



BOARD OF TRUSTEES MEETING

Thursday, January 25, 2024 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 6:03 pm.

Pledge of Allegiance. Trustee Farr led the pledge.

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

Consent Agenda. Mayor Pro Tem Stern stated that the December financials will be brought forth to the February meeting. MOTION (Farr, Ehrhardt) to approve the consent agenda including 1) Minutes from January 11, 2024 Meeting; 2) Checks over \$15,000 - Krob Law Office for \$20,965 (Jul-Dec 2023). Roll call vote – aye 4; nay 0. Motion passed.

3. Financials (December 2023) – to be included with the February 8 agenda.

Staff/Department Reports

4. Attorney. Attorney Scott Krob provided comments for the record that the 2022 matter involving Attorney Matt Krob was not discussed with the Board of Trustees or staff. Attorney Krob explained a two-prong analysis for disclosure – 1) if a matter is directly related to the client and 2) if the personal matter will impact/affect the client. Krob Law determined that Attorney Matt Krob's matter was not directly related to the town, nor did it affect legal advice to the town. Attorney Scott Krob stated the first discussion with the town took place in December 2023 and any other inference made is inaccurate. He added that Attorney Matt Krob did not want his personal matter, once in the media, to be a distraction and therefore has stepped away.

5. Administrator/Clerk. Collins reported that two positions were posted to fill, the Accounting Clerk and a Public Works Equipment Operator. She stated that the results of the asbestos testing at Elephant Rock property were positive for seven structures, and estimates will be solicited for abatement and be brought back to the Board. Collins informed the members of multiple broken windows that need attention and will seek quotes to replace them. Lastly, a joint workshop including the Board of Trustees and Planning Commission was requested to hear a concept on February 7 for possible annexation.

Public Hearing. Mayor Pro Tem Stern relayed the process for hearings, noting that item 6 is a hearing for the eligibility of the property to be annexed.

6. Eligibility of Ben Lomand Property to be Annexed (United Congregational Church) -- *Hearing must remain open for one hour, likely to be continued.* Mr. Daniel Madison offered the Board his

background with Manhard Consulting and explained how the petition for annexation meets the eligibility criteria to be annexed to the town. Approximately 180 acres in El Paso County are requested to annex to the jurisdiction of Palmer Lake with the existing 160 acres. Attorney Scott Krob explained the annexation process – 1) annexation petition; 2) eligibility of property for annexation; 3) ordinance to annex and subsequent rezoning. Attorney Krob further reviewed the C.R.S. criteria for eligibility. He stated the required annexation impact report will be forwarded to El Paso County upon completion. It was explained that the hearing is required to be open for a minimum of one hour. At 6:24 pm, Mayor Pro Tem Stern opened the floor to the public. Mr. Roger Moseley stated that the town does not meet the requirements. He referenced various paragraphs stating the town is in violation of not meeting the 25 days, that the town is required to have plans for land use for annexation, and stated concern that the draft annexation agreement does not obligate development for 15 years. Ms. Marty Brodzik referenced C.R.S. and the 2022 Master Plan stating that the town needs to know what is being committed financially as well as a timeline. She also wanted to address the service of County Line Road. Mr. Johan Mour, resident of Colorado Estates, reported there are large trucks on the property and activity atop Ben Lomand Mountain. He expressed a fear of plans changing and having a long-term loss of the mountain. He cautioned the Board about the project. Attorney Scott Krob briefly explained the zoning requirements with annexation. Ms. Meggan Herington, Planning Director for El Paso County, provided comments to the Board as directed by the County Commissioners at their meeting on Tuesday, 1/23, and suggested the report include a traffic study, parks, and the completed report will be scheduled with the Commissioners. Mr. Larry Widow of Colorado Estates stated that he is not opposed to the project but cautioned the Board to do it well. He expressed his concern about fire safety. Mr. Atis Jurka stated that he is not close to the area but has concerns about the impact on the entire town, especially financially, and suggested the Board ask for public input. Ms. Molly Spedding expressed concern about the water supply due to additional wells and asked for a study. Trustee Sam Padgett and Jessica Farr commented that the Board of Trustees will work with the developer for a responsible project and noted benefits of the annexation. Mr. Troy Taylor of Colorado Estates suggested there are different rules. Ms. Catherine McGuire informed members that their comments are not confrontational but concerns from neighboring citizens. Trustee Ball stated that the Board will protect the town and thanked members for their input. Mr. Kane Cotton with Colorado Estates stated that the Town will be a better steward than the County. He stated that he supports the annexation and wants the developer held accountable. Mr. Johan Mour stated he trusts the Town over the County but has concerns about water and inquired about an augmentation plan. Board members commented that private wells are under the authority of the state. Ms. Cyndee Henson stated her concern is the water supply for the remaining town. Ms. Lori VanDerWege expressed her concern about the density, asking why not five acres instead of 2.5 acres, and expressed her concern about the additional cost of resources from the town. Trustee Ball referred to the vision in the Community Master Plan. Mr. Matt Beverly inquired about the public comment policy on the agenda. Mr. Larry Widow cautioned members about Indian artifacts. Mr. Johan asked why Board members were on the defense. Ms. Cyndee Henson explained that she spearheaded Save Ben Lomand for wildlife. Mr. Roger Moseley asked about the impact report. Ms. Marty Brodzik explained the County procedures to the members and referenced the draft annexation agreement noting 80 lots at 2.5 acres. Mr. Larry Widow asked that the agenda expand on the item for public comment, noting the item will likely be continued to the 2/22 meeting. Mr. Dan Madison responded that he believes the petition for annexation meets the eligibility criteria. He confirmed the applicant wants a project that works well for the town. He reiterated that there are no site plans developed at this time and many of the concerns will be

addressed through that process. Attorney Krob noted for the record that the hearing opened at approximately 6:26 pm. Mayor Pro Tem Stern continued with the agenda items.

7. Application for Conditional Use in C2 Zone, Landscape Yard (Greater Grounds) - 650 Illumination Point -- **Hearing Continued (March)**. Collins informed the Board that this hearing was continued by the Planning Commission until March 20, 2024. MOTION (Farr, Padgett) to continue the hearing until the March 28 Board meeting. Roll call vote – aye 5; nay 0. Motion passed.

8. Application for Vacation of Undeveloped Right of Way - Petite Ave (Akers). Mr. Brad Akers, resident at Petite Ave., presented his request to vacate Petite Ave., noting the Community Master Plan to preserve areas. He stated that Petite is an undeveloped right of way that is not wide enough and too steep for development. Mayor Pro Tem Stern opened the hearing for comment. Mr. Dave Sanchez owns Block 52 and stated he is exploring the area to get access to his property beyond Mr. Akers. Mr. Jim Brinkman stated he is conducting survey work to locate right of way for the best access. Ms. Claudia Beltran reviewed her handout of the limitations of Petite as a developed roadway. She stated she is in favor of the vacation request but realizes that this right of way does not meet the standards. Mr. Akers restated that lots beyond Petite are not feasible to service. Mayor Pro Tem Stern inquired about sending this item back to the Planning Commission for more information on the Sanchez property. Attorney Krob responded that the Commission denied the request thereby supporting the opposition by Mr. Sanchez. Mr. Akers appealed the denial of the Planning Commission, desiring to keep Petite natural. Attorney Krob stated the criteria to consider for possible use in the future and explained the Board should consider the Ordinance if approving the request or the Resolution if denying the request. Mayor Pro Tem Stern closed the hearing.

Business Items

9. Ordinance 2 / Resolution 14 Relating to Vacation of Undeveloped ROW Petite Ave (Akers). MOTION (Ball, Farr) to approve Resolution 14-2024 to deny the vacation of Petite. Roll call vote – aye 5; nay 0. Motion passed.

Attorney Krob suggested that the Board return to the hearing for eligibility of the Ben Lomand property to be annexed at about 7:30 pm. No other public member spoke about the item. MOTION (Farr, Padgett) to continue the hearing to the February 22 Board meeting. Roll call vote – aye 5; nay 0. Motion passed.

Mayor Pro Tem Stern asked to take item 13 next.

13. Consider Timeline for Conditions Required for TLCA Conditional Use (The Movement Church). Collins explained how the conditions were unable to be met without additional consideration and asked Fire Chief Vincent to explain his activity to date relating to the fire inspection and required plans to move through Pikes Peak Regional Building (PPRBD) for an inspection and for a certificate of occupancy (CO). Mr. John Cressman was present representing The Movement Church and stated that Mr. Maddox of the TLCA is progressing with the plans. A former outstanding permit was reopened to be completed. Mr. Cressman stated that as-built plans with existing walls, etc., with engineer stamped drawings will have to satisfy PPRBD but could not state how much time is needed. He stated that TLCA is committed to correcting issues. Chief Vincent stated that he needs a CO. Trustee Ball expressed concern of life safety. Trustee Farr stated that this puts the Board in a difficult position. Attorney Scott Krob offered the Board his legal opinion – a building without a CO is unsafe and, from a legal liability, suggested the Board follow the lead of the Fire Chief. Mr. Roger Moseley asked about a mystery

meeting in which he stated the Pastor (tenants) were told that it was okay to meet. Trustee Ehrhardt explained his smile because some issues are inherited. MOTION (Padgett, Ball) to close the Tri-Lakes Center for the Arts (TLCA) to the public until the Fire Chief is provided the information that he needs to complete a full inspection and a CO issued. Roll call vote – aye 3; nay 2 (Farr, Stern). Motion passed.

10. Resolution 9-2024 to Approve MOU with Awake Palmer Lake for Pickleball Courts and Public Restroom. Attorney Krob reviewed the revision in the Memo of Understanding about the donation to the town for the water line and release of liability, except through construction. Discussion about the \$20,000 figure took place. Ms. Marty Brodzik asked if something happens who will bear the cost for the water repair. Mr. Matt Beverly inquired about the cost to repair courts if the line is replaced. Collins restated that the Water Dept recommendation was to install courts over the line, being nearly new and, if needed, to cap and relocate the line. Board members suggested getting an estimate from Supervisor Orcutt. MOTION (Farr, Padgett) to table until the next February meeting. Roll call vote – aye 5; nay 0. Motion passed.

11. Resolution 11-2024 to Adopt Revisions to the Employee Handbook. Collins explained the amendment to section 1.2 and stated that revision of the harassment language was provided by Employers Council, also impacting the anti-harassment policy. She requested Board consideration of the current version and will bring the amended harassment language and policy back to the Board at the next meeting. MOTION (Padgett, Ball) to approve Resolution 11-2024 to adopt revisions to the employee handbook as presented. Roll call vote – aye 4; nay 1 (Farr). Motion passed.

12. Resolution 12-2024 to Adopt Policy for Public Comment at Town Meetings. Attorney Scott Krob explained the control of public comment without hampering public rights. Mr. Roger Moseley stated that the public should not be limited to three minutes for items on the agenda. It was noted that there are other means to accept comment, and Mayor Pro Tem Stern confirmed with Attorney Krob that the Board may extend time as desired. MOTION (Farr, Ball) to approve Resolution 12-2024. Roll call vote – aye 5; nay 0. Motion passed.

14. Authorize Mayor to Sign a Letter of Support for EMS Grant Application - AEDs for Fire. Trustee Ball explained the grant she is working on for the Fire Dept and five AED (automated electronic defibrillator) life packs. Chief Vincent stated the existing AEDs will be placed in other public buildings. MOTION (Ehrhardt, Ball) to authorize Mayor Havenar to sign a letter of support for the grant. Roll call vote – aye 5; nay 0. Motion passed.

15. Resolution 13-2024 Regarding Eligibility of Ben Lomand Property for Annexation (United Congregational Church). MOTION (Padgett, Farr) to continue consideration of the Resolution to the February 22 meeting. Roll call vote – aye 5; nay 0. Motion passed.

Public Comment

Ms. Catherine McGuire asked about the vote to close the TLCA. It was restated the vote resulted in 3-2 to close the TLCA. Mr. Atis Jurka commended the trail activity and inquired about the asbestos identified in cabins.

Board Reports

Trustee Ball reported her attendance at RETAC (Regional Emergency Medical and Trauma Services Advisory Councils) meetings and an upcoming impact to AMR being required to provide blood on scene. She referenced multiple classes coming up.

Trustee Ehrhardt stated that the Parks Commission held a successful Winterfest Broomball event.

Mayor Pro Tem Stern stated that he attended the PPRBD meeting and heard a presentation from the El Paso County development department identifying continued growth to the area.

Next Meeting (2/2 Retreat; 2/7 Workshop; 2/8 Meeting) and Future Items

Convene to Executive Session. Attorney Scott Krob read for the record - 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) – sale of town property. The second portion of the executive session will not take place nor will action follow. *[for conference with Town Attorney for the purpose of receiving legal advice under C.R.S. 24-6-402(4)(b) - PD complaint].*

MOTION (Padgett, Farr) to convene to executive session at about 8:30 pm. Roll call vote – aye 5; nay 0. Motion passed.

Reconvene to Open Session. MOTION (Padgett, Ball) to reconvene to the open session at 9:35 pm. Roll call vote – aye 5; nay 0. Motion passed.

Adjourn. MOTON (Farr, Padgett) to adjourn at 9:35 pm. Motion passed.

Mayor Pro Tem Dennis Stern

ATTEST: Dawn A. Collins, Town Clerk