

BOARD OF TRUSTEES MEETING

Thursday, November 13, 2025 at 6:00 PM

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

MINUTES

Call to Order/Roll Call

- Mayor Dennis Stern called the meeting to order at 6:00PM, Beth Harris, Dennis Stern, Roger Moseley, Atis Jurka all present. Tim Caves & Michael Boyett were noted absent.

Invocation

Pledge of Allegiance

Introductions/Presentations

1. Palmer Lake Outdoor Classic - The Board received an update on the Palmer Lake Outdoor Classic from Town Clerk Erica Romero on behalf of the event organizers. She noted that the Outdoor Classic is one of the Town's largest annual events, with the 2025 tournament scheduled for January 8–13, and January 15–17 reserved as backup dates in case of weather delays, based on challenges experienced last year. The hockey tournament supports the Lewis-Palmer School District hockey program and attracts teams from across El Paso County, the Denver metro area, and Douglas County, with attendance potentially reaching up to 1,000 people at various times. Staff confirmed that all application requirements have been satisfied and expressed no concerns, stating their support and appreciation for the ongoing partnership.
 - Trustees asked questions related to event logistics and expressed support for continuing the event.
2. Monument Fire Discussion – Chief Andy Kovacs presented on the discussion regarding the possibility of Monument Fire and Palmer Lake Fire explore any opportunities to work together. Chief Kovacs provided an update on regional fire mitigation, shared service responsibilities, and ongoing collaboration with Palmer Lake Fire. Trustees asked clarifying questions about mutual aid expectations and budget impacts. Board gave directions for Interim Town Administrator Glen Smith to continue the discussion and provide an update at the December 11, 2025, meeting. Mayor Stern provided a point of information regarding the workshop that was previously had and was in more detail. Trustee Jurka question regarding slash site, and how do you handle deployment wildfire and that process. Chief Kovacs responded to his first question that they handle that through their mitigation program, a recent purchase of a dump truck and a future purchase of incinerators. To his second question Chief Kovacs responded that they do deployments both local and nationwide. Their

type 3 wildland firefighting engine spent most of the summer in California this year. He then continued to state that their staffing levels do not decrease during a wildland deployment. Trustee Harris asked a question on how they handle emergencies on the east side of the railroad tracks. Chief Kovacs responded that it would depend on the potential location of a new fire station here, but that they have multiple options of stations to deploy from. Trustee Harris asked what Monument Fire Department currently provides to Palmer Lake that the Palmer Lake Fire department doesn't. Chief Kovacs responded that MFD provides specialized apparatus, mainly a ladder truck, advanced life support ambulances, and a snowcat. Trustee Harris then asked if there had been a cost comparison between MFD and PLFD. Chief Kovacs responded that there had not been a cost comparison, but MFD operates on 18.4 mils. Trustee Harris then asked what the next steps would be if the town wanted to work with MFD. Chief responded that they would start to find a way to provide more in depth answers to the questions asked and provide analysis on the changes to let the Board make a data driven decision.

Public Comment

Kathe Berry – Asked a question about the station moving to the other side of HWY 105 and expressed her concerns about traffic with the construction that is going on there. Ms. Berry Also expressed concern about losing the current fire station and that she hoped that any new fire station would be built within Palmer Lake town limits.

Darlene Skow – Expressed her concern about the Town of Palmer Lake not having an EMS ambulance due to delayed response time. Stated that this would be the number one thing that MFD could provide.

Richard Kuehster – Expressed his concerns over what would happen to their current volunteers. Also asked about MFD's current agreement with AMR and what kind of debt level the town would bring on if it votes for this.

Herb Presleyer – Asked a question about putting in a system for stopping trains in cases of emergency.

Mark Gunderman, Monument Fire Board President – Shared that when his previous fire district merged with MFD, a lot of the same concerns were voiced. He then went on to say that after the merger, their firefighters are happier, before they were underpaid, their station was in need of work, their apparatus were aging and they could not afford to replace them. Without the merger, they would have had to raise their mill levy even more. He then went on to say that the community engagement has stayed the same since.

Denaje Ferguson – Asked about the proposed increase of 18 mils, and what would happen to the existing 10 mils if this merger was to go through.

Rich Kuehster – Asked a question about what the current budget of the PLFD is through mill levy. Stated that 1.325 seemed like a lot of money.

Consent Agenda

3. Minutes from October 23, 2025, Meeting
4. Checks Over \$15,000 - Krob Law (October -\$21,420.00)
 - **Motion to accept the consent agenda** (Moseley, Jurka) aye vote, motion passes unanimously.

Staff/Department Reports

5. Water
 - Chaz Roubidoux water supervisor was available to answer questions regarding the water department report. A trustee inquired about a coagulation filter referenced previously; staff confirmed the equipment relates to the water system and that budget-related cost questions could be addressed during the budget discussion.
6. Public Works including Roads & Park Maintenance
7. Interim Administrator/Police – Chief Glen Smith provided the following updates
 - The police patrol vehicle approved at a prior meeting has been received, marked, and placed into service.
 - The agreement with the new auditing firm, Hinckle & Company, was signed on November 3 at the same price previously paid to the former auditor. Engagement is underway.
 - o Trustee Moseley asked a question about terms in the current contracts regarding risk. Interim Town Manager Smith responded that he welcomes the deep dive into the audit, and he will update the board when the auditor provides more information.
 - The Public Safety Building Feasibility Study for the three sites under review is included in the board's packet for consideration.
 - Trustee Harris raised questions about short-term rental registration and enforcement, noting that the Town does not proactively identify unregistered rentals. The trustee requested a future agenda item to explore technological tools for identifying noncompliant STRs and maximizing revenue, offering to conduct preliminary research. Staff noted familiarity with available technologies and recommended a future work session to review multiple potential revenue streams in light of current budget concerns. The Board supported scheduling this discussion after the start of the new year

Public Comment

Martha Brodzik – Suggested that the town make a repository of contracts on the town website.

8. Fire
 - Chief Vincent addressed some of Chief's Kovacs presentation and the current responsibilities of the current firefighters.
9. Town Clerk/Administration
 - Update on the Fire Department Chili Supper still needing some items, and that it would include the Christmas tree lighting.

- Update on the Yule Log Potluck and hunt.

10. Attorney – Scott Krob provided the following:

Litigation Updates

- Integrity Matters case – Attorney Krob reported that the Integrity Matters case has been dismissed. Discussions between counsel regarding attorney’s fees have not resulted in an agreement. CIRSA’s attorney intends to file a motion seeking approximately \$35,000 in attorney’s fees against the plaintiffs and their attorney.
- Moseley/Brodzik litigation – This case was also dismissed. The plaintiffs have filed a notice of appeal. They have agreed to reimburse CIRSA \$12,826 in attorney’s fees unless the dismissal is reversed on appeal.

Water Rights – United Congregational Church (UCC)

- Attorney Krob explained the distinction between surface water rights (governed by prior appropriation in water court) and non-tributary groundwater rights (based on ownership of overlying land and managed to provide long-term use).
- The United Congregational Church has filed an application for a determination of non-tributary groundwater rights under its property in unincorporated El Paso County.
- The Town’s water counsel, Lyons Gaddis, has filed a statement of opposition on behalf of the Town to ensure the water claimed by UCC does not include water underlying Town property or water that, by implied consent ordinance, belongs to the Town for its municipal supply.

Agenda-Setting and Legal Support Questions

- Attorney Krob addressed responding to questions raised by Trustee Moseley regarding legal support, attorney performance, and agenda placement for legal topics.
- He noted that the Town currently lacks a formal policy on:
 - o How items are placed on the Board agenda (who can request items and how many trustees are required), and
 - o Deadlines for submitting non-emergency items.
 - Trustee Harris commented that she did not understand why the agenda item Trustee Moseley was referencing was not added to the agenda as three Trustee’s had requested it.
 - Mayor Stern commented that after speaking with Trustee Moseley that his questions would be answered, and that the attorney did not decide to not put it on the agenda. Mayor Stern stated it was mostly his decision to not include this on the agenda.
 - Town Clerk Romero then explained that the first email on Friday had not included her on it.
 - Attorney Krob also noted that the consensus to add this to the Agenda was not received until the Monday preceding the meeting.

- Attorney Krob then reiterated the need for the Board to adopt a policy on adding items to the agenda. He also
- Discussion occurred between the mayor, trustees, and attorney regarding the recent request to place a legal support/attorney topic on the agenda, the timing of that request, and the need for clearer policy to avoid confusion going forward.

Planning Commission Resolutions and Record Handling

- Attorney Krob explained that Planning Commission resolutions are public records but should generally be presented to the Board when the related matter is before the Board, especially in quasi-judicial cases, to avoid claims of predetermination.
- Attorney Krob outlined options for handling amendments to ordinances and resolutions, recommending:
 - Clear, on-the-record statements of amendments when necessary, and
 - When time allows, revising the document and bringing back a clean version at a later meeting.
- Attorney Krob also noted that the mayor or chair signing resolutions/ordinances has responsibility to verify they reflect Board-approved amendments.
- Trustee Moseley commented on his anger towards Attorney Krob on the 2nd of October stating that the board was supposed to have three hearings that night, and after the board voted, he didn't know where they went. He also stated that he expected that Attorney Krob would have been expected to show up with those completed resolutions.
 - Attorney Krob responded that he tended to agree with Trustee Moseley. His concern was that it is a Quasi-Judicial matter, and if the Trustees had it until the continued hearing that it might open up claims of predisposition.
- Attorney Krob also commented on the current procedure for preparing ordinances and resolutions. He stated that routine ordinances and resolutions are handled by town staff and then submitted to him. More complex ordinances and resolutions are handled directly by himself.

Recording Legal Advice and Written Opinions

- In response to questions about documenting legal advice, Attorney Krob stated that video and audio recordings of meetings are sufficient evidence of legal opinions given during a meeting and may be used in court.
- Whether legal opinions (including those in executive sessions) must be in writing, with cited authority, is a Board policy decision.
- He advised that the Board may choose:
 - To request written opinions with supporting authority when a majority of the Board believes a matter warrants it, and
 - To adopt a records policy on retention of recordings, minutes, and executive session records beyond statutory minimums, if desired.

Town Attorney Engagement and Status

- Attorney Krob confirmed there is a representation/engagement letter between his firm and the Town addressing scope, fees, and termination. He offered to bring an updated representation letter for Board consideration.
- He clarified that:
 - o He serves as one of the Town's appointed officers (Town Attorney) under the Town Code, but
 - o His firm functions as an independent contractor, not as Town employees.
- He disagreed with the assertion that a town attorney must be a resident of the Town, noting he is not aware of such a requirement and requested to review the cited statute.
- He also informed the Board that the Town's current billing rate has not been increased in over five years and that an updated representation letter will likely include a rate adjustment to align with rates charged to other municipalities.

Role of the Attorney and Trustee Disputes

- Attorney Krob reiterated that his role is to advise and protect the Board as a whole, not individual trustees.
- He recommended the Board adopt a written process or code of conduct for addressing disputes between trustees, suggesting a progression of:
 1. Trustees attempting to resolve issues directly,
 2. Involvement of the mayor if appropriate, and
 3. Use of the attorney or an outside mediator for unresolved conflicts.

Attorney Performance Concerns and Next Steps

- Trustee Moseley stated he has ongoing concerns regarding attorney performance and indicated an intent to request Attorney Krob's resignation.
 - o Attorney Krob requested that any specific concerns or incidents be compiled in writing and provided through the Clerk, Mayor, or Administrator so that he can review and respond.
 - o Attorney Krob recommended that performance concerns be discussed in executive session, with any Board decisions later reflected in public session as appropriate.
- **Motion to have a special meeting including an executive session to review attorney performance concerns.** (Moseley, Harris) No vote was taken. Motion failed due to absence of vote. However further direction was given to staff.
- Due to scheduling constraints and upcoming holidays, staff and Attorney Krob noted that the special meeting will need to be scheduled for a date that accommodates a quorum and allows at least one week for Krob to review the written list of concerns in advance. Staff was directed to work with the Board and the attorney to identify a suitable date, likely in early December.

- Attorney Krob concluded by reiterating his willingness to continue advising the Town, noting that the Board ultimately determines whether to retain or change legal counsel, and offering to assist with any transition if that decision is made in the future.

Public Comment

Martha Brodzik – Commented on her difficulty to hear much of what Attorney Krob said. She then followed this with a question about what date the public hearings were continued to. She then commented that the current order of the election and public hearings were unacceptable and did not comply with town code.

Mayor Stern called for a five-minute recess

- Recess began at 8:24PM
- Recess ended at 8:32PM

Public Hearing – *Mayor will introduce the item and hear the applicant request. Mayor will ask if any public member wishes to speak for or against the request. Public should address the Board members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Mayor will close the hearing and members will discuss the item, take action or continue the hearing to a particular date.*

11. Review 2025 Budget Amendment - Interim Administrator Glen Smith provided an overview of the proposed amendments to the 2025 Budget. He noted:

- Several line items required adjustment due to reimbursements, unbudgeted activity, and application-related expenses.
- Revised numbers reflect *actual spending to date*.
- The audit would not be completed before the next Board meeting; staff will request a timeline from the auditing firm.

Trustee Questions & Discussion:

- Trustees requested better visibility and tracking of *reimbursable expenditures*, noting that 2025 included significant reimbursable activity not clearly reflected at the Board level.
- Staff confirmed improved tracking would be implemented in future cycles.

Public Comment

Kellie Currie – Asked the question about if somewhere in the 2026 budget, if there has been staff time allocated to making an updated fire hydrant map with a key with working fire hydrants vs non-working fire hydrants.

- Response from Interim Town Manager Glen Smith, no there is not currently any item specific to making a map. He also noted that there is currently only one fire hydrant that is not working, and there are plans to fix it.

Motion to close public hearing. (Moseley, Stern) Aye vote, motion passed unanimously

12. Review Proposed Draft 2026 Budget

- Interim Town Administrator Glen Smith mentioned that there will be a memo giving an overview provided at the next meeting on December 11th.

Public Comment

Jane Garrabrant – Commented that the amount of money that was previously discussed that the fire department took out of the general fund was inaccurate. She continued that the fire department does bring in revenue and that exceeds the actual expense amounts. Ms. Garrabrant also noted that the police had a larger salary and benefits amount than the fire department.

Kellie Currie – Question about if there is budget allocated in the fire department budget for 2026 specifically for citizen communicator.

- o Response from Interim Town Administrator Glen Smith stated that there is not.
- o Ms. Currie then continued to state that she expected more communication from the fire department about her concerns that she has had for the past three years.

Business Items

- **Motion to move Item 19 ahead of Item 15.** (Harris, Moseley) Aye vote, motion passed unanimously.
- **Motion to move Item 20 to directly follow Item 14 for consideration of the Parks Commission applicant.** (Stern, Moseley) Aye vote, motion passed unanimously.

13. Resolution 64-2025 to Amend 2025 Budget

- **Motion to approve Resolution 64-2025 to amend the budget.** (Moseley, Harris) Aye vote, motion passed unanimously.

14. Direction on Proposed Draft 2026 Budget

- No further direction besides what was given during the public hearing.

15. Resolution 65-2025 Setting the Special Election for the Monument Crossing, LLC Aka Red Rock Acres Annexation Election February 3, 2026

- Attorney Krob asked for a short recess to confer with Trustee Moseley.
 - o Recess began at 9:36PM
 - o Recess ended at 9:43PM
 - o After the recess Attorney Krob confirmed that Trustee Moseley is an adjacent landowner to the proposed annexation, and that he should not participate in the Red Rock's discussion. He also mentioned that when this comes to a vote, Trustee Moseley's vote will go to the majority.
- **Motion to continue this until after the board gets all the way through the planning commissions decisions.** (Harris, Jurka) Aye Vote

- **Approve (Aye)** Harris, Jurka
 - **Deny (Nay)** Stern
 - **Motion Passes**
16. Resolution 66-2025 Setting the Special Election for the Monument Ridge West, LLC Aka Buc-ee's Annexation Election February 3, 2026
- **Motion to continue this business item to the December 11th meeting.** (Harris, Moseley) Aye vote, motion passed unanimously.
17. Resolution 67-2025 Setting the Title & Ballot Language for Monument Ridge West, LLC Aka Buc-ee's Annexation Election
- **Motion to continue Resolution 67-2025 to the next BoT meeting.** (Moseley, Harris) Aye vote, motion passed unanimously.
18. Resolution 68-2025 Setting the Title & Ballot Language for Monument Crossing, LLC Aka Red Rocks Acres Annexation Election
- **Motion to continue Resolution 68-2025 to the December meeting.** (Harris, Jurka) Aye vote, motion passed unanimously. Noted for the record, Trustee Moseley abstained.
19. Ordinance XX-2025 Code Provision Annexation Election
- Point of order from Trustee Moseley that the board was only provided the final version of the ordinance, not the redline version and that in light of that, the board cannot proceed. He also stated that he felt it was clear that the election should happen last.
 - Trustee Jurka also commented that it is clear that the election should happen last. He also expressed concerns that the new language is very confusing and that an applicant could demand a vote before they are determined eligible.
 - There was discussion between Attorney Krob and the Trustees on the particulars of his memo regarding possible actions and recommendations for inserting language into the ordinance. Namely when to hold the election, a timeframe in which to conduct it, who pays for the election, and who generates the ballot question.
- **Motion to reject this proposed ordinance and accept the code as it stands.** (Moseley, Harris) Roll call vote.
 - **Approve(to reject) :** Moseley Harris, Jurka
 - **Deny:** Stern
 - **Motion passes.**
20. Discussion of and Possible Approval of Parks Commission Applicant - The Parks Commission recommended Kevin Noleen for appointment, term ending December 2027.
- The Board conducted a brief interview with the applicant.
- **Motion to appoint Kevin Nolene to the Parks Commission.** (Stern, Jurka) Aye vote, motion passed unanimously.
- Town Clerk Romero then administered the Oath of Office to Kevin Noleen.

21. Discussion and Possible Direction: Public Safety Feasibility Study - Staff presented the completed feasibility study evaluating two Town-owned parcels (Town Hall site and Elephant Rock) for a combined fire/police facility. Key points:
- The Highway 105 parcel is not feasible due to terrain and floodplain constraints.
 - Additional funding would be required for any future design or construction.
 - Staff noted Monument Fire District has been provided a copy for comparative analysis.

Public Comment

Jane Garrabrant – Requested an official answer on where the 10 mils would go if the merger with MFD went through. Expressed her concern over paying 8.4 mils more and that the town would lose their fire department in the process.

Denaje Ferguson – Inquired about how If the town merged fire departments, would it be up to MFD on whether the town gets a fire station or not.

Jane Garrabrant – Asked about if the town would get representation on their fire board.

Kellie Currie – If we do not merge with MFD does it mean we have to have our roads paved and does it mean that we are set on salaries for the current budget year of '26?

Board Direction:

- Staff is directed to continue gathering information regarding Monument Fire District's feasibility analysis, response times, statutory framework for district inclusion, and facility options. No decisions made.
22. Discussion – Trustee Vacancy Applications, Interview Dates, and Possible Special Meeting The Board received two applications for the vacant Trustee seat. Due to statutory deadlines, the Board directed the Clerk to:
- Conduct interviews during a special meeting and, if desired, the board will make appointments during the same special meeting.

Public Comment - *Public comments are encouraged to be emailed to the Town office at info@palmer-lake.org with subject line of Public Comment (24 hours prior to meeting) and shall be distributed and read at the meeting. Otherwise, please be recognized to speak, sign in, and address the Board on matters not on the agenda. Thank you!*

Denaje Ferguson – Comment on discrepancy between his street sign and what is listed on the county website.

Jane Garrabrant – Commented on a discrepancy on her home address as well. Further commented on the previous board discussion on ballot questions stating that does it really matter who wrote it? That the board will have to read it, do an investigation, and then vote on it.

Laurel Schow – Comment on the events of the October 2nd meeting. Ms. Schow asserted that the Palmer Lake Board of Trustees and the Town Attorney mishandled the Bucc-ee’s annexation process by violating the Colorado Municipal Annexation Act's mandated two-step sequence (quasi-judicial followed by legislative), specifically by allowing a legally invalid request on October 2nd to insert an election and pause the public hearing before the legislative stage could address zoning realities. The speaker alleged this misdirection was a deliberate pivot by the Town Attorney to help the applicant avoid the stage where the project would fail, and demanded the Board acknowledge the process has been compromised and cannot lawfully continue.

Angela Fike – Commented that a procedural illegality regarding the current Mayor Stern. The speaker claimed that according to the June 12th meeting notes, Mr. Stern resigned only as Mayor Pro Tem, never officially resigning as a Trustee, thereby violating the rule against holding two elected town offices simultaneously. Citing C.R.S. § 31-4-303, the Ms. Fike further argued that any temporary appointment to fill a vacancy requires an election within the statutory period to replace the position for the remainder of the term. The speaker demanded that the Board review the June 12th transcripts, place the matter on a future agenda, and declare all decisions made since June 12th null and void, concluding by asking the Mayor to step down.

Board Reports

Next Meeting and Future Items

Motion to move into executive session (Stern, Moseley) Aye vote, motion passed unanimously.

Convene to Executive Session - The Board entered Executive Session pursuant to **C.R.S. § 24-6-402(4)(e)** for matters subject to negotiation related to Lake View Heights.

Participants included:


Mayor Stern, Trustees Harris, Mosley, Jurka; Town Attorney Krob; Town Clerk Romero; Interim Administrator Smith; and applicant Eric Sepp.

Reconvene to Open Session - Upon conclusion, Attorney Krob affirmed the session remained within statutory scope and attorney client privilege.

Adjourn

Motion to Adjourn (Harris, Jurka) Aye vote, motion passed unanimously.

Meeting adjourned at 11:25 p.m.


Town Clerk- Erica N. Romero
Mayor Dennis Stern