



## **BOARD OF TRUSTEES MEETING**

**Thursday, July 27, 2023 at 6:00 PM**

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

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### **MINUTES**

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**Call to Order & Roll Call.** Mayor called the meeting to order at 5 pm. Present: Mayor Glant Havenar; Trustees Shana Ball, Kevin Dreher, Sam Padgett, Jessica Farr, Dennis Stern. Excused: Trustee Nick Ehrhardt.

**Convene to Executive Session.** MOTION (Ball, Padgett) to convene to executive session. Roll call vote – aye 6; nay 0. Motion passed. 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) – LOI Norris Hay Ranch.

**Reconvene to Open Session.** MOTION (Ball, Dreher) to reconvene to open session at 5:20 pm. Roll call vote – aye 6; nay 0. Motion passed. The doors were opened, and a recess taken until 6 pm.

**Roll Call.** Mayor Havenar called the regular meeting to order at 6:03 pm. Same present.

#### **Pledge of Allegiance**

#### **Presentation**

1. Recognize Volunteers Jimmy Zelones and Tyson Reese, Focus on the Forest. Mayor presented certificates of appreciation to volunteers Jimmy and Tyson, with representative Sean, with Focus on the Forest for the dedicated efforts removing graffiti from town property.

#### **Consent Agenda**

MOTION (Farr, Ball) to approve the consent agenda including 2) Minutes from July 13, 2023, Meeting; 3) Checks over \$15,000 - Green & Associates, Fromm & Company, Dukes Electric, CIRSA; 4) Check Batch from 4/30/2022; and 5) Financials (June). Roll call vote – aye 6; nay 0. Motion passed.

#### **Staff/Department Reports**

6. Attorney – none.
7. Administrator/Clerk. Collins thanked Shield 616 for equipping the Fire and Police department with angel armor. An update on the water line replacement at Buena Vista was given and the road improvement project planned for westward is postponed due to weather. A concept was submitted for a multi-use field for a GOCO community impact grant. It is anticipated to learn the outcome the second week of August. Collins thanked the Parks Commission, especially Cindy Powell and Reid Wiecks. TN Parker resealed the library entrance doorframe and in coming weeks, quotes will be sought for dry wall repair in the museum and possible exterior work of siding and dirt work. Collins reported that Fromm Accounting provided notice to terminate accounting service effective August 23 and interim and long-term plans are being explored. Collins responded to a public comment from the last Board meeting, accusing staff of misusing ARPA funds. Collins referenced the recent audit of 2022

financials in which ARPA funds are reviewed as well as the course of events between staff and the state for the use of funds. It is reported to the state how funds are used for water infrastructure improvement, specifically the emergency water interconnect with Monument; the redrill of the D2 well; water line replacement/upgrade; water treatment technology upgrades. She stated there is no misuse of ARPA funds.

### Public Hearing

8. Application for Minor Subdivision - Rock Ridge Reserve. Mr. Scott Phillips introduced himself and his request to subdivide his Rockridge property into three parcels, one larger lot that he will remain on and two additional to develop, all within the zoning regulations. Trustee Ball asked about fire mitigation and Mr. Phillips stated he performs mitigation. Trustee Padgett inquired about public parking for the trail use to the US Forest and Mr. Phillips described that it is something a resident gets accustomed to. No other person spoke for or against the subdivision request. Mayor closed the hearing.

9. Application to Reconsider a Conditional Use Permit for Mixed Use at 56 Hwy 105. Ms. Syliva Amos approached the Board requesting that her conditional use, granted in 2019 for mixed use of residential and commercial, be reconsidered to remove the condition that limits the structure to two stories. Ms. Amos provided the background to her project, the decision of the Board of Trustees in 2019 and the delay of her project as well as not fitting her purpose for the development providing smaller affordable dwelling units above the commercial space.

Mr. Mike Richards expressed concern about egress and access and the speed of additional traffic on Hwy 105. Attorney Krob reminded members that this is a review of the use not of the development plans. Ms. Sue Richards expressed concern about density in the area and prefer it elsewhere. Mr. Gordon Roberts expressed concern about overall height and living conditions including trash bins, and concern about vacant retail space with turnover, noting that all the pavement will be used for parking. Ms. Patty Mettler stated that she supports the neighborhood concerns raised. Mr. Tony Mamos stated that parking will be in his backyard, and he agrees with the same concerns. Ms. Amos spoke about her preliminary discussions with CDOT, and that access did not seem to be an issue. Mayor Havenar noted that this property is zoned commercial, and a commercial structure could go up without any issue meeting code regulations. Ms. Amos talked about studio size living and affordable rent, having conducted a study a few years ago to learn what development will be best suited for the space. Trustee Ball stated that this plan meets the goals of the Community Master Plan for the downtown area. Ms. Claudia Dimidik stated that she supports the project based on the public feedback when discussing the town's master plan. Mr. Mike Richards asked about the number of units that will be built. Attorney Krob reiterated that the item before the Board is the use for the property not the development plans. Trustee Stern noted the sketch is a general concept at this time. Ms. Patty Mettler stated that she is not in favor of residents next to her property and would prefer commercial only. Mayor Havenar closed the hearing.

### Business Items

10. Resolution 49-2023 to Approve Minor Subdivision Rock Ridge Reserve (Phillips). MOTION (Farr, Padgett) to approve Resolution 49-2023 for the minor subdivision of Rock Ridge Reserve. Roll call vote – aye 6; nay 0. Motion passed.
11. Resolution 50-2023 to Approve a Conditional Use Permit, 56 Hwy 105 (Amos). – MOTION (Ball, Padgett) to approve Resolution 50-2023 as presented for conditional use. Roll call vote – aye 5; nay 1 (Dreher). Motion passed. Conditions included: allow three stories; allow a maximum building height of 32 feet contingent upon an approved variance by the Board of Adjustment (current building height is 30 feet); preliminary site plan review by Planning Commission; and construction of a sidewalk at front of building (along Hwy 105).
12. Resolution 51-2023 to Accept Addendum No. 1 to PER for Water System Improvements. Collins provided background of the addendum to the Preliminary Engineering Report previously accepted. MOTION (Padgett, Ball) to approve Resolution 51-2023 accepting the addendum. Roll call vote – aye 6; nay 0. Motion passed.

13. Resolution 53-2023 to Approve IGA with Monument Fire. Mayor Havenar mentioned the ongoing discussion of the revised IGA for emergency transport from Monument Fire District. Mr. Matt Stephens inquired if fees will be on the town's master fee schedule and Collins responded that this is an agreement with a cost to the town not a fee to residents. MOTION (Ball, Stern) to approve Resolution 53-2023 as drafted. Roll call vote – aye 6; nay 0. Motion passed.

14. Resolution 54-2023 to Consider Amended Water Rate Structure. Discussion took place about the previous water rate discussions and the annual increase. Trustee Padgett inquired about the length of the increase at 5% and suggested language be added to end or review it. Attorney Krob suggested "sunset" language. Discussion of the rates and length of the plan took place. MOTION (Padgett, Ball) to approve Resolution 54-2023 with the addition of sunset language by 2029. Roll call vote – aye 5; nay 1 (Farr). Motion passed.

15. Discussion/Direction for Ordinance Prohibiting RV on Public & Private Property. Trustee Padgett referenced the questions offered by Attorney Krob and reviewed one at a time for Board member responses relating to private property storage and use of RVs. Mr. Mike Richards inquired about power. Ms. Cindy Henson asked who will monitor and regulate the RVs. Mr. Mike Richards commented about the use of water. Mr. Franco Pisani suggested that the ordinance include specific language that a water tank be filled by garden hose but must drive to empty gray water appropriately. Discussion about RVs on vacant property took place. Mr. Tony Beltran inquired about the length of time and use of generators. It was discussed to have a starting place that could be amended but not allow accessory dwelling units. Ms. Amy Hutson asked about parking on roadways to load/unload, which was supported by the Board. Trustee Ball stated that an RV should not be a permanent accessory dwelling. Mr. Mike Richards asked about the quantity of RVs to be stored and inquired if the Board would allow adding tiny homes for affordable living in town. It was noted that topic could be for Planning Commission. Discussion took place about storage vs use. Mr. Matt Stephens suggested members consider an annual limit of use per calendar year. Attorney Krob will craft a draft ordinance based on discussion.

16. Discussion/Direction on Elephant Rock & Master Plan Ideas. Mayor explained the progress and decisions made for the elephant rock property, including lease agreements for Willans for the eco spa and amphitheater area; Paravicini use of the main building area for the wedding/event venue; future park and open space; and a possible public safety facility. Discussion took place about the overall vision. Trustee Farr thanked all parties who contributed ideas and great concepts to consider and stated these few are all that the master plan will consider. She stated the Board has discussed it enough to determine that the cabins and one long building will be removed. Ms. Jina Brenneman shared comments from Rebecca Duke with the Board noting that a master plan is required by town code and that Board members represent stakeholders. Ms. Brenneman asked that the Board proceed with vision and not fear, and she suggested the property be put in a conservation trust to receive funds if the town needs money. Mayor Havenar stated she did not believe the town needed a trust being that the town owns the property but will investigate the trust. Mr. Richard Willan offered to rebuild/refurbish the cabins if they were part of their lease to rent. Discussion took place about long term maintenance and management of additional structures. Ms. Brenneman asked members why they want to tear down something historical. Ms. Sue Richards stated that she prefers the open space. Mr. Mike Richards recollected that the church planned to condemn and remove them long ago. Ms. Rebecca Albright approached the Board about her idea and stated that it is unfortunate to not consider the creative proposals. Ms. Julie Woodward expressed appreciation that Board members be considering the Epworth and Shady residents in the decision. Trustee Ball inquired about the feasibility of a public safety facility. Collins stated that the topic will be raised with the upcoming budget planning.

**Public Comment.** Mr. Tony Beltran spoke on behalf of Steve Beebe, who had to leave, to thank the water and roads department personnel for the work on a water break.

**Board Reports.** Trustee Ball reported attending an informative citizens academy and summarized the working meeting of various agencies participating in information meetings for the Pike-San Isabel National Forest Shared Stewardship. The board consented to her participating and to invite Fire Chief John Vincent.

**Next Meeting (August 2 Workshop; August 10) and Future Items.** Discussion took place about the 8/2 workshop, and it was agreed to cancel it. The next meeting was confirmed as 8/10.

**Adjourn.** MOTION (Dreher, Padgett) to adjourn at 8:35 pm. Motion passed.



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Mayor Grant Havenar



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ATTEST: Dawn A. Collins, Town Clerk