



## BOARD OF TRUSTEES MEETING

Thursday, February 23, 2023 at 5:00 PM

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

---

### MINUTES

---

**Call to Order.** Mayor Havenar called the meeting to order at 5:07 pm.

**Pledge of Allegiance.** Trustee Padgett led the Pledge.

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

1. Resolution 20-2023 Approving Appointment to Board of Trustees & Administer Oath of Office.  
MOTION (Farr, Padgett) to approve Resolution 20-2023 appointing Mr. Nick Ehrhardt to the Board of Trustees. Roll call vote – aye 5; nay 0. Motion passed. Collins and Mayor Havenar joined Nick Ehrhardt with his family and administered the Oath of Office. Trustee Ehrhardt took his seat with the Board and another roll call was taken. Present: Mayor Glant Havenar, Trustees Nick Ehrhardt, Shana Ball, Sam Padgett, Jessica Farr, Dennis Stern.

#### Presentations

2. Review of Elephant Rock Property "Proposed Parkland." Mayor Havenar invited Chair Reid Wiecks and other Parks Commission members to share proposals for parkland with a limit of 5 minutes per presentation. Cindy Powell presented the first concept, placing the entire property in a land trust and providing areas for-profit revenue sharing with the town. Gene Kalesti thanked the work committee members for contribution and reviewed the second concept, which was ranked first by majority of the Parks Commission members, for a basic first phase of parkland. He stated a video highlighting dog parks will be available on 3/1. Reid Wiecks described the third concept of parkland on the property including removal of some structures to create the overall park area. Mr. Bill McDonald inquired about any calculations conducted for overall lighting cost for the area. Mr. Bob Parsons spoke on behalf of his parents, neighborhood residents, to advocate for the park. He stated the importance of a well thought out plan for the community benefit, cautioned to making any haste decisions, and suggested seeking to complete a master plan. Reid Wiecks responded that with primarily day use, lighting would not be a costly issue. He also addressed parking to be limited to about ten spaces near Epworth at the start. Mayor Havenar inquired whether the revenue generated was intended for Parks only. It was noted that revenue sharing would be intended for the town and maintenance of the area. Specifics of the trail design were not identified but to start with the perimeter, noting there was little to no cost to start connecting the trail. Ms. Terri Watson suggested keeping the trail natural and shared a written piece she wrote in reflection of a walking

tour of the property. Mr. Kent Hutson, representing PLEDG suggested that any of the property available for development be very clear to offer for business use. He also noted that the Master Plan focuses specifically on a walking/biking trail. Discussion took place about connecting trails from Kent right of way and Creekside. Ms. Cindy Henson requested that trail development be considered to not disturb beaver ponds. She also expressed concern about native grasses being trampled and protecting wildlife. She stated that a dog park will damage the natural state and suggested taking time on decisions. Mr. Loren Burlage, owner of property to the east, expressed liking the proposals, and expressed concern of pedestrians feeding animals. Gene Kalesti offered solutions to his concerns and stated plan details will come with direction for a plan. Loren added concern of the wear and tear on the property. Reid stated it will be a 3-5 year master plan for development. Ms. Hannah Parsons spoke about a process to create an overall master plan. She explained the concept of pop-up ideas being trialed during the planning phase. Ms. Barbara Dalrymple inquired about the need for a landscape/architectural firm and addressing drainage in the area. She thanked members for their work and expressed the concern of the property becoming a muddy mess. She is not in favor of a dog park. She inquired about the Parks discussion about selling a portion of the property. Trustee Farr responded that it was stated at the Parks meeting although no determination about selling was made. It was confirmed that with the acceptance of the property, the town committed not to sell for ten years. Paul Olivia stated his concerns of the amount of money and time to maintain the property and used Centennial Park as an example of not being finished or maintained to the extent it should be. He stated he is thrilled with the concepts but suggested serious consideration to the long-term care and maintenance. Reid responded to his remarks about Centennial Park. Cindy Henson stated residents will volunteer if they know what needs to be done. Collins suggested that any volunteer should reach out to Parks Commission members for a list of projects. Gene stated that these are concepts to consider, not a completed master plan. Trustee Stern inquired about an estimated start time and Gene stated his work group is committed to a start in spring to complete by early summer.

### **Consent Agenda**

MOTION (Stern, Farr) to approve the consent items including 3) Minutes from February 9, 2023, Meeting; 4) Financials (November 2022); 5) Financials (January 2023). Roll call vote – aye 6; nay 0. Motion passed.

### **Staff/Department Reports**

6. Attorney – none.
7. Administrator/Clerk – Collins reported that the water dept/fund analysis was kicked off on 2/14; the repair of the library door frame should be completed mid-March by TN Parker; the letter informing property owners of the 1992 activity to rezone to R-10,000 was mailed; the land use diagnosis along with a worksheet was distributed to Planning Commission members to submit to CMI for ongoing land use code review/revision. Collins also reminded members that cyber security is a real thing even for Palmer Lake and requested that Board members see Christi with any concern/question of the new Chromebook device. A reminder was also noted about regular meetings beginning at 6p in April and of upcoming events for the Board members.

**Public Hearing**

8. Application to Request a Replat (Milton). Mayor Havenar invited the applicant to present the request.

9. Application to Request to Vacate a Right of Way (portion of Brook). Collins introduced Mr. Jim Brinkman, surveyor for the Milton property owner Martin. The applications were reviewed together noting that Martins own all of Lots 1-11 and want to replat to three lots with a partial vacation of Brook, which is included in the replat. Trustee Stern inquired about any plans to build, and Brinkman responded not at this time. Discussion took place about restricting future subdivision. Attorney Krob suggested the resolution be amended to include with Board approval. Mr. Roger Moseley stated his concern about drainage and proper review of developments. Mayor Havenar closed the hearing.

**Business Items**

10. Resolution 21-2023 to Replat Lots 1-11 (Milton). MOTION (Farr, Ball) to approve Resolution 21-2023 to replat to three lots with the amended language to restrict subdivision with Board approval. Roll call vote – aye 6; nay 0. Motion passed.

11. Ordinance 6-2023 to Vacate a Right of Way (portion of Brook). MOTION (Farr, Stern) to approve Ordinance 6-2023 to vacate the portion of Brook right of way. Roll call vote – aye 6; nay 0. Motion passed.

12. Resolution 22-2023 to Appoint Parks Commission Member. Mayor Havenar stated Samantha Deeder was recommended for appointment to the Parks Commission. MOTION (Padgett, Farr) to approve Resolution 22-2023 to appoint Deeder to the Parks Commission. Roll call vote – aye 6; nay 0. Motion passed.

13. Resolution 23-2023 to Authorize Agreement with City of Colorado Springs, Radio Communications Division for Fire Department. Discussion took place about the need for repair support for radio communications. MOTION (Ball, Padgett) to approve Resolution 23-2023 to authorize agreement for radio communications. Roll call vote – aye 6; nay 0. Motion passed.

14. Resolution 24-2023 to Authorize Records Management Contract for Fire Department. Discussion took place about compliance reporting and utilizing one platform for multiple needs of the department. Interim Chief Vincent explained the various uses of ESO and his overall review of costs to the department. MOTION (Stern, Padgett) to approve Resolution 24-2023 to authorize contract with ESO. Roll call vote – aye 6; nay 0. Motion passed.

15. Ordinance 4-2023 to Amend MJ Excise Tax. Mayor Havenar reviewed the prior discussion and Collins summarized the response to the Board concerns of other municipalities with adopted excise tax language. MOTION (Farr, Padgett) to approve Ordinance 4-2023 to affirm the 5% excise tax. Roll call vote – aye 6; nay 0. Motion passed.

16. Ordinance 5-2023 to Establish Retail MJ Sales Tax. Mayor Havenar reviewed the ordinance to establish the retail sales tax of 5%. MOTION (Ball, Farr) to approve Ordinance 5-2023 to establish the 5% retail sales tax. Roll call vote – aye 6; nay 0. Motion passed.

17. Ordinance 7-2023 to Create Sec. 12.22 Regulating Snow Removal. Discussion took place about placement of snow. Collins explained that without a local ordinance, there is little enforcement when a complaint is made about placement of snow on the right of way, roadway, or on a neighbor's private property. Sgt. Lundy spoke to an example of a recent call/complaint and being unable to enforce

anything. Collins stated that it is a concern of Public Works for the safety of roadways. It was suggested to request Supervisor Dosch speak about the issues. MOTION (Padgett, Ball) to table to the next meeting. Roll call vote – aye 6; nay 0. Motion passed.

18. Review/Direction on Short Term Rental Status and Code. Collins summarized the short-term rentals that have been licensed in the town. Discussion took place about various concerns about accessory dwellings, a limited cap on both type of license, inspection of private property. Trustee Stern inquired with Attorney Krob whether he is in conflict if he is considering a short term rental. Attorney Krob explained that it is appropriate to disclose but not to recuse if it is a matter that covers the entire town not simply to benefit one member. Mr. Roger Moseley suggested the Board consider inspection and a fee to inspect rental units. Discussion took place about the liability and the owner self-checking to keep the ownness on the property owner not the town. Mr. Paul Olivia expressed concern about meeting building codes specifically relating to electrical. The Board provided direction to draft the amended code with suggested language to add conditional use process for any rental with an accessory dwelling and consider a cap of 5-10% on both license types. This item will come back for review and public input before the Board.

19. Discussion/Direction to Prioritize Town Business. Mayor Havenar reviewed the list of topics that require prioritizing and scheduling time for Board discussion. Mr. Roger Moseley provided feedback that members committed to reviewing the new code. Board members suggested additional retreat and workshop time to prioritize these items. Trustee Farr added branding image for PD to the list.

#### Public Comment

Mr. Roger Moseley referenced a handout provided to the Board members and reviewed his questions on the November water fund financials and the removal of former code from the new adopted code. He advised the Board to seek answers. Trustee Padgett requested that staff address a response to the questions provided by Mr. Moseley.

**Board Reports.** None.

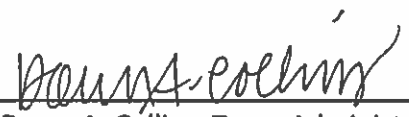
#### Next Meeting (3/9) and Future Items

**Convene to Executive Session.** MOTION (Farr, Padgett) to convene to executive session at 8:38 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)(e) – sale of town property; parameters for elephant rock property. Roll call vote – aye 6; nay 0. Motion passed. Item 20 will not be addressed.

**Reconvene to Open Session**

**Adjourn.** MOTION (Padgett, Farr) to adjourn at 8:50pm. Motion passed.

  
\_\_\_\_\_  
Mayor Glant Havenar

  
\_\_\_\_\_  
ATTEST: Dawn A. Collins, Town Administrator/Clerk