



BOARD OF TRUSTEES MEETING

Thursday, October 26, 2023

Executive Session at 5 PM / Regular Meeting at 6 PM

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

MINUTES

Call to Order & Roll Call. Mayor Havenar called the meeting to order at 5 pm. Present: Mayor Glant Havenar; Trustees Nick Ehrhardt, Shana Ball, Kevin Dreher, Jessica Farr, Dennis Stern. Excused: Trustee Sam Padgett.

Convene to Executive Session - For the purpose of 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) – potential sale of public property; and for the purpose of conference with Town Attorney(s) for the local body to receive legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) - PD complaint. MOTION (Stern, Farr) to convene to executive session at 5:04 pm. Roll call vote – aye 6; nay 0. Motion passed.

Reconvene to Open Session. MOTION (Farr, Dreher) to reconvene to open session at 5:44 pm. Roll call vote – aye 6; nay 0. Motion passed. Doors were opened for the public and a short recess taken.

Roll Call. Present: Mayor Glant Havenar; Trustees Nick Ehrhardt, Shana Ball, Kevin Dreher, Jessica Farr, Dennis Stern. Excused: Trustee Sam Padgett.

Pledge of Allegiance (led by Sarah "Buddy" Caldwell). Mayor Havenar presented a certificate of appreciation to Buddy.

Consent Agenda. Mayor Havenar requested that the items be taken separately for a question from the public.

1. Minutes from October 12, 2023 Meeting. MOTION (Farr, Dreher) to approve the minutes as presented. Roll call vote – aye 6; nay 0. Motion passed.

2. Financials (September). Ms Marty Brodzik inquired about two savings account lines removed from the water fund financials, commented about the ARP line item, and provided background about inconsistencies on prior check register reports. She requested that Board members review the financials more closely. Collins responded that savings accounts are reflected on the cash position page of the financials and that there is clean up taking place to present financial data more clearly. MOTION (Farr, Dreher) to approve the financials. Roll call vote – aye 6; nay 0. Motion passed.

Staff/Department Reports

3. Attorney. Attorney Krob advised the Board about CORA requests including staff requirements and response with records (documents). He explained that CORA requests are not a tool to dialogue nor is staff required to summarize or explain records.

4. Administrator/Clerk. Collins reported that an audit was completed on all checks dating back to the start of 2022. It was learned that previous practice by Fromm Accounting services was to void and sometimes re-use checks. Collins explained that the best practice going forward is that if a check is not issued for the initial purpose, it will be voided and not used. Both the check register and voided check register reports will be

included in the monthly financials. Collins stated that a draft budget will be distributed to Board members and encouraged members to reach out with suggestions or questions. Julie Cole, the new accounting clerk, starts with the Town on 10/30. Collins provided an update of the activity at Elephant Rock relating to Willans' renting the current gymnasium to Tri-lakes Soccer beginning in December for about three months. She also informed the Board about a request from Willans that snow is removed by the town this winter. Collins explained a discussion with Supervisor Dosch to treat the snow removal of the main drive onto the property similar to other public areas – clear the day following a snow event – as town roadways remain the priority for clearing.

Chief Vincent informed the Board that two fire personnel are currently on deployment.

Public Hearing

5. Application for Conditional Use for Motorcycle Maintenance/Repair in CC Zone, 84 Hwy 105 (Yak's). Mr. Greg Nargone provided the story of Yak's and explained the planned business on Hwy 105. He addressed some of the concerns that were raised at the Planning Commission meeting – explaining that they will not run motorcycles inside, they are checking into sound deadening walls and carts with exhaust fans that attach to the rear of the bike to minimize fumes, as well as other solutions/options for the concerns. Trustee Ball inquired about regulations being addressed. Trustee Dreher asked about the type of bikes they work on. Mayor Havenar inquired about the conditions that were recommended by the Planning Commission. Trustee Stern asked if there were any complaints from neighbors now and the hours of operation were discussed – planning for Mon-Sat., from 9-5 or 6p. Trustee Ball requested that Chief Vincent speak to the fire code and inspections. Chief Vincent stated that a change of occupancy with the use will be required with PPRBD. It was noted that this is conditional use and regulations will be addressed with a land use application to remodel the space. Attorney Krob referenced a letter submitted by Trustee Padgett and suggested that it be weighed as a citizen comment. Ms Maria Duran asked what will happen if regulations are not met. Ms Terri Hayes spoke in favor of the business in the location requested as a positive addition to the town. Mayor Havenar closed the hearing.
6. Application for Replat of Interior Lot Line, 84 Hwy 105 (Wilson). Mr. David Wilson presented his request to replat an interior lot line approximately five feet to make an existing structure comply with zoning code. No person spoke for or against the request. Mayor Havenar closed the hearing.
7. Application for Replat of Glen Park Properties (Duran Walton Ventures). Ms Maria Duran explained the modification to the request to replat. This was previously approved by the Board with a different lot line and, due to the change of the El Moro right of way vacation, the revised exhibit required reconsideration. Collins noted the request to waive the application fee. No person spoke for or against the request. Mayor Havenar closed the hearing.

Business Items

8. Resolution 69-2023 to Approve Conditional Use for Motorcycle Maint/Repair in CC Zone, Hwy 105. MOTION (Farr, Stern) to approve Resolution 69-2023 as presented including the conditions recommended by the Planning Commission. Roll call vote – aye 6; nay 0. Motion passed.
9. Resolution 70-2023 to Authorize Replat of Interior Lot Line, Hwy 105 (Wilson). MOTION (Stern, Dreher) to approve Resolution 70-2023 to authorize the replat of the interior lot line for Mr. Wilson. Roll call vote – aye 6; nay 0. Motion passed.
10. Resolution 71-2023 to Authorize Revised Replat of Glen Park Parcels (Duran Walton Venture). MOTION (Farr, Dreher) to approve Resolution 71-2023 to authorize the replat at Glen Park and waive the application fee for Ms Duran. Roll call vote – aye 6; nay 0. Motion passed.
11. Special Event Application - Funky Little Theater, Stinky Cheese Man (11/11). Collins reviewed the production on November 11 with one show at 10 am for all ages. It was requested to waive the event fee. MOTION (Dreher, Ehrhardt) to approve the special event for Funky Little Theater and waive the event fee. Roll call vote – aye 6; nay 0. Motion passed.

12. Resolution 72-2023 to Authorize MOU with Awake Palmer Lake (APL) for Pickleball Court Project. Discussion took place about the in-kind requirements agreed by the Town. Trustee Dreher inquired about the amount of time expected from staff to assist in grading dirt for the project. Collins replied that the level of detail is unknown at this time. Discussion took place about the design of the project and the expected timeline. Attorney Krob noted that use of town hall for project meetings should be added to the MOU if the Board wanted to approve the MOU contingent upon the acceptance by APL. MOTION (Farr, Stern) to approve Resolution 72-2023 authorizing the MOU with the added language for use of town hall as available. Roll call vote – aye 6; nay 0. Motion passed.
13. Ordinance 22-2023 to Extend Moratorium for Sign Permits. Attorney Krob suggested the Board open the floor to the public. MOTION (Farr, Dreher) to adopt Ordinance 22-2023 to extend the sign moratorium. It was further discussed that the revisions of the draft sign code will be assembled for review by the Planning Commission at the November meeting. Attorney Krob addressed questions provided by email from Brenda Woodward inquiring how current signs will be impacted. Attorney Krob stated the moratorium does not change anything or impact the sign code. Roll call vote – aye 6; nay 0. Motion passed.
14. Consider Rate Study for Stormwater Enterprise, GMS Proposal. Mr. Mark Morton summarized the estimate for a rate study as requested by the Board for the consideration of an enterprise fund. He explained there will be coordination with staff on capital costs, operations and estimates for future operations to establish. He further explained that they will conduct a workshop with a draft report and a final report for Board consideration within approximately four months. The Board directed staff to bring back a resolution to act on for the proposal presented. Mr. Roger Moseley provided the Board with a handout speaking to his concerns about a stormwater enterprise fund. Ms Marty Brodzik inquired when this item was approved to move forward. Trustee Stern inquired about the town's ownness to the MS4 permit. Mr. Morton explained the enterprise fund supporting infrastructure and a plan to manage stormwater and supporting a potential loan for capital projects. Ms Brodzik spoke about illicit discharge and drainage as well as areas of the town that do not have drainage issues. Trustee Ehrhardt addressed town infrastructure that is impacted not just homeowners, and that managing stormwater and drainage will improve and protect all infrastructure. Ms Brodzik asked the Board what service is being provided. Mr. Moseley stated that he surveyed buildable lots and believes that building is causing drainage issues.
15. Information Relating to Roadway Standards (Discussion of Undeveloped Town Right of Way). Mr. Mark Morton explained the various design levels for road classifications within the El Paso County engineering criteria manual as previously adopted for roadway standards. Discussion took place about when the standards were adopted (2021). Attorney Krob described past activity relating to undeveloped right of way use and the liability that it creates for the town. Discussion took place about how the level of standard that a road is to be built is decided. Mr. Morton stated there is typically, at minimum, a traffic statement to develop land. Mr. Morton and Attorney Krob warned the Board not to stray from standards. Attorney Krob referenced non-conforming use as it relates to roadway standards. Chief Vincent spoke about fire code regulations. Attorney Krob continued to express the importance of a standard, a process to review the proposed development, and the variance measure that exists in the code with the adoption of the standards from 2021. Mr. Morton reiterated the need for standards and proper material. Mayor Havenar pointed out that the adopted ordinance states that a roadway "must be paved" and Attorney Krob agreed that language can be amended. Ms Marty Brodzik inquired about a gate blocking an undeveloped right of way. Collins responded that the gate in question was previously installed for public safety purposes. It was agreed that the Board will revisit the current language.
16. Petition for Annexation, United Congregational Church. Attorney Krob introduced this as the first step to set a hearing for the requested annexation by UCC. Ms Marty Brodzik provided background to the Board about this specific landowner intending to disconnect and shared the course of activity taken with El Paso County. She suggested that a statement of intent be included along with the exhibits referenced in the petition. Attorney Krob addressed Ms Brodzik's comments to be more appropriate at the time of the hearing versus now. The Board directed staff to bring back a resolution to set a hearing.

17. Request to Install EV Charger (CORE). Collins explained that in addition to supporting CORE for the grant opportunity, CORE may have an EV charger available now to install and areas in town were suggested. Board members agreed that staff obtain more information including renumerations.

Public Comment. None.

Board Reports. Trustee Nick Ehrhardt shared information from the Parks workshop and encouraged members to check out the trail and bridge established from Kent St. Trustee Dennis Stern attended the PPRBD meeting and reported that building permits are down; however, valuations are up. Mayor Glant Havenar stated that she attended the Board of Health and PPACG, both deep in budget planning for 2024.

Next Meeting (joint workshop on 11/1 with Planning Commission; 11/9 regular meeting) and Future Items

Convene to Executive Session for the purpose of conference with Town Attorney(s) for the local body to receive legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) - PD complaint. MOTION (Stern, Farr) to convene to executive session at 9:05 pm. Roll call vote – aye 6; nay 0. Motion passed.

Reconvene to Open Session. MOTION (Dreher, Stern) to reconvene to open session at 9:29 pm. Roll call vote – aye 6; nay 0. Motion passed.

Adjourn. MOTION (Stern, Dreher) to adjourn at 9:30 pm. Motion passed.

Mayor Glant Havenar

ATTEST: Dawn A. Collins, Town Clerk