



## **BOARD OF TRUSTEES MEETING**

**Thursday, February 09, 2023 at 5:00 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 5:05pm.

#### **Pledge of Allegiance**

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

#### **Consent Agenda**

1. Minutes from January 26, 2023, Meeting. MOTION (Ball, Farr) to approve the consent agenda. Roll call vote – aye 6; nay 0. Motion passed.

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

2. Water; 3. Public Works including Roads & Park Maintenance;

4. Police – Chief Vanderpool reported an award of Gary Sinise funds to purchase a 2023 pickup and cover the upfitting.

5. Fire – Interim Chief Vincent reported that the department is progressing on getting SOPs current.

Chief Vincent and Vanderpool addressed Board members requesting a portion of the elephant rock property be held for the possibility of a public safety facility. Discussion was exchanged about possible facility needs. Possible property suggested is up to three acres, ideally abutting Hwy 105.

Mr. Mike Richards inquired about the amount of property that Monument Fire District has and it was stated the parcel is under two acres. Mr. Roger Moseley spoke about the Parks planning will include a facility. Trustee Ball inquired about town property available for training and allowing other agencies to utilize property. Trustee Stern stated that El Paso County has opened a training facility.

6. Administration; 7. Attorney – Scott Krob reported that Matt Krob will be at the April meeting.

8. Administrator/Clerk – Collins explained the copy of a 5x7 plaque that Palmer Lake Arts Council would like to install on the elephant sculpture at the entrance of the elephant rock property to recognize the work of Mr. Jerry Merrick. The Board supports the effort and requests to see the plaque prior to installation. Collins reported the two quotes to repair the library door frame – one for \$7850 and one for \$6465 – and requested direction to complete the repair identified early in 2022. Consensus was to complete the repair with TN Parker for a not to exceed amount of \$7850. Current land use activity was reported, along with a new accessibility law impacting the town website that will require compliance

by July 2024. Collins reviewed the results of the meeting time poll posted for four weeks. The 6 PM time received most votes. It was agreed that beginning in April, the Board will begin at 5:00 with any executive session items and at 5:45 recess to begin the regular meeting at 6 PM. Collins informed the members they will be receiving an email to test a Phish Alert Button via email and reminded members of the March 21 Chamber After Hours event at town hall.

### Business Items

9. Special Event Application - Little Funky Theater, Steel Magnolias (3/5). Deputy Town Clerk Julia Stambaugh explained the event for the Little Funky Theater. They intend to return on a regular basis with performances. There were no concerns from the department review. It was noted that the Arts Council is a not-for-profit organization and it was requested to waive the fee. MOTION (Padgett, Dreher) to approve with the fee waived. Roll call vote – aye 6; nay 0. Motion passed.
10. Consideration of Public Display Permit to Install Display Case in Town Hall (PLHS). Collins noted the request from PLHS to install a display case in the front corner of the town hall. MOTION (Ball, Padgett) to approve the public display. Roll call vote – aye 6; nay 0. Motion passed. Ms Diane Kokes invited the Board to attend the next PLHS program on 2/16 featuring Awake Palmer Lake. She thanked the members for helping promote the museum.
11. Resolution 18-2023 to Appoint Members to Planning Commission. Mayor Havenar read the resolution to appoint Tim Caves and Lindsey Zapalac to the Planning Commission. MOTION (Farr, Ball) to approve Resolution 18-2023. Roll call vote – aye 6; nay 0. Motion passed. Mr. Tim Caves introduced himself to the Board.
12. Resolution 19-2023 to Authorize Service Agreement with Chavez Consulting LLC. Collins explained how the town utilizes the stormwater services of Mr. John Chavez. MOTION (Dreher, Farr) to approve Resolution 19-2023 to authorize agreement with Chavez. Roll call vote – aye 6; nay 0. Motion passed.
13. Ordinance 2-2023 to Adopt Official Zoning Map. Mayor Havenar offered background to the revised zoning map. Collins addressed the blank residential lots and requested the Board approve the map with the edits, if desired, to add prior residential zoning as found on former town zoning map. Mr. Roger Moseley inquired about the distinction of non-conforming lots. Attorney Krob responded with a brief review of non-conforming use and non-conforming structure, noting it is not the same as identified zoning on a map. MOTION (Padgett, Dreher) to adopt the zoning map. MOTION (Stern, Dreher) to amend the motion to add the R-1 and R-3 label on three residential lots as found on the former zoning map. Roll call vote – aye 6; nay 0. Motion passed.
14. Draft Ordinance Amending Wholesale MJ Excise Tax. Mayor Havenar reviewed the original ballot question and ordinance for wholesale tax of 5% on cultivation. Ms Brenda Woodward addressed the Board about the history of the ballot question. Mr. Dino Salvatori stated it does not affect him and spoke to the cost of wholesale purchasing, adding that in 2017, of 63 wholesale 16 collected excise. He stated the cost hinders the establishment with making upgrades. Ms Melissa Woodward stated that although practice is to be at 5%, it is also a practice to not have the excise tax. Trustee Ball suggested further research into the standard for an excise tax. It was also directed to confirm the language in the ordinance to increase up to 10%. Mr. Rich Kuehster inquired how much the tax is, and Attorney Krob explained that financial information of one establishment shall not be disclosed. Staff will collect more information and bring this item back.

15. Draft Ordinance to Create Retail Marijuana Sales Tax. Mayor Havenar provided the background on the new draft to establish a retail tax based on the 5% stated in the ballot question. Ms Melissa Woodward reviewed the anticipated sales tax revenue for the town. Mr. Dino Salvatori provided a handout stating how the tax is distributed by the state. Mr. Ray Kriegbaum suggested amending the reference of Chapter 12 to be Chapter 40 in the ordinance. This item will be brought back to the Board in final ordinance form.

16. Review/Direction of Staff Time on Citizen Inquiries. Mayor Havenar provided background to support staff in the amount of time spent on public inquiries. Discussion took place about CORA requests versus general email inquiries requiring research due to the state of town records. Mr. Roger Moseley stated with issues of code, water, drainage, land use, the Board should expect inquiries. It was agreed that inquiries requiring more than two hours per week should be informed to the requester that it is a lower priority.

17. Interview/Consideration of Candidates for Vacant Board of Trustee Position (2020-2024 Remaining Term). Mayor Havenar invited the two candidates to sit before the Board. Mr. Rich Kuehster introduced himself speaking to his background and past involvement in the town. Mr. Nick Ehrhardt introduced himself to the Board, stating he grew up in town and moved back after ten years to raise his family. Questions were asked of each candidate by Board members.

Mr. Gene Kalesti inquired whether an alternate could be added.

MOTION (Dreher, Padgett) to nominate Nick Ehrhardt to the Board of Trustee position. Roll call vote – aye 5; nay 1 (Stern). Motion passed. Both candidates were thanked.

#### Public Comment

Mr. Roger Moseley offered a handout to the Board to provide the water analyst. He also stated two questions on the water fund for the Board to consider. Mayor Havenar requested that staff provide a response to the two questions to the Board. Ms. Rebecca Duke thanked members for using their microphones.

**Board Reports.** Trustee Farr reported her attendance at the Awake Palmer Lake meeting and that they will assist funding the CORE power and survey work at the Ped Bridge, about \$12,000. Mayor Havenar attended PPACG, noting the matter will be covered at the upcoming CML legislative workshop.

#### Next Meeting (2/23) and Future Items

**Convene to Executive Session.** MOTION (Padgett, Farr) to convene to executive session at 7:36 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) – IGA (Fire); possible annexation; sale of town property. Collins noted that there will not be action taken on the town property item 18. Roll call vote – aye 6; nay 0. Motion passed.

**Reconvene to Open Session / Adjourn.** MOTION (Padgett, Farr) to adjourn at 8:23 pm.



Mayor Glant Havenar



ATTEST: Dawn A. Collins, Town Clerk