

## **BOARD OF TRUSTEES MEETING**

**Thursday, February 22, 2024 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.** Mayor Havenar called the meeting to order at 6 pm.

#### **Pledge of Allegiance**

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

**Consent Agenda.** MOTION (Farr, Ehrhardt) to approve the consent agenda including 1) Minutes from February 8, 2024 Meeting; and 2) Financials (January). Roll call vote – aye 6; nay 0. Motion passed.

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

3. Attorney – Attorney Krob referenced the memo relaying the annexation timeline.
4. Administrator/Clerk – Collins reported that applicants for the accounting clerk and equipment operator are being reviewed and interviewed but applications for a second review are due mid March. Advertising for the Public Works Supervisor and Deputy Town Clerk are posted. Collins pointed out the new graphs in the January financials. CDOT will be working on tree trimming and exploratory work under the roadway at Hwy 105 between Spring and Vale. A discussion about way finding signs was raised at the Planning Commission meeting for a future Board discussion. Collins thanked members who attended the Tri-lakes Chamber After Hours event on Tuesday as well as restaurants featured – Nikki's Catering, Sundance Pit BBQ and Bella Panini.

#### **Public Hearing**

5. Eligibility of Property for Annexation - Ben Lomand Mountain (United Congregational Church). Attorney Krob reminded the Board and public that this is a continued hearing for the eligibility of the property to be annexed. Mr. Dan Madison, Manhard, reviewed the eligibility criteria of the project, stating that the property exceeds the requirement of 1/6 congruity, little impact for services, and explained the proposed development being self-sufficient for water and sewer. Background of the applicant's work for the past three years was briefly reviewed. Mr. Roger Moseley stated that he believes the comments by Attorney Krob are inaccurate and shared portions of the draft annexation agreement. He stated the impact report is terrible, and he added that eligibility does not include a finance plan. He commented that the land use map requires an annual review, last done in October 2022. Ms. Marty Brodzik stated that she is not for or against the annexation but referenced state statutes about a finance plan, cost analysis for the project. She reviewed comments in the impact report and the County Commissioner comments and she distributed her own financial analysis of the

project to the Board members. Mr. Johan Moen stated he is in favor of the annexation for local cooperation. He inquired about who the developer is and expressed concern about access using Capella. Mr. Reid Wiecks expressed concern about connection to the planned El Paso County trails. He expressed interest in being involved in the process to have access to the area. Mr. Mike Richards stated concerns about the water impact depending on the aquifer. Mr. Larry Widow suggested that both water and fire are large impact areas to the town and had concern about the growth to the town. Mayor Havenar and Trustee Ball responded about development of the public safety departments and a facility. Mayor Havenar offered to review the information from the town water system improvement study. Mr. Madison of Manhard stated market drives development and restated that the eligibility requirement is capability for development. He stated the impact report was prepared by the town for the County. Discussion took place about a traffic study and roadway improvement being addressed in the design phase. Mr. Madison stated that the property owner intends to complete the fully design step and then consider whether to sell the lots to build or bring on a general contractor to build out. He stated the layout of the development is not prepared and the applicant is taking one step at a time. Access to Capella was reiterated to be emergency not primary, and primary access is intended to be County Line Road. Discussion of zoning took place for a minimum lot size of 2.5 acre. Mr. Madison explained trails and open space being a part of the design phase. He added that water requirements for wells will follow state requirements and that the landowner has water rights for the volume of water needed to develop. As development takes place, Mr. Madison noted that fire mitigation naturally takes place. Mayor Havenar expressed appreciation to Mr. Madison for addressing the questions raised by the public. Mr. Moseley restated that the land use plan should be updated and noted that the Board is committing the town to all costs. Ms. Brodzik clarified to the Board that if the project is phased, it requires a master plan. Mr. Richards inquired about tax revenue if the development is put off. Mr. Bill Fisher asked specifically about the annexation agreement being carefully considered. Mr. Matt Stephen inquired about the next steps and Attorney Krob stated the Board may consider an ordinance to consider the annexation agreement, rezone, and approve annexation of the property. Mayor Havenar closed the hearing.

Mayor Havenar suggested a short recess at 7:18 pm.

At 7:26 pm, Mayor reconvened the meeting.

#### **Business Items**

6. Resolution 13-2024 Making Findings Regarding Eligibility for Annexation - Ben Lomand Mountain (United Congregational Church). Mayor Havenar suggested a special meeting on 2/28 to hold an executive session to review the draft annexation agreement and a special meeting on 3/4 to devote to consideration of the annexation. Mr. Roger Moseley objected to the limited time to be involved with the annexation agreement. Ms. Marty Brodzik asked why discussion would be in executive session. She reiterated her concern of the cost to the community. Attorney Krob explained the purpose for executive session. Trustee Dennis Stern suggested that the specific questions and concerns be sent to the town about the annexation agreement before 2/28 meeting. Ms. Brodzik stated she has the entire document commented. MOTION (Stern, Ball) to approve Resolution 13-2024 regarding eligibility of the property for annexation. Roll call vote – aye 6; nay 0. Motion passed. MOTION (Farr, Ball) to set two special meetings on 2/28 and 3/4. Roll call vote – aye 6; nay 0. Motion passed.

7. Special Event Application - Joy on the Rock Service and Brunch (3/31). Collins provided details for the community easter service beginning at 10 am and brunch to follow. MOTION (Padgett, Stern) to approve the event and waive fees. Roll call vote – aye 6; nay 0. Motion passed.
8. Resolution 18-2024 to Approve Addendum No 1 to Lease Agreement with EcoSpa, Elephant Rock Property (Annex). Ms. Lindsay Willan provided a handout of the proposed bathroom to the annex building and that they are moving forward with plans, including a website that under construction. This addendum no 1 provides for 8% of profits of renting the annex. Trustee Stern inquired about revenue projections. Mr. Reid Wiecks pointed out boundaries of the Eco Spa that will not allow for trail access. MOTION (Ball, Padgett) to approve Resolution 18-2024 approving the addendum to the lease. Roll call vote – aye 6; nay 0. Motion passed.
9. Resolution 9-2024 to Approve Memo of Understanding for Pickleball Courts. Collins referenced the relocation of the pickleball courts thereby removing the language about funds to replace a water line from the MOU. MOTION (Padgett, Farr) to approve Resolution 9-2024 to approve the MOU as presented. Roll call vote – aye 6; nay 0. Motion passed.
10. Resolution 19-2024 to Renew/Amend Contract with Chavez Consulting LLC. MOTION (Farr, Ball) to approve Resolution 19-2024 to renew the contract with Chavez Consulting. Roll call vote – aye 6; nay 0. Motion passed.
11. Resolution 15-2024 to Adopt the 2024 Master Fee Schedule. Mayor Havenar asked if members had any additional questions since the workshop. Mr. Reid Wiecks suggested adding fees for use of the ballfield. Collins noted that a discussion with the Little League should take place prior to changing their use of the field. MOTION (Padgett, Ball) to approve Resolution 15-2024 to adopt the 2024 master fee schedule. Roll call vote – aye 5; nay 1 (Farr). Motion passed.
12. Resolution 20-2024 Relating to Migrant Response and Declaring Status as Non-Sanctuary Town. Mayor Havenar explained the resolution in response to declaring the non-sanctuary status. Discussion took place about limited town resources. Trustee Ehrhardt stated that he understands the town does not have government resources but believes the town can be neighborly, welcoming, and community members can assist. Discussion about different perspectives took place. Ms. Rebecca Albright stated that she did not understand why the Board is making a declaration. She expressed concern of stating an absolute shutdown. Trustee Ball stated there is a necessity to make a declaration. Attorney Krob responded that declaring a status is not a legal matter but a political statement. Mr. Roger Moseley stated he accepts immigrants and that the bus drivers transporting them should be removed. Mr. Brandon Hamschin stated there is a gray area of border towns managing immigrants. Ms. Marty Brodzik stated that even with a signed resolution, anyone can go anywhere. Chief Jason Vanderpool stated a citation issued will be in municipal court. Discussion took place if the town were to experience an influx of immigrants. MOTION (Farr, Stern) to approve Resolution 20-2024 declaring status as non-sanctuary. Roll call vote – aye 4; nay 2 (Ehrhardt, Padgett). Motion passed.
13. Authorize Mayor to Sign Joint Jurisdictional Letter Relating to Cooperation within El Paso County. Trustee Ball read the drafted letter from multiple municipalities to residents for the record. Mr. Roger Moseley asked what law is the jurisdiction. Mayor Havenar explained that multiple El Paso County municipalities are working together to collaborate as a County, not individual municipalities regarding a migrant response. MOTION (Farr, Padgett) to authorize the Mayor to sign the final letter. Roll call vote – aye 5; nay 1 (Ehrhardt). Motion passed.

14. Ordinance to Create/Add Annexation Language to the Town Land Use Code. Attorney Krob explained that the following three land use ordinances are to fill gaps that exist in the current town code. He stated the annexation language is statutory, was not prepared and will be forthcoming at a future meeting. Mr. Roger Moseley pointed out errors with punctuation and numbering format. Ms. Marty Brodzik asked why these code items are considered without review by Planning Commission. Mr. Moseley inquired about the items being rushed. Collins stated that staff has been dealing with difficult gaps in the land use code and that Planning Commission will be reviewing land use code in conjunction with planning consultant Community Matters for a unified code. Ms. Claudia Beltran stated that others agree and ask that the Board follow a process.

15. Ordinance to Create/Add Rezoning Language to Town Land Use Code. This language is to establish criteria for rezoning process. MOTION (Ball, Ehrhardt) to adopt Ordinance 3-2024 to create rezoning language. Roll call vote – aye 5; nay 1 (Padgett). Motion passed.

16. Ordinance to Create/Add Code to Recognize Application Checklist. This language is to establish the procedures and reference a checklist for application submittal. MOTION (Ball, Farr) to adopt Ordinance 2-2024 for application procedures. Roll call vote – aye 6; nay 0. Motion passed.

**Public Comment.** Mr. Matt Beverly offered his civil engineering background and moved to the area permanently. He stated that he has followed the Monument planning activity and suggested reviewing the July 17, 2023 minutes for information.

**Next Meeting (3/14) and Future Items.** The special meetings of 2/28 and 3/4 were noted.


**Board Reports.** Trustee Ball reported that the EMS grant was successfully submitted. Trustee Padgett stated she attended her first Community Development Advisory Board meeting and stated the town will be hosting a public information meeting in the future to consider areas of funding for economic development. Trustee Stern reported his attendance to the PPRBD meeting and that permit activity increased in January. Mayor Havenar stated that PPACG discussed position on specific legislative issues as it relates to transportation, elderly, and teen driving.

**Convene to Executive Session.** For the purpose of considering purchase acquisition, lease, transfer or sale of any real or personal property interest under C.R.S. 24-6-402(4)(a) and for 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) – negotiation and possible sale of town property, and negotiation of possible lease of elephant rock property. MOTION (Farr, Padgett) to convene to executive session at 8:57 pm. Roll call vote – aye 6; nay 0. Motion passed.

**Reconvene to Open Session**

**Adjourn.** MOTION (Stern, Havenar) to adjourn at 10:05 pm. Motion passed.

  
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Mayor Glant Havenar

  
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ATTEST: Dawn A. Collins, Town Clerk