



## **BOARD OF TRUSTEES MEETING- SPECIAL MEETING**

**Thursday, October 02, 2025 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 – 6:00 PM** Present – Mayor Dennis Stern, Trustees Atis Jurka, Amy Hutson, Beth Harris, Roger Moseley, Tim Caves, and Mike Boyett.

**Pledge of Allegiance**

**Public Hearing – None**

**Business Item -**

1. Legal Memo - Town Attorney Scott Krob briefed the Board on a legal memo provided earlier in the week concerning the applicant's request to proceed with an annexation election. He explained that the memo did not include a formal analysis or recommendation due to Colorado Open Meetings Law restrictions, noting that detailed discussion must occur in public sessions. Attorney Krob advised that proceeding with an immediate decision could expose the Town to potential legal risk. He explained the distinction between the Planning Commission's quasi-judicial process (which has concluded) and the Board of Trustees' legislative role in determining whether to move forward with an annexation election in accordance with the recently adopted citizen initiative.

**Points of Order:**

- Kat Gayle spoke regarding the timing of the Planning Commission hearing, noting that opening the hearing initiates a quasi-judicial process that should be completed prior to an election. She stated that the Board retains the authority to overturn decisions from the Planning Commission. Ms. Gayle challenged the interpretation of the process with Attorney Krob, asserting that the ordinance pertains specifically to annexation itself—not to negotiations or rezoning. She expressed that rezoning should be considered separately and only after the annexation vote takes place.
- Martha Brodzik raised a point of order regarding whether the proposed ordinance was in effect, citing concerns that statutory deadlines had not been met. Attorney Krob clarified that her comment did not meet the criteria for a point of order.
- Attorney Krob further explained that the initiative ordinance requires voter approval for annexations and that the applicant's request falls within that framework. He noted that the applicant has the legal right to request an unbiased election and that election costs would be the applicant's responsibility.

- Additional discussion occurred regarding the Poundstone decision, the Town's Master Plan, and the sequence of annexation and rezoning steps.
- David Parks issued a point of order comment revolved around why Buc-ees is pushing to go to an election when that was not how it was supposed to go.

**Board Discussion:**

- Trustee Harris expressed concern about ensuring that voters understand the annexation question clearly on the ballot and that zoning matters remain separate.
- Trustee Jurka stated his belief that the proposal does not align with the Town's Master Plan and emphasized the importance of voter clarity before an election is held.
- Trustees discussed timing, election costs, and administrative impact. Attorney Krob confirmed that a special election would be funded by the applicant and not by the Town.
- Motion (Harris/Moseley) to defer the applicant portion of the agenda to indefinite point in the future until the quasi-judicial process is complete. Roll call vote.
  - Yes – Caves, Hutson, Boyett, Stern
  - No – Jurka, Harris, Moseley
  - Motion failed, 3-4.
- Motion (Caves/Hutson) to grant the applicant's request to proceed with a special election on the annexation proposal consistent with the citizen-initiated ordinance. Motion was amended by Caves to set the annexation election to February 5, 2026.
  - Discussion: Trustees debated timing, language, and compliance with the ordinance. The proposed date for the special election was February 5, 2026.
  - Roll Call Vote:
    - Yes – Caves, Hutson, Boyett, Stern
    - No – Jurka, Harris, Moseley
    - Motion Passed, 4-3.

**Conclusion:**

The Board approved moving forward with a special election for the proposed annexation. Election costs will be borne by the applicant.

**Public Comment** – No Public Comment

**Convene to Executive Session** – No Executive Session

**Adjourn** – Motion (Caves, Hutson) Adjourned at 7:10PM

- Roll Call Vote:
  - Yes – Caves, Hutson, Boyett, Stern
  - No – Jurka, Harris, Moseley
  - Motion Passed, 4-3



Town Clerk- Erica N. Romero



Mayor- Dennis Stern