



BOARD OF TRUSTEES MEETING

Thursday, September 08, 2022 at 5:00 PM

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

LIVE STREAM available at Town website

AGENDA

This agenda is subject to revision 24 hours prior to commencement of the meeting.

Call to Order

Pledge of Allegiance

Roll Call

Consent Agenda

Items under the consent agenda may be acted upon by one motion. If, in the judgment of a board member, a consent agenda item requires discussion, the item can be placed on the regular agenda for discussion and/or action.

1. Minutes from August 25, 2022 Meeting
2. Checks over \$15,000 - Krob Law (\$30,000); Fromm & Co (\$16,564.95)

Staff/Department Reports

3. Water
4. Public Works including Roads & Park Maintenance
5. Police (Introduce New Hires)
6. Fire (Introduce New Hires)
7. Administration
8. Attorney
9. Administrator/Clerk

Public Comment

Public comments are encouraged to be emailed to the Town office at info@palmerlake.org with subject line of Public Comment (48 hour prior to meeting) and shall be announced, distributed, and addressed at the meeting. Otherwise, please step to the microphone, state your name and address for the record and address the Board on matters not on the agenda. Please note that the Board will not take action

on your concern but may refer it to staff and/or to a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!

Business Items

- [10.](#) Special Event Application - PLEDG Business Workshop 10/05
- [11.](#) Resolution 42-2022 to Decline Participation in FAMLI Program
- [12.](#) Ordinance 13-2022 Emergency Approving Ballot Question Permitting Sale of Retail Marijuana for 11/8 Election
- [13.](#) Ordinance 14-2022 Emergency Approving Ballot Question Related to Mill Levy Increase for 11/8 Election
- [14.](#) Update on Code Enforcement Activity
- [15.](#) Direction on Elephant Rock Property Personal Property; Dedicated Town Space

Board Reports**Next Meeting (9/21 joint workshop with Planning Commission; 9/22) and Future Items****Convene to Executive Session**

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) – possible sale of town property, Elephant Rock property; and personnel matter under C.R.S. 24-6-402(4)(f) - Town Administrator.

Reconvene to Open Session**Adjourn**

Americans with Disabilities Act

Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.



BOARD OF TRUSTEES MEETING

Thursday, August 25, 2022 at 5:00 PM

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

MINUTES

Call to Order. Mayor Bass called the meeting to order at 5:03 pm.

Pledge of Allegiance

Roll Call. Present: Mayor Bill Bass, Trustees Nicole Currier, Sam Padgett, Jessica Farr, Glant Havenar, Karen Stuth. Excused: Trustee Darin Dawson.

Introductions/Presentations

1. Presentation of Building Code Changes (Effective 2023) by Pikes Peak Regional Building Department (PPRBD). Mr. Greg Dingrando with PPRBD reviewed the deadline for the building code changes effective in July of 2023.

Consent Agenda

Trustee Havenar inquired about the check for the fire apparatus. MOTION (Havenar, Stuth) to approve the consent agenda including items 2) Minutes from August 11, 2022 Meeting; 3) Minutes from August 15 Special Meeting; 4) Checks over \$15,000 - Peterson Auto Group; 5) Financials (July). Roll call vote – aye 5; nay 1 (Farr). Motion passed.

Staff/Department Reports

6. Attorney – none.

7. Administrator/Clerk – Collins provided an update on the master plan activity including a joint review meeting with the Planning Commission on 9/21; upcoming grant opportunities for land use code analysis and park space with GOCO; and direction was provided to live stream other public meetings. Trustee Stuth inquired about the Board start time and it was agreed by members to keep with the 5 pm meeting time.

Public Comment

Ms. Dee Banta requested the Board move Public Comment to later on the agenda or have a second Public Comment item. Ms. Cindy Kuchinsky agreed and suggested moving Public Comment to later on the agenda. Mr. Rich Kuester inquired about the General Fund expenditures. Ms. Jane Garrabrant inquired about the allocation of General Funds to professional services and insurance. Ms. Cyndee Henson requested the speaker volume in town hall be turned up.

Public Hearing

8. Application for Vacation and Replat - 727 Meadow Lane. Mr. Jim Wilkinson explained the replat providing an additional 8 feet to accommodate the existing structure on the property. Mr. Mike Richards inquired about the setback. Mayor Bass closed the hearing.

Business Items

9. Special Event - Palmer Lake Firefighters Assoc Open House 08/28. Mr. Calvin Pickup reviewed plans of the Firefighter Association open house to interact with the community. MOTION (Padgett, Havenar) to approve the open house. Roll call vote – aye 6; nay 0. Motion passed.
10. Resolution 41-2022 to Approve Replat - 727 Meadow Lane. MOTION (Havenar, Farr) to approve Resolution 41-2022 approving the replat as presented. Roll call vote – aye 6; nay 0. Motion passed.
11. Ordinance to Put Adult Use Cannabis Question to the Ballot. Discussion took place about including the location of the current establishments. MOTION (Stuth) to add language of the current location. MOTION (Stuth, Bass) to amend as presented by Attorney Krob – read as: SHALL THE TOWN OF PALMER LAKE ENACT AN ORDINANCE PERMITTING OPERATION OF NOT MORE THAN TWO (2) REGULATED RETAIL MARIJUANA STORES IN EXISTING MARIJUANA BUSINESS LOCATIONS WITHIN THE TOWN. Roll call vote – aye 5; nay 1 (Farr). Motion passed.
12. Ordinance to Put Question of Mill Levy Increase to the Ballot. Discussion ensued about simplifying the ordinance language presented. Ms. Jane Garrabrant inquired about the distinction of the additional total amount of funds being confusing. Attorney Krob further explained the two language options laid out. Mr. Mike Richards asked what makes up the total 41 mills. Discussion took place about utilizing “not to exceed” vs. maximum. Ms. Nancy Marshall stated she was not in favor of one question hinging on the other. Board members discussed whether to tie the question or not and amend the maximum to not to exceed. Discussion took place about what language is required as well as the explanation of pros/cons. Mr. Jeff Hulsmann remarked about commercial tax rates. Attorney Krob explained Gallagher amendment and repeal. Mr. Mike Richards raised concern of the mill increase. Ms. Melissa Woodward stated she prefers the first option and cap at additional 15 mills if marijuana passes and restated the voter options. Mr. Atis Jurka suggested there are three possible revenue streams – marijuana, mill increase, and revenue from elephant rock property. Ms. Jane Garrabrant offered suggestion to alter language. Mr. Jim Parco reminded the Board of the original objective to bring additional funds to Town operations – voting yes will support additional revenue and voting no will not support – summarizing that the choice is to support the town or not. MOTION (Stuth, Havenar) to approve Ordinance 12-2022 with amended language not to exceed – read as: SHALL THE TOWN OF PALMER LAKE TAXES BE INCREASED BY NOT MORE THAN \$1,370,000 IN TAX COLLECTION YEAR 2023 AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FOR GENERAL MUNICIPAL PURPOSES BY 15 MILLS FROM THE CURRENT 11.238 MILLS NOT TO EXCEED 26.238 MILLS IF BALLOT QUESTION 1A PASSES, OR BY 30 MILLS NOT TO EXCEED 41.238 MILLS IF BALLOT QUESTION 1A DOES NOT PASS? Roll call vote – aye 5; nay 1 (Farr). Motion passed.
- Mayor Bass recessed for a break and reconvened the meeting at 6:49 pm.
13. Summary of Steps for Elephant Rock Property. Discussion took place about next steps. Mr. Jeff Zearfoss and Mr. and Mrs. Willans informed members they will continue discussions to collaborate the projects. MOTION (Havenar, Currier) to direct staff to initiate discussions for agreement terms with

Carter Payne and Willans. Motion passed. Mr. Jeff Hulsmann urged the Board to move quickly and give the team access to the property.

14. Consideration of Preliminary Engineering Report for Town Water System (GMS). Collins noted the memorandum from GMS for consideration of the final report.

Board Reports

Next Meeting and Future Items. Discussion took place about whether or not the Board wanted Attorney Krob to draft language for a resolution to support the ballot questions. Board members noted they are not united in agreement to the questions so they would not support a resolution.

Adjourn. MOTION (Padgett, Stuth) to adjourn at 7:16 pm. Motion passed.

Mayor William Bass

ATTEST: Dawn A. Collins, Town Clerk

Town of Palmer Lake Monthly Water Usage

**Month
Year August
2022**

	Gallons	Acre Ft
Surface Water	3,246,000	9.96
Well A2	2,458,000	7.54
Well D2	0	0
Total	7,704,000	17.51
Avg. Gal/Day	184,000	0.56

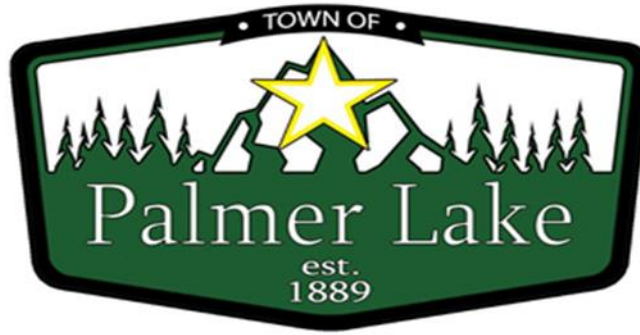
Release To Lake 8.27 AF Max Allowed = 8.4 AF / Month
Release Glen Park Evaporation 0 AF
Water system 0 AF

Total 8.27 AF



Board of Trustees Summary Sheet

	August 2022
Title	Public Works Department Monthly Report
Date	9/2022
Contact	Jason Dosch
Summary	<p>Graded roads Patched Potholes Applying dust control on Town roads Cut tree limbs from ROW and chip branches Clear drainage ditches Replaced and repaired street signs Performed routine equipment and playground maintenance Emptied trash cans at Lake area/ Cleaned bathroom at Lake Performed playground inspections Maintaining area around the Town office and Hall Mow grass and kept up Elephant Rock property Set up /assemble seating and tables at Town Hall meetings and events Attended Parks Committee meetings Attended Special events permit meetings Removed dead deer from ROW Attended TAC meeting at PPACG Performed maintenance parking kiosk at Trailhead parking lot Received dirt for south end of Palmer Lake Installed new playground equipment with Parks Committee at Glen Park</p>
Training	CIRSA and KnowB4
Other Activity	<ul style="list-style-type: none"> • Working with CDOT Environmental and GMS Eng. for \$200,000 in stimulus funds for bridge maintenance, now ready for RFP in September • Planning Palmer Lake Elementary School Road Improvement project with Federal Grant funding, Bidding for Engineering in September • Planning upgrading for Suncrest Rd., Platte Ln., and Durango Way with millings from Kiewit Construction • Working on 2023 Budget • Ongoing discussions about Master Plan for Centennial Park with different entities



Board of Trustees Summary Sheet

	Aug-Sep 2022
Title	Police Monthly Report
Action	N/A
Date	8/1--8/31/2022
Contact	J. Vanderpool
Summary	In the Month of August 2022, the PLPD conducted 93 traffic stops and issued 56 citations. Also, in the month of August, 1 DUI arrest, as well as 1 criminal mischief arrest was made. 11 Parking tickets were issued.
Training	Officers requalified on the range for duty carry shotgun as well as maneuvering while shooting pistol and rifle.
Photographs	The attached photographs are from the Shield 616 fundraiser. Shield 616 is working to provide PLPD with life saving vests and other equipment.
Other Actions	Officers worked "saturation Saturday" in which a DUI taskforce was put in motion, working in conjunction with Mothers Against Drunk Driving. Officers are working with a nonprofit to help launch an Honor Guard program. Palmer Lake Police Department has joined the Pink Patch Program to aide in raising funds going towards breast cancer research. Cowgirls Against Cancer is the current chosen charity.
Active investigations	Palmer Lake PD officers are actively investigation a burglary case from 290 Hwy 105, as well as an attempted homicide occurring at the trailhead on Old Carriage.
Calls for service	Officers responded to 368 calls for service this month. 314 of these calls were in the Town of Palmer Lake, 57

	were outside of town.
Code Enforcement	Code enforcement officers have been working with town residents to correct several violations. The code enforcement officer is continuing her work getting the local businesses up to date with business licenses.
S.T.E.P.	S.T.E.P. was instituted in March of last year and seems to be making a difference. Accidents are becoming more infrequent. Increased traffic speeds through town have slowed dramatically during these shifts.











FOR IMMEDIATE RELEASE

Contact: Officer H. Vanderpool, HVanderpool@palmer-lake.org; Officer R. Perry, RPerry@palmer-lake.org; 8/22/2022

Palmer Lake Police Department, MADD announce 'Saturation Saturday'

WHAT: In conjunction with the national 'Drive Sober or Get Pulled Over' campaign, law enforcement agencies throughout of the **State of Colorado** will be stepping up their **DUI** traffic safety enforcement on 'Saturation Saturday' – August 27.

The starting point will be a **Facebook Live Event** where The Palmer Lake Police Department, will speak briefly as we reinforce the importance of these officers in apprehending impaired drivers.

Statewide, Police Departments such as ours will be participating in Saturation Saturday – whether it is conducting a sobriety checkpoint, saturation patrol or simply adding on one or two officers to the shift that evening to focus on **DUI** enforcement.

WHEN: Saturday August 27, 2022 @6:00 pm

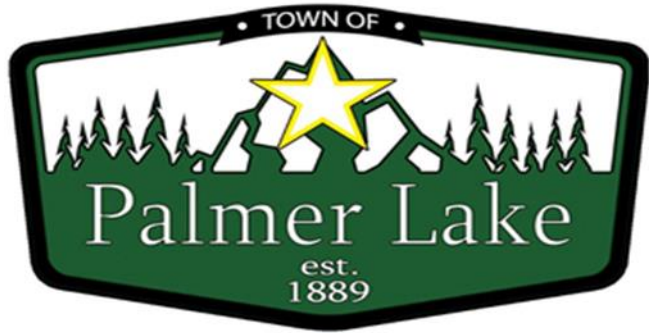
WHERE: **Palmer Lake Police Department Facebook/Instagram Live #SaturationSaturday #NoMoreVictims**

WHO: **Palmer Lake Police Department Officers**

WHY: To showcase how equitable and just high-visibility traffic safety enforcement efforts serve as a deterrent to impaired driving crashes and prevent traffic injuries and deaths.

About Mothers Against Drunk Driving

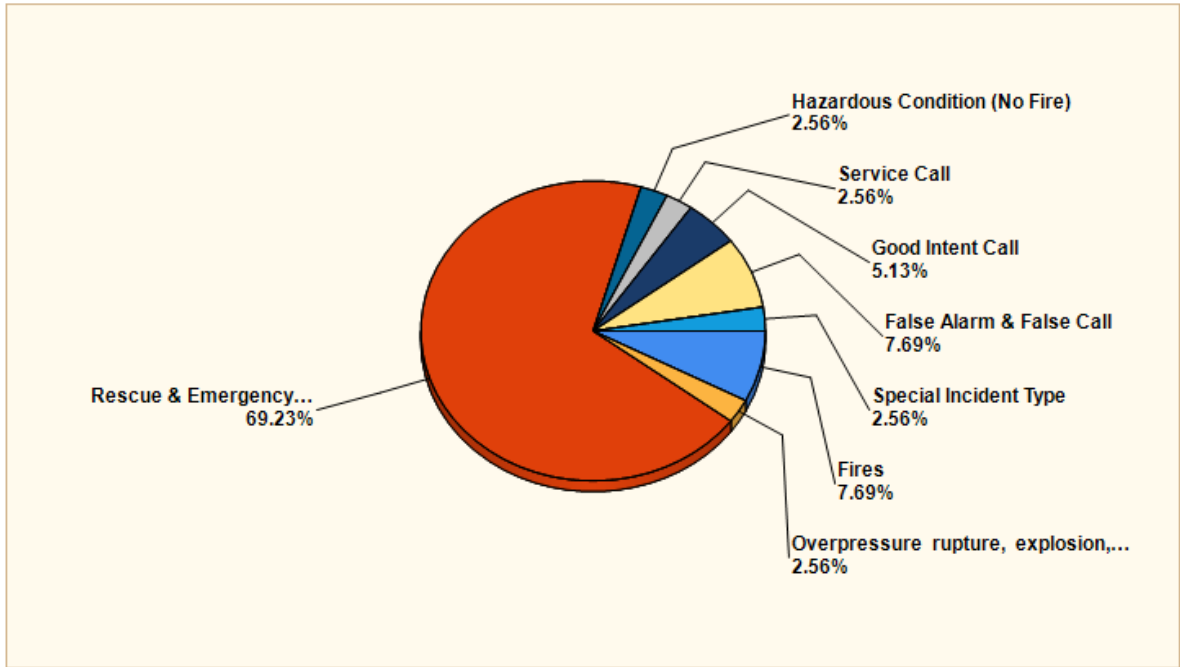
Founded in 1980 by a mother whose daughter was killed by a drunk driver, Mothers Against Drunk Driving® (MADD) is the nation's largest nonprofit working to end drunk driving, help fight drugged driving, support the victims of these violent crimes and prevent underage drinking. MADD has helped to save more than 400,000 lives, reduce drunk driving deaths by more than 50 percent and promote designating a non-drinking driver. MADD's *Campaign to Eliminate Drunk Driving*® calls for law enforcement support, ignition interlocks for all offenders and advanced vehicle technology. MADD has provided supportive services to nearly one million drunk and drugged driving victims and survivors at no charge through local victim advocates and the 24-Hour Victim Help Line 1-877-MADD-HELP. Visit www.madd.org or call 1-877-ASK-MADD.



Board of Trustees Summary Sheet

Title	Palmer Lake Fire Department
Action	To provide the most professional and highest level of emergency and prevention services to the citizens and visitors of the Town of Palmer Lake
Date	09/01/2022
Contact	Christopher McCarthy, Fire Chief

Summary



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	3	7.69%
Overpressure rupture, explosion, overheating - no fire	1	2.56%
Rescue & Emergency Medical Service	27	69.23%
Hazardous Condition (No Fire)	1	2.56%
Service Call	1	2.56%
Good Intent Call	2	5.13%
False Alarm & False Call	3	7.69%

Special Incident Type	1	2.56%
TOTAL	39	100%

Significant Events:

21-0273 Hazardous Materials Incident at 443 Highway 105. Cause of Alarm Acid Leak. Condition corrected with assistance of El Paso County HazMat

Training:

EMS: Case Study and Protocol review, Medical and Trauma scenarios
Fire: Firefighter Skills, Trench Rescue, Forcible Entry, Ventilation, HazMat, Driver/Operator and Wildland Training. New volunteer on-boarding and orientation training.

Total: 707.28













LAND USE Permits for August 2022

Item 7.

ADDRESS	TYPE OF WORK	EXPIRATION	# of Taps	REGIONAL NUMBER
			1039	
	TYPE	AMOUNT		
	Remodel	1		
	Single Family	1	WELL	
	Other	3		
	TOTAL	5		

CONTACT US REPORT - AUGUST 2022

	Submitted Time	First Name	Subject
1	08/01/22 - 8:36 PM	Amy	Reserve Pavilion
2	08/04/22 - 5:15 PM	Caleigh	Reserve Pavilion
3	08/09/22 - 4:25 PM	William	RV at Park
4	08/09/22 - 7:27 PM	Zack	Blog post
5	08/10/22 - 8:48 AM	Melinda	Tiny Home Question
6	08/15/22 - 1:17 PM	Ashley	Water Bill/Usage
7	08/18/22 - 7:32 PM	Jan	Article Offer
8	08/19/22 - 9:40 AM	Abby	Reserve Pavilion
9	08/19/22 - 2:32 PM	Patricia	Reserve Pavilion
10	08/21/22 - 1:08 PM	Sasha	Reserve Pavilion
11	08/23/22 - 5:31 PM	Sierra	Traffic Ticket
12	08/26/22 - 10:15 AM	Stephanie	Trimming branches at stop sign

Dawn Collins

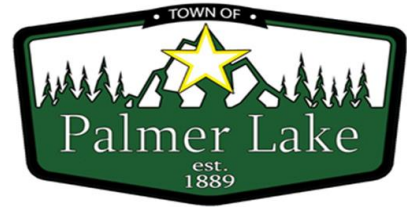
Subject: FW: Board agenda

Kiosk (Aug):

\$ 6,296.40	Gross Collections	(1,188	Transactions)
\$ (356.40)	Fees		
<u>\$ (70.00)</u>	Monthly T2 Svc charge		
\$ 5,870.00	Net Collections - August		

Kiosk Totals YTD:

\$ 35,033.00	Gross Collections	<u>YTD # of Transactions</u>	<u>Avg per Month</u>
\$ (1,983.00)	Fees	6,610	1,102
<u>\$ (700.00)</u>	Monthly T2 Svc charge		
\$ 32,350.00	Net Collections 2022		
\$ 2,683.00	8% Fees		



Item 10.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - MEMO SUMMARY**

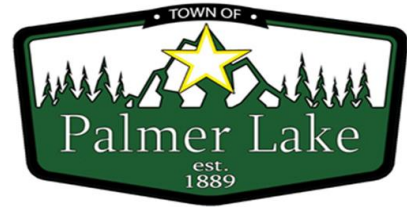
DATE: September 8, 2022	ITEM NO.	SUBJECT: SPECIAL EVENT APPLICATION –
Presented by: Deputy Clerk Julia Stambaugh		Palmer Lake Business Workshop

Recommended Action

To approve the event to take place at the Town Hall as presented and endorsed by Staff.

Background

The Palmer Lake Economic Development Group (PLEDG) will be hosting a business workshop on October 5, 2022 from 7:30AM to 3:30PM at the Town Hall. The workshop, is open to all Palmer Lake business owners, entrepreneurs and anyone interested in learning about starting a business. PLEDG has designed this event to assist people to navigate the steps required to start a business, or to grow their existing business to the next milestone. They are excited to share their knowledge and experience with the people of Palmer Lake and the surrounding area. They will have several speakers, eager to discuss a variety of topics with the participants. The event coordinators are expecting approximately 10- 20 people in attendance. This event is not expected to cause issues for Public Works concerning parking or roads. Police, and Fire Depts will be alert to the event and be available if any issues arise. In the event of an emergency, and for the fastest response, they should call 9-1-1.



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: September 8, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Resolution 42-2022 to Decline Participation in FAMLI

Background

As noted earlier in the year, the Family and Medical Leave Insurance program was presented to local authority by the State and the Town is automatically enrolled unless the Board of Trustees opts out and declines to participate. Information on the program has been regularly communicated to the Board and to town staff. In March, staff was directed to gather input from personnel whether there is interest to participate or not. It is a consensus by departments to not spend staff time to monitor nor to elect to participate in the program. It is noted that individuals may elect coverage independently.

Therefore, it is the recommendation of staff to decline – opt out – of the program as required and not participate in the FAMLI program, effective 2023.

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 42-2022

A RESOLUTION TO OPT OUT OF THE STATE PAID FAMILY AND MEDICAL LEAVE INSURANCE (FAMLI) FOR THE TOWN OF PALMER LAKE

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, the Town of Palmer Lake is required to notify the Division of FAMLI, Department of Labor and Employment, concerning participation with the Paid Family Medical Leave Program; and

WHEREAS, in March of 2022, preliminary FAMLI information was provided to the Board and staff was directed to gather input from town personnel; and

WHEREAS, throughout the year, FAMLI information was distributed and overall consensus from staff, concluded in August, is to not elect that the Town participate in the Family and Medical Leave Insurance plan, as individuals may voluntarily elect coverage in the program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Board of Trustees for the Town of Palmer Lake hereby declines participation with a vote to opt out of the FAMLI program.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 8th DAY OF SEPTEMBER 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor

DEPARTMENT OF LABOR AND EMPLOYMENT

Division of FAML I

REGULATIONS CONCERNING LOCAL GOVERNMENT PARTICIPATION WITH THE PAID FAMILY MEDICAL LEAVE PROGRAM

7 CCR 1107-2

2.1 Authority

This regulation is adopted pursuant to the authority in section 8-13.3-522 C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the “APA”), C.R.S. and the Paid Family and Medical Leave Insurance Act, sections 8-13.3-501 through 524 et seq. (the “Act”), C.R.S.

2.2 Scope and Purpose

- A. This regulation will govern the Family and Medical Leave Insurance program pursuant to 8-13.3-522 C.R.S., concerning the process for local government employers to decline participation in the program.
- B. This regulation will govern the process of a local government electing into the FAML I Program, after initial declination.
- C. This regulation will govern the notification requirements of local government employers to their employees regarding any vote to decline FAML I coverage, the outcome of such a vote, and the ability of local government employees to voluntarily elect coverage as individuals.
- D. This regulation does not apply to any other employer classifications within the State of Colorado, including but not limited to people who are self -employed.

2.3 Applicability

The provisions of this section will be applicable to all local government entities within the State of Colorado.

If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

2.4 Definitions

“FAML I” is defined as the Paid Family and Medical Leave Insurance Act, sections 8-13.3-501 through 524 (the “Act”), C.R.S.

“Fund” has the same meaning as in §8-13.3-503 (12) C.R.S.

“Division” has the same definition as 8-13.3-503 (5) C.R.S.

“Governing Body” has the same meaning as in both §31-1-101(4) C.R.S and §32-1-103(8) C.R.S.

“Local Government” has the same meaning as a county, city and county, city, or town whether home rule or statutory, or any school district or a special district created pursuant to the “Special District Act,” article 1 of title 32, C.R.S. and as outlined in 24-19-102. C.R.S., authority or other political subdivision of the state.

“Premium” is defined as the money payments required pursuant to 8-13.3-507 C.R.S., to finance the payment of family and medical leave insurance benefits and administer the family and medical leave insurance program.

2.5 Local Government Employer Participation

- A. Pursuant to Regulation 2.6, local government employers are required to formally notify the Division in writing and provide both the date of the vote, and the local government’s decision to decline participation in the FAML I program.
1. Local governments which have previously declined participation in the FAML I program pursuant to 8-13.3-522 C.R.S., may subsequently elect coverage by first registering as an employer with the FAML I Division prior to the collection of employer premiums.
 2. Local governments which have previously declined participation in the FAML I program pursuant to 8-13.3-522 C.R.S., may subsequently elect FAML I Program coverage at the beginning of the annual cycle relevant to the local government’s budgeting cycle.
 3. The ability of a local government to either decline participation in the FAML I program or elect coverage following a previous declination is subject to a vote of the governing body of each local government entity pursuant to this Regulation and Regulation 2.6 of 7 CCR 1107-2, A local government may not decline participation in the FAML I program in part. Any such declination of a local government is a full declination of FAML I program participation for that local government employer.
- B. Local government employers which have previously declined coverage and now wish to elect coverage of FAML I benefits for their employees pursuant to §§8-13.3-522 (3)(b) C.R.S., may subsequently elect coverage by an affirmative vote of a majority of a quorum of the local government’s governing body.
- C. A local government which has previously declined coverage must renew the declination through a similar vote process and margin no later than every eight years. In the absence of a vote further declining coverage, the local government will become a

covered employer. The local government must inform the Division of a declination vote in writing which includes the date the vote was taken.

- D. When a local government employer returns to coverage pursuant to Regulation §§ 2.5 (B) or §§ 2.5 (C) of 7 CCR 1107-2, coverage will begin no later than one quarter after the local government has notified the Division of a change of the vote to elect coverage pursuant to 7 CCR 1107-2, §§ 2.5 (B) or its deadline to renew its declination pursuant to 7 CCR 1107-2, §§ 2.5 (C) and have submitted at least one quarter's premium amount on behalf of both the employer and its employees into the fund.
- E. Local government employees who have individually opted into the benefits program pursuant to 8-13.3-514 C.R.S., will not pay a double premium amount, and must be given notice by the local government employer of a date corresponding with the beginning of a calendar quarter at which a premium amount will be submitted to the Division on their behalf.
1. The purpose of the notice by the local government employer of the date at which a premium amount will be submitted to the Division on behalf of an employer is to inform the employee of any potential lapses or changes in benefits eligibility.
 2. This notice must be delivered in writing and or through electronic communication to the employee by their local government employer no later than 90 days after the vote.
 3. The local government employer must also publicly post notice of the date of the first day the employer will begin paying FAML I premiums and when coverage is expected to start.
- F. Eligible employees who have not been previously covered as individual participants employed by a newly participating local government will begin full benefit eligibility the first day of the following quarter after the premiums are received by the Division.
1. Local government employers that have previously declined participation and then subsequently elect or return to coverage under the FAML I program must remain in the program for a minimum of three fiscal years corresponding to the date the local government elected coverage began.
 - a. The three year cycle begins on the first day of employee coverage.
 - b. The notice of the intent to decline future coverage must be delivered in writing to the Division no later than 90 days prior to the end of the three year cycle pursuant to this regulation.
 2. Employees must also be notified in writing, both posted and directly notified no later than 180 days of the pending or upcoming return to or withdrawal of coverage pursuant to this regulation.

- a. Local government employers will display a notice containing the information required in this regulation in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform.
- b. The written notice and posting will contain an explanation of employee rights under the FAMLI program including but not limited to program requirements, benefits, claims process, payroll deductions and premiums, the right to job protection and benefit continuation under 8-13.3-509 C.R.S., protection against retaliatory personnel actions or other discrimination, relevant contact information for the Division, and other pertinent information.
- c. The notice and poster required by this regulation will be in English and in any language representing the first language spoken by at least five percent of the local governments employer's workplace. The Division will create and make available to local government employers posters and notices containing information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.

2.6 Process and Notification of FAMLI Program Declination

- A. Local government employers are permitted to decline to participate in the FAMLI program after a written notice has been delivered to the FAMLI Division memorializing the decision by an affirmative vote of the local government's governing body to decline participation in the program. Such a vote will follow the local government's or special district's procedures for other formal votes of the governing body.
 1. A declination vote will not take effect with a resulting change in coverage until after 180 days after the vote, to allow individual employees the opportunity to opt into the benefits program pursuant to 8-13.3-514 C.R.S., should individuals choose to elect coverage.

2. Public notice must be given in the same manner as any other business before the governing body, and the local government will take/hear testimony prior to the vote, pursuant to the procedural rules of the governing body. The local government's employees must also be notified in writing prior to the vote and provided both information regarding the vote process and opportunity to submit comments through a public process to the governing body.

3. Within 30 days following a local government declination vote, the local government must provide its local government employees with a written individual notice of the local government's declination vote and the impact toward FAMLI ,or other paid family and leave insurance coverage. The written notice, must at a minimum, explain the differences between benefits offered by the FAMLI program and any private plan offered by the local government. The notice must also state which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other local provisions were applicable.

4. Written notices must contain information regarding the right of local government employees to voluntarily opt into FAMLI benefits pursuant to 8-13.3-514 C.R.S., and the contact information for the Division. Local government employers will display a notice containing the information in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform. The notice and poster required in this regulation will be in English and in any language representing the first language spoken by at least five percent of the local government employer's workforce. The Division will create and make available to local government employers posters and notices containing the information required in this regulation, and local government employers may use the posters and notice to comply with the requirements of this section.

- (a) It is the responsibility of the local government employers to request printed materials from the Division. Local government employers may be responsible for the printing and mailing costs of such materials.
- (b) It is the responsibility of the local government to provide written notification to the Division of the local government employers interpretation needs of printed notices for languages other than English or Spanish.

B. The declination period is not permanent and participation must be reconsidered, and the Division notified at a minimum of every 8 years. The governing body may reconsider and elect coverage annually pursuant to 7 CCR 1107-2, Regulation 2.5.

2.7 Overpayments

Any overpayment by a local government employee whose employer opts back into the program will be repaid to the employee by the Division. The Division will ensure a continuation of coverage for local government employees who have individually opted into the benefits program pursuant to 8-13.3-514 C.R.S., and ensure no lapse in coverage prior to the local government's reinstatement of coverage.



KROB LAW OFFICE, LLC
Attorneys at Law

MEMORANDUM

To: Board of Trustees
Town of Palmer Lake

From: Matthew Z. Krob, Town Attorney

Date: September 6, 2022

Re: Agenda Items Relating to Ballot Questions

Board,

These next few agenda items are being brought back for a couple of reasons:

1. As we discussed earlier, once the Board had determined the ballot language they wanted to submit to the Citizens we sent the language to Bond Counsel for review. This was in large part to ensure Town funds weren't wasted on reviewing language prior to the Board making its decision. There were no suggested changes to the Retail Marijuana Ballot Question. Bond Counsel suggested a couple of minor changes to the ballot question relating to the Mill Levy ballot question; however, the suggested changes result in the question having the same effect of linking the two ballot questions to each other.
2. In light of the change discussed in #1 (above), the Board will need to pass these ordinances as emergency ordinances (which take effect immediately upon passage) to submit the ballot language to the Citizens.
3. Finally, I wanted to lay out the process for the Pro/Con statements for the ballot questions. Because we are doing a coordinated election, pursuant to the IGA with the County, the election is going to be conducted pursuant to Title 1 of the Colorado Revised Statutes rather than if this were a municipal election being conducted pursuant to Title 31. This is also typical with coordinated election throughout the state, as County Clerks are used to operating elections via Title 1, rather than Title 31. While there are a few nuisances, the majority of the process is the same.

Deadline to submit pro/con statements to DEO: **NOON Friday, September 23, 2022.**

Pursuant to C.R.S. 1-7-901 *et seq.* the designated election officer (DEO) for a political subdivision submitting ballot issues shall summarize timely filed written comments in support of and opposing ballot issues. Specifically, TABOR requires the clerk to summarize pro/con statements timely submitted by those who are entitled to vote on the measure. This usually raises questions about what the elected/appointed officials for the Town can submit comments either for or against the ballot issues.

The short answer is, yes. So long as no public funds are being spent, the elected/appointed officials are able to submit comments either in support or opposition of the ballot issues.

Please let me know if you have any questions or need anything further.

mk

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 13-2022

AN EMERGENCY ORDINANCE APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWN OF PALMER LAKE, COLORADO RELATED TO PERMITTING THE SALE OF RETAIL MARIJUANA FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64 adding Section 16 to Article XVIII of the Colorado Constitution a limited exemption from criminal liability under Colorado law for people 21 and over to possess and cultivate marijuana for recreational use, and to establish the licensing and regulation of marijuana establishments in a manner similar to alcohol as described in Amendment 64; and,

WHEREAS, the Palmer Lake Board of Trustees (the “Board of Trustees”) subsequently passed Regulations in Title 5 of the Town Code relating to the licensing and regulation of marijuana establishments pursuant to the authority granted by Article XVIII, Section 16 of the Colorado Constitution, allowing for medical marijuana facilities but not retail marijuana facilities; and,

WHEREAS, the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022 coordinated election, asking the voters of the Town whether they want to permit retail marijuana facilities.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Palmer Lake Coordinated Election, November 8, 2022:

RETAIL MARIJUANA STORES

SHALL THE TOWN OF PALMER LAKE ENACT AN ORDINANCE PERMITTING THE OPERATION OF NOT MORE THAN TWO (2) REGULATED RETAIL MARIJUANA STORES IN EXISTING MARIJUANA BUSINESS LOCATIONS WITHIN THE TOWN?

YES _____

NO _____

2. For purposes of C.R.S. § 31-11-111, or similar applicable provisions of Title 1 for a coordinated election, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.

3. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

4. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Palmer Lake Coordinated Election, November 8, 2022.

5. This Ordinance must be adopted as an emergency ordinance in order to be effective prior to the deadlines set by the IGA between the Town and El Paso County and Title 1 of the Colorado Revised Statutes.

6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

7. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

8. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the Town of Palmer Lake for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the Board of Trustees.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 8TH DAY OF SEPTEMBER 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 14-2022

AN EMERGENCY ORDINANCE APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWN OF PALMER LAKE, COLORADO RELATED TO A MILL LEVY INCREASE FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION

WHEREAS, Colorado Constitution, Article X, Section 20, (3)(a) states that ballot issues involving property tax increases shall be decided in a state general election, biennial local district election, or on the first Tuesday in November on odd-numbered years, and the next state general election is scheduled for November 8, 2022; and

WHEREAS, the Palmer Lake Board of Trustees (the “Board of Trustees”) finds that the Town of Palmer Lake’s property tax revenues are not sufficient to pay for the expenses of operations and maintenance of the general municipal operations; and

WHEREAS, the Board of Trustees finds that increasing property tax revenues will provide a secure and stable source of revenues for basic operations and maintenance; and

WHEREAS, the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022, coordinated election, asking the voters to approve an increase in property tax by way of a mill levy increase.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Palmer Lake Coordinated Election, November 8, 2022:

MILL LEVY INCREASE

SHALL THE TOWN OF PALMER LAKE TAXES BE INCREASED BY NOT MORE THAN \$1,370,000 IN TAX COLLECTION YEAR 2023 AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FOR GENERAL MUNICIPAL PURPOSES BY 15 MILLS FROM THE CURRENT 11.238 MILLS NOT TO EXCEED 26.238 MILLS IF BALLOT QUESTION RELATING TO OPERATION OF RETAIL MARIJUANA PASSES, OR BY 30 MILLS NOT TO EXCEED 41.238 MILLS IF SUCH BALLOT QUESTION DOES NOT PASS?

YES _____

NO _____

2. For purposes of C.R.S. § 31-11-111, or similar applicable provisions of Title 1 for a coordinated election, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.

3. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

4. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Palmer Lake Coordinated Election, November 8, 2022.

5. This Ordinance must be adopted as an emergency ordinance in order to be effective prior to the deadlines set by the IGA between the Town and El Paso County and Title 1 of the Colorado Revised Statutes.

6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

7. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

8. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the Town of Palmer Lake for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the Board of Trustees.

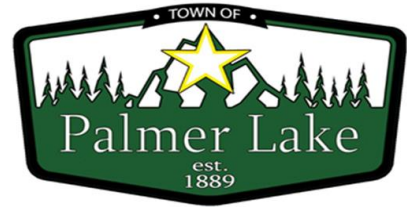
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 8TH DAY OF SEPTEMBER 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor



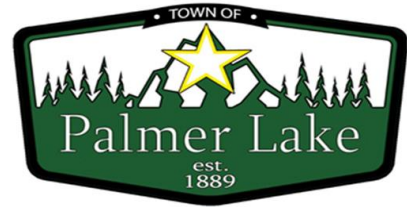
**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: September 8, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Update on Code Enforcement Activity by PD

Update

Officer Nicole Lamb has been working on code enforcement approximately 8-10 hours per week under PD. Typically, code enforcement is not a function of PD. My goal and request will be to create a regular part time position under Administration.

In the meantime, a summary is forthcoming of the enforcement activity. Officer Lamb was initially instructed to assist businesses being compliant with a required business license. An additional issue to be addressed soon, with the review of the sign code, will be non-compliant signs. Otherwise, most code enforcement is addressed on complaint basis along with ongoing efforts to address “junk” on properties.



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: September 8, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Direction to Staff re: Elephant Rock Personal Property, Dedicated Town Property

Update

Direction for the proposed developments is appreciated. Both the Carter Payne and Willan teams have provided a COI and keys to the requested structures are provided. A general agreement to waive liability is in process.

Consideration

Prior to beginning discussion with the chosen parties of the Ranch and the Eco Spa, staff is seeking direction about the personal property on the grounds as well as any dedicated town property to keep out of a lease agreement. There has been brief discussion by the Board on these but specific direction or authority to determine parameters is needed.

Will the Board authorize staff to determine use, sale or donation of personal property on the grounds?
i.e., departments currently oversee town property, such as needed equipment at the shop

Does the Board want a portion of the 28 acres held out of a lease agreement for possible future town use?
i.e., a potential public safety facility was identified near the top area on Hwy 105

Any other parameters to identify before beginning discussions of a lease agreement?

To reiterate, the process for development includes:

- Begin discussions for terms of a lease agreement, final approval by the Board
- Proposed development begins the PUD amendment process - staff will provide code reference and application
- PUD process be followed including department staff reviews and respective hearings before Planning Commission and Board of Trustees
- Staff to assemble/negotiate a redevelopment agreement for review and final approval by the Board, concurrent with the PUD process