



## **BOARD OF TRUSTEES MEETING**

**Thursday, May 12, 2022 at 5:00 PM**

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

**\*In-person & LIVE STREAM available at Town website\***

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### **LOCAL LICENSING AUTHORITY**

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#### **Call to Order**

- [1.](#) Change of Entity Member - The Ugly Mug LC - Remove A.Gatti  
Change Entity Name - Under the Rose Inc (dba Journey's End)  
Change of Entity Member - Under the Rose Inc - Add G. Goodman-Floyd

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### **AGENDA**

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

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Introductions/Presentations**

2. State of Municipal Court, Judge Ciccolella
3. Palmer Lake Economic Development Group (PLEDG) Presentation of Four Pillars

#### **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.*

- [4.](#) Minutes from April 28, 2022 Meeting

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

- [5.](#) Water
- [6.](#) Public Works including Roads & Park Maintenance
- [7.](#) Police

- [8.](#) Fire
- [9.](#) Administration
- 10. Attorney
- 11. Administrator/Clerk

### **Public Comment**

*Public comments are encouraged to be emailed to the Town office at [info@palmerlake.org](mailto: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!*

### **Public Hearing**

- [12.](#) PUBLIC HEARING (Continued) - Application for ROW Vacation, Loveland Slope (171 Shady Ln)

### **Business Items**

- [13.](#) Ordinance 8-2022 to Vacate ROW (Loveland Slope)
- [14.](#) Ordinance 9-2022 to Amend Section 5.10 Relating to Short Term Rental
- [15.](#) Resolution 29-2022 to Accept the Final High Street Drainage Study
- [16.](#) Resolution 27-2022 to Award the Erosion Repair Project (Pedestrian Bridge)
- [17.](#) Resolution 28-2022 to Award the Exclusion Fence Project (Pedestrian Bridge/RR)
- [18.](#) Restate & Encourage Water Conservation Guidelines

### **Board Reports**

### **Next Meeting (May 26) and Future Items (Review Initiative Dates)**

#### **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 property trade/sale.*

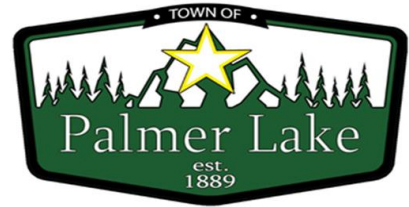
#### **Reconvene to Open Session**

#### **Adjourn**

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### **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.



Item 1.

TOWN OF PALMER LAKE  
BOARD OF TRUSTEES - AGENDA MEMO

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Local Licensing Authority – Changes for The Ugly Mug LLC Liquor License

**Background**

Mr. Onan Floyd will be present to speak to the following changes to the liquor license at 11 Primrose, as the building has been purchased and is owned by Onan Floyd, as Under the Rose Inc., and requires the following three actions to be considered by the Board for changes to the liquor license.

1. Change of the Entity Member – The Ugly Mug LLC license will remove Alicia Gatti
2. Change the Entity Name from The Ugly Mug LLC license to Under the Rose Inc., to conduct business as **Journey’s End**
3. Change of the Entity Member – Under the Rose Inc., will add Onan’s partner Ms. Gale Goodman-Floyd to the license

This procedure was specifically reviewed with a State LED rep and there was no issue with the process. Following this memo is the summary of the application changes for the license.

Under the Rose, Inc  
d/b/a Journey's End

**SUMMARY OF APPLICATION MATERIALS**  
Hotel and Restaurant Liquor License Application

- Applicant: Onan Floyd, III
  - The entity known as The Ugly Mug LLC is making a change to remove partner, Alicia Gatti.
  - The entity was purchased by Onan Floyd, operating as Under the Rose, Inc., and requests a change of entity name to conduct business as Journey's End.
  - The Under the Rose Inc., entity is making a change to add partner, Gale Goodman-Floyd.
- Applicant Eligibility: The applicant, including all members/officers, does not have any disqualifying criteria shown on the application.
  - Managers: Entity is operated and the license managed by both Onan Floyd and Gale Goodman-Floyd, corporation members, and there is no need for Managers.
- Criminal History: Individual history forms are completed and fingerprints for both LLC members are submitted to CBI. There is no criminal history found for Onan Floyd or for Gale Goodman-Floyd.
- Applicant: Under the Rose, Inc
  - The entity is held by two individuals who own 50% each: Onan Floyd III (of Colorado Springs) and Gale Goodman-Floyd (Colorado Springs).
  - The entity known as Under the Rose Inc., is in good standing and all filings are complete as filed with the Colorado Secretary of State.
  - The corporation will conduct business as Journey's End.
- License Type: The applicant is applying for the Hotel and Restaurant class liquor license. This license class allows service of malt, vinous, and spirituous liquors, often referred to as "full alcohol." The applicant is eligible to apply for this class of license.
- Premises: The building located at 11 Primrose St, Ste B, Palmer Lake, the entirety of the building, licensed as Under the Rose, Inc.
  - The location is eligible to be licensed.
  - The property is owned by Onan Floyd, Under the Rose Inc.
- Concurrent Review: There is no concurrent review with the State Liquor Enforcement Division; changes will be reviewed by LED with local approval.

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

Item 1.

**NOTICE OF PUBLIC HEARING**  
**TOWN OF PALMER LAKE**

The Town of Palmer Lake will hold a hearing for the purpose of determining transfer of a liquor license application as follows:

Applicant: Under The Rose, Inc (Formerly The Ugly Mug, LLC)  
Address: 11 Primrose St, Palmer Lake, CO 80133  
License: Hotel and Restaurant serving malt, vinous, and spiritous liquor

Hearing: Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake 5:00pm May 12, 2022

Comments may be submitted to the Deputy Town Clerk at: [julia@palmer-lake.org](mailto:julia@palmer-lake.org) or by mail to PO Box 208, Palmer Lake, CO 80133

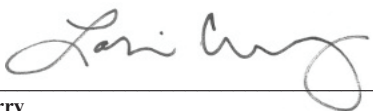
Published in The Gazette April 27, 2022

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 04/27/2022**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

  
 Lorre Cosgrove  
 Sales Center Agent

Subscribed and sworn to me this 04/27/2022, at said City of Colorado Springs, El Paso County, Colorado.  
 My commission expires December 15, 2025.

  
 Lori Curry  
 Notary Public  
 The Gazette

**Lori Curry**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
 NOTARY ID 20164040549  
 MY COMMISSION EXPIRES December 15, 2025

Document Authentication Number  
 20164040549-224251



## BOARD OF TRUSTEES

Thursday, April 28, 2022 at 5:00 PM

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

### MINUTES

**Call to Order.** Mayor Bass called the LOCAL LICENSING AUTHORITY to order at 5:01 PM.

1. Application for New Liquor License - Sasquatch and Yeti Taqueria LLC (292 Hwy 105). Restaurant owner Norma Sandoval addressed the Board explaining her background and request to add liquor to the Mexican food served and request for a liquor license. Deputy Clerk Julia Stambaugh confirmed the eligibility of the applicant. No other comments were received. MOTION (Stuth, Farr) to approve the liquor license for Sasquatch and yeti Taqueria LLC. Roll call vote – aye 5; nay 0. Motion passed.

#### Pledge of Allegiance

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

#### Introductions/Presentations

2. Presentation by CORE - Phase 2 in Palmer Lake. Mr. Rob Osborn, of CORE Electric, presented an overview of the Phase 2 rebuild activity to the Board members including the process for the rebuild work and communication plan to the community. Information is available on the town website.

**Consent Agenda.** MOTION (Carrier, Farr) to approve the consent agenda including items 3) Minutes from April 14, 2022 Meeting and 4) Checks over \$15,000 - TN Parker (\$62,876.32). Roll call vote – aye 5; nay 0. Motion passed.

#### Staff/Department Reports

5. Attorney – no report.
6. Administrator/Clerk. Collins acknowledged Water Supervisor Steve Orcutt for the successful state sanitary survey of the water system. A ribbon cutting is scheduled for Sat., May 7 at 10a to celebrate re-opening of the Town Hall, Museum and Library. Quotes are under review for the structural repair of the museum/library and the board agreed to move forward with the landscaping estimate plan obtained from Oasis for \$11,608. Collins stated that GMS finalized the drawings and is requesting quotes for the erosion repair at the pedestrian bridge abutment as well as the installation

of the fencing per the construction documents exhibited in the agreement. Activities of the Master Plan advisory team were reviewed.

### Public Comment

Mr. Roger Mosely inquired about the public input submitted to the Town of use of the elephant rock property. Mr. Aquarius Workman made a recommendation to the Board to consider allowing a high revenue producing market such as recreational marijuana to utilize 50% of revenue to create a fund for local students to attend college.

### Public Hearing

7. Public Hearing - Amendment of Conditional Use to Temporary Outdoor Use (Diacut, Hwy 105). Mr. Bruno Furrer provided the background to the request to amend the prior approved conditional use for a temporary outside use on the Diacut property for HAYCO. Discussion took place about the height of the hay bales. Mr. Furrer stated that the product will be fenced. No other comments were provided.

8. Public Hearing - Application for ROW Vacation, Loveland Slope (171 Shady Ln). Mr. Jim Brinkman presented the survey information of the platted, undeveloped Loveland Slope right-of-way (ROW), speaking to the slope, utilities, and property boundary line of 171 Shady Lane. Mr. Gene Kalesti, owner of 171 Shady Lane, presented his request to vacate Loveland Slope and his intention to return it to a natural state of vegetation. Mr. Randy Perry, property owner on Fowler Branch, distributed information to the Board speaking to his objection to the ROW vacation, including fire hydrant access, utilities, drainage, and the turn from South Fork to Fowler Branch. Ms. Pattie Brooks spoke for the Brooks family, property owner on Fowler Branch, having historically used Loveland Slope to access their cabin property on Fowler Branch. Mr. Kerry Paige, abutting property owner to Loveland Slope ROW (179 Shady), stated his support and request for the vacation of the ROW and pointed out the distance of the ROW to his front door if developed. Mr. Paige offered the corner portion of his property at market value if Fowler Branch is developed from South Fork. Mr. Bill Fisher addressed the Board noting that he initially voted against the recommendation to approve the vacation at the Planning Commission meeting and now supports it with the proper development of Fowler Branch for access and include easements for drainage and utilities in the vacated ROW. Collins provided explanation of the staff review supporting the vacation of the Loveland Slope ROW and development of Fowler Branch for proper access to Fowler Branch properties. Ms. Brooks and Mr. Kalesti explained an existing area to mitigate drainage. Following comments from the Board members about visiting the site, Attorney Krob offered the Board the option to continue the hearing to obtain more information and notice for a site visit. MOTION (Currier, Stuth) to continue this hearing to May 12 at 5 pm. Roll call vote – aye 5; nay 0. Motion passed.

Mayor Bass called for a 10-minute recess at approximately 5:45 PM. The Board reconvened approximately 5:55 PM.

9. Public Hearing - Application for Conditional Use (Tri Lakes Center for the Arts) - *Moved by Planning Commission to Continue Hearing to 5/18/22*. Attorney Krob suggested an action by the Board and to hear any public on this item. MOTION (Stuth, Currier) to continue this hearing to May 26 at 5 pm. Roll call vote – aye 5; nay 0. Motion passed.

### Business Items

10. Special Event Application - Elephant Rock Bike Tour (6/5/22). Mr. Scott Olmsted explained the route and details of the event and that this may be the last of the bike tour event. MOTION (Currier,

Stuth) to approve the Bike Tour event as presented including the event fee. Roll call vote – aye 5; nay 0. Motion passed.

11. Special Event Application - Fishing Derby (6/4/22). Mr. Jim Hawk with Tri-lakes Lions Club provided a summary of last year's event with over 300 participants and the plans for the upcoming June event. It was requested to waive the event fee. Discussion took place about mobile zoo animals and Mr. Hawk explained they are docile and will be on-site at 10 am after fishing begins. MOTION (Farr, Dawson) to approve the Fishing Derby event with the fee waived. Roll call vote – aye 5; nay 0. Motion passed.

12. Special Event Application - Festival on the Fourth (7/4/22). Trustee Currier recused herself from this item as a member of Awake the Lake and exited the room. Ms. Cindy Kuchinsky provided a summary of the festival event changes this year – including a central location of one stage with the beer garden and food. The event will run 2-8 pm and is tentative for a fireworks display. It was requested to waive the fee and also use town hall tables. Mr. Loren Burlage suggested the town charge for parking at the elephant rock property. MOTION (Dawson, Stuth) to approve the Festival on the Fourth event with the fee waived and allow the use of the tables. Roll call vote – aye 5; nay 0. Motion passed.

13. Resolution 26-2022 to Approve Temporary Conditional Use (Diacut, Hwy 105). Mr. Loren Burlage addressed the Board explaining the layout of the outside use, noting that the tallest bale is 8-12 feet and that product will be covered. Trustee Stuth stated it has been over a year getting that area cleaned up. MOTION (Farr, Dawson) to approve Resolution 26-2022 for a temporary conditional use as recommended by the Planning Commission. Roll call vote – aye 4; nay 1 (Stuth). Motion passed.

14. Ordinance 8-2022 to Vacate ROW (Loveland Slope). MOTION (Farr, Currier) to table this item to the May 12 meeting and direct staff to set a date for an on-site visit. Roll call vote – aye 5; nay 0. Motion passed.

15. Review and Suggested Amendment to STR Code. Collins reviewed what staff has learned as short term rental applications have been submitted. It is suggested to amend the ordinance to follow the conditional use process for owner occupied rentals with more than two units on a parcel similar to the non-owner occupied rentals with more than three units. The residential zoning code will also be addressed to consider accessory dwelling for short term rental. The Board directed staff to draft an amended ordinance.

16. Status of Elephant Rock Property. A draft schedule of activity was reviewed, and the Board agreed that staff should request proposals for a concept development for the property. Mr. Roger Mosely inquired about posting the citizen input and it was confirmed to post it to the website.

17. Schedule of Revenue Discussion - Options to Consider. The schedule of dates, beginning with a Special Board of Trustees Town Address on Tuesday, May 24, was reviewed. It was agreed that specific workshops should follow after the 5/24 town address to cover specific options. The schedule will be revised and be distributed to the Board to confirm dates to finalize potential initiatives by the last meeting in July for submittal the first week of August. Ms. Woodward inquired about the County deadline. Staff will confirm the date.

**Board Reports.** None made.

**Next Meeting (May 12) and Future Items.** Collins mentioned the upcoming car show that Dino Salvatori is hosting at his lot on May 14th. Trustee Dawson stated he will be out of town for the May 12 meeting.

**Convene to Executive Session.** Mayor Bass announced 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) – property trade/sale; possible annexation. MOTION (Currier, Farr) to move to executive session at 7:49 PM. Roll call vote – aye 5; nay 0. Motion passed.

**Reconvene to Open Session.** MOTION (Currier, Dawson) to reconvene to open session at 8:04 PM. Roll call vote – aye 5; nay 0. Motion passed.

**Adjourn.** MOTION (Currier, Dawson) to adjourn at 8:05 PM. Motion passed.

\_\_\_\_\_  
Mayor Bill Bass

ATTEST:

\_\_\_\_\_  
Dawn A. Collins, Town Clerk

**Town of Palmer Lake Monthly Water Usage**

**Month**    **April ✓**  
**Year**     **2022**

	<b>Gallons</b>	<b>Acre Ft</b>
<b>Surface Water</b>	<b>4,015,000</b>	<b>12.32</b>
<b>Well A2</b>	<b>858,000</b>	<b>2.63</b>
<b>Well D2</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>4,873,000</b>	<b>13.65</b>
<b>Avg. Gal/Day</b>	<b>162,000</b>	<b>0.5</b>

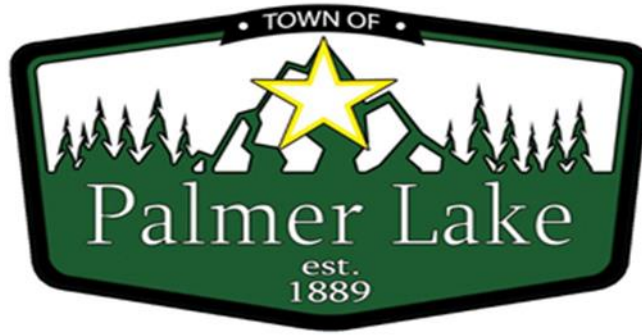
**Release To Lake 5.304 AF / Max Allowed = 8.4 AF / Month**  
**Release Glen Park Evaporation 0 AF**

**Total                    8.39**



*Board of Trustees Summary Sheet*

	<b>APRIL 2022</b>
Title	<b>Public Works Department Monthly Report</b>
Date	BOT meeting 5/12/2022
Contact	Jason Dosch
Summary	<p>Graded roads                      Patched Potholes                      Started applying dust control on Town roads                      Cut tree limbs from ROW                      Replaced and repaired street signs                      Performed routine maintenance on equipment and playground equipment                      Emptied trash cans at Lake Rec. area                      Performed playground inspections                      Attended Parks Commission meetings                      Attended Special events permit meetings                      Removed dead deer from ROW                      Attended TAC meeting at PPACG                      Plowed snow and sanded Town streets and parking lots                      Kept Town offices and bridge sidewalks clear of snow and ice                      Performed maintenance parking kiosk at Trailhead parking lot                      Worked on future budgets and needs for Public Works Meeting                      Hired Quentin Davis for part time Parks maintenance - started 5/2                      Received large rocks for placement around the Parks</p>
Training	<b>Safety</b>
Other Activity	<p>Working with CDOT and GMS Eng. for \$200,000 in stimulus funds for next year for bridge upkeep                      Planning Palmer Lake Elementary School Road Improvement project with Federal Grant funding</p>

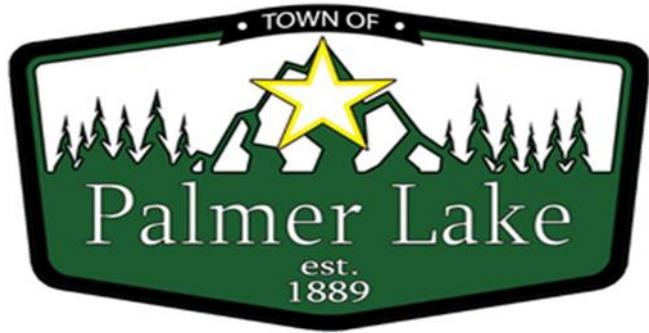


*Board of Trustees Summary Sheet*

	<b>April-May 2022</b>
Title	<b>Police Monthly Report</b>
Date	4/1-4/30/2022
Contact	J. Vanderpool
Summary	In the Month of April 2022, the PLPD conducted 19 traffic stops and issued 67 citations. Also, in the month of April 2 Traffic Accidents were investigated, 2 DUI arrests were made, as well as 1 warrant arrest was made.
Training	Officers attended different trainings this month to including, Sexual Assault, SFST, and E citations.
Photographs	The attached photos are of some of the damage to 290 Hwy 105.
Other Actions	PLPD Officer are actively investigating 2 separate Burglaries at 290 Hwy 105. Suspects have been identified, interviews are being conducted, the investigation continues.
Active investigations	Palmer Lake PD officers have also investigated 2 Criminal Mischief cases, 1 Fraud case, and assisted other agencies in 3 different cases.
Calls for service	Officers responded to 343 calls for service this month. 321 of these calls were in the Town of Palmer Lake, 32 were outside of town.

Code Enforcement	Code enforcement officers have been working with town residents to correct the violations. A violator was cited for noncompliance.
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.





*Board of Trustees Summary Sheet*

Title	<b>Palmer Lake Fire Department</b>												
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	05/04/2021												
Contact	Christopher McCarthy, Fire Chief												
Summary	<p style="text-align: center;">Breakdown by Major Incident Types Emergency Reporting</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Incident Type</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Rescue &amp; EMS</td> <td>64.0%</td> </tr> <tr> <td>Service Call</td> <td>20.0%</td> </tr> <tr> <td>Fires</td> <td>8.0%</td> </tr> <tr> <td>False Alarm</td> <td>4.0%</td> </tr> <tr> <td>Hazardous Condition (No Fire)</td> <td>4.0%</td> </tr> </tbody> </table> <p style="text-align: right; font-size: small;">meta-chart.com</p>	Incident Type	Percentage	Rescue & EMS	64.0%	Service Call	20.0%	Fires	8.0%	False Alarm	4.0%	Hazardous Condition (No Fire)	4.0%
Incident Type	Percentage												
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False Alarm	4.0%												
Hazardous Condition (No Fire)	4.0%												

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	8%
Rescue & Emergency Medical Service	16	64%
Hazardous Condition (No Fire)	1	4%
Service Call	5	20%
False Alarm & False Call	1	4%
TOTAL	25	100%

**Significant Events:**

04/24/2022: E2011, BR2045 and C2000 responded to an outbuilding fire at 11975 Bradshaw Rd in Peyton. Companies were in Peyton Training and able to assist our partner in responding to this assignment before their personnel could respond to the firehouse. A fire in a barn was extinguished in short order, and units returned to training.

On 4/29/2022, Chief McCarthy took delivery of a Stryker Stretcher donated by Gilpin County EMS and transported it to Palmer Lake in his personal vehicle.

**Training:**

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

On 4/14/2022, ten (10) members travelled to Peyton Fire Protection Districts Training Facility to complete Firefighter I, Firefighter I Live Burns and Firefighter II Job Performance Requirements for certification 140 person hours of training were completed.

Total: 705.26 hours

Budget Implications

None at this time



**Figure 1 A-Shift with our new(sed) stretcher**



**Figure 2 Proctor Cadre**



**Figure 3 Successful completion of JPRs**



**Figure 5 Making Entry**



**Figure 4 Displacing the Dash**

**CONTACT US REPORT - APRIL - 2022**

	<b>Submitted Time</b>	<b>First Name</b>	<b>Subject</b>
1	04/05/2022 - 5:45 PM	Stanley	Water Service
2	04/09/2022 - 12:39 PM	Soulia	Fishing Derby
3	4/21/2022 - 7:35 AM	Jason	PL Pavilion Rental
4	4/21/2022 - 12:04 PM	Laurel	Arbor Day
5	04/24/2022 - 4:46 PM	Cecilia	Pavilion
6	4/25/2022 - 12:12 PM	Kellie	El Paso County Clean Sweep Event
7	04/26/2022 - 9:46 PM	Lucas	Zoning
8	04/26/2022 - 3:46 PM	Shane	Pavilion Rental - 7 May
9	04/30/2022 - 9:38 AM	Jina	Planning Committee

# T2 Iris Transaction Summary 05/02/2022 12:00 AM MDT

*april:*

Ticket #: All  
 Date/Time: 04/30/2022 12:00:00 AM to 04/30/2022 11:59:59 PM MDT  
 Organization: Town of Palmer Lake  
 Coupon Code: N/A  
 Transaction Type: All  
 Pay Station: Trailhead  
 Grouping: None  
 Plate Number: N/A

## Overall Summary

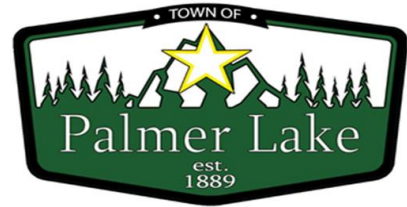
CASH	
Total Collections	0
Revenue	13
Change Issued	0
Refund Tickets	0
Total Refunds	0
Excess Payment	0
Attendant Deposit	0

CREDIT CARD	
Total Collections	895
Revenue	\$4743.50
PASSCARD	
Total Collections	0
Revenue	\$0.00

PATROLLER CARD	
Revenue	0
Test Transactions	0
SMART CARD	
Revenue	0
Recharges	0

TOTAL	
Total Transactions	908
Total Collections	895
Revenue	\$4743.50

*fees (268.50)*  
*mo. (70)*  
*\$4405 net*



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

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		PUBLIC HEARING (Continued) – Application for ROW Vacation, Loveland Slope (171 Shady Lane)

**Background**

Following action to continue the hearing and a site visit to view the undeveloped ROW, Loveland Slope, this hearing is again open for the public to speak to. Following this memo are all records relating to this item.

The two abutting property owners agree on the vacation. Staff reviewed the request and fully supports the vacation for the following reasons:

- If/when developed, run off onto Shady Lane will worsen the condition of drainage on Shady
- Fire apparatus cannot make the turn onto Loveland Slope from Shady nor make the steep slope to Fowler
- A large portion of the 171 Shady Ln property encroaches on the undeveloped ROW (Loveland Slope) and will cause great hardship to the abutting property (179 Shady)

Consideration to vacate should include a permanent utility easement and drainage easement within the ROW.

There were a number of neighboring property owners speaking against the requested vacation on 4/20. Along with public input, property owner of 179 Shady offered, if/when development of Fowler Branch takes place, to consider dedication of a portion of the Block 9 triangular property to develop an appropriate turn from South Fork onto Fowler Branch.

The Planning Commission reviewed and discussed this request; following is the drafted record from the 4/20 meeting, with a 6-1 vote to recommend approval:

MOTION (Ball, Miner) to approve the application as presented with the condition that a portion of the property corner of 179 Shady Ln would be dedicated in the event of the Fowler Branch roadway is developed to an approved standard. Vote 6-1 (no – Fisher). Motion passed.

Consideration of the Ordinance to vacate the undeveloped ROW will come under business items.



42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

Office Use Only	
Case Number:	_____
Date:	PC 4/20
Fees:	\$500.00
Check #:	204
Rec'd By:	MAZ
<i>Note: A minimum of ten days are required to process this application</i>	

## Right-of-Way Application

Name of Applicant/Property Owner: Gene E and Maria A.T Kalesti

Address: 171 Shady Lane PO BOX 615 Phone#: 720-475-6894

Email: gkalesti@gmail.com

Name of Proposal: JPB Vacate a portion of Fowler Branch near / behind 171 Shady Lane / Vacate Loveland Slope from Shady Lane to Fowler Branch

Legal Description or Address: Lot 1 Blk 8 Pine Crest Tri-Dist Assembly GRDS ADD 1 Palmer Lake

*(If the applicant is someone other than the property owner, the applicant must provide a notarized letter from the property owner giving permission to be represented in this action).*

**This is a Right-of-Way Vacation** – A Right of Way vacation is the termination of the public interest in a right-of-way (built or unbuilt); it extinguishes the easement for public travel that is represented by the right-of-way. The Right of Way is equally divided.

**Criteria for approval of a Right-of-Way Vacation** - In order to approve any Right-of-Way vacation, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant that the vacation sought will not leave any lands adjoining without an established right of way. and that the portion of the right of way sought to be vacated has now become useless to the property owners, the general public, and the Town of Palmer Lake, and that the Final Plat meets all of the criteria stated in Section 16 of the Palmer Lake Municipal Code.

By signing, Applicant agrees to the following:

- Town of Palmer Lake staff or its consultants may enter the property to inspect the property and evaluate the proposal.
- The applicant/petitioner is liable for all fees and costs associated with the Town’s review of this application. These may include, but are not limited, to engineering and consultant fees, public notice / recordation fees, and any other fees paid by the Town in connection with or related to this application.

*Payment of the above fees shall not relieve the applicant of any other fees incurred by the Town.*

As owner/applicant, I understand and affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature: [Signature] Date: January 21st 2022 3/2/2022

Applicant Signature: Maria Antonieta T Kalesti Date: January 21st 2022 3/2/2022  
(if needed) [Signature]

If the applicant is not the owner:

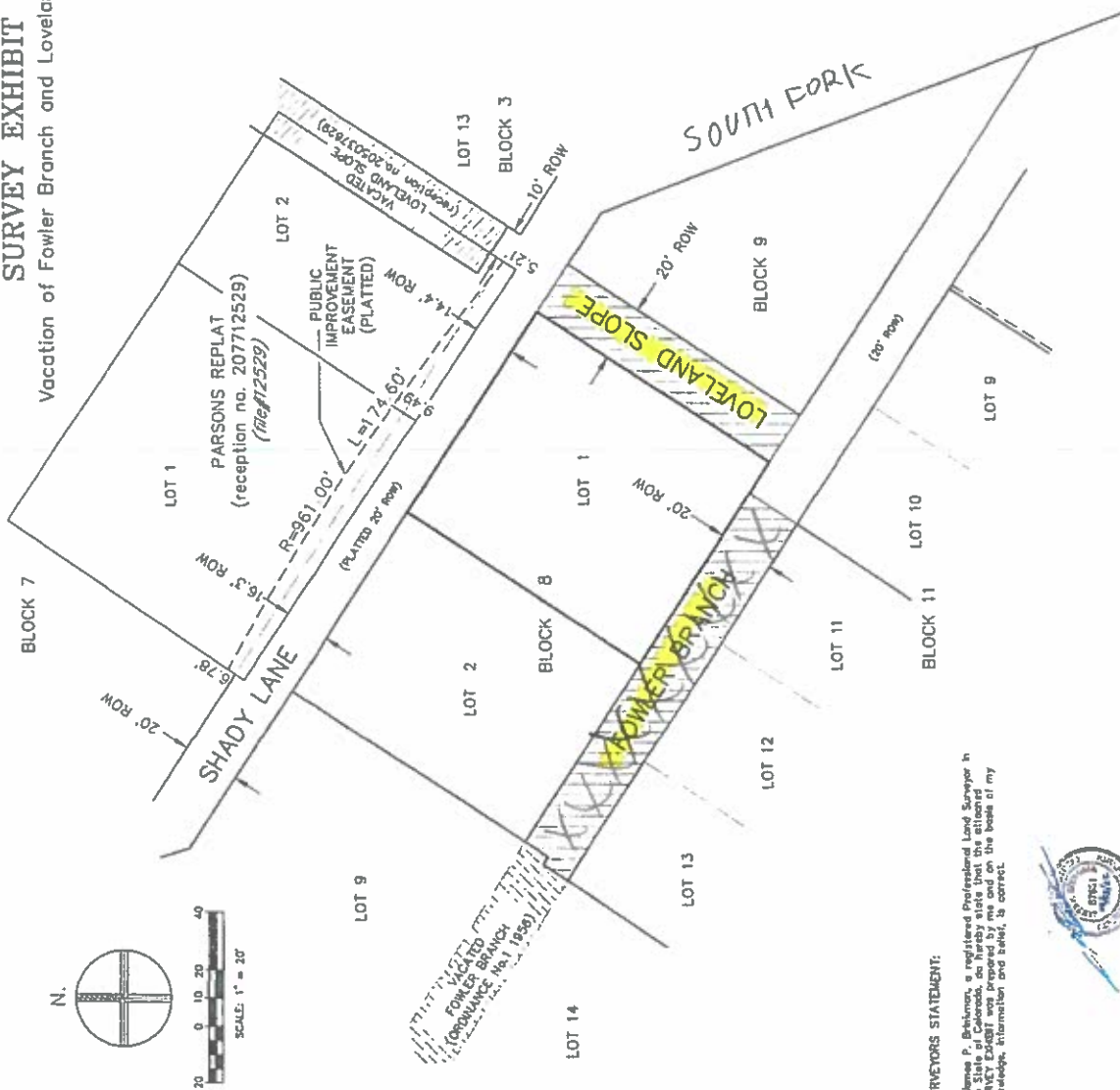
As owner of the above property, I agree to the application.

Owner – Print: \_\_\_\_\_

Owner – Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# SURVEY EXHIBIT

## Vacation of Fowler Branch and Loveland Slope



**LEGAL DESCRIPTION:**

**RIGHT OF WAY VACATION**

that portion of the 20 foot RIGHT OF WAY known as FOWLER BRANCH as shown on PNE CREST TR-DISTRICT ASSEMBLY ORDINANCE ADDITION NO 1, situated in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records El Paso County, El Paso County, Colorado), described as follows:

that portion of said Fowler Branch being Easternly of the portion referenced as Ordinance No 1 1966 and being adjacent to Lots 11, 12 and 13 in Block 11 and Lots 1 and 2 in Block 8 containing a Computed Area of 2,953 square feet of Land within this description, together with . . .

that portion of the 20 foot RIGHT OF WAY known as LOVELAND SLOPE as shown on PNE CREST TR-DISTRICT ASSEMBLY ORDINANCE ADDITION NO 1, situated in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records El Paso County, El Paso County, Colorado), described as follows:

that portion of said LOVELAND SLOPE being adjacent to Lots 1 in Block 9 and Block 8 containing a Computed Area of 1,949 square feet of Land within this description.

Heard and recommended for approval on the \_\_\_\_\_ day of \_\_\_\_\_ by the Planning Commission, Town of Palmer Lake.

(signature line for Chair, Planning Commission)

Heard and approved on the \_\_\_\_\_ day of \_\_\_\_\_ by the Board of Trustees for the Town of Palmer Lake.

(signature line for Mayor, Board of Trustees)

Attest by: \_\_\_\_\_

(signature line for Town Clerk)

**SURVEYORS STATEMENT:**

I, James P. Behrman, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached SURVEY EXHIBIT was prepared by me and on the basis of my knowledge, information and belief, is correct.



James P. Behrman,  
Professional Land Surveyor  
Colorado PLS 37831

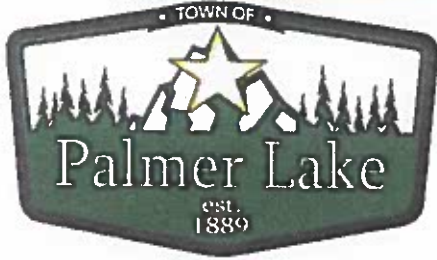
**SURVEY EXHIBIT**

CREATED USING SURVEYOR'S EXHIBIT, INC.  
CALIFORNIA P.O. BOX 100  
MOUNTAIN VIEW, CALIFORNIA 94039  
PHONE: 774-888-1111  
WWW: www.surveyors-exhibit.com

DATE	BY	BY	BY
07/23	James P. Behrman	James P. Behrman	James P. Behrman
07/27	James P. Behrman	James P. Behrman	James P. Behrman
08/01	James P. Behrman	James P. Behrman	James P. Behrman
CREATED DATE: January 22, 2022		SCALE: 1" = 20'	
DRAWN BY: JPB		DRAWN BY: JPB	
PROJECT NO.: 2111720K		SHEET 1 OF 1	

Item 12.

# Letter of Intent for Right of Way Application



Right of Way Application Rev. 05/2021

42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

## Right-of-Way Application

Letter(s) of Intent - why you are making this request, adjoining property owner

**Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”**

**Supporting Letter of Intent, abutting property owner and ROW vacation applicant.**

Gene E and Maria A.T. Kalesti  
171 Shady Lane BOX 615  
Palmer Lake, CO 80133

We owners Gene and Maria Kalesti of 171 Shady Lane respectfully request Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind our 171 Shady Lane home. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

**Loveland Slope Right of Way statements of fact by Kalesti’s, the abutting property owners:**

1. Loveland slope has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented in the for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.

## Letter of Intent for Right of Way Application

3. Lands nearby have always used the established Loveland Slope to Fowler Branch to access those lands on Fowler Branch. Loveland Slope is not presently or has been in the past been used for a daily, weekly, monthly or semiannual use.
4. The only adjoining and abutting landowners, Kerry J. Paige, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Adjoining and abutting landowners to Loveland Slope, Kerry J. Paige, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line.
6. It's our understanding that Loveland Slope is apparently too steep to develop at this time.
7. Developing Loveland Slope would not be a civic minded plan to protect home owners and would require it be done within the 20' allotted width, this would further encroachment on our property and abutting neighbor. Our property is already being encroached upon over time. We want to use all 8,273 sf of our property.
8. Wildlife as it's been 100's of years would be forever damaged and change for the worse if this vacation is not agreed to.
9. Road development of hard surfaced or compacted road structure would exacerbate the already very major issue of snow melt and storm water runoff damage to our property, our abutting neighbor, Shady Lane, homes and properties below Shady Lane. Impossible to not encroach and stay within the 20' easement. Please see Land Survey Plat
10. If we prevail the new acquired land would be planted with indigenous wild grass that can act as a leach field to absorb snow melt and rain.

It is the desire of the only two abutting neighbors, Kerry Paige to be approved for vacating Loveland Slope as shown in Survey EXHIBIT. This ROW is a hazard for fire trucks due to the complete inability to access due to the very steep slope or for any large vehicle to make the turn into the ROW and proceed to the top. There is also nowhere to turn a large truck. It is also a fact that all electrical and communication utilities would have to be moved from the NW corner of Block 9 of our adjoining abutting neighbors' property of Kerry J Paige.

**Fowler Branch Right of Way statements of fact by Kalesti's, the abutting property owners:**

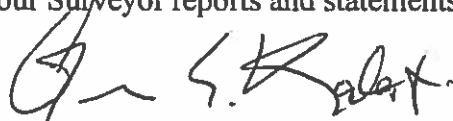
# Letter of Intent for Right of Way Application

1. The Fowler Branch ROW section described in our Survey EXHIBIT directly behind our home and our abutting neighbor Jim Andrews home has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.
3. Lands nearby have always used the established Fowler Branch from South Fork to access those lands on Fowler Branch. Fowler Branch is not presently or has been in the past been used for a daily, weekly, monthly or even semimanual use.
4. The only adjoining and abutting landowners, James "Jim" Andrews, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Fowler Branch has also been vacated for many years from Block 8 lot 2 and Block 11 Lot 13 to the NW (Vacated Fowler Branch Ordinance No1 1956)
6. Adjoining and abutting landowners to Fowler Branch, Jim Andrews, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line to provide security for our pet as nearly 100's of homeowners have done.
7. It's our understanding Fowler Branch is a ROW for Block 11, Lot 8, 9, and 10. It been surveyed and is comparatively level, a complete difference compared to Loveland Slope.
8. Wildlife as it's been 100's of years would be forever damaged if the ROW between agreed abutting neighbors would not be approved to vacate.
9. Any development of any part of Fowler Branch will have to meet Town & El Paso County development codes to not cause any damages, especial water damage to our property.

It is the desire of the only two abutting neighbors, Jim Andrews and Gene and Maria Kalesti to be approved for vacating Fowler Branch as shown in Survey EXHIBIT.

We thank the Planning commission for their time and I look forward to giving much more details including our Surveyor reports and statements from nearby neighbors.

Thank You  
Gene E Kalesti

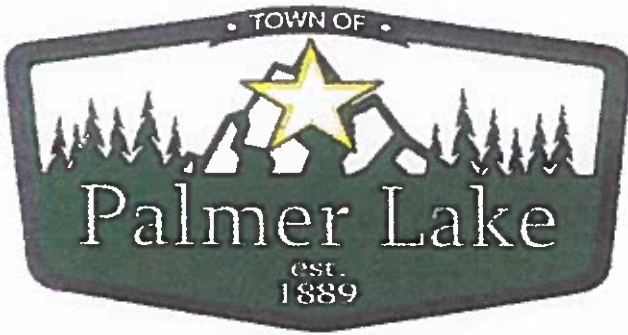


Date 2.22.2022

Maria A.T. Kalesti



Date 2.22.2022



Right of Way Application Rev. 05/2021

42 Valley Crescent  
 PO Box 208  
 Palmer Lake CO 80133  
 719-481-2953 – office

### Right-of-Way Application

Letter(s) of Intent - why you are in support of this request; adjoining property owner

**Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT "Vacation of Fowler Branch and Loveland Slope"**

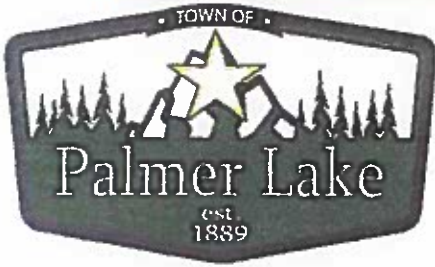
**Supporting Letter of Intent, abutting property owner.**

Kerry J Paige  
 179 Shady Lane BOX 1638  
 Palmer Lake, CO 80133

1. Loveland Slope is not the sole access to properties behind mine.
2. Other than my immediate neighbor, adjoining properties are not in need of right of way.
3. The development of Loveland Slope would put the road a few feet from my front door.
4. Also Utility poles, boxes and trees would have to be removed.
5. Topography would seem to create drainage problems.
6. Neighborhood aesthetics would diminish.

Kerry J Paige Kerry J Paige Date 2/28/22

# Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

## Right-of-Way Application

**Letter of support** - why you are making this letter of support, nearby property owner.

**Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.**

**See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”**

**Supporting Letter of Support by nearby property owner/s.**

We owner/s George E. Parsons and Beverley Dale Parsons support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated.

As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

**Vacation of Loveland Slope Right of Way** statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Beverley and I support vacating the aforementioned roads as a needed change to our neighborhood. I formally owned the property owned now by Kerry Paige. It would be irresponsible for any civic body to allow roads to be developed surrounding the Block 9, a single residence. I had vacated the lower half of Loveland Slope years ago. It was not useful as a road. The upper half of Loveland Slope is also not appropriate as a useful Road. Drainage alone can

# Letter of Support for Right of Way Application

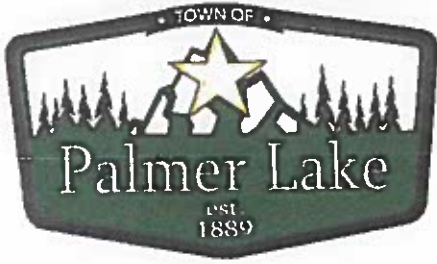
cause many problems for Shady Lane. Please allow the vacation of the upper part of Loveland Slope.

George E. Parsons March 3, 2022  
George E. Parsons

Beverley Dale Parsons March 3, 2022  
Beverley Dale Parsons

164 Shady Lane  
Palmer Lake, CO 80133  
719-481-2815

# Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

## Right-of-Way Application

**Letter of support** - why you are making this letter of support, nearby property owner.

**Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.**  
See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

**Supporting Letter of Support by nearby property owner/s.**

We owner/s Mary Koch 172 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

**Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them.** Please provide your statements of why you support the Vacation of Right of Way Application.

**Vacation of Fowler Branch Right of Way** statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

I support the vacating of Loveland Slope Right of Way.

1. The lower half of Loveland Slope was already deemed not useful as a road, neither is the upper half. The drainage from the upper side of Shady Lane has already caused runoff damage to my property, and making the upper half a road would only make it worse.

2. Loveland Slope is not the only means of access to those properties, and adding another road would not only cause damage to the existing nature, but ruin the atmosphere of our quaint and peaceful neighborhood.

Mary E Kouch

Date 3/3/2022

# Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

## Right-of-Way Application

**Letter of support** - why you are making this letter of support, nearby property owner.

**Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.**

See **EXHIBIT “Vacation of Fowler Branch and Loveland Slope”**

**Supporting Letter of Support by nearby property owner/s.**

We owner/s Chris and Charlene Schutte, 188 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit **“Vacation of Fowler Branch and Loveland Slope”** Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

**Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them.** Please provide your statements of why you support the Vacation of Right of Way Application.

## Letter of Support for Right of Way Application

**Vacation of Fowler Branch Right of Way** statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

1. Our property and neighboring properties have been affected by surface water runoff onto our land. We have sustained damage to property and loss of property due to the water that runs downhill from South Fork onto Shady Lane during heavier or extended rain periods
2. Due to the terrain any additional roads sloping downhill in this area will add to the existing issues of surface water runoff as there is no storm water system or swale to manage this runoff. We have reported and discussed this issue with the Town of Palmer Lake and it has been stated that the town will need to engineer a solution and identify a budget long term to address this issue, there are no immediate solutions.

Chris Schutte *Chris Schutte*

Date 3/2/2022

# Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

## Right-of-Way Application

**Letter of support** - why you are making this letter of support, nearby property owner.

**Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.**

See **EXHIBIT “Vacation of Fowler Branch and Loveland Slope”**

**Supporting Letter of Support by nearby property owner/s.**

We owner/s Gary and Dorothy Gore support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit **“Vacation of Fowler Branch and Loveland Slope”** Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

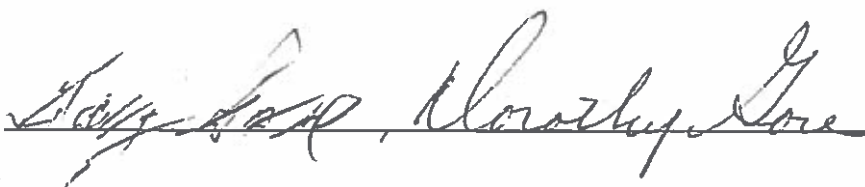
**Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them.** Please provide your statements of why you support the Vacation of Right of Way Application.

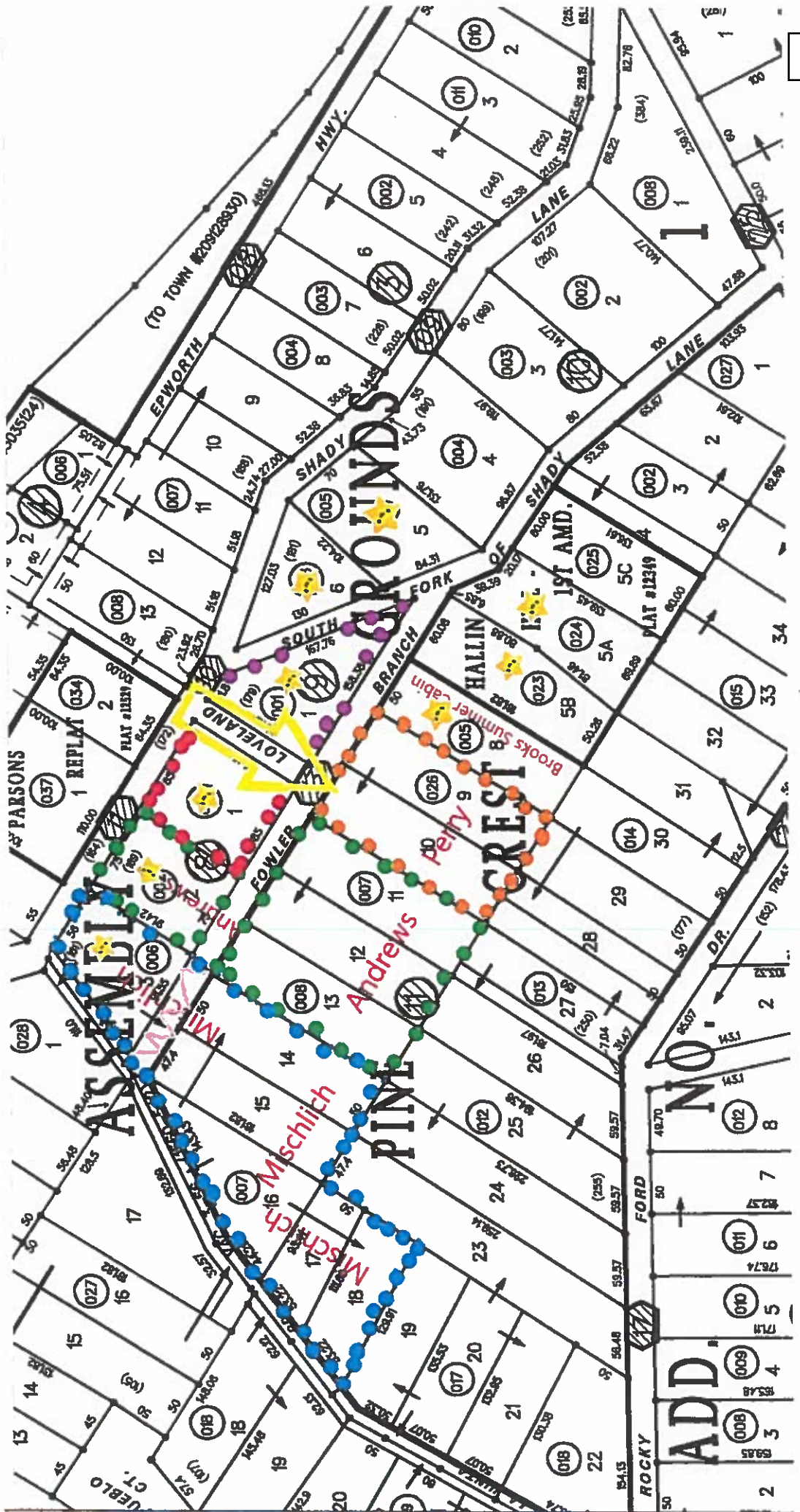
We support the vacation of Loveland Slope. It was never intended as a road and, as shown in the survey, is too steep for emergency vehicle use.

Palmer Lake has long since ignored and neglected services of engineers and surveyors under pressure of those seeking personal gain. Such decisions have violated regulations affecting major concerns of drainage, property lines, utilities, etc. It is time for responsible action and professional planning that focuses on the future of our community.

## Letter of Support for Right of Way Application

**Vacation of Fowler Branch Right of Way** statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

 Date 3/3/2022



ROW Vacate Applicant  
Mr. Kalesti,  
171 Shady Lane

**Arguments Against Vacating the  
Loveland Right-of-Way**

Against ROW Vacation  
Randy & Debbie Perry  
Lots 9-10 Fowler Branch

Item 12.

As the property owner of lots 9-10 boarding the Fowler Branch right-of-way with access from the Loveland right-of-way, we disagree with this request to vacate the Loveland right-of-way for the following reasons.

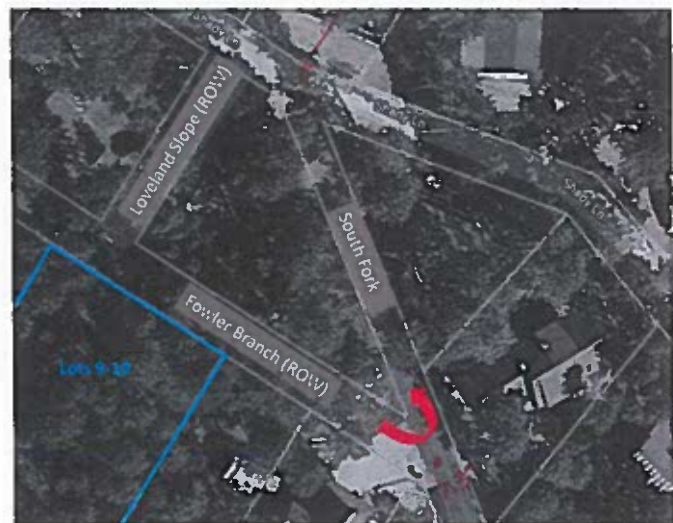
1) **Fire Hydrant Access:** In the event of fire, first responders will not have access to the closest fire hydrant located at the corner of the Loveland and Shady Lane intersection, approximately 110 ft from our property line. With the Loveland right-of-way being vacated, first responders will not be able to bring their fire hoses over private property that use to be a right-of-way. The next available fire hydrant is at the top of the hill on South Fork, requiring over 300 ft of fire hose to our property line.

2) **Utilities Access:** After discussions with the engineering departments of both the Black Forest Utilities and the CORE Electrical Cooperative, the preferred access point for natural gas and electrical connections to our property is through the Loveland right-of-way. Specifically, electrical access through the Fowler Branch right-of-way will require additional costs for utility placement to our property.

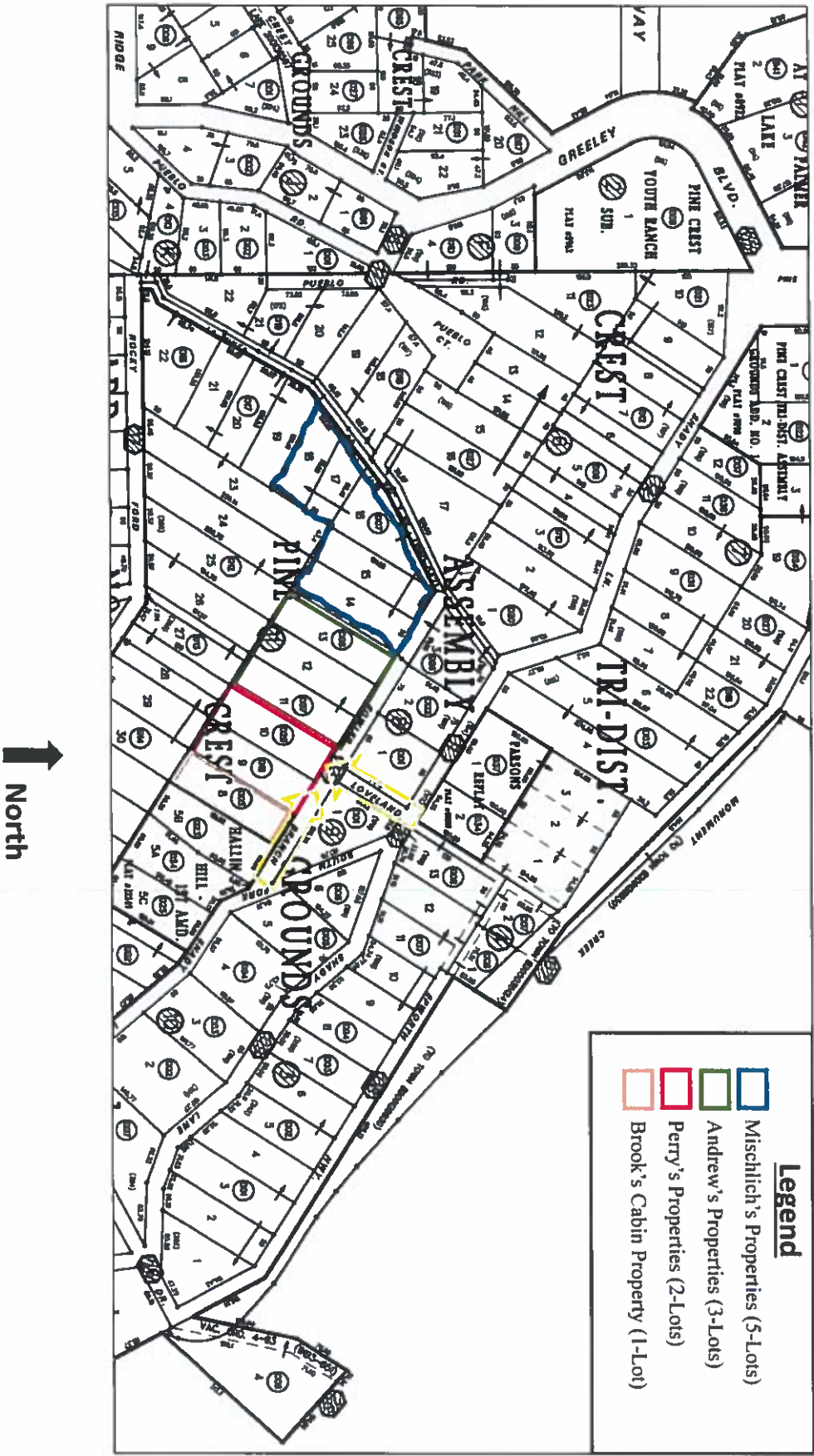
3) **Area Storm Drainage Mitigation:** There are considerable storm runoff drainage issues in the Shady Lane area that are affecting the down-hill residents with water damage to their properties. As future property development along Fowler Branch will require road engineering plans that include catch basins and culverts to control storm runoff from the Fowler Branch properties. Vacating the Loveland right of way would further restrict engineering options for storm mitigation planning for both Fowler Branch, Loveland, and Shady Lane properties, along with limiting the Town's Shady Lane drainage and road improvement plans.

4) **Loveland Slope is the Utilized and Preferred Access:**

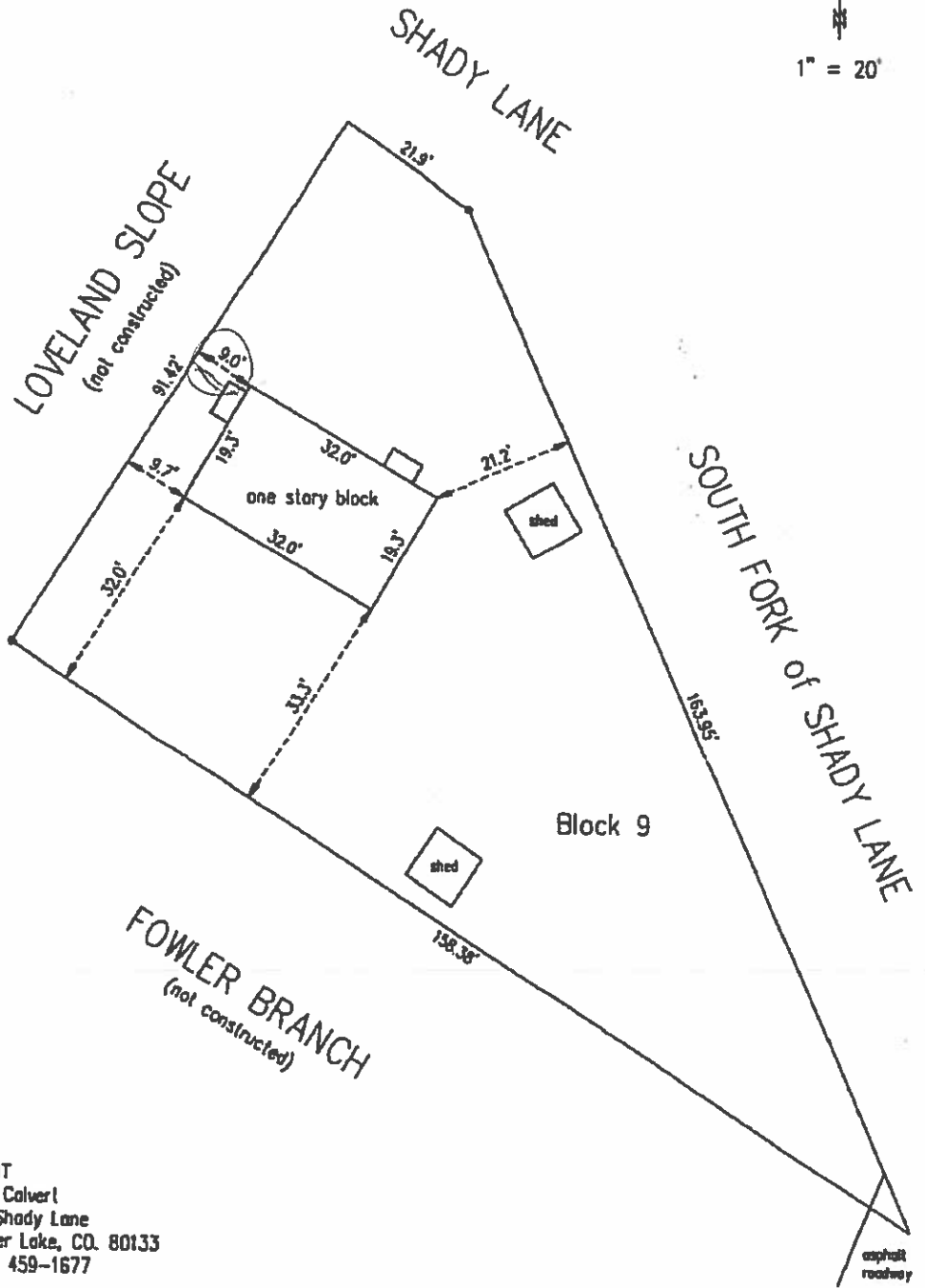
Vacating the Loveland right-of-way restricts current, preferred, and future access for all property owners of Lots 8 through 14 along Fowler Branch. Significant issues will arise for the for us and the other properties along Fowler Branch Road if the Fowler Branch Road is developed, requiring property owners to negotiate 300 degree turn radius from Fowler Branch right-of-way onto South Fork Road.



**Thank you for your time and consideration of these valid points to avoid vacating the Loveland right-of-way. Randy Perry, Cell: (719) 650-6831**



# PLOT PLAN



*Kerry Payne*

CLIENT  
 Mark Calvert  
 179 Shady Lane  
 Palmer Lake, CO. 80133  
 (719) 459-1677

LEGAL DESCRIPTION  
 Block 9, Pine Crest Tri-District Assembly Grounds Addition No. 1  
 County of El Paso, State of Colorado.

ADDRESS  
 179 Shady Lane

6-29-07  
 JN 07176-02



**G & L Surveying Inc.**  
 2345 Academy Place Suite 201  
 Colorado Springs, Colorado 80909  
 (719) 572-1095  
 (719) 572-1098 (fax)

Subject Loveland Slope and Fowler Branch –procedural question from meeting 4/20/22

From Debbie Perry <nh.native@me.com>

To Dawn Collins <dawn@palmer-lake.org>, bbass@palmer-lake.org <bbass@palmer-lake.org>

Cc Randall Perry <randall.perry@q.com>, trish flake <trishflake@msn.com>

Date Monday April 25, 2022 8:07:34 PM

Dawn and Mayor Bass

First, I want to say that was our first planning commissions meeting that we have attended in Palmer Lake. It was interesting and since we will need to attend this type of meeting in the future once our survey and engineering plans are prepared, we have a couple of procedural questions.

I noticed in the initial package, I can only presume that was provided to the planning commission during the meeting on 4/20/22 there were letters from Mr. Andrews and Mr. Richard Brooks and Mr. and Mrs Jeff and Pattie Brooks that were not included in the initial packet even though they appear to be dated in advance of this 4/20/22 planning commission meeting. I do not recall any mention of these letters at the meeting that evening. I do recall Mr. Inlenfeld (who I believe was the gentleman in red hat and sleeveless shirt who managed the gavel) telling Ms Trish Flakes that he was not interested in any third party communication when she tried to relay she had spoken to Mr. Andrews and had knowledge about Mr. Brooks. Would that have been the time to mention these letters from other property owners and who would have been the person to mention the letters to the planning commission board? Sorry, I guess there are two questions in that sentence.

There appears to know be a supplemental packet that supplies these letters from Mr. Andrews, Mr. Richard Brooks and Mr. and Mrs Jeff and Patti Brooks along with another letter from a Jessica and Nicholas Ehrhardt that was not included or mentioned at the meeting of 4/20/22 (pages 22-28). While I do not know if these letters would have made a difference in the vote that evening, I want to understand the process that should letters by neighbors that reside out of town and/or unable to attend said meeting are provided to the planning commission members making these decisions. After review of these letters and/or emails written directly to you, they each explain why they are unable to attend this meeting and they were advised to place something in writing but again no mentions of these letters were made during this very long meeting.

A vote occurred and recommendations were made to approve the vacating of Loveland Slope (with consideration that a portion of Mr. Paige's property that borders South Fork to be provided for better turning radius access to Fowler Branch property along with a utilities easement on Loveland to remain in place) which are now to be presented to the Board of Trustees on April 27th. Since these letters are in the supplemental package provided after the meeting does this mean that the board of trustees could potentially reverse the recommendations since these letters were not mentioned at the meeting?

Does the Board of Trustee have the final say or do they go off of the recommendations of the planning commissioners?

Again I am trying to understand the Town of Palmer Lakes process in deciding these important matters that effect neighbors and property owners who may own property in Palmer Lake.

I have included the attachments from the Town of Palmer Lake's website for easy reference.

Your response as to the procedure as stated above is greatly appreciated.

Randy and Debbie Perry

#### Attachments

MEET-Packet-ed1fa56c96bc4fe28c4110a1441dd28d.pdf (2.6 MB)

pc\_packet\_04.20.2022\_supp.pdf (1.23 MB)

## Dawn Collins

---

**From:** J Andrews <addawatt@yahoo.com>  
**Sent:** Tuesday, April 19, 2022 9:40 PM  
**To:** Dawn Collins  
**Subject:** Loveland Slope and Fowler Branch

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Hi Dawn, I cant make it to the planning meeting so if you share this communication it would be a good thing. In the broad scope of this issue we should not separate planning for Loveland Slope and Fowler Branch. Our primary concern should be towards the preservation of the exceptional quality life afforded us by making Palmer Lake our home. In my view, adequate storm runoff mitigation and emergency services access should be a top priority in any decision. At some point in the not too distant future someone is going to want to build a quaint tasteful cabin within reasonable hillside constraints on lots 9 and 10 on Fowler Branch . While I would rather that not happen, I no longer own that property and therefore have no control over the issue. I will vigorously defend the owners right to build within set parameters.

I have a proposal I hope every one will consider as part of a viable solution. Firstly, the majority of flooding on Shady Lane during heavy runoff seems to originate on South Fork. As I have witnessed on numerous occasions runoff crosses South Fork from Kerry's side to Jessica's side and takes the path of least resistance through the properties across and down Shady Lane. If we diagonal a couple of speed bumps across South Fork maybe it would be sufficient to shunt the runoff back towards Kerry's and into a new buried culvert across the front of Kerry's and terminating into the drain located at the utility cluster near the intersection of Loveland Slope and Shady Lane. My neighbors should not have to deal with perpetual flooding problems. I do not think Loveland Slope contributes to flooding on Shady Lane and If it does, it can be fixed with a garden rake . I think the Parsons' garage flooding problem can also be fixed with a garden rake. An extension of the existing culvert on Loveland Slope, maybe a perforated pipe on a gravel bed, and terminating at the drain on Shady Lane should preclude detrimental runoff situations which might otherwise occur as a result of likely development on Fowler Branch. We have to consider the water main that runs under Kerry's fence and maybe move the subsurface culvert towards the northwest, closer to the 171 property boundary to prevent water main freezing. The existing surface drainage should remain in place.

I am not in favor of abandoning Loveland Slope. I have spent twenty six years, thousands of dollars and applied well over 100 tons of gravel and road-base on and around Loveland Slope. Over the years there have been fire trucks, ambulances, police cars, 16 foot flat bed trailers full of horse poop, and a multitude of other vehicles making use of Loveland Slope to access Fowler Branch on a continual basis. Loveland Slope is the only somewhat improved access to my property and the back lots of the Misclisch estate. What I am even less in favor of is altering the established lawns on either side of loveland slope. There is a solution here I think may address multiple issues and It involves give and take from multiple parties.

South Fork already serves six houses and egress onto Shady Lane is tight. If Reverend Brooks agrees, access for properties on Fowler Branch could be up South Fork to Fowler Branch and then down Loveland Slope to Shady Lane. Hopefully there is no need to build a twenty foot road on Fowler Branch because it would chew up Kerry's back yard. Kerry would need to give up his south point at South Fork to provide a radius for the road. At Loveland Slope, Kerry would also give up a radius as required to bring road construction into elevation and slope compliance. In return, Kerry gets to keep his side yard. The Kalesti's would also need to forfeit a couple of feet along their property line on Loveland Slope. Because some of us cross some lines sometimes, I am willing to give up a slice of lot 11 as required to facilitate set

back requirements for the Kalesti's deck thereby maintaining required 20 foot access, on more favorable ground, for my lots 11,12 and 13 as well as the Mischlich property.

It is on my bucket list to build a small appropriate studio on some portion of my lots 11,12,or 13. It would greatly enhance project viability for me if we could abandon Fowler Branch at least along lot 13. In return, I would need required access to the Mischlich property. THANKS everyone for your thoughtful consideration. James Andrews

**Dawn Collins**

**Subject:** FW: Planning Commission meeting 4/20/22

Dear Town of Palmer Lake & Town Boards & Commissions,

My name is Pattie Brooks, I'm writing this letter concerning item #3 on the agenda of the Planning Commission at the meeting on 4/20/22 to vacate an existing road named Loveland Slope.

I was not able to attend the meeting as I was out of state, so I sent a letter and asked for a copy to please be given to each Commission member and asked for the letter to please be read at the meeting. After listening to the meeting I have more question and concerns, please see below:

- 1) Did someone ask for the road Loveland Slope to be improved or developed? If not, why even entertain vacating the road that's been there over 75 yrs without any concern? If left as is, that would mean no fire hydrant or utilities would need to be moved or changed in any way.
- 2) Since there are utilities in the road Loveland Slope, if it we're vacated, would that make it harder to access these underground utilities?
- 3) Have any members of the Planning Commission seen the road named Fowler Branch? Trying to access our Brooks Family cabin from Fowler Branch at this time is not possible. This means the Family would have to invest a lot of money and bring in heavy equipment to even be able to get to their cabin this summer. The responsibility would fall on Richard Brooks, who is a retired pastor and cannot afford the expense.
- 4) It was stated in the meeting that part of the road the Brooks Family will now need use, Fowler Branch, has already been vacated, will the Brooks Family have to go through various meetings to reverse the part that's been vacated so they can even use Fowler Branch?
- 5) Instead of a slight left turn from the road Loveland Slope, currently used, now to get to the Brooks cabin and other lots, it would mean very hard Z type turns (about 9 turns) to get to the Brooks Family cabin from South Fork and Fowler Branch.
- 6) If a Fire Truck would have a hard time turning from Shady Lane onto Loveland Slope, the turn would be so much harder (impossible) from South Fork onto Fowler Branch.
- 7) It was stated that 7- households wrote letters, were those letters in favor, or against? How was a decision reached without reading those letters at the meeting? Therefor it seems as though our concerns were not heard, and an important decision was made without all these details being given to the Planning Commission members.
- 8) In the meeting it was stated there are bad drainage problems all along Shady Lane. Vacating the road Loveland Slope, that is not improved and pretty much at a natural state now, would not make a change in the existing drainage already experienced along Shady Ln.
- 9) In the meeting the owner of 179 Shady Ln. said he has no interest in the land that is the road Loveland Slope except to bring it back to a natural state. The owner stated he's already spent over \$13,000 on surveys, attorney fees, and other expenses, would someone spend this amount without a reason? We've been informed the owner of 179 Shady wants to add on to his house and needs the land area of the road he wants vacated, Loveland Slope, to be able to make his lot size adequate for set backs so he can add an addition.
- 10) It was stated at meeting on 4/20/22, the original request to vacate was for both Loveland Slope and Fowler Branch. This would mean no access at all to the Brooks Family cabin and other lots.

I do not feel the approval to vacate Loveland Slope was reached with all the facts and would ask the Planning Commission to please reconsider the decision as it would cause great hardship for the Brooks Family.

Thank you for your hard work and consideration of this request.

Sincerely,  
Pattie Brooks

**Dawn Collins**

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**Subject:** FW: Public Hearing regarding Loveland Slope (Vacate)

Greetings Dawn,

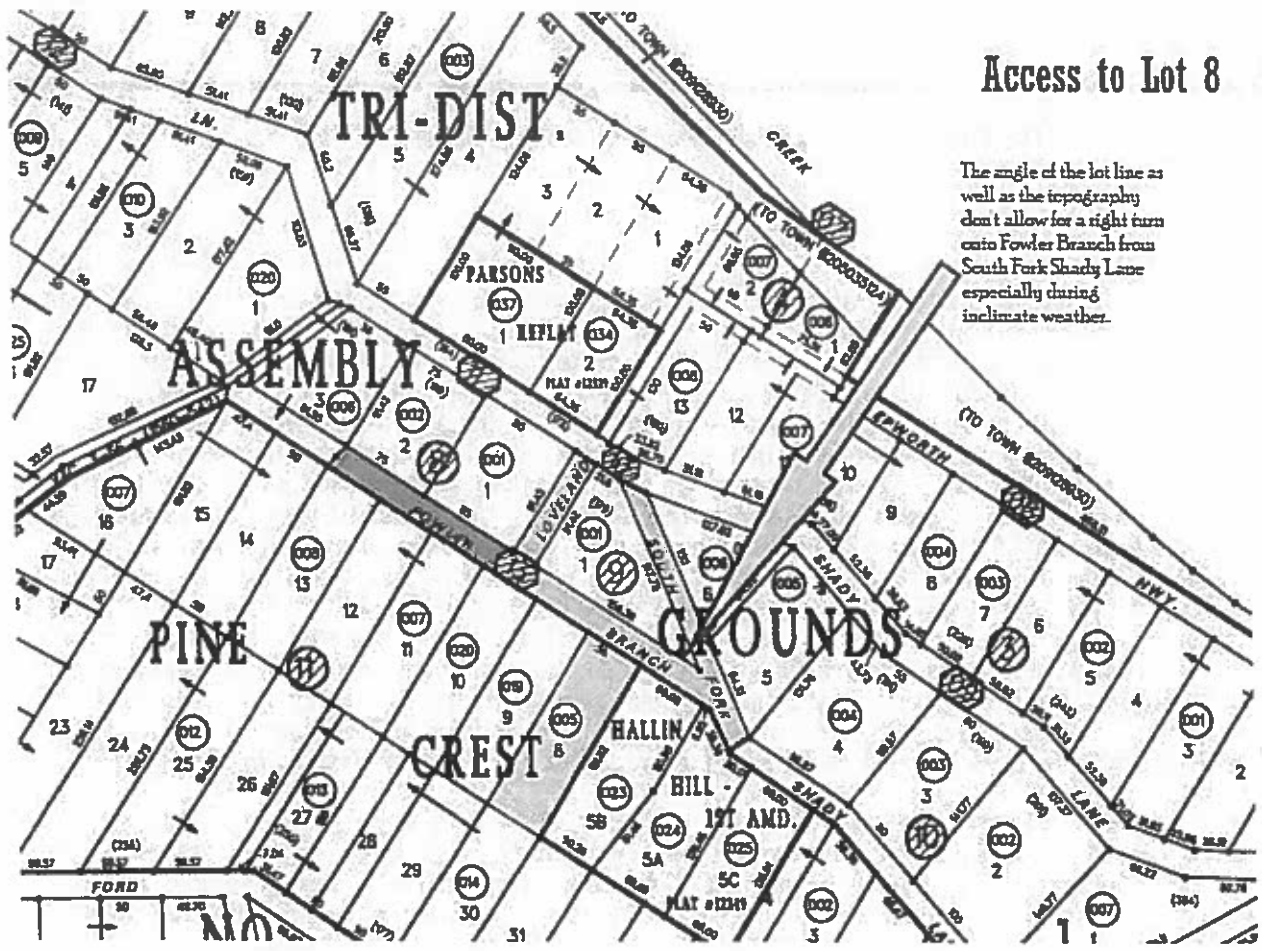
Thanks for the note and links below. This is Richard's son, Christopher, in response to the easement in question below. As you can imagine our biggest concern with this vacation of Loveland Slope is access to our lot. We have continually driven over Loveland Slope, as a family, for approximately 77 years from the time my grandfather purchased the land in 1945. At that time and up to the current date Loveland Slope was a platted public road connecting to Fowler Branch and the route in which we can were given by Palmer Lake to access our lot. With this being a publicly owned road we didn't need to record a Appurtenant Easement as we were able to use it as access to our lot and cabin without issue. With the potential of the vacation and the land going to private ownership we definitely fall within the prescriptive statutorily mandated period of 18 years of continual use and can demonstrate this was open and notorious usage during that period and many years prior. We have spoken with one of the two neighbors, Gene Kalesti, whom would take control of the vacated Loveland Slope and they expressed the willingness to allow our continued use of the road as we have done at a minimum twice a year since 1945. While we'd be open to that agreement with the neighbors we'd need it to be recorded as a nonexclusive appurtenant easement, or the like, in order to give access to our lot into perpetuity, or at least until an alternative means of ingress and egress are made available. Currently, access from South Fork to Fowler Branch, as shown below, is not a viable or safe alternative. We are unable to make a right hand turn from South Fork onto Fowler Branch without driving over the corner of Kerry Paige's property. That brings up another possible solution for our access if that corner were deeded back to the city in order to give enough of a radius to make that right hand turn on to Fowler Branch from South Fork.

I'm hopeful that the Town of Palmer Lake has given this thought and consideration in making the decision to vacate Loveland Slope. While we have no desire to develop Loveland Slope, we'd want to continue to use it as a driveway like we have in the past to get to our cabin. We and more than happy and willing to discuss what those options may be as they will cease to exist if everything else remains static and Loveland Slope is vacated by Palmer Lake.

We appreciate your time in this matter and look forward to meeting on May 27th at 9 am to discuss further, if not beforehand via email. Would also appreciate acknowledgment of receipt.

Thanks,

Christopher Brooks



### Access to Lot 8

The angle of the lot line as well as the topography don't allow for a right turn onto Fowler Branch from South Fork Shady Lane especially during inclement weather.

----- Forwarded Message -----  
 From: Dawn Collins <dawn@palmer-lake.org>  
 To: Richard Brooks <obkgjb@yahoo.com>; Christopher Brooks <cpb6216@yahoo.com>  
 Cc: Bill Bass <bbass@palmer-lake.org>  
 Sent: Wednesday, April 27, 2022, 09:55:11 AM PDT  
 Subject: RE: Public Hearing regarding Loveland Slope (Vacate)

Hello Mr. Brooks,

I wanted to inform you that this communication was shared with all Planning Commission members as part of the printed packet for the 4/20 hearing.

Please note the published 4/20 agenda supplemental packet here:

<https://www.townofpalmerlake.com/meetings>

It is also part of the Board Trustees packet for the 4/28 hearing.

Note item 8 here:

<https://meetings.municode.com/adaHtmlDocument/index?cc=PALMERLAKE&me=657c4437e895411c803fcbc08bbb10d2&ip=True>

**Dawn Collins**

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**Subject:** FW: 4:20:2022 planning Commission meeting

Good afternoon Town Manager Collins & Town Planning Commission,

Our names are Jeff & Pattie Brooks. We are sending this note because we will be out of town for the next Town Planning Commission meeting sch'd to be held on Wed 4/20/22. We have a concern with an item on the agenda and hope this email could be read on our behalf during the meeting.

To whom it may concern: Our names are Jeff and Pattie Brooks, we have a concern with an item on the agenda for the meeting tonight. It has to do with vacating a road platted over 75 years ago in Palmer Lake named Loveland Slope. We and our whole family use this road to access our Brooks family cabin. By vacating this road, it would make it next to impossible for our family to drive up to our family cabin built by our great grandparents over 50 years ago and the land the family has owned for about 75 years. This cabin is used several times a year by family from out of town and in our wonderful Town of Palmer Lake. Both easements and this road are intended to protect our public domain and provide access for the city, and are important for all of us. If this road were to be vacated, the Palmer Lake Fire Dept would not be able to access this land or help someone needing medical help. If this road were to be vacated, the Town of Palmer Lake would have to make the entire road named Fowler Branch useable (right now only a small portion is useable where it ties into Loveland Slope). If this road were to be vacated, it would only be a benefit to the property owner alongside the road Loveland Slope and would be terrible for the whole Brooks family, the Town of Palmer Lake, and other neighbors. Thank you for your consideration of all concerned in this matter.

Sincerely,

Jeff and Pattie Brooks

**Dawn Collins**

---

**Subject:** FW: Public Hearing regarding Loveland Slope (Vacate)

Dawn Collins  
Palmer Lake Township Clerk  
Planning Commission  
Palmer Lake, Colorado 80133

Dear Dawn:

Following a few attempts to speak with you by phone I was advised that email may be my best avenue to share a message with you regarding the public hearing in regard to vacating "Loveland Slope" between Fowler Branch and Shady Lane. I will not be able to attend the April 20 meeting as my wife will be hospitalized on that date following major back surgery on 4/18 in Wichita, Kansas.

While my Family property is not an immediate adjoining property to Loveland Slope, we have enjoyed the easy open access to our Lot 8 for more than 70 years by using Loveland Slope roadway. It was the access road several years ago that the EMS ambulance used to reach me when a trip to Penrose Hospital was necessary because of an acute health issue. I am willing to work with residents to relieve any current issues and will want to keep "easement rights into perpetuity" open for the easy access to our property for years to come. I would refer you to my son, Christopher Brooks [cob6216@yahoo.com](mailto:cob6216@yahoo.com), as he is the next to enjoy the occupancy of our cabin at 000 Fowler Branch, Palmer Lake, Colorado (our tax related address). We (immediate as well as extended family) continue to visit and use the cabin on a regular basis.

Across the years we have helped the Palmer Lake Township by paying our property taxes, as well as assisting when requested by the township with funds to help keep the sewer functioning, in fact, several thousand dollars of sewer charges have been paid while we are not served by any sewer lines. We have tried to do our part.

I and my family request that easement rights on Loveland Slope be maintained into perpetuity for our ease and enjoyment of access to our property.

If there is further information that I should be aware of in advance of the 4/20/2022 5:00 PM at the renovated Town Hall meeting, I may be contacted at 620-665-7523, email [obkgjb@yahoo.com](mailto:obkgjb@yahoo.com), or mailing address below.

Thank you for your consideration.

Sincerely,

*Richard G. Brooks*  
Richard G. Brooks  
000 Fowler Branch  
Palmer Lake, Colorado 80133  
or  
19 Harvest Lane  
Hutchinson, Kansas 67502

138885

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF EL PASO

**NOTICE OF PUBLIC HEARING  
TOWN OF PALMER LAKE**

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on April 20, 2022, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider an Application for Right of Way Vacation of unbuilt Loveland Slope (between Shady Ln and Fowler Branch) and a portion of unbuilt Fowler Branch (NW behind Block 8 Lots 1-2). A recommendation will be made to the Board of Trustees on the same matter scheduled for April 28, 2022, at 5 PM. A copy of the complete application is on file at the Town Clerk office at 719-481-2953.

/s/ Dawn A. Collins, Town Clerk

Published in the Tri-Lakes Tribune March 30, 2022.

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/30/2022

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove  
Sales Center Agent

Subscribed and sworn to me this 03/30/2022, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires March 30, 2022.



Sandra King  
Notary Public  
The Gazette

**SANDRA KING  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184014369  
MY COMMISSION EXPIRES MARCH 30, 2022**

Document Authentication Number  
20184014369-847418

# Gene Kalesti’s opening statement to Trustees of Palmer Lake, in addressing our application and now approval by Palmer Lake Management, Utility Departments and Planning Commission’s April 20<sup>th</sup> 2022, Application to Vacate Loveland Slope.

April 28<sup>th</sup>, 2022, Application to Vacate Town ROW (Loveland Slope) – Kalesti (171 Shady Lane)

(Photo #1)



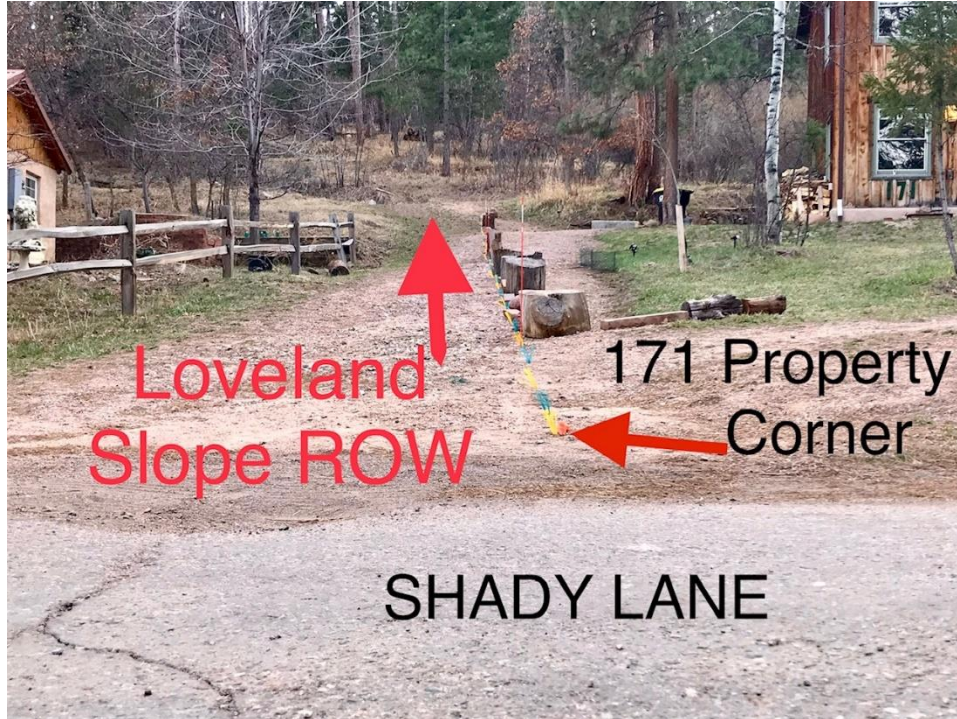
Good evening, Town Manager Dawn Collins, our dedicated Town Trustees, dear neighbors, and wonderful citizens of Palmer Lake.

My wife May and myself Gene Kalesti of 171 Shady Lane constantly say to one another we can’t imagine living anywhere else now that we have found Palmer Lake.

We applied for Vacation of a Town Right of Way “Loveland Slope” to present a permanent resolution to very long overlooked issues.

We did this at our and our abutting neighbor Kerry Paige's great financial cost. Just over \$14,200.00 to date, not including the excavation costs to restore the ROW, "Loveland Slope" to its natural state should Trustees agree with Planning Commissions vote to Vacate.

**(Photo #2)**



This ROW is encroaching on our property and our property is on top of the existing assumed ROW, due to extremely inaccurate platting by surveyor company out east hired by Town in the long ago past.

Any development of this unneeded ROW will further encroach on our property and bring a developed road to just 40 inches at the doorstep of Block 9 a single-family home of Mr. Kerry Paige our abutting neighbor. A 4 foot berm to support a developed road would in fact bring a developed road only 3.3 feet from Mr. Kerry's front door.

(Photo #3)



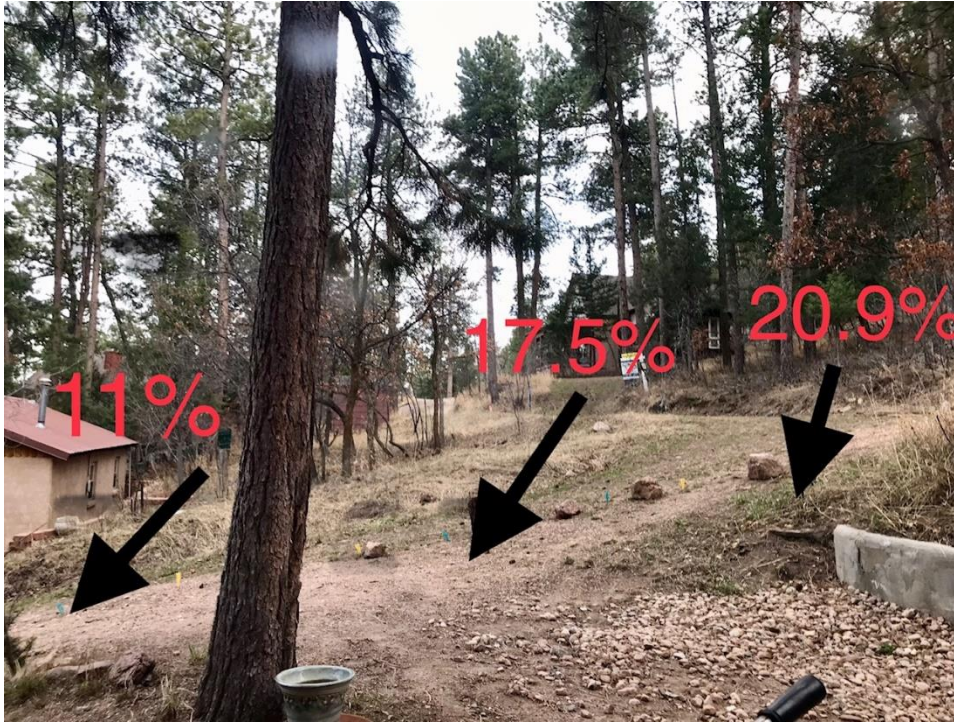
**Towns Staff has reviewed the request and supports the vacation for the following reasons-**

- "If/when developed, run off onto Shady Lane will worsen the condition of drainage on Shady"

Development would require the removal and relocation of a power pole and transformer, Telephone Pedestal and Electric Box on 179 Shady Lane's property. Relocation of a second Electric Box, and Telephone pedestal & Power pole. Relocation of these services would potentially more than likely require further encroachment onto private property of Block 9, 179 Shady Lane Mr Paige's Property.

**SEE SURVEY TOPO EXHIBIT POWER POLES BY SURVEYOR JIM BRINKMAN**

(Photo #4)



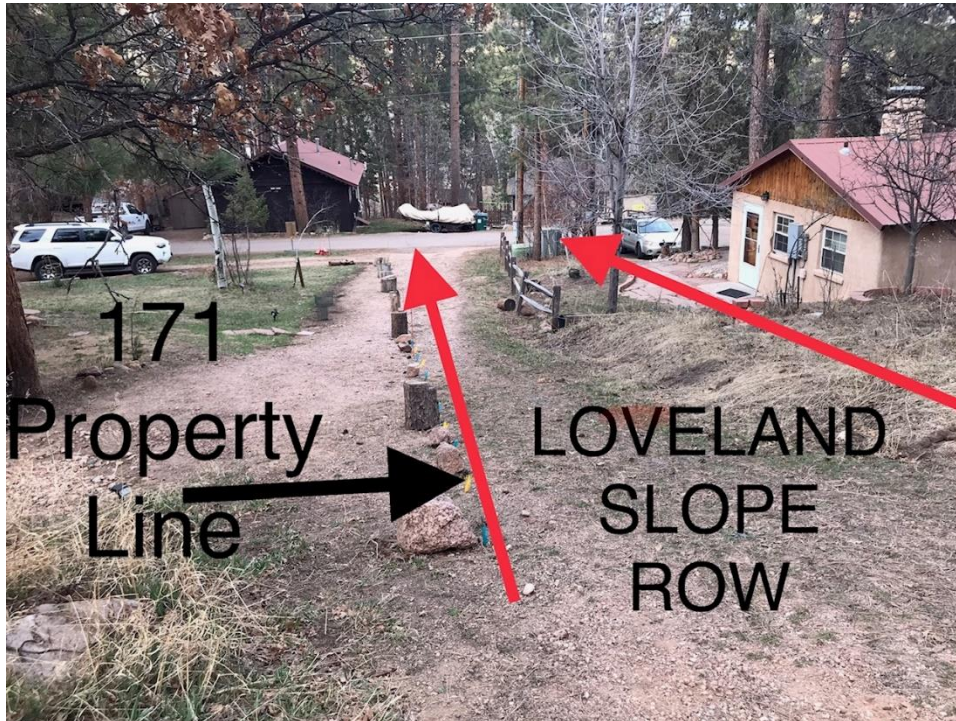
**Towns Staff has further said -**

“Fire apparatus cannot make the turn onto Loveland Slope from Shady nor make the steep slope to Fowler”

It was also overheard by myself while Fire Dept leaders we’re conduction an onsite survey in deep snow of the ROW “**we couldn’t get up here on a good day**”

We are here today to resolve long-overlooked issues, not looking for personal gain but a professional accurate solution.

(Photo #5)



**Towns Staff support has further said -**

“A large portion of the 171 Shady Ln property (our home) encroaches on the undeveloped ROW (Loveland Slope) and will cause great hardship to the abutting property (179 Shady)

While this statement has precise merit, I would add to that statement, the undeveloped ROW has been mis-platted and is in fact encroaching on our property of 171 Shady Lane and development will in fact cause damage to Block 9, 179 Shady Lane Mr. Paige’s property. This brings another issue, there is no room for a road between these two homes without heavily encroaching on both homes.

(Photo #6)



**Town further recommends.**

“• Per code, the abutting property owners to this undeveloped ROW are in agreement.”

This fact is so, we agree to vacate this unused ROW for so many engineering, logistical, proper and civic reasons.

Loveland Slope has never been developed let alone used for multiple decades and now more than a century. Why should it be developed now in the most inefficient damaging way?

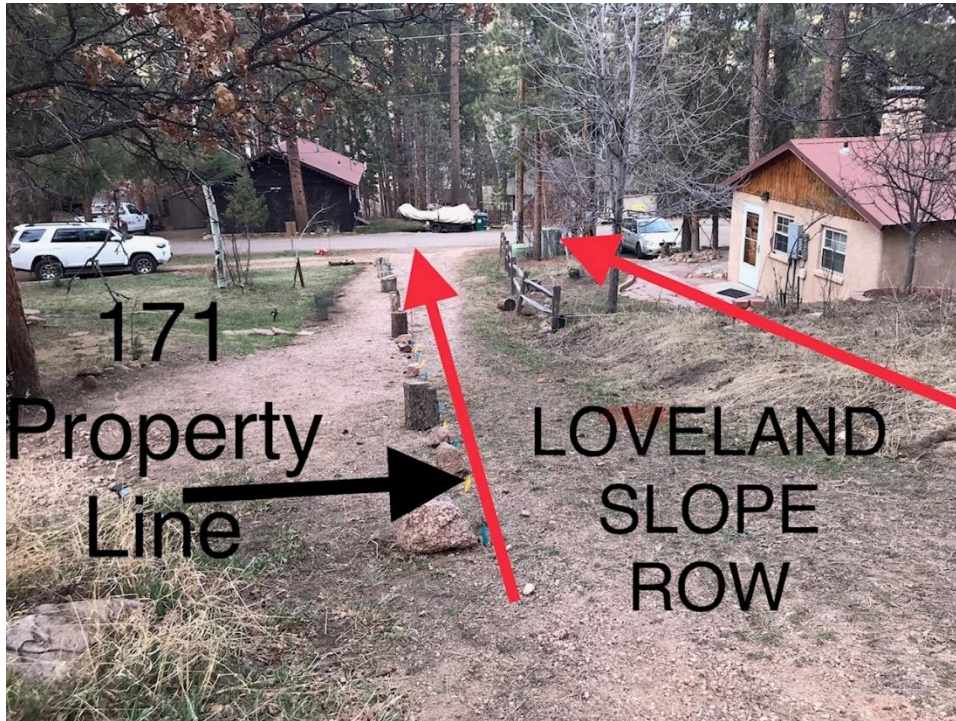
**(#7 DISPLAY PDF FOWLER BRANCH VERT: 1:4 Horz 1:20 SURVEY TOPOGRAPHY EXHIBIT)**

Efficiency is Fowler Branch, the road from South Fork to access Lots 8, 9, 10, 11 & 12 in Block 11, A nearly flat road compared to Loveland Slope.

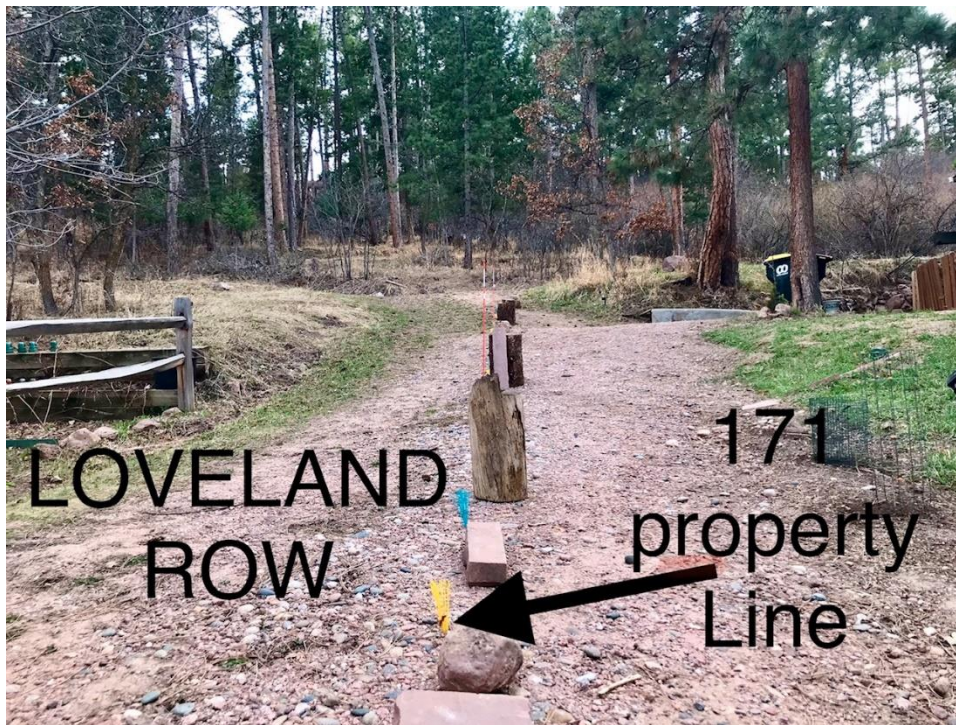
**(#8 DISPLAY PDF LOVELAND SLOPE VERT. 1:4 Horz. 1:10 SURVY TOPOGRAPHY EXHIBIT)**

Efficiency is Fowler Branch, the road from South Fork to access Lots 8, 9, 10, 11 & 12 in Block 11, A nearly flat road compared to Loveland Slope.

(Photo #9)



(Photo #10)



It would be an engineering feat to develop this ROW / Loveland Slope and would encroach heavily upon Block 9, Kerry Paige's home 179 and our property at 171.

Developing Loveland Slope would increase immensely the water flooding to neighbors of Shady Lane directly across the street at 172 Shady Ln. and each home South. See Mary Koch of 172 Statement in application for support.

A Developer may argue, electrical and plumbing engineers recommend / want to use the ROW that's easiest, less cost and fastest development, but that's not an argument for the greater good of the public. Nor does this view consider public safety for fire apparatus, increasing hard surfaces create flooding and immense damage to property owners.

**SLIDE 11**

52 FEET BETWEEN HOMES

20 foot potential Road would mean encroachment and VERY steep Road as much at 20.9% Grade.



SLIDE 12

179 and 171 Property Lines, ROW encroachment



SLIDE 13

Road berm would be 40 inches from Kerry Paige's door.



**SLIDE 14**

**179 Shady Lane Property Line 88 inches from Front Door. With 48" road berm support, front door opens at 36" would be 4 INCHES of space.**



SLIDE 15

179 Shady Lane, Block 9, Property of Kerry Paige. Multiple demolitions to insert potential developed road.



## SLIDE 16



Development would ruin the aesthetics of this beautiful area having a developed road.

Again, we ask why would this undeveloped ROW be developed now after all these years?

We abutting owners of Loveland Slope would appreciate the Right of Way be vacated and allow this land to go back to its natural state and nurture that prospect with appropriate measures.

Allowing it back to its natural state would help absorb runoff and heavy rains giving relief to our Shady Lane neighbors that already endure flooding both from Loveland Slope and South Fork.

The abutting neighbors want the road to be vacated and not used for anything other than to allow it to go back to its natural state.

Town Staff reviewed our request, Planning Commission approve our application and both support the vacation of Loveland Slope.

Thank you for your time and for listening to our many months long investigation of facts.

I want to introduce Jim Brinkman Surveyor who conducted the many hours and months long work.

To quote the Town Management and Staff's recommendation:

- If/when developed, run off onto Shady Lane will worsen the condition of drainage on Shady
- Fire apparatus cannot make the turn onto Loveland Slope from Shady nor make the steep slope to Fowler
- A large portion of the 171 Shady Ln property encroaches on the undeveloped ROW (Loveland Slope) and will cause great hardship to the abutting property (179 Shady)
- Per code, the abutting property owners to this undeveloped ROW are in agreement.

**April 20<sup>th</sup> 2022 Planning Commission Voted 6 Yes and 1 (no – Fisher).**

Minutes taken on April 20<sup>th</sup> 2022 by Town of Palmer Lake:

“Various neighbors spoke to the undeveloped roadway historically used as a shortcut to reach properties along the undeveloped Fowler Branch Road. Mr. Brinkmen explained that when the area was platted, the topography was not taken into consideration at South Fork and Fowler Branch and, due to the slope of the land, if it is developed, there would be considerable flooding and drainage issues added to Shady Lane.”

“Mr. Kalesti (171 Shady Ln) gave a presentation explaining his intent to restore the ROW area to natural vegetation and not continue the limited use of Loveland Slope as well as displayed his property boundaries within the ROW.”

“Mr. Kerry Paige (179 Shady Ln) supported vacating the platted ROW. A developed road would severely cut into his property leaving three feet of space between the road and his front door. If the vacation is approved, he offered to dedicate a corner portion of his property at South Fork and Fowler Branch to allow for emergency vehicles to access Fowler Branch from South Fork.”

“Mr. Jerry Parson, an area neighbor and the previous owner, gave some historical background on Loveland Slope.”

“Collins stated that the Town does not develop the roadway and that the responsibility to propose development is fully on the property owner/developer.”

“MOTION (Ball, Miner) to approve the application as presented with the condition that a portion of the property corner of 179 Shady Ln would be dedicated in the event of the Fowler Branch roadway is developed to an approved standard. Vote 6-1 (no – Fisher). Motion passed.”

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 8-2022**

**AN ORDINANCE VACATING LOVELAND SLOPE RIGHT OF WAY WITHIN  
THE TOWN OF PALMER LAKE**

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

**WHEREAS**, on March 2, 2022 the Town received an application for Vacation of a street, right of way or easement;

**WHEREAS**, C.R.S. §43-1-301 *et seq.* permits a municipality, by ordinance, to vacate any roadway or easement or part thereof located within the corporate limits of said municipality;

**WHEREAS**, the portion of the Right of Way located within the Town's corporate limits is not regularly utilized by the public as and it is not anticipated the right of way will be utilized by the Town for the foreseeable future;

**WHEREAS**, the Planning Commission held a duly noticed public hearing on April 20, 2022 and recommended approval of the vacation request;

**WHEREAS**, the Board of Trustees had a duly noticed public hearing on April 28, 2022 and continued said hearing to May 12, 2022; and

**WHEREAS**, the Board of Trustees, finds it in the best interest of the citizens of the Town of Palmer Lake to vacate the portion of the right of way within the Town's corporate limits.

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

1. The Board of Trustees hereby vacates, renounces and disclaims a 1,949 square feet right of way of Loveland Slope more particularly described in Exhibit A, attached hereto. The Town specifically reserves a utility easement within the vacated right of way as described in Exhibit A. Upon the recording of this Ordinance and Exhibit, title to the vacated right of way as described in Exhibit A shall vest to the proper two owners of the abutting lands, pursuant to C.R.S. §43-2-302.

2. 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 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.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters 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 effective date of this ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12TH DAY OF MAY 2022.**

ATTEST:

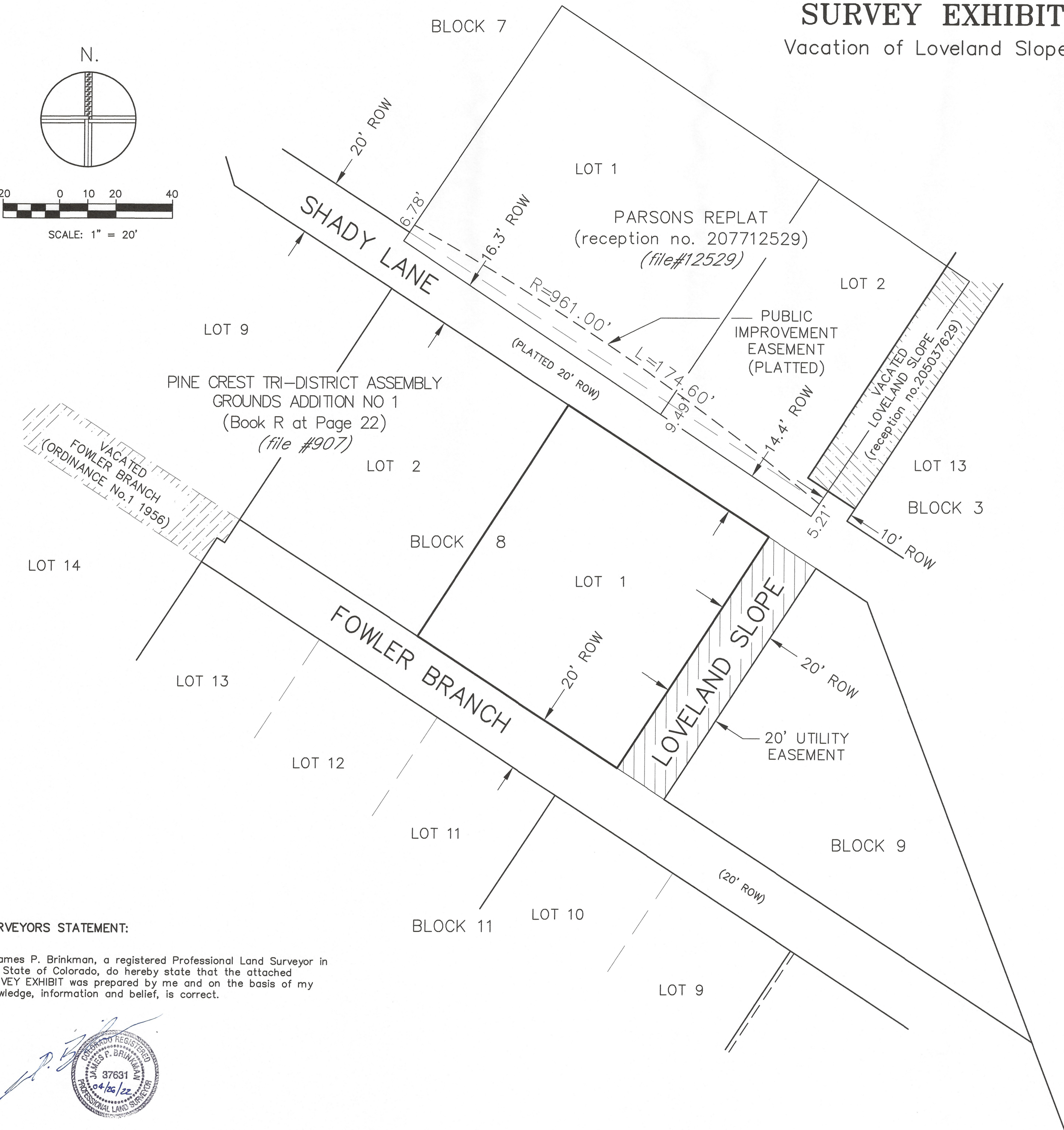
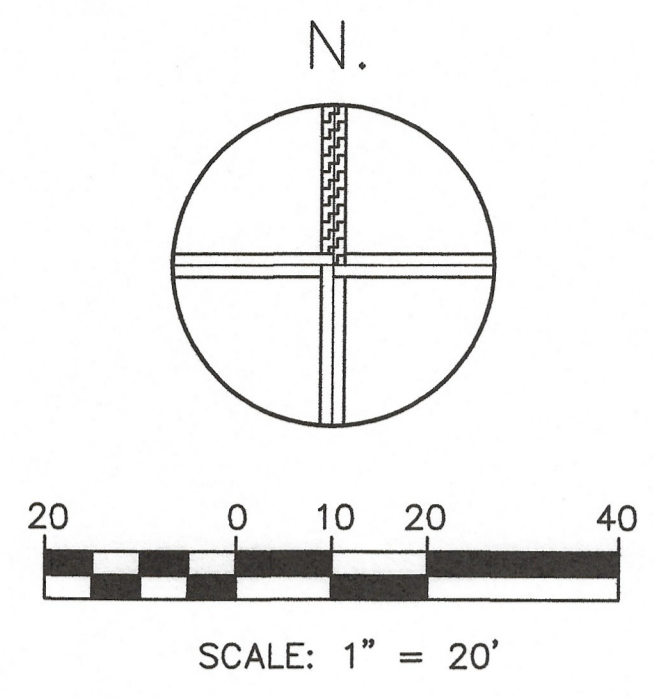
TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY: \_\_\_\_\_  
William Bass  
Mayor

# SURVEY EXHIBIT

## Vacation of Loveland Slope



### LEGAL DESCRIPTION:

#### RIGHT OF WAY VACATION

that portion of the 20 foot RIGHT OF WAY known as LOVELAND SLOPE as shown on PINE CREST TRI-DISTRICT ASSEMBLY GROUNDS ADDITION NO 1, situate in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R at Page 22, Plat records El Paso County, El Paso County, Colorado), described as follows:

that portion of said LOVELAND SLOPE (20 foot Right of Way) Being adjacent to Lot 1 in Block 8 and to Block 9 in said PINE CREST TRI-DISTRICT ASSEMBLY GROUNDS ADDITION NO;

Containing a Computed Area of 1,949 square feet of Land within this description.

Heard and recommended for approval on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by the Planning Commission, Town of Palmer Lake.

\_\_\_\_\_  
(signature line for Chair, Planning Commission)

Heard and approved on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by the Board of Trustees for the Town of Palmer Lake.

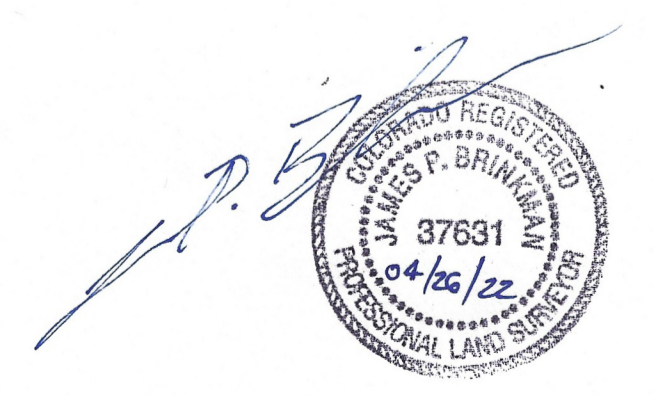
\_\_\_\_\_  
(signature line for Mayor, Board of Trustees)

Attest by: \_\_\_\_\_

\_\_\_\_\_  
(signature line for Town Clerk)

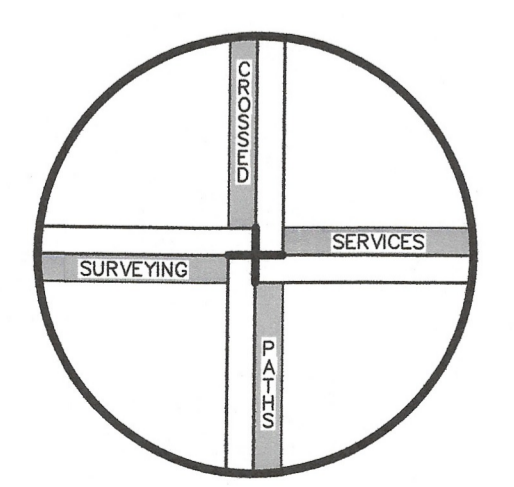
### SURVEYORS STATEMENT:

I, James P. Brinkman, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached SURVEY EXHIBIT was prepared by me and on the basis of my knowledge, information and belief, is correct.



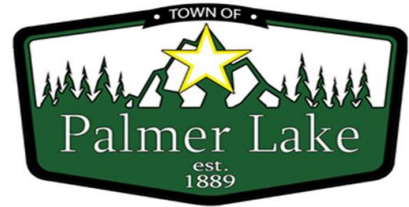
James P. Brinkman,  
Professional Land Surveyor  
Colorado PLS 37631

### SURVEY EXHIBIT



4.	04/27	add Utility Easement	JPB
3.	04/20	revise application	JPB
2.	02/23	scale	JPB
1.	02/17	signature block	JPB
no.	date	revisions	by
drawing date: January 25, 2022		scale: 1" = 20'	
dwg. file: 2111170K VAC.dwg		drawn by: JPB	
project no. 2111170K		sheet 1 of 1	

CROSSED PATHS SURVEYING SERVICES, INC.  
P.O. BOX 49742  
COLORADO SPRINGS, CO 80949-9742  
PHONE: 719-661-2349  
EMAIL: jimpls@xpathinc.com



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

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Ordinance 9-2022 to Amend Short Term Rental Code

**Background**

As reviewed and directed by the Board at the 4/28 meeting, with review of the STR applications submitted, the adopted code was found to have contradicting language. The enclosed is the final ordinance to amend the short-term rental code to allow for the application of a conditional use for the following situation –

- An owner occupied property (one parcel), with more than one rental requires a conditional use
- A non-owner occupied property (one parcel), with more than 2 rental units requires a conditional use

Approval will coincide with applicants moving through the Conditional Use process for appropriate dwellings.

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 09-2022**

**AN ORDINANCE AMENDING SUBSECTIONS 5.10.060(A) AND 5.10.090(L)  
RELATING TO THE REGULATION OF SHORT-TERM RENTALS  
WITHIN THE TOWN OF PALMER LAKE**

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

**WHEREAS**, the Town had previously adopted regulations related to short-term rentals, with such regulations being contained in Chapter 5.10; and,

**WHEREAS**, in an effort to clarify language in the short-term rental regulations the Board of Trustees desires to amend Chapter 5.10.

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

1. Subsection 5.10.060(A)(14) of Section 5.10.060 of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code shall be amended by adding the underlined language and deleting the strikethrough language as indicated below, with Subsection 5.10.060(A)(14) to read in its entirety as follows:

**5.10.060(A) Application requirements**

14. A copy of a conditional use permit issued by the Town, if required by Town Code zoning use;

2. Subsection 5.10.090(L) of Section 5.10.090 of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code shall be amended by deleting the strikethrough language as indicated below, with Section 5.10.090(L) to read in its entirety as follows:

**5.10.090 Limitations and requirements**

L. Maximum Number of Licenses Per Parcel.

1. The Town shall issue no more than one license per parcel, subject to the provisions of this chapter.
2. Parcels may be eligible for more than one license on a case-by-case basis if the additional licenses are approved through the conditional use permit process set forth in this code prior to issuance of a license in accordance with this chapter. Applicants seeking two or more licenses for a single owner-occupied parcel and applicants seeking three or more licenses for a single parcel that is not owner-occupied must obtain a conditional use permit from the Town before the Town will process any such short-term rental license application.

~~3. The operation of two short term rental units on a single parcel that is not owner occupied is prohibited. In accordance with the requirements of this section, the Town permits the operation and licensure of one short term rental unit on a parcel that is not owner occupied or may permit, following the issuance of a conditional use permit as set forth in this section, the operation and licensure of three or more short term rental units on a single parcel that is not owner occupied. The operation of two or more short term rental units on a single parcel that is owner occupied is permitted.~~

3. All other portions of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code remain unchanged and in full force and effect.

4. 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 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.

5. Repeal. Existing ordinances or parts of ordinances covering the same matters 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 effective date of this ordinance.

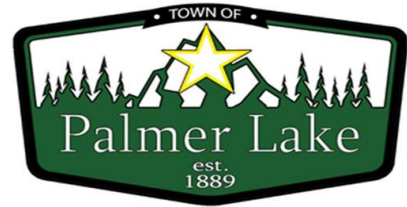
**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12TH DAY OF MAY, 2022.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator, Clerk

BY: \_\_\_\_\_  
Bill Bass  
Mayor



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

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Resolution 29-2022 to Accept Final Drainage Study (High Street Basin)

**Background**

As previously reviewed with the Board by GMS, the final drainage study will be presented and act as guidance to address drainage improvement in/around the High Street basin area. There are a number of options – including:

- Underground stormwater management
- Surface water management
- Hybrid of these two scenario

Currently, with the assistance of GMS, staff applied for ARPA funding, with no contribution/match, to begin to address this high problem area. It is anticipated to learn more of this grant opportunity in the coming weeks.

dc

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 29-2022**

**A RESOLUTION TO ACCEPT THE FINAL DRAINAGE STUDY FOR THE HIGH STREET BASIN, 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, Colorado, Board of Trustees initiated a study of the High Street Drainage Basin; and

**WHEREAS**, the Town heard options with estimates to address the drainage issues in the High Street area; and

**WHEREAS**, the study is in final form to utilize for projects.

**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 accepts the final drainage study of the High Street basin, attached here as Exhibit A.
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.

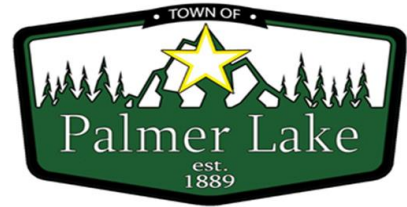
**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12th DAY OF MAY 2022.**

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**

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Resolution 27-2022 to Award Erosion Repair Project

**Background**

As previously reviewed with the Board, the repair of the west abutment of the pedestrian bridge must be addressed as directed by the BNSF/UP railway. GMS issued requests and multiple quotes were received, including accepting the late bid from Munson Landscaping. Upon additional discussion with Awake the Lake, as well as confirming that the quote will cover the specific design for flow fill and rip rap, staff recommends the Board award the project to Munson Landscaping & Excavation for an amount not to exceed \$9,675 to begin the work in May.

**GMS, INC.**  
CONSULTING ENGINEERS  
611 NORTH WEBER, SUITE 300  
COLORADO SPRINGS, COLORADO 80903-1074

TELEPHONE (719) 475-2935  
TELEFAX (719) 475-2938

EDWARD D. MEYER, P.E.  
ROGER J. SAMS, P.E.  
JASON D. MEYER, P.E.  
DAVID R. FRISCH, P.L.L.S.

THOMAS A. McCLERNAN, P.E.  
MARK A. MORTON, P.E.  
KEN L. WHITE, P.L.L.S.

May 4, 2022

Board of Trustees  
Ms. Dawn Collins, Town Administrator / Clerk  
Town of Palmer Lake  
42 Valley Crescent  
PO Box 208  
Palmer Lake, CO 80133

*Via Electronic Mail: dawn@palmer-lake.org*  
*No Hard Copy to Follow*

RE: Town of Palmer Lake  
Pedestrian Bridge Erosion Repair Project  
Pedestrian Bridge Exclusion Fence Project  
Recommendation for Award of Work

Dear Dawn and Trustees:

Two separate Request For Proposal (RFP) document packages were prepared and issued on behalf of the Town for work associated with the Pedestrian Bridge. The first RFP package was for the Pedestrian Bridge Erosion Repair project (Erosion Repair project). The second RFP package was for the Pedestrian Bridge Exclusion Fence project (Fence project). The RFP packages requested proposals be submitted by the Contractors no later than May 2, 2022 at 5:00 p.m., Mountain Standard Time. The paragraphs below summarize the results of the RFP process.

Regarding the Erosion Repair project, the RFP package was issued to four individual Contractors. Of those four Contractors, three submitted proposals electronically. It is noted that the proposal from Munson Landscaping & Excavation was received electronically nine minutes after the due date and time specified in the RFP package, as indicated with an asterisk in the table below. The proposals received for the project are summarized in the following table.

Contractor	Total
Barnard Structures, Inc.	\$33,077.28
Fischer Enterprises, Inc.	\$23,550.00
Munson Landscaping & Excavation*	\$9,675.00
Greener Grass Lawncare	NO BID

The tabulation of proposal costs submitted in response to the RFP package is attached to this letter, as well as the signed proposal forms received. Based upon the proposals received, it appears Fischer Enterprises, Inc. is the responsive low proposal which was received by the RFP submittal deadline. Based on our review of the proposals received, we recommend the Town consider award of the Erosion Repair project to Fischer Enterprises, Inc. in the amount of \$23,550.00.

Board of Trustees  
Ms. Dawn Collins, Town Administrator / Clerk  
May 4, 2022  
Page 2

Regarding the Fence project, the RFP package was issued to three individual Contractors. Of those three Contractors, two submitted proposals electronically. The results for the proposals received for the project are summarized in the table below.

Contractor	Total	Start Date	Completion Date
Peak Fencing	\$28,800.00	June 6, 2022	June 24-26, 2022
Modsquad, Inc.	\$23,230.00	September 1, 2022	September 30, 2022
Timberline Fence, Etc.	NO BID		

The tabulation of proposal costs submitted in response to the RFP package is attached to this letter, as well as the signed proposal forms received. Based upon the proposals received, it appears Modsquad, Inc. is the responsive low proposal. However, there are certain items to note in each proposal. The Modsquad proposal indicates a start date of September 1, 2022. We have confirmed with Modsquad that the start date indicated is due to the material lead time given to them by their supplier. In reviewing the Peak Fencing proposal, a line item for fence removal was included. As the project does not require fence removal, that line-item cost of \$2,400 can be omitted from their total of \$31,200.00. This results in their proposal totaling \$28,800.00 for the new fence installation. Peak Fencing has confirmed their start date of June 6, 2022, is accurate based on material availability.

The Fence project has an urgency to be completed. Communications with the Union Pacific Railroad (UPRR) and Burlington Northern and Santa Fe (BNSF) Railway representatives affirmed the need for the Town to complete the fence installation as soon as possible in order to close out the Town’s contractual agreements associated with the Pedestrian Bridge. Based on our review of the proposals received, the circumstances noted above, and considering the urgency of the project, we recommend the Town consider award of the Fence project to Peak Fencing in the amount of \$28,800.00.

We trust this provides sufficient information to make an informed decision regarding the award of the Erosion Repair project and the Fence project. Should you have any questions or desire additional information, please contact us at your convenience.

Sincerely,

Mark A. Morton, P.E.

MAM/mr  
Enclosures

Project: Town of Palmer Lake - Pedestrian Bridge Erosion Repair  
 Owner: Town of Palmer Lake

Proposals Due: May 2, 2022, 5:00 p.m. MST

Item	Description	Quantity	Unit	Barnard Structures, Inc.		Fischer Enterprises, Inc.		Munson Landscaping & Excavation		Greener Grass Lawn Care	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>PROPOSAL:</b>											
1.	Flow-Fill Installation	1	LS	\$18,686.88	\$18,686.88	\$13,555.00	\$13,555.00	\$4,575.00	\$4,575.00		NO BID
2.	Riprap Installation	1	LS	\$14,390.40	\$14,390.40	\$9,995.00	\$9,995.00	\$5,100.00	\$5,100.00		NO BID
	<b>Total:</b>				\$33,077.28		\$23,550.00		\$9,675.00		NO BID
	Start Date			1 Week after Notice to Proceed		May 12, 2022		May 11, 2022			
	Completion Date			1 Month after Start Day		May 20, 2022		May 20, 2022			
<b>Rec'd 5-2-2022 @ 5:09 p.m.</b>											

Project: Town of Palmer Lake - Pedestrian Bridge Exclusion Fence  
 Owner: Town of Palmer Lake

Proposals Due: May 2, 2022, 5:00 p.m. MST

Item	Description	Quantity	Unit	Peak Fencing		Modsquad, Inc.		Timberline Fence Etc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>PROPOSAL:</b>									
1.	Exclusion Fence Installation	1	LS	\$28,800.00	\$28,800.00	\$23,230.00	\$23,230.00		NO BID
2.	Fence Removal - NOT REQUIRED	1	LS	\$2,400.00	\$2,400.00				
	<b>Total:</b>				\$28,800.00		\$23,230.00		
	Start Date			June 6, 2022		September 1, 2022			
	Completion Date			June 24-26, 2022		September 30, 2022			

### REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings Include:

1. Sheet 1 of 3 – West Abutment Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
2. Sheet 2 of 3 – Section and Elevation, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	\$ <u>18,686.88</u>
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	\$ <u>14,390.40</u>
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ <u>33,077.28</u></b>

The Proposer will initiate construction activities by the following date: 1 Week After Notice To Proceed

The Proposer will complete construction activities by the following date: 1 Month After First Day On Site

Firm Name: Barnard Structures, Inc Phone Number: 303-347-0175

Business Address: 4096 Cheyenne Dr By (title): Mike Barnard - Owner/President

Larkspur, CO 80118 Signature: 

Date: 4/29/22

### REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
 OWNER: Town of Palmer Lake  
 DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings include:

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2. Sheet 2 of 3 – Section and Elevation, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	<u>\$ 13,555.00</u>
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	<u>\$ 9995.00</u>
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b><u>\$ 23,550.00</u></b>

The Proposer will initiate construction activities by the following date: 5/12/22

The Proposer will complete construction activities by the following date: 5/20/22

Firm Name: Fischer Enterprises Inc Phone Number: 303.688.1710

Business Address: 201 w Perry Park Ave unit #106 Larkspur, CO 80118 By (title): Vice President

Matt Fischer Signature: 

Date: 5/11/22

J:\Palmer Lake\Palmer Lake Pedestrian Bridge\Palmer Lake Pedestrian Bridge\Palmer Lake Pedestrian Bridge\Proposals\RFPI\Palmer Lake Pedestrian Bridge Erosion Repair.doc

## REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
 OWNER: Town of Palmer Lake  
 DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings include:

1. Sheet 1 of 3 – West Abutment Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
2. Sheet 2 of 3 – Section and Elevation, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	\$ 4,575.00
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	\$ 5100.00
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ 9,675.00</b>

The Proposer will initiate construction activities by the following date: May 11 2022

The Proposer will complete construction activities by the following date: May 20 2022

Firm Name: Munson Landscaping & Excavating Phone Number: 719-491-2664

Business Address: 7370 Burgess Rd By (title): President

Colorado Springs, Co. 80908 Signature: [Handwritten Signature]

Date: 5-2-22

2/2008 1 inch (25.4 mm) scale. This is the final design. Please refer to the original design for details.

# REQUEST FOR PROPOSAL FORM

Item 16.

PROJECT: Pedestrian Bridge Exclusion Fence  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Documents, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost shall include all work necessary to complete the project in its entire scope as described on the Contract Drawings. The attached Contract Drawings include:

1. Sheet C1.1 – Bridge & Embankment Overall Site Plan, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., date of latest revision September 18, 2018
2. Sheet C3.1 – High Tension Wire Exclusion Fencing, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., dated May 11, 2018
3. Sheet C4.1 – Bridge Elevations, Sections & Details, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., date of latest revision September 18, 2018
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
Furnish all labor, equipment and materials to install the new exclusion fence to 300 lineal feet on each side of the pedestrian bridge and on both sides of the railroad right-of-way, in accordance with the attached drawings, including all site preparation; excavation for fence posts; placement and curing of concrete post foundations; installation of posts, rails, fabric and bracing; site cleanup and all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. Attached drawings C1.1 and C4.1 have been annotated with red clouds to illustrate the relative location of the new exclusion fence. These locations have been staked in the field for the contractor's use in installing the fence. Attached drawing C3.1 illustrates the exclusion fence details and its material and construction standards.	\$ 31,200.00
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	

The Proposer will initiate construction activities by the following date: June 6th

The Proposer will complete construction activities by the following date: June 24th-26th

Firm Name: Peak Fencing Phone Number: 719-635-0085

Business Address: 3450 Fillmore Ridge heights By (title): Lead estimator

Colorado Springs CO, 80907 Signature: [Signature]

Date: 5/2/22





# Surround Yourself With The Best!

**PEAK FENCING**  
3450 Fillmore Ridge Hts  
Colorado Springs Colorado 80907  
U.S.A

Bill To  
**Mark Morton**  
104 highway 105  
palmer lake  
80133 Colorado  
719-475-2935

Contact Info  
mamorton@gmsengr.com  
719-475-2935

Estimate Date : 02 May 2022  
Expiry Date : 02 Jun 2022  
Sales person : Mike Armenta

#	Item & Description	QTY/LF	Rate	Amount
1	 <b>Field Fence 8ft TALL w/ 6" Wood Posts</b> 1,200ft of 8' x 600' Fixed Knot 12.5 ga 20/96/12 to be installed. Wood H-braces to be installed as needed and treated wood posts to be set in concrete 12ft O.C. (Horse fence).  300ft off center going each direction for that total of 600ft on each side of the tracks.	1,200.00	24.00	28,800.00
2	 <b>Removal of existing fencing</b> Tear down and remove existing fencing	1,200.00	2.00	2,400.00
Items in Total 2,400.00			<b>Total</b>	<b>\$31,200.00</b>

**Terms & Conditions**

**PEAK FENCING PAYMENT GUIDELINES:**

- All projects "Estimates" over \$2,500 will require a 50% deposit.
- Full payment is due upon completion of project.
- Peak Fencing accepts all major credit cards, checks and cash.
- Select projects will require a 50% deposit. This is decided upon what type of material used and/or special orders.

**INSTALLING FENCE WITH UNEVEN GROUND OR LANDSCAPING:**

- Peak Fencing will do minor movement to landscaping to accommodate for wire and fence to be lower to the ground. If "you" the customer want wire or wood to be below ground level; "you" the customer must make prior accommodations to have ground or landscaping moved or lowered before fence install. Peak Fencing will not move landscape rock or mulch away from fence path and move back after.

**INSURANCE:**

- Peak Fencing maintains full insurance requirements. Contact our office for proof of certificate.

**UNDERGROUND UTILITIES:**

- Underground locates are called in to Colorado 811 by Peak Fencing. Colorado 811 locate company will send out facility owners or their contract locator. They will mark the ground with either flags or paint. For more info please visit: [http://colorado811.org/education\\_consolidated/](http://colorado811.org/education_consolidated/) Peak Fencing is not responsible for private lines! It is the responsibility of "you" the customer to have private lines marked by a private locating company. For Example: Someone built a new garage and installed an underground electric line from the house to the garage "This would be a private line".

**SPRINKLER SYSTEMS AND PROPERTY LINES:**

- Please read before approving this estimate: Peak Fencing will not be responsible for a customers sprinkler system! We will not fix or pay for damage during fence installation. If you think sprinkler lines will be in the general vicinity of the fence line please let the office or installer know so we can try to be careful. Peak Fencing will not be responsible for notifying "you" the customer if a sprinkler line is damaged or cut. Please ask your sprinkler installer or know your underground location of sprinklers if this is a concern for "you".

- It is not Peak Fencing's responsibility to follow or gain approval from a customer's HOA, file for a permit and/or understand your resident

guidelines.

If you have an HOA and have fence requirements please let us know what they are.

-Please read before approving this estimate: Peak Fencing will not be responsible for installing fence on property lines. It is the customers responsibility to show Peak Fencing desired location of fencing. If Peak Fencing is replacing fence; we the company will do our best to install new fencing as close to the existing fence layout as possible.

**PEAK FENCING WIND AND WARRANTY GUARANTEE:**

-Peak Fencing warranties all material for 1 year. Some material will be additionally warrantied by manufacturer; such as, Simtek Fence, Decorative Iron and Vinyl.

-Cedar, pine and treated wood products are all prone to weather. If you do not think that these types of wood will not fade, crack, split or swell with the extreme weather conditions Colorado has to offer than do not approve this estimate. These types of issues will not be covered under warranty.

-Peak Fencing warranties craftsmanship and installation for 1 year.

-Peak Fencing does not warrant fence stability after 60 mph winds.

-Warranty does not include natural disasters, excessive water pooling, excessive winds, yard animal damage, wildlife animal damage, natural cracking in wood; natural splitting of wood and/or any other damage caused to fencing by neglect or uncontrollable causes.

**PEAK FENCING PAYMENT GUIDELINES:**

-Full payment is due upon completion of project.

-Peak Fencing accepts all major credit cards, checks and cash.

-Select projects will require a 50% deposit. This is decided upon what type of material used and/or special orders.

**CANCELLATION GUIDELINES:**

-Deposits will be non-refundable after 48 hours of being processed or made.

\*This Estimate is valid for 30 days\*

REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Exclusion Fence  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Documents, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost shall include all work necessary to complete the project in its entire scope as described on the Contract Drawings. The attached Contract Drawings include:

1. Sheet C1.1 – Bridge & Embankment Overall Site Plan, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., date of latest revision September 18, 2018
2. Sheet C3.1 – High Tension Wire Exclusion Fencing, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., dated May 11, 2018
3. Sheet C4.1 – Bridge Elevations, Sections & Details, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., date of latest revision September 18, 2018
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
Furnish all labor, equipment and materials to install the new exclusion fence to 300 lineal feet on each side of the pedestrian bridge and on both sides of the railroad right-of-way, in accordance with the attached drawings, including all site preparation; excavation for fence posts; placement and curing of concrete post foundations; installation of posts, rails, fabric and bracing; site cleanup and all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. Attached drawings C1.1 and C4.1 have been annotated with red clouds to illustrate the relative location of the new exclusion fence. These locations have been staked in the field for the contractor's use in installing the fence. Attached drawing C3.1 illustrates the exclusion fence details and its material and construction standards.	
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ 23,230<sup>00</sup></b>

The Proposer will initiate construction activities by the following date: Sept 1 2022

The Proposer will complete construction activities by the following date: Sept 30 2022

Firm Name: Mod Squad LLC Phone Number: 719-460-6415

Business Address: 7320 Liberty Bell DR By (title): Pres.

Colorado Springs CO 80920 Signature: [Signature]

Date: 5/2/22

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 27-2022**

**A RESOLUTION TO AWARD THE EROSION REPAIR PROJECT TO MUNSON LANDSCAPING & EXCAVATION FOR THE TOWN OF PALMER LAKE, COLORADO**

**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 desires to repair erosion at the pedestrian bridge west abutment as soon as feasible; and

**WHEREAS**, quotes were collected and Munson Landscaping & Excavation is a local contractor and submitted the low quote.

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

1. The Town Board of Trustees hereby awards the erosion repair project to Munson Landscaping & Excavation in the amount not to exceed \$9,675.00 with the project to begin in May.
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.

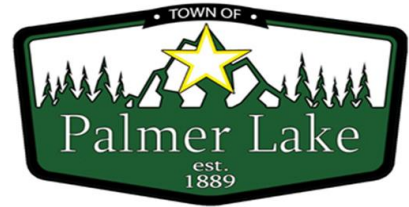
**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12TH DAY OF MAY 2022.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY: \_\_\_\_\_  
William Bass  
Mayor



Item 17.

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

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Resolution 28-2022 to Award Fence Installation Project

**Background**

As previously reviewed with the Board, a deadline was given to the Town to complete the requirements of the pedestrian bridge project, including the installation of the required fencing. GMS issued requests and a few quotes were received and reviewed, and the recommendation is for Peak Fencing for an amount not to exceed \$28,800 and begin work in May.

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 28-2022**

**A RESOLUTION TO AWARD THE FENCE INSTALLATION PROJECT TO PEAK FENCING FOR THE TOWN OF PALMER LAKE, COLORADO**

**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 desires to complete the required fence installation at the pedestrian bridge as soon as feasible; and

**WHEREAS**, quotes were collected and Peak Fencing submitted a reasonable quote in a timely manner.

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

1. The Town Board of Trustees hereby awards the fence installation project to Peak Fencing in the amount not to exceed \$28,800.00 with such installation project to begin in June.
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 12TH DAY OF MAY 2022.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY: \_\_\_\_\_  
William Bass  
Mayor

**GMS, INC.**  
CONSULTING ENGINEERS  
611 NORTH WEBER, SUITE 300  
COLORADO SPRINGS, COLORADO 80903-1074

TELEPHONE (719) 475-2935  
TELEFAX (719) 475-2938

EDWARD D. MEYER, P.E.  
ROGER J. SAMS, P.E.  
JASON D. MEYER, P.E.  
DAVID R. FRISCH, P.L.L.S.

THOMAS A. McCLERNAN, P.E.  
MARK A. MORTON, P.E.  
KEN L. WHITE, P.L.L.S.

May 4, 2022

Board of Trustees  
Ms. Dawn Collins, Town Administrator / Clerk  
Town of Palmer Lake  
42 Valley Crescent  
PO Box 208  
Palmer Lake, CO 80133

*Via Electronic Mail: dawn@palmer-lake.org*  
*No Hard Copy to Follow*

RE: Town of Palmer Lake  
Pedestrian Bridge Erosion Repair Project  
Pedestrian Bridge Exclusion Fence Project  
Recommendation for Award of Work

Dear Dawn and Trustees:

Two separate Request For Proposal (RFP) document packages were prepared and issued on behalf of the Town for work associated with the Pedestrian Bridge. The first RFP package was for the Pedestrian Bridge Erosion Repair project (Erosion Repair project). The second RFP package was for the Pedestrian Bridge Exclusion Fence project (Fence project). The RFP packages requested proposals be submitted by the Contractors no later than May 2, 2022 at 5:00 p.m., Mountain Standard Time. The paragraphs below summarize the results of the RFP process.

Regarding the Erosion Repair project, the RFP package was issued to four individual Contractors. Of those four Contractors, three submitted proposals electronically. It is noted that the proposal from Munson Landscaping & Excavation was received electronically nine minutes after the due date and time specified in the RFP package, as indicated with an asterisk in the table below. The proposals received for the project are summarized in the following table.

Contractor	Total
Barnard Structures, Inc.	\$33,077.28
Fischer Enterprises, Inc.	\$23,550.00
Munson Landscaping & Excavation*	\$9,675.00
Greener Grass Lawncare	NO BID

The tabulation of proposal costs submitted in response to the RFP package is attached to this letter, as well as the signed proposal forms received. Based upon the proposals received, it appears Fischer Enterprises, Inc. is the responsive low proposal which was received by the RFP submittal deadline. Based on our review of the proposals received, we recommend the Town consider award of the Erosion Repair project to Fischer Enterprises, Inc. in the amount of \$23,550.00.

Board of Trustees  
 Ms. Dawn Collins, Town Administrator / Clerk  
 May 4, 2022  
 Page 2

Regarding the Fence project, the RFP package was issued to three individual Contractors. Of those three Contractors, two submitted proposals electronically. The results for the proposals received for the project are summarized in the table below.

Contractor	Total	Start Date	Completion Date
Peak Fencing	\$28,800.00	June 6, 2022	June 24-26, 2022
Modsquad, Inc.	\$23,230.00	September 1, 2022	September 30, 2022
Timberline Fence, Etc.	NO BID		

The tabulation of proposal costs submitted in response to the RFP package is attached to this letter, as well as the signed proposal forms received. Based upon the proposals received, it appears Modsquad, Inc. is the responsive low proposal. However, there are certain items to note in each proposal. The Modsquad proposal indicates a start date of September 1, 2022. We have confirmed with Modsquad that the start date indicated is due to the material lead time given to them by their supplier. In reviewing the Peak Fencing proposal, a line item for fence removal was included. As the project does not require fence removal, that line-item cost of \$2,400 can be omitted from their total of \$31,200.00. This results in their proposal totaling \$28,800.00 for the new fence installation. Peak Fencing has confirmed their start date of June 6, 2022, is accurate based on material availability.

The Fence project has an urgency to be completed. Communications with the Union Pacific Railroad (UPRR) and Burlington Northern and Santa Fe (BNSF) Railway representatives affirmed the need for the Town to complete the fence installation as soon as possible in order to close out the Town's contractual agreements associated with the Pedestrian Bridge. Based on our review of the proposals received, the circumstances noted above, and considering the urgency of the project, we recommend the Town consider award of the Fence project to Peak Fencing in the amount of \$28,800.00.

We trust this provides sufficient information to make an informed decision regarding the award of the Erosion Repair project and the Fence project. Should you have any questions or desire additional information, please contact us at your convenience.

Sincerely,



Mark A. Morton, P.E.

MAM/mr  
 Enclosures

Project: Town of Palmer Lake - Pedestrian Bridge Erosion Repair  
 Owner: Town of Palmer Lake

Proposals Due: May 2, 2022, 5:00 p.m. MST

Item	Description	Quantity	Unit	Barnard Structures, Inc.		Fischer Enterprises, Inc.		Munson Landscaping & Excavation		Greener Grass Lawn Care	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>PROPOSAL:</b>											
1.	Flow-Fill Installation	1	LS	\$18,686.88	\$18,686.88	\$13,555.00	\$13,555.00	\$4,575.00	\$4,575.00		NO BID
2.	Riprap Installation	1	LS	\$14,390.40	\$14,390.40	\$9,995.00	\$9,995.00	\$5,100.00	\$5,100.00		NO BID
	<b>Total:</b>				\$33,077.28		\$23,550.00		\$9,675.00		NO BID
	Start Date			1 Week after Notice to Proceed		May 12, 2022		May 11, 2022			
	Completion Date			1 Month after Start Day		May 20, 2022		May 20, 2022			
<b>Rec'd 5-2-2022 @ 5:09 p.m.</b>											

Project: Town of Palmer Lake - Pedestrian Bridge Exclusion Fence  
 Owner: Town of Palmer Lake

Proposals Due: May 2, 2022, 5:00 p.m. MST

Item	Description	Quantity	Unit	Peak Fencing		Modsquad, Inc.		Timberline Fence Etc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>PROPOSAL:</b>									
1.	Exclusion Fence Installation	1	LS	\$28,800.00	\$28,800.00	\$23,230.00	\$23,230.00		NO BID
2.	Fence Removal - NOT REQUIRED	1	LS	\$2,400.00	\$2,400.00				
	<b>Total:</b>				\$28,800.00		\$23,230.00		
	Start Date			June 6, 2022		September 1, 2022			
	Completion Date			June 24-26, 2022		September 30, 2022			

### REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings Include:

1. Sheet 1 of 3 – West Abutment Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
2. Sheet 2 of 3 – Section and Elevation, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	\$ <u>18,686.88</u>
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	\$ <u>14,390.40</u>
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ <u>33,077.28</u></b>

The Proposer will initiate construction activities by the following date: 1 Week After Notice To Proceed

The Proposer will complete construction activities by the following date: 1 Month After First Day On Site

Firm Name: Barnard Structures, Inc Phone Number: 303-347-0175

Business Address: 4096 Cheyenne Dr By (title): Mike Barnard - Owner/President

Larkspur, CO 80118 Signature: 

Date: 4/29/22

### REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings include:

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3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	<u>\$ 13,555.00</u>
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	<u>\$ 9995.00</u>
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b><u>\$ 23,550.00</u></b>

The Proposer will initiate construction activities by the following date: 5/12/22

The Proposer will complete construction activities by the following date: 5/20/22

Firm Name: Fischer Enterprises Inc Phone Number: 303.688.1710

Business Address: 201 w Perry Park Ave unit #106 Larkspur, CO 80118 By (title): Vice President

Matt Fischer Signature: 

Date: 5/11/22

J:\Palmer Lake\Palmer Lake Pedestrian Bridge\Palmer Lake Pedestrian Bridge\Palmer Lake Pedestrian Bridge\Proposals\Proposals Form Erosion Repair.doc

### REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Erosion Repair  
 OWNER: Town of Palmer Lake  
 DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Drawings, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost for each item includes all work necessary to complete that portion of the project described in each item and given on the Contract Drawings, and the total of all proposal costs represents the entire scope of work covered by the Contract Drawings. The proposal shall include all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. The attached Contract Drawings include:

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2. Sheet 2 of 3 – Section and Elevation, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
3. Sheet 3 of 3 – Riprap Plan, Pedestrian Bridge Erosion Repair, prepared by GMS, Inc. dated April 25, 2022
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, prepared by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
No. 1: Furnish all labor, equipment and materials to install Flow-Fill erosion repair, including surface cleaning and preparation of existing soil and concrete footing; placement and support of formwork; placement, curing and finishing of Flow-Fill with fiber reinforcement and all miscellaneous items, complete in place.	\$ 4,575.00
No. 2: Furnish all labor, equipment and materials to install Riprap Erosion Protection, including installation and anchoring of filter fabric; placement of riprap; finishing and cleanup of disturbed areas and all miscellaneous items, complete in place.	\$ 5100.00
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ 9,675.00</b>

The Proposer will initiate construction activities by the following date: May 11 2022

The Proposer will complete construction activities by the following date: May 20 2022

Firm Name: Munson Landscaping & Excavating Phone Number: 719-491-2664

Business Address: 7370 Burgess Rd By (title): President

Colorado Springs, Co. 80908 Signature: [Signature]

Date: 5-2-22

# REQUEST FOR PROPOSAL FORM

Item 17.

PROJECT: Pedestrian Bridge Exclusion Fence  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Documents, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost shall include all work necessary to complete the project in its entire scope as described on the Contract Drawings. The attached Contract Drawings include:

1. Sheet C1.1 – Bridge & Embankment Overall Site Plan, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., date of latest revision September 18, 2018
2. Sheet C3.1 – High Tension Wire Exclusion Fencing, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., dated May 11, 2018
3. Sheet C4.1 – Bridge Elevations, Sections & Details, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDCA Engineering, Inc., date of latest revision September 18, 2018
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
Furnish all labor, equipment and materials to install the new exclusion fence to 300 lineal feet on each side of the pedestrian bridge and on both sides of the railroad right-of-way, in accordance with the attached drawings, including all site preparation; excavation for fence posts; placement and curing of concrete post foundations; installation of posts, rails, fabric and bracing; site cleanup and all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. Attached drawings C1.1 and C4.1 have been annotated with red clouds to illustrate the relative location of the new exclusion fence. These locations have been staked in the field for the contractor's use in installing the fence. Attached drawing C3.1 illustrates the exclusion fence details and its material and construction standards.	
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ 31,200.00</b>

The Proposer will initiate construction activities by the following date: June 6th

The Proposer will complete construction activities by the following date: June 24th-26th

Firm Name: Peak Fencing Phone Number: 719-635-0085

Business Address: 3450 Fillmore Ridge heights By (title): Lead estimator

Colorado Springs CO, 80907 Signature: [Signature]

Date: 5/2/22



# Surround Yourself With The Best!

## PEAK FENCING

3450 Fillmore Ridge Hts  
Colorado Springs Colorado 80907  
U.S.A

### Bill To

**Mark Morton**  
104 highway 105  
palmer lake  
80133 Colorado  
719-475-2935



### Contact Info

mamorton@gmsengr.com  
719-475-2935

Estimate Date : 02 May 2022

Expiry Date : 02 Jun 2022

Sales person : Mike Armenta

#	Item & Description	QTY/LF	Rate	Amount
1	 <b>Field Fence 8ft TALL w/ 6" Wood Posts</b> 1,200ft of 8' x 600' Fixed Knot 12.5 ga 20/96/12 to be installed. Wood H-braces to be installed as needed and treated wood posts to be set in concrete 12ft O.C. (Horse fence).  300ft off center going each direction for that total of 600ft on each side of the tracks.	1,200.00	24.00	28,800.00
2	 <b>Removal of existing fencing</b> Tear down and remove existing fencing	1,200.00	2.00	2,400.00
Items in Total 2,400.00			<b>Total</b>	<b>\$31,200.00</b>

## Terms & Conditions

### PEAK FENCING PAYMENT GUIDELINES:

- All projects "Estimates" over \$2,500 will require a 50% deposit.
- Full payment is due upon completion of project.
- Peak Fencing accepts all major credit cards, checks and cash.
- Select projects will require a 50% deposit. This is decided upon what type of material used and/or special orders.

### INSTALLING FENCE WITH UNEVEN GROUND OR LANDSCAPING:

- Peak Fencing will do minor movement to landscaping to accommodate for wire and fence to be lower to the ground. If "you" the customer want wire or wood to be below ground level; "you" the customer must make prior accommodations to have ground or landscaping moved or lowered before fence install. Peak Fencing will not move landscape rock or mulch away from fence path and move back after.

### INSURANCE:

- Peak Fencing maintains full insurance requirements. Contact our office for proof of certificate.

### UNDERGROUND UTILITIES:

- Underground locates are called in to Colorado 811 by Peak Fencing. Colorado 811 locate company will send out facility owners or their contract locator. They will mark the ground with either flags or paint. For more info please visit: [http://colorado811.org/education\\_consolidated/](http://colorado811.org/education_consolidated/) Peak Fencing is not responsible for private lines! It is the responsibility of "you" the customer to have private lines marked by a private locating company. For Example: Someone built a new garage and installed an underground electric line from the house to the garage "This would be a private line".

### SPRINKLER SYSTEMS AND PROPERTY LINES:

- Please read before approving this estimate: Peak Fencing will not be responsible for a customers sprinkler system! We will not fix or pay for damage during fence installation. If you think sprinkler lines will be in the general vicinity of the fence line please let the office or installer know so we can try to be careful. Peak Fencing will not be responsible for notifying "you" the customer if a sprinkler line is damaged or cut. Please ask your sprinkler installer or know your underground location of sprinklers if this is a concern for "you".

- It is not Peak Fencing's responsibility to follow or gain approval from a customer's HOA, file for a permit and/or understand your resident

guidelines.

If you have an HOA and have fence requirements please let us know what they are.

-Please read before approving this estimate: Peak Fencing will not be responsible for installing fence on property lines. It is the customers responsibility to show Peak Fencing desired location of fencing. If Peak Fencing is replacing fence; we the company will do our best to install new fencing as close to the existing fence layout as possible.

**PEAK FENCING WIND AND WARRANTY GUARANTEE:**

-Peak Fencing warranties all material for 1 year. Some material will be additionally warrantied by manufacturer; such as, Simtek Fence, Decorative Iron and Vinyl.

-Cedar, pine and treated wood products are all prone to weather. If you do not think that these types of wood will not fade, crack, split or swell with the extreme weather conditions Colorado has to offer than do not approve this estimate. These types of issues will not be covered under warranty.

-Peak Fencing warranties craftsmanship and installation for 1 year.

-Peak Fencing does not warrant fence stability after 60 mph winds.

-Warranty does not include natural disasters, excessive water pooling, excessive winds, yard animal damage, wildlife animal damage, natural cracking in wood; natural splitting of wood and/or any other damage caused to fencing by neglect or uncontrollable causes.

**PEAK FENCING PAYMENT GUIDELINES:**

-Full payment is due upon completion of project.

-Peak Fencing accepts all major credit cards, checks and cash.

-Select projects will require a 50% deposit. This is decided upon what type of material used and/or special orders.

**CANCELLATION GUIDELINES:**

-Deposits will be non-refundable after 48 hours of being processed or made.

\*This Estimate is valid for 30 days\*

REQUEST FOR PROPOSAL FORM

PROJECT: Pedestrian Bridge Exclusion Fence  
OWNER: Town of Palmer Lake  
DUE DATE: Monday May 2, 2022, 5:00 p.m. MST

THE UNDERSIGNED PROPOSER, having familiarized himself with the conditions affecting the performance of the work and with the Contract Documents, as prepared by GMS, Inc., Consulting Engineers and others, all of which are attached and made a part hereof, hereby proposes to furnish all plant, equipment, labor, materials and supervision to perform the work summarized hereafter for each proposal amount inserted.

The total proposal cost shall include all work necessary to complete the project in its entire scope as described on the Contract Drawings. The attached Contract Drawings include:

1. Sheet C1.1 – Bridge & Embankment Overall Site Plan, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., date of latest revision September 18, 2018
2. Sheet C3.1 – High Tension Wire Exclusion Fencing, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., dated May 11, 2018
3. Sheet C4.1 – Bridge Elevations, Sections & Details, Rockin' the Rails Park Pedestrian Bridge, prepared by Fisher Architecture/HCDA Engineering, Inc., date of latest revision September 18, 2018
4. Sheet 1 – Temporary Clearance Envelope, Bridge Standards, by UP/BNSF Railway, Inc. dated January 5, 2016

The Proposer certifies that this Proposal is genuine and is not made in the interest of, or on the behalf of, any undisclosed person, firm or corporation, and that this Proposal has been arrived at independently, without consultation, communication or agreement as to any matter relating to this Proposal with any other Proposer or competitor.

The Owner may select the proposal that best suits the Owner's needs for the project. The Owner reserves the right to reject a proposal if it does not support the Owner's best interest in completing the work.

WORK ITEM	PROPOSAL COST
Furnish all labor, equipment and materials to install the new exclusion fence to 300 lineal feet on each side of the pedestrian bridge and on both sides of the railroad right-of-way, in accordance with the attached drawings, including all site preparation; excavation for fence posts; placement and curing of concrete post foundations; installation of posts, rails, fabric and bracing; site cleanup and all safety, protection and temporary containment measures necessary to preclude pedestrian traffic from interfering with work activities and to maintain public safety around the work site. Attached drawings C1.1 and C4.1 have been annotated with red clouds to illustrate the relative location of the new exclusion fence. These locations have been staked in the field for the contractor's use in installing the fence. Attached drawing C3.1 illustrates the exclusion fence details and its material and construction standards.	
<b>TOTAL OF ALL PROPOSAL ITEMS</b>	<b>\$ 23,230<sup>00</sup></b>

The Proposer will initiate construction activities by the following date: Sept 1 2022

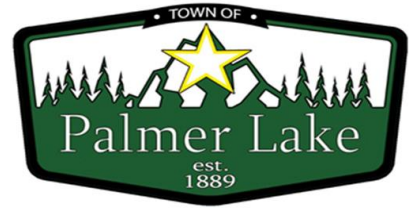
The Proposer will complete construction activities by the following date: Sept 30 2022

Firm Name: Mod Squad LLC Phone Number: 719-460-6415

Business Address: 7320 Liberty Bell DR By (title): Pres.

Colorado Springs CO 80920 Signature: [Signature]

Date: 5/2/22



Item 18.

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

<b>DATE:</b> May 12, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b> Restate / Support Code re: Water Conservation Guidelines
<b>Presented by:</b> Town Administrator /Clerk		

**Background**

This is going to be a rough summer. Early in April, the Water Dept was already out of priority which means no additional water to the lake and call for water release downstream. The enclosed Ordinance adopted in 2021 is to restate the guidelines to conserve water throughout the Town. This will be reposted to the website.

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 9-2021**

**AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.20, OF THE TOWN OF PALMER LAKE MUNICIPAL CODE BY AMENDING SECTIONS 13.20.015, 13.20.020, 13.20.025, 13.20.030, AND 13.20.035 REGARDING WATER CONSERVATION**

**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**, previously the Board adopted regulations for water conservation within the Town of Palmer Lake, said regulations appearing in Chapter 13.20 of the Town Municipal Code; and

**WHEREAS**, the Board of Trustees has determined that it is in the public interest to further define regulations regarding water conservation in the Town in order to protect the Town's water resources.

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

**Section 1.**

Title 13, Chapter 13.20, Sections 13.20.015, 13.20.020, 13.20.025, 13.20.030, and 13.20.035 of the Palmer Lake Municipal Code shall be amended by adding the underlined text as indicated below to read in their entirety as follows:

**13.20.015. Water Conservation Guidelines.**

In order to avoid waste of water and to stagger the demand on the Town's water system the following guidelines shall apply:

- A. Odd-numbered building addresses are permitted to use water for watering landscapes on Mondays, Wednesdays and Fridays.
- B. Even-numbered building addresses are permitted to use water for watering landscapes on Tuesdays, Thursdays and Saturdays.
- C. No landscape watering shall be permitted on Sunday.
- D. Watering is allowed between the hours of 6:00 AM – 9:00 AM and 6:00 PM – 9:00 PM.
- E. Exceptions may be considered as requested with the Town Administrator/Clerk.

Water conservation is a year-round responsibility of all Town citizens; therefore, limit water usage for all activities such as landscaping, outdoor washing/cleaning of windows, decks, vehicles, etc.

Nothing in this ordinance shall be construed to change, amend or preclude the provisions of the chapter sections which provide for the Declaration of a Water Emergency, criteria for determining the Stage thereof, the restrictions attendant thereto, and public notification and enforcement in times of a Water Emergency.

**13.20.020. Declaration of a Stage 1 Emergency and Application of Regulations.**

The Mayor of the Town of Palmer Lake, with input from the Water Supervisor and/or Fire Chief, shall be designated as the individual with authority to declare a Stage 1 Emergency and invoke some or all the restrictions of Section 13.20.030.

In the absence of the Mayor and the Mayor Pro-Tem, the Town Administrator/Clerk may declare such a Stage 1 Emergency.

Upon declaring such Stage I Emergency, a Town designated staff shall post a notice of the declaration of Stage 1 Emergency and any restrictions being imposed at the Post Office, the Town Office, the Town Hall, on the Town website and take such other steps to notify the public. Upon declaration of a Stage 1 Emergency, all the provisions of this chapter shall be in full force and effect until the next regularly scheduled meeting of the Board of Trustees. Upon declaration of a Stage 1 Emergency, the water restrictions imposed shall apply to all persons using water both in and outside the Town, and regardless of whether any person using water shall have a contract for water service with the Town.

**13.20.025. Declaration of a Water Emergency.**

A declaration of a Water Emergency may be made by the Board of Trustees of the Town at such time as it deems appropriate at either a regular or special meeting. Upon the declaration of a Water Emergency the Board, by resolution, may continue the water use restrictions imposed under the Stage 1 Emergency, may modify the water use restrictions, or may impose such other water use restrictions as it deems appropriate, including but not limited to those set forth in Section 13.20.030 and 13.20.035. Once the Board of Trustees determines that a Water Emergency has passed, they may, by resolution, end all or part of the restrictions imposed.

**13.20.030. Stage 1 Emergency Water Restrictions.**

The following use and withdrawal of water by any person during imposition of Stage 1 Emergency Water Restrictions are hereby prohibited or controlled:

- A. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems are prohibited.

- B. Irrigation of landscaped areas is permitted by means of a faucet filled bucket or watering can of five (5) gallons or less. Such irrigation shall follow Water Conservation guidelines, Section 13.20.015.
- C. Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle is prohibited except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
- D. The following use of water are defined as non-essential and are prohibited:
1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
  2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  3. Flushing gutters or permitting water to run or accumulate in any gutter or street;
  4. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- E. No customer will apply any lawn, turf, sodded area.
- F. Use of water to fill, refill or add to any indoor or outdoor swimming pools or Jacuzzi-type pools is prohibited.
- G. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- H. All restaurants are encouraged to not serve water to patrons except upon request by the patron.
- I. Use of water hydrants shall be limited to fire-fighting, related activities or other activities necessary to maintain public health, safety and welfare. Use of water from fire hydrants for construction purposes is prohibited.
- J. Any variance from the restrictions above may be granted by the Town Administrator/Clerk.

**13.20.035. Stage 2 Emergency Water Restrictions.**

The following uses and withdrawal of water by any person during imposition of Stage 2 Emergency Water Restrictions are hereby prohibited or controlled. The Stage 2 Emergency Water Restrictions shall go into effect upon passage of a resolution of the Board of Trustees and giving proper notice as provided in 13.20.025.

All Stage 1 Emergency Water Restrictions shall remain in effect. In addition:

- A. All irrigation of landscaped areas is absolutely prohibited.
- B. All use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle or any other outdoor water use is absolutely prohibited.
- C. No application for additional, expanded or increased water service connections, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved and time limits for approval of such applications are hereby suspended for such time as the Stage 2 Emergency Water Restrictions shall be in effect.

**Section 2.**

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 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.

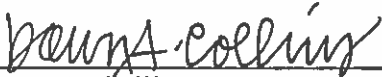
**Section 3.**


Repeal. Existing ordinances or parts of ordinances covering the same matters 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 effective date of this ordinance.

**INTRODUCED, READ AND PASSED AT A FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 24TH DAY OF JUNE 2021.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

  
 \_\_\_\_\_  
 Dawn A. Collins  
 Town Administrator/Clerk

BY:   
 \_\_\_\_\_  
 William Bass  
 Mayor