



BOARD OF TRUSTEES MEETING

Thursday, January 09, 2025 at 6:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

MINUTES

Call to Order & Roll Call. Mayor called the meeting to order at 5 pm. Present: Mayor Glant Havenar; Trustees Atis Jurka, Shana Ball, Tim Caves, Amy Hutson, Kevin Dreher. Excused: Trustee Dennis Stern.

Convene to Executive Session - For the purpose of:

A) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. 24-6-402(4)(e) – elephant rock property lease review (EcoSpa); and

B) receiving legal advice from the Town attorney pursuant to section 24-6-402(4)(b) and (e), C.R.S., regarding specific questions related to the filing of a complaint against the Town with the Colorado Attorney General and concerns that have been raised regarding the Board's annexation eligibility determination, and matters that are subject to negotiation, all in connection with Buc-ee's/Monument Ridge West annexation petitions.

MOTION (Dreher, Caves) to convene to executive session. Roll call vote – aye 6; nay 0. Motion passed.

Reconvene to Open Session at 5:45 pm. Recess to open doors for regular meeting and reconvene at 6 pm.

Roll Call. Present: Mayor Glant Havenar; Trustees Atis Jurka, Shana Ball, Tim Caves, Amy Hutson, Kevin Dreher. Excused: Trustee Dennis Stern.

Pledge of Allegiance. Mayor Havenar invited Ms. Olivia Hayes to lead the pledge.

Presentations

1. Acknowledge Ms. Olivia Hayes - Miss Palmer Lake. Mayor Havenar recognized Ms. Hayes for being chosen as Miss Palmer Lake to compete in the Miss Colorado pageant in the spring.
2. Administer Oath of Office, Chief Glen Smith. Mayor Havenar introduced Police Chief Glen Smith and Collins administered a ceremonial oath of office. Chief Smith thanked the Board members and PLPD members for welcoming him. He commended Lt Lundy and Sgt Ramirez for their ongoing support of the department.

Consent Agenda. MOTION (Ball, Jurka) to approve the consent agenda including items 3) Minutes from December 12, 2024 Meeting; 4) Checks Over \$15,000 - Krob Law (\$21,402.50), Meyer & Sam's/GMS (\$20,419.00), West Fork Construction (\$75,000.00); 5) Financials (November 2024); 6) Resolution 1-2025 to Designate Posting Sites; 7) Resolution 2-2025 to Appoint Town Officers; 8) Resolution 3-2025

to Re-appoint Members to Planning Commission; 9) Resolution 4-2025 to Re-appoint Members to Parks and Trails Commission; 10) Resolution 5-2025 to Re-appoint Members to Board of Adjustment; 11) Resolution 6-2025 to Appoint Board Official to PPACG; 12) Resolution 7-2025 to Appoint Board Official to PPRBD. Roll call vote – aye 6; nay 0. Motion passed.

Staff/Department Reports. No questions presented.

13. Water
14. Public Works including Roads & Park Maintenance
15. Police
16. Fire – Chief John Vincent explained the aircraft landing in the unincorporated El Paso County field off Hwy 105 and Red Rock Rd. Brief discussion took place about how the pilot will move the plane.
17. Administration
18. Attorney – none.
19. Administrator/Clerk – Collins reported that two new hires started this week – Accounting Clerk, Kathy Neal and Deputy Town Clerk, Erica Romero. Advertising for the Water ORC continues, and Police and Fire will start the process of filling full-time positions, as budgeted. Roof material for the open air pavilion on elephant rock was delivered and replacement will be completed when weather permits. The RFQ for feasibility of a public safety facility location was issued, solicited to several firms with a deadline of 2/3. A kickoff meeting for design work for the Spruce Mountain road improvement is Tue., 1/14 with JR Engineering. Collins reminded members of upcoming Chamber event dates.

Public Hearing. Mayor Havenar asked for a show of hands of public members wanting to speak for the hearing. She reviewed rules, allowing three minutes for each speaker.

20. Application for Master Plan Resubdivision for Lakeview Heights (continued from 12/12/24). Collins informed members that she inadvertently placed the initial draft memo from the Fire Chief in the packet instead of the final version included in the prior Planning Commission packet and provided proper copies on the Board tabletop. Collins introduced the application, explaining this application is a resubdivision of a past approved, platted subdivision that was not completed. She offered background about past rezoning from 5000 sq ft to 10,000 sq ft and reviewed the code regulation in place at the time of initial application, explaining why the application is reviewed under the former Ch 16 subdivision code. Attorney Krob informed the Board of his discussion with Trustee Hutson, as an abutting property owner. Trustee Hutson recused herself from the Board discussion and vote, and she joined the audience to speak as a citizen. The applicant was invited to the podium.

Ms. Andrea Barlow, NES, introduced herself and the team, including the applicant, Mr. Eric Sepp. She reviewed the request of the master plan and defined this first step, master plan, of the process. The conditions recommended by the Planning Commission were specifically reviewed, including notification to non-applicant owned lots about cost recovery, easements, and regulation to sprinkler. Ms. Barlow stated an assessed fee in lieu of parkland will be considered, and they will resubmit the traffic study with modifications. She reviewed the constraints surrounding the area – Ben Lomand Mountain to the north, railroad to the south, and private owned conservancy to the east. The phased master plan layout of lots was reviewed, along with the future phase for large lot, and statements of alignment to the Community Master Plan were made. Ms. Barlow stated this area was originally platted in the 1960s and reviewed original zoning of 5000 sq ft and rezoning to 10,000 sq ft. She

reviewed the character of the property not being covered by trees and low-medium fire risk. She further reviewed the general requirements of the current (IFC 2015) fire code explaining the proposed plan is a looped roadway, not a dead end, and noting emergency access for authorized apparatus from the Santa Fe Trail. Ms. Barlow added that internal connectivity with permanent trail easements on applicant owned property is proposed, and she generally explained the proposed paved roads to County Line with curb and gutter along with drainage. She summarized that 1) the proposed Master Plan meets the provisions of Town Code Chapter 16.16. and presents a general summary of the proposed development; 2) the proposed lot configuration meets the R-10,000 zoning requirements; 3) the project meets State, County, and Town requirements; and 4) it is consistent with the Palmer Lake Community Master Plan. Mayor Havenar asked if the Board members had any questions for the applicant. Discussion ensued about emergency access, specifically if the Palmer Lake fire apparatus was tested on the Santa Fe Trail access. Chief Vincent stated the side by side and brush truck utilized the trail. Discussion took place about whether the applicant inquired with the railroad. It was responded that was done for other projects with no success for emergency use. Discussion returned to having a second egress. Applicant, Mr. Eric Sepp, explained the anticipated agreement with the El Paso County Parks for immediate emergency access – breakaway bollards or Knox box. Concern was expressed about the existing homes not under the same regulation (adopted in 2021). Attorney Krob explained there is no authority to go back and require any change under new regulations. GMS Engineer, Mark Morton, explained the roadway development standards for second access being different from the Fire code regulation for second (emergency) access. He stated this master plan does not fit the definition of a dead-end roadway and explained the review of other County projects for verification of the interpretation of the code. Attorney Krob asked the applicant about the 5 ft easements on all lots, and the applicant replied they found that 6 ft easements are required within the original covenants for all lots. Discussion returned to emergency access and Chief Vincent stated there are two to three options from the trail and from the air. Discussion took place about the 20% parkland dedication being the Board's choice. The applicant explained it would be difficult with non-contiguous lots, so they proposed to pay the fee in lieu of land dedication, and did not want to burden the town with additional property to maintain. It was determined the applicant owned lots totaled about 13 acres. Mayor Havenar opened the floor to the public and called speakers by name from the sign-up list.

Mr. Roger Moseley stated the town's engineer twisted the language about the access point, mentioning a sign that states no outlet. He concluded it is a dead end and stated that a 50 ft roadway will not fit at the entrance. He recommended an HOA be established to maintain the streets due to erosion, and he mentioned the current Palisade fires are an example of fire moving by wind. Ms. Martha Brodzik referenced the Planning Commission meeting memo provided by Attorney Krob with four options including approving with conditions. Mr. Mike Beeson stated it is okay to develop but not at the expense of others. He stated the Fire code memo should be thrown out and explained that he disagreed with the interpretation for the intent of the code. Ms. Jennifer Rausch expressed concerns about Chief Vincent's comments. She reviewed prior fires and safety and requested that an independent analysis be considered for traffic, including emergency and an evacuation plan. Mr. Pete Tomitsch spoke about his past experience with fires. He stated that he spoke with a subject matter expert with CSFD about this project and that a fire would not be fought. He asked why a reasonable egress is not considered, inquiring whether it is impossible or difficult. Mr. Jeff Hatcher referenced section 16.20.90 about water resources, and he stated the applicant's water resource report fails to speak to adequate water. Mr. Kurt Stevens stated there is a fundamental theme here of failure of analysis. He recommended this to go back to the Planning Commission for more information. Mr. Kip

Murray explained the letter from his attorney and spoke about fire access to cross the Santa Fe Trail. He stated there will be intense heat due to the red rock in the area. Ms. Angela Dawson expressed concern about the increased traffic and safety for children in the area and drainage issues. Mr. Reid Wiecks referenced the Community Wildfire Plan in place for 16 years, pointing out guidelines suggesting a minimum of four egress points and identifying the Glen areas and Oakdale neighborhoods being most vulnerable. Ms. Amy Hutson stated the applicant did not meet conditions because she did not receive a notification, and she stated the project does not align with the Community Master Plan for open space. Mr. Bill Dandino stated he wants responsible development, mentioning that he currently cannot get home insurance coverage. Mr. Phil Tedeschi offered his background as an original landowner at the start of Oakdale and firefighter with the town. He highlighted several fire incidents that started by the train, a car fire, and if a train stops, you cannot access the area. He expressed concern about paved streets creating increased speed of vehicles. Ms. Marilyn Stur described her property line and a fence place along the right of way. She asked if there would be protection for other property owners. Ms. Patti Brooks pleaded that the Board require a second access for development. She inquired about current setbacks and zoning. Ms. Brooks gave a summary of the Planning Commission vote and stated her concern about increased traffic on Oakdale. Mr. Dandino returned to suggest that the Fire code is minimal requirement and encouraged the Board to require more. Ms. Trina Shook clarified that sanitation is a separate entity and the applicant being within the district. Ms. Rausch returned to ask Chief Vincent to address the plan for existing homes. Mayor Havenar invited Ms. Andrea Barlow to respond to comments. She reiterated there is emergency access via El Paso County Parks via Santa Fe Trail. She stated the master plan code does not have specific criteria and the conditions do matter to set the stage for the next step in the process. She reiterated that the subdivision was originally platted for 280 units and this resubdivision master plan reduces to about 100, decreasing potential traffic. She explained that right of ways were previously platted and development will not go beyond the platted right of way, also mentioning the extensive retaining wall and grading of additional fill. Mr. Sepp added he did not approach property owners if abutting lots were extended as a backyard and accessed from other roadways. He stated that he understands the concern of paving Oakdale with drainage issues and agreed to include curb and gutter with paving, noting that the detent pond can manage it. Fire Chief Vincent stated he followed regulations of the Fire code. Mayor Havenar invited Ms. Rausch to repeat her question to Chief Vincent, which she asked what the plan is for the existing homes to evacuate. Chief Vincent stated he reached out to the Office of Emergency Management for a model evacuation. Discussion ensued between Board members about possible second egress points and whose responsibility to keep easement via Santa Fe Trail clear for emergency use. Attorney Krob asked the applicant to explain which exceptions of the Fire code applied and Ms. Barlow reviewed exception one and three – 1) due to single point of access, sprinklers meet requirement and 3) the surrounding area has significant constraints for a reasonable solution for additional access. Ms. Rausch added the access is Oakdale not Lake Ave. Ms. Brooks disagreed with the Planning Commission vote and stated there was no traffic study for Oakdale. Ms. Barlow stated the application does include a traffic study. Mr. Beeson stated if there is no public safety, residents will die. Mr. Stevens stated this will go to court. Mayor Havenar closed the hearing and called a brief recess at 8:51 pm.

Mayor Havenar reconvened the meeting at 9:04 pm.

Business Items

21. Resolution 8-2025 Considering Resubdivision - Master Plan, Lakeview Heights. Trustee Caves asked the applicant about Mr. Murray's comments about the railroad, as Mr. Murray left the meeting. Mr. Eric Sepp was uncertain and explained his efforts for emergency access from El Paso County. Members stated they heard the concern about evacuation for the area and discussion ensued about the trail use. Attorney Krob offered a few amendments to the resolution to approve with conditions, noting that section 1 (d) relating to a meandering trail should be stricken; (h) all lots, add "owned by applicant;" and add curb and gutter with all paved roadways; section 2 - timing to fulfill prior to preliminary plat. Questions were asked if denied, and Attorney Krob explained the applicant can appeal in district court and a new application under rules at the time of application could be considered. He further explained that Board members can refer to Planning Commission or continue with the Board. Mayor Havenar asked each member what they think, stating that she has concerns about the code referencing "all" lots and would like an evacuation plan for the area. Trustee Jurka stated he wants an evacuation plan and facts from the railroad. Trustee Ball stated she wants an evacuation plan and a sample agreement from El Paso County about responsibilities for the trail. Trustee Caves stated that he wants an evacuation plan and expressed concern about "all" lots with access starting at Oakdale. Trustee Dreher stated that evacuation will be an issue with only one egress. Attorney Krob relayed that the Board could continue the matter to allow the applicant an opportunity to further address: 1) an evacuation plan; 2) whether the application fits within exception 1 of Fire code regulation 107.1 and how the term "all" should be interpreted; and 3) whether the application fits within exception 3 and the applicant's efforts made to demonstrate it is "not possible" to provide a second access. MOTION (Ball, Caves) moved as presented. Roll call vote – aye 4; nay 1 (Dreher). Motion passed. Attorney Krob suggested that the applicant confer the amount of time needed and waive any objection to the continuance. The applicant responded with a timeframe of 3 months and waived objection to the motion to continue. Trustee Hutson returned to her seat.
22. Resolution 9-2025 to Authorize Agreement with UC Health (Clinician). Collins provided background about adding a clinician to the PLPD crisis intervention team. This step will complete what grant monies awarded late in 2023 will cover for two years. It was suggested that health services partnered with law enforcement is needed and this program will be utilized throughout northern El Paso County. MOTION (Dreher, Ball) to approve Resolution 9-2025 to authorize agreement UC Health. Roll call vote – aye 6; nay 0. Motion passed.
23. Resolution 10-2025 to Authorize Agreement with Chavez Consulting. Collins explained that the rate increased slightly and reviewed the various ways Mr. John Chavez works with the town as it related to stormwater management. MOTION (Ball, Hutson) to approve Resolution 10-2025 to authorize the agreement with Chavez Consulting. Roll call vote – aye 6; nay 0. Motion passed.
24. Resolution 11-2025 to Authorize Services with Hydro Corp, Cross Connection/Backflow. Attorney Krob explained the cross connection program including annual inspections to prevent backflow contamination. Collins stated that this is a request of the water department to remove the administrative work from the office and reporting from the ORC. Hydro Corp manages the entire program for the town. MOTION (Dreher, Ball) to approve Resolution 11-2025 to authorize service with Hydro Corp. Roll call vote – aye 6; nay 0. Motion passed.
25. Resolution 12-2025 to Renew MOU Regarding Investigation of Incidents Including Other Use of Deadly Force. Chief Smith explained the renewal of the MOU to assist with investigations involving

officers. MOTION (Ball, Jurka) to approve Resolution 12-2025 to renew the MOU as presented. Roll call vote – aye 6; nay 0. Motion passed.

26. Consider Nomination of Mayor Pro Tem. Mayor Havenar stated that Trustee Dennis Stern has done an excellent job in her absence and would like to continue as Mayor Pro Tem. MOTION (Dreher, Hutson) to nominate Dennis Stern as Mayor Pro Tem. Trustee Jurka stated that he wanted to nominate Trustee Shana Ball. Mayor Havenar suggested a vote take place on the first motion. Roll call vote – aye 6; nay 0. Motion passed.

27. Consider Nomination of Board Member to El Paso-Teller 9-1-1 Authority. Mayor Havenar stated that Trustee Ball expressed interest in this appointment. MOTION (Havenar, Jurka) to nominate Shana Ball for the El Paso—Teller 9-1-1 Authority. Roll call vote – aye 6; nay 0. Motion passed. Trustee Ball stated that she sent her letter of interest to the Authority.

28. Distribute/Review Employee Handbook Revisions. Collins reviewed the redline version of edits, generally clarification and specifically proposing a portion of accrued, unused sick leave be paid at resignation. Trustee Dreher inquired about the maximum amount of vacation that an employee can accrue. He suggested research to compare to other municipalities. Collins noted that this item is under legal review with Employer’s Council and will come back to the Board for consideration.

29. Distribute/Review Draft Master Fee Schedule for 2025. Collins reviewed the draft master fee schedule noting starting rental fees, earmarked for the future set up of the reservation system (Civic Rec) for additional venues - pickleball courts, ballfield and pavilion on elephant rock, as determined by the Board. Collins requested that comments or questions be forwarded to her. This item will come back for consideration.

Ms. Martha Brodzik suggested the Board review all fees for water against the operating costs.

30. Direction Relating to Single Hauler Collection Service Request. Collins explained the initial direction to request proposals for both residential and commercial trash/recycle services. She explained, however, that providers reached out with questions for specific information of commercial needs (size container, quantity of containers, number of service days, etc.). Collins stated staff does not have the resources to assemble the requested commercial information. Collins reviewed her discussion with Trustee Stern and suggested beginning with the residential services and, if successful, the provider can obtain the commercial information to extend services. Trustee Stern agreed. Members offered a thumbs up to move forward with residential proposals to be presented to the Board.

31. Direction for ER Advisory Committee, Citizen Volunteers. Collins explained that since the creation of an advisory committee (August 2024) to consider the fiscal impact of the vision presented to the Board for elephant rock property, the request for citizen volunteers has resulted in only two members expressing interest. Discussion took place about other items of discussion relating to the elephant rock property and members agreed that the topic should wait until mid-year. Collins stated while it sits, the main building roof continues to deteriorate, causing damage inside the structure.

Mayor Havenar stated that as a result of the executive session prior to the regular meeting, there is one added item 32 to consider.

32. Action on Media Release discussed in executive session. MOTION (Ball, Dreher) to issue the media release as proposed and amended in executive session. Roll call vote – aye 6; nay 0. Motion passed.

Mr. Roger Moseley stated that the Denver article was crap. Ms. Martha Brodzik stated there was planted false information.

Public Comment – Mayor Havenar reminded public members of the rules for comments.

Mr. Roger Moseley told Board members they are not doing their job. He stated that the auditor missed a \$200,000 expense in the audit. He implied that there must be financial issues because the former Deputy Town Clerk left and the former accounting firm quit and the prior auditor quit, and they must investigate it. He stated that no person is taking their comments seriously. When coming from executive session, there is not enough information exchanged between members to understand the position of members.

Ms. Martha Brodzik suggested the Board have an open discussion about how the Town Board will operate. She referenced the Community Master Plan about the commissioner structure and former municipal code Rule 12 about standing committees. She stated that Board members are not doing what they promised noting going line by line through the municipal code. Ms. Brodzik stated this is January, session 1 on the code and she will bring back session 2 at the next meeting.

Ms. Patti Brooks suggested contacting BSI for the backflow program, stated the fees at The Mine for pickleball are \$5/2-hour, and said she liked that each member was asked their thoughts on the Lakeview Heights topic.

Board Reports. Trustee Ball provided an update on the Police recruit program awarded and finalized.

Next Meeting (1/23) and Future Items

Attorney Krob provided a statement about executive session being within the scope of statutes.

Adjourn. MOTION (Ball, Dreher) to adjourn at 10:32 pm. Motion passed.

Mayor Glant Havenar

ATTEST: Dawn A. Collins, Town Clerk