



## **BOARD OF TRUSTEES MEETING**

**Thursday, January 12, 2023 at 5:00 PM**

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

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### **MINUTES**

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**Call to Order – Licensing Authority.** Mayor Havenar called the meeting to order at 5:03 pm.

Present: Jessica Farr, Shana Ball, Kevin Dreher, Sam Padgett, Dennis Stern, Glant Havenar. Mayor Havenar announced the resignation of Karen Stuth from the Board of Trustees and invited applications for appointment due by 2/6 to the town office.

1. Application for Retail MJ Store - Alpine Essentials LLC (850 Commercial Ln).

Melissa Woodward addressed the Board for application of retail marijuana store for Alpine Essentials. She explained the additional parking they will provide, including an added 16 spaces on the east side keeping a 22-foot setback at Circle and additional 17 along the driveway. She stated they want to keep the Commercial Ln ROW private with a stop sign at Circle. The Board and applicant reviewed various options if traffic became an issue. Options identified were to develop Commercial Ln from Circle to Meadow, to improve the intersection at Circle and Hwy 105 with an added right turn lane, to potentially add parking if needed, to monitor the activity and possibly conduct a traffic study within six months. It was suggested to review the matter within six months of opening unless issues are observed earlier. Alpine Essentials is committed to addressing traffic issues immediately with staff directing traffic off the private property as needed. Brenda (HR, Alpine Essentials) provided her background with traffic engineering and offered information on a traffic study to benefit the entire area along Hwy 105, noting an approximate cost for a study of \$8000. Mayor Havenar opened the floor to the public. Mr. Gary Atkins provided background on the property, the commercial activity being primarily wholesale with little traffic impact, his concerns about the increased traffic to the residential area of 37 homes. He suggested the Board consider the IFC code that notes more than 30 residential structures should have additional access, which this neighborhood does not. He agreed that Commercial Lane should be developed through from Circle to Meadow. Mr. Larry Enncuyn expressed his concern about one access for the neighborhood, suggesting widening the poor intersection from Circle onto Hwy 105, and suggested a second access. Mr. Stan Berkenkotter, landowner of 850 Commercial, stated that Alpine is only adding one more product and does not anticipate any traffic issues. He also noted there is another lot he may develop in the future, and he agreed that signs could help direct traffic. Ms. Dee Banta stated with the amount of revenue that is being expected that the Board should expect additional traffic. Mr. Matt Stephen suggested the Board consider no on-street parking in the neighborhood. Attorney Scott Krob noted that resident only parking permits may be issued. Ms. Barb Dalrymple suggested the Board have a traffic count conducted to see what happens. Melissa

Woodward stated they want to avoid on-street parking by providing ample parking and may continue fencing. Discussion took place about high traffic times – primarily after 4 pm.

Mayor Havenar suggested the Board hear the second application and act following both hearings.

2. Application for Retail MJ Store - Dead Flowers LLC (855 Hwy 105).

Mr. Dino Salvatori stated he has plenty of parking, nearly 90 spaces, and offered employee or overflow parking at his lot. Discussion took place about his plan for odor control. Dino explained that he has not been operating the grow for some time and he still received complaints suggesting it may be nearby coffee roasting. Mr. Gary Atkins stated that you cannot deny the marijuana odor when driving by. Mr. Matt Stephen inquired about the municipal code noting that no odor was to be made outside the property. Dino inquired what is reasonable and, if there is an issue, the odor should be measured and monitored. Ms. Barb Dalrymple asked if anyone had been to Greeley. Larry Enncuyn offered background experience with grow odor and inquired about signs. Dino shared a picture of his logo, provided a summary of stores with the name cannabis, and suggested the town amend the code limiting content. He commented that the state has no issue with content and his sign size is planned to be 6x6 ft on the structure and backlit to see the color at dark.

Melissa Woodward addressed the Board about their Alpine signs using “dispensary” to effectively direct visitors. She asked that they work with the Planning Commission to review the sign code.

MOTION (Farr, Ball) to approve the license for each location and revisit the traffic impact in six months (by August 1). Roll call vote – aye 6; nay 0. Motion passed. MOTION (Farr, Ball) to amend the approval to address any traffic issues sooner if needed. Roll call vote – aye 6; nay 0. Motion passed.

Mayor Havenar suggested a five-minute recess and called the regular meeting to order at 6:54 pm.

**Roll Call.** Present: Trustees Jessica Farr, Shana Ball, Kevin Dreher, Sam Padgett, Dennis Stern, and Mayor Glant Havenar.

### **Pledge of Allegiance**

### **Presentations**

3. Certificate of Appreciation - Mr. Gary Atkins. Mayor Havenar presented a certificate of appreciation to Mr. Gary Atkins for his attention and care for town hall over the holidays while the furnace stopped working.

4. Proclamation Recognizing Martin Luther King, Jr., Day. Mayor Havenar read the proclamation to recognize MLK day.

Mayor Havenar took the Oath of Office with item 16 next. Chief Vanderpool administered the oath of office for newly hired Officer Stafon Stevens with PLPD.

### **Consent Agenda**

Mayor Havenar mentioned the list of items in the consent agenda and congratulated re-appointed members. MOTION (Farr, Dreher) to approve the consent agenda including the following 5) Minutes from December 8, 2022 Meeting; 6) Minutes from Special Meeting on December 15, 2022; 7) Checks over \$15,000 - Krob Law, CIRSA, GMS, Miller Timber; 8) Resolution 1-2023 to Designate Posting Locations for Public Notice; 9) Resolution 2-2023 to Appoint Town Officers; 10) Resolution 3-2023 to Approve Re-Appointment(s) to Planning Commission; 11) Resolution 4-2023 to Approve Appointments

to Parks Commission; 12) Resolution 5-2023 to Approve Appointment to Pikes Peak Area Council of Government (PPACG); 13) Resolution 6-2023 to Approve Citizen Appointment to CAC. Roll call vote – aye 6; nay 0. Motion passed.

### **Staff/Department Reports**

14) Water; 15) Public Works including Roads, Park Maintenance and Parks Commission Volunteer Hours; 16) Police - Introduction (Oath) of Officer Stevens (taken earlier);

17. Fire – Interim Chief Vincent addressed the Board about the copy of a new incident and call report provided and pointed out the call response turnout time – national standard of 6-8 minutes while PLFD has an average of 0:01:03 for calls. Mayor Havenar suggested adding this report to the town website to acknowledge the Fire Dept.

18. Administration

19. Attorney – Scott Krob introduced himself noting that he is filling in for Attorney Matthew Krob and that all of their services are available to the town.

20. Administrator/Clerk – Collins reported that the town workers compensation experience modification is decreased from 2.27 in 2022 to 1.79 in 2023, resulting in a reduction of over \$12,000 in 2023. Appreciation was offered to all town staff. Mr. Kenton McCurry is a new apprentice with the Water Department. Collins inquired about follow up on the prior meeting public comment about the fencing being screened on the Diacut property. Board consensus was not to pursue anything with Hayco with a temporary conditional use. Collins reviewed the upcoming master plan implementation activity with CMI, including an official zoning map, a cost reimbursement agreement for development review, a high-level diagnosis of the land use codes working with the Planning Commission, and offer of illustrations for the proposed amended sign code. Collins inquired about moving forward to replace the door frame at the library for a not to exceed \$8000 quote from TN Parker. Trustee Stern asked about a second quote. Collins noted this was follow up to the replacement of gutters to alleviate water issues but will work on a second quote. Collins stated quotes will also be collected to replace broken windows in the Firehouse and town hall kitchen. Collins asked for Board permission for the sponsors of the Valentine Dance to use décor from the elephant rock property. The ad to hire the Fire Chief is being prepared to collect applications by February 13 and a panel will be assembled for interviews. Collins will collect additional information for a Board representative with Awake Palmer Lake.

### **Public Hearing**

21. Application for Vacation and Replat - 113 Highland Rd. Mr. Larry Stromer made his request. The Planning Commission unanimously recommended approval of the replat. No person spoke for or against the replat application. Mayor Havenar closed the hearing.

### **Business Items**

22. Resolution 9-2023 to Approve Vacation and Replat - 113 Highland Road. MOTION (Padgett, Farr) to approve Resolution 9-2023 to approve the replat. Roll call vote – aye 6; nay 0. Motion passed.

23. Resolution 12-2023 to Extend Land Use Permit (420 Hwy 105, Brenneman). Collins noted that Mr. Brenneman was unable to attend, and the year was spent working through issues to get his well permit with the state. MOTION (Farr, Ball) to approve Resolution 12-2023 to extend the land use permit for 12 months. Roll call vote – aye 6; nay 0. Motion passed.

24. Resolution 10-2023 to Authorize Application for Finding of Reasonable Diligence - Palmer Lake Monument Creek Exchange. Mr. Matt Stephen requested background. Attorney Scott Krob explained the requirement every six years to show due diligence on the conditional water right for the alluvial well. MOTION (Farr, Padgett) to approve Resolution 10-2023 to authorize the application. Roll call vote – aye 6; nay 0. Motion passed.
25. Resolution 13-2023 to Set a Different Increase to Water Tap Fee and Rate for the Town. Collins provided the background to the discussions about setting two water rates to the intended rate, with an increase to 7% this year. Collins also explained the change of the original secured party to conduct the water analysis at no charge to the town. Staff reported two options to conduct the analysis, less than \$10,000, and recommend moving forward with the analysis, covering the work from Administration funds. Roger Moseley requested the Board consider doing an in-house budget review and pointed out that 10% of the base rate for capital improvement will not be enough to save. MOTION (Ball, Dreher) to approve Resolution 13-2023 setting the increase. Roll call vote – aye 4; nay 2 (Farr, Padgett). Motion passed. Board also provided direction to move forward with the more comprehensive analysis to be completed soonest. A service agreement will come back to the Board.
26. Resolution 11-2023 to Adopt the 2023 Town Master Fee Schedule. Collins noted the water rates are appropriately reflected in the fee schedule. Mayor Havenar stated these can be adjusted at any time. MOTION (Ball, Dreher) to approve Resolution 11-2023 adopting the 2023 Master Fee Schedule. Roll call vote – aye 5; nay 1 (Farr). Motion passed.
27. Resolution 7-2023 to Approve Appointments to Board of Adjustment. Mayor Havenar spoke to the enjoyment of serving on the BOA. Mr. Bob Radosevich and Kevin Dreher were congratulated for their new appointments. MOTION (Havenar, Stern) to approve Resolution 7-2023 for BOA appointments. Roll call vote – aye 6; nay 0. Motion passed.
28. Resolution 8-2023 to Approve Appointment to Pikes Peak Regional Building Department (PPRBD). Trustee Dennis Stern is appointed to the PPRBD advisory committee. MOTION (Ball, Dreher) to approve Resolution 8-2023 for the PPRBD appointment. Roll call vote – aye 6; nay 0. Motion passed.
29. Emergency Ordinance 1-2023 to Amend Moratorium on Sign Code. Discussion took place about the two blanks requiring Board consideration – size of sign and days to comply – and the sign code being content neutral and the process with final sign code. MOTION (Havenar, Ball) to approve Ordinance 1-2023 to amend the code with the addition of 40 square feet and compliance in 60 days. Roll call vote – aye 6; nay 0. Motion passed.
30. Ordinance 2-2023 to Amend Section 3.24 Retail MJ Excise Tax. Discussion took place about gathering more information on this item. Ms. Melissa Woodward inquired about the original ballot language and reviewing with staff. MOTION (Farr, Stern) to table to the next meeting for more information. Roll call vote – aye 5; nay 0. Motion passed. Mayor Havenar noted for the record that Trustee Ball left the meeting for a brief period (8p).
31. Initiate Termination of the IGA with Tri-lakes Fire District. Interim Chief Vincent provided background on the request to terminate the IGA with Tri-lakes (Monument) Fire. It requires 90-day notice to term and Chief Vincent stated the IGA acts the same as mutual aid except that we pay for each call. MOTION (Farr, Padgett) to terminate. Roll call vote – aye 5; nay 0. Motion passed.
32. Review/Distribute Draft of the Revised Employee Handbook. Collins highlighted a few of the changes and requested that Board members reach out with specific questions.

**Public Comment**

Mr. Gene Kalesti addressed the Board about the Parks Commission initiative to create parkland at the elephant rock property and mentioned the abundance of volunteers stepping forward to support the development of connecting trails. Mr. Roger Moseley expressed his support for the plan as well as his concern about the cost to the town to maintain four buildings.

**Board Reports**

Trustee Stern explained his endorsement of Mayor Havenar's nomination to the CML Board. MOTION (Stern, Farr) to support the nomination submitted. Roll call vote – aye 5; nay 0. Motion passed.

Trustee Dreher expressed his appreciation to PD for the ride along he did on New Year's Eve. Mayor Havenar offered kudos to Kevin and to PD for the support given to her son in an accident.

Mayor Havenar recapped her attendance to PPACG, with a new board and mentioned the involved discussion of ozone regulations. Mayor Havenar also attended the El Paso County swearing in.

Trustee Ball returned to the meeting at 8:15 pm.

**Next Meeting (1/19 workshop; 1/26 meeting) and Future Items**

**Convene to Executive Session.** 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 agreement(s) for elephant rock property; water service request; PD personnel complaint. MOTION (Farr, Ball) to convene to executive session at 8:20 pm. Roll call vote – aye 6; nay 0. Motion passed.

**Reconvene to Open Session.** MOTION (Farr, Ball) to reconvene to open at 9:53 pm. Roll call vote – aye 6; nay 0. Motion passed.

**Adjourn.** The meeting was adjourned at 9:55 pm.

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Glant Havenar, Mayor

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ATTEST: Dawn A. Collins, Town Clerk