



## BOARD OF TRUSTEES MEETING

Thursday, January 25, 2024 at 6:00 PM

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

**\*LIVE STREAM available at Town website\***

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### AGENDA

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

#### Call to Order

#### Pledge of Allegiance

#### Roll Call

#### Consent Agenda

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

- [1.](#) Minutes from January 11, 2024 Meeting
2. Checks over \$15,000 - Krob Law Office (\$20,965 for Jul-Dec 2023)
3. Financials (December 2023)

#### Staff/Department Reports

4. Attorney
5. Administrator/Clerk

**Public Hearing** – *Mayor will introduce the item and hear the applicant request. Mayor will ask if any public member wishes to speak for or against the request. Public should address the Board members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Mayor will close the hearing. At the business item, members will discuss, take action, and/or continue the hearing to a particular date.*

- [6.](#) Eligibility of Ben Lomand Property to be Annexed (United Congregational Church) -- *Hearing must remain open for one hour, likely to be continued*
- [7.](#) Application for Conditional Use in C2 Zone, Landscape Yard (Greater Grounds) - 650 Illumination Point -- **Hearing Continued (March)**
- [8.](#) Application for Vacation of Undeveloped Right of Way - Petite Ave (Akers)

**Business Items**

- [9.](#) Ordinance 2 / Resolution 14 Relating to Vacation of Undeveloped ROW Petite Ave (Akers)
- [10.](#) Resolution 9-2024 to Approve MOU with Awake Palmer Lake for Pickleball Courts and Public Restroom
- [11.](#) Resolution 11-2024 to Adopt Revisions to the Employee Handbook
- [12.](#) Resolution 12-2024 to Adopt Policy for Public Comment at Town Meetings
- [13.](#) Consider Timeline for Conditions Required for TLCA Conditional Use (The Movement Church)
- [14.](#) Authorize Mayor to Sign a Letter of Support for EMS Grant Application - AEDs for Fire
- [15.](#) Resolution 13-2024 Regarding Eligibility of Ben Lomand Property for Annexation (United Congregational Church)

**Public Comment** - *Public comments are encouraged to be emailed to the Town office at [info@palmer-lake.org](mailto:info@palmer-lake.org) with subject line of Public Comment (24 hours prior to meeting) and shall be distributed and read 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 comment but may refer it to staff and/or a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!*

**Board Reports****Next Meeting (2/2 Retreat; 2/7 Workshop?; 2/8 Meeting) 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) – sale of town property; for conference with Town Attorney for the purpose of receiving legal advice under C.R.S. 24-6-402(4)(b) - PD complaint.*

**Reconvene to Open Session****Adjourn**

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**Americans with Disabilities Act**

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



## BOARD OF TRUSTEES MEETING

Thursday, January 11, 2024 at 6:00 PM

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

### MINUTES

**Call to Order.** Mayor Havenar called the meeting to order at 6:01 pm.

#### Pledge of Allegiance

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

**Consent Agenda.** MOTION (Stern, Farr) to approve the consent agenda including items 1) Minutes from December 14, 2023 Meeting; 2) Minutes from Special Meeting on December 21, 2023; 3) Minutes from Special Meeting on January 3, 2024; 4) Checks over \$15,000 - Timber Line Electric & Control (\$15,302.50); CIRSA Insurance (\$35,602.73); GMS (\$16,918.70); 5) Resolution 1-2024 to Designate Posting Sites; 6) Resolution 2-2024 to Appoint Town Officers. Roll call vote – aye 6; nay 0. Motion passed.

#### Staff/Department Reports

7) Water; 8) Public Works including Roads & Park Maintenance; 9) Police; 10) Fire; 11) Administration; 12) Attorney; 13) Administrator/Clerk – enclosed with packet.

#### Public Hearing

14. Application for Conditional Use Permit in M1 Zone, Event Center (707 County Line Rd)--

#### Application Withdrawn

15. Application for a Conditional Use Permit in C2 Zone, 870-872 Hwy 105 (Slap Shot Hockey Lanes). Applicant (tenant) Ms. Nicole Tahmindjis explained the simulated hockey activity for the location. No public members spoke about the item. Mayor Havenar closed the hearing.

#### Business Items

16. Resolution 7-2024 to Authorize Conditional Use Permit in C2 Zone, Slap Shot Hockey Lanes (870-872 Hwy 105). The Planning Commission recommended approval for conditional use in a C2 zone. MOTION (Ball, Dreher) to approve Resolution 7-2024 authorizing conditional use in a C2 zone for Slap Shot Hockey Lanes. Roll call vote – aye 6; nay 0. Motion passed.

17. Resolution 3-2024 to Re-Appoint Members to Planning Commission. Members re-appointed include Susan Miner, Lindsey Zapalac, Tim Caves. MOTION (Ball, Ehrhardt) to approve Resolution 3-2024 to re-appoint members to Planning Commission. Roll call vote – aye 6; nay 0. Motion passed.

18. Resolution 4-2024 to Re-Appoint Members to Parks and Trails Commission. Members re-appointed include Reid Wiecks, Cindy Powell, Kevin Magner, Garcia Woods. MOTION (Ehrhardt, Farr) to approve Resolution 4-2024 to re-appoint members to Parks and Trails Commission. Roll call vote – aye 6; nay 0. Motion passed.
19. Resolution 5-2024 to Re-Appoint Member to Pikes Peak Area Council Government (PPACG). Mayor Havenar mentioned that she has a one-year term. MOTION (Ball, Stern) to approve Resolution 5-2024 to re-appoint Mayor Havenar to PPACG. Roll call vote – aye 6; nay 0. Motion passed. Mayor Havenar also requested a motion to approve Trustee Farr as an alternate. MOTION (Stern, Ball) to approve Trustee Farr as the alternate to attend PPACG. Roll call vote – aye 6; nay 0. Motion passed.
20. Resolution 6-2024 to Re-Appoint Members to Board of Adjustments. Members re-appointed are Bob Miner, Eddie Kinney, Michael Richards as alternate, and Trustee representative Kevin Dreher. MOTION (Ball, Farr) to approve Resolution 6-2024 to re-appoint members to BOA. Roll call vote – aye 6; nay 0. Motion passed.
21. Resolution 8-2024 to Authorize Letter of Understanding for Audit Service, Green & Associates LLC (YE2023). MOTION (Stern, Farr) to approve Resolution 8-2024 to authorize audit services with Green & Associates LLC. Roll call vote – aye 6; nay 0. Motion passed.
22. Resolution 9-2024 to Approve a Revised MOU with Awake Palmer Lake. The revisions were not confirmed from Awake Palmer Lake. MOTION (Farr, Dreher) to table to a future meeting. Roll call vote – aye 6; nay 0. Motion passed.
23. Resolution 10-2024 to Authorize Parks and Trails Commission for Trail and Bridge Activity. Parks Commission member Kevin Magner and Trustee Ehrhardt spoke to the status and plans for the trail and bridge activity. MOTION (Ehrhardt, Dreher) to approve Resolution 10-2024 authorizing the Parks and Trails Commission as described. Roll call vote – aye 6; nay 0. Motion passed.
24. Resolution 11-2024 to Adopt the Revised Employee Handbook. Trustee Ball requested changes to section 1.2 to reflect what exists in code and section 1.6 to reflect additional language for harassment by state. MOTION (Farr, Ball) to table to the next meeting. Roll call vote – aye 6; nay 0. Motion passed.

### Public Comment

Mr. Roger Moseley suggested that the Board had prior knowledge of Attorney Matt Krob's legal issues and asked the Board to reconsider expanding on the response to the matter.

### Board Reports

Trustee Nick Ehrhardt provided an update on Parks' activity, including 104 project tasks, and four pages of tasks are completed. He reported the broomball tournament on Sat., 1/20 beginning at 2p. Discussion took place about creating a team to join. Trustee Shana Ball will attend the RETAC grant training next week for the Colorado EMS grant. Trustee Dennis Stern will attend the Pikes Peak Advisory meeting next week. The Board commended Fire Chief Vincent for completing his EMT certification. Mayor Glant Havenar updated members about her involvement with PPACG, including the legislative committee and drive smart.

**Next Meeting (January 25; Retreat 2/2) and Future Items.** Mayor stated that Mayor Pro Tem Dennis Stern will facilitate the meeting and reminded members about the Board planning retreat on 2/2.



**Convene to Executive Session.** Pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes, to receive legal advice from the town attorney on specific legal questions relating to the ability of the Board of Trustees to limit or control public comment during Board of Trustee meetings in light of recent hate speech incidents, including at the City of Wheat Ridge, and other concerns with disruption of the Board's meetings through public comment. MOTION (Ehrhardt, Dreher) to convene to executive session at 6:37 PM. Roll call vote – aye 6; nay 0. Motion passed.

**Reconvene to Open Session & Adjourn.** MOTION (Ball, Farr) to adjourn the meeting at 6:55 PM. Motion passed.

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*Mayor Glant Havenar*

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*ATTEST: Dawn A. Collins, Town Clerk*

## ANNEXATION PETITION

The undersigned landowner, in accordance with the provisions of Section 31-12- 101 et. seq. C.R.S., and known as the Municipal Annexation Act of 1965, as amended, hereby petitions the Board of Trustees of the Town of Palmer Lake for annexation to the Town of Palmer Lake of the within described unincorporated area situated and being in the County of El Paso, State of Colorado.

In support of this Petition, the petitioners allege and submit the following and make the within requests:

1) That it is desirable and necessary to annex the property shown on Exhibit A, attached hereto, comprising a total of 344.5 acres more or less. Of those 344.5 acres, 163 acres are already included within Palmer Lakes boundaries. This Annexation Petition seeks to annex the remaining 181.5 acres into the Town of Palmer Lake.

2) That the area sought to be annexed to the Town of Palmer Lake meets the requirements of section 31-12-104 and 105 C.R.S. of the Municipal Annexation Act of 1965, as amended, in that:

a. Not less than one-sixth of the perimeter of the described property is contiguous to the Town of Palmer Lake. The property for which annexation is sought has a total of 2884.52 feet contiguous to the Town of Palmer Lake.

b. The area for which annexation is sought shares a community of interest with the Town of Palmer Lake.

c. The area for which annexation is sought will be rural in character in the near future.

d. The area for which annexation is sought is integrated with or is capable of being integrated with the Town of Palmer Lake.

e. Within the area for which annexation is sought, no lands held in identical ownership shall be divided into separate lots or parcels without the written consent of the landowners thereof.

f. No land held in identical ownership comprising twenty (20) acres or more shall be included within the annexation without the written consent of the landowners thereof.

g. The annexation which is sought will not result in a detachment of area from any school district and will not result in the attachment of the annexed area to another school district other than that in which it already is.

h. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Palmer Lake more than three miles in any direction from any point of the Town's boundary in any one year.

3) That the signers of this Petition comprise the landowners of one hundred percent (100%) of the territory included in the area for which annexation is sought.

4) That the petitioners request that the Town of Palmer Lake approve this annexation.

5) That the legal description of the territory proposed to be annexed is attached hereto as Exhibit B.

6) The names and addresses of adjacent property owners to the property for which annexation is sought and within 300 feet of the boundary of the property for which annexation is sought are attached as Exhibit C; the applicant must inform each property owner within 300 feet of the boundary of the property of the annexation petition by way of certified mail; the return receipts will be required to complete the applicants file.

7) No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

8) If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

9) Upon annexation, property owners utilizing residential wells, or a private water system will not be required to dedicate water rights. (Ordinance 8-1985).

10) The Town of Palmer Lake will distribute a copy of the annexation plat to the affected agencies for comment, including public entities of school district and various utilities (i.e., gas, cable, sewer).

11) That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the Colorado Revised Statutes and all ordinances, resolutions, and regulations of the Town of Palmer Lake.

THEREFORE, the undersigned petitioners request that the Town of Palmer Lake approve the annexation of the Property.

ROGER Sampson, et al.

Petitioner Name

Petitioner Name

Signature

Date

Signature

Date

STATE OF COLORADO )  
COUNTY OF El Paso ) ss.

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 20 23  
by Roger Sung

Brandi Murphy  
Notary Public

My commission expires:

03/04/2025



# EXHIBIT A

## ZONING DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THAT LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PALMER LAKE, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 IS ASSUMED TO BEAR NORTH 00°56'43" WEST AND BEING MONUMENTED AT THE SOUTH END BY A 2.5" IRON PIPE WITH A 3" IRON CAP STAMPED, "WC CTR, SEC 4, T11S, R67W" AND AT THE NORTH END A 3.5" ALUMINUM CAP STAMPED, "EL PASO COUNTY DOT, 2001, LS 17496" IN A MONUMENT BOX.

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 4, THENCE NORTH 89°43'19" EAST, ALONG THE NORTH LINE OF NORTHEAST QUARTER (NE1/4) OF SAID SECTION 4, A DISTANCE OF 2667.48 FEET TO THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH 89°45'36" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW1/4) OF SAID SECTION 3, A DISTANCE OF 1348.27 TO THE WEST SIXTEENTH CORNER OF SAID SECTION 3;

THENCE SOUTH 00°42'21" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 1502.49 FEET, TO THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 3;

THENCE SOUTH 88°58'55" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 1340.17 FEET TO THE NORTH SIXTEENTH CORNER COMMON TO SECTION 3 AND SECTION 4;

THENCE SOUTH 89°34'51" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1335.76 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 4;

THENCE SOUTH 00°55'25" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1359.73 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 4;

THENCE SOUTH 89°41'35" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1332.89 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 4;

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) OF SAID SECTION 4, NORTH 00°56'43" WEST, A DISTANCE OF 2884.45 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7,909,153 SQUARE FEET OR 181.5692 ACRES, MORE OR LESS.

UNIT OF MEASURE IS U.S. SURVEY FEET.

# BEN LOMAND MOUNTAIN ANNEXATION MAP

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 3,  
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF EL PASO, STATE OF COLORADO

## ANNEXATION DESCRIPTION

THAT UNITED CONGREGATIONAL CHURCH, A COLORADO NON–PROFIT CORPORATION, BEING THE OWNER OF CERTAIN LANDS IN EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF THAT LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PALMER LAKE, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 IS ASSUMED TO BEAR NORTH 00°56'43" WEST AND BEING MONUMENTED AT THE SOUTH END BY A 2.5" IRON PIPE WITH A 3" IRON CAP STAMPED, "WC CTR, SEC 4, T11S, R67W" AND AT THE NORTH END A 3.5"ALUMINUM CAP STAMPED, "EL PASO COUNTY DOT, 2001, LS 17496" IN A MONUMENT BOX.

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 4, THENCE NORTH 89°43'19" EAST, ALONG THE NORTH LINE OF NORTHEAST QUARTER (NE1/4) OF SAID SECTION 4, A DISTANCE OF 2667.48 FEET TO THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH 89°45'36" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW1/4) OF SAID SECTION 3, A DISTANCE OF 1348.27 TO THE WEST SIXTEENTH CORNER OF SAID SECTION 3;

THENCE SOUTH 00°42'21" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 1502.49 FEET, TO THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 3;

THENCE SOUTH 88°58'55" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 1340.17 FEET TO THE NORTH SIXTEENTH CORNER COMMON TO SECTION 3 AND SECTION 4;

THENCE SOUTH 89°34'51" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1335.76 FEET TO THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 4;

THENCE SOUTH 00°55'25" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1359.73 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 4;

THENCE SOUTH 89°35'08" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1332.89 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 4;

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) OF SAID SECTION 4, NORTH 00°56'43" WEST, A DISTANCE OF 2884.45 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7,909,153 SQUARE FEET OR 181.5692 ACRES, MORE OR LESS.

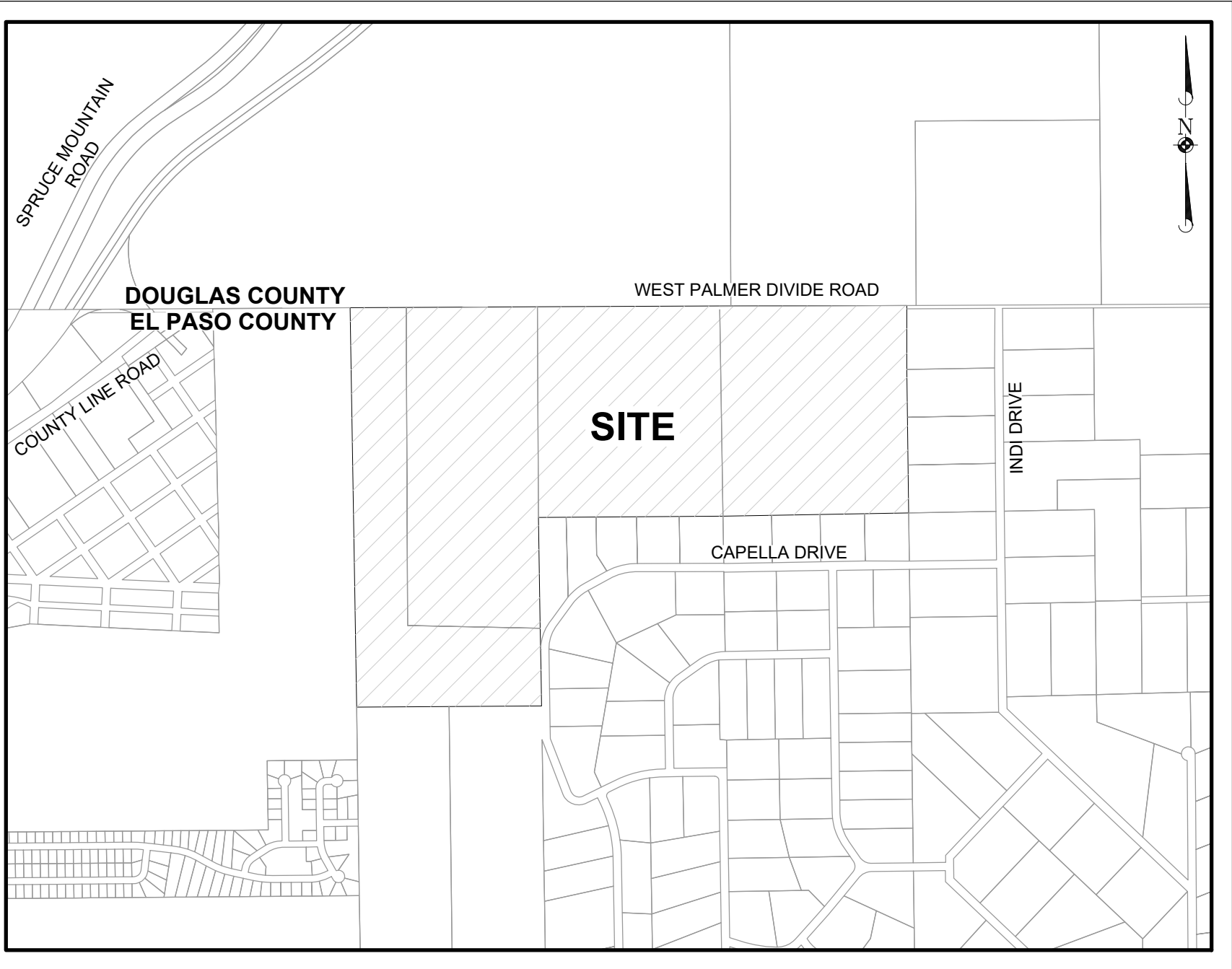
UNIT OF MEASURE IS U.S. SURVEY FEET.

DO HEREBY REQUEST ANNEXATION TO THE TOWN OF PALMER LAKE THE ABOVE DESCRIBED PROPERTY, BY ROGER SUNG AS PRESIDENT OF UNITED CONGREGATIONAL CHURCH, A COLORADO NON–PROFIT CORPORATION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_.

PRESIDENT OF UNITED CONGREGATIONAL CHURCH, A COLORADO NON–PROFIT CORPORATION.



## VICINITY MAP

(1" = 1000')

## CONTIGUITY STATEMENT

TOTAL PERIMETER OF AREA CONSIDERED FOR ANNEXATION = 13,771.25 FEET.  
• ONE–SIXTH (1/6) OF TOTAL PERIMETER AREA = 2,295.22 (16.67%)  
• PERIMETER OF THE AREA CONTIGUOUS WITH EXISTING CITY LIMITS = 2,884.45 FEET (20.95%).

## SURVEYOR'S CERTIFICATION

A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION SHOWN HEREON TRULY AND CORRECTLY REPRESENTS THE ABOVE DESCRIBED PARCEL OF LAND.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JASON WILLIAM WINIECKI  
COLORADO P.L.S. NO. 38814  
FOR AND ON BEHALF OF MANHARD CONSULTING  
7600 E. ORCHARD ROAD, SUITE 150–N  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 708–0500

## NOTES

- NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18–4–508, C.R.S.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- BASIS OF BEARINGS:** THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 4 IS ASSUMED TO BEAR NORTH 00°56'43" WEST AND BEING MONUMENTED AT THE SOUTH END BY A 2.5" WITNESS CORNER BEING A 3" IRON CAP ON IRON PIPE, STAMPED, "WC CTR, SEC 4, T11S, R67W" AND AT THE NORTH END A 3.5" ALUMINUM CAP STAMPED, "EL PASO COUNTY DOT, 2001, LS 17496" IN MONUMENT BOX.

## PLANNING DEPARTMENT

THIS ANNEXATION PLAT WAS REVIEWED BY THE TOWN OF PALMER LAKE PLANNING DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PLANNING DIRECTOR \_\_\_\_\_

## TOWN APPROVAL

PURSUANT TO AN ORDINANCE MADE AND ADOPTED BY THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST:

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

## CLERK AND RECORDER

STATE OF COLORADO )  
COUNTY OF EL PASO )SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.,

AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_

OF THE RECORDS OF EL PASO COUNTY, COLORADO

STEVE SCHLEIKER, RECORDER

BY: \_\_\_\_\_  
DEPUTY

FEES: \_\_\_\_\_

SURCHARGE: \_\_\_\_\_

## NOTARY

I HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, APPEARED BEFORE ME, \_\_\_\_\_ AS PRESIDENT OF UNITED CONGREGATIONAL CHURCH, A COLORADO NON–PROFIT CORPORATION, WHO FIRST BEING SWORN, DULY EXECUTED THE ABOVE DOCUMENT.

NOTARY SIGNATURE \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_.

Item 6.

Manhard CONSULTING  
7600 East Orchard Road, Suite 150–N, Greenwood Village, CO 80111 ph:303.708.0500 manhard.com  
Civil Engineering | Surveying & Geospatial Services | GIS  
Water Resource Management | Construction Management

BEN LOMAND MOUNTAIN VILLAGE PROPERTY

TOWN OF PALMER LAKE, COUNTY OF EL PASO, STATE OF COLORADO

ANNEXATION MAP

PROJ MGR: JWW  
PROJ ASSOC: JAF  
DRAWN BY: SWS  
DATE: 10/17/23  
SCALE:

SHEET  
1 OF 2  
UNC.MOC001

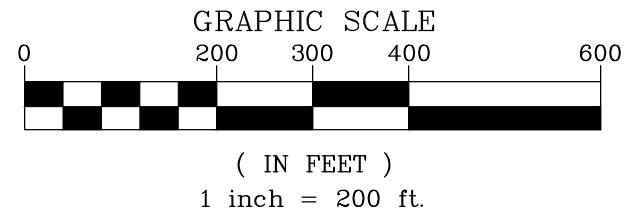
DRAWN BY

REVISIONS

DATE

FOR REVIEW ONLY





FOR AND ON BEHALF OF  
MANHARD CONSULTING

[illegible]

**Manhard**  
CONSULTING

7600 East Orchard Road, Suite 150-N, Greenwood Village, CO 80111 ph:303.708.0500 manhard.com

Civil Engineering | Surveying & Geospatial Services | GIS  
Water Resource Management | Construction Management

**BEN LOMAND MOUNTAIN VILLAGE PROPERTY**

**TOWN OF PALMER LAKE, COUNTY OF EL PASO, STATE OF TEXAS**

**ANNEXATION MAP**

PROJ MGR:	JWW
PROJ ASSOC:	JAF
DRAWN BY:	SWS
DATE:	10/17/23
SCALE:	1" = 200'

SHEET  
OF 2  
IC.MOC001



**AFFIDAVIT OF PUBLICATION**

**STATE OF COLORADO  
COUNTY OF El Paso**

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 **4 time(s) to wit 12/13/2023, 12/20/2023, 12/27/2023, 01/03/2024**

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.

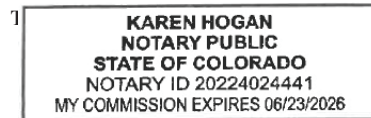


**Lorre Cosgrove**  
Sales Center Agent

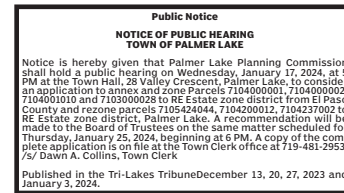
Subscribed and sworn to me this 01/04/2024, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



**Karen Hogan**  
Notary Public



Document Authentication Number  
20224024441-270149



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

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, January 17, 2023, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a Conditional Use application for Landscape Yard in C2 zone, located at 650 Illumination Point, Hwy 105, Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled for Thursday, January 25, 2024, at 6 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



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

## Office Use Only

Case Number: \_\_\_\_\_

Date: 11/27Fees: \$250.00

Check #: \_\_\_\_\_

Rec'd By: JAC

Application Complete: \_\_\_\_\_

**PAID**  
ck #1585

*jared pc 11/27*

## Conditional Use Application Form

Name of Applicant/Property Owner: Jared Whiteley/Illumination Point LLCAddress: 650 Illumination Point Phone#: 719-313-9577Email: jared@greatergroundslc.comName of Proposal: Greater Grounds Landscape YardLegal Description or Address: LOT 4 ILLUMINATION POINT SUB

*Note: 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 Conditional Use** – A request for a use not permitted under certain zoning categories subject to review by the Planning Commission and consideration by the Board of Trustees.

**Criteria for approval of a conditional use** – Include a “site plan” or building design where a structure is involved to address the following criteria in which the Planning Commission and the Board of Trustees must find evidence, both factual and supportive, provided by the applicant.


- The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this ordinance.
- The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other ordinance standards or other reasonable conditions of approval.
- If of benefit to the community, any proposed structures will be of a design complimentary to the surrounding area.



By signing this application, parties agree 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 non-refundable fees and costs associated with the Town's review of this application. Fees may include, but are not limited, to engineering and consultant fees, public notice costs, publication/recording fees, and any other fees paid by the Town in connection with, or related to, review of this application.
- Payment of fees as described is due within 10 days of the date of filing and, if not received within 30 days will be considered past due. Payment of the above fees shall not relieve the payment of any other fees imposed by the Town.

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

**Applicant Signature:**  **Date:** 11/23/2023

If the applicant is not the owner:

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

**Owner – Print:** \_\_\_\_\_

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

# **GREATER GR UNDS**

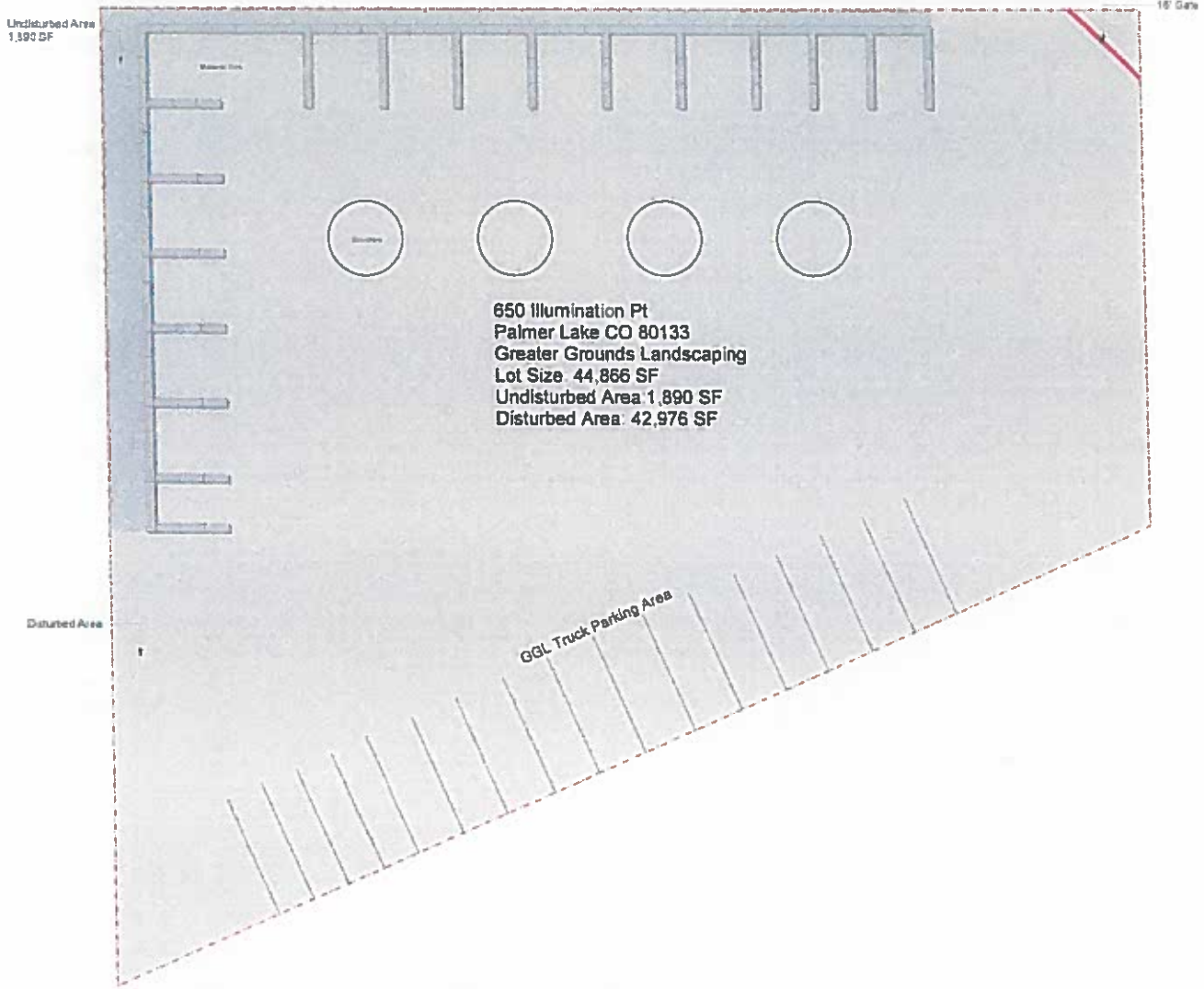
## **LANDSCAPING**

### Letter of Intent

Business: Illumination Point LLC/Greater Grounds Landscaping  
Address: 630 Highway 105 Palmer Lake CO, 80133  
Contact: Jared Whiteley  
Number: 719-313-9577

Lot Address: 650 Illumination Point Palmer Lake CO, 80133

Greater Grounds Landscaping is requesting a conditional use permit on the lot listed above. We intend to park our trucks and equipment on this lot, as well as store landscape building materials as shown in the attached design. We do not intend to build any structures, or place any roads/curb & gutter. We do not intend to use any site utilities such as gas, electric, & water. We are utilizing the natural soils as a parking lot. We will be disturbing at most approx. 42,976 SF to properly use the lot for what we need. Any soils disturbed during the construction process that will not be utilized, will be reclaimed with native seed and ECB. We will be placing a 6' privacy fence around our lot to screen from HWY 105, as well as the trailer park to the South. Greater Grounds will be the only company using this lot. For any more information, please feel free to contact.



Proposed Fence - 6' weld wire fence

Landscape block material 6'x3'x2'



Information: Greater Grounds is using 650 Illumination Pt as an area to park our trucks and equipment. As well as store landscape building materials such as rock, mulch, boulders, and soil. As of right now our operation is not changing from where we were located at the previous location at 630 Highway 105, we are simply moving our equipment out of a 100yr flood plane to our newly purchased lot. We are disturbing under 43,560 SF.



This document is a plan view only and does not show the actual property of Greater Grounds. It is not a legal document and should not be used as such. It is a design only and should not be used for construction. It is a design only and should not be used for construction. It is a design only and should not be used for construction.

**GREATER  
GROUNDS**  
LANDSCAPING

Greater Grounds Landscaping  
630 Highway 105 Palmer Lake, CO 80133  
719-313-9577  
jared@greatergroundsllc.com

Design by  
Jared Whiteley

650 Illumination Pt  
Palmer Lake CO 80133  
Greater Grounds Landscaping

## 17.48.010. - Permitted uses.

Permitted uses in the C2 zone are as follows:

- (1) Restaurants.
- (2) Licensed liquor and beer outlets.
- (3) Bed and breakfast.
- (4) Funeral homes and mortuaries.
- (5) Medical and dental clinics.
- (6) Service establishments, such as barbershops and beauty shops, watch and jewelry repair, pharmacies, pick-up stations for laundry or dry cleaning, retail good shops.
- (7) Commercial buildings, libraries, parks, museums, art galleries and post offices.
- (8) Retail stores, including the following: liquor store, drug store, miscellaneous good items, clothing store, sporting goods, books, groceries, antiques, gift shop, hardware, and furniture.
- (9) Art, photographic, health, dance and music studios.
- (10) Light/small equipment sales and repair.
- (11) Day care centers.
- (12) Building supplies.
- (13) Light assembly of prefabricated parts.
- (14) Arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
- (15) Small animal veterinary clinic.

(Code 1973, § 17.37.010; Ord. No. 4-1995, § 2, 1995; Ord. No. 18-2000, § 15, 2000)

## 17.48.020. - Conditional uses.

Conditional uses in the C2 zone are as follows:

- (1) Wholesale businesses.
- (2) Drive-in commercial uses.
- (3) Bowling alleys.
- (4) Educational institutions.
- (5) Religious institutions.
- (6) Public and semi-public uses (per definition in section 17.08).



- (7) Nursing homes, hospitals.
- (8) Ambulance services.
- (9) Single-family and multi-family uses (R1 through R4 subject to all regulations of that particular zone).
- (10) Mini-warehouses and storage rental spaces.
- (11) Mixed-residential dwelling and commercial uses occurring in the same building.
- (12) Light manufacturing.
- (13) Kennel, provided that a minimum area of five acres is available.
- (14) Vehicle repair and service.
- (15) Hotels and motels.
- (16) Parking garages.
- (17) Licensed establishments as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30.
- (18) Other such uses as listed and permitted which are not more detrimental, as determined by the planning commission and town board.

(Code 1973, § 17.37.020; Ord. No. 4-1995, § 3, 1995; Ord. No. 18-2000, § 16, 2000; Ord. No. 15-2017, § 2, 8-24-2017)

#### 17.48.030. - Lot sizes and dimensions.

- (a) The sizes and dimensions of a lot in a C2 zone shall be as follows:
  - (1) Minimum lot size: 6,600 square feet.
  - (2) Minimum lot width: 35 feet street frontage.
- (b) No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire-resistance material. If building material has less than four-hour fire-resistance, a minimum side yard of five feet shall be required.

(Code 1973, § 17.37.030; Ord. No. 4-1995, § 4, 1995)

#### 17.48.040. - Structure height and area.

The structure height and area requirements in a C2 zone are as follows:

- (1) Maximum building height: 30 feet.
- (2) Maximum area covered by structure: 65 percent of lot.

(Code 1973, § 17.37.040; Ord. No. 4-1995, § 5, 1995)

#### 17.48.050. - Required off-street parking and loading.

For required off-street parking and loading, see chapter 17.84.

(Code 1973, § 17.37.050; Ord. No. 4-1995, § 6, 1995)

17.48.060. - Signs.

Signs in the C2 zone are permitted provided they comply with chapter 17.76.

(Code 1973, § 17.37.060; Ord. No. 4-1995, § 7, 1995; Ord. No. 18-2000, § 17, 2000)

17.48.070. - Sewerage.

Septic tanks may be permitted if all of the following conditions are met:

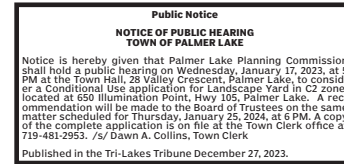
- (1) Inability to tap existing sewer lines.
- (2) Ability to meet current county sewage disposal regulations.
- (3) Compliance with the provisions of chapter 16.48.

(Code 1973, § 17.37.070; Ord. No. 4-1995, § 8, 1995)

17.48.080. - Outdoor storage and buffering.

All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.

(Code 1973, § 17.37.080; Ord. No. 4-1995, § 9, 1995)

**AFFIDAVIT OF PUBLICATION****STATE OF COLORADO  
COUNTY OF El Paso**

Item 7.

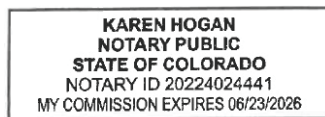
I, Kate Dickens, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, 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 12/27/2023**

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.

**Kate Dickens**  
Sales Center Agent

Subscribed and sworn to me this 12/27/2023, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.

**Karen Hogan**  
Notary Public  
The Gazette



Document Authentication Number  
20224024441-192856

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

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on January 17, 2024, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider a request to vacate the undeveloped right of way, Petite Ave., Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on January 25, 2024, at 6 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



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

## Office Use Only

Case Number: \_\_\_\_\_

Date: 11/14/23Fees: \$500.00Check #: 8109Rec'd By: [Signature]

Note: A minimum of ten days are required to process this application

Jan PC

## Right-of-Way Application

Name of Applicant/Property Owner: Brad and Maryanne AkersAddress: 621 Petite Ave. Palmer Lake Phone#: 540-246-3387Email: akersb@att.netName of Proposal: Right of Way Vacation of Petite Ave.Legal Description or Address: 621 Petite Ave. Palmer Lake, CO

*(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:**  **Date:** 11/08/2023

**Applicant Signature:**  (if needed) **Date:** 11/08/2023

If the applicant is not the owner:

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

**Owner – Print:** \_\_\_\_\_

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

## LETTER OF INTENT TO VACATE 621 PETITE AVENUE

Hello Dawn,

We've been working on the proposal to validate the "vacation" of Petite Drive in Palmer Lake and listed below are the issues we discussed at our meeting with you on June 29<sup>th</sup> and how we are looking to resolve them.

- Our intent is to "vacate" Petite Avenue entirely.
- We are willing to change our house address to Verano with the "vacation" of Petite which would now no longer exist.
- With the "vacation" of Petite, we would have approximately 60 feet of frontage on Verano, which complies with the 50 feet of frontage required.
- We have been maintaining Petite all this time. When my brother owned the property, he put thousands of dollars of stone into the driveway himself, plus kept it trimmed and accessible. When we inherited the property, we also put several thousand dollars of stone into the maintenance of the driveway, plus the trimming of trees etc. to allow accessibility.
- With the town allowing us to "vacate" Petite, it would no longer be a burden on the town for possible future upkeep.
- In case of a fire emergency, there is a fire hydrant on Verano in front of the now Petite Avenue house, which would allow a firetruck to access the hydrant and run hose up along the property.
- After reading the town's Master Plan, we can see that we share mutual goals with the town's community vision, which supports and preserves the heritage and beauty of Palmer Lake.
- We can cite pages 45, 57, 58, 67, and 68 of the Master Plan, and sections CC-1.1, CC-1.3, CC-2, CC-3 and LU-4.3, LU-5.3, LU-5.4, and LU-7.2 which aligns with our values also.
- We'd like to specifically call out sections LU-5.3 and LU-5.4, which cites that not all areas are suited for development because of steep grades etc. That is a concern of ours, particularly if building were to occur behind our house and where the Park property lines start. If building were to take place there, we would be in fear of a rockslide and damage, not only to our home but to all those homes below ours.
- Additionally, if Petite were to be developed into a road, it would be on a steep grade, making access to our house extremely difficult. It could also possibly be in violation of the zoning code, as it could potentially run closer than 25 feet to the Beltran's house which sits below ours.



Our reasons for wanting to do this "vacation" are as follows:

- Palmer Lake is a unique and special community. As homeowners we recognize this and want to help maintain and preserve the landscape and wildlife of this special area.
- We want to work with the town of Palmer Lake to preserve the aesthetics and uniqueness of Palmer Lake.
- This "vacation" would also allow us to align the property to town compliance to consolidate the properties, which would eliminate the subdivision of multiple lots.
- Currently our address does not show up on most GPS systems. Other than those who live here locally, people cannot find our house at all. This "vacation" would simplify the delivery of possible life saving emergency services. By giving us a Verano address we could then be found in the event of an emergency.
- This "vacation" would not cut off any possible future home sites in the region behind our home because those now non-existent homes could be accessed by the building of two roads, undeveloped Lindo and undeveloped Montana.
- Our neighbors, Tony Beltran and his wife Claudia, are in agreement with this "vacation" and are the ones whose property is adjacent to ours, along with Steve Beebe whom we've also talked this over with.

Please feel free to contact us with any questions or concerns. We truly look forward to being able to work with the Town to ensure the success of this request and to keep the beauty and natural harmony of Palmer Lake available not only to us but to future generations.

Thank you for your time and consideration.

Maryanne and Brad Akers

Map of Section 34, Township 13N, Range 10E, showing land parcels and easements.

Key features and labels include:

- Section 34** (T13N, R10E)
- Mountain Avenue**
- Vernald Avenue**
- POCO AVENUE**
- LOT 1, BLOCK 1, VERNALD SUBDIVISION**
- LOT 1, BLOCK 1, POCO SUBDIVISION**
- EASEMENT OF RECORD NO. 1000**
- EASEMENT OF RECORD NO. 1001**
- EASEMENT OF RECORD NO. 1002**
- RETRACTED EASE**
- LOT 1, BLOCK 1, VERNALD SUBDIVISION**
- LOT 1, BLOCK 1, POCO SUBDIVISION**

Scale: 1" = 40'

North Arrow

POINT OF VIEW REACTIONS

report and recommended for approval on the \_\_\_\_\_ day of \_\_\_\_\_  
by the Planning Commission, 3-14 of Mayor Lang \_\_\_\_\_

Chair, Planning Commission \_\_\_\_\_

Present and approved on this \_\_\_\_\_ day of \_\_\_\_\_  
by the Board of Directors for the Town of Pioneer Lake \_\_\_\_\_

Mayor, Board Of Directors \_\_\_\_\_

Attest by \_\_\_\_\_ Town Clerk \_\_\_\_\_

[illegible]

Joey Spide  
State of Colorado Professional Land Surveyor No. 20770  
I am in need of Auto Land Services and Mapping LLC.

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**APEX Land Surveying and Mapping LLC**

3120 Spawwood Drive  
Colorado Springs, CO 80918  
Phone: 719-318-0337  
E-mail: [info@spawwood.com](mailto:info@spawwood.com)  
Website: [www.spawwood.com](http://www.spawwood.com)

# ALY

*Item 8.*

Due to lack of institutional information not provided on the Submission Page of C&A, the authors and editors herein have listed/accepted from the Submission Page of C&A.

## Re: 621 Petite Vacation Proposal

From: Claudia Dimidik (artbyclaudia@icloud.com)

To: akersm@att.net

Date: Friday, August 4, 2023 at 10:58 PM EDT

Hi Maryanne and Brad,

We are on board with the Petite Proposal shown in this attachment.

Claudia and Antonio

On Jul 18, 2023, at 7:07 PM, Maryanne Akers &lt;akersm@att.net&gt; wrote:

Hello all, Sorry for the repeat email. I forgot to add everyone onto the distribution for replies, so you're getting a second copy.

Hello Dawn,

We've been working on the proposal to validate the "vacation" of Petite Drive in Palmer Lake and listed below are the issues we discussed at our meeting with you on June 29<sup>th</sup> and how we are looking to resolve them.

- Our intent is to "vacate" Petite Avenue entirely.
- We are willing to change our house address to Verano with the "vacation" of Petite which would now no longer exist.
- With the "vacation" of Petite, we would have approximately 60 feet of frontage on Verano, which complies with the 50 feet of frontage required.
- We have been maintaining Petite all this time. When my brother owned the property, he put thousands of dollars of stone into the driveway himself. plus kept it trimmed and accessible. When we inherited the property, we also put several thousand dollars of stone into the maintenance of the driveway, plus the trimming of trees etc. to allow accessibility.
- With the town allowing us to "vacate" Petite, it would no longer be a burden on the town for possible future upkeep.
- In case of a fire emergency, there is a fire hydrant on Verano in front of the now Petite Avenue house, which would allow a firetruck to access the hydrant and run hose up along the property.
- After reading the town's Master Plan, we can see that we share mutual goals with the town's community vision, which supports and preserves the heritage and beauty of Palmer Lake.
- We can cite pages 45, 57, 58, 67, and 68 of the Master Plan, and sections CC-1.1, CC-1.3, CC-2, CC-3 and LU-4.3, LU-5.3, LU-5.4, and LU-7.2 which aligns with our values also.
- We'd like to specifically call out sections LU-5.3 and LU-5.4, which cites that not all areas are suited for development because of steep grades etc. that is a concern of ours, particularly if building were to occur behind our house and where the Park property lines start. If building were to take place there, we would be in fear of a rockslide and damage, not only to our home but to all those homes below ours.
- Additionally, if Petite were to be developed into a road, it would be on a steep grade, making access to our house extremely difficult. It could also possibly be in violation of the zoning code, as it could potentially run closer than 25 feet to the Beltran's house which sits below ours.

Our reasons for wanting to do this "vacation" are as follows:

- Palmer Lake is a unique and special community. As homeowners we recognize this and want to help maintain and preserve the landscape and wildlife of this special area.

Notification  
to Beltrons

- We want to work with the town of Palmer Lake to preserve the aesthetics and uniqueness of Palmer Lake.
  - This "vacation" would also allow us to align the property to town compliance to consolidate the properties, which would eliminate the subdivision of multiple lots.
  - Currently our address does not show up on most GPS systems. Other than those who live here locally, people cannot find our house at all. This "vacation" would simplify the delivery of possible life saving emergency services. By giving us a Verano address we could then be found in the event of an emergency.
  - This "vacation" would not cut off any possible future home sites in the region behind our home because those now non-existent homes could be accessed by the building of two roads, undeveloped Lindo and undeveloped Montana.
  - Our neighbors, Tony Beltran and his wife Claudia, are in agreement with this "vacation" and are the ones whose property is adjacent to ours.
- The photo marked "2" is the before picture or as it currently exists. The photo marked 2 Distance on Verano, shows the distance of Petite on Verano, which shows 121 feet on Verano and if divided would provide more than the 50 feet of frontage required by the town. The photo marked 28 shows the split of Petite and how it would be divided between us and the Beltrans and Steve Beebe. The photo marked 2D is our proposed vision of the petite vacation.

Please feel free to contact us with any questions or concerns. We truly look forward to being able to work with the Town to ensure the success of this request and to keep the beauty and natural harmony of Palmer Lake available not only to us but to future generations.

Thank you for your time and consideration.

Maryanne and Brad Akers

11/8/23, 10:17 PM

AT&T Yahoo Mail - 621 Petite Vacation

621 Petite Vacation

notification to Steven Berke

From: Maryanne Akers (akersm@att.net)

To: stevenabb@gmail.com

Date: Thursday, August 3, 2023 at 02:34 PM EDT

Hello Steven,

Hope all is well and that you received the paperwork we forwarded to you regarding our trying to vacate 621 Petite. If you have any additional comments or suggestions to make, we would welcome them.

If not, could you please send us an email that states you were notified by us of our intent to vacate and that you are in agreement with it? The vacation paperwork requires us to notify any neighboring properties.

Thank you and hope all is well. Please feel free to contact us if you have any questions.

Brad and Maryanne Akers

**Dawn Collins**

---

**From:** Steven Beebe <stevenabb@gmail.com>  
**Sent:** Monday, November 20, 2023 6:06 PM  
**To:** akersb; Dawn Collins  
**Subject:** Re: Vacation of Petite approval

-----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.-----

I am Steven Alfred Beebe, I am the lawful owner of 316 Verano Avenue, Palmer Lake, Colorado. I have no financial instruments on the property ( no mortgage, no liens, etc ) I make all solo decisions on the affairs of my property 316 Verano Avenue. I also support the Vacation of Petite Avenue that touches my property. I will call Dawn with the Town of Palmer Lake tomorrow.

V/r

Steven Alfred Beebe  
(719)217-1092

On Mon, Nov 20, 2023 at 3:56 PM akersb <[akersb@att.net](mailto:akersb@att.net)> wrote:  
Greetings Steven,

This is Brad Akers from across the way at 621 Petite. We have submitted the paperwork for the vacation of Petite. Afterwards Dawn Collins suggested that it would be helpful to have written approval from all the adjacent land owners. I know when we spoke on the phone you had voiced your approval of the Vacation. Can you please send a reply of approval for the Vacation so we can add it to the application?

Thank you  
Brad and Maryanne Akers

Sent from my iPhone

**AFFIDAVIT OF PUBLICATION****STATE OF COLORADO  
COUNTY OF El Paso**

Item 8.

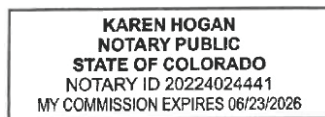
I, Kate Dickens, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, 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 12/27/2023**

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.

**Kate Dickens**  
Sales Center Agent

Subscribed and sworn to me this 12/27/2023, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.

**Karen Hogan**  
Notary Public  
The Gazette



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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Ord/Res to Vacate Petite Ave Right of Way (Akers)
<b>Presented by:</b> Town Administrator		

**Background**

Mr/s Akers request that the undeveloped right of way (ROW), Petite Ave, be vacated. The applicant currently uses the ROW as a driveway (with a former agreement in place) and Akers' have maintained the drive area.

A hearing was held at the January Planning Commission meeting. There were some landowners who were opposed to the request. The abutting property owners were supportive of the requested vacation. The minutes are enclosed, and the motion was to deny the request, as follows:

*Consider Application to Vacate Undeveloped Right of Way (Petite Ave). Discussion ensued among members about possible development and limited access. MOTION (Bruce, Caves) to recommend that the Board not approve the request to vacate Petite ROW. Motion passed 5-1 (Zapalac), 1 abstain (Fisher). This recommendation will go to the Board of Trustees.*

Per legal review by Krob Law - one item to note, is that a vacated ROW cannot go to an adjacent street and where there are property owners on both sides of the ROW, it is split between. In looking at the ROW Vacation Exhibit, my initial impression is that part of the ROW would be split between adjacent property owners, but the part that is adjacent to Verano Avenue would all go to the property owner to the North. Under these factual circumstances, they would probably need to have a surveyor put together a graphic that illustrates where the ROW goes, if the BOT approves the vacation, based on Section 43-2-302, C.R.S. If the BOT is inclined to approve vacating the ROW, the applicant would need to provide a survey showing how the vacated ROW would attach to adjacent property before the ordinance and exhibits are recorded. Also, I don't know whether there are any utilities in the ROW, but the statute specifically authorizes the Town to reserve an easement across the vacated ROW to allow those utilities to remain. I have added language to do that, but if there are no utilities then that language should be stricken.

**Recommended Action**

After a staff review, staff is not in support of this vacation primarily because it limits access to already difficult to access areas beyond this undeveloped right of way. Staff cannot identify a substantial benefit for the town to vacate Petite Ave.

Depending on the decision of the Board, enclosed is an Ordinance if the vacation request is approved and a Resolution if the request is denied by the Board.



## PLANNING COMMISSION

**Wednesday, January 17, 2024 at 5:00 PM**

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

### MINUTES

**Call to Order.** Chair Ihlenfeld called the meeting to order at 5:02 pm.

**Roll Call.** Present: Lindsey Zapalac, Susan Miner, Tim Caves, Mark Bruce, Amy Hutson, Bill Fisher, Charlie Ihlenfeld.

**Approval of Minutes.** MOTION (Fisher, Caves) to approve Minutes from December 20, 2023. Motion passed 7-0.

**Public Hearing.** Chair Ihlenfeld addressed each item, hearing then consideration for recommendation.

2. Application for Conditional Use Permit for Landscape Yard in C2 Zone, 650 Illumination Point. Mr. Jared Whiteley, owner of Greater Grounds, explained the transition to his new lot and his future plans to sell landscape material. Commissioner Miner inquired about the order of activity. Discussion took place about the zoning requirements for permitted and conditional use, building material.

Ms Kari Hutchinson inquired about retail sales creating more cars in and out of the site and expressed concern of increased traffic off Hwy 105. Mr. Matt Stephen expressed general concern about the Illumination Point site looking disorderly and parking/driving on dirt vs. organized and clean. He cautioned members about adding more disorder. Mr. Whiteley reiterated his services to the community. Commissioner Hutson inquired about moving dirt. Jared responded that he is working with a consultant to document the plans including drainage. Chair Ihlenfeld asked about setbacks. Discussion took place about the fit of landscaping yard to the C2 zoning district and dust control. Collins noted that the site has its own agreement of setbacks for development between landowners, explaining that there are multiple lots but originally platted, approved and viewed as one development site. Commissioner Fisher asked about staff input. Collins noted that Greater Grounds has been cooperative since the call about needing a conditional use permit and a land use application for modification/improvement to the property, noting that they acted on their own without permission of the use, per the town's legal interpretation of the zoning code. Fisher mentioned options to stick to the zoning intent or work through a difficult situation with proper conditions. Commissioner Caves stated he does not see the business as a fit and expressed concerns about dust control, dirt carried onto the highway, and drainage. Chair Ihlenfeld closed the hearing.

6. Consider Recommendation on Conditional Use in C2 Zone, Landscape Yard (Illumination Point). Discussion ensued about making the best of a poor situation and options for conditions. Chair Ihlenfeld reopened the hearing for comment. Mr. Jeremy Harrigan suggested the members table the hearing to

get more information from the applicant and move to other items on the agenda. Chair Ihlenfeld closed the hearing. Members continued discussion of the intent of the commercial zone not being light industrial. MOTION (Miner, Hutson) to continue the hearing for the applicant to bring back a site plan showing appropriate screening from Hwy 105 and residential areas of the landscape material, a designated roadway to the business, a fit to the zone district, and a detailed dust control plan for the March meeting. Motion passed 6-1 (Caves).

3. Application to Vacate Undeveloped Right of Way Petite Ave (Akers). Mr. Brad Akers, landowner of 621 Petite, explained his reasons for the vacation request, making it fully private property. Commissioner Caves asked if there are property owners behind his property and Mr. Akers stated yes. Mr. Mike Brickell stated that Petite is one of the available roadways to get to the back lots. He expressed concern about his property decreasing in value if vacated. He stated that the owner of 309 Montana is also opposed. Commissioner Fisher stated that Petite is too steep to develop as a roadway. He then recused himself from the discussion because he is a neighbor and left the room at 6:25 pm. Mr. Steven Beebe stated he supports the vacation of Petite ROW because is too difficult to build and not viable as a road. Mr. Tony Beltran's property borders the ROW and stated that it would not be viable as a roadway for travel or emergency. Collins provided background of undeveloped right of ways in town and stated that staff does not support the vacation of Petite because it does limit access in a difficult area to develop. Mr. Akers stated that they will combine their lots to decrease density if vacated. Chair Ihlenfeld closed the hearing.

7. Consider Application to Vacate Undeveloped Right of Way (Petite Ave). Discussion ensued among members about possible development and limited access. MOTION (Bruce, Caves) to recommend that the Board not approve the request to vacate Petite ROW. Motion passed 5-1 (Zapalac), 1 abstain (Fisher). This recommendation will go to the Board of Trustees.

Commissioner Fisher returned to the room.

4. Rezoning Parcels to RE for United Congregational Church. Commissioner Hutson disclosed that she is an abutting property owner. Mr. Dan Madison, Manhard Consulting, addressed the Board about the rezoning request, describing the area of 345 acres, requesting Residential Estate (RE) with minimum of 2.5 acre lots. It was noted that the item includes the annexation petition because the requests are running concurrently. The annexation, under the authority of the Board of Trustees, will be required prior to zoning/rezoning of the property. This is a recommendation to the Board regarding zoning. Additional processes will be followed for the preliminary plat and for development plans. Members inquired about general plans for development and Mr. Madison stated there have been concepts discussed with the applicant but no plans at this time.

Ms. Catherine McGuire, located directly south of the property, asked there be responsible development of Ben Lomand. She questioned numerous points in the letter included with the application – pg 3, para 1, future lots; pg 3, para 3, Monument Fire District; waiver requests stating the applicant will keep water rights. Mr. Rian Snowborger, abutting property owner, expressed concern about a religious property being tax exempt not providing revenue to the town. He added comments of concern about water supply if they share the same aquifer with 80 additional homes having wells. He also stated concerns about traffic on County Line, fire hydrants, other utilities having to be added in the area, needing additional fire resources, school availability, and inquired about the grading activity taking place on the property. Mr. Hans Buss expressed concern about traffic and water and asked about this being a prior project in the County. Collins provided background of the applicant to El Paso

County, the Town Board denying the disconnect from the town, and the applicant considering annexation to the town. Mr. Jeremy Harrigan stated his concern about bulldozers on the property; what if the town master plan changes; repair of the rural roadways; heavy equipment with development; and Capella being used. Mr. Larry Widow owns a home above the existing church and is not against the development. He stated that the applicant are good people and wants the development to stay in Palmer Lake. He expressed concern about the property meeting all the needs of the community with parks and open space. He also stated that Capella is a rural road and expressed concern of fire, roadway access, and asked that the development be done in a responsible way. Mr. Matt Beverly stated concerns about lighting, traffic, and roadways. Kris Norris explained the evacuation exercise completed by Colorado Estates being a mess. He commented that every winter there is a crash on his property. He warned members that this big decision will lead to many big decisions. Ms. Lori VanDerWege stated concerns about being tax exempt property and hopes the town gains revenue with the development. She asked at what cost to the neighbors – Colorado Estates. She suggested the property be annexed first and then rezone and stated concerns about roadway access and visibility from Indi Drive onto County Line. She asked for a better idea of the plans. Mr. Kane Cotton stated that he is not opposed to 2.5 acre lots and seems a fit to the area but does have concern about roadways connecting to Capella and fire mitigation. He would like to see the top of the mountain preserved. Mr. Wyley Cotton commented that his concerns are water and fire safety.

Mr. Dan Madison responded to numerous concerns – access is planned from County Line; emergency only from Capella. A full traffic study will be part of the planning process and will be addressed with site development, drainage, geotechnical report, etc., which will come in future steps. The water rights were addressed and needed for private use. The application stipulates a maximum of 80 lots with private well and septic and must be minimum size pursuant to statute. Fire will be discussed further as well as utility providers. Dan stated there will be open space as 200 acres are intended to be built out with remaining acres open. The grading taking place agrees with the Forest Service for fire mitigation and access. The applicant will work accordingly with the town. Commissioner Fisher identified an approximate 30 ft wide roadway. Further discussion ensued about roadway development with the slope of the terrain. Dan responded that topography will be further evaluated. Ms. Lori VanDerWege wants to know that UCC will be a good neighbor, not only to the town but also to Colorado Estates. She asked if each lot will be developed by separate contractors or will one developer complete the work. Mr. Larry Widow asked why not five acre lots. He also inquired about artifacts that may exist at the top of the mountain. Mr. John Blumm expressed concern about water capacity for the development. Mr. Jeremy Harrigan inquired further about the current grading taking place on the property and why a cul de sac or large width. Chair Ihlenfeld closed the hearing.

8. Consider Rezoning Parcels to Residential Estate (RE). MOTION (Caves, Miner) to recommend approval of the rezoning to RE to move the process forward. Commissioner Caves stated that many of these concerns will be addressed in the next steps. Motion passed 6-1 (Fisher).

5. Application for Conditional Use Permit in M1 Zone, Event Center (707 County Line Rd)--  
*Application Withdrawn*

### **Business Items**

9. Consider Sign Permit Application - Yak's Maintenance & Repair. Mr. Creighton Smith presented the signs for Yak's Motorcycle Maintenance & Repair location, including a wood look sign on a pole to fit the surrounding corner and lighting was discussed, which would not change. MOTION (Zapalac,

Hutson) to approve the signs as presented for Yak's. Motion passed 7-0. Mr. Smith invited members to the opening in March and to stop by to see the remodel work.

10. Consider Summary of AIA Concepts for Downtown Corridor. The streetscape design including pedestrian crossing and on-street parking was reviewed. MOTION (Hutson, Zapalac) to add the streetscape summary to the Community Master Plan. Motion passed 7-0.

#### **Public Comment**

Mr. Roger Moseley reported his observation of events since the November Planning Commission decision on the conditional use permit for The Movement Church at TLCA. He expressed concern that the town is not enforcing what is expected. He handed a copy of the Board Resolution to authorize the conditional use permit to some members.

#### **Next Meeting (February 21) and Future Items**

**Adjourn.** MOTION (Hutson, Bruce) to adjourn at 8:21 pm. Motion passed.

*Minutes by: Dawn A. Collins, Town Clerk*

**TOWN OF PALMER LAKE, COLORADO**

**ORDINANCE NO. 2-2024**

**AN ORDINANCE VACATING PETITE AVENUE  
RIGHT-OF-WAY**

**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; and

**WHEREAS**, Colorado statute, including Sections 43-2-302 and 43-2-303, C.R.S., authorize the Board of Trustees, to vacate, by ordinance, a roadway, including a dedicated or platted right-of-way, within the Town when (1) such roadway is not currently needed for municipal purposes and it is not anticipated that such roadway will be needed by the Town for the foreseeable future, and (2) vacation of such roadway will not leave any land adjoining the roadway without access to an established public road or a private-access easement connecting said land with an established public road; and

**WHEREAS**, Section 43-2-302(1), C.R.S., provides generally, that title to vacated roadways vests in abutting lands; and

**WHEREAS**, Section 43-2-302(1)(e), C.R.S., provides that no portion of a roadway upon vacation shall accrue to an abutting roadway; and

**WHEREAS**, the Town is the owner of a certain right-of-way within the Town's boundaries known as Petite Avenue right-of-way, which has been platted and dedicated to the Town but has not been constructed, and which is depicted on Exhibit A, attached; and

**WHEREAS**, the Board of Trustees has determined that Petite Avenue right-of way, as depicted on Exhibit A, is not needed for municipal purposes now or for the foreseeable future; and

**WHEREAS**, vacating Petite Avenue right-of-way as depicted on Exhibit A will not leave any adjoining land without access to an established public road or to a private-access easement connecting with an established public road; and

**WHEREAS**, Section 43-2-202(1), C.R.S., further provides, in part, that the portion of a roadway that is vacated is subject to the same limitations and restrictions as the land to which it accrues.

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

1. The Petite Avenue right-of-way depicted on Exhibit A is hereby vacated.

2. Title to the vacated Petite Avenue right-of-way is vested in the owners of the abutting properties in the manner provided by Section 43-2-302(1), C.R.S.
3. The vacated Petite Avenue right-of-way is subject to the same limitations and restrictions as the abutting land to which it accrued, including but not limited to the zoning of the property.
4. The Town reserves an easement over, across and through the vacated portions of Petite Avenue right-of-way as depicted on Exhibit A, for the continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric telephone and similar lines and appurtenances, to the extent they exist as of the effective date of this Ordinance.
5. This Ordinance and Exhibit A shall be recorded in the records of El Paso County, Colorado to evidence the vacation.
6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
7. Repeal. Existing ordinances or parts of ordinances covering the same matters 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 AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25<sup>th</sup> DAY OF JANUARY, 2024.**

**ATTEST:**

**TOWN OF PALMER LAKE, COLORADO**

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 14-2024**

**A RESOLUTION DENYING THE REQUEST TO VACATE PETITE AVENUE  
RIGHT-OF-WAY**

**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; and

**WHEREAS**, Colorado statutes, including Sections 43-2-302 and 43-2-303, C.R.S., authorize the Board of Trustees, to vacate, by ordinance, a roadway, including a dedicated or platted right-of-way, within the Town when (1) such roadway is not currently needed for municipal purposes and it is not anticipated that such roadway will be needed by the Town for the foreseeable future, and (2) vacation of such roadway will not leave any land adjoining the roadway without access to an established public road or a private-access easement connecting said land with an established public road; and

**WHEREAS**, Section 43-2-302(1), C.R.S., provides generally, that title to vacated roadways vests in abutting lands; and

**WHEREAS**, Section 43-2-302(1)(e), C.R.S., provides that no portion of a roadway upon vacation shall accrue to an abutting roadway; and

**WHEREAS**, the Town is the owner of a certain right-of-way within the Town's boundaries known as Petite Avenue right-of-way, which has been platted and dedicated to the Town but has not been constructed, and which is depicted on Exhibit A, attached; and

**WHEREAS**, the Board of Trustees has received a request from an abutting landowner to vacate Petite Avenue right-of way, as depicted on Exhibit A;

**WHEREAS**, the Board has considered the request to vacate and the matters presented to it and finds that the Petite Avenue right-of-way may be needed for municipal purposes in the foreseeable future and vacating Petite Avenue right-of-way as depicted on Exhibit A will leave adjoining land without access to an established public road or to a private-access easement connecting with an established public road.

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

1. The request that Petite Avenue right-of-way depicted on Exhibit A be vacated is denied for the reasons set forth above.



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 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 resolution hereby repealed prior to the effective date of this Resolution.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25<sup>th</sup> DAY OF JANUARY, 2024.**

**ATTEST:**

**TOWN OF PALMER LAKE, COLORADO**

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor

[illegible]

REPORT OF MISS MCGILVER

[illegible]

**Darryl Budge**  
State of Colorado Professional Land Surveyor No. 387740  
Mr. Budge was an owner of Area Land Surveying and Mapping, L.L.C.

to keep \_\_\_\_\_ and to provide my professional and public

**Chief, Planning Commission**

1997-1998

Source: Sound By You™

— 2000

Thyssen Company

File	Employee	Start Date	By
1	RECTOR, JAMES H.	11-10-1913	100

APF XI and Sunveng and Macino LLC.



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Caldero Springs, CO 80110  
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*Item 9.*



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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution to Approve an MOU with Awake Palmer Lake for Pickleball Courts and Public Restroom
<b>Presented by:</b>  Town Administrator		

**Background**

As previously reviewed and discussed, there were minor revisions considered to the Memo of Understanding with Awake Palmer Lake for the construction project of new pickleball courts and a public restroom at the lake.

The enclosed MOU reflects the recent amendment from Awake Palmer lake for your review and consideration.

**Recommended Action**

Town staff supports this MOU with APL for the project.

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 9 - 2024**

**A RESOLUTION TO AUTHORIZE A REVISED MEMORANDUM OF  
UNDERSTANDING BETWEEN AWAKE PALMER LAKE ORGANIZATION  
AND TOWN OF PALMER LAKE, 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 of Palmer Lake seeks collaboration with Awake Palmer Lake to install pickleball courts and a restroom on Town (public) property; and

**WHEREAS**, the enclosed Memorandum of Understanding (MOU) provides responsibilities and procedures for the installation of pickleball courts and a public restroom as required by the awarded grant to Awake Palmer Lake; and

**WHEREAS**, revisions were made to the MOU.

**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 of the revised MOU as laid forth 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 25th DAY OF JANUARY 2024.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor

## MEMORANDUM OF UNDERSTANDING FOR PICKLEBALL COURT GRANT

By and Between the TOWN OF PALMER LAKE and the PALMER LAKE RESTORATION PROJECT, INC., (dba AWAKE THE LAKE/AWAKE PALMER LAKE), a Colorado non-profit corporation

This Memorandum of Understanding (this "MOU" or this "Agreement") is entered into this day of \_\_\_\_\_, 2024 ("Effective Date") by and between the Town of Palmer Lake, Colorado ("Town") and the Palmer Lake Restoration Project, Inc., dba Awake the Lake, a Colorado non-profit corporation ("ATL") (collectively, the "Parties").

### RECITALS

WHEREAS, there are limited resources, including funding and personnel, available for projects throughout the Town, and as a result, the Town is interested in receiving support from a nonprofit entity to financially assist and coordinate projects with the Town for the benefit of all Town Citizens and Businesses; and

WHEREAS, the Parties seek to enter into public-private partnerships with nonprofit organizations to create, revitalize, and maintain parks and other public spaces on a project specific basis; and

WHEREAS, the ATL was formed as a Colorado nonprofit corporation known as the Palmer Lake Restoration Project, Inc., on September 12, 1995 to, among other things, (i) facilitate and aid the Town with respect to the preservation of the Lake and adjacent Parkland, (ii) raise a portion of the necessary funds to defray costs of the preservation, restoration, landscaping and other amenities, and (iii) assist the Town with developing a master plan for the Lake and Parkland to govern their future use and development of amenities; and

WHEREAS, ATL has applied for and obtained a grant to install pickleball courts and restrooms within the Town and upon Town property as further depicted in the Grant Application ("Project"), said application being incorporated herein for definition purposes; and

WHEREAS, the Board of Trustees of the Town support the Project and the Parties seek to establish the Parties' roles and responsibilities with respect to the Project.

NOW, THEREFORE, in order to advance their mutual objectives with respect to the Project and to commence a collaborative process with each other, the Parties agree as follows:

### SECTION 1 – PURPOSE OF AGREEMENT

The purpose of this Agreement is to establish the roles and responsibilities of the Parties with respect to the Project.

### SECTION 2 – AWAKE THE LAKE

2.1 Responsibilities of ATL under this Agreement. The responsibilities of ATL shall include the following:

(a) Manage the Grant, including but not limited to complying with the reporting requirements to the Grant administration.

(b) Work in cooperation with the Town and subject to all rules, regulations, and laws, to assist in the Project and secure approval of the Town of all design, plans, construction and otherwise for the Project prior to commencement of each phase of the Project.

(c) Since there is a Town-owned water line that will be under the pickleball courts, ATL will provide \$20,000 to be deposited into the Town's water capital improvement fund to be used as determined by the Board of Trustees, and subject to the Town's exclusive control, for possible future repairs or relocation of said water line, or other use as determined by the Board of Trustees, with said funds provided to the Town no later than the completion of the Project and close out of the Grant. Such deposit by ATL shall relieve ATL of any and all future liability or responsibility associated with said Town water line, and the Town shall be solely responsible for the management and control of such funds.

### SECTION 3 – THE TOWN

3.1 Responsibilities of the Town under this Agreement. The responsibilities of the Town shall include the following:

(a) Work collaboratively with ATL to complete the Project. Nothing herein shall grant or create for ATL any ownership, authority, or control over any Town property. Control over all Town Property rests solely with the Board of Trustees.

(b) Town approval is required for each phase of the project as well as any and all plans for construction of the Project and no construction will take place without the agreement and permission of the Town.

(c) In support of the Project, the Town will (i) contribute a Water Tap to be used for the restrooms; (ii) provide approximately 1,000 yards of infill for the site and the staff and equipment to grade such fill as available; (iii) provide liability insurance under the Town's applicable insurance for the Project being constructed on Town Property and for the benefit of the Town's citizens; and, (iv) allow the use of Town Hall for project meetings as available.

### SECTION 4 – GENERAL CONDITIONS

4.1 Cooperation. The Parties agree to work together at all times in good faith, meet regularly as needed, and keep each other informed as to activities of the other, and maintain at all times a designated representative who shall serve as a point of contact for communications.

4.2 Costs. Each Party shall be responsible for all costs and expenses associated with the preparation and adoption of this MOU, and future actions related thereto. Any and all sums of money required by the Town will be subject to annual appropriation by the Town Board of Trustees. Failure to appropriate shall not constitute a violation, default, breach, or otherwise to this MOU.

4.3 Term. This MOU shall be perpetual in nature, subject to written modification signed by authorized representatives of each party, and further subject to termination by either party upon 30 days written notice to the other, or completion of the project, whichever occurs first.

4.4 Jurisdiction and Governing Law. This MOU shall be performed and enforced in Palmer Lake, Colorado, and shall be construed in accordance with the laws of the State of Colorado.

4.5 Severability. In the event any provision of this Agreement is found to be invalid or unenforceable, it may be severed from the Agreement by court order and the remaining provisions of the Agreement shall continue to be binding and effective, provided the central purposes of this Agreement continue to be served.

4.6 Notices. Any notice which a Party is required or may desire to give or deliver to the other Party shall be given in writing by (i) personal delivery; (ii) certified mail, return receipt requested, postage prepaid; (iii) a national overnight courier service that provides written evidence of delivery; or (iv) email transmission and addressed as follows:

With respect to the Town:

Town Administrator  
Town of Palmer Lake  
42 Valley Crescent  
P.O. Box 208  
Palmer Lake, CO 80133  
Email: [dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)

With copies to:

Town Attorney  
[Matthew Z. Scott](mailto:Matthew.Z.Scott@kroblaw.com) Krob  
8400 E. Prentice Avenue, Penthouse  
Greenwood Village, CO 80111  
Email:  
[matt@kroblaw.com](mailto:matt@kroblaw.com)  
[scott@kroblaw.com](mailto:scott@kroblaw.com)

With respect to ATL:

Project Manager, Tim Caves  
Email: [tlccaves@yahoo.com](mailto:tlccaves@yahoo.com)

With copies to:

ATL President, Jeff Hulsmann  
Email: [punchyco@gmail.com](mailto:punchyco@gmail.com)

4.7 Counterparts; Electronic Signatures. This Agreement may be executed in counterparts, and the signature pages combined to constitute one document. Facsimile or electronically transmitted signatures will have the same force and effect as original signatures.

4.8 No Waiver Of Immunity. 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.

4.9 No Creation of Ownership Interest. Nothing herein shall be construed to create an ownership interest of any kind in any Town owned property or any of the improvements upon Town owned property.

4.10 Operation and Future Use. Nothing herein shall be used to determine the way in which the Town will chose to operate, maintain, or use the Town Property as a result of the Project, including the improvements as a result of the Project.

4.11 Third Party Beneficiaries. The ~~Parties~~~~ARTIES~~ do not intend by the ~~AGREEMENT~~~~MOU~~ to assume any contractual obligations to anyone other than the ~~Parties~~~~ARTIES~~ and do not intend that there be any third-party beneficiary to this ~~AGREEMENT~~~~MOU~~.

4.12 No Partnership. This ~~AGREEMENT~~~~MOU~~ shall not be interpreted or construed to create an association, joint venture or partnership among the Parties or to impose any partnership obligation or liability upon any Party. Further, no Party shall have any authority to act on behalf of or as an agent for or to otherwise bind the other Party.

Dated as of the Effective Date set forth above, which shall be the date the last Party signs this Agreement.

**ATL:**

**Town of Palmer Lake:**

**Palmer Lake Restoration ~~Committee~~Project**

By:

**~~d/b/a/~~ Awake the Palmer Lake, a Colorado  
Havenar  
nonprofit corporation**

Mayor, Glant

Attest: \_\_\_\_\_  
Town Administrator/Clerk

By: \_\_\_\_\_

Date: \_\_\_\_\_

Authorized Representative of Awake the Lake

Date: \_\_\_\_\_





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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution to Adopt Revisions to Employee Handbook
<b>Presented by:</b>  Town Administrator		

**Background**

As previously reviewed and discussed with the Board, the enclosed handbook copy reflects suggestions made by Trustee Ball to the employee handbook. The revisions for Section 1.2 and provided to align with the town code pursuant to Section 2.08.060. Section 1.6 language was reviewed by legal and a copy provided to Employers Council for review. Any feedback will be provided at the meeting.

**Recommended Action**

Town staff supports the modifications as presented.

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 11 - 2024**

**A RESOLUTION ADOPTING THE REVISED EMPLOYEE HANDBOOK**

**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;

**WHEREAS**, the Town of Palmer Lake, Colorado, adopted a revised Employee Handbook in January 2023; and

**WHEREAS**, from time to time, revisions are made to align policy with work activity or suggest modifications; and

**WHEREAS**, the enclosed copy of the handbook reflects the respective revisions.

**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 approves the revised Employee Handbook, as attached hereto.
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 25th DAY OF JANUARY 2024.**

ATTEST:

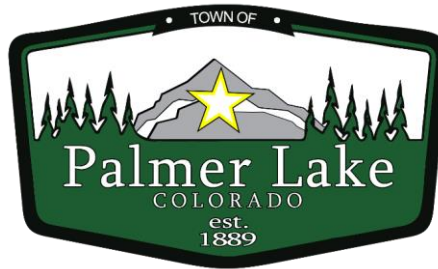
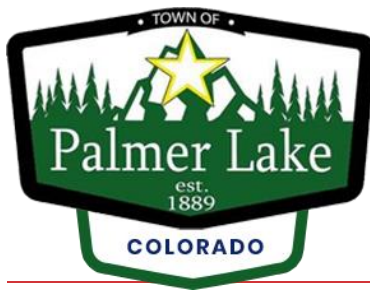
TOWN OF PALMER LAKE, COLORADO

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor

## TOWN OF PALMER LAKE

### EMPLOYEE HANDBOOK



Rev. January 2023<sup>34</sup>

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted on 8/12/2021 (Resolution 38-2021); Revised & Adopted on 1/26/2023 (Resolution 16-2023)*

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*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

## 1.0 INTRODUCTION

### 1.1 Employment At-Will

#### IMPORTANT:

THIS HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE ORGANIZATION AND SOME INFORMATION ABOUT WORKING AT THE TOWN OF PALMER LAKE. THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE TOWN'S GUIDELINES. THIS EDITION REPLACES ANY PREVIOUSLY ISSUED EDITIONS.

AT THE TOWN OF PALMER LAKE, NEITHER THE EMPLOYEE NOR THE ORGANIZATION IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE TOWN IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. NO REPRESENTATIVE OF THE TOWN, OTHER THAN THE ELECTED OFFICIAL OR TOWN ADMINISTRATOR, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL OR TOWN ADMINISTRATOR AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE ORGANIZATION RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE TOWN. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES THAT HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE DESIGNATED HUMAN RESOURCE REPRESENTATIVE.

## 1.2 Authority of Town Board of Trustees & Town Administrator

The Mayor and Board of Trustees shall exercise their authority to set legislative policy for the Town, and the management of daily operations is directed through the Town Administrator. ~~The Town Administrator retains the right to operate the Town consistent with the authority provided by the Mayor and Board of Trustees, including, but not limited to, the right to direct the work of employees; hire, promote, demote, classify, evaluate, and retain employees in positions with the Town; demote, suspend, discharge, or otherwise discipline employees; transfer, assign and schedule employees; lay off employees; determine and implement the methods, equipment, facilities, personnel, and other means by which Town operations are to be conducted; take steps necessary to maintain the efficiency and safety of operations; determine the Town budget with department input and with Town Board approval; determine the level of activity and Town services provided with Town Board approval; and determine planning or staff levels impacting the overall budget with Town Board approval. Administrator, appointed by the Board of Trustees. The duties of the town administrator shall be as laid forth specifically by job description, along with the following, pursuant to municipal code section 2.08.060.~~

(1) Be the chief administrator officer for the town, and be responsible to the mayor and town board for proper administration of all affairs of the town.

(2) Implement board of trustees policies and directives.

(3) Perform such other duties as may be prescribed by the board of trustees.

## 1.3 Equal Employment Opportunity

The Town is dedicated to the principles of equal employment opportunity (EEO). The Town prohibits unlawful discrimination against applicants or employees due to age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as Town officials, volunteers, customers, clients, vendors, consultants, etc.

## 1.4 ADA and Religious Accommodation

The Town will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Town or cause a direct threat to health or safety. The Town will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the operations of the Town. Employees needing such accommodation are instructed to contact their supervisor or the Town Administrator immediately.

## 1.5 Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the Town will engage in a timely, good faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.

The Town may require that an employee provide a note from a health care provider detailing the medical advisability of reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Town Administrator or designated Human Resources representative.

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

### 1.6 Sexual Harassment

The Town strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Employees are always expected to conduct themselves in a professional business-like manner. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping, or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

Refer to the Anti-harassment Policy.

### Complaint Procedure:

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed, including sexual harassment, please use the following complaint procedure. The Town expects employees to make a timely complaint to enable the Town to investigate and correct any behavior that may be in violation of this policy.

An employee is required to report the incident to the Mayor or to the Town Administrator, who will cause to investigate the matter and take corrective action. Complaints shall be kept as confidential as practicable. If it is preferred not to go to either of these named individuals with a complaint, the employee should report the incident to the Town Attorney.

The Town prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If there is a violation of EEO or retaliation standard, employees shall follow the complaint procedure.

If the Town determines an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

### 1.7 Public/Media Relations

Communication with the media needs to be consistent, timely and professional. Therefore, it is required that all official responses to the media be made with authorization from the Mayor, Town Administrator, or a designee. This requirement does not prevent employees from speaking with the media, but employees should not attempt to speak on behalf of the Town unless they have specifically been authorized to do so by the Mayor or Town Administrator.

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*



### 1.8 Employee Classification

- **Exempt** employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and/or overtime pay requirements.
- **Non-exempt** employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and overtime pay requirements. Non-exempt employees are eligible to receive overtime pay for hours worked in excess of 40 hours in a given workweek, or as otherwise required by applicable state law. **NOTE:** Fire and Police staff are under different rules for overtime eligibility.
- **Full-time** employees are those who are normally scheduled to work 40 hours per week.
- **Part-time** means an employee normally scheduled to work fewer than 40 hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis.
- **Temporary** employees are those who are employed for short-term assignments [\(also referred to as seasonal\)](#). Temporary employees are generally hired to temporarily supplement the workforce or assist in the completion of a specific project. These temporary employment assignments are of limited duration. (Temporary employees may be classified as exempt or nonexempt on the basis of job duties and compensation.)

### 1.9 Personnel Records

Personnel records are retained by the Town Administrator, or designee, concerning all employees. Such records may include any documents needed to be kept as documentation of the employer-employee relationships. In addition, administrative records are kept as necessary for payroll and benefits.

To keep personnel records current, the employee shall notify the Town Administrator, or designee, of any change in the employee's contact information, health/life insurance changes, emergency contact information, or any other information needed to maintain accurate records. Each employee is also responsible to update their supervisor, Administration and/or payroll with records concerning any licenses or certification required for the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

### 1.10 Outside Employment

No Town employee shall engage in outside employment which interferes with the proper and effective performance of the employee duties or attendance requirements, including overtime work, that may result in a conflict of interest, or that might require them to disclose or act on confidential information acquired by Town employment. Requirements of employment with the Town shall have priority over any requirements of outside employment.

## 2.0 WORK ENVIRONMENT

### 2.1 General Rules of Conduct

The Town expects all employees to act in the best interest of the Town and its constituents. It is the responsibility of all employees to observe all rules, guidelines, operating procedures, and directives of the Town. The Town further expects that each employee will behave with courtesy and respect toward other employees and members of the public. Specific rules of conduct adopted by the Town or described in these guidelines are not meant to be all inclusive, but rather address some common and serious potential problems. Refer to the Town Code of Conduct Policy.

### 2.2 Dress and Appearance

All employees of the Town must maintain an appearance that is neat, clean, and appropriate to the position and area in which the employee works. **NOTE:** Fire and Police shall adhere to approved uniforms for each department.

### 2.3 Drugs and Alcohol

The Town is committed to a safe, healthy, and productive work environment for all employees that is free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited.

In accordance with the Drug-Free Workplace Act of 1988, the Town prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during Town time, on Town premises, or other work sites. Any employee who is convicted or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace must notify the Town within five days of such conviction or plea. Testing is an important element in the Town's efforts to ensure a safe and productive work environment. The Town has issued a separate statement for this testing program. Please refer to this separate statement, the designated Human Resources representative, or your supervisor if you have specific questions. Refer to the Drug-Free Workplace Policy.

### 2.4 Safety

It is the responsibility of each employee to learn and observe all applicable safety practices, guidelines, directives, or procedures. Safety-related questions should be directed to each employee's immediate supervisor. Violation of safety practices, guidelines, directives, or procedures may result in disciplinary action up to and including termination. Employees are expected to schedule and attend mandatory safety training on a regular basis as directed by their supervisor. Employees are also expected to report any unsafe conditions or behaviors to their supervisor.

The Town has safety rules with which employees are expected to comply. These rules are not exclusive; employees are expected to do their job in a reasonable and safe manner whether department specific safety rules apply or not. It is the responsibility of each employee to read and understand all Town safety rules. Disobeying a safety rule may result in disciplinary action up to and including termination. Safety policies may be established by [each](#) department.

## **2.5 Reporting Accidents/Workers' Compensation**

The Town supports the prevention of work-related injuries. However, when a work-related injury or illness takes place, no matter how minor, a report must be made as soon as practical to the employee's immediate supervisor for review and completion to the Town Administrator, or designee. Such report must be made within 24 hours whenever possible and is required within ten (10) business days to be eligible for coverage. When necessary, employees must seek prompt medical treatment from one of the plan designated providers. Appropriate reporting and treatment must be followed to provide the employee coverage for the cost of medical treatment.

## **2.6 Equipment Maintenance/Housekeeping**

Each employee is responsible for the condition of equipment used on the job. Equipment that is damaged, worn, or in need of maintenance should be reported to appropriate personnel. Employees should direct any concerns regarding the use of equipment to their immediate supervisors.

Cleanliness and orderliness are important to the operation of the Town. Employees are responsible to keep their work areas clean and orderly.

## **2.7 Smoking**

Smoking and other tobacco use are not permitted anywhere in the Town's indoor facilities, automobiles, or within fifteen (15) feet of the main entrance to a building, or in any other area where the Town prohibits smoking or other tobacco use.

## **2.8 Violence-Free Workplace**

The Town is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time will not be tolerated.

All threats of (or actual acts of) violence, both direct and indirect, should be reported as soon as possible to an immediate supervisor and/or the Town Administrator. This includes threats by employees, as well as threats by citizens, vendors, solicitors, or other members of the public. When reporting a threat of violence, be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor and/or the Town Administrator.

The Town Administrator, or designee, will promptly and thoroughly investigate all reports of threats of (or actual acts of) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. To maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct in violation of these guidelines will be subject to disciplinary action up to and including termination.

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The Town encourages employees to bring their disputes or differences with other employees to the attention of an immediate supervisor, or the Town Administrator, before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

### 3.0 ON THE JOB

#### 3.1 Hours of Work

Normal business hours for Town offices are from 7:30 a.m. until 4:30 p.m., Monday through Thursday, and 8:00 a.m. to 12:00 noon on Friday. **NOTE:** Police, Fire and Public Works employees may be assigned to shifts outside the normal office hours of the Town and shall work those hours designated for their shift and/or position.

#### 3.2 Break Times

Employees are allowed one-half hour lunch break as well as two (2) 10-minute breaks for each workday scheduled for more than five (5) hours, as feasible. All breaks shall be approved by each supervisor, provided that, where possible, lunch breaks shall be scheduled between 11:30 a.m. and 1:30 p.m. Once assigned, lunch and break times shall remain constant unless an employee's supervisor requires minor variations based on the individual work requirements.

#### 3.3 Attendance and Notice of Absence

Regular attendance by all employees is important to the successful operation of the Town. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of business. Employees are expected to maintain a good attendance record and to report promptly for work in accordance with assigned shift schedules.

Employees that are going to be absent or late must contact their supervisor by telephone or text message approximately one half-hour, or as soon as possible, prior to the start of their shift. The reason for and probable duration of the absence shall be provided by the employee. The Town Administrator may request doctor's notes for an absence continuing more than two consecutive days. Failure to call in when absent for three (3) consecutive days shall result in disciplinary action, up to and including termination.

#### 3.4 Tardiness

All employees are required to report in a timely manner. Persistent tardiness of non-exempt employees may be charged as leave without pay. Persistent tardiness of any employee may result in disciplinary action.

#### 3.5 Training and Education

The Town supports education and training programs which improve the skills, qualifications, and performance of Town employees. The Town may pay the fees and costs of education and training programs that are specifically required by the Town, according to the department budget. In addition, the Town may, in its discretion, approve payment of all or a portion of the fees and costs of education or training programs requested by employees. The Town's approval of payment for one segment, portion, or course that is a component of an education or training program does not obligate the Town to pay for any additional segment, portion, or course.

Educational leave is available, with approval of the immediate supervisor and the Town Administrator, to assist employees in developing professional and technical skills related to employment with the Town. Such leave may be granted to attend professional or technical conferences, training seminars, schools, or programs. Requests for educational leave must be made in writing and must clearly state the dates and purpose of the leave requested. Eligible employees may receive up to eight hours of regular compensation during such attendance. Refer to the Employee Travel Policy.

### 3.6 Promotions

A promotion is considered the advancement of an employee to a position that carries more responsibility and a higher rate of pay. All regular employees of the Town are eligible to be considered for promotions for which they apply and meet the position qualifications.

### 3.7 Transfers

An employee may be transferred through promotion, successful application for a vacant position, or at the discretion of the Town Administrator.

Promotion, transfer, or rehire will follow the basic guidelines of a new hire. Refer to the New Hire Policy.

### 3.8 Employee Review

The annual review process will include a mandatory dialogue, which is intended to provide employees feedback concerning employment progress. ~~†The discussion between supervisor and employee~~ is required ~~in order~~ to qualify for an annual wage increase. Employees should contact and advise an immediate supervisor, the Town Administrator or Human Resources-~~representative designee~~, if more than one year has passed since receiving formal feedback. The review process is not meant to serve as a substitute for ongoing discussions between supervisors and employees throughout the year but to supplement discussions to plan and assist in employee performance and development.

### 3.9 Licenses and Certifications

Employees whose jobs require professional license or certification must present documentation of their license or certification prior to employment or upon certification. The Town may pay the cost of obtaining additional licenses or certifications required for the current job and maintaining it in a current status. Employees are responsible for maintaining their license or certification in an active status and provide copies of such licensing, renewal, changes, etc., to the Town Administrator for personnel files.

### 3.10 Use of Town Equipment (Property)

Town equipment (personal property) is to be used strictly for official Town business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, or directives. No employee shall remove Town equipment/property, or the property of any other employee from Town premises or work sites, without proper authorization. Any employee who steals Town property or the property of any other employee, or who abuses, misuses, damages, or destroys Town property shall be subject to discipline, up to and including termination. Refer to the Use of Town Equipment Policy.

### 3.11 Use of Town Vehicles

Town vehicles may be used strictly for the purpose and in the manner authorized by the Town. Only authorized and qualified Town employees may operate Town vehicles. All vehicles shall be operated in accordance with all applicable traffic laws and vehicle operators shall be responsible for the condition and proper use of their vehicles.

Unauthorized or improper use of Town vehicles may result in discipline, up to and including termination.

### 3.12 Conflict of Interest and Misuse of Authority

Town employees shall not place their personal interests above the best interest of the Town, or its constituents, and must not use the authority of their position or information gained from employment in a manner that would be unfair or could reasonably be perceived as unfair to the public. Therefore, employees must not grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person unless otherwise required by law. Furthermore, employees must not accept any personal compensation in return for rendering assistance in obtaining any contract, claim, license, permit, permission, approval, or other economic benefit from the Town. In addition, Town employees shall not:

- Engage in a substantial financial transaction for private business purposes with another employee whom he or she supervises;
- Take any official action directly and substantially affecting to its economic benefit a business or other undertaking in which he or she has a substantial direct or indirect financial interest or business arrangement;
- Disclose or use confidential information acquired during his or her official duties to further substantially his or her personal financial interests;
- Accept a gift of substantial value or a substantial economic benefit which might tend improperly to influence him or her in the discharge of his or her responsibilities, or which could be construed as a reward for action taken during official duties.

Any employee who has a potential conflict of interest due to direct (self) or indirect (meaning immediate family member – parent; sibling; spouse; children by blood, adoption or marriage; grandparent; grandchildren; in-laws) shall disclose such potential conflict to the immediate supervisor.

### 3.13 Gifts

The Town prohibits individual employees from asking for, or accepting, a gift of any kind from any person that is greater than a certain value. Government employees may accept gifts if any of the following are true:

- The gift is based upon a pre-existing personal or family relationship with the government employee, so long as the gift is motivated by the relationship (like a birthday present to your sister).
- The gift is valued at \$20 or less, so long as the gift is not cash, and the employee accepts no more than \$50 in gifts, in the aggregate, from the same outside source in a calendar year.
- The gift consists of modest refreshments, such as juice and bagels at a seminar, and not as part of a meal.
- The gift consists of free attendance at widely attended gatherings (although some agency restrictions may apply to this exception).

### 3.14 Employee Complaints

The Town of Palmer Lake encourages an open-door atmosphere. If an employee has an issue or concern that the Town may help solve, employees are encouraged to discuss it with the immediate supervisor or any other member of the Town's management team.

Anyone who retaliates against someone who has, in good faith, reported wrongdoing or suspected wrongdoing may be subject to disciplinary action, up to and including termination of employment.

Employees should share their questions, concerns, suggestions or complaints with their immediate supervisor. If ~~the employees are~~ ~~is~~ not comfortable speaking with their supervisor or not satisfied with the supervisor's response, ~~the~~ employees shall report the concern to the Town Administrator. The Town Administrator shall work with appropriate staff, including the Town Attorney, if necessary, to determine how violations or concerns will be addressed.

Anyone filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

Reports of violations, or suspected violations, will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### 3.15 Discipline

The Town expects all employees to conduct themselves with the highest professional, business, and ethical standards and will not tolerate inappropriate or insubordinate conduct. The Town may take disciplinary action as it deems appropriate in any given circumstance, up to and including termination, without any warning, procedure, or formality. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the Town's discretion. The Town does not intend by these guidelines to create any expectation that any employee will be assured of any form of disciplinary action, such as warnings, notice, or any form of progressive discipline, prior to discipline, up to and including termination.

### 3.16 Administrative Leave

Employees may be placed on administrative leave with or without pay under such circumstances as may be deemed necessary by the Town Administrator. Employees placed on administrative leave will be advised of the reason for the leave and, if possible, the probable duration of the leave.

### 3.17 Facilities and Equipment/Inspections

The Town may conduct searches after notice is given and with the employee's consent of employee's personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

The Town may conduct searches of the above items without employee consent if ~~we have~~ a reasonable suspicion ~~exists to believe~~ that illegal activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

Employees do not have a reasonable expectation of privacy in lockers, desks, cabinets, or file drawers, all of which are keyed by the Town and copies of those keys are kept by the Town.

### 3.18 Use of Town Computer and Telecommunications Resources

All Town computers, devices, and other resources, including Town owned cellular phones, must be used in a responsible, efficient, ethical and legal manner. Failure to adhere to this guideline may result in revocation of access privileges and may result in disciplinary action up to and including termination. Refer to Use of Technology/Communication Policy.



### **3.19 Use of Electronic Mail**

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, regardless if the message is converted to hard copy format after receipt and regardless if the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network. All Town electronic mail systems are owned by the Town and shall be used for conducting official Town business. Other than incidental personal use, any other use is prohibited. Refer to Use of Technology/Communication Policy.

### **3.20 Use of Social Media**

Social media offers many ways for users to interact with one another, such as instant messaging, blogging and commenting, microblogging, events, status updates, online communities, forums, and message boards, podcasts, website link sharing, wikis, video conferencing, and sharing photos and videos. The Town acknowledges that social media changes rapidly and, therefore, the policy is intended to be illustrative rather than exhaustive. Refer to Social Media Policy.

### **3.21 Inclement Weather**

The Town Administrator, or designee, may determine, due to inclement weather, to delay opening the office, or to not open the office, and therefore, to adjust staff reporting time, or to not require the staff to report. In such case, staff unable to work remotely will be paid at the regular rate for regular hours scheduled.

## 4.0 COMPENSATION

### 4.1 Pay Guidelines and Procedures

The Town Administration is responsible for administering payroll and benefits, including receiving and resolving employee questions and problems concerning compensation.

### 4.2 Work Week

A regular work week is a fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods – designated as the official work week for each employee. This period will be from 12:00 a.m. Sunday through 11:59 p.m. the following Saturday. Employee work schedules may be flexible with approval by the immediate supervisor.

The Police and Fire Departments operate on a 14-day work period from 12:00 a.m. Sunday through 11:59 p.m. the Saturday after the following Saturday (13 days later).

### 4.3 Pay Schedule

Employees are paid every other Friday. When the pay day falls on a holiday, payroll deposits will typically be provided the day before the holiday.

### 4.4 Out of Class Pay

An employee temporarily assigned outside of their regular position shall be paid at the appropriate rate for the temporary assignment, after four weeks of serving such assignment, and until they return to their former position.

### 4.5 Deductions

Federal and state income tax withholding and Social Security and Medicare taxes are automatically deducted from employee paychecks as required by law. Additionally, the following employee benefit deductions may be authorized in writing by individual employees:

- Employee contributions for medical, dental, or vision insurance;
- Employee contributions toward a retirement plan;
- Police and Fire deductions for FPPA and/or association membership fees.

### 4.6 Garnishment

A garnishment is a legally required deduction of a specified sum from an employee's wages to satisfy a creditor. If the Town is required to garnish an employee's wages, the garnishment will be made in accordance with the law.

### 4.7 Direct Deposit

The Town requires employees to have their paycheck deposited directly into a depository account. Employees shall authorize in writing the direct deposit of their net earnings with a designated financial institution of their choice.

#### 4.8 Overtime and Overtime Compensation

Non-exempt employees are eligible for overtime. Eligible employees are compensated for all overtime hours at one and one-half (1½) times the applicable hourly rate or will accumulate compensatory time at one and one-half (1½) hours, for each hour worked over 40 in a work week. To the extent that any provision of this guideline conflicts with the Fair Labor Standards Act, the Fair Labor Standards Act shall govern.

All overtime worked must be approved in advance by a supervisor or other authorized representative of the Town. The 40-hour threshold is based on actual hours worked in the week. Therefore, sick time, vacation, holiday, or other paid or unpaid leave time is not included in calculating the overtime threshold.

Non-exempt employees who work more than forty (40) hours in a work week may, at the employee's discretion, be compensated in compensatory time off in lieu of overtime pay for each overtime hour worked. It is understood that in agreeing to work for the Town, employees agree to accept compensatory time in compensation for overtime worked when deemed appropriate by Town management. Compensatory time tracking is the responsibility of each department supervisor or designee.

Eligible employees are permitted to accumulate up to eighty (80) hours of compensatory time. Employees may be directed to use accrued but unused compensatory time where he or she has accumulated the maximum permissible number of hours. In addition, the employee may be precluded from earning additional compensatory time until hours are used. If the supervisor determines that the employee must work ~~in order~~ to meet business needs, the employee will be paid overtime rather than earn compensatory time until the employee's accumulated hours fall back to or under the maximum. Supervisors are responsible to track and manage compensatory time for staff throughout the year. Compensatory time should be flexed within a pay period when possible and used prior to accrued -paid leave.

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Upon termination of employment, employees shall be compensated for any unused compensatory time at their current rate of pay or the average regular rate received by the employee during the last three years of employment, whichever is higher.

**NOTE:** The Police and Fire department work periods are fourteen (14) days. Eligible Police employees are paid overtime for hours worked over 86 in a work period. Eligible Fire employees are paid overtime for hours worked over 106 in a work period. Sick time, vacation, holiday, or other paid or unpaid leave time is not included in calculating the overtime threshold.

#### 4.9 Pay for Exempt Employees

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period for (40) or more than 40 hours per week. The Town is committed to complying with salary basis requirements which allows properly authorized deductions. If an employee believes an improper deduction has been made, the employee shall immediately report it to the Town Administrator or designated representative. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed promptly.

#### 4.10 On Call Time

Employees may be assigned on-call duty requiring that they be available for call during a specified time period outside their normal working hours. Employees shall be paid straight time for all hours worked, as required by law.

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

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*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

#### 4.11 Reporting Time

All employees shall complete the Town required timesheet (paper or electronic) to record the appropriate time to be paid. Exempt employees shall record the total hours paid by established salary (~~typically~~ 80 hours). Hours not worked shall also be recorded and coded to the appropriate leave type. Completed timesheets shall be reviewed and approved by the respective immediate supervisor at the end of each payroll period, indicating-attesting to the time recorded for payment. Compensatory time tracking is the responsibility of each department supervisor or designee.

#### 4.12 Training Time

Town employees shall be compensated for time spent in Town-required training activities. Compensation will not be provided, however, for the following training unless specifically authorized by the Town Administrator:

- Training undertaken to meet certification requirements mandated by a higher level of government (e.g., the State of Colorado or the United States) for performance of the employee's duties; and
- Training that meets all the following criteria:
  - Attendance is outside the employee's regular working hours;
  - Attendance is in fact voluntary;
  - The employee performs no productive work during attendance; and
  - Training is not directly related to the employee's job.

#### 4.13 Expenses

The Town reimburses employees for expenses reasonably incurred during Town business provided such expenses have been authorized in advance by the Town Administrator or are determined by the Town, in its discretion, to have been necessarily incurred under circumstances where advance approval was not reasonably possible. Employees seeking reimbursement for expenses will be required to document expenses with receipts.

The Town may reimburse employees for use of their personal vehicle for Town business at the federal reimbursement rate per mile unless another agreement for personal vehicle use is established.

All requests for reimbursement of expenses shall be submitted using the Town's expense form. Refer to the Employee Travel Policy.

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## 5.0 BENEFITS

Employees ~~working more than (35) regular scheduled hours~~regularly scheduled for (36) hours or more per week are eligible for benefits.

### 5.1 Insurance Benefits

The terms and conditions of all benefit plans offered by the Town are subject to change from time to time. Town insurance plans may require employee contributions as a condition of participation. The amount of shared premium contribution will be determined by the Town Administrator and may change with each renewal cycle. Required contributions must be authorized through payroll deductions.

### 5.2 Group ~~Health~~Medical, Dental, and Vision Insurance

The Town shall offer ~~health~~medical, dental, and vision insurance coverage for all eligible employees. Information is available from the Town Administrator, or designee, concerning eligibility and available options for benefits.

### 5.3 Group Life Insurance

The Town shall provide basic coverage for group life insurance for all eligible employees. Specific plan information is available from the Town Administrator or designee.

### 5.4 Retirement Benefit

The Town shall contribute up to a maximum match of 5% of an ~~eligible~~ employee's wages toward a retirement benefit plan for all eligible employees. Refer to the Summary Plan Description for eligibility definition and plan details.

## 6.0 LEAVE TIME

Unless otherwise specified below, employees ~~working more than (35) regular scheduled hours regularly scheduled for (36) hours or more per week~~ are provided the following leave time, ~~and vacation holiday and vacation~~ benefits.

### 6.1 Family and Medical Leave

Public sector employers are subject to the provisions of the Family Medical Leave Act (FMLA). However, to be eligible to take FMLA leave, employees must work at a worksite with at least 50 full-time equivalent (FTE) employees within 75 miles. Because the Town does not have 50 FTE within a 75-mile radius, employees are not eligible to take FMLA leave. However, the Town will provide medical leave as outlined below.

#### Medical Leave of Absence:

A medical leave of absence of not more than three months may be granted to eligible employees. This unpaid leave is for absences arising from illness, injury, or pregnancy.

For a medical leave to be granted, the following conditions must be met:

- The employee has completed ninety (90) days of employment with the Town.
- The Town Administrator is notified by the employee as soon as possible of the need for medical leave.
- The employee submits to the supervisor a written statement from the attending physician outlining the reason for leave and the estimated time needed. **NOTE:** The Town may require the employee to obtain an opinion from a medical provider selected by the Town.

Approvals are obtained from the Town Administrator prior to the leave. All available sick leave and earned vacation are used at the beginning of the leave of absence.

When the estimated period of leave is less than three months and an employee needs to extend the leave, another medical provider's statement is required indicating the new estimated length of leave.

An employee ready to return to work from leave must present a doctor's statement indicating the ability to return to work.

The Town may reinstate an employee ready to return from a medical leave of absence when, in the opinion of the Town, it is practical to do so. The Town does not guarantee reinstatement of an employee to the former job. When the employee is available to return to work, the employee is free to apply for any vacancy available and may be considered along with other applicants.

The Town shall continue (medical/life) insurance benefits for an employee on leave for a maximum of three months as long as the employee continues to pay the employee portion of the premium.

Vacation and sick leave will not accrue during a medical leave of absence. Holidays, funeral pay, or employer's jury duty pay will not be granted during the leave.

Employees who fail to return at the expiration of their authorized leave may be terminated. If the employee's failure to return is due to a disability under the Americans with Disabilities Act (ADA) or other law, additional accommodations may be provided. Employees must supply adequate information from their medical provider indicating that they have a covered disability and when they can return to work with or without reasonable accommodation. Accommodations must not cause undue hardship to the employer. Potential accommodations will be determined in an interactive process between the employee and the Town.

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

The Town provides paid or unpaid leave for use by employees under specific circumstances. Available leave and the circumstances under which it may be used are described below. The use of paid leave shall be approved in advance by each employee's supervisor. Absence from work without advance approval may subject an employee to discipline, up to and including termination. In addition, the Town may prohibit the employee from using any form of paid leave for an unapproved absence regardless of the reason for the absence if it was feasible to obtain advance approval for the absence.

## 6.2 Vacation

Eligible employees shall accrue vacation with each pay period. All use of vacation time must be approved by each employee's immediate supervisor. Vacation hours may be taken in a minimum of half-hour increments.

All eligible employees shall accrue vacation as follows:

Years of Service	Annual Vacation Leave Accrual	Maximum Limit
0 to <5 years of service	96 hr – (12) 8-hr days	192 hr – (24) 8-hr days
5 to <10 years of service	120 hr – (15) 8-hr days	240 hr – (30) 8-hr days
10 to <15 years of service	168 hr – (21) 8-hr days	336 hr – (42) 8-hr days
15+ years of service	240 hr – (30) 8-hr days	480 hr – (60) 8-hr days

Employees begin accruing vacation leave upon hire, up to the maximum limit for the respective years-of-service tier limit. Each tier's maximum limit is two times its annual accrual. Once the employee reaches the maximum limit at any time throughout the year, they shall not accrue additional vacation leave until the balance falls below the maximum limit. Upon separation of employment, employees are paid at their current regular rate for all accrued but unused vacation time.

## 6.3 Holidays

The Town provides eight (8) hours of holiday pay on the following observed holidays to employees ~~working regularly scheduled more than for (320) hours or more regularly scheduled hours~~ per week, as follows:

New Year's Day (January 1)  
 Martin Luther King Day (3<sup>rd</sup> Monday of January)  
 President's Day (3<sup>rd</sup> Monday of February)  
 Memorial Day (Last Monday of May)  
 Independence Day (July 4)  
 Colorado Day (~~observed 1<sup>st</sup> Monday of August-4~~)  
 Labor Day (1<sup>st</sup> Monday of September)  
 Cabrini Day (1<sup>st</sup> Monday of October)  
 Veterans' Day (November 11)  
 Thanksgiving Day (4<sup>th</sup> Thursday of November)  
 Day after Thanksgiving (4<sup>th</sup> Friday of November)  
 Christmas Eve Day (December 24)  
 Christmas Day (December 25)  
 One (1) Personal "Floating" Holiday (8 hours) – must be approved by supervisor with a minimum of 24-hour notice (awarded on the employee's first payday on a prorated basis and, each subsequent year, on the first payday in January)

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*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

When a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the preceding Friday shall be observed. ~~Eligible e~~Employees working less than forty (40) hours shall receive holiday pay equal to the regular hours scheduled.

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**NOTE:** A non-exempt employee who is required/approved to work on an observed holiday will earn the holiday pay and agree to comp the hours worked, unless otherwise agreed to by the department supervisor and Administration.

**NOTE:** All temporary (or seasonal) employees scheduled to work on an observed holiday receive the regular rate of pay for actual hours worked.

~~per week~~

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#### 6.4 Sick Leave

Employees begin accruing sick leave upon hire. Paid sick leave may be used in half-hour increments. Upon separation of employment, sick leave is not ~~paid out~~paid to employees.

Employees regularly scheduled for (36) hours or more per week ~~Eligible employees~~ shall accrue sick leave benefits at a rate of ninety-six (96) hours per year, up to a maximum limit of 720 hours. Once the employee reaches 720 hours of sick leave, they shall not accrue additional sick leave until the balance falls below 720 hours.

All other employees shall accumulate sick leave at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum limit of 48 hours. These employees shall not accrue additional sick leave until the balance falls below 48 hours.

~~The All~~ employees-is are responsible to notify their immediate supervisor each day prior to the start of a scheduled shift when unable to work because of an illness, injury, medical care or domestic violence; and inform their supervisor when expected to return to work. In the event an employee is absent for more than three days, medical or legal certification is required. This certification should indicate the employee was unable to work due to medical or domestic violence reasons and the length of time this restriction lasted. If an employee has an extended illness, accumulated sick time may provide pay while the employee is away from work. Unused sick hours may be carried over from year to year.

Paid sick leave may be used for the following:

- When an employee has a mental or physical illness, injury, or health condition that prevents them from working;
- When an employee needs to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;
- When an employee needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed above;
- When the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
- Due to a public health emergency, a public official having closed either (A) the employee's place of business, or (B) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.

- To care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care.
- To grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member.
- To evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.

Because paid sick leave is accumulated to be used for these reasons, employees will not receive extra pay or extra time off for unused sick time. Additional rules may apply in the case of a public health emergency.

### 6.5 Military Leave

Eligible employees are those employees regularly scheduled for (36) hours or more per week.

Employees granted a military leave of absence are reinstated and paid in accordance with the laws governing the veteran's re-employment rights. The Town pays for the first fifteen (15) days of leave per year. After that time, leave is without pay.

### 6.6 Emergency/ Bereavement Leave

Eligible employees are those employees regularly scheduled for (36) hours or more per week.

~~Any~~ Employees who suffers a death in their immediate family will be allowed up to three (3) days leave at full pay, representing the regular work schedule for the employee. If the employee requires additional paid time, the employee must request use of sick leave, compensatory or vacation leave, with the approval of the Town Administrator. Temporary and seasonal employees, who need additional time may request time off without pay.

For purposes of this guideline, an employee's "immediate family" includes spouse, children, parents, grandparents, grandchildren or siblings, and the parents, siblings or children of the employee's spouse.

### 6.7 Jury Duty/Court Time

Eligible employees are those employees regularly scheduled for (36) hours or more per week.

~~Any~~ Employees who ~~is~~ are summoned for jury duty or subpoenaed in connection with their employment during a regularly scheduled work time will be compensated for regular scheduled hours up to two (2) workdays. A copy of the subpoena or order requiring such duty must be submitted to the Town Administrator with a leave request in advance of the absence. In addition, an employee who is absent from work due to jury service must submit a juror service acknowledgement to be compensated for such absence. As a condition of the receipt of such pay, any stipend paid to the employee for jury service or as a witness fee may be paid to the Town or an equivalent amount deducted from the employee's pay.

Any subpoenas for matters not related to the employee's affiliation with the Town do not qualify for paid time. Paid leave time may be used if available.

### 6.8 Voting

~~Any~~ Any employee whose work schedule is such that election services are not open during at least three (3) non-working hours on Election Day shall be permitted paid leave for the time spent voting, not to exceed two (2) hours. Notice to the immediate supervisor is required.

*Adopted by Town Board of Trustees on 11/12/2020 (Resolution 22-2020); Revised & Adopted 8/12/2021 (Resolution 38-2021); Revised & Adopted 1/26/2023 (Resolution 16-2023)*

**Commented [CB1]:** Add per [https://members.employerscouncil.org/blogs/brandy-walker/2023/07/14/qualifying-reasons-for-sick-leave-will-expand-in-c?utm\\_campaign=Weekly%20Digest&utm\\_medium=email&hsmi=266635353&hsenc=p2ANqtz--Y8UgKke6ViPwV/thpyqQlkmdbpd-x38RVQwn7sh390czFZQGYHxtrASeQitlZupyueX8HBaDLJAINj815lSKiXDsG4W7g&utm\\_content=266635353&utm\\_source=hs\\_email](https://members.employerscouncil.org/blogs/brandy-walker/2023/07/14/qualifying-reasons-for-sick-leave-will-expand-in-c?utm_campaign=Weekly%20Digest&utm_medium=email&hsmi=266635353&hsenc=p2ANqtz--Y8UgKke6ViPwV/thpyqQlkmdbpd-x38RVQwn7sh390czFZQGYHxtrASeQitlZupyueX8HBaDLJAINj815lSKiXDsG4W7g&utm_content=266635353&utm_source=hs_email)

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### 6.9 Unpaid Leave

Under circumstances where an employee is not eligible for paid leave, he or she may be granted unpaid leave as permitted by the Town in its discretion. Unpaid leave shall not be granted for more than thirty (30) days and, depending upon circumstances or staffing requirements, may be renewed by the Town Administrator upon its expiration.

Employees shall not accrue vacation or sick leave while on unpaid leave. Employees on unpaid leave who are otherwise eligible to receive group insurance benefits may continue those benefits upon their timely payment of appropriate premiums.

Failure of an employee to return upon expiration of unpaid leave may result in termination of employment.

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#### 6.10 Leave Donation Program

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The Town recognizes that employees may encounter unexpected personal emergencies that result in a need for additional time off that is ~~in excess of~~ more than their available paid leave time allowable. The leave donation program is to address those situations when an employee may donate a portion of accrued but unused vacation leave time to another eligible employee. This policy is strictly voluntary. Refer to the Paid Leave Donation Policy.

## 7.0 SEPARATION OF EMPLOYMENT

An employee may separate from employment with the Town by resignation, layoff, or furlough or by termination, as described herein.

### 7.1 Resignations

An employee who resigns in good standing may be eligible to be considered for re-employment with the Town. An employee in good standing is one that does not resign as an alternative to termination, provides the Town a minimum of two (2) weeks' notice, and is cooperative with necessary exit procedures. Employees in a supervisor position are encouraged to provide the Town Administrator a notice of thirty (30) days or more.

Employees who resign are paid for all accrued but unused compensatory time and accrued but unused vacation, after one year of continuous employment, as provided in these guidelines. Employees who resign may be eligible to continue coverage under COBRA at their own expense as provided by state and federal law.

### 7.2 Layoff/Furlough

The Town may layoff or furlough employees for reasons of efficiency, economy, lack of work, or for such other reason as the Town Administrator deems necessary.

Employees who are in good standing, at the time of layoff, may apply for any current or future vacancies with the Town. At the time of layoff, employees are paid accrued but unused compensatory time and accrued but unused vacation leave only. Laid off employees may be eligible to continue coverage under COBRA at their own expense as provided by state and federal law.

### 7.3 Termination

Employees who are terminated ~~are may~~ not ~~be~~ eligible for rehire. In the event termination takes place to eliminate or modify the duties of a position, an employee may be considered for rehire. Terminated employees are paid for accrued but unused compensatory time only. Terminated employees may be eligible to continue coverage under COBRA at their own expense as provided by state and federal law.

### 7.4 Exit Procedure

Employees who are laid off, resign, or retire shall contact the Town Administrator to provide all information required for separation, return all Town property, participate in an exit interview, and make arrangements for final pay and continuation of benefits if applicable.

## 8.0 MISCELLANEOUS GUIDELINES

### 8.1 Political Activity

All Town employees have the right as a citizen to participate fully in the political process. However, employees are prohibited to campaign for any candidate or cause on scheduled work time or utilizing Town resources/property. Employees are prohibited to publicly campaign for any candidate or cause while wearing the Town uniform or Town logo.

### 8.2 Board Membership of Employees

A Board of Trustees member may not be employed by the Town. Where a Trustee applies for employment with the Town, he/she must resign from the board if employment is offered and accepted. No Trustee may begin employment with the Town until after the effective date of their resignation. Where an employee of the Town is elected to the Town board, they must resign employment from the Town. Failure to do so shall result in termination of employment.

### 8.3 Data Disposal

During employment, the Town will collect certain information that is classified as "personal identifying information," or PII, under applicable laws. Such information may include, but is not limited to:

- Employee first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data;
- And more.

The Town may keep these records in paper and/or electronic format. When such documentation is no longer needed, pursuant to records retention requirements and best practices, the Town will either (a) destroy the records or (b) arrange for the destruction (i.e., shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means).

## 9.0 EMPLOYEE ACKNOWLEDGEMENT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED \_\_\_\_\_.  
I UNDERSTAND THAT I AM RESPONSIBLE TO BE FAMILIAR WITH ITS CONTENTS.  
FURTHER, I UNDERSTAND:

EMPLOYMENT WITH THE TOWN OF PALMER LAKE IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE ORGANIZATION, WITH OR WITHOUT ADVANCE NOTICE, FOR ANY REASON. THE ORGANIZATION HAS THE SAME RIGHT.

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF TOWN GUIDELINES.

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution to Adopt Policy for Public Comment at Town Meetings
<b>Presented by:</b>  Town Administrator		

**Background**

As previously discussed with the Board, it has been determined that policy is necessary to practice efficient and orderly town meetings. Enclosed is the policy for consideration.

**Recommended Action**

Town staff supports the policy for public comment at town meetings.

## TOWN OF PALMER LAKE PUBLIC COMMENT POLICY

The Town of Palmer Lake Board of Trustees has adopted the following policy regarding the public comment portion of the Board's meetings. This policy must be adhered to by anyone wishing to address the Board.

The Board of Trustees of the Town of Palmer Lake recognizes the value of public comment on public issues relevant to Town government and acknowledges the importance of allowing members of the public to express themselves on matters of community interest. To permit the fair and orderly expression of such comments, the Board provides a period for public comment at every regular meeting, as well as the opportunity during the meeting to comment on specific agenda items.

### A. Public comment on items that ARE on the agenda.

1. Any public comment that relates to an item that is on the agenda must be provided during the discussion of that item.
2. Once the Board has acted on an agenda item, it will not entertain further discussion or comment on the item by the public.
3. A speaker who wishes to comment on agenda items may do so virtually if they make arrangements in advance with the Town Clerk.

### B. For any public comment that relates to items that ARE NOT on the agenda.

A speaker who wishes to provide public comment on a non-agenda item must do so in person, or by email to the Town 24 hours in advance of the meeting time, but cannot do so telephonically or virtually. and cannot do so telephonically or virtually

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### C. Rules for ALL public comment.

All public comment, whether it is during the discussion of an agenda item or during the portion of the meeting allowing public comment on non-agenda items, must adhere to the following:

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1. A speaker must be recognized by the Mayor before speaking.
2. The speaker should state their name and address for the record.
3. Comments should be addressed solely to the Board, as a whole, and not directed to Town Staff or individual Trustees.
4. Each speaker is limited to no more than 3 minutes.
5. No speaker can "pool" their time with another speaker.
6. Each speaker may only speak once on a topic or agenda item.
7. The Mayor may, in their discretion, limit the total amount of time or the total number of speakers that will be allowed in connection with a particular topic or agenda item.

8. Points made by previous speakers should not be duplicated, but a speaker can indicate they agree with comments of a previous speaker.
9. Only oral comments or written comments of one page or less are permitted. No other visual or auditory presentations are permitted.
10. Civility and respect for others is required.
11. Comments, or other distractions from audience members who have not been recognized by the Mayor to speak are not permitted.
12. The Mayor may require any individual to leave the meeting when that person does not observe reasonable decorum.
13. The Mayor may request the assistance of law enforcement if a person's conduct interferes with the orderly progress of the meeting.
14. The Mayor may call for a recess if the lack of decorum so interferes with the orderly conduct of the meeting.

[Failure to comply with this policy may subject a person to penalties and/or removal from the meeting in accordance with C.R.S. Section 18-9-108 (Disrupting lawful assembly)]

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 12-2024**

**A RESOLUTION ADOPTING A PUBLIC COMMENT POLICY  
FOR TOWN MEETINGS, 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 Board recognizes the value of public comment on public issues and the importance of hearing from its citizens on matters of community interest; and

**WHEREAS**, the Board of Trustees desires to facilitate members of the public expressing their concerns on matters of community interest without interfering with the ability of the Board of Trustees to conduct its meetings and accomplish its tasks; and

**WHEREAS**, in order to achieve these goals, the Board concludes that it is necessary to adopt rules governing public comments during Board of Trustee meetings.

**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 adopts the Town of Palmer Lake Public Comment Policy attached hereto 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 25th DAY OF JANUARY 2024.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor

## **TOWN OF PALMER LAKE PUBLIC COMMENT POLICY**

The Town of Palmer Lake Board of Trustees has adopted the following policy regarding the public comment portion of the Board's meetings. This policy must be adhered to by anyone wishing to address the Board.

The Board of Trustees of the Town of Palmer Lake recognizes the value of public comment on public issues relevant to Town government and acknowledges the importance of allowing members of the public to express themselves on matters of community interest. To permit the fair and orderly expression of such comments, the Board provides a period for public comment at every regular meeting as well as the opportunity during the meeting to comment on specific agenda items.

### **A. Public comment on items that ARE on the agenda.**

1. Any public comment that relates to an item that is on the agenda must be provided during the discussion of that item.
2. Once the Board has acted on an agenda item, it will not entertain further discussion or comment on the item by the public.
3. A speaker who wishes to comment on agenda items may do so virtually if they make arrangements in advance with the Town Clerk.

### **B. For any public comment that relates to items that ARE NOT on the agenda.**

A speaker who wishes to provide public comment on a non-agenda item must do so in person, or by email to the Town 24 hours in advance of the meeting time but cannot do so telephonically or virtually.

### **C. Rules for ALL public comment.**

All public comment, whether it is during the discussion of an agenda item or during the portion of the meeting allowing public comment on non-agenda items, must adhere to the following:

1. A speaker must be recognized by the Mayor before speaking.
2. The speaker should state their name and address for the record.
3. Comments should be addressed solely to the Board, as a whole, and not directed to Town Staff or individual Trustees.
4. Each speaker is limited to no more than 3 minutes.
5. No speaker can "pool" their time with another speaker.
6. Each speaker may only speak once on a topic or agenda item.
7. The Mayor may, in their discretion, limit the total amount of time or the total number of speakers that will be allowed in connection with a particular topic or agenda item.

8. Points made by previous speakers should not be duplicated, but a speaker can indicate they agree with comments of a previous speaker.
9. Only oral comments or written comments of one page or less are permitted. No other visual or auditory presentations are permitted.
10. Civility and respect for others is required.
11. Comments, or other distractions from audience members who have not been recognized by the Mayor to speak are not permitted.
12. The Mayor may require any individual to leave the meeting when that person does not observe reasonable decorum.
13. The Mayor may request the assistance of law enforcement if a person's conduct interferes with the orderly progress of the meeting.
14. The Mayor may call for a recess if the lack of decorum so interferes with the orderly conduct of the meeting.

[Failure to comply with this policy may subject a person to penalties and/or removal from the meeting in accordance with C.R.S. Section 18-9-108 (Disrupting lawful assembly)]



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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Conditions for TLCA Conditional Use – The Movement Church
<b>Presented by:</b>  Town Administrator		

**Background**

As previously approved, the TLCA has a conditional use permit for The Movement Church for religious institution; however, was approved with the following conditions.

*The application for a conditional use permit is approved for religious institution in a CC zone at 304 Hwy 105 with the following conditions:*

- a) Completed inspection by Fire Department and Pikes Peak Regional Building*
- b) Any/all violations corrected*

Fire Chief Vincent has been working through fire inspection(s) and outstanding issues.

It was determined; however, that PPRBD is unable to complete an inspection without plans, and the plans that have been submitted to PPRBD include residential living, which is not approved by the Town (conditional use); therefore, zoning cannot be approved for the inspection process to take place.

It is further determined that the Board should consider a timeline for the conditions and how The Movement Church can operate in the meantime.

Note the summary of the meeting held with parties (Chief Vincent, Attorney Krob, Mayor Havenar, Mr. Maddox of TLCA and reps for The Movement Church).

**Recommended Action**

Town staff suggests providing a timeline and any additional direction to complete the required conditions.

## Dawn Collins

---

**From:** Dawn Collins  
**Sent:** Tuesday, January 16, 2024 11:09 AM  
**To:** Dr. Michael Maddox; John Cressman; scott@kroblaw.com; John Vincent; Glant Havenar  
**Subject:** Summary of 1/10 meeting

All,

Please note the brief summary below of the virtual meeting on 1/10 relating to the conditional use permit for TLCA, The Movement church, and proposed next steps.

It was stated that staff is available to assist with the process to comply with code. It was explained that the following conditions are required for the conditional use permit recommended by the Planning Commission and approved by the Board of Trustees.

- Complete fire inspection (PLFD)
- Complete building inspection (due to previous changes made without permit) (PPRBD)

Fire Chief Vincent conducted an inspection; however, he was denied entry to areas of the facility. He will return at his convenience when the facility is open. Staff will also forward the message from spring of 2022 with outstanding items from an inspection that require attention. Mr. Maddox committed to addressing these items.

In order to initiate a PPRBD inspection, plans must be submitted. The town cannot approve plans that include residential living (as previously submitted) because TLCA does not have permission for residential living at the location (zoning); thus, plans have been and will continue to be denied until zoning requirements are met.

It was discussed that plans must reflect what currently exists without residential living. Mr. Maddox committed to completing this. In the meantime, because this will take additional time, Collins noted that the conditional use should be brought back to the Board to consider a timeframe to complete the requirements and/or alter the amendment.

Attorney Krob offered that The Movement church should not be utilizing the use without these conditions being met.

Collins restated that Mr. Maddox does not have permission to reside at the TLCA facility.

This item will be back before the Board of Trustees.

*Post-meeting: electronic plans were forwarded via email by Cressman to Fire. Printed plans were dropped at office.*

Dawn A. Collins, CMC  
 Town Administrator/Clerk



Town of Palmer Lake  
 42 Valley Crescent  
 PO Box 208  
 Palmer Lake CO 80133  
 719.481.2953





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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Authorize Mayor to Sign Letter of Support for EMS Grant – AEDs for Fire Dept
<b>Presented by:</b>  Town Administrator		

**Background**

A grant application will be submitted early February for (5) AED equipment for the Fire Dept. With the pre-application, it is requested to include a Letter of Support from the Town Board of Trustees.

Thus, this request is to authorize the Mayor to sign a letter of support to include with the grant application.

**Recommended Action**

Authorize staff to draft a letter for the Mayor to sign to include with the grant application.



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

<b>DATE:</b> January 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution Regarding Eligibility of Ben Lomand Property for Annexation (UCC)
<b>Presented by:</b>  Town Administrator		

**Background**

Note the enclosed criteria for determining eligibility of annexation pursuant to Colorado statutes.

Attorney Krob will review the process and the requirement of an Impact Report that is incomplete at this time; thus, requiring that the hearing be continued until the next Board meeting or following receipt of the impact report.

**Recommended Action**

Continue the hearing to determine eligibility of the property for annexation.

West's Colorado Revised Statutes Annotated  
Title 31. Government--Municipal (Refs & Annos)  
Annexation--Consolidation--Disconnection  
Article 12. Annexation--Consolidation--Disconnection (Refs & Annos)  
Part 1. Municipal Annexation Act of 1965 (Refs & Annos)

## C.R.S.A. § 31-12-104

## § 31-12-104. Eligibility for annexation

Effective: August 11, 2010

Currentness

(1) No unincorporated area may be annexed to a municipality unless one of the conditions set forth in [section 30\(1\) of article II of the state constitution](#) first has been met. An area is eligible for annexation if the provisions of [section 30 of article II of the state constitution](#) have been complied with and the governing body, at a hearing as provided in [section 31-12-109](#), finds and determines:

(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed. Subject to the requirements imposed by [section 31-12-105\(1\)\(e\)](#), contiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by [sections 31-12-108](#) and [31-12-109](#) and the annexation impact report required by [section 31-12-108.5](#).

(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for a finding of compliance with these requirements unless the governing body, upon the basis of competent evidence presented at the hearing provided for in [section 31-12-109](#), finds that at least two of the following are shown to exist:

(I) Less than fifty percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the annexing municipality: Recreational, civic, social, religious, industrial, or commercial; and less than twenty-five percent of said area's adult residents are employed in the annexing municipality. If there are no adult residents at the time of the hearing, this standard shall not apply.

(II) One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intention to devote the land to such agricultural use for a period of not less than five years.

(III) It is not physically practicable to extend to the area proposed to be annexed those urban services which the annexing municipality provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future be provided with any service by or through a quasi-municipal corporation.

(2)(a) The contiguity required by paragraph (a) of subsection (1) of this section may not be established by use of any boundary of an area which was previously annexed to the annexing municipality if the area, at the time of its annexation, was not contiguous at any point with the boundary of the annexing municipality, was not otherwise in compliance with paragraph (a) of subsection (1) of this section, and was located more than three miles from the nearest boundary of the annexing municipality, nor may such contiguity be established by use of any boundary of territory which is subsequently annexed directly to, or which is indirectly connected through subsequent annexations to, such an area.

(b) Because the creation or expansion of disconnected municipal satellites, which are sought to be prohibited by this subsection (2), violates both the purposes of this article as expressed in [section 31-12-102](#) and the limitations of this article, any annexation which uses any boundary in violation of this subsection (2) may be declared by a court of competent jurisdiction to be void ab initio in addition to other remedies which may be provided. The provisions of [section 31-12-116\(2\)](#) and (4) and [section 31-12-117](#) shall not apply to such an annexation. Judicial review of such an annexation may be sought by any municipality having a plan in place pursuant to [section 31-12-105\(1\)\(e\)](#) directly affected by such annexation, in addition to those described in [section 31-12-116\(1\)](#). Such review may be, but need not be, instituted prior to the effective date of the annexing ordinance and may include injunctive relief. Such review shall be brought no later than sixty days after the effective date of the annexing ordinance or shall forever be barred.

(c) Contiguity is hereby declared to be a fundamental element in any annexation, and this subsection (2) shall not in any way be construed as having the effect of legitimizing in any way any noncontiguous annexation.

#### Credits

Repealed and reenacted by Laws 1975, H.B.1089, § 1, eff. July 1, 1975. Amended by Laws 1987, S.B.45, § 1, eff. May 28, 1987; Laws 1991, S.B.91-220, § 1, eff. May 15, 1991; Laws 2010, Ch. 211, § 3, eff. Aug. 11, 2010.

C. R. S. A. § 31-12-104, CO ST § 31-12-104

Current through the First Extraordinary Session of the 74th General Assembly (2023).

## TOWN OF PALMER LAKE

### RESOLUTION NO. 13-2024

#### A RESOLUTION MAKING FINDINGS REGARDING THE ELIGIBILITY FOR ANNEXATION TO THE TOWN OF PALMER LAKE, COLORADO, OF CERTAIN UNINCORPORATED PROPERTY OWNED BY THE UNITED CONGREGATIONAL CHURCH AND COMMONLY REFERRED TO AS BEN LOMAND MOUNTAIN

**WHEREAS**, United Congregational Church (“the Applicant”) is the owner of real property described on Exhibit A, attached (“the Property”), commonly referred to as Ben Lomand Mountain, which is located in unincorporated El Paso County, Colorado adjacent to the Town of Palmer Lake; and

**WHEREAS**, the Applicant has filed a Petition for Annexation and an Annexation Map, requesting that the Property be annexed to and made a part of the Town of Palmer Lake; and

**WHEREAS**, whether to annex the Property is a discretionary decision to be exercised by the Board of Trustees of the Town of Palmer Lake; and

**WHEREAS**, before the Board of Trustees can decide whether it wishes to exercise its discretion to annex the Property, it must first determine that the Property is eligible to be annexed to the Town of Palmer Lake; and

**WHEREAS**, the criteria and limitations to be applied in order to determine whether property is eligible to be annexed to a town are set forth in the Colorado Constitution, Article II, Section 30, and the Colorado Revised Statutes, primarily Sections 31-12-104 and 31-12-105, and are reflected in the Findings set forth below.

**WHEREAS**, notice of a public hearing to determine the eligibility of the Property to be annexed was given as required by law; and

**WHEREAS**, the public hearing on said annexation petition was conducted commencing on January 25, 2024, in accordance with the requirements of law.

### FINDINGS

Based on the Petition and Annexation Map, as well as the statements and materials presented during the public hearing in connection with this matter, the Board of Trustees finds as follows in relation to the Property described on Exhibit A:

1. Not less than one-sixth of the perimeter of the area proposed to be annexed as described on the attached Exhibit A is contiguous with the existing boundaries of the Town of Palmer Lake.

2. As a result of such contiguity as well as other considerations, a community of interest exists between the Property and the Town of Palmer Lake, Colorado, and the Property is urban or will be urbanized in the near future.
3. The Property is integrated with or is capable of being integrated with the Town of Palmer Lake, Colorado.
4. If the Property is annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate, would be divided into separate tracts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way.
5. If the Property is annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, has been included without the written consent of the landowners.
6. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.
7. The proposed annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
8. The petition for annexation of the Property meets the requirements of law and is in proper order for annexation for the Property.
9. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year, or to the extent the proposed annexation extends beyond such three (3) mile limit, confining the annexation to such three (3) mile limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty (50%) percent of the said property is within the three (3) mile limit.
10. The entire width of any public street or alley to be annexed is included within the proposed annexation.
11. The proposed annexation would not result in denial of reasonable access to landowners, owners of easements, or owners of franchises to use the Town's public ways.
12. The Petition for annexation of the Property was signed by owners of 100% of the Property exclusive of streets and alleys.

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

- A. The property described in the attached Exhibit A is eligible for annexation to the Town of Palmer Lake, Colorado and all requirements of law have been met to make such property eligible for annexation, including the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended.
- B. No election is required pursuant to Section 31-12-107(2), C.R.S., or any other law of the State of Colorado, as the petition to annex the Property was signed by 100% of the owners of the Property.

**MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO THIS 25<sup>TH</sup> DAY OF JANUARY, 2024.**

Votes Approving	_____
Votes Opposed:	_____
Absent:	_____
Abstained:	_____

ATTEST:

TOWN OF PALMER LAKE, COLORADO

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

BY: \_\_\_\_\_  
Glant Havenar  
Mayor





NE CORNER SECTION 4  
RECOVERED 3.5" ALUMINUM CAP  
STAMPED, "EL PASO COUNTY DOT,  
2001, LS 17496", IN MONUMENT BOX

**WEST PALMER DIVIDE ROAD**  
(PUBLIC R.O.W. VARIES)

W 1/16TH CORNER SECTION 3  
NO MONUMENT RECOVERED

— S89°38'00"W 1348.96'

UNPLATTED  
RECEPTION NO. 222045480

LOT 1  
MEIER'S SUBDIVISION  
RECEPTION NO. 399853

MEIER'S SUBDIVISION  
RECEPTION NO. 399853

LOT 3  
MEIER'S SUBDIVISION  
RECEPTION NO. 399853

TRACT 16  
COLORADO ESTATES  
SUBDIVISION NO. 1  
RECEPTION NO. 19941

**APN: 7103000028**  
RECEPTION NO. 096054977

NW1/4 SECTION 3,  
TOWNSHIP 11 SOUTH,  
RANGE 67 WEST,  
6TH P.M.

SOUTH LINE OF THE NW1/4  
OF THE NW1/4 SECTION 3  
**S88°58'55"W 1340.17'**

TRACT 54  
COLORADO  
ESTATES  
RESUBDIVISION  
OF COLORADO  
ESTATES  
SUBDIVISION NO. 2  
RECEPTION NO. 49534

TRACT 53  
COLORADO  
ESTATES  
RESUBDIVISION  
OF COLORADO  
ESTATES  
SUBDIVISION NO. 2  
RECEPTION NO. 49534

TRACT 52  
COLORADO  
ESTATES  
RESUBDIVISION  
OF COLORADO  
ESTATES  
SUBDIVISION NO.  
RECEPTION NO. 49534

TRACT 51  
COLORADO  
ESTATES  
RESUBDIVISION  
OF COLORADO  
ESTATES  
SUBDIVISION NO. .  
RECEPTION NO. 49534

TRAN  
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RECEPTI

**ANNEXATION AREA**  
7,909,153 S.F.  
181.5692 AC.

NE1/4 SECTION 4,  
TOWNSHIP 11 SOUTH  
RANGE 67 WEST  
6TH P.M.

SOUTH LINE OF THE NE1/4  
NE1/4 SECTION 4  
S89°34'51"W 1335.76'

TRACT 83  
COLORADO  
ESTATES  
SUBDIVISION  
NO. 3  
RECEPTION NO.  
53665

TRACT 82  
COLORADO  
ESTATES  
SUBDIVISION NO.  
RECEPTION NO. 53665

TRACT 81  
COLORADO  
ESTATES  
SUBDIVISION NO.  
RECEPTION NO. 53665

TRACT 80  
COLORADO  
ESTATES  
SUBDIVISION NO. 3  
RECEPTION NO. 53665

TRACT 122  
COLORADO ESTATES  
SUBDIVISION NO. 3  
RECEPTION NO. 53665

**APN: 7104000002**  
RECEPTION NO. 209143891

C1/4 CORNER SECTION 4  
RECOVERED A 2.5" IRON PIPE  
W/ 3" IRON CAP, STAMPED,  
"WC CTR, SEC 4, T11S, R67W"  
2.5' SOUTH OF RECORD POSITION

E 1/16 CORNER SECTION 4  
NO MONUMENT RECOVERED

S89°41'35"W 1332.89'  
SOUTH LINE OF THE SW1/4  
OF THE NE1/4 SECTION 4

APN: 7104005012  
RECEPTION NO. 204039777

APN: 7104005018

*LEGEND*

 = RECOVERED SECTION CORNER AS NOTED

1 RECOVERED NO. 4 REBAR  
= W/ 1" YELLOW PLASTIC CAP  
STAMPED, "PLS 17496"

●<sup>2</sup> = RECOVERED 1" IRON PIPE

●<sup>3</sup> = RECOVERED NO. 4 REBAR

= EXISTING CITY LIMITS

FOR REVIEW ONLY

FOR AND ON BEHALF OF  
MANHARD CONSULTING

**BEN LOMAND MOUNTAIN VILLAGE PROPERTY**

**TOWN OF PALMER LAKE, COUNTY OF EL PASO, STATE OF COLORADO**

## ANNEXATION MAP

PROJ MGR:	JWW
PROJ ASSOC:	JAF
DRAWN BY:	SWS
DATE:	10/17/23
SCALE:	1" = 200'

**SHEET**

2 OF 2  
UNC.MOCO01