

RECORD OF PROCEEDINGS

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FEBRUARY 27, 1992

The regular meeting of the Palmer Lake Planning Commission was held on February 27, 1992 in the Palmer Lake Town Hall. Chairman Blackman called the meeting to order at 7:01 PM with Commissioners Carpenter, Johnson, Kaufer and Slusser and Attorney Kin present. Commissioner Emter was absent. There were two people in the audience.

Chairman Blackman asked for any corrections or additions to the minutes from January 23, 1992. There being none, he approved the minutes as written.

ITEM #1: CONDITIONAL USE REQUEST FOR A DAY CARE CENTER IN AN RA ZONE - - MOUNTAIN COMMUNITY MENNONITE CHURCH

Judi Gibian-Mennenga representing the Tri-Lakes Parent Cooperative Preschool appeared before the Planning Commission. She stated that the Tri-Lakes Parent Cooperative Preschool is the group who will be running the preschool. The group is not affiliated with the church and will be leasing the space from the church. Ms. Gibian-Mennenga stated that she will be the only paid staff member. Has received approval from the Dept. of Health, Social Services and the Fire Marshal. The preschool will take 20 children two mornings a week until June. The preschool will be closed during the summer. In the fall it will be open five mornings a week.

COMMISSIONER KAUFER MADE A MOTION TO RECOMMEND TO THE TOWN COUNCIL THAT THE CONDITIONAL USE REQUEST FOR A DAY CARE CENTER AT MOUNTAIN COMMUNITY MENNONITE CHURCH BE APPROVED, Seconded by Commissioner Johnson, carried.

ITEM #2: PLANNING COMMISSION APPLICANT - GREG DOBBS
COMMISSIONER JOHNSON MADE A MOTION TO RECOMMEND TO THE TOWN COUNCIL THAT GREG DOBBS BE APPOINTED TO THE PLANNING COMMISSION, Seconded by Commissioner Carpenter, carried.

ITEM #3: REZONING OF LAKEVIEW HEIGHTS AND LAKE SHADOWS
Chairman Blackman stated that the Planning Commission is in the process of rezoning Lakeview Heights and Lake Shadows from R-3 to R-10,000 in accordance with the wishes of the Town Council. He stated that nothing had been stated formally at a planning commission meeting. A copy of the letter notifying lot owners of the proposed rezoning was discussed. Attorney Kin stated that the paragraph pertaining to the need for a variance for lot owners with lots smaller than 10,000 square feet could have more description. He stated that it would be helpful to add that contiguous lots together would satisfy the minimum lot size.

COMMISSIONER CARPENTER MADE A MOTION THAT THE PLANNING COMMISSION GO AHEAD WITH ALL THE PROCEDURES FOR REZONING LAKEVIEW HEIGHTS AND LAKE SHADOWS; SENDING OUT THE CORRECTED LETTER, POSTING THE PROPERTY AND SENDING NOTICE TO THE NEWSPAPER LEADING TO THE PUBLIC HEARING ON APRIL 23, 1992, Seconded by Commissioner Johnson, Carried.

Chairman Blackman stated that a letter of resignation was received this evening from Commissioner Emter. COMMISSIONER JOHNSON MADE A MOTION TO ACCEPT THE RESIGNATION OF COMMISSIONER EMTER WITH REGRET, Seconded by Commissioner Kaufer, carried.

Chairman Blackman stated that perhaps the C-1 zone change is something to be considered in context of the modification of the comprehensive plan. He stated that a letter had been received by the town from Lynn Jack who owns property along Highway 105. Most of the businesses in Mr. Jack's property have had to obtain a

RECORD OF PROCEEDINGS

conditional use to operate. Discussion ensued. It was decided that this would best be pursued in workshop.

Commissioner Carpenter stated that an error was made during the last rezoning and needed to be corrected. COMMISSIONER CARPENTER MADE A MOTION TO REQUEST THAT THE TOWN COUNCIL CORRECT AN ERROR MADE BY THE PLANNING COMMISSION IN RECORDING A TAX ASSESSOR'S NUMBER, 71051 17 007 WHICH SHOULD BE CHANGED TO 71051 17 007, BLOCKS 18 AND 19. IT WAS THE INTENTION OF THE PLANNING COMMISSION THAT 71051 17 007, BLOCK 3 AND BLOCK 2, LOTS 1, 2, 27 AND 28 REMAIN AS ZONED (M-1). THESE PARCELS ARE OWNED BY LEONARD J. AND MABEL K. WASSAM, 3250 S. ELATI, ENGLEWOOD, CO 80110. PLEASE REFER TO ITEM 3 IN THE LIST OF PROPOSED ZONE CHANGES AND ITEM 3, PAGE 3 OF THE JULY 11, 1991 MINUTES OF THE TOWN COUNCIL, Seconded by Commissioner Johnson, carried.

Commissioner Johnson stated that the Planning Commission needs a new set of the large size maps of Lakeview Heights and Lake Shadows for the public hearings on the rezoning.

COMMISSIONER CARPENTER MADE A MOTION TO ADJOURN, TIME 7:45 PM, Seconded by Commissioner Kaufer, carried.

APPROVED AS WRITTEN:


BARRY A. BLACKMAN, CHAIRMAN


SUSAN E. CHRISTIAN, DEPUTY CLERK

APRIL 23, 1992

The regular meeting of the Palmer Lake Planning Commission was held on April 23, 1992 in the Palmer Lake Town Hall. Chairman Blackman called the meeting to order at 7:10 PM with Commissioners Carpenter, Kline, Dobbs, Slusser, Kaufer and Attorney Kin present. Commissioner Johnson was absent. 24 people were present in the audience.

ITEM #1: Chairman Blackman asked for any corrections or additions to the minutes from March 26, 1992. There being none, he approved the minutes as written.

ITEM #2: Deputy Clerk Susan Christian administered the Oath of Office to Harold Kline.

ITEM #3: New Business License for Art Gallery at Estemere - Dan Fraley: Mr. Fraley stated that he had submitted an application for a business license for an Art Gallery in the existing carriage house at the Estemere under a PUD. He plans to open in two to three months. There will be no structural alterations to the building. Discussion ensued. COMMISSIONER CARPENTER MADE A MOTION THAT THE PLANNING COMMISSION AMEND THE ESTEMERE PLANNED UNIT DEVELOPMENT ORDINANCE TO ALLOW DAN FRALEY TO REFURBISH THE CARRIAGE HOUSE TO MAKE A LIVING PLACE AND AN ART GALLERY, Seconded by Commissioner Kline, Carried.

ITEM #4: REZONING OF LAKEVIEW HEIGHTS UNITS 1, 2, 3, AND 4 AND LAKE SHADOWS

Chairman Blackman stated that these subdivisions have been zoned R-3 since their inception. The Town Council directed the Planning Commission to proceed with rezoning. He stated that the Comprehensive Plan states that any new development should be designed so as not to detract from the view of Ben Lomond and Elephant Rock. It is the unanimous opinion of the Planning Commission that this area does not lend itself to high or medium density lots. He stated that the Planning Commission hopes to make the area more attractive to home builders. Chairman Blackman then invited any member of the audience who wished to come forward and address the Planning Commission.

Hank Speil who owns lot 4 of Block 3 Lakeview Heights stated that his lot is only 9,200 sq. ft. Chairman Blackman stated that the Planning Commission will recommend to the Town Council that a variance be granted by the Board of Adjustments with the fee being waived for anyone who does not have the ability to meet the 10,000 sq. ft. lot requirement.

Eddie Martin stated that he owns a lot which is 11,729 sq. ft. Chairman Blackman stated that the rezoning would not affect Mr. Martin. Mr. Martin stated that he understood that the city would not allow water. He asked about water, sewer and electricity. Chairman Blackman stated that utility improvements would be up to an individual developer.

Christine Campello stated that her parents bought 3 lots (parcels no.'s 71043 15 053, 71054 26 003, 71054 26 004) in the 60's for each of the three children. She stated that the children were to choose their lot at some point in the future. She was not sure whose name(s) the lots were listed under. Chairman Blackman stated that according to the tax assessor printout, the title was held jointly by Robert F. Campello, Stephen B. Campello, Christine Campello. He stated that the assessor's records reflect that one lot is 22,700 and the other two lots which are contiguous are 5,000 sq. ft. each. Commissioner Slusser stated that by dividing the larger lot and joining the two smaller contiguous lots each person

RECORD OF PROCEEDINGS

would still have a lot.

Marv Irvin stated that he has a problem with the width. His lot is only 60 feet wide. Setback is 25 feet front and back.

Ralph Ferns asked if he sold his 5,000 sq. ft. lot if the variance would apply. Chairman Blackman stated that the new owners would then be in the same position that the current owner is in. Attorney Kin stated that it would be prudent to apply for the variance before selling the lot. Then sell the lot with the variance.

Herb Feiberling stated that the roads are in terrible condition. He stated that he believed this to be the first major rezoning of the town. Commissioner Carpenter stated that this was not the first, but actually one of the last areas to be rezoned.

Chairman Blackman stated that the Planning Commission cannot speak on water, sewer and roads.

Rudy Woodruff stated that if the Town Council approves the rezoning and everyone requests variances then this rezoning is a waste of time. He stated that he is vigorously opposed to the rezoning.

Chairman Blackman stated that there are 350 total lots and there are less than 50 lots in which one owner does not hold contiguous lots and are less than 10,000 sq. ft.

Dale DeMuth stated that he has been paying taxes on his two lots for 3 and 4 years. He asked that the town provide some kind of assistance so the owners could use their lots, and wanted to know where the property taxes he pays are applied. Attorney Kin stated that the funds go into the general fund for the town.

Virgil Meadows stated that he is representing Pearl Nelson, a lot owner. He asked whether blanket variances would be granted.

Attorney Kin stated that the individual would have to apply to the Board of Adjustments for a variance. It would be up to the discretion of the Board of Adjustments to grant the variance. He stated that the primary rule they would apply is whether the owner has created a self-imposed hardship. He asked whether the lot owners would be individually notified of the Town Council hearing on this matter. Deputy Clerk Susan Christian stated that a notice would be placed in the local newspaper and posted locally.

Christine Campello asked about the grandfather clause.

Attorney Kin stated that the grandfather rule would only apply to the existing house.

Chairman Blackman asked for a show of hands of those owners who feel that they will be damaged by the rezoning to R-10,000. 11 people raised their hands. Chairman Blackman asked for a show of hands for all those opposed to the rezoning. 11 people raised their hands. Chairman Blackman asked for a show of hands of those for the rezoning. 0 people raised their hands.

Commissioner Dobbs stated that he is in favor of development in this area. He is also in favor of the rezoning. He stated that it will increase the value of the property.

Commissioner Kaufer stated that she is not anti-growth. The area around Ben Lomond Mountain is not appropriate for 5,000 sq. ft. lots. She feels that the smaller lots have been a detraction for many buyers. Larger lots attract better builders.

Commissioner Carpenter stated that she is in favor of development in this area and not against growth.

Rudy Woodruff stated that the community could seek a developer to help out the lot owners. He asked that the commission offer moral support and encouragement by way of a motion to the council. He also stated if a developer bought the lots after the rezoning he can't make any money because he can't build as many houses.

Commissioner Slusser stated that there is more profit in one \$100,000 house than in two \$40,000 houses.

COMMISSIONER SLUSSER MADE A MOTION THAT THE PLANNING COMMISSION RECOMMEND TO THE TOWN COUNCIL THAT THE AREAS KNOWN AS LAKE SHADOWS

RECORD OF PROCEEDINGS

AND LAKEVIEW HEIGHTS BE REZONED FROM R-3 TO R-10,000, AND THAT A VARIANCE BE GRANTED IF A HARDSHIP IS NOT SELF-IMPOSED AND THE FEE BE WAIVED, Seconded by Commissioner Kaufer, Carried.

Chairman Blackman asked for a consensus for moral support. No action taken.

MOTION TO ADJOURN: NO MOTION MADE
TIME: 9:35

APPROVED AS WRITTEN:

Barry A. Blackman
BARRY A. BLACKMAN, CHAIRMAN

Susan E. Christian
SUSAN E. CHRISTIAN, DEPUTY CLERK

MAY 14, 1992

The regular meeting of the Palmer Lake Town Council was held in the Palmer Lake Town Hall on May 14, 1992. Mayor Robert Radosevich called the meeting to order at 7:00 p.m. with Trustees Kendrick, McDonald, Rubenstein, DeBlois, Kazeck, and Allen present. Attorney, Larry Gaddis, and seventeen others in the audience were also present.

PUBLIC INPUT: NONE

CONSENT ITEMS:

1. APPOINTMENT TO THE BOARD OF ADJUSTMENTS:
 - A. ELIZABETH KAWCZYNSKI
 - B. BOB MINER
2. APPROVE PAYMENT OF THE BILLS.
3. APPROVAL OF THE MINUTES.
4. ESTEMERE ART GALLERY-DAN FRALEY-BUS. LIC.

TRUSTEE DEBLOIS MADE A MOTION TO APPROVE THE CONSENT ITEMS, SECONDED BY TRUSTEE MCDONALD, CARRIED UNANIMOUSLY.

ITEM #1: REZONING OF LAKEVIEW HEIGHTS & LAKE SHADOWS: TRUSTEE MCDONALD MADE A MOTION TO REFER THE REZONING OF LAKEVIEW HEIGHTS AND LAKE SHADOWS BACK TO PLANNING COMMISSION AT THE RECOMMENDATION OF THE CHAIRMAN, BARRY BLACKMAN, SECONDED BY TRUSTEE DEBLOIS, CARRIED UNANIMOUSLY.

ITEM #2: NEW BUSINESS LICENSES:

1. LEANN GORDON-COUNTRY CASH STORE & DELI: TRUSTEE ALLEN MADE A MOTION TO APPROVE THE BUSINESS LICENSE, SECONDED BY TRUSTEE MCDONALD, CARRIED.
2. JOANN COLCLASURE-7 C'S ENTERPRISES: TRUSTEE KENDRICK MADE A MOTION TO APPROVE THE BUSINESS LICENSE, SECONDED BY TRUSTEE DEBLOIS, CARRIED.
3. KAY BOOK-SALON 105 OF PALMER LAKE: TRUSTEE ALLEN MADE A MOTION TO APPROVE THE BUSINESS LICENSE, SECONDED BY TRUSTEE DEBLOIS, CARRIED.
4. KAY LABELLA-FROM THE FIELDS: TRUSTEE MCDONALD MADE A MOTION TO APPROVE THE BUSINESS LICENSE, SECONDED BY TRUSTEE KENDRICK, CARRIED.
5. JAY SWARTWOUT-THE ORIGINAL OLD TIMER LOG HOME & SUPPLY: TRUSTEE KENDRICK MADE A MOTION TO APPROVE THE BUSINESS LICENSE, SECONDED BY TRUSTEE DEBLOIS, CARRIED.

ITEM #3: PIKES PEAK AREA COUNCIL OF GOVERNMENTS-COMPREHENSIVE PLAN: Mayor Radosevich stated PPACG has revised the grant contract and the amount now required by Palmer Lake is \$1400. Mary Wolf of PPACG has stated the cost of the printing materials and length of time required by PPACG has increased the costs. Mary Wolf stated in recent correspondence that Jack Kirtland of Dept. of Local Affairs has deleted the adverse mining clause from the contract so Palmer Lake is eligible to receive the grant.

Chairman of the Planning Commission, Barry Blackman, addressed the Town Board and stated the Planning Commission appreciates the support of the Board and the opportunity to revise the Comprehensive Plan. Mr. Blackman stated the Planning Commission

RECORD OF PROCEEDINGS

welcomes any comments from the citizens of Palmer Lake on this revision. Mr. Blackman stated the majority of the May 28th meeting of Planning Commission will be devoted to receiving ideas for the planning of the town. Mr. Blackman stated anyone that would like to participate in the process of planning may be an ad hoc member of the Planning Commission for this plan.

TRUSTEE DEBLOIS MADE A MOTION TO SIGN THE CONTRACT WITH PIKES PEAK AREA COUNCIL OF GOVERNMENTS TO UPDATE THE COMPREHENSIVE PLAN AND TO AUTHORIZE THE EXPENDITURE UP TO \$1400, SECONDED BY TRUSTEE MCDONALD, CARRIED UNANIMOUSLY.

ITEM #4: MOUNTAIN BIKE RACE FOR JULY 19, 1992 AT PALMER LAKE: Guillermo Garibay, the contact person for the bike race addressed the Board. Mr. Garibay stated the proposed event is a one day mountain bike race to be held on July 19 on a closed two mile off road circuit located on the motocross course northeast of town and on the land to the south in the area that was used by the gun club. Sponsors of the event will be Old Town Bike Shop, Bike Habit Bike Shop and promoted by the Rainbow Racing club of Colorado Springs. From the entry fee \$1.50 will be paid to the Town of Palmer Lake.

Doug Moyes of the Motocross Association has expressed his support. The race, sanctioned by NORBA, would be covered by their liability insurance. Trustee Kazeck expressed his concern that spectators would not be covered by insurance liability in case of injury and wished a waiver signed. Trustee Rubenstein stated this was not a necessary procedure and Attorney, Larry Gaddis, agreed. Trustee DeBlois requested a Special Events Permit and Trustee Rubenstein stated one will be issued. Trustee Rubenstein stated the event is a good thing for the town and will bring in revenue with no expenditure to the town. Trustee Rubenstein stated there will be an open class at the end for people who would like to ride the course, but not race it.

TRUSTEE RUBENSTEIN MADE A MOTION TO ACCEPT THE EVENT FOR JULY 19, 1992 AND THE TOWN OF PALMER LAKE TO BE A CO-SPONSOR, seconded by Trustee Allen, carried unanimously.

ITEM #5: ORDINANCES: #5, #6, #7, #8 - 1992

- A. ORDINANCE 5-1992: MUNICIPAL DISPOSITION OF UNCLAIMED PROPERTY. TRUSTEE MCDONALD MADE A MOTION TO ADOPT, SECONDED BY TRUSTEE ALLEN, CARRIED.
- B. ORDINANCE 6-1992: BOARD OF ADJUSTMENT TERMS. TRUSTEE ALLEN MADE A MOTION TO ADOPT, SECONDED BY TRUSTEE RUBENSTEIN, CARRIED.
- C. ORDINANCE 7-1992: AMENDING CERTAIN ORDINANCES TO CLEAR UP CODIFICATION. TRUSTEE MCDONALD TO ADOPT, SECONDED BY TRUSTEE KENDRICK, CARRIED.
- D. ORDINANCE 8-1992: AMENDING PRINCIPAL PERMITTED USES IN C-1 ZONE. TRUSTEE DEBLOIS MADE A MOTION TO ADOPT, SECONDED BY TRUSTEE KAZECK, CARRIED.

COMMITTEE REPORTS:

WATER: Trustee Mike Kazeck stated there is a problem with citizens paying their water bills on time and would like to set up a late fee of \$5 which would be applied to the water bill on the 25th of

RECORD OF PROCEEDINGS

the month. Water bills are due and payable on the 20th of the month so the citizens would be getting a 5 day grace day period. Trustee Allen stated the \$5 fee could create a hardship for some people and would not like to see anyone's water shut off if they can not pay the late fee. Trustee Kendrick stated he did not like the idea of a late charge. Trustee McDonald stated she agreed with Trustee Allen and some citizens are having a hardship buying groceries at times. Consensus of the Board: ~~Trustees Allen, McDonald, Kendrick, DeBlois~~ - against; Trustee Rubenstein, no comment/question; Trustee Kazeck-in favor of late charge. No action taken. *Trustee Allen was not in favor of the late fee if it would create a hardship for anyone.*

*Amended
6-11-92* →

Trustee Kazeck stated some citizens have been shut off several times and the town has an ordinance that requires \$175 cash deposit if an individual has been shut off twice. The town then holds the cash for two years. Trustee Kazeck wishes to activate this ordinance.

Trustee Kazeck stated the town has a \$25 deposit fee ordinance in place on new applications for water usage and would like to activate this ordinance. Larry Gaddis stated the town can keep the interest. Trustees questioned the cost for application deposit on businesses. Trustee Kazeck stated the Board could look into the cost for businesses that some towns charge \$50 for business. Trustee DeBlois stated he would like to review all of the proposals in writing. Trustee Rubenstein stated some utilities accept a letter of reference. Trustee Kendrick stated he did not like the idea of a deposit of \$25.

Trustee DeBlois stated reviewing these proposals in writing would be better. Town Clerk, Pam Meyndert, suggested Trustee Kazeck and Deputy Clerk, Susan Christian, could provide a memo for workshop that the Board could review rather than spend the money having Larry Gaddis draft an ordinance that the Board would change or modify. Town Clerk Meyndert stated some of the same people are on the late list each month and \$5 is not a high fee. Meyndert stated it costs the town more than the \$5 to have Deputy Christian place calls and write letters to these same people each month and perhaps the late fee will encourage them to pay their bill promptly. Meyndert stated a citizen is not shut off without contact and if there are extenuating circumstances the office works out an arrangement with that person.

Trustee Kazeck stated there are ordinances in place to cover the following:

- a. No response by citizens when contacted for meter repair.
- b. \$175 cash deposit for home owner shut off twice.
- c. \$25 deposit for new customer.

Trustee Kazeck stated these ordinances will be acted upon and the only new ordinance in question is the \$5 late charge fee.

Trustee Kazeck stated the town has a citizen that continually is behind in water payments and is also building without a valid building permit. This citizen is aware of the two year limit on non-payment of water bills before the abandonment of tap ordinance applies so, he pays just before the two years is up. Larry Gaddis stated we can change the ordinance in regard to the minimum water fee paid in full before two years and we can check with other towns to see how they handle this situation.

Trustees Kazeck and Rubenstein informed the Board of the Division of Wildlife's position in stocking the reservoir. Jill Simpson has

RECORD OF PROCEEDINGS

spoken with Doug Kreiger of the Division of Wildlife and they are willing to discuss the matter with the Town, but would rather keep working with stocking/management of the lake. Consensus of the Board to have Jill Simpson the liaison for the Town of Palmer Lake with the Division of Wildlife.

Trustee Kazeck stated Bobby Schroeder is concerned that the town has two Circle streets and two Park streets also, the house numbers on a lot of homes are not accurate. Discussion ensued and it was decided the children at Palmer Lake Elementary School could have a contest to name the two extra streets with a certificate and lunch with the Mayor as a prize. Trustee McDonald will take the information to the school.

Trustee Kazeck stated there are 5 applicants for the summer job with water and roads. Trustee DeBlois and Kazeck will review the applications and interview this coming week.

Trustee Kazeck stated the water dept. has done 28 locates in the past week and spent four days repairing of the headgate at Ice Caves. The water dept. is getting bids on line replacement.

ROADS: Trustee DeBlois stated Steve Orcutt received information on the driveway culverts from El Paso County. Citizens are responsible for cleaning out their own culverts and maintenance 10' on each side. Steve has built up the upper end of Thompson Place and Highland Road. 100 railroad ties and 140' of culvert has been picked up and Steve will start installing culvert and ditch checks at Greeley Blvd. and Epworth Highway to establish drainage for applying dust control on the road. Ditch checks and culverts will be installed on a priority basis.

*amended headings
6-11-92*

Human Resource:

FINANCE: Trustee Allen stated the Human Resource Committee will meet the 3rd Monday of the month at 7:30 p.m. The Glen Park groundskeeping duties job description has been revised. The committee will be setting goals at the next meeting with the primary goal salary survey/scale for the current TOPL job positions. The evaluation schedule has been revised as follows:

August = packets distributed

September 1 = evaluations due

Mid March = mid-year review completed.

The committee is working on final revisions to Public Works - Roads and Public Works-Water job descriptions.

Finance:

Trustee Allen stated the recommended limit on the purchase request form without trustee approval is \$100. Procedures and guidelines will be set up for this process.

Guidelines and procedures will also be set up for grant applications.

Finance Committee will review the TOPL business ordinance with feedback from other towns. Possible late charge if not renewed by March 1.

Trustee Allen would like vehicle log books up to date by June 1 and a monthly report from each dept. on vehicle use/maintenance/fuel usage/miles traveled due the first Monday of the month, beginning July 6. Trustee Allen will go over long-range/short-term goals/capital equipment/projections with each trustee. Trustee Allen stated each dept. is to begin inventory of capital equipment/supplies which should be completed by the end of August. A

RECORD OF PROCEEDINGS

replacement schedule for equipment with life expectancy should also be completed by the end of August. Quarterly budget meetings will begin with the end of next quarter. 6:30 - 7:00 p.m. on council workshop night after the end of each quarter.

Consensus of the Board not to order business cards for council members.

PARK & REC: Trustee Rubenstein stated:

1. Trail was cut in Glen Park by the Colorado Springs Firefighters and will be continued by a high school student for his Eagle Scout award. Also, possible work to be done by Mountain Bike club.
2. Waiting for signage for reservoir road for cyclists.
3. Bike Club doing clinic & local ride on 5/20 at 6 p.m.
4. The TOPL received special recognition for the 10th year as a Tree City USA town.
5. Parks maintenance underway.
6. Purchased replacement tennis net for one cut by kids last year. (\$155) Replaced child's swing seat. (\$63) Conservation Trust money.
7. Softball field in great demand especially as high school field.
8. Summer brochure out end of next week.

Trustee Rubenstein stated he will be reviewing the lease agreements for the museum and library and complete the contract with Joan Steininger for maintenance around the town office. (\$400) Trustee Rubenstein will review costs for rebuilding options on the town hall. Trustee Rubenstein stated he will set the schedule for filter changes in the buildings.

FIRE AND POLICE: Trustee Chuck Kendrick stated the Fire Dept. has a new vehicle from the 1991 Grant. Trustee Kendrick informed the Board that all air packs have been tested. The lease agreement has been signed with the Forest Service. Trustee Kendrick stated Bob H. Schroeder has applied for fire pension status and been approved. Pension to start effective June 1, 1992.

Mayor Radosevich stated there has been a problem with gun shots at the north end of town in early morning hours and would like the police to observe the area.

Deputy Chico Rosales is training for his certification.

COMMUNITY DEVELOPMENT: Trustee McDonald stated there are eight gas lights that still need to be adopted. Reminder letters have gone out.

Trustee McDonald stated clean up day for Palmer Lake has been scheduled for May 30th from 9:00 a.m. to 5:00 p.m. Several letters have been sent to citizens that have a litter problem at their residence. Trustee McDonald stated help is needed to run the clean up day event.

MAYOR'S REPORT: Mayor Radosevich stated Deputy Clerk, Susan Christian, will be the liaison for grants and will spend a couple hours of week working on these projects. TRUSTEE MCDONALD MADE A MOTION FOR SUSAN CHRISTIAN TO BE OUR GRANT WRITER, seconded by Trustee Allen, carried unanimously.

MAYOR RADOSEVICH MADE A MOTION TO HAVE LARRY GADDIS PREPARE AN ORDINANCE TO INCREASE OUR MAXIMUM ALLOWABLE PENALTIES FROM \$300 OR 90 DAYS IN JAIL OR BOTH TO \$1,000 OR 1 YEAR IN JAIL OR BOTH,

RECORD OF PROCEEDINGS

seconded by Trustee DeBlois, carried unanimously.

Mayor Radosevich asked Larry Gaddis if the 75% Board action to overturn a Planning Commission recommendation is only in regard to zoning. (17.76.020) This item was referred to council workshop in June for further study.

Mayor Radosevich stated the fireworks for July 4th will not be held due to:

1. Not enough money raised for the event.
2. Not enough participation from the other areas.
3. Not enough police protection/coverage for the event.
4. El Paso County stated earlier this year that due to the budget cuts they would not issue the Town a permit and there is no alternate site that is available.

Mayor Radosevich stated any monies that have been contributed will be placed in a fireworks account under the care of the Town Clerk and Community Development Committee Chairman. Any and all monies will remain until enough is accrued to hold such an event.

Mayor Radosevich encouraged all Board members to attend the Planning Commission meeting concerning the rezoning issue to obtain as much information as we can on such an important matter prior to our decision making. Planning Commission workshop: May 20. Planning Commission regular meeting: May 28.

Mayor Radosevich stated the town needs a volunteer for the PPACG meetings that are held in Colorado Springs. Mr. Dahlstrom stated he would be interested and will contact Nikki McDonald or Pam Meyndert at the town office for more information.

Mayor Radosevich requested support for the Town of Wellington to have the Welcome Center in Northern Colorado. TRUSTEE MCDONALD MADE A MOTION TO ADOPT A RESOLUTION TO SUPPORT THE TOWN OF WELLINGTON AS THE WELCOME CENTER IN NORTHERN COLORADO, seconded by Trustee DeBlois, carried unanimously. Clerk will send copy of resolution to the various agencies.

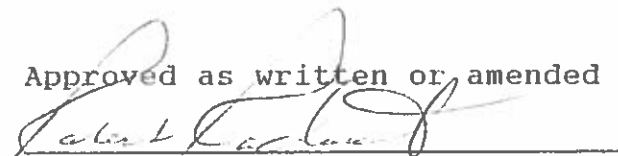
Mayor Radosevich stated Bob H. Schroeder wishes a business license. TRUSTEE MCDONALD MADE A MOTION TO GRANT BOB H. SCHROEDER A BUSINESS LICENSE, seconded by Trustee Kazeck, carried unanimously.

TRUSTEE ALLEN MADE A MOTION TO GO INTO EXECUTIVE SESSION, seconded by Trustee McDonald, carried unanimously.

TRUSTEE MCDONALD MADE A MOTION TO COME OUT OF EXECUTIVE SESSION, seconded by Trustee Kendrick, carried unanimously.

TRUSTEE ALLEN MADE A MOTION TO ADJOURN, seconded by Trustee McDonald, carried unanimously. Time: 10:30 p.m.

Approved as written or amended June 11, 1992.


Robert Radosevich, Mayor


Pamela Meyndert, Town Clerk

JUNE 25, 1992

The regular meeting of the Palmer Lake Planning Commission was held on June 25, 1992 in the Palmer Lake Town Hall. Chairman Blackman called the meeting to order at 7:12 PM with Commissioners Johnson, Kaufer, Carpenter, Kline and Dobbs and Attorney Kin present. Commissioner Slusser was absent. Five people were present in the audience.

Chairman Blackman asked for any additions or corrections to the minutes. There being none, the minutes were approved.

COMMISSIONER JOHNSON MADE A MOTION TO RECOMMEND TO THE TOWN COUNCIL THAT COMMISSIONERS CARPENTER AND SLUSSER BE REAPPOINTED TO THE PLANNING COMMISSION, SECONDED BY COMMISSIONER KAUFER, Carried.

REZONING OF LAKEVIEW HEIGHTS AND LAKE SHADOWS: Chairman Blackman read a document which included the original motion from April 23, 1992 concerning the recommendation for rezoning. The document also included comments from planning commissioners who chose to submit comments in writing. This document is attached and made a permanent part of these minutes. Discussion ensued. Some of the Planning Commissioners expressed confusion over the intent of the original motion. Chairman Blackman advised that the motion wasn't clear whether an automatic variance would be granted to those qualified or whether individuals would still have to apply to the Board of Adjustments. Attorney Kin stated that everyone would still be required to apply to the Board of Adjustments. Further discussion ensued. COMMISSIONER CARPENTER MADE A MOTION TO AMEND THE MOTION FROM APRIL 23, 1992 TO STATE THAT THE THE PLANNING COMMISSION RECOMMENDS TO THE TOWN COUNCIL THAT THE AREAS KNOWN AS LAKE SHADOWS AND LAKEVIEW HEIGHTS BE REZONED FROM R-3 TO R-10,000 AND THAT A REQUEST FOR A VARIANCE BE GRANTED IF A HARDSHIP IS NOT SELF-IMPOSED AND THE FEE BE WAIVED, SECONDED BY COMMISSIONER KLINE, Carried.

COMMISSIONER KAUFER MADE A MOTION TO ADJOURN, TIME 8:00 PM, SECONDED BY COMMISSIONER DOBBS, Carried.

APPROVED AS WRITTEN:


BARRY A. BLACKMAN, CHAIRMAN


SUSAN E. CHRISTIAN, DEPUTY CLERK

From the Planning Commission - 6-25-92

THE PLANNING COMMISSION RECOMMENDS TO THE TOWN COUNCIL THAT THE AREAS KNOWN AS LAKE SHADOWS AND LAKEVIEW HEIGHTS BE REZONED FROM R-3 TO R-10,000, AND THAT A VARIANCE BE GRANTED IF A HARDSHIP IS NOT SELF-IMPOSED AND THE FEE BE WAIVED.

Comments from Commissioners:

Kathie Kaufer: I recommend that this area be zoned R-10,000 to provide for the development of Lake Shadows and Lakeview Heights while preserving the integrity of the landmark, Ben Lomond.

Harold Kline: After much thought and consideration in regard to the proposed rezoning of Lake Shadows and Lakeview Heights, I feel that we need to stay within the original intent of the proposal and continue with the rezoning of the whole area to R-10,000. The proposal provides for a variance for those land owners that are single lot owners. Furthermore, there are other avenues for those other land owners to receive variances if needed. The town should stay within the concept of low density housing as stated in the comprehensive plan, and we have the opportunity to do so with this rezoning plan.

JULY 9, 1992

The regular meeting of the Town of Palmer Lake Board of Trustees was held in the Town Hall on Thursday, July 9, 1992. Mayor Bob Radosevich called the meeting to order at 7:05 PM with Trustees McDonald, Kendrick, Rubenstein, Allen, DeBlois, Kazeck and Attorney Debra Kelly present. There were ten people in the audience.

PUBLIC INPUT: None

CONSENT ITEMS:

1. Approve payment of the bills.
 2. Approval of the June's minutes.
 3. Approve the business license application for Tap Enterprises.
- TRUSTEE ALLEN MADE A MOTION TO APPROVE THE CONSENT ITEMS, SECONDED BY TRUSTEE KENDRICK, MOTION CARRIED UNANIMOUSLY.

ITEM #1: DAVE KLINE GRAPHIC ARTS AND ILLUSTRATION-NEW BUSINESS LICENSE. Mr. Kline displayed an example of the type of illustrations his business provides such as: commercial art, fine art and desk top publishing. Trustees Kazeck and Allen welcomed Mr. Kline to the area. Mr. Kline stated no harmful chemicals are involved in his business. TRUSTEE MCDONALD MADE A MOTION TO APPROVE THE BUSINESS LICENSE FOR DAVE KLINE GRAPHIC ARTS AND ILLUSTRATION, SECONDED BY TRUSTEE ALLEN, MOTION CARRIED UNANIMOUSLY.

ITEM #2: REZONING OF LAKEVIEW HEIGHTS AND LAKE SHADOWS FROM R3 TO R10,000. PUBLIC INPUT: NONE.

TRUSTEE COMMENTS:

NM: None.

CK: Don't want to rezone. Violation of 5th Amendment by taking people's rights away.

JR: None.

CA: None.

RD: Still have a problem with the rezoning issue. Would like to know the number of people that would be adversely effected. Board of Trustees and Board of Adjustment members would change and perhaps people would be forced to pay for a variance in future years.

MK: Appreciate the Planning Commission efforts and agree with the general theme of low density. At this time do not agree with the methods of controlling the area. Perhaps, a change in the building code requiring larger homes would be more effective. Don't feel that the rezoning cures the actual site problem. Have concerns the lots will be unbuildable if the rezoning goes through. Think there are other methods that the Board should research at this time rather than rezone.

BR: At this time there is little activity in that area. When the subdivision was first set up the Town wanted people to build, but now we need lower density for the lake area. In the last 90 days a lot of activity with people getting information on building there. Building in LVH and LS would be a good tax base, but we need to look at it very carefully. The last Town Council asked the Planning Commission to look into the rezoning. Mayor Radosevich stated he had consulted a bank on the loan possibilities for owners with lots in LVH and LS if the rezoning took place. Talked to two bankers and the possibility of getting a loan is there. Primarily a bank will ask a town what the problems are and if there is a non-conforming lot. It does not mean they will not get a loan. It would be easier if it was a conforming lot. Mayor Radosevich

RECORD OF PROCEEDINGS

stated he is for the rezoning so the Town can control what will happen in that area.

PLANNING COMMISSIONER JACK JOHNSON: The Board of Adjustment now and in the future would understand the rezoning of LVH and Ls and so would the future Town Boards. They would address this special problem with a variance. Planning Commission is not cutting anyone out of a home over there. Planning Commission feels it would not adversely effect that area and would look better. 10,000 sq. ft. is not much of a requirement. Still have geological problems in these subdivisions with the soil conditions. The Board of Adjustments will work with the people under 10,000 sq. ft. lots and they will receive a variance when they can't buy an adjoining lot. If it is not a self imposed hardship they will receive a variance and the fees will be waived.

RD: Wants to prevent anyone being hurt by the rezoning. Can anyone from the Planning Commission look into the Hillside Ordinance and if anyone is effected by the rezoning, not rezone that lot?

J.Johnson: Hillside Ordinance requires an engineered plan.

MK: Hillside Ordinance in that area will be a help to the Town.

J.Johnson: They can still build, but the house may be smaller because of the amount of undisturbed land they would have to leave. To determine which lots are 15-30% will take an engineer. Doesn't think there are that many lots effected.

RD: Appreciate the Planning Commissions work, but have severe thoughts about people buying a lot and not being able to build. Right now there is nobody in a big rush to build and could we delay the decision until water is available.

BR: Can't wait until people are ready to build.

MK: Biggest concern is that we will be developing a hardship for a lot of people. We will not have control with out new building codes. Actually the adjoining lots are the only areas effected by the rezoning. Variances will be given to the 5,000 sq. ft. owners.

J.Johnson: A lot of owners have double lots.

BR: This recommendation for the rezoning passed unanimously at the Planning Commission meeting.

J.Johnson: Mr. Johnson showed the Board of Trustees the maps of Lakeview Heights and Lake Shadows displaying the adjoining lots, individual lots and lots owned by Bill Johnson.

Greg Dobbs and Harold Kline, Planning Commissioners, stated the Planning Commission looked at this area very carefully. They felt the frustration felt by the owners was from not having utilities in the area so they could build, not from the rezoning.

J.Rubenstein: Time is now for the rezoning. If we wait too long development will come in and the Board will not be able to direct what we want.

CA: The area needs to be a very low density. Surveys from citizens are showing they prefer the area be left alone or a very low density. This Council can not tell other Boards what they can or cannot do. Strongly urge variances be granted and fees waived.

MK: The Board cannot dictate to future councils, but we can set up strict codes so we can control the area. We are not solving the problem by rezoning.

BR: We have to make a step.

MK: This is a step backward.

CK: The rezoning is only effecting 6% of the lots.

TRUSTEE DEBLOIS MADE A MOTION TO DENY THE REZONING OF LAKE SHADOWS AND LAKEVIEW HEIGHTS FROM R3 TO R10,000 AND REQUESTS FURTHER STUDY BE DONE ON THE HILLSIDE ORDINANCE AND THEN BE BROUGHT BACK TO THE BOARD NO LATER THAN TWO MONTHS FROM TONIGHT (7-9-92), SECONDED BY TRUSTEE KAZECK. TRUSTEE KAZECK MADE AN AMENDMENT TO THE MOTION

RECORD OF PROCEEDINGS

THAT A STUDY BE DONE ON BUILDING CODES FOR THAT AREA. POLL VOTE:
 NO: TRUSTEES MCDONALD, RUBENSTEIN, ALLEN, RADOSEVICH.
 YES: TRUSTEES KENDRICK, DEBLOIS, KAZECK.

MOTION FAILS.

MAYOR RADOSEVICH MADE A MOTION THAT THE REZONING OF LAKE SHADOWS AND LAKEVIEW HEIGHTS BE APPROVED WITH THE RECOMMENDATIONS OF THE PLANNING COMMISSION WHICH STATES A RECOMMENDATION TO THE BOARD OF ADJUSTMENT THAT VARIANCES BE GRANTED AND THE VARIANCE FEES WAIVED, SECONDED BY TRUSTEE MCDONALD. POLL VOTE:

NO: TRUSTEES KENDRICK, KAZECK, DEBLOIS.

YES: TRUSTEES MCDONALD, RUBENSTEIN, ALLEN, RADOSEVICH.

MOTION PASSES 4-3.

Discussion ensued in regard to possible covenants in the Lake Shadows and Lakeview Heights area and also, the Town as a whole having a local improvement district. Attorney, Debra Kelly, stated no vote would be required, but a hearing would need to be held. Attorney Kelly stated the homeowners can do it by petition or the Town Council can do it by resolution. Attorney Larry Gaddis will inform the Board on these two items at the August meeting.

COMMITTEE REPORTS:

COMMUNITY DEVELOPMENT: Trustee Allen stated the former gun club area needs cleaned up before the bike race July 19th. Trustee McDonald stated she would take care of the problem.

FIRE AND POLICE: Trustee Kendrick stated the Police Dept. has had 33 cases and 7 tickets in June. Trustee Kendrick stated there has been theft in Pinecrest and Glen Pk. areas and extra police surveillance will be added late at night and early morning hours. Chief Rollin Murphy has lifted the fire ban. Trustee Allen asked Trustee Kendrick to check into the fireworks restrictions and inform the council at a later date.

PARK AND RECREATION:

1. Jill Simpson distributed a map showing the course, parking, etc. for the bike race July 19th. Ms. Simpson requested permission from the Board to remove a section of the fence owned by the Town for the race and stated it would be put back up immediately following the race. Consensus of the Board to allow this removal. Ms. Simpson stated approximately 200-250 entrants in the race.

2. August 13th council meeting the Storytelling Festival will be going on at the same time. Ms. Simpson stated a port-a-potty will probably be used however, bathroom facilities may be used in the town hall. Ghost stories will be told so noise may be heard during the meeting.

3. Noxious weed program is going well. Jill went to the State meeting. Jill received congratulations from Commissioner Jim Campbell on the weed program as Palmer Lake has our program implemented and other town's have not. Complete mapping of the town has been done and it is not as bad as previously thought for weeds.

4. Trustee Rubenstein requested Jill be allowed to buy from the Conservation Trust Fund money without first applying for a Request to Purchase form since she is the only person purchasing out of that fund. Trustee Kazeck stated everyone needs to do it if we are to use the Request forms. Trustee DeBlois suggested a contingency fund. Trustee Allen asked if Jill could combine a lot of requests.

RECORD OF PROCEEDINGS

Jill stated a lot of time they don't come all at once. Trustee Kazeck requested Jill fill out the form later when she returns from town with the purchases. Mayor Radosevich requested Jill call the Town Clerk, Pam Meyndert, if the item is expensive.

HALL AND BUILDINGS: Trustee Rubenstein stated a toilet was vandalized in Glen Pk and replaced for \$12. New motion detection lights will be put up around the office and hall. Summer club is not going well for participation. Air Force Academy Coach donated a new drag for the ballfield.

1. Trustee Allen stated the Town Hall phone expense is at 70%. Discussion ensued in regard to removing the phone from the hall. Trustee Rubenstein suggested this be handled in a workshop session. Trustee Allen asked if there are signs for the ballfield showing the direction for parking.

2. Trustee DeBlois stated the mowing was excellent at Centennial Park and could the brush be done along the side of the roads and the cost split with Roads and Park/Rec. Trustee Rubenstein stated he will talk with Jill after the 22nd on this issue and in the meantime John Cameron can give us an estimate.

FINANCE:

1. Trustee Allen stated she is waiting for more information from Larkspur, Hayden & Johnstown to review their business license ordinances. Each town does it differently and it is very confusing. P.Lake does have a peddler and solicitor license fee of \$25. The Town Office is given permission to issue a one day peddler and solicitor license in the amount of \$25. Have Marshal Smith check driver's licenses and form filled out. Business license information will be on the August workshop.

2. Budgeting/Financial Management Workshop is scheduled for 7/17 in Pueblo and 7/23 in Littleton. Anyone interested may attend.

3. All trustees/mayor will receive complete financials each month instead of their own dept.

4. Reminders: Vehicle log reports were due 7-6-92. Goals due by mid-August. Capital equipment, inventory, equip. replacement schedule due end of August. Martin Marietta equip. to existing lists. Thank you to Pam and Jill for mileage records.

5. Would like to begin looking at implementing impact fees. Clerk Meyndert stated Forest View Estates was charged subdivision fees calculated by Larry Gaddis and GMS and perhaps these fees are in place. TRUSTEE ALLEN MADE A MOTION TO HAVE THE PLANNING COMMISSION BEGIN LOOKING INTO IMPACT FEES, SECONDED BY TRUSTEE MCDONALD, ALL AYE, MOTION CARRIED.

6. Telephone Express gave a quote on the 481-2953 phone number. Will think about this possible change. Clerk will give Mayor Radosevich a copy to review.

7. Bike Tour-ride the Rockies: Thank you to town staff/police, etc. for strong positive attitude. \$161 profit from concession sales. Apologize to citizens and businesses for lack of communication announcing the event. Suggest posting that an event is coming up that will effect citizens and businesses in the post office and glass case out front.

RECORD OF PROCEEDINGS

8. Remind the Board that the quarterly budget meetings are important to review the budget. By meeting at 6:30 PM it does not take time away from the regularly scheduled worksession. Please remember in the future to be at the meeting promptly and if not available to call Pam.

ROADS:

1. The roads have been a problem with all the rain and dirt. Crew doing the best we can. Think about a local improvement district. Trustee DeBlois stated he will see if he can get the Army Corps of Engineers at Ft. Carson to survey the town.

2. Parallel parking has been suggested by the Dept. of Hwy along 105.

3. Mayor Radosevich stated the Town of Palmer Lake accepted El Paso County road specs on culverts and asked Debra Kelly if a motion or resolution is needed to enforce the same requirements as the county? Ms. Kelly stated no action is needed. Trustee DeBlois stated the office can supply any citizen with a copy of the specs from the county should a question come up about responsibility of the culvert.

4. Mayor Radosevich informed the Board that the State did not allow the reduction in the speed to 25 mph. on Hwy 105.

WATER:

1. Trustee Kazeck stated the information sheet provided at this meeting on annexation/development is just a question and guideline sheet.

2. Mike Bullock of Case Power Equipment sent a new amortization schedule on the proposed loader/backhoe. Town can save \$1100 by paying monthly rather than annually. Will discuss purchase at budget meetings.

3. Trustee Kazeck and Bobby Schroeder are getting bids for new water lines. New backhoe/loader will be helpful putting in these lines.

CLERK'S REPORT:

1. Rollin Murphy looking into hepatitis shots for the police and fire dept.

2. Consensus of the Board to request a copy of Bill Johnson's file from GMS.

3. An inventory of the equipment for sale will be done shortly and an ad placed in the Tribune to try to sell the old desks, etc.

MAYOR'S REPORT:

1. Trustee Kazeck stated a representative of Cheyenne Mtn. Bank will be at the August workshop to discuss a water line over in Lakeview Heights. Mayor Radosevich stated JJay Swortout is connected with Cheyenne Bank and wants to know if we will go jointly into a line as we did previously with him. Bank has two lots down by the lake and maybe willing to donate to the town. Mayor Radosevich stated he told Mr. Swartout the Board will be

RECORD OF PROCEEDINGS

willing to listen to any representative from the bank.

2. Barry Blackman resigned from the Planning Commission and Mayor Radosevich expressed his appreciation and gratitude to Mr. Blackman for his interest, concern, and involvement with the Planning Commission and the Town of Palmer Lake.

3. PPACG sent a memo from the Urban Area Policy Committee and it has recommended a voting schedule that states an elected official can vote, but not a representative.

4. Forest View Estates Phase II is being paved this weekend. TRUSTEE MCDONALD MADE A MOTION TO LET THE ROAD COMPANY BILL THE TOWN OF PALMER LAKE AND MR. DAVE MILLER WILL REIMBURSE THE TOWN WITHIN TWENTY FOUR HOURS AND MR. MILLER WILL RAISE THE WATER VALVES TO THE TOP OF THE ASPHALT, SECONDED BY TRUSTEE KENDRICK. POLL VOTE: TWO OPPOSED, FOUR IN FAVOR. YES: TRUSTEES MCDONALD KENDRICK, DEBLOIS, KAZECK. NO: TRUSTEES RUBENSTEIN, ALLEN. MOTION CARRIED.

5. Mayor Radosevich asked Trustee Kendrick to check into the water tanks that may be placed at the trailer courts with Bobby Schroeder and Rollin Murphy.

6. Mayor Radosevich reminded everyone to bring their outline of reports to the meetings.

TRUSTEE MCDONALD MADE A MOTION TO ADJOURN, SECONDED BY TRUSTEE KENDRICK, CARRIED UNANIMOUSLY. TIME: 10:35 pm

APPROVED AS WRITTEN OR AMENDED AUGUST 13, 1992.


ROBERT RADOSEVICH, MAYOR


PAM MEYNDERT, TOWN CLERK