



BOARD OF TRUSTEES MEETING

Thursday, December 12, 2024

SOCIAL at 5:00 PM / REGULAR MEETING at 6:00 PM

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

MINUTES

Call to Order. Mayor Pro Tem Stern called the meeting to order at 6 pm.

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

Pledge of Allegiance. Trustee Ehrhardt led the pledge.

Public Hearing. Mayor Pro Tem Stern read a statement about the format for the hearing and taking item 3., eligibility for annexation first.

3. Eligibility for Annexation for Petition Submitted by Maria Larsen – Eligibility. Ms Nina Ruiz, representative for the proposed annexation, presented evidence of eligibility per the C.R.S. She reviewed the 1/6 contiguity of each portion. She showed the distance of 1.47 miles to the site, less than 3 miles. Ms Ruiz stated reasons the proposed annexation meets the criteria of the community master plan and 3 mile plan. She added there was no other petition to annex along the flagpole portion. Mayor Pro Tem opened the floor for comments, beginning with Palmer Lake residents, land and business owners.

Mr. Roger Moseley provided comments about the maps not meeting the C.R.S. criteria, noting half of the County Line/Palmer Divide right-of-way instead of the entire width. He stated the exhibits are an inaccurate survey. Ms Martha Brodzik stated the maps are inaccurate due to the disconnect of the United Congregational Church property, thereby making it ineligible. She stated that there was no record of the hearing notice sent by certified mail to either Douglas or El Paso County. Mr. John Sweet stated the town is not physically able to extend fire and police services with current operations. He stated this proposal violates C.R.S., extending further than 3 miles. Mr. Paul Olivier offered his background serving the town. He explained an annexation considered in 1980-90 including Douglas County, noting that law enforcement activity would be split between Douglas and El Paso County, thereby any consideration failed. He stated this is an important decision that will have impact on the town. Mr. Jeremy Ferranti stated the C.R.S. criteria included much more than the points raised by the applicant. He suggested that the findings portion should impose additional terms and conditions, suggesting that police and fire services should have a mandatory condition for another station. Mr. Matt Dunston suggested the annexation is a good opportunity for the town and important to consider. Mr. Jeff Dunston stated that the proposed annexation is a proper use of land and meets the statutory criteria. He suggested that members seek legal review of the proposal. Mr. Kurt Ehrhardt offered facts

that this property will be developed in a dense use regardless. He stated the proposed annexation could benefit the town although there will be issues to mitigate. Mr. Charlie Ihlenfeld stated that the property is in the 3 mile plan and favored the annexation. Ms. Alexandra Olivier stated her concerns about the inability to have water service at the south end of town and the proposed sign not meeting the town code. Mr. Matthew Beverly stated the proposal does not meet the criteria and reviewed C.R.S. Jaimie Murphy offered an exhibit of the town boundary, stating as of November 22, the petition is ineligible due to the United Congregational Church disconnect from the town. Mr. Roy Martinez referenced the GMS PER noting this area was not planned to loop the water system and stated that it does not meet the criteria for water services. Ms. Kim Greer referenced the exceptions mentioned do not apply and that services should also be considered for property owners along the flagpole. Mr. Kane Cotton stated it does not meet statutory criteria, and he stated the town did not meet requirements to hold the hearing. He referenced the 3 mile plan not being updated and incomplete impact report. Robin Wright stated it does not meet criteria and that the past actions have set a precedence (referencing Dollar General). Mr. Bill Normile stated that criteria 4c is not eligible and expressed concern about emergency services, noting that a train event will slow response. He cautioned members to a serious event on Monument hill. Mr. Dustin Bender stated the annexation is not eligible because "t" was not crossed and "i" not dotted; stating that water will be an issue. Mr. Ian Griffis stated the applicant signed as an individual not the LLC and suggested that Larkspur and Douglas County should have been informed. He stated that condemnation will be required to enlarge the ramps and that the proposal is abuse of the spirit of the regulations, noting that it violates the community master plan. He stated it is shameful to place at the Greenland open space and negatively impact wildlife. Kelley Kopycinski echoed words that it does not meet eligibility due to width of right of way. She stated that all are part of Tri-lakes area and does not want to see the town in litigation. Mr. David Young stated he does not believe it is eligible, adding more travel is irresponsible. Mr. Travis Dezelle stated he has a petition against the project and expressed concerns about the water strain on the system and too much traffic. Ms. Christie Beverly stated it fails to meet the criteria, referencing a prescriptive easement at the 30 ft public highway, stating the contiguity cannot be made to the town boundary. She stated the annexation is legally not possible. Ms. Beth Harris thanked members and echoed Mr. Cotton's remarks about the 3 mile plan. She questioned why it was not reviewed in 2023 and 2024, noting that it contradicts the community master plan with incompatible land use. Mr. Chase Olivier stated his concerns about the impact to the future of the town. He stated the 3 mile plan is not updated, and he stated it is outside the 3 mile limit. He commented that he does not want to be disappointed in leaders and does not support the annexation. Ms. Trina Shook stated the flagpole is not legal due to not having an updated 3 mile plan. She stated she does not want Buc-ees. Mr. Tyler Woodward remarked that he wants the Board to set aside the emotion and suggested that members consider any new information presented.

Mayor Pro Tem Stern asked Ms. Nina Ruiz to provide any closing comments. She reviewed the statutes applied, explaining that C.R.S. states *platted* right of way. She stated the maps are in compliance with contiguity through the right of way and explained that the applicant completed the annexation impact report on behalf of the town. Trustee Dreher asked about the entire width of the roadway. It was explained that the northern portion of the right of way (County Line/Palmer Divide) is not platted as well as Beacon Lite Rd. Ms Ruiz stated the applicant has no issue adding the additional right of way. For the record, Attorney Krob clarified that there are a variety of C.R.S. requirements for annexation but only 104 and 105 apply to the eligibility stage. He stated there is one technical correction to the presentation, regarding the three exceptions, that the applicant must satisfy 2 of the 3. He further

explained that the applicant identified the northern portion of the right of way not being platted and that annexation is a voluntary process involving a negotiation of a mutually acceptable agreement between the property owner and the Town, and that Douglas and El Paso County would be involved in those discussions as they relate to County Line road. He referenced a case that ruled that the 3 mile plan can be satisfied with the community master plan and that it does not prohibit eligibility, because the deadline for a valid 3 mile plan to be in effect is the date of the annexation, which will not occur, if at all, for several months.

Mayor Pro Tem Stern closed the hearing.

1. Application for Resubdivision/Replat Largo Terrace, Poco Ave -- *requested to continue to January 23 meeting*. MOTION (Padgett, Ball) to continue the hearing until January 23, 2025. Roll call vote – aye 5; nay 0. Motion passed.
2. Application for Master Plan Resubdivision, Lakeview Heights -- *requested to continue until January 9 meeting*. MOTION (Padgett, Dreher) to continue the hearing until January 9, 2025. Roll call vote – aye 5; nay 0. Motion passed.

Mayor Pro Tem Stern called for a brief recess. The meeting was reconvened at 7:51 pm.

Old Business Items

4. Resolution 60-2024 to Determine Eligibility for Annexation. Trustee Ball commented about her involvement with the community master plan and the 3 mile plan. She asked members to set aside any emotion about this topic to consider the facts. She stated to get more information, this is the first step in the process. Trustee Ehrhardt commented on the diplomatic process, thanked the public for their involvement, and inquired about the disconnected property. Attorney Krob stated the contiguity is through the right of way. Ms. Ruiz referenced the first map. MOTION (Ball, Dreher) to approve Resolution 60-2024 finding the property eligible for annexation. Roll call vote – aye 4; nay 1 (Padgett). Motion passed.
5. Ordinance 14-2024 to Repeal and Replace Planned Development (PD) Code. Collins referenced the Planning Commission recommendation to approve the revised PD code. Ms. Martha Brodzik inquired whether this was all zoning. Collins responded that the revised code is the Planned Development (PD) zoning code only for consideration. MOTION (Dreher, Padgett) to approve Ordinance 14-2024 to repeal and replace the PD code. Roll call vote – aye 5; nay 0. Motion passed.

Mayor Pro Tem returned to the balance of the agenda.

Consent Agenda. MOTION (Ball, Ehrhardt) to approve the consent agenda including 6) Minutes from November 14, 2024 Meeting; 7) Checks over \$15,000 including Community Matters Institute (\$15,410.00) for land use revision and land development review; West Fork Construction LLC (\$70,207.92) for remaining balance and retainer for PLES; GMS Inc (\$25,033.64) for engineering services; 8) Financials (October). Roll call vote – aye 5; nay 0. Motion passed.

Staff/Department Reports

9. Water
10. Public Works including Roads & Park Maintenance
11. Police – Mayor Pro Tem introduced Police Chief Glen Smith.

12. Fire – Chief John Vincent stated training on the elephant rock structures went well and that all structures are down this week. The debris is being removed.
13. Administration
14. Attorney – none.
15. Administrator/Clerk – Collins introduced Police Chief Glen Smith, noting that he brings 30 years of law enforcement experience to the town. She stated that a ceremonial oath of office will take place in January. Advertisements and review of applicants for the Deputy Town Clerk, Accounting Clerk, and the Water ORC continue. PD will schedule the roof repair and gutter replacement for under \$9000. Demolition of the seven structures at elephant rock took place this week. Notices for the water billing annual increase will be distributed this month and be effective with the February billing. Collins acknowledged water technician Andrew Rudnicki for completing his class D certification for water operator, noting that he is a great addition. Offices will be closed December 24, 25 and January 1. She noted a correction of the next Board meeting – to be January 9.

Mayor Pro Tem presented certificates of appreciation to outgoing Trustees – Nick Ehrhardt, Sam Padgett. He mentioned Jessica Farr as well, who delivered a baby girl early that morning.

Mayor Pro Tem called a brief recess. The meeting was reconvened at 8:21 pm.

Administer Oath of Office to New Town Officials. Collins administered the oath of office to new Board members – Tim Caves, Amy Hutson and Atis Jurka. Mayor Havenar’s oath of office was administered prior to her departure. New members took their seats.

Roll Call. Present: Trustees Amy Hutson, Atis Jurka, Shana Ball, Tim Caves, Kevin Dreher, and Mayor Pro Tem Dennis Stern.

New Business Items

16. Ordinance 19-2024 to Adopt 2025 Budget and Appropriate Funds. Collins reviewed the slight modifications to the final version of the proposed budget. She thanked the new members for taking time to review the budget. Ms. Marty Brodzik referenced the town code for a separate water capital fund. Collins stated that will be prioritized to review with the Board to determine policy. MOTION (Ball, Hutson) to approve Ordinance 19-2024 to adopt the 2025 budget as presented. Roll call vote – aye 6; nay 0. Motion passed.
17. Resolution 61-2024 to Certify Mill Levies. Collins explained that town code required the mill levy to be considered by resolution. MOTION (Ball, Dreher) to adopt Resolution 61-2024 to certify the mill levy. Roll call vote – aye 6; nay 0. Motion passed.
18. Resolution 57-2024 to Award Design of Spruce Mountain Road, JR Engineering. Collins explained the awarded grant to fund the Spruce Mountain roadway improvement, the review of qualifications of the four firm submittals and the negotiation of fees with the recommended firm. She stated that CDOT has reviewed and approved the qualifications and cost for the design work. Ms. Brodzik commented that these are federal funds for the project. MOTION (Dreher, Ball) to approve Resolution 57-2024 to award design to JR Engineering. Roll call vote – aye 6; nay 0. Motion passed.
19. Resolution 58-2024 to Authorize Volunteer Plan Affiliation Agreement, Fire and Police Pension Association (FPPA). Collins stated this agreement is for the FPPA to manage the pension funds.

MOTION (Dreher, Hutson) to approve Resolution 58-2024 authorizing agreement with FPPA. Roll call vote – aye 6; nay 0. Motion passed.

20. Resolution 59-2024 to Authorize PAH for Financial Audit Service. Collins explained that Green & Associates will no longer serve municipal clients and offered a recommendation for similar financial services. Discussion was raised about issuing a request for proposals. Attorney Krob stated it is not required to issue RFP. Collins stated that staff sought a similar level of service and PAH provided a similar cost. MOTION (Ball, Dreher) to approve Resolution 59-2024 to authorize the financial audit with PAH. Roll call vote – aye 6; nay 0. Motion passed.

21. Notice of Vacant Seats for Appointment. Collins announced the three vacant seats for Planning Commission and two regular plus one alternate seat for Parks and Trails Commission. Interested citizens residing in the town for more than one should apply by December 21. Appointments will be considered in January.

22. Consider Retreat, Training and Joint Potluck Dates in January. Discussion ensued about various dates to schedule a Board retreat, training and a joint potluck with all town officials. The topic of an ethics code was raised. Attorney Krob stated he will distribute samples of ethics code. Collins will distribute a schedule of proposed dates.

Public Comment. None.

Board Reports. Trustee Ball stated that she and Cindy Powell continue to seek grant funds for town departments needing equipment that is not funded in the budget.

Next Regular Meeting (1/9) and Future Items. It was noted that the hearing for the Lakeview Heights master plan application will be on the January 9 agenda along with numerous routine resolutions.

Adjourn. MOTION (Dreher, Ball) to adjourn at 8:57 pm. Motion passed.

Mayor Glant Havenar

ATTEST: Dawn A. Collins, Town Clerk