



BOARD OF TRUSTEES MEETING

Thursday, April 13, 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. Mayor Havenar called the meeting to order at 5 pm.

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

Convene to Executive Session (note: any unfinished items may be resumed at the end of the meeting with a motion by the Board). MOTION (Ball, Dreher) to convene to executive session at 5:01 pm 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) – lease terms of town property (ER); terms of fire IGA; and for conference with Town Attorney to receive legal advice on special legal questions under C.R.S. 24-6-402(4)(b) - possible annexation (Challenger Homes; Ben Lomand Mountain). Roll call vote – aye 5; nay 0. Motion passed. Doors closed to public.

Reconvene to Open Session at 5:45 pm with short recess to open doors for public to start the Regular Meeting at 6 pm. MOTION (Ehrhardt, Ball) to reconvene and recess at 5:43 pm. Roll call vote – aye 5; nay 0. Motion passed. Doors opened to public.

Pledge of Allegiance. Trustee Farr led the pledge at 6 pm.

Introductions/Presentations

1. CORE Introduction & Presentation - Mr. Robert Osborn, Director of Business Development. Mayor Havenar introduced Mr. Robert Osborn and he explained the status of the project to replace poles to meet standards and reviewed the next phase of the project. Mr. Osborn explained the process of communications and phases to remove old pole/lines by other utilities. Data about Palmer Lake was reviewed. Mayor Havenar opened the floor for public comments. Ms Cindy Kuchinsky remarked the excellent work conducted on her property by CORE and inquired about tree trimming. Mr. Tony Beltran offered kudos to various CORE services. Mr. Osborn offered Angie and Shannon Kasper as additional contacts for questions or assistance.

2. Proclamation Recognizing National Library Week 2023. Mayor Havenar introduced Ms. Jean Carrier with Pikes Peak Library District. Ms. Carrier introduced other representatives of PPLD present, and they joined her while Mayor Havenar read the proclamation recognizing National Library Week April 23-29.

Consent Agenda

Mayor Havenar confirmed the plaque installation with public member Jina Brenneman at the elephant rock property – it is May 1 at 10 am. MOTION (Ball, Ehrhardt) to approve the consent agenda including 3) Minutes from March 23, 2023, Meeting; 4) Minutes from Special Meeting April 5, 2023; 5) Elephant Rock Plaque - Mr. Jerry Merrick (Palmer Lake Arts Council). Roll call vote – aye 5; nay 0. Motion passed.

Staff/Department Reports

Included in the packet – 6) Water; 7) Public Works including Roads & Park Maintenance; and

8. Police. Sgt Lundy explained active shooter training and the process for the PD; 9) Fire; 10) Administration

11. Attorney – no report.

12. Administrator/Clerk. Collins reported ...

Mr. Tony Beltran inquired whether there are complaints of pickleball paddle noise. Trustee Farr responded that has not been an issue.

Public Hearing

13. Ordinance to Adopt Revised Pikes Peak Regional Building Code. Mr. Roger Moseley stated these changes are a big deal coming. No other person spoke for or against the building code. Mayor Havenar closed the hearing.

Business Items

14. Ordinance 10-2023 to Adopt and Apply the Pikes Peak Regional Building Code, 2023 Edition. This is the second reading and final consideration of the revised code. MOTION (Ehrhardt, Dreher) to adopt Ordinance 10-2023 to adopt and apply the revised building code. Roll call vote – aye 4; nay 1 (Farr). Motion passed.

15. Special Event Application - Arts Council Lecture in Town Hall (4/29). Ms. Jina Brenneman explained the lecture event about artificial intelligence by Mr. Kent Hutson at Town Hall on April 29. Deputy Clerk Stambaugh confirmed completed paperwork and requested the fees waived. MOTION (Farr, Dreher) to approve the lecture with fees waived. Roll call vote – aye 5; nay 0. Motion passed.

16. Special Event Application - Tri Lakes Kids Fishing Derby (6/03). The June 3 fishing event was explained by Lions Club member, Stan Krol, noting approximately 250 participants. Trustee Farr stated that a final decision will take place mid-May depending on the lake level. Request was made to waive fees. MOTION (Farr, Ball) to approve the fishing derby and waive fees. Roll call vote – aye 5; nay 0. Motion passed.

17. Special Event Application - Red Wine and Blue BBQ (6/10). Ms Laurie Caves described the outside event under Awake Palmer Lake on June 10 and requested that fees be waived. MOTION (Ball, Farr) to approve the event waiving fees. Roll call vote – aye 5; nay 0. Motion passed.

18. Special Event Application - Palmer Lake Elementary School Fun Run (7/04). Ms. Kelsey Belsher explained the 41st annual run repeating like past events and expecting a range of 500 participants. She requested that fees be waived. MOTION (Farr, Dreher) to approve the fun run without fees. Roll call vote – aye 5; nay 0. Motion passed.

19. Special Event Application - Festival on the Fourth (7/4). Mr. Tim Caves spoke for the Fireworks subcommittee of Awake Palmer Lake about the festival on July 4, to begin at 4p with fireworks at dusk if the weather permits. He described a slightly modified layout. Deputy Town Clerk Stambaugh noted that vendors selling product will need to obtain a town peddler permit and requested that the event fees be waived. MOTION (Ball, Ehrhardt) approved the festival event with fees waived. Roll call vote – aye 5; nay 0. Motion passed.

20. Special Event Application - Palmer Lake Wine Festival (9/9). Mayor Havenar removed herself from the Board and explained the plans for the wine festival in September. With similar plans to last year, she stated they anticipate about 1500 attendees and that the proceeds will benefit the Tri-lakes Cares organization and possibly Parks. MOTION (Dreher, Farr) to approve the wine festival event. Roll call vote – aye 4; nay 0; abstain 1 (Havenar). Motion passed.

Mayor Havenar thanked resident Rebecca Duke for the cookies she shared with the Board as she arrived at the meeting.

21. Ordinance 11-2023 to Amend Title 17 Relating to Land Use (Reimbursement Agreement). Mayor Havenar reviewed this item as previously presented and discussed with the Board. Mr. Roger Moseley inquired about a subparagraph line and Collins explained the various land use applications requiring Planning and Board hearings and approval versus the administratively approved building permits. Attorney Krob asked if Mr. Moseley's remarks related to the reimbursement agreement. MOTION (Farr, Ball) to approve Ordinance 11-2023 to adopt the reimbursement agreement. Roll call vote – aye 5; nay 0. Motion passed.

22. Ordinance 12-2023 to Amend Section 5 Relating to Short Term Rental Regulations. Trustee Farr and Mayor Havenar expressed concern about the cap for each class license. It was clarified that the non-owner occupied class license is limited to a 5% cap and owner occupied license is limited to 10% of the residential households per El Paso County assessor records. MOTION (Farr, Ball) to approve Ordinance 12-2023 to amend the short term rental code. Roll call vote – aye 5; nay 0. Motion passed. Mr. Roger Moseley addressed four items in the revised code – accessory requiring a separate bill per water code; the safety affidavit being annual submittal (with renewal); lawful dwelling was explained as legal structure with access to facilities; zoning code not including accessory dwelling unit for rental use. MOTION restated following public comment (Farr, Ball) to approve Ordinance 12-2023 amending the short term rental code. Roll call vote – aye 5; nay 0. Motion passed.

23. Resolution 28-2023 to Authorize Parks Commission to Create a Trail. Trustee Farr provided the expectations for the Parks Commission with one modification of item (f) in the resolution and suggested striking the parking area identifying Epworth/Greeley due to the area being a habitat for Preble's mouse. Commissioner Reid Wiecks stated there is work conducted to consider another potential area for parking. Mayor inquired if the resolution provides clear direction for Parks. Commissioner Wiecks reviewed the activity anticipated. Mayor Havenar read a portion of the resolution providing directions for the record. It was agreed to strike the language "Epworth/Greeley area" at item (f). Ms. Rebecca Duke inquired about language to protect the property and preventing/mitigating noxious weeds. Commissioner Wiecks addressed the areas that will require noxious weed mitigation and that staking/flag activity will provide review. Discussion was raised about chipping and will be considered with Public Works. MOTION (Ball, Farr) to approve Resolution 28-2023 with removal of Epworth/Greeley language for parking. Roll call vote – aye 5; nay 0. Motion passed.

24. Resolution 29-2023 to Direct Workgroup to Draft a Master Plan for Elephant Rock Property. Trustee Farr inquired about Awake Palmer Lake participating if their mission is supporting Centennial Park and lake area. Attorney Krob clarified that the “whereas” language is suggestion and not required to participate. Trustee Farr read the directions for the workgroup for the record. MOTION (Ball, Farr) to approve Resolution 29-2023 to draft a master plan for the property. Roll call vote – aye 5; nay 0. Motion passed.
25. Resolution 30-2023 to Reinstate IGA with Monument Fire District – Monthly. Mayor Havenar confirmed with Chief Vincent that this reinstatement is to continue negotiating a new IGA with Monument Fire for emergency response/transport. MOTION (Farr, Ball) to approve Resolution 30-2023 to reinstate the IGA monthly. Roll call vote – aye 5; nay 0. Motion passed. Mr. Roger Moseley inquired if this is the same IGA that was recently cancelled, and Mayor Havenar responded yes but while a new agreement is being negotiated this provides service if necessary.
26. Resolution 31-2023 to Oppose Senate Bill 23-213 Relating to Housing. Mayor Havenar reviewed the power in the bill that will negatively impact land use development in Colorado municipalities. She requested approval to oppose the bill. MOTION (Dreher, Ball) to approve Resolution 31-2023. Roll call vote – aye 5; nay 0. Motion passed. Discussion continued about various additional bills and Trustee Ball stated that she also personally opposed these bills. Attorney Krob suggested that if opposed, any Board member be authorized to actively oppose on behalf of the Board. MOTION (Farr, Ball) to authorize any Board member to oppose SB 23-213. Roll call vote – aye 5; nay 0. Motion passed. Discussion continued about other bills, and it was agreed to bring those to a future Board agenda to consider a position.
27. Direction on Water System Improvement Recommendations / Master Plan. Collins revisited the GMS reports of improvements for the water system as well as a 2018 emergency ordinance limiting the water service boundary. It was suggested that direction was previously provided when the recommendations were reviewed. Collins stated that the final report was distributed in December 2022 to all, including new members, and a Resolution to accept the report should come back to the Board. Discussion took place about the report being sufficient to seek grant funding for improvements. Mr. Mark Morton with GMS approached the Board relative to what the scope of work should be to consider funding. He described what is needed to explore funding options. The suggestion of a water system master plan was asked to be considered to align with the recently adopted community master plan. Discussion about the water recommendations took place highlighting priority one and two in the report. It was agreed that a concise description/recommendation be brought back to the next meeting with the Resolution to accept the completed final report. It was also agreed to reconsider the emergency ordinance if the Board does not consider the water in an emergency state. Collins mentioned that this will be significant direction with the draft work taking place for the water fund analysis and capital improvement plans.
28. Direction on Drainage Improvement Plans (High Street Drainage Basin). Similarly, based on the final drainage study previously accepted by the Board in 2022, direction for the scope of project work is required to seek funding options. Mr. Mark Morton with GMS stated that a stormwater enterprise will be required to support the maintenance of drainage infrastructure, whether above or below ground or combination of these. It was agreed that a concise description of recommendations be brought back for Board consideration to seek funding.

Public Comment

Mayor Havenar read an email for the record received as public comment from a local business representative, Kari, requesting that the sign permitting moratorium be lifted so that signs can be considered. Mr. Roger Moseley approached the Board stating point of order on the last few items being open for comment. He offered kudos to the members on opposing SB23-213. He then suggested that the Board not rescind the 2018 emergency ordinance for the water system and to push back on developers to not build. He stated he is against repealing the ordinance. Ms. Emilie Polley inquired about the emergency ordinance since the GMS PER report refigured numbers of available taps (water supply) and suggested the benefit of developers installing infrastructure.

Board Reports. Trustee Ball provided a review of her visit to the Firehouse to see how the reporting program works and said it is money well spent for the Fire dept. Trustee Farr stated there is nothing to report for Parks Commission with the current resolution adopted. Mayor Havenar thanked Trustee Ehrhardt for joining her office hours and stated that her PPACG focus was on legislation.

Next Meeting (4/27) and Future Items. Collins noted to expect a review of the draft water analysis at 5p prior to the April 27 meeting.

Convene to Executive Session for any unfinished items. None.

Adjourn. MOTION (Farr, Ball) to adjourn at 8:24 pm. Motion passed.

Mayor Glant Havenar

ATTEST: Dawn A. Collins, Town Clerk