



BOARD OF TRUSTEES MEETING

Thursday, October 13, 2022 at 5:00 PM

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

LIVE STREAM available at Town website

AGENDA – REV 10/12

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

Call to Order

Pledge of Allegiance

Roll Call

Presentation

1. Police Department Ceremonial Oath of Office and Awards

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.

2. Minutes from September 22, 2022 Meeting
3. Checks over \$15,000 - CIRSA (\$25,009); Bradley Excavating (\$17,640)

Staff/Department Reports

4. Water
5. Public Works including Roads & Park Maintenance
6. Police
7. Fire
8. Administration
9. Attorney
10. Administrator/Clerk

Business Items

11. Special Event Application - Christmas Tree Lighting (12/2)
- [12.](#) Resolution 45-2022 to Authorize Road Improvement on S Valley
- [13.](#) Resolution 44-2022 to Authorize Residential Well Agreement (822 Meadow Lane)
- [14.](#) Consider Request to Issue Multiple Well Permits for Elephant Rock Acres, 5 Lots
- [15.](#) First Reading of Ordinance to Adopt (Recodified) Town Code and Set Hearing
- [16.](#) Distribute Revised Draft 2023 Budget
- [17.](#) Discussion/Direction on Water Billing Rates

Public Comment

Public comments are encouraged to be emailed to the Town office at info@palmerlake.org with subject line of Public Comment (48 hour prior to meeting) and shall be announced, distributed, and addressed at the meeting. Otherwise, please step to the microphone, state your name and address for the record and address the Board on matters not on the agenda. Please note that the Board will not take action on your concern but may refer it to staff and/or to a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!

Board Reports**Next Meeting (October 27) and Future Items****Convene to Executive Session**

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. 24-6-402(4)(e) – possible annexation; use of Elephant Rock property by Carter Payne; land offer Hwy 105; and for the purpose of receiving legal advise on specific legal questions under C.R.S. 24-6-402(4)(b) - road and development standards.

Reconvene to Open Session**Adjourn**

Americans with Disabilities Act

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



PALMER LAKE POLICE DEPARTMENT

P.O. Box 591, Palmer Lake, CO 80133  Voice (719) 481-2934 Fax (719) 481-3338

On the date of February 25th, 2022, Officer James Gustav Bentley responded to a 911 call within the Town of Palmer Lake.

Officer Bentley was informed there was a home invasion in progress and the suspect was attacking the residents within the home with a machete. Officer Bentley arrived on scene within 5 minutes of initial dispatch. Once on scene, Officer Bentley made the life saving decision to enter the home prior to his cover arriving. A decision that was correct but not expected. Officer Bentley selflessly chose to accept the danger of a lethal force situation in order to save the lives of the victims within the home.

Officer Bentley entered and immediately engaged with the suspect going hands on and showing a high degree of controlled restraint under stress, choosing not to neutralize the suspect with lethal force. Officer Bentley's courageous actions saved the lives of three victims as well as the life of the suspect.

It is for these actions that I, Chief Jason Vanderpool, proudly award Officer James Bentley the Palmer Lake Life Saving Award.



BOARD OF TRUSTEES MEETING

Thursday, September 22, 2022 at 5:00 PM

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

MINUTES

Call to Order. Mayor Bass called the meeting to order at 5 PM.

Pledge of Allegiance

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

Mayor's Message. Mayor Bass shared a message summarizing the activity of the Board to date.

Presentations

1. Input to Parks Commission - Plan for Parks. Ms. Cindy Powell, representing the Parks Commission, presented a picture board to the Board of significant items to incorporate to Parks and requested members complete the survey.

Consent Agenda

Trustee Havenar inquired about the water loan from the general fund to be covered at the 9/29 budget workshop. MOTION (Farr, Stuth) to approve the consent agenda including items 2) Minutes from September 9, 2022 Meeting; 3) Checks over \$15,000 - Meyer & Sams Inc dba GMS Inc; and 4) Financials (August). Roll call vote – aye 6; nay 0. Motion passed.

Staff/Department Reports

5. Attorney. Atty Krob excused for traveling.

6. Administrator/Clerk. Collins noted the Fire Department memo and Interim Chief Vincent reported the award for Personal Protective Equipment, valued over \$173,000, for both structure and wildland gear. Collins further reported the status of the Master Plan and public meetings scheduled for October 6 and October 8. Additionally, a candidate forum is planned for Sat., October 1 – questions may be submitted to the town office. Water and roadway improvements are delayed a couple weeks. Town staff is exploring options for residents who may require different trash removal service – Waste Management will no longer be servicing the town mid October. Collins reminded members of the 9/29 budget workshop with departments and requested a brief special meeting to consider award of a bid.

Public Comment. Mr. Roger Moseley addressed the Board about his concerns of code enforcement with TLCA. He provided handouts to Board members.

Business Items

7. Special Event Application - YMCA Creepy Crawl (10/29). Mr. Pat McDonough presented the YMCA Creepy Crawl event details. MOTION (Havenar, Padgett) to approve the event. Roll call vote – aye 6; nay 0. Motion passed.
8. Revised Meeting Dates 2022. Collins reviewed the modification of the special meeting on 11/3 to schedule instead on 11/17, after the 11/8 election and direction from the board on 11/10. Trustee Stuth inquired about a public presentation of the draft budget. It was suggested to hold a workshop following the regular meeting on October 27.
9. Distribute Draft 2023 Budget. Collins and Stambaugh reviewed the modified structure of the budget, the draft budgeted numbers reflecting actual needs slightly refined from the revenue workshops the Board has previously seen. Staff encouraged members to send questions as they review the draft budget to prepare for department discussions on 9/29. MOTION (Havenar, Farr) to set the public hearing for the special meeting on November 17. Roll call vote – aye 6; nay 0. Motion passed.

Board Reports. Trustee Havenar reviewed the latest PPACG meeting, including a tour of a new station in Divide and inquired with Interim Chief Vincent about use of bike lanes for an emergency evacuation. Vincent addressed emergency evacuation protocol, general protection and importance of mitigation.

Next Meeting (9/29 budget workshop; 10/13) and Future Items

Convene to Executive Session. MOTION (Padgett, Stuth) to convene to executive session at 6:04 PM for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. 24-6-402(4)(e) – possible sale of town property; and personnel matters under C.R.S. 24-6-402(4)(f) - Town Administrator/Clerk evaluation. Roll call vote – aye 6; nay 0. Motion passed.

Reconvene to Open Session. MOTION (Padgett, Farr) to reconvene to open session and adjourn at 8:10 PM. Roll call vote – aye 6; nay 0. Motion passed.

Adjourn. Moved at 8:10 PM.

Mayor Bill Bass

ATTEST: Dawn A. Collins, Town Clerk

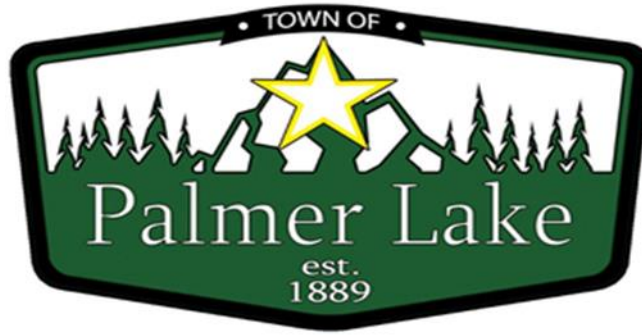
Town of Palmer Lake Monthly Water Usage

**Month
Year September
2022**

| | Gallons | Acre Ft |
|----------------------|------------------|----------------|
| Surface Water | 2,279,000 | 6.99 |
| Well A2 | 3,784,000 | 11.61 |
| Well D2 | 0 | 0 |
| Total | 6,063,000 | 18.61 |
| | | |
| Avg. Gal/Day | 202,000 | 0.62 |

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

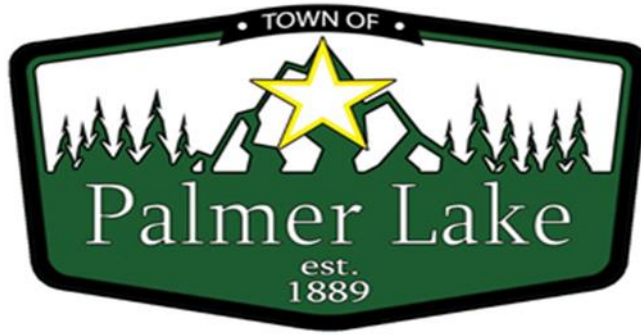
Total 0 AF



Board of Trustees Summary Sheet

| | |
|---------|--|
| | September 2022 |
| Title | Public Works Department Report |
| Date | 10/13/2022 |
| Contact | Jason Dosch |
| Summary | <p>Graded roads Patched Potholes Applied dust control on Town roads Cut tree limbs from ROW and chip branches Cleared drainage ditches Replaced and repaired street signs Performed routine maintenance on equipment and playground equipment Emptied trash cans at Lake Rec area/Cleaned bathroom at Lake Performed playground inspections Maintained area around the Town office and Town Hall Mow grass and maintain Elephant Rock property Set up and tear down seating and tables at Town Hall for meetings and events Attended Parks Committee meetings Held bid for Bridge Maintenance, 1 bidder very high over budget. Project on hold until Winter 2023 Attended Special events permit meetings Removed dead deer from ROW Attended TAC meeting at PPACG Performed maintenance parking kiosk at Trailhead parking lot Millings expected for Suncrest Rd area were cancelled Hauled new playground mulch for under equipment at Glen Park Worked on 2023 Budget Had discussions about Master Plan of Centennial Park with different entities</p> |

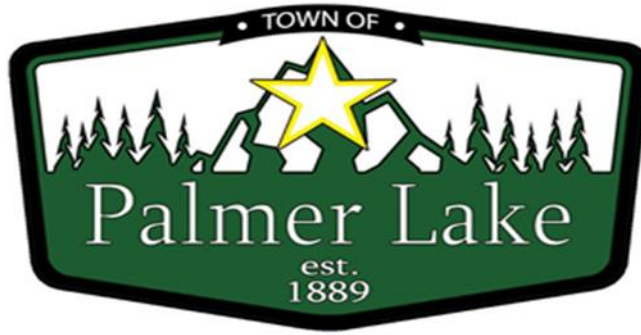
| | |
|-----------------------|---|
| | Put sanders and snowplows on trucks for winter prep |
| Training | Safety and Cirsa training |
| Other Activity | GMS Eng. selected for RFQ for PLES project for design Planning for S Valley road improvement |



Board of Trustees Summary Sheet

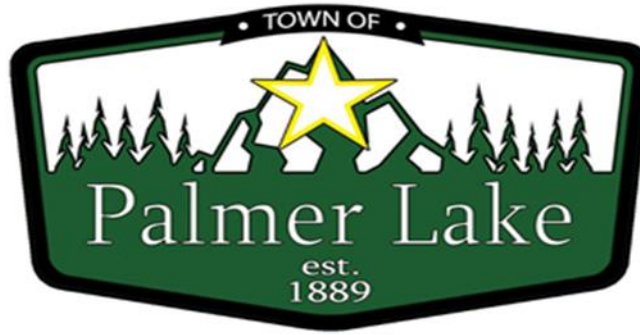
| | |
|----------------------------|--|
| | August 2022 |
| Title | PARKS Monthly Report |
| Date | 10/13/2022 |
| Contact | Parks Commission |
| Summary of Volunteer Hours | <p>Research, reviews, development of the 1st draft for the pedestrian bridge lighting plan = 5</p> <p>Plan, ordered, prepped, installed Glen Park swing curbing = 9</p> <p>Helped spread pea gravel cushioning for Glen Park swing = 5</p> <p>Assembled and helped installed HyLo Climb playground structure in Glen Park = 8</p> <p>GOCO Grant for Palmer Lake Parks - Survey development, helped assemble parts for survey picture board, developed and entered first returned data from survey responds = 8</p> <p>Plan for service days = 2</p> <p>Coordinating GOCO grant survey takers for events = 1</p> <p>Gathering GOCO surveys = 5</p> <p>Meetings: Parks, El Paso County Parks, Little League, Awake the Lake, Palmer Divide Soccer = 20</p> |

| | |
|----------------------|---|
| | Spreadsheets, emails, social media = 4 Weeding = 2 |
| Total Volunteer Time | August = 69 |
| Upcoming Activity | Workshop plans for Centennial Park with Awake Palmer Lake and staff |



Board of Trustees Summary Sheet

| | |
|----------------------------|--|
| | September 2022 |
| Title | PARKS Monthly Report |
| Date | 10/13/2022 |
| Contact | Parks Commission |
| Summary of Volunteer Hours | Service day for creek week prep and day of service day = 111 hours Meetings = 20 hours GOCO related hours = 11 hours Social media, spread sheets, weeding = 8 hours |
| Total Volunteer Time | September = 150 |
| Upcoming Activity | Workshop plans for Centennial Park with Awake Palmer Lake and staff |



Board of Trustees Summary Sheet

| | Sep-Oct 2022 |
|-----------------------|--|
| Title | Police Monthly Report |
| Action | N/A |
| Date | 9/1-9/30/2022 |
| Contact | J. Vanderpool |
| Summary | In the Month of September 2022, the PLPD conducted 103 traffic stops and issued 46 citations. Also, in the month of August, 2 DUI arrest, as well as 1 criminal tampering arrest was made. 21 Parking tickets were issued. |
| Training | Officers requalified on SFST's, Defensive driving and de-escalation. |
| Photographs | The attached photographs are of the PLPD and PLFD working together to make storage space for the soon to be active Honor Guard. |
| Other Actions | Officers have been working in conjunction with the United States Air Force, CSPD, EPSO, MPD as well as Tri-Lakes fire, Palmer Lake Fire, and CSFD for a active shooter exercise coming up in October. |
| Active investigations | Palmer Lake PD officers have arrested two of the suspects involved in the stabbing at the Reservoir trail head. |
| Calls for service | Officers responded to 352 calls for service this month. 308 of these calls were in the Town of Palmer Lake, 44 were outside of town. |

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

Code Enforcement Activity

September 2022

- Received a complaint that two dogs were running loose and attacked/killed ducks on a private residence. I contacted the dogs' owner and provided several solutions to prevent the dogs from escaping her yard again. No prior complaint had been made, so she received a verbal warning, and was informed that another incident would be met with a ticket/fine for Ordinance Violation pertaining to Dogs at Large. A follow up was conducted approximately a week later to see if changes had been made. An ongoing email exchange is also providing further updates.
- Received multiple complaints from a resident located at 695 Hwy 105 trailer park. Resident stated his neighbors at the 720 Hwy 105 trailer park were harassing him by flashing their vehicle lights as they passed his residence, playing loud music/making lots of noise doing late night projects, and utilizing bright lights on their trailers to shine into his residence and disturb him and his mother. He also complained about the privacy fences they erected to shield their properties from his view, as he deemed them "unsightly".

The following investigation was conducted/ actions taken:

- I patrolled the area of 720 Hwy 105 and checked on the trailers in question.
- One of the three trailers had a porch light that could have been pointed down a little more to get the recommended 45-degree angle. That light could have appeared to be more intrusive to the resident at 695. I contacted the resident, and she adjusted the light promptly. All other observed lights were properly facing.
- I noted multiple dips/potholes in the dirt road between the trailers of 720 and the resident at 695. I conducted a brief experiment to see what a vehicle with lights on would look like as it hit those dips/potholes. When the vehicle hit those dips/potholes, the front end would go down briefly before leveling out again, giving the appearance that the vehicle was flashing its lights. I also contacted the residents of the trailers along that section, and all denied flashing their lights at 695.
- I asked the residents of several trailers in 720 if they experienced any neighbors playing loud music or being too loud during late or early morning hours. No resident complained of ongoing loud noises, and one neighbor stated a resident would sometimes use a drill or saw while working outside but would always stop around 2000 hours and the noise was not excessive.
- I asked a Patrol Officer that works the night shift to conduct checks of 720 Hwy 105 and note any excessive bright lights or loud noises that could be perceived as an

Ordinance Violation. The Officer conducted 7 checks between the dates of 9/15 and 9/30. No bright lights were noted, no loud noises were observed, and the main porch light accused of being on all night and shining into 695 appeared to be motion activated only.

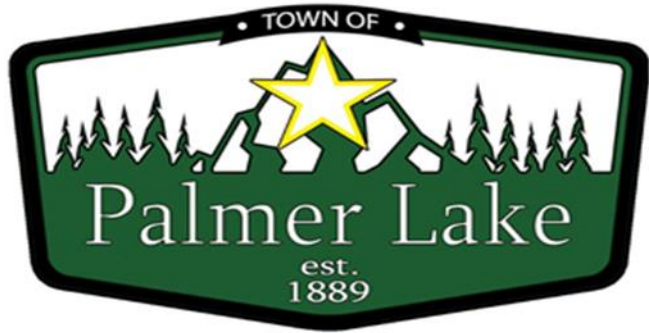
- I checked for any Ordinance that put restrictions on privacy fences, and the materials that could be used. I came across the definition of a privacy fence only- there is not a list specifying materials that can be used. The privacy fence erected at 720 Westward unit 24 was uniform and I did not have issue with it. The privacy fence erected at unit 22 was not uniform and therefore not as pleasing to the eye, but without established standards on privacy fences, I can only request the resident make it look a little more uniform.
 - I updated the resident of 695 of my findings/actions taken. The resident continues to persist that his neighbors are intentionally causing him disturbances via lights and noise. Will continue to monitor.
- Received a complaint from a resident at 720 Hwy 105 that her neighbor in 695 Hwy 105 was spying on her by using infrared cameras pointed at her bedroom. She claimed she was walking by his residence and heard him talking about harming her through the walls of the residence. A contact was initiated by a Patrol Officer, who found the complaint unfounded. From my observations of the cameras around the 695 residence in question, they display a red light at night to signal night vision but are not infrared. A neighbor of the complainant stated she often observed the complainant appearing “to be high on something.”
 - Received a complaint from a resident at 720 Hwy 105 that there had been ongoing issues with a resident at 695 Hwy 105, and that she and several other residents had reportedly seen a vehicle associated with the 695 resident to be sitting on their street watching them, and they felt very uncomfortable. These events began after they had complained about the lights the 695 resident had put up to shine at their trailers (in a supposed retaliation for the resident believing they were purposefully shining their lights at his residence), resulting in the 695 resident receiving a summons.

October 2022

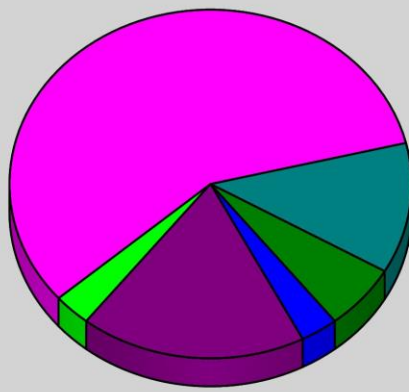
- Received a complaint of a dog barking nonstop around Shady Ln. I patrolled Shady Ln as well as the rest of the Glen with my windows down. No barking dog was heard, and no dogs were observed outside in the yards I could see from the streets.
- Received a complaint regarding a chicken coop being very dirty and chickens in poor condition in the Upper Glenway area. I went to the address provided and located the

chicken coop. The chicken coop was well maintained and the chickens inside appeared healthy. Complaint unfounded.

- Received a complaint about a shed next to the property of the complainant. No specifics were mentioned regarding the nature of the complaint. There are ongoing criminal proceedings between the two neighbors. I went to the address provided and contacted the homeowner. He took me into his backyard and showed me the shed in question. The shed was on his property, was well maintained, and did not violate any standard I could see. Complaint unfounded.
- A complaint about a trailer being parked next to the Arts Center and the owner living in it is being monitored. I have observed the trailer, but have not acquired proof that it is being lived in. I have asked a Patrol Officer that works nights to conduct checks at that location to see if lights in the trailer can be observed, or any activity observed that could prove someone is living in the trailer. If proof is acquired, the owner will be notified that they are violating Ordinance 12-5-48: Camping and 5-20-070: House Cars Parking.
- A complaint about the unsightly shed located next to the apartments on Hwy 105 is in progress. An initial contact with the owner was made by a Patrol Officer. Further attempts have been unsuccessful. Once contact can be made again, owner will be notified that the shed must be completed or removed within 30 days of the notice.



Board of Trustees Summary Sheet

| Title | Palmer Lake Fire Department-Monthly Report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|---------------|-----|-------|--------------------------|---|---|------|---|---|------------------|---|---|-------------------------------|---|---|---|----|----|--------------|---|---|--------------|-----------|-----------|
| Action | Keep Palmer Lake Safe | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date | September 2022 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contact | John Vincent, Interim Chief | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Summary | <div style="text-align: center;">  </div> <div style="margin-top: 10px;"> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">■ False Alarm & False Call</td> <td style="width: 33%;">■ Good Intent Call</td> <td style="width: 33%;">■ Rescue & Emergency Medical Service Incident</td> </tr> <tr> <td>■ Fire</td> <td>■ Hazardous Condition (No Fire)</td> <td>■ Service Call</td> </tr> </table> </div> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="text-align: center;">INCIDENT TYPE</th> <th style="text-align: center;">SEP</th> <th style="text-align: center;">TOTAL</th> </tr> </thead> <tbody> <tr> <td>False Alarm & False Call</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Fire</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Good Intent Call</td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Hazardous Condition (No Fire)</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Rescue & Emergency Medical Service Incident</td> <td style="text-align: center;">19</td> <td style="text-align: center;">19</td> </tr> <tr> <td>Service Call</td> <td style="text-align: center;">4</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">33</td> <td style="text-align: center;">33</td> </tr> </tbody> </table> | ■ False Alarm & False Call | ■ Good Intent Call | ■ Rescue & Emergency Medical Service Incident | ■ Fire | ■ Hazardous Condition (No Fire) | ■ Service Call | INCIDENT TYPE | SEP | TOTAL | False Alarm & False Call | 2 | 2 | Fire | 1 | 1 | Good Intent Call | 6 | 6 | Hazardous Condition (No Fire) | 1 | 1 | Rescue & Emergency Medical Service Incident | 19 | 19 | Service Call | 4 | 4 | Total | 33 | 33 |
| ■ False Alarm & False Call | ■ Good Intent Call | ■ Rescue & Emergency Medical Service Incident | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ■ Fire | ■ Hazardous Condition (No Fire) | ■ Service Call | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INCIDENT TYPE | SEP | TOTAL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| False Alarm & False Call | 2 | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Good Intent Call | 6 | 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hazardous Condition (No Fire) | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rescue & Emergency Medical Service Incident | 19 | 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Service Call | 4 | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 33 | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Training:

Shift Training 2 hour/shift
Fire Academy

Photo #1 Wildfire Auto-Aid to Larkspur FPD.

Photo #2 Hazardous Materials Testing. (W. Berry, C. Costanzo)

Photo #3 Trapped Cat.

Photo #4 Thinning Operation, Vicinity Upper Reservoir.









LAND USE Permits for September 2022

Item 8.

| ADDRESS | TYPE OF WORK | EXPIRATION | # of Taps | REGIONAL NUMBER |
|---------|--------------|------------|-----------|-----------------|
| | | | 1039 | |
| | | | | |
| | TYPE | AMOUNT | | |
| | Re-Roof | 1 | | |
| | Other | 4 | | |
| | | | | |
| | TOTAL | 5 | | |

CONTACT US REPORT - SEPTEMBER 2022

| | Submitted Time | First Name | Subject |
|---|-----------------------|-------------------|---------------------------|
| 1 | 09/01/22 - 10:50 AM | Melissa | Town Hall Rental |
| 2 | 09/08/22 - 2:49 AM | Lauren | Blog Post Pitch |
| 3 | 09/08/22 - 8:58 AM | Linda | Guest Article Idea |
| 4 | 09/11/22 - 11:48 PM | Linda | Guest Article Interested? |
| 5 | 09/14/22 - 2:00 PM | Dawn | Relocating to Palmer Lake |
| 6 | 09/17/22 - 5:50 AM | Kit | Weekly News |
| 7 | 09/20/22 - 7:34 AM | John | Start Water Service |
| 8 | 09/29/22 - 7:06 PM | Lucy | Starting a Business |

Dawn Collins

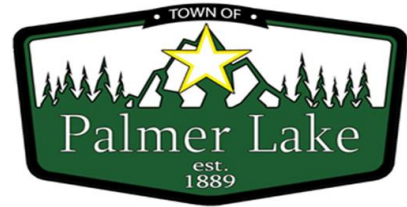
Subject: FW: Draft 10/13 Board agenda

Kiosk for September:

| | | | |
|--------------------|-----------------------------|-------|---------------|
| \$ 5,580.96 | Gross Collections | (1053 | Transactions) |
| \$ (315.90) | Fees | | |
| \$ (70.00) | Monthly T2 Svc charge | | |
| <u>\$ 5,195.06</u> | Net Collections - September | | |

YTD:

| | | | |
|---------------|-----------------------|------------------------------|----------------------|
| \$ 40,613.96 | Gross Collections | <u>YTD # of Transactions</u> | <u>Avg per Month</u> |
| \$ (2,298.90) | Fees | 7,663 | 1,277 |
| \$ (490.00) | Monthly T2 Svc charge | | |
| \$ 37,825.06 | Net Collections | | |
| \$ 2,788.90 | Total Fees | 7% | |



Item 12.

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

| | | |
|---|-----------------|--|
| DATE: October 13, 2022 | ITEM NO. | SUBJECT: |
| Presented by: Town Administrator /Clerk | | Resolution to Authorize Agreement for Road Improvement at S Valley |

Background

Public Works Supervisor Dosch will be in attendance to explain the change of direction for a fall roadway improvement project. Two competitive quotes were received to complete the roadway improvement of S Valley – Martin Marietta and Schmidt Construction - for roadway improvement.

Recommendation

Support the staff recommendation to authorize an agreement with the responsible bidder.

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 45-2022

**A RESOLUTION TO AUTHORIZE ROADWAY IMPROVEMENT ON S VALLEY,
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 Board of Trustees has authority over contract agreements for the Town; and

WHEREAS, the Town staff supports the roadway improvement work as described in the enclosed exhibit.

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 authorizes the Mayor to sign a professional services agreement for the roadway improvement services as described in the attached exhibit.
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.

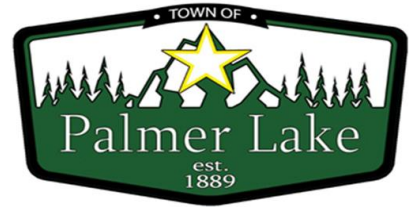
INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13th DAY OF OCTOBER 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor



Item 13.

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

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|---|-----------------|--|
| DATE: October 13 2022 | ITEM NO. | SUBJECT: |
| Presented by: Town Administrator /Clerk | | Resolution to Approve Residential Well Agreement for ERock at 822 Meadow |

Background

The enclosed residential well agreement allows Kurt Ehrhardt to access water from the Dawson aquifer and includes standard language to meter and annually report water usage to the Town. This property is located on Meadow Lane in the Elephant Rock subdivision.

Recommendation

Staff recommends approving the residential well located at 822 Meadow Lane.

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 44-2022

A RESOLUTION TO AUTHORIZE A RESIDENTIAL WELL AGREEMENT WITH EROCK LLC FOR PARCEL LOCATED AT LOT 41, ELEPHANT ROCK SUBDIVISION, 822 MEADOW LANE, 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 Board of Trustees has authority over residential well agreements for the Town; and

WHEREAS, the Town is unable to provide water service to the parcel identified as Lot 41, Elephant Rock subdivision, located at 822 Meadow Lane, owned by ERock LLC; and

WHEREAS, the property owner has provided a complete land use application to build on the property and requires approval for a residential well and this agreement remains with the property.

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 authorizes signature to a residential well agreement with ERock LLC as attached in 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 13th DAY OF OCTOBER 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor

WELL PERMIT AGREEMENT

THIS AGREEMENT is made this ___ day of October 2022 by and between the Town of Palmer Lake (hereinafter, "TOWN") and E Rock LLC whose address is PO Box 307, Monument Colorado (hereinafter "LANDOWNER") collectively referred to as "PARTIES".

RECITALS

WHEREAS, LANDOWNER is the owner of certain land generally located in a portion of Lot 41, Elephant Rock subdivision, within the boundaries of the TOWN, and with an address of 822 Meadow Lane; and

WHEREAS, LANDOWNER is deemed to have consented to the withdrawal of ground water in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the land described above pursuant to §§37-90-137(4)(b)(II)(C) and 37-90-337(8), C.R.S., and by virtue of Ordinance No. 8 of 1985, adopted by the Town Board of Trustees on August 26, 1985; and

WHEREAS, water service to the land described above is not reasonably available from the Town as of the date of this AGREEMENT; and

WHEREAS, LANDOWNER desires to construct a well to withdraw ground water from the Dawson aquifer underlying the land described above (the "WELL") to provide a water supply for domestic, in-house use only, for one (1) single-family residence on said land.

NOW THEREFORE, in consideration of the mutual covenants, conditions, and provisions herein, the TOWN and LANDOWNER agree as follows:

1. The TOWN hereby consents to the withdrawal by LANDOWNER of the ground water in the Dawson aquifer underlying the land described above for use in one (1) single-family residence only with no outside use allowed. LANDOWNER agrees to pay the well permit fee as established in the TOWN'S fee schedule prior to the drilling of the WELL.
2. The TOWN does not warrant or represent to LANDOWNER that any amount of water is available, if any beneath the land described above, or the quality of that water. LANDOWNER agrees to indemnify and hold harmless the TOWN, its employees, agents, independent contractors, agents, and representatives harmless from any and all claims arising out of the installation, use, maintenance, operation, or otherwise, of the WELL.

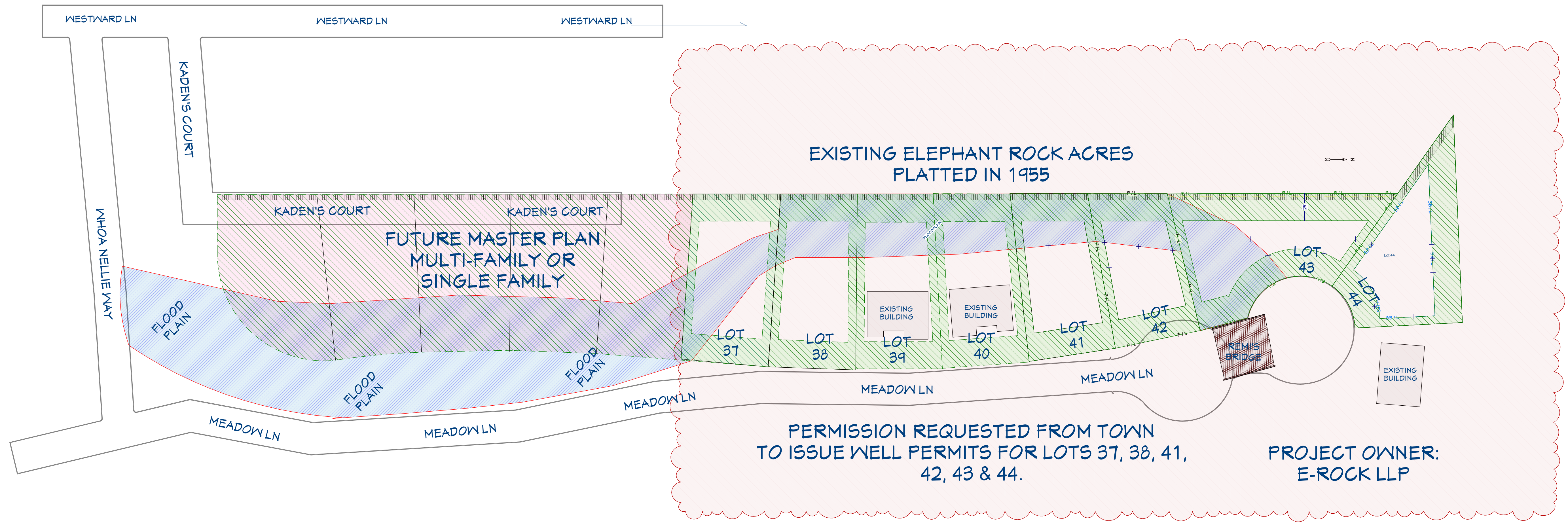
3. LANDOWNER agrees that at such time as water service to the land described above is available from the TOWN, LANDOWNER shall disconnect the residence from the well, connect the residence to the TOWN's water facilities, pay the difference for the then prevailing water tap fee to the TOWN and any other fees typically charged at that time by the TOWN for new water service, and shall convey to the TOWN, without charge, by property executed deed, all water rights and ground water in the Dawson aquifer underlying said land.
4. LANDOWNER agrees to, at TOWN's sole discretion, plug and abandon the WELL at LANDOWNER's sole expense, or allow the TOWN to connect the WELL and all water facilities to the TOWN's water system. If the TOWN chooses to connect the WELL to its system, it shall pay LANDOWNER the value of the WELL and related water facilities to be used by the TOWN by purchase or condemnation.
5. LANDOWNER agrees any and all water mains LANDOWNER shall place on the land described above shall be at least 6" in diameter, schedule 40, plastic pipe with tracer wire, or be in compliance with any TOWN specifications in place at time of placement.
6. LANDOWNER agrees to have WELL metered and readings presented to the TOWN Clerk for the previous year no later than January 31 of each year.
7. LANDOWNER shall be responsible for obtaining a well permit and any and all other government approval required to construct and use the WELL, and shall be solely liable for all construction, maintenance, and operation costs for the WELL.
8. This AGREEMENT shall constitute a covenant running with the land described above and shall be binding upon, inure to the benefit of and be enforceable by the respective heirs, successors and assigns of the TOWN and LANDOWNER. Either party hereto may record this AGREEMENT in the El Paso County real property records.
9. LANDOWNER agrees to pay a reasonable fee, as adopted and determined by the TOWN Board of Trustees at its sole discretion, subject to adjustment, for LANDOWNER's use of the TOWN's water.
10. The PARTIES recognize that the TOWN is a Colorado Municipal Corporation. Nothing herein shall be construed as a waiver by the TOWN of any of the immunities, privileges and defenses available to it under the Colorado Governmental Immunity Act, as may be amended from time to time, or arising under common law.

TOWN OF PALMER LAKE, COLORADO

MAYOR

ATTEST: _____
Dawn A. Collins
Town Administrator / Clerk

LANDOWNERS:



Green angled Hatch =
Standard 25' and 7.5' Setback Zone

Blue Angled Hatch = Floodplain

Gray Hatch = 6' Utility Easement

Scale: 1 INCH = 50 FEET
(when printed at 24" x 36" paper size)

| REVISION TABLE | NUMBER | DATE | REVISED BY | DESCRIPTION |
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E-ROCK LLP

WELL PERMIT REQUEST

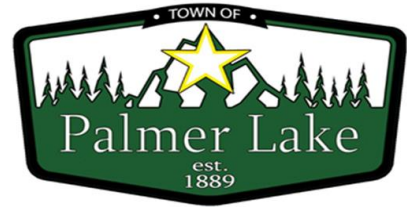
CONTACT:
KURT EHRHARDT
719-491-0309

DATE:
10/11/2022

SCALE:
1" : 50 FEET
when printed
@ 24"x36"

SHEET:

P-1



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

| | | |
|--|-----------------|-------------------------------------|
| DATE: October 13, 2022 | ITEM NO. | SUBJECT: |
| Presented by: Matthew Z. Krob, Town Attorney | | ORDINANCE ADOPTING NEW TOWN CODE |

Board,

This agenda item updates the Town Code to incorporate changes made via adoption of Ordinances through late November 2021. Somewhere along the lines, the Town Code was not updated when each new ordinance was adopted, whereby amending the Town Code. This results in the need for Staff to research and review ordinances in conjunction with the original Town Code to determine what the applicable rules are.

Municode has taken the Ordinances passed and incorporated those changes into the document as well as provided a legal review. This will help aid staff significantly and cut down on research time when questions arise relating to the Town Code.

Perhaps most importantly, this will allow the code to be hosted by Municode’s website and will allow the Citizens access to the code (in a searchable and easily navigable format) at any time, thereby furthering transparency and promoting accessibility of information.

While there are certainly areas of the code that the Board may want to amend in the future, the adoption of this code provides the opportunity to begin that process.

The adoption of this code will be done as we have other codes – ie., adoption of a code by reference. It requires two (2) readings as well as the setting and notice of a public hearing. Then, thirty days after the publication of the adopting ordinance, the Town Code will be adopted.

ORDINANCE NO. 15-2022

AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW TOWN CODE FOR THE TOWN OF PALMER LAKE, COLORADO; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF PALMER LAKE, COLORADO:

Section 1. The code entitled "Palmer Lake Municipal Code" published by Municode, consisting of Chapters 1 through 17, with tables and index, is adopted as a primary code by reference.

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance which are inconsistent with the provisions of the Palmer Lake Municipal Code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.

Section 3. The repeal established in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. The following codes and rules and regulations were adopted by reference and incorporated in the Palmer Lake Municipal Code. One (1) copy of each such code is on file in the town office:

- (1) The *Pikes Peak Regional Building Code*, 2017 edition, published by the Pikes Peak Regional Building Department, as adopted and amended in chapter 14.04.
- (2) The *Model Traffic Code*, 2020 edition, published by the state Department of Transportation, Safety, and Traffic Engineering Branch, as adopted in chapter 10.04.
- (3) The *Standard Specifications for Road and Bridge Construction*, 1991 edition, published by the state Department of Transportation, as adopted in chapter 12.08.
- (4) The *El Paso County Engineering Criteria Manual*, published by El Paso County, as adopted in chapter 12.03.
- (5) The 2020 edition of the *National Electrical Code* as adopted by the State of Colorado as the State of Colorado electrical code, as adopted in Section 14.04.010(L).

- (6) The 2018 edition of the *International Plumbing Code*, as amended and adopted by the State of Colorado, as adopted in Section 14.04.010(M).

Section 5. The penalty provisions set forth in the Palmer Lake Municipal Code are hereby adopted as follows:

1.12.010. General penalty.

(a) Unless otherwise specifically provided in the relevant Code provisions, any person convicted of violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the town shall be guilty of a petty offense. A person convicted under this Code shall be punished by a fine of not more than \$2,650.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(b) Any such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the town, is committed, continued or permitted by any such person, and he shall be punished accordingly.

(c) In addition to the penalties set forth in subsection (a) of this section, violations of this Code may be abated by the town through injunctive or other equitable relief and by such other means as provided by law.

(d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions under the provisions of this Code or other applicable law.

1.12.020. Minor offenders.

(a) For the purposes of this section, a "minor offender" is defined as any person accused of an offense pursuant to this Code who, on the date of the alleged offense, was at least ten years of age, but had not yet attained the age of 18 years.

(b) Any minor offender convicted of violation of this Code shall be punished by a fine of not more than \$2,650.00, unless provided otherwise by the specific Code provisions alleged to have been violated.

(c) Nothing contained in this chapter shall be construed to abrogate, abolish, or otherwise limit the power of the municipal court to confine a minor offender arrested for an alleged violation of this Code or convicted of a violation thereof, or who is before the court for contempt of court, whether by failure to obey a summons, subpoena, or other lawful order of the court, including an order to pay a fine, or by personal conduct before the court. Pursuant to C.R.S. § 13-10-113, the municipal court may, however, only confine a minor offender in a juvenile detention facility operated by or

contracted by the state department of human services or a temporary holding facility operated by or under contract with a municipal government.

Any confinement of a child for contempt of municipal court or for violation of probation conditions shall not exceed 48 hours.

(d) The presiding judge of the municipal court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the municipal court as he may, from time to time and consistent with state law, deem appropriate.

2.24.090. Penalty for adult.

Any adult convicted in the municipal court of a violation of any ordinance of the town may be punished according to chapter 1.12; provided, however, that any lesser penalty than that which is permitted herein may be expressly provided for by ordinance of the town or by laws of the state and in such cases, such lesser penalty shall be controlling upon the municipal court.

2.24.100. Penalty for juvenile.

Any child convicted in the municipal court of a violation of any ordinance of the town may be punished according to chapter 1.12.

5.04.160. Enforcement and fines.

In addition to any other remedies available to the town, this chapter may also be enforced in the municipal court or any court of competent jurisdiction. The municipal court is authorized to revoke a business license for non-compliance with this chapter, in addition to any other remedies authorized by law. Any person who violates the requirements of this chapter may be punished in accordance with the general penalty provisions set forth in chapter 1.12.

5.04.170. Renewal of license.

(a) At any time within 60 days prior to the expiration of the current license, a licensee may make application for a license renewal for the succeeding year and pay the required fees. Unless otherwise provided by this title, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of the current license, and upon payment of the required fee, the licensee may continue the business for the succeeding period unless or until the application for license renewal is denied. Within 30 days, a renewal application will be mailed to the business owner.

(b) In the event a suspension or revocation proceeding is pending when the licensee applies for renewal, the business may continue during the pendency of the proceeding, but the renewal application shall not be acted upon until the suspension or revocation proceeding has been completed and the time to appeal such decision has expired.

(c) Every renewal application shall be evaluated in accordance with the requirements of this title applicable to the initial issuance of a license. In addition to local compliance, if there are more than two findings of complaints about the business operation on file with the town, the clerk shall inform the business owner and schedule a review of the license renewal before the town board of trustees to determine renewal or a conditional license with criteria to address within another six or 12 months of the succeeding licensing year.

(d) Whenever any renewal application and accompanying license fee payment is not received on or before the expiration date of any license issued for the current license term, and the licensee continues to engage in the business for which the license was issued, a penalty fee in the amount set by resolution of the board of trustees shall be imposed for each month of delinquency. The town clerk shall be authorized to waive or adjust any and all of such penalty and additional fee whenever in the clerk's judgment the delinquency is not the fault of the licensee or when collection or payment would constitute an injustice.

(e) The failure of a licensee to exercise the privilege of renewal granted under a license for a period of 60 days beyond the expiration of the license shall be apparent evidence that the renewed license is abandoned.

5.08.130. Violation, penalty and enforcement.

(a) It is unlawful for any owner, local agent, other agent of the owner or renter to violate any provision of this chapter.

(b) In addition to the suspension and revocation actions set forth in this chapter, violations of this chapter are subject to the penalties set forth in this Code.

(c) Any violation of this chapter shall constitute a nuisance under this Code and may be subject to the abatement procedures set forth in municipal code.

(d) This section shall not be construed to prohibit the town from taking any action permitted by law or in equity to remedy a violation of this chapter, including, but not limited to, seeking an injunction in any court of competent jurisdiction.

5.36.100. Penalty.

Any person, firm or corporation who violates a provision of this chapter shall be considered to have committed a civil infraction and not a crime, and upon a finding of guilty or entry of a plea of guilty or entry into a plea agreement, shall be subject to a fine not to exceed \$2,650.00.

Each day upon which such infraction continues shall constitute a separate infraction. Nothing herein shall prevent the town from utilizing any and all other remedies available to the town.

7.08.120. Penalty for violations.

Violations of this chapter, or any part thereof, shall be punished according to chapter 1.12; provided, however:

(1) Conviction of section 7.08.030 shall subject any person convicted of the violation thereof a minimum fine of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

(2) Conviction of section 7.08.080 shall subject any person convicted of the violation thereof a minimum fine of \$50.00 for the first offense; \$100.00 for the second offense; and \$150.00 for the third offense.

(3) Conviction of section 7.08.100 shall subject any person convicted of the violation thereof a minimum fine of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

7.12.100. Penalty for violations.

Violations of this chapter, or any part thereof, shall be punished according to chapter 1.12; provided, however, that conviction of section 7.12.040 shall subject any person convicted of the violation thereof a minimum of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

8.08.120. Weeds, brush, leaves, pine needles or litter.

It shall be unlawful for weeds, brush, leaves, pine needles or litter, as defined in section 8.16.020, to be allowed to accumulate on property within the town. The town shall give written notice of abatement to the occupant and mail notice to the owner of the property where weeds, brush, leaves, pine needles or litter has been allowed to accumulate directing the occupant and/or owner to remove same. Failure to remove same within 48 hours, or such other time as is specified in the notice, shall authorize the town to enter onto said property and to remove and dispose of same in whatever manner the town shall determine to be appropriate. If the town has to remove same, the town shall assess the whole cost of such removal and disposal, including all incidental costs incurred in connection therewith, plus an additional five percent for inspection, and shall give written notice of assessment to the owner and the occupant by personal service or by certified mail return receipt requested. The assessment shall be a lien against each lot or tract of land from which the weeds, brush, leaves, pine needles or litter has been removed, until paid in full, and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within 60 days from the date of the assessment notice, the assessment may be certified by the town clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of the state for assessment

and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment.

8.28.040. Penalty for violations.

Any person found guilty of violating any provision of this chapter shall be punished as follows:

(1) For any violation involving fireworks, open burning or an open fire, to include without limitation prohibited or unlawful recreational fires, a minimum fine amount of \$1,000.00 and, in the discretion of the court, up to a maximum of one year in jail.

(2) For any violation involving prohibited smoking during town stage 2 fire restrictions, a minimum fine amount of \$500.00 and, in the discretion of the court, up to a maximum of one year in jail.

(3) For any violation other than a violation set forth in subsection (a) or (b) of this section, a penalty in the discretion of the court and as allowed by the general penalty provision set forth in this Code.

9.04.030. Penalty for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to chapter 1.12.

9.36.070. Penalty for violations.

Any person violating the provisions of this chapter or chapter 9.16 shall, on conviction thereof, be fined according to chapter 1.12.

9.40.010. Penalty.

Any person who is drunk or is in a state of intoxication in any public place in the town or is drunk or disorderly in any private place within the town, shall, upon conviction thereof, be fined according to chapter 1.12.

9.44.050. Penalties.

The following penalties herewith set forth in full shall apply to this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in accordance with the general penalty in chapter 1.12.

9.48.070. Street obstruction—Penalty for violation.

Any person violating any of the provisions of sections 9.48.010 through 9.48.060 shall, on conviction thereof, be fined in accordance with chapter 1.12.

9.48.090. Destroying public property—Penalty.

Any person violating any of the provisions of section 9.48.080 shall, on conviction thereof, be fined according to chapter 1.12.

9.52.020. Penalty for violations.

Every person convicted of a violation of this chapter shall be fined according to chapter 1.12.

10.04.020. Penalty assessments.

Any person who violates any provision of section 10.04.010 is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to chapter 1.12.

10.28.040. Penalty.

Any persons and/or company upon conviction shall be punished in accordance with the general penalty in chapter 1.12.

13.08.040. Penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished in accordance with the general penalty in chapter 1.12.

13.20.130. Waste of water prohibited.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs.

13.24.090. Enforcement.

(a) Every law enforcement officer of the town shall, in connection with his duties imposed by law, diligently enforce the provisions of this chapter.

(b) The town police chief is authorized to issue a first-time verbal warning for the first offense; however, in the town police chief's discretion, he may

issue a citation if he determines that the violation is flagrant. Any oral or written warning will be documented by the person giving same. All subsequent offenses will be cited into municipal court. Violation of this chapter shall be punished in accordance with the general penalty section of chapter 1.12.

(c) Discontinuance of service. In addition to or in place of any fine or imprisonment, the mayor, upon the recommendation of the water supervisor, shall have the authority to enforce the provisions of this chapter by the discontinuance of water service in the event of violation hereof. The person affected shall have right of appeal as set forth in section 13.20.110. Upon discontinuance of water service, the same shall not be reestablished until satisfactory assurances are received by the town that further violations of this chapter will not occur and until the person has complied with section 13.08.130, including paying for the turning off and turning on of the water service.

(d) The town police chief or his designee shall have the right to enter onto any property within the town in accordance with section 1.12.010 to inspect any complaints of violation of this chapter.

14.20.070. Violations; penalties; enforcement.

(a) The Town shall review all exterior lighting plans for compliance with this chapter and has the right to inspect all installations of exterior lighting for compliance.

(b) Prosecution for a first violation of this chapter will follow after the Town has issued a courtesy only notice to the property owner by hand delivery or by US mail addressed to the address of the violation with a request that the violation be removed or remediated within 30 days of the date the notice is delivered or placed in the mail. No such notice will be provided for any allegations of a second violation at such address.

(c) The penalty for violation of any portion of this chapter shall be:

(1) First violation: A minimum fine of \$50 per non-compliant light fixture.

(2) Second and subsequent violations: A minimum fine of \$100 per non-compliant light fixture.

(d) Each and every day that a violation continues shall be a separate offense.

16.64.020. Penalty for violations.

Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor and shall, upon conviction, be punished according to the general penalty in chapter 1.12. The sale of each and every lot sold in

violation of this title is considered a separate violation. These penalties shall be in addition to any others that may be imposed.

17.64.090. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to penalty as provided in chapter 1.12.

17.104.040. Penalty; nuisance declared.

(a) It is unlawful for any person to violate any of the provisions of this section. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine or imprisonment or both pursuant to section 1.12.010. Each day that a violation of any of the provisions of this section continues to exist shall be deemed a separate and distinct violation.

(b) The conduct of any activity or business in violation of this section is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the abatement of nuisance provided for in chapter 8.04.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after this ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 8. The Board finds, determines and declares that this Ordinance is necessary for the immediate preservation of public health and safety in order to make this Ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met. This Ordinance and the Palmer Lake Municipal Code shall become immediately effective upon the adoption hereof.

This Ordinance shall be in full force and effect following adoption and approval by the Board, thirty (30) days following its publication.

INTRODUCED, READ, PASSED, AND PUBLIC NOTICE ORDERED PUBLISHED at a regular meeting of the Board of the Town of Palmer Lake, Colorado, this 13TH day of October, 2022.

Public Notice Publication Dates: 10/26/2022 and 11/2/2022

INTRODUCED A SECOND TIME at a regular meeting of the Board of the Town of Palmer Lake, Colorado held on November 10, 2022 PASSED, ADOPTED AND ORDERED PUBLISHED.

TOWN OF PALMER LAKE

William Bass, Mayor

Town Attorney: _____
Matthew Krob, Krob Law

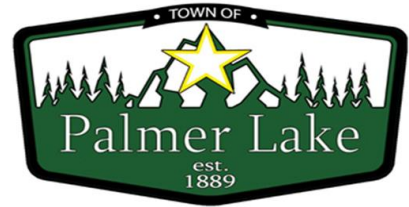
ATTEST: _____
Dawn A. Collins, Town Clerk

**NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO
REGARDING ADOPTION OF THE NEW TOWN CODE BY REFERENCE**

Notice is hereby given that a public hearing will be held before the Town of Palmer Lake Board of Trustees on **Thursday, November 10, 2022 at 5:00 p.m.** at the Palmer Lake Town Hall, 42 Valley Crescent, Palmer Lake Colorado. At the hearing, the Board will consider an ordinance adopting by reference the New Town Code. The purpose is to enact the recodified Town Code for the Town of Palmer Lake, Colorado. The referenced code that will be considered by the Palmer Lake Board of Trustees is available here: [link](#)

Copies of the primary code being considered for adoption are on file with the Palmer Lake Town office and are open to public inspection during regular business hours.

TOWN OF PALMER LAKE BOARD OF TRUSTEES /s/ Dawn A. Collins, Town Administrator/Clerk



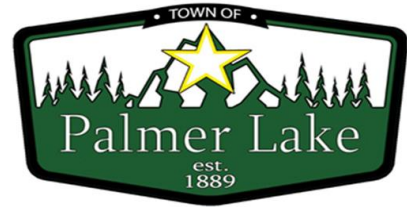
Item 16.

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

| | | |
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| DATE: October 13, 2022 | ITEM NO. | SUBJECT: Distribute Revised Draft 2023 Budget |
| Presented by: Town Administrator /Clerk | | |

Update

On Thursday, another revision to the draft 2023 budget will be distributed for your reference. This revision primarily includes a refined Fire department budget. The draft budget will be presented to the public at the 7p workshop on Thursday. Note: this document is a work in progress through the results of the 11/8 election and direction of the Board at the 11/10 regular meeting. The official public hearing is noticed and scheduled for a special Board meeting on Thursday, November 17, at the Tri-lakes Chamber Community Room on 2nd St, Monument.



TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO

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| DATE: October 13, 2022 | ITEM NO. | SUBJECT: |
| Presented by: Town Administrator /Clerk | | Direction – Water Rate Recovery |

Background

As previously informed to the Board in the enclosed memo, it is anticipated that the rates, as collected to date, will not cover the forecasted payments for the water enterprise fund loans. Please note the following facts.

History:

In 2016, base rate = 38.85; water loan = 11.51; usage rates start at **.39/100 gal**. Total minimum bill = **54.25**

In Jul 2018 (on time), water loan was increased to **17.76** to cover new (second) loan. Total minimum bill = **60.50**

- In April 2019, Resolution 4-2019 increased minimum monthly charge to **62.41** and increased usage rates
- In May 2019, Resolution 11-2019 increased tap fees to \$20,000 and up

In Jul 2019 (on time), base rate = 40.76 (minimum monthly bill = **62.41**), usage rates start at **.74/100 gal**

In Feb 2020 (on time), base rate/cap imp was increased 3% but usage rates were *not* increased
Base rate = 41.98 (minimum monthly bill = **63.94**), usage rates start at **.74/100 gal**

In Apr 2021, base rate/cap imp rates were increased 3% (two months late) and usage rates and tap fees were increased 3% (fourteen months late)
Base rate = 43.24 (min monthly bill = **65.32**), usage rates start at **.76/100 gal**

In Feb 2022 (on time), base rate/cap imp and usage rates were increased 3%
Base rate = 44.54 (min monthly bill = **66.75**), usage rates start at **.79/100 gal**

Where and how long were fee increase(s) missed?

1. Larger tap sizes were historically charged the same rates as 3/4” taps until March 2021. Per code, larger tap sizes should have been charged at a higher rate. It appears they were not until March 2021. There were a total of 15 “larger” taps.
2. The usage rate and tap fee increases that happened in April 2021 was 14 months late.
3. Due to #2, the usage rate and tap fee increase effective in April 2021 was 3% less than what was intended per the Resolution 4-2019 (timely original 3% + additional 3%).
4. Similarly, due to #3, the usage rate and tap fee increase effective in February 2022 was 3% less than what was intended per Resolution 4-2019 (timely original 3% + additional 3%).



5. The base rate/cap imp and usage rate increase in April 2021 was 2 months late.

Note: this was intentional due to the billing provider change in March and not wanting to create confusion that the rate increase was due to changing providers.

Conclusions to Consider:

1. Accounts with “larger” taps have grossly underpaid for decades.
2. Adjust current rates to the intended level - consequence of April 2021 usage rate increase being 14 months late; therefore, the proposed 2023 “catch up” usage rate increase should be approximately **7%** to be at the intended rate at this time.
3. The lost revenue due to the April 2021 increase being 2 months late is relatively inconsequential.
4. Should rates be analyzed for a recommendation to restructure to meet the obligation for loans?
5. Should the loan payment portion of the billing have a rate increase applied?

Note: The Capital Improvement portion of the billing is 10% of the base rate, thus increasing with the base rate.

Note: The next water fund rate increase will be effective in January for the February billing.

Staff requests that the Board consider direction to plan an increase for 2023 to make up the intended rate level and initiate conducting a rate analysis to recommend possible amendment to the rate structure for the water enterprise fund.



Administrative Memo

Date: 09/29/2022

To: Board of Trustees

From: Julia Stambaugh, Deputy Town Clerk

Subject: Water Enterprise Loans

In July 2009 the Town received a loan from the State (CWR&PDA) for \$1,862,552 for the first water storage tank. Then in 2018, another loan was taken out for a second storage tank for \$1,300,000. In 2019, the Town loaned the Water Enterprise an additional \$500,000. From what I can gather, the additional funds were to cover cost overruns. The payments from Water to the General Fund are interest only at \$10,000 per year until 2024. The payment will balloon to \$19,374 in 2024 and then to \$38,748.12 per year starting 2025.

2009 Loan

Balance: \$ 772,474.77

2023 Payment: \$104,970.98

2018 Loan

Balance: \$ 954,005.05

2023 Payment: \$ 68,168.30

2019 Loan

Balance: \$500,000

2024 Payment: \$19,374.06

2025 Payment: \$38,748.12

On February 11, 2021, Dawn Collins informed the Board of the issues of water accounts being incorrectly billed and the Town not raising the yearly water billing rates, in accordance with the terms of the CWR&PDA loans. The staff have been able to resolve the account billings, with the change to our third-party water billing service, AmCoBi. We have also cleared the 90-120 days overdue accounts from approximately \$18,000 - \$25,000 per month to zero, with the 30-60 days at approximately \$8,000 per month. This is a significant improvement. However, the water rates are too low to cover the coming balloon payments, and the significant rise in the cost of materials, some of which have doubled or tripled in price. We will need to revisit raising the water rates to bring the enterprise in to compliance with the loan terms, and to be able to continue with the maintenance of our water infrastructure.