



## **BOARD OF TRUSTEES**

**Thursday, September 09, 2021 at 5:00 PM**

Palmer Lake Elementary School Library, Upper Glenway

### **LOCAL LICENSING AUTHORITY**

1. Consider Modification of Premises (Alpine Essentials - Storefront). Mayor Bass convened the licensing authority at 5 PM. Melissa Woodward was present to speak to the modification of the premises, noting requirements of the state for the dispensary and amended use of rooms. MOTION (Stuth, Farr) to approve the modification of the premises as presented. Roll call vote – aye (6); nay (0). Motion passed.

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### **MINUTES**

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**Call to Order.** Mayor Bass called the regular meeting to order at 5:05 PM.

#### **Pledge of Allegiance**

**Roll Call.** Present: Trustees Karen Stuth, Darin Dawson, Jessica Farr, Nicole Currier, Glant Havenar and Mayor Bill Bass. Excused: Trustee Sam Padgett.

#### **Introductions/Presentations**

2. Proclamation for Creek Week. Alli Schuh explained and encouraged involvement in the annual Creek clean up, with over 3,000 volunteers in 11 communities. Palmer Lake Parks Commission is hosting a Creek clean up day on 9/25 at the lake. Mayor Bass presented and read a proclamation for Creek Week 2021.
3. Presentation of 2020 Audit by Green & Associates. Mr. David Green provided the background how the financial audit is conducted and the position of the town, noting that 2020 was much improved in way of controls and policy.
4. Introduce New Business - White Peak Builders LLC. Brad introduced and gave the background to his commercial construction business.

#### **Consent Agenda**

MOTION (Farr, Currier) to approve the consent agenda including items 5) Minutes from August 26, 2021 Meeting and 6) Resolution 41-2021 to Approve Appointment to Parks Commission. Roll call vote – aye (6); nay (0). Motion passed. Lindsey Leiker was introduced as new member to the Parks Commission.

**Staff/Department Reports**

7) Water; 8) Public Works including Roads & Park Maintenance; 9) Police; 10) Fire; 11) Administration were reviewed.

12. Attorney – no report.

13. Administrator/Clerk. Collins provided an update of the ramp project; town hall project; a Winter Festival exhibit the Parks Commission is spearheading to be displayed at DIA October through March; code enforcement activity taking place; Fletchers conditional use activity on the property; beautification to the town electronic sign; completed work of repairing the lake gazebo; informed the Board of email security training; and re-established November meeting dates along with a retreat date of October 15. Bob Radosevich reported on the Elephant Rock property including shutting it down for the winter, ongoing monitoring and the recent break-in to the property.

Owner of White Peak Builders arrived at the meeting and Mayor Bass returned to item 4.

**Public Comment**

Mr. Jason Sanders inquired about any plans to address drainage and shared concern of Upper Glenway and driveway situation. Board members encouraged him to reach out to staff to review.

Mr. Matt Stephens expressed concerns about the Board's last workshop relating to the odor ordinance. His points included – why try to quantify an odor when the code states that odor should not be detectable and requires cannabis establishments to have an odor control plan for licensing; why is a complaint of odor detection dismissed if a citation does not take place; why does *who* makes a complaint matter or diminish the complaint. Board members generally discussed the interpretation of the code for any odor as well as required odor control plans for cannabis establishments.

Mayor Bass read an email about the ongoing use Elite Cranes has on the property as well as inquired about a property with heavy equipment next to the Arts Center on Hwy 105.

**Business Items**

14. Special Event - The 7<sup>th</sup> Annual 2021 Palmer Lake .5K Run (Oct 10<sup>th</sup>). Trustees Dawson and Currier recused themselves from the discussion as members of Awake the Lake and left the room. Cynthia Kuchinsky explained the 7<sup>th</sup> annual .5k fundraising event planned for Sunday, October 10 from 9a until noon, including a modified route to incorporate the pedestrian bridge – beginning on the east side of the lake. It was requested to waive the special event fee. MOTION (Havenar, Farr) to approve the event with waiver of \$100 fee. Roll call vote – aye (3); nay (1 - Stuth); abstain (2). Motion passed. Trustees Dawson and Currier returned to Board seats.

15. Update - Diacut Property Owner on Elite Cranes Move. Bruno Furrer was present to report the status of the Elite Crane move, including property closing scheduled next week, 2-3 weeks to haul dirt and compact to move cranes. Kurt Ehrhardt stated that Elite Cranes is taking advantage of the town and suggested that the Board negotiate a donation to a town organization. Attorney Krob mentioned options that the Board may direct staff to explore. Bruno stated he agrees that it has been a long time but disagrees that Elite Cranes has done nothing. Kurt also mentioned that he negotiated a donation to the town with IREA for the use of his property, next to the Arts Center. Board members determined to consider next steps for Elite Cranes after the 9/15 extension at the next meeting.

16. Resolution 42-2021 to Authorize Filing of 2020 Financial Audit. The financial audit was presented and reviewed earlier by Mr. Green. MOTION (Currier, Havenar) to approve Resolution 42-2021. Roll call vote – aye (6); nay (0). Motion passed.

17. Resolution 43-2021 to Authorize Well Agreements for E-Rock LLC (818 and 820 Meadow Lane). Collins provided information on this item, including the applicant request earlier in the year to consider these two properties at the former fee for a residential well. MOTION (Havenar, Dawson) to approve Resolution 43-2021 approving the well agreements as well as the former fee of \$50 per residential well. Roll call vote – aye (6); nay (0). Motion passed.
18. Resolution 44-2021 to Authorize IGA with Town of Castle Rock (Fire Dept). Chief McCarthy relayed the significance of having the agreement for maintenance on all heavy apparatus and stated the agreement is not exclusive. General discussion about the cost to maintain the engines took place. MOTION (Havenar, Dawson) to approve Resolution 44-2021 for the IGA. Roll call vote – aye (6); nay (0). Motion passed.
19. Update of IREA Electrical Replacement Project. Collins provided an update of the review of the lighting fixtures being replaced and the reduction of the streetlights between intersection lighting. IREA is addressing any potential charge to the town for the modification.
20. Update and Authorize Survey for Pedestrian Bridge - RR Fencing. Collins provided the background of the agreement in place between BNSF and the Town and the push from BNSF to complete the required fencing on both sides of track at least 2 ft on town property. Staff is requesting Board authorization to get a survey completed to see exactly where the fence should be installed pursuant to the agreement. Mr. Jeff Hulsmann offered background of discussion to tie into the existing fencing for the railway. He stated Awake the Lake is planning to fund the installation but questions the placement. Discussion took place about the original plans for the pedestrian bridge project, the completed contract agreement including fencing requirements, and inquiring if the railroad would reconsider the placement. Trustee Dawson suggested, and the Board agreed, to complete the survey to provide staking for an on-site discussion with BNSF to reconsider placement and include Awake the Lake.

**Board Reports.** Trustee Stuth thanked Trustees Havenar and Currier for involvement with follow up meeting Economic Development representatives from Leadville and explained the development of the private corporation, now county wide. Trustees Stuth and Havenar further explained the progress of the town's four pillar lead positions getting filled – needing recreation yet – by citizens (arts, history, food/beverage).

**Next Meeting (September 23) and Future Items.** Due to the CML conference taking place, a workshop will not be scheduled and the regular meeting will begin at 6 PM.

**Convene to Executive Session.** MOTION (Currier, Havenar) to convene to executive session at 7:27 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)(b) – possible annexation. Roll call vote – aye (6); nay (0). Motion passed.

**Reconvene to Open Session & Adjourn.** MOTION (Havenar, Farr) at 7:49 PM. Motion passed.