m.

Mayor Nick Kutumbos stated there has been positive feedback in the community about the clean buses.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 5:45 p.m.

The next scheduled meeting of the Town Council will be Tuesday, January 2, 2024, at 5:30 p.m.

Danielle Jardee, Town Clerk

MEMO

To: Town Council
From: Charles McCarthy, Transit Manager
CC: Keith Riesberg
Date: January 2, 2024
Re: Amendment to the 2022 FASTER Grant

Background:

In 2022, the Town was awarded a FASTER Grant in the amount of \$811,240 to be used for the purchase of two diesel buses. In 2023, the Town requested the Colorado Department of Transportation (CDOT) amend the FASTER grant agreement to reflect the purchase of one electric vehicle to help meet goals outlined in the Town's Zero-Emission Vehicle Transition Plan. The request to amend the 2022 FASTER Grant to reflect the purchase of one electric bus rather than two diesel buses was approved by CDOT in December 2023.

Analysis:

The Town of Winter Park has a Zero-Emission Vehicle Transition Plan adopted by Town Council through Resolution 1814 at their October 6th, 2020 meeting which outlines the replacement of the transit fleet from diesel fueled vehicles to electric vehicles. This amendment would allow for the Town to replace diesel buses ahead of schedule, while utilizing a portion of the funding from an already existing grant. The approximate price for one electric bus has been quoted at \$1,174,121. Grant funding would cover \$811,240 through the 2022 FASTER Grant. Due to existing supply chain disruptions, this bus wouldn't be expected until early 2026 however, Staff will continue to monitor the lead times and push to take delivery of this vehicle as soon as possible. In 2023, Town Staff moved forward with the replacement of seven vehicles which enables Staff to begin replacing the most antiquated diesel buses ahead of schedule, in accordance with the Town of Winter Park's Zero-Emission Vehicle Transition Plan.

Recommendation:

Staff recommends approval of resolution xxx, approving an amendment to the 2022 FASTER grant to reflect one electric bus instead of two diesel buses. As the resolution is included on the consent agenda, Council can approve the resolution by approving the consent agenda and no further action will be needed. Should Council wish to discuss the resolution further or deny the resolution, the item can be removed from the consent agenda. Should the Council choose to move forward with the approval of this amendment, a subsequent memo and resolution will be brought to Council to

approve the purchase of said electric bus.

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

I move to approve resolution xxx approving an amendment to the 2022 FASTER Grant to reflect the purchase of one electric bus instead of two diesel buses.

Should the Town Council wish to deny the resolution, the following motion should be made:

I move to deny resolution xxx approving an amendment to the 2022 FASTER Grant to reflect the purchase of one electric bus instead of two diesel buses.

TOWN OF WINTER PARK

RESOLUTION NO. 2107
SERIES OF 2024

A RESOLUTION AUTHORIZING THE AMENDMENT TO THE 2022 FASTER GRANT TO
REFLECT ONE ELECTRIC BUS RATHER THAN TWO DIESEL BUSES.

WHEREAS, the Town manages its own transit system known as The Lift; and

WHEREAS, the Town collects tax dollars dedicated to the operation, management, and improvement of The Lift, including the maintenance and enhancement of its fleet; and

WHEREAS, the Town has a Zero-Emission Vehicle Transition Plan adopted by Town Council through Resolution 1814 at their October 6th, 2020 meeting, that outlines the replacement of the transit fleet from diesel fueled vehicles to electric vehicles; and

WHEREAS, in 2022, the Town received a FASTER grant in the amount of \$811,240 for the purchase of two diesel buses; and

WHEREAS, in 2023, the Town requested the Colorado Department of Transportation amend the FASTER grant agreement to reflect the purchase of one electric vehicle to help meet goals outlined in the Towns Zero-Emission Vehicle Transition Plan;

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

Section 1. The Town Council hereby approves the amendment to the 2022 FASTER Grant to reflect one electric bus instead of two diesel buses.

APPROVED AND PASSED this 2nd day of January, 2024 by a vote of ____ to ____.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



MEMO

TO Town Council
FROM Dani Jardee, Town Clerk
CC
DATE January 02, 2024
RE Resolutions 2108 & 2109

Resolutions 2108 and 2109 are basic housekeeping items that must be done at the first meeting of the new year. Resolution 2108 sets the Council meeting dates and times for the year 2024. The dates and times have not changed, they will stay the same as 2023. Resolution 2109 designates the website www.wpgov.com as our official posting place for agendas, etc. and designates the glass bulletin board outside of Town Hall as a backup posting place in case of technical difficulties.

TOWN OF WINTER PARK

RESOLUTION NO. 2108
SERIES OF 2024

A RESOLUTION APPROVING TOWN COUNCIL REGULAR MEETING AND TOWN
COUNCIL WORKSHOP TIMES FOR 2024

WHEREAS, Town Council wishes to set the time of Town Council Regular Meetings and Workshops for the upcoming 2024 calendar year; and

WHEREAS, the Town Council Regular Meeting and Workshop dates will not change. Regular meetings and workshops will be held on the first and third Tuesday of the month; and

WHEREAS, the times of the Regular Meetings will be held at 5:30 p.m. on the first and third Tuesdays of the month, and Workshops will be held at 3:00 p.m. on the first and third Tuesdays of the month.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINTER PARK, COLORADO, hereby approves the Town Council Regular Meeting and Town Council Workshop Times for 2024. Town Council Regular Meetings will be held at 5:30 p.m. on the first and third Tuesday of the month, and Town Council Workshops will be held at 3:00 p.m. on the first and third Tuesdays of the month.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2024.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

TOWN OF WINTER PARK

RESOLUTION NO. 2109
SERIES OF 2024

A RESOLUTION ESTABLISHING PUBLIC PLACES FOR THE POSTING OF
MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN
MEETINGS LAW

WHEREAS, pursuant to the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, and specifically C.R.S. § 24-6-402(2)(c), the Town Council must, at its first regular meeting of each year, designate a public place in the Town where meeting notices will be posted.

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

Section 1. The designated public places for the posting of meeting notices of the Town Council, Planning Commission, Board of Adjustment, Local Liquor Licensing Authority, Local Licensing Authority, Transit Advisory Committee, and Board of Appeals, as required by the Colorado Open Meetings Law, C.R.S. § 24-6-402(2)(c), shall be as follows:

- A. Town of Winter Park official website at www.wpgov.com; and
- B. If unable to post a notice online the designated posting place will be the glass display case near the front door of the Town Hall, located at 50 Vasquez Road, Suite B, Winter Park, Colorado, per C.R.S. § 24-6-402(2)(c)(III).

Section 2. The Town Clerk shall be responsible for posting the required notices no later than 24 hours prior to each meeting, and all meeting notices shall include specific agenda information, where possible.

Section 3. The Town Clerk has provided the official website address to the State Department of Local Affairs and is included in the Department's inventory.

PASSED, ADOPTED AND APPROVED this 2nd day of January, 2024.

TOWN OF WINTER PARK

Nick Kutumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

MEMO

TO Mayor and Town Council
FROM Dani Jardee, Town Clerk
CC Keith Riesberg, Town Manager and Hilary Graham, Town Attorney
DATE December 27, 2023
RE Updated Public Comment Policy

Background

The Town Council implemented a public comment policy on August 2, 2022, via Resolution 1998 recognizing the value of public comment on public issues relevant to Town government and matters of community interest.

Analysis

Council requested an update to this policy to ensure that the Town Hall comment meeting portion is for community member comments. Resolution 2110 presented tonight will help to allow meetings to run efficiently and will also respect the time of Staff and other community members in attendance. This policy change requires people to attend in person to comment during the Town Hall portion of the meeting. If you are not able to be present there are other avenues of submitting comments to the Town Council via the Town Clerk, these avenues are listed in the policy below. If a meeting has a public hearing, comments will still be taken in person and via zoom.

Recommendation

Should the Town Council wish to approve Resolution 2110, the following motion should be made:

I move to approve Resolution 2110, A Resolution Adopting Amendment to Public Hearing Policy.

Should the Town Council wish to deny Resolution 2110, the following motion should be made:

I move to deny Resolution 2110, A Resolution Adopting Amendment to Public Hearing Policy.

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

TOWN OF WINTER PARK

RESOLUTION NO. 2110
SERIES OF 2024

A RESOLUTION ADOPTING A POLICY ON TOWN HALL MEETING PUBLIC COMMENT

WHEREAS, the Town Council recognizes the value of public comment on public issues relevant to Town government and acknowledges the importance of allowing members of the public to express themselves on matters of community interest;

WHEREAS, to permit the fair and orderly expression of such comment, Council provides a period for public comment at every regular meeting; and

WHEREAS, Town Council wishes to establish an updated policy requiring in-person presence to give public comment at the beginning of the meeting and to note the alternative methods by which the public is welcome to provide comments to Town Council.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winter Park, Colorado:

Section 1. Town Council adopts the Policy on Town Hall Meeting Public Comment attached hereto, replacing the prior version of this Policy.

Section 2. This Resolution shall be effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2024.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

TOWN OF WINTER PARK

Policy on Town Hall Meeting Public Comment

The Town Council of the Town of Winter Park recognizes the value of public comment on public issues relevant to Town government and acknowledges the importance of allowing members of the public to express themselves on matters of community interest. To permit the fair and orderly expression of such comment, Council provides a period for public comment at every regular meeting.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer prior to speaking.
2. A participant shall be limited to 3 minutes.
3. A participant shall be present in the room to speak during Town Hall Meeting Public Comment period. Online participation is limited to action items that have a public hearing, and statements made at that time must be relevant to the action item being presented.
4. Participants who are unable to attend in person may submit Town Hall Meeting comments to the Town Clerk in writing, by email or letter, or by phone prior to the meeting. A summary of comments received by phone will be provided to the Town Council by the Town Clerk.
5. No participant may speak more than once or for longer than 3 minutes; no “pooling” of time is allowed.
6. All statements shall be directed to the Council as a body; no participant may address or question Town staff or Council members individually.
7. All statements shall be limited to Town business and matters of community interest that are relevant to Town business.
8. Signs are limited to 18 x 24 inches in size so as not to block other meeting attendees’ views. Participants with signs must display them in a manner so as not to obstruct the views of other meeting attendees.
9. The presiding officer may:
 - a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;
 - b. Request any individual to leave the meeting when that person does not observe reasonable decorum;

December 27, 2023

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- c. Request the assistance of law enforcement if a person's conduct interferes with the orderly progress of the meeting; and
- d. Call for a recess if the lack of decorum so interferes with the orderly conduct of the meeting as to warrant such action.

MEMO

TO Town Council

FROM Hugh Bell, Planner

THROUGH James Shockey, AICP, Community Development Director

DATE January 2, 2024

RE PUBLIC HEARING: Resolution 2111, Special Use Permit – 33 Parsenn Road – Mary's Mountain Cookies (PLN23-097)

Property Owner: Winter Park Recreational Association

Applicant: Skol Sweets LLC dba Mary's Mountain Cookies

Location: 33 Parsenn Road (Balcony House)

Special Use Permit:

Request to operate a cookie cart, i.e. a mobile vending operation, at Winter Park Resort. This mobile vending operation qualifies as "long-term mobile vending" as the vending is proposed to exceed 30 consecutive days within a six (6) month period. A mobile vending permit, which must be issued for the applicant to operate, has been approved by the Community Development Director (the "Director") with two (2) conditions (Winter Park Town Code (the "Code"), § 3-9-2). See below under "Applicable Provisions of the Town Code of Ordinances".

Long-Term Mobile Vending Permits require an SUP under Title 7 of the Code and a mobile vending permit under Title 3 of the Code. The mobile vending permit was administratively approved by the Director on December 8, 2023, after finding that it met the applicable criteria in Title 3, with the two (2) following conditions: 1) The SUP receives approval; and 2) Approval from Grand County Public Health Department is received as this operation involves food.

Applicant's Reasons why the Permit Should be Granted:

See applicant's application for details.

Applicable Provisions of the Unified Development Code (UDC):

§ 2-B-3(C)(7), Mobile Vending

7. Mobile vending shall meet the requirements in Sec. 3-9 of the Town's Code of Ordinances.

§ 5-E-2(F), Approval Criteria:

An application for special use permit shall be approved if it is demonstrated that:

1. The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the Town;
2. The use is compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses;
3. The use can be adequately served by existing and/or proposed public services including streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection; and

4. The use promotes at least one of the following:
 - a. A needed community service;
 - b. A quality economic development and opportunity;
 - c. A mixed use and pedestrian-oriented environment to support a variety of land uses in close proximity to one another such as employment, housing, recreation, and retail; or
 - d. More efficient use of public infrastructure.

Applicable Provisions of the Town Code of Ordinances:

Title 3, Chapter 9, Mobile Vending

As stated above, the Director has conditionally approved issuance of a Long-Term Mobile Vending Permit for the proposed use. The Long-Term Mobile Vending Permit shall expire one (1) year from issuance and shall require a new permit for continued operation in accordance with Title 3.

§ 5-B-8 Public Notice Requirements:

This SUP application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published in the Middle Park Times on November 30, 2023, providing notification of the hearing and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300' of the property on November 28, 2023. A Property Posting (PO) was posted on November 28, 2023.

One (1) comment has been received as of December 27, 2023 and is attached in the packet.

Staff Comments:

Background

Applicant requests to operate a long-term mobile vending operation to sell cookies from a renovated gondola car. The Town Council is reviewing this application to determine if the SUP application meets the applicable criteria in § 3-9 of the Code.

Location

This use would occur on an existing metes and bounds lot that contains several Winter Park Resort buildings. This operation would specifically operate in front of the Balcony House (the "Property"). The Property is in the D-C (Destination Center) zone district. The operation will occur on the southwest side of the Balcony House building. The Property is bordered to the east by Winter Park Drive (D-C); to the north by Union Pacific Railroad's lot (D-C); and to the south and west by Winter Park Resort's base village (D-C, P-D (Planned Development)). Staff finds that the proposed used is compatible with the surrounding land uses and environment as the Property is surrounded by the D-C district and other retail uses.

Design

The vending location is a gondola car with a roughly 6' x 6' footprint. All baking will take place in Granby at the company's main location. Electricity is provided by the Resort and no water or sewer services are necessary.

Outdoor Lighting

N/A, existing outdoor lighting on Property will be used.

Parking

N/A, parking is not being altered by this application.

Loading

UDC Text Amendment 3 eliminated the requirement for a loading space as the structure is under 5,000 sq. ft.

Odor Control

N/A.

Operation

Tentatively between 10:00 a.m. and 6:00 p.m., roughly five to seven days a week for the ski season.

Signage

Signage will be processed administratively and is limited to 30 sq. ft. Code, § 6-2. The Property is not within the Village Center Neighborhood so is therefore not governed by their Sign Code (§ 6-2(A)).

Staff Conclusions

Staff believes the Application meets § 3-9 of the Code. Staff supports the location of this proposed use as the use is compatible with surrounding commercial land uses in the area including restaurants, retail, and hotels. The D-C zone district is the most appropriate district for this use and the relevant site has operated as retail for many years. Staff finds that any adverse impacts of the use are adequately addressed.

Planning Commission Recommendation:

The Planning Commission recommended approval of the SUP for Mary's Mountain Cookies by a vote of 6,0 with the conditions outlined below:

1. In accordance with § 5-B-13 of the UDC, the Special Use Permit shall remain in effect so long as the business is continuously operated in conformance with this approval.
2. Approval of this Special Use Permit is contingent upon the approval and issuance of any and all applicable State and Town licenses and/or permits.
3. The Town shall have the right to suspend the Special Use Permit at any time pursuant to the conditions of the Special Use Permit.
4. The Special Use Permit is not assignable to any other person or entity.

Staff Recommendation:

Staff finds the applicant has submitted all required materials within the timeframe required and all other materials comply with the conditions of § 3-9 of the Code and conform to all applicable policies and regulations of the UDC. Staff therefore recommends the Town Council approve Resolution No. 2111, a Resolution approving the SUP regarding a Long-Term Mobile Vending Use for Mary's Mountain Cookies subject to the following conditions:

1. In accordance with § 5-B-13 of the UDC and § 3-9 of the Town Code, a Special Use Permit application and a Long-Term Mobile Vending Permit application shall be submitted annually.
2. Approval of this Special Use Permit is contingent upon the approval and issuance of any and all applicable State and Town licenses and/or permits.
3. The Town shall have the right to suspend the Special Use Permit at any time upon non-compliance with the conditions of the Special Use Permit.
4. The Special Use Permit is not assignable to any other person or entity.

However, this is a decision for the Council to make, and the Council may choose to approve or deny based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Council can rely on or the decision the Council makes.

Sample Motion for Approval:

I move to approve Resolution 2111, a Resolution approving the SUP regarding a Long-Term Mobile Vending Use for Mary's Mountain Cookies as it was determined the application is in conformance with § 5-E-2 of the UDC with the four (4) staff conditions.

Sample Motion for Denial:

I move to deny Resolution 2111, a Resolution approving the SUP regarding a Long-Term Mobile Vending Use for Mary's Mountain Cookies as it was determined the application is NOT in conformance with § 5-E-2 of the UDC ***[insert explanation supported by the evidence here]***.

**TOWN OF WINTER PARK
RESOLUTION NO. 2111
SERIES OF 2024**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT REGARDING A
LONG-TERM MOBILE VENDING USE FOR MARY'S MOUNTAIN
COOKIES**

WHEREAS, Winter Park Recreational Association is the current owner of certain real property legally described as a Metes and Bounds Parcel (the "Property");

WHEREAS, on October 24, 2023, with the consent of the Property owner, Skol Sweets, LLC (the "Applicant") filed an application for approval of a special use permit (the "Special Use Permit") to operate a cookie cart, i.e., a long-term mobile vending use on the Property (the "Application");

WHEREAS, the Property is located in the Destination Center (D-C) zone district, and a Mobile Vending use is permitted in the D-C zone district subject to issuance of a special use permit;

WHEREAS, after a properly noticed public hearing on December 12, 2023, the Planning Commission recommended that the Town Council conditionally approve the Special Use Permit;

WHEREAS, at a properly noticed public hearing on January 2, 2024, the Town Council considered the Application; and

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, public comment, the Winter Park Town Code criteria and requirements, and the Unified Development Code criteria and requirements, the Town Council finds and determines as provided below.

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

Section 1. Findings. The Town Council has considered all of the criteria set forth in §§ 2-B-3(C)(7) and 5-E-2(F) of the Winter Park Unified Development Code (the "UDC") and in § 3-9 of the Town Code (the "Code") and finds that the Application should be approved with conditions to limit the impacts of the Special Use Permit on surrounding properties.

Section 2. Decision. Based on the foregoing findings, the Town Council hereby approves the Special Use Permit, subject to the following conditions:

- a. In accordance with § 5-B-13 of the UDC and § 3-9 of the Town Code, a Special Use Permit application and a Long-Term Mobile Vending Permit application shall be submitted annually.
- b. Approval of this Special Use Permit is contingent upon the approval and issuance of any and all applicable State and Town licenses and/or permits.
- c. The Town shall have the right to suspend the Special Use Permit at any time upon non-compliance with the conditions of the Special Use Permit.

d. The Special Use Permit is not assignable to any other person or entity.

Section 3. Enforcement. Failure of Applicant to comply with any of the above conditions shall be grounds for revocation of the Special Use Permit under Article 1.C of the UDC.

PASSED, ADOPTED AND APPROVED this 2nd day of January, 2024.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



**PUBLIC NOTICE
TOWN OF WINTER PARK
PLANNING COMMISSION AND TOWN COUNCIL
SPECIAL USE PERMIT**

Applicant: Paul Klees

Property Owner: Winter Park Recreational Association

Case Number: PLN23-097

Physical Address of Property for Which the Special Use Permit Approval is Requested: 33 Parsenn Drive (Balcony House)

Legal Description of Property for Which the Special Use Permit Approval is Requested: See "Exhibit A"

Description of Request: Request to operate a cookie cart, i.e. a mobile vending operation, at Winter Park Resort.

Applicable Provision(s) of the Unified Development Code:

§ 2-B-3, Limited and Special Uses

The Planning Commission and Town Council will review this case and render a decision under § 5-E-2 of the UDC.

Additional information is available at this link: <https://wpgov.com/current-development-projects/>

A Public Hearing at Winter Park Town Hall, 50 Vasquez Road and online via Zoom is scheduled for:

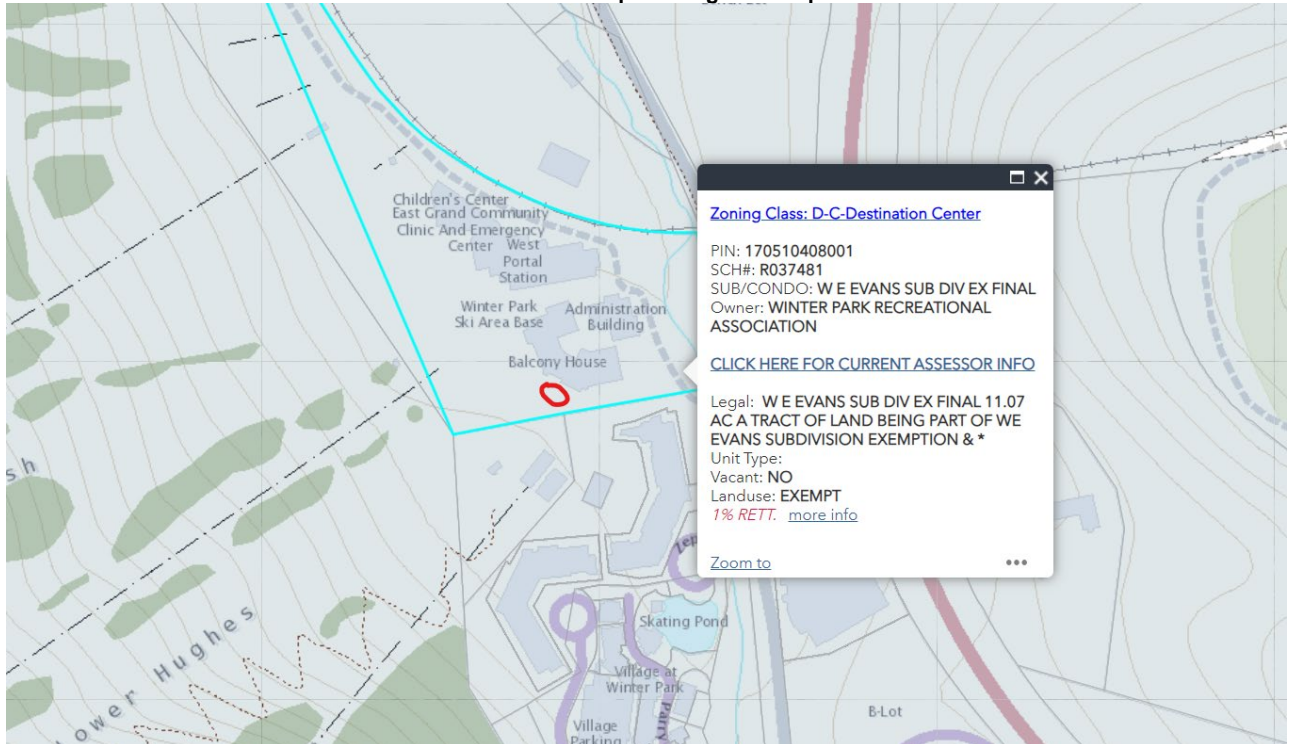
Planning Commission, Tuesday, December 12, 2023, at 8:00 A.M.
Town Council, Tuesday, January 2, 2024 at 5:30 P.M.

Members of the public wishing to make comment regarding the Special Use Permit request may do so at the scheduled meeting, or write to Planning, Town of Winter Park, P.O. Box 3327, Winter Park, CO 80482, or hbell@wpgov.com. For comments to be included within the digital packet, they must be submitted by 5:00 P.M. on the Wednesday before the hearing.

The Zoom link will be made available in the full agenda, which will be published by end of day the Friday before the hearing at <https://wpgov.com/our-government/agendas-minutes/>

The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person.

Exhibit A – Location Map and Legal Description



A TRACT OF LAND BEING A PART OF THE W.E. EVANS HOMESTEAD AND H.E.S. NO. 117, THE PATENT THEREOF BEING RECORDED IN BOOK 53, AT PAGE 264 OF THE GRAND COUNTY RECORDS; SITUATED IN SECTION 10, - TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, GRAND COUNTY, COLORADO; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A.P. NO. 2 OF B.L.M. TRACT 43, A BRASS CAP IN PLACE THE TRUE POINT OF BEGINNING; THENCE S22°55'15"E, 306.96 FEET TO CORNER NO. 4 OF H.E.S. NO. 117, A DWD BRASS CAP IN PLACE; THENCE S79°48'17"W, 712.83 FEET TO CORNER NO. 5 OF SAID H.E.S. NO. 117 A DWD BRASS CAP IN PLACE; THENCE N23°26'57"W, 2,001.22 FEET TO A POINT LOCATED 25.00 FEET SOUTHERLY AND WESTERLY OF THE CENTERLINE OF SAID D&RGW RAILROAD TRACK; THENCE THE FOLLOWING THREE (3) COURSES ALONG A LINE SOUTHERLY AND WESTERLY OF, PARALLEL AND CONCENTRIC TO SAID CENTERLINE; 1) THENCE 486.51 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 5,744.22 FEET AND A CENTRAL ANGLE OF 04°51'10", (CHORD BEARS S31°00'48"E, 486.37 FEET); 2) THENCE S29°02'46"E, 561.50 FEET; 3) THENCE 1,015.96 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 934.34 FEET AND A CENTRAL ANGLE OF 62°18'03", (CHORD BEARS S60°11'36"E, 966.65 FEET), TO A POINT ON THE LINE BETWEEN CORNER NO. 3 OF H.E.S. NO. 117 AND A.P. NO. 2 OF BLM TRACT 43; THENCE S22°54'28"E, 42.16 FEET TO THE TRUE POINT OF BEGINNING; SAID TRACT CONTAINING 11.07 ACRES MORE OR LESS.
BASIS OF BEARING FOR THIS DESCRIPTION IS S79°48'17"W BETWEEN CORNER NO. 4 AND CORNER NO. 5 OF H.E.S. NO. 117, BEING DWD BRASS CAPS IN PLACE.

Skol Sweets LLC dba Mary's Mountain Cookies

Special Use Permit Narrative

- A. Company Information:
 - a. Skol Sweets LLC dba Mary's Mountain Cookies
 - b. Owner: Paul Klees
 - c. Mailing Address: PO Box 2832, Winter Park, CO 80482
 - d. Email: skolcapital@outlook.com
 - e. Phone: 970.519.1643
 - f. Website: mtncookies.com
- B. Project Location:
 - a. Winter Park Resort
 - i. 85 Parsenn Road, PO Box 36, Winter Park, CO 80482
 - b. Site Location: See attached Map. **EXHIBIT 1**
 - c. Zoning: D-C Destination Center
 - d. Total Space Used – 6' by 6'
 - e. Parking – No additional parking required.
- C. Agreement with Levy @ Winter Park Resort
 - a. Agreement upon request.
- D. Structure:
 - a. Mobile Gondola designed for retail. Will be an outlet of the store front located in Granby, CO
 - b. See attached photos: **EXHIBIT 2**
 - c. Gondola will be placed on the ground with electrical running to it provided by Winter Park Resort.
 - d. Timeframe – Nov through April
- E. Business:
 - a. Retail cookies. Cookies will be brought in daily from Granby location. No cooking will take place inside the unit.
 - b. Operating hours will be 5-7 days a week with tentative hours between 10am – 6pm.
 - c. Product menu can be found at www.mtncookies.com
- F. Site Preparation:
 - a. Power is already located at site.
 - b. Gondola will be placed in noted location and leveled as needed.
- G. Exterior Lighting
 - a. Provided by existing buildings and sidewalk lights.
- H. Ability to Serve Letter:
 - a. No water needed in Gondola
- I. Letter of Evidence from Developer
 - a. N/A

EXHIBIT 1: Site Location Map

Physical Address: Winter Park Resort - 85 Parsenn Road, Winter Park CO 80482

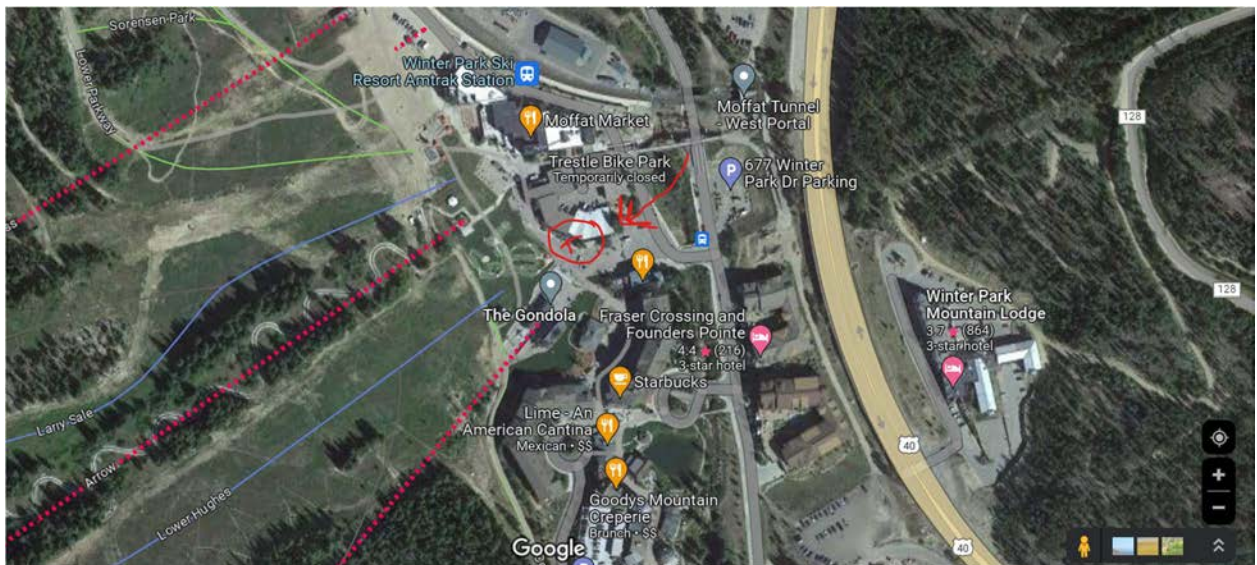


Exhibit 2: Gondola Pictures & Specs

More info @ <https://thegondolashop.com/products/coffee-bar>



DETAILS

- One color industrial paintwork (basecoat-clearcoat)
- Refurbished-modified Steamboat 8 passenger gondola from 1986
- Custom-built wood shelving
- Custom-built serving door that serves as awning once opened
 - lockable at night with inside latches
- Ceiling white LEDs
- Refurbished plexiglass windows
- 6 plug power-bar pre-installed
- Pallet jack access for easy movability
- Outside wood shelf for extra counter space (7"x36")
- Outside dimensions 78"long x 66"wide x 85"high
- Inside dimensions within shelving 3'x5'x81" high
- Approx weight 850lbs

Floor Plan – Mary's Mountain Cookies – Gondola



Cookie Warmer location: located on top shelf – customer facing.

Appliance List: We won't have any appliances in the unit to start but may add a box warmer or conveyor belt to heat the cookies after opening.

Here are the two units we are looking at with specs (next page). Above – the warmer will be located on the top shelf as a display for customers to view product. We will be purchasing a unit to fit the space provided securely.

- Vevor commercial food warmer – 3 Tier Display Box (Picture and Specs below)
Or
- Galaxy CT 10 Convey Belt (Specs and Picture below)

Vevor commercial food warmer 3 tier display box.



Appliance Type	Warming Drawer	Capacity (L)	0.6
Color/Finish	Stainless Steel	Color/Finish Family	Stainless Steel
Commercial Use	Commercial	Features	Adjustable Thermostat, Temperature Controls
Housing Material	Stainless steel	Includes	No Additional Items
Maximum Heating Temperature (Fahrenheit)	185	Number of Temperature/Cooking Controls	1
Number of Warming Sections	1	Pan Shape	Square
Product Weight (lb.)	55.3 lb	Returnable	90-Day
Small Appliances Color Family	Silver	Small Electric Product Type	Warming Tray
Warming Time after Unplugging (min.)	0	Wattage (W)	800 W

○

- Galaxy CT-10 Conveyor Toaster – 120V 1750W



Shipping Weight	39.25 lb.
Width	14 1/2 Inches
Depth	30 Inches
Height	16 1/2 Inches
Conveyor Width	10 Inches
Feeder Opening Height	3 Inches
Voltage	120 Volts
Wattage	1,750 Watts
Control Type	Infinite
Features	Pass-Through
Heating Source	Radiant
Installation Type	Countertop
Plug Type	NEMA 5-15P

Mary's Mountain Cookies – Winter Park Gondola Menu:

- 5oz Cookie Pricing: (Below is our current Granby store pricing – Pricing will increase 15-30% @ WP)
 - \$4.25/ Traditional
 - \$4.95 / Specialty
 - \$4.95 / Gluten Free
- Other Items that we may sell:
 - Hot Coco -- TBD
 - Cinnamon Rolls - \$4.95
 - Edible Cookie Dough - \$4.95
 - Coffee – TBD
 - Any other items would be approved before adding.
- Cookie Flavors - Below

FLAVORS

Traditional:

Chocolate Chip
M & M
Peanut Butter
Oatmeal Raisin
Snickerdoodle
Monster

Seasonal:

Molasses
Gingerbread
White Chocolate Cranberry Oat

Gluten-Free:

Snickers
M & M
Chocolate Chip
Snickerdoodle

Specialty:

S'More
Caramel Sea Salt
Raspberry Lemonade
Turtle
Dipped Chocolate Chip
Frosted Sugar
Almond Glazed Sugar
Oatmeal Butterscotch
Orange Doodle
Lemon Shortbread

Vegan:

Chocolate Chip
Oreo Crunch
S'more
Snickerdoodle

EXHIBIT "A"

Concessionaire's Products



Time In: 01:00 PM

Time Out: 01:20 PM

FOOD ESTABLISHMENT INSPECTION REPORT

FACILITY NAME: Mary's Mountain Cookies- Gondola		OWNER: Mary's Mountain Cookies Paul Klees	
ADDRESS:			
DATE: 11/14/2023		INSPECTION TYPE:	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS			
Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury.			
Compliance status to be designated as IN, OUT, NA, NO for each numbered item			
IN= in compliance OUT= not in compliance NO= not observed NA= not applicable COS=Corrected on Site R=Repeat violation			
Compliance Status			COS
Supervision			R
1	Person in charge present, demonstrates knowledge, and performs duties		
2	Certified Food Protection Manager		
Employee Health			
3	Management, food employee and conditional employee; knowledge, responsibilities and reporting		
4	Proper use of restriction and exclusion		
5	Procedures for responding to vomiting and diarrheal events		
Good Hygienic Practices			
6	Proper eating, tasting, drinking, or tobacco use		
7	No discharge from eyes, nose, and mouth		
Preventing Contamination by Hands			
8	Hands clean & properly washed		
9	No bare hand contact with RFE food or a pre-approved alternative procedure properly allowed		
10	Adequate handwashing sinks properly supplied and accessible		
Approved Source			
11	Food obtained from approved source		
12	Food received at proper temperature		
13	Food in good condition, safe, & unadulterated		
14	Required records available, shellstock tags, parasite destruction		
Protection from Contamination			
15	Food separated and protected		
16	Food contact surfaces; cleaned & sanitized		
17	Proper disposition of returned, previously served, reconditioned & unsafe food		
Time/Temperature Control for Safety			
18	Proper cooking time & Temperatures		
19	Proper reheating procedures for hot holding		
20	Proper cooling time and temperature		
21	Proper hot holding temperatures		
22	Proper cold holding temperatures		
23	Proper date marking and disposition		
24	Time as a Public Health Control; procedures & records		
Consumer Advisory			
25	Consumer advisory provided for raw/undercooked food		
Highly Susceptible Populations			
26	Pasteurized foods used; prohibited foods not offered		
Food/Color Additives and Toxic Substances			
27	Food Additives: approved & Properly used		
28	Toxic substances properly identified, stored & used		
Conformance with Approved Procedures			
29	Compliance with variance/ specialized process/ HACCP		

GOOD RETAIL PRACTICES					
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects in foods. "OUT" marked in box if numbered item is not in compliance COS= Corrected on Site R= Repeat Violation					
Compliance Status				COS	R
Safe Food and Water					
30		Pasteurized eggs used where required			
31		Water and ice from approved source			
32		Variance obtained for specialized processing methods			
Food Temperature Control					
33		Proper cooling methods used; adequate equipment for temperature control			
34		Plant food properly cooked for hot holding			
35		Approved thawing methods used			
36		Thermometer provided & accurate			
Food Identification					
37		Food properly labeled; original container			
Prevention of Food Contamination					
38		Insects, rodents, & animals not present			
39		Contamination prevented during food preparation, storage & display			
40		Personal cleanliness			
41		Wiping Cloths; properly used & stored			
42		Washing fruits & vegetables			
Proper Use of Utensils					
43		In-use utensils: properly stored			
44		Utensils, equipment & linens: properly stored, dried, & handled			
45		Single-use/single-service articles: properly stored & used			
46		Gloves used properly			
Utensils, Equipment and Vending					
47		Food & non-food contact surfaces cleanable, properly designed, constructed, & used			
48		Warewashing facilities: installed, maintained, & used; test strips			
49		Non-food contact surfaces clean			
Physical Facilities					
50		Hot & cold water available; adequate pressure			
51		Plumbing installed; proper backflow devices			
52		Sewage & waste water properly disposed			
53		Toilet facilities; properly constructed, supplied, & cleaned			
54		Garbage & refuse properly disposed; facilities maintained			
55		Physical facilities installed, maintained, & clean			
56		Adequate ventilation & lighting; designated areas used			
Regulatory Action					
Notification of Potential Fines and Closure		Notice of Immediate Closure	Imminent Health Hazard Closure		
On-Site Actions					
Voluntary Condemnation		Compliance Agreement	Embargo Notice		
Resolution					
Reinstatement of License		Violation Correction Sheet	Embargo Release		

Observed Violations <i>(See additional pages if necessary)</i>

General Comments
<p>GENERAL COMMENTS</p> <p>Pre-operational inspection conducted on 11/14. Staff does not have the handwashing unit yet, will send pictures of it set up to department when it arrives. Once pictures have been received and all fees have been paid, facility is approved to operate.</p>

General Comments

FOOD TEMPERATURES

Food Item

Food State

Temperature

VOLUNTARY CONDEMNATION

Disposed Items

Disposal Method

Value

Comments

Hugh Bell

From: David Worth <dworth@worthco.com>
Sent: Saturday, December 2, 2023 1:14 PM
To: Hugh Bell
Subject: Case Number PLN23-097

Caution! This message was sent from outside your organization.

Town of Winter Park Planng Commission
Town of Winter Park Town Council

RE:
Case Number PLN23-097
Paul Klees
Winter Park Recreational Association
Request to operate a cookie cart

Public Comment: Who doesn't like cookie carts?

Respectfully Submitted,

David and Cindy Worth
Zephyr Lodge unit 2604
Winter Park, CO 80482

*David Worth | Retired President/CEO | The Worth Company
Stevens Point, WI 54481 | USA
dworth@worthco.com | <http://www.worthco.com> | Home 715-592-6670*

