



BOARD OF TRUSTEES MEETING

Thursday, February 09, 2023 at 5:00 PM

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

LIVE STREAM available at Town website

AGENDA

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

Call to Order

Pledge of Allegiance

Roll Call

Consent Agenda

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

- [1.](#) Minutes from January 26, 2023 Meeting

Staff/Department Reports

- [2.](#) Water
- [3.](#) Public Works including Roads & Park Maintenance
- [4.](#) Police
- [5.](#) Fire
- [6.](#) Administration
7. Attorney
8. Administrator/Clerk

Business Items

- [9.](#) Special Event Application - Little Funky Theater, Steel Magnolias (3/5)
- [10.](#) Consideration of Public Display Permit to Install Display Case in Town Hall (PLHS)
- [11.](#) Resolution 18-2023 to Appoint Members to Planning Commission
- [12.](#) Resolution 19-2023 to Authorize Service Agreement with Chavez Consulting LLC

- [13.](#) Ordinance 2-2023 to Adopt Official Zoning Map
- [14.](#) Draft Ordinance Amending Wholesale MJ Excise Tax
- [15.](#) Draft Ordinance to Create Retail MJ Sales Tax
- [16.](#) Review/Direction of Staff Time on Citizen Inquiries
- [17.](#) Interview/Consideration of Candidates for Vacant Board of Trustee Position (2020-2024 Remaining Term)

Public Comment

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

Board Reports

Next Meeting (2/23) 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) – IGA (Fire); possible annexation; sale of town property.

Reconvene to Open Session

18. Consider Offer to Purchase Town Property

Adjourn

Americans with Disabilities Act

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



BOARD OF TRUSTEES MEETING

Thursday, January 26, 2023 at 5:00 PM

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

MINUTES

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

Pledge of Allegiance. Interim Fire Chief Vincent lead the Pledge of Allegiance.

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

Consent Agenda

MOTION (Farr, Ball) to approve the consent agenda including items 1) Minutes from January 12, 2023, Meeting; 2) Minutes from Special Meeting January 19, 2023; 3) Financials (Dec-2022). Roll call vote – 5 aye; 0 nay. Motion passed.

Staff/Department Reports

4. Attorney – none.

5. Administrator/Clerk. Collins provided background on the doorframe estimate provided by TN Parker for the library, requesting a timeframe from the Board to move forward if a second quote is not received. It was noted to allow two additional weeks. Collins also inquired about a citizen inquiry about exploring a quiet zone with the railroad. Trustee Dreher offered to assist in corresponding with the proper railroad representative to learn the process. Collins reported updates going into the new year, including employee training, the setup of accounting data, new hire onboarding, ongoing applicant screening for Parks maintenance and the posting of the Fire Chief position. Grant funds received were mentioned, including \$7500 from the state for the CRWA apprenticeship program for the water technician, and MMOF funds of \$150,000 (with no match) for design work of the downtown pedestrian safety and walkability. She noted an IGA with CDOT will come back to the Board. The state approved the D2 redrill for use. Water tap availability was clarified, estimated at 100, based on the GMS water accounting study of 2021. The Tri-lakes Chamber After Hours event will be held at Palmer Lake Town Hall on Tuesday, March 21 from 5-7p. A reminder to public members that applications are being accepted for appointment to the Board of Trustees with a deadline of 2/6 and interview with the Board on 2/9. The general format for the interview was discussed.

Business Items

6. Special Event - 2023 Winterfest Hosted by Parks Commission. The February broomball tournament is open and accepting teams – watch for details of the event scheduled for Sunday, February 26, 2023, from 2:00--4:30pm at Palmer Lake.
7. Ordinance 2-2023 to Adopt Official Zoning Map for the Town. Mayor Havenar noted messages received about possible errors on the zoning map. Discussion took place about correction and confirming zoning. MOTION (Farr, Ball) to table to the next meeting. Roll call vote – 5 aye; 0 nay. Motion passed.
8. Resolution 14-2023 to Authorize a Driveway Agreement (Commercial Ln). Mayor Havenar reviewed the background of Commercial Lane being a platted, undeveloped town right-of-way that will be utilized for access to the recently licensed marijuana store and that, for liability purpose, the town should have a private driveway agreement with the property owner. Collins also mentioned that there is possible additional retail activity for another business in the adjacent building. Staff recommendation remains that Commercial Lane be developed to the adopted roadway standards. MOTION (Stern, Farr) to approve Resolution 14-2023 to authorize the driveway agreement for Commercial Lane. Roll call vote – 5 aye; 0 nay. Motion passed.
9. Resolution 15-2023 to Authorize a Residential Well Agreement (816 Meadow). Collins provided the background that a land use application to build a single family residence at 816 Meadow Lane, including a residential well application to the state. Discussion took place about the multiple drillings the Board gave consent to drill. Collins noted that excavation may take place but the permit for the state must include approval by the local authority. This agreement provides for that. MOTION (Farr, Ball) to approve Resolution 15-2023 to authorize the residential well agreement for 816 Meadow. Roll call vote – 5 aye; 0 nay. Motion passed.
10. Resolution 16-2023 to Approve Revised Employee Handbook. Mayor Havenar reviewed the past discussion of the revisions of the handbook. MOTION (Ball, Dreher) to approve Resolution 16-2023 for the revisions. Roll call vote – 4 aye; 1 nay (Farr). Motion passed.
11. Resolution 17-2023 to Authorize Services for Water Fund Analysis. Mayor Havenar reviewed the prior direction for the water rate analysis. MOTION (Stern, Farr) to approve Resolution 17-2023 to authorize services with Mr. Brandewie to complete the analysis. Roll call vote – 5 aye; 0 nay. Motion passed. Mr. Roger Moseley inquired about the terms and Collins highlighted the terms of Exhibit A to the agreement with a cost not to exceed \$6,000 and completion within 4 months.
12. Consideration of Ordinance 3-2023 to Amend Sec 2.20 Parks Commission. Mayor Havenar explained the revision of the code to add authority over trails with parkland. MOTION (Farr, Ball) to adopt Ordinance 3 to amend the Parks Commission authority to include trails. Roll call vote – 5 aye; 0 nay. Motion passed.
13. Consider Designating a Board Member to Awake Palmer Lake. Following discussion about Trustee's Farr involvement with Parks, it was suggested that she attend Awake Palmer Lake meetings. MOTON (Ball, Dreher) to nominate and approve Trustee Farr as designated Board member to Awake Palmer Lake. Roll call vote – 5 aye; 0 nay. Motion passed.

14. Consideration of Parks Commission Recommendation - Parkland / Trails at Elephant Rock Property. Mr. Kent Hutson addressed the Board, as new President to PLEDG, and relayed his concern of how the Carter Payne team was treated. He stated that the parks plan derailed a multi-million plan at elephant rock property. He also relayed that following discussions with PLEDG, Carter Payne is willing to come back to the table for discussion. Mr. Hutson suggested that representatives from the Town Board, Parks, and Planning Commission negotiate with parties. Discussion took place about the course of events that took place with parties and the upcoming process to review the use of the property. Ms. Rebecca Duke stated she is a big fan of the Carter Payne proposal and wants to see all parties work together and that the Community Master Plan is considered for the property. She encouraged Board members to take the time to do it well. Mr. Richard and Lindsay Willan restated plans for the eco-spa and reminded members that the original plan proposed was for the town to retain about 51% of the property. Board members provided their understanding of the course of events and discussion took place about preparation to hear changes for use of the property. Members engaged in discussion about maintaining/sustaining additional public buildings as well as consideration of selling any portion or not. It was agreed to have an executive session following the February 23 Board meeting to review parameters for the property considering there are new board members in the discussion. Mr. Roger Moseley inquired about deed restrictions that could be considered. Attorney Scott Krob confirmed that restrictions may be an option and assured the Board that they have full authority over town property and whatever they decide can be drafted into appropriate documents. Ms. Cyndee Henson expressed her sadness in learning that Carter Payne withdrew; noted that it seems impossible to keep buildings and spoke to the gift that this property is to the future of the community. She encouraged the Board to take their time and communicate well. It was confirmed that the Parks Commission will be considering a final plan to recommend to the Board on February 23. It was further confirmed by Mr/Mrs. Willan that they will present on March 9. It was directed to invite Carter Payne to also present, if desired, their desired portion(s) of the property and planned use on either of those dates.

Public Comment

Mr. Roger Moseley congratulated the Board on the decision to move forward with the water analysis. He also noted questions pertaining to the December financials – specifically what looked like \$170,000 short of revenue in the water fund and questioned the difference of \$163,000 for ARPA. He informed the Board that he is a recognized expert witness for fraud. Staff is directed to review the questions that Mr. Moseley will present via email.

Ms. Cyndee Henson thanked Rebecca Duke for her eloquent speaking about elephant rock and inquired about the revenue that restaurants bring to the town. Trustee Ball responded with an explanation of the negative effects of covid impacting all retail. Ms. Henson continued with her concerns – that Carter Payne felt right for the community; what about water; will Monument take over the town. Mayor Havenar assured her that the town has plenty of water rights (under the ground) but needs a plan for infrastructure to get it out and supplied and that Monument will not take over the town.

Mr. Kent Hutson spoke to the 2023 goals of PLEDG, including 1) quarterly workshops – the first of these scheduled on 2/9 for business-to-business contact; 2) improve communications business to town and visitors; and 3) develop new business. Mayor Havenar encouraged the assistance and promotion of existing businesses in town.

Mr. Richard Willan thanked the Board members and public safety departments for service.

Next Meeting (2/9) and Future Items - Any workshops

Board Reports

Trustee Farr stated that she has been attending the Parks workshop and workgroup activity. Mayor Havenar reported that she is grateful that two Board members will join her for the CML legislative workshop in February. Trustee Ball reflected on the legislation we can anticipate impacting our public safety departments. Collins inquired about scheduling any workshops in February. It was agreed to bring GMS back to complete the review of the water system improvements report. The date of February 3 beginning at noon to be confirmed.

Adjourn MOTION (Farr, Stern) to adjourn at 7:03 pm. Motion passed.

Glant Havenar, Mayor

ATTEST: Dawn A. Collins, Town Clerk



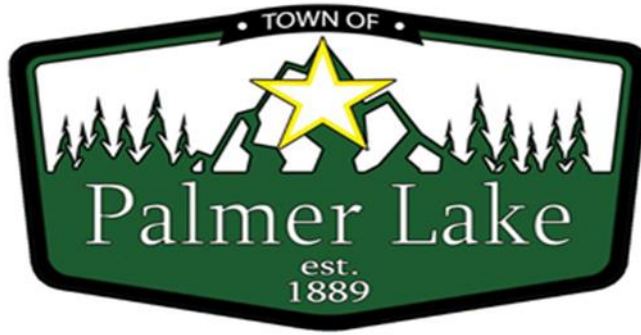
Town of Palmer Lake Monthly Water Usage

**Month
Year January
2023**

	Gallons	Acre Ft
Surface Water	2,357,000	7.23
Well A2	1,852,000	5.68
Well D2	0	0
Total	4,209,000	12.91
Avg. Gal/Day	137,000	0.42

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

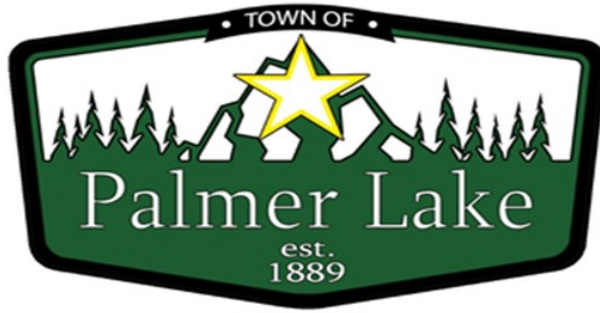
Total 0 AF



Board of Trustees Summary Sheet

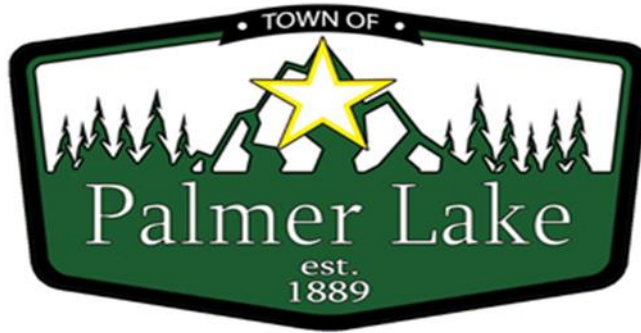
	JANUARY 2023
Title	Public Works Monthly Report
Date	2/9/2023
Contact	Jason Dosch
Summary	<p>Graded roads Patched potholes Snow plowed and sanded ROWs, town parking lots Cleared sidewalks around town hall and library Cut tree limbs from ROW Clear drainage ditches Replaced and repaired street signs Performed routine maintenance on equipment and playground equipment Emptied trash cans at Lake Rec area Performed playground inspections Set up and tear down seating and tables at town hall for meetings and events Attended Parks Committee meetings Attended special events permit meetings Removed dead deer from ROW Attended TAC meeting at PPACG Performed maintenance on parking kiosk at Trailhead parking lot Directed CORE Electric to proceed with new power at Ped Bridge area in Centennial Park Secured federal (MMOF) funds for design phase of Hwy 105 Main Street improvement Interviewed Parks Maintenance applicants (continue opening until filled)</p>
Training	Safety, cybersecurity

Other Activity	Working on design phase on Palmer Lake Elementary School Project Requested moving Federal stimulus of \$200k from bridge maintenance work to a mill and overlay maintenance project on Spring St.



Board of Trustees Summary Sheet

	January 2023
Title	Parks Commission Monthly Report – Volunteer Hours
Date	2/9/2023
Contact	Parks Commission Members
Summary	<ul style="list-style-type: none"> • Meetings – 13 hr • Weeding – 5 hr • Fourth of July preparation – 5 hr • Dug and poured cement for Lake memorial bench pad, met with folks watering the trees – 5 hr • Wrote thank you letters for donations to Parks, purchased gift cards and Holiday cards for volunteers and staff – 2 hr • Lights contest judging - 1.5 hr • Wrote suggested edits to Parks Commission Code, Commission rules, and POC list for consideration at 1/3 workshop – 2 hr • Discussions with Dawn and Jason - agendas, projects – 1 hr • Cut and moved downed limbs in Glen Park – 1 hr • Started and continued collating survey data for 2023 projects priority list and discussions – 2 hr • Collating data between two GOCO grant survey collections - 4.5 hr • Researching wilderness log bridge specifications and designs – 2 hr • Two cement footers for one memorial bench northwest side of lake - 2.25 hr • Survey walking 28 acres historical and potential trails and bridges - 1.5 hr • Discussion with licensed Jefferson County PE for volunteer foot, horse and bike bridgework designs and frame load - 1.7 hr • Discussing Public 28 acre possibilities while walking and plotting Plat – 2 hr • Discussion with prominent member of Colorado Springs, associate who previously had lunch with our potential tenants at elephant rock; discovery meeting - 1.5 hr • Survey walking 28 acres and drained beaver ponds, historical and potential trails and bridges (Willan’s included) - 2.5 hr • Emails, spreadsheets - 2 hr <p>Total volunteer hours: 57.45</p>

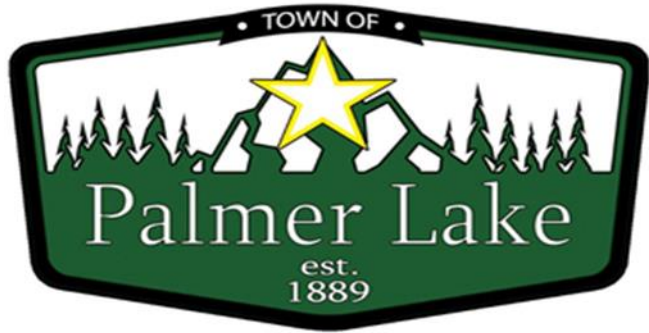


Board of Trustees Summary Sheet

	Jan-Feb 2023
Title	Police Department Report
Date	1/1-1/31/2023
Contact	J. Vanderpool
Summary	In the month of January 2023, the PLPD conducted 70 traffic stops and issued 26 citations. Also, in the month of January, 1 DUI arrest, 1 harassment arrest, and 1 domestic violence arrest were made.
Training	Sgt Lundy and Lt Lundy attended the FBI LEEDA Command Leadership Institute, at which time Lt Lundy was awarded his FBI LEEDA trilogy. Officers also attended other trainings this month to include Emotional Intelligence.
Photographs	The attached photo is the newly acquired Patrol vehicle.
Other Actions	The PLPD applied for the Gary Sinise Foundation grant to obtain a vehicle. PD was awarded the grant allowing the purchase of a 2023 Chevrolet pickup which will be added to the fleet, replacing a problematic squad, which will be used for training until it is repaired at minimal cost to the town, if able. The Gary Sinise foundation was generous to also award enough funding to complete the up-fitting (emergency equipment installation).
Active Investigations	Palmer Lake PD officers are actively investigating several different crimes that have occurred this month.
Calls for Service	Officers responded to 275 calls for service this month. 236 of these calls were in the Town of Palmer Lake, 34 were outside of town.

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





Board of Trustees Summary Sheet

Title	Palmer Lake Fire Department – Jan Report
Date	February 06, 2023
Contact	John Vincent, Interim Chief
Summary	<p>2022 State Grant for Structural/Wildland Equipment. All equipment has been received and inventoried along with Train-the-Trainer instruction for SCBAs.</p> <p>New Brush Truck 2041 has been rhino-lined. Movement of the slip-on pump kit from old 2040 to this truck will occur in February (weather dependent).</p> <p>Wildland SOP/SOG final draft complete to include federal deployment.</p> <p>Two quotes for grants have been completed for grant submittal.</p> <p>Engine 2015 has returned from major maintenance.</p> <p>Two volunteers received their qualification/certification as Firefighter-I.</p> <p>Inventory of all Fire Department equipment continues including the fire station.</p>

Palmer Lake Fire Department

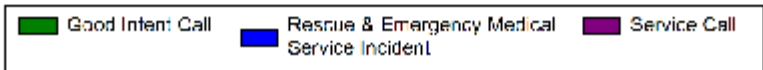
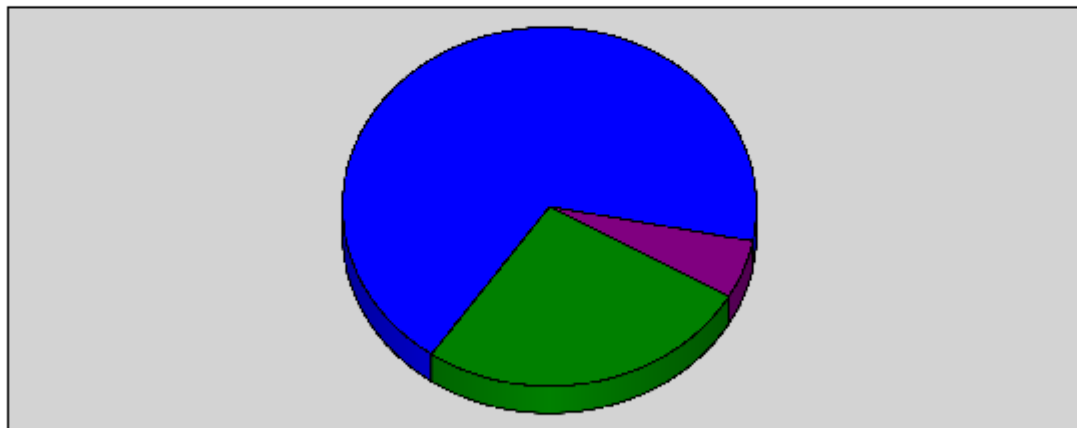
Palmer Lake, CO

This report was generated on 2/6/2023 11:07:17 AM



Major Incident Types by Month for Date Range

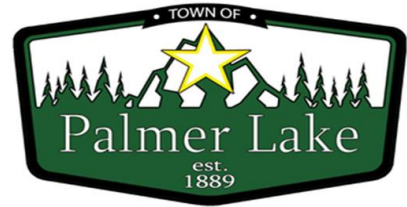
Start Date: 01/01/2023 | End Date: 01/31/2023



INCIDENT TYPE	JAN	TOTAL
Good Intent Call	5	5
Rescue & Emergency Medical Service Incident	13	13
Service Call	1	1
Total	19	19

Only REVIEWED incidents included





Item 6.

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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Year to Date Review of Administration
Presented by: Town Administrator /Clerk		

Subsequent to discussions with Admin staff about adjusting administrative functions in the office, a collective brain dump of the changes/improvements since mid-2020 took place - in no particular order - and we wanted to share this with the Board.

- Workers Comp agent change (no charge to the town) and rate deduction resulting in reduced MOD in 2023
- Property & Casualty insurance (CIRSA) successful audit and rate deduction
- Safety program implemented
- Playground inspection program implemented – structure/property audit is CIRSA approved
- Parking kiosk install and revenue realized
- Town electronic sign installed, promoting information
- Ped Bridge project completed, including required RR fence, and steps added on the west side at lot
- Elephant Rock property conveyed
- Updated property maintenance MOU established for disc golf course, ballfield
- Updated lease agreement established for motorbike track, Library, PLHS (addendum)
- Merge Parks and Roads into Public Works
- Special Events review procedure and application packet developed
- MS4 permit ordinance and compliance completed
- Community Master Plan completed and adopted including a 3-mile annexation plan
- Initiate review of land use codes (ongoing)
- Master Fee Schedule established and reviewed/updated annually
- PCI (Payment Card Industry) – use of credit cards compliance
- Glen Park Master Plan completed
- Begin design of downtown pedestrian safety – walkability, connectivity
- Improved, accurate water billing and account access
- Water tap recovery
- Improved cybersecurity
- Utility savings - decom 4 land lines and 1 internet connection
- Municode agenda management for meetings
- Livestream and post recorded meetings, promoting transparency
- Interactive zoning map and increased information to website (ongoing)
- Regular distribution of town web news and semi-annual newsletter, promoting communication
- Updated budget structure and reformed accounting codes per state
- Created replacement schedules for each dept., vehicles, large equipment
- Library/museum ramps replaced – ADA compliance
- Town Hall renovation
- Recodification project completed and adopted for one accessible, searchable municipal code
- NIBRS compliance (PD)
- eCitations (PD) – correlate with Court procedures
- Records management plan initiated to organize town records/files



- Completed employee handbook with supporting policies
- Internal standard operating procedures created/ revised accurately
- Short term rental regulations/permitting – tracked to report to Board
- Digital fingerprinting for licensing applicants
- Increased response to public (town staff standard/expectation)
- Generating FAQ on website
- Updated and fillable electronic forms (ongoing)
- Updated business licenses and directory
- Manage Grant activity – committee oversight
- Straightened out Unique Entity Identifier (UEI) - number issued by SAM to do business with federal government
- Electronic timesheets and payroll process
- Employee retirement plan
- Employee succession planning
- Regular local official training
- Let Bob retire 😊

Going forward, we are working to identify areas that will provide additional information to the Board members – ie., water account stats, additional land use data.

As an example, below is a 2022 summary of business license activity in the town. This annual data will begin to provide a year-to-year comparison for review –

49	NEW Business License – 4 of which were Change of Ownership
124	Renewed Business License
5	Pending (likely end of year renewals that have not renewed yet)
178	Total
6	Closed

Otherwise, we will continue to work on and incorporate the “contact us” inquiry report; the kiosk revenue report; land use data into a report.

As a side note, we currently have **340 subscribers** to the town news. Perhaps at an event or two, we can again provide sign-up forms to continue promoting subscription to town news.

We added a news item that lists upcoming meetings and possible agenda items to distribute each Friday.

CONTACT US REPORT - January 2023

	Submitted Time	First Name	Subject
1	1/2/23 - 1:57 AM	Cassandra	Janitorial quote for facility
2	1/5/23 - 6:26 PM	Mary	Pavilion Reservation
3	1/8/23 - 3:59 PM	Steve	LPHS Hockey
4	1/9/23 - 10:56 AM	Geri	Fly Fishing Class for Women
5	1/13/23 - 5:43 PM	Sandra	Townhall Venue for Wedding
6	1/18/23 - 9:00 PM	Sarah	Article for Website
7	1/22/23 - 3:48 PM	Elena	Article for Business
8	1/24/23 - 6:58 AM	Julie	Elephant Rock Villas

Dawn Collins

Subject: FW: BOT agenda items

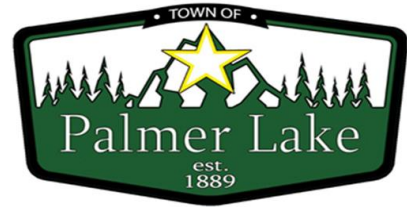
Kiosk Revenue: January

\$ 1,908.00	Gross Collections	(360 Transactions)
\$ (108.00)	Fees	
<u>\$ (70.00)</u>	Monthly T2 Svc charge	
\$ 1,730.00	Net Collections - January	

LAND USE Permits for January 2023

Item 6.

ADDRESS	TYPE OF WORK	EXPIRATION	# of Taps	REGIONAL NUMBER
			1039	
	TYPE	AMOUNT		
	Remodel	2		
	Other	2		
	TOTAL	4		



Item 9.

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

DATE: February 8, 2022	ITEM NO.	SUBJECT: SPECIAL EVENT APPLICATION – Funky Little Theater Co. Presents: Steel Magnolias
Presented by: Deputy Clerk Julia Stambaugh		

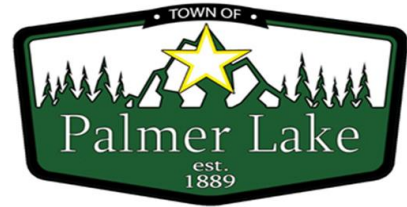
Recommended Action

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

Background

The Funky Little Theater, who gave us the stage production *A Christmas Carole*, would like to use the Town Hall again for a new theater production of *Steel Magnolias*. The performance dates are scheduled for Saturday and Sunday, March 3-5, 2023, with a matinee and evening performance each day. With days before the shows for rehearsals and stage set up, along with a day after for tear down. As of this memo, the event coordinator and staff have not met to discuss the logistics of the production. We expect everything to move along the lines as the previous theater production. We do not anticipate any issues or problems at this time. There is a meeting scheduled for Monday, Feb 6, 2023, with all parties. If any issues are discovered, they will be reported at the BOT meeting.

The event coordinator is requesting waiving of fees, as they are being sponsored by the Palmer Lake Arts Council, a non-profit entity.



Item 10.

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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Consider Public Display – Display Case in Town Hall, PLHS
Presented by: Town Administrator /Clerk		

Pursuant to Code section 5.36, found here – https://library.municode.com/co/palmer_lake/codes/code_of_ordinances?nodeId=COOR_TIT5BULIRE_C_H5.36PUDI, the Board of Trustees approves or denies a public display. This item is an application for a display case to be placed in the town hall to feature historical items by the Historical Society.

Staff does not oppose the installation of the case; however, similar to the artwork displayed in the lobby, the town shall not be liable for items, or the case, should something occur, noting that the town hall is open to the public and is not overseen by staff most rental time.



42 Valley Crescent
 PO Box 208
 Palmer Lake, CO 80133
 Phone: (719) 481-2953
 Fax: (719) 488-9305
 www.townofpalmerlake.com

Item 10.

TOWN OFFICE USE ONLY

Date Received: 2/1/23 By: _____

Approved Denied Date: _____

Expires: _____ By: _____

**TOWN OF PALMER LAKE
 PUBLIC DISPLAY PERMIT**

The following application is pursuant to Ordinance No. 02-2020 and must be completed for any Public Display placed upon public property within the Town of Palmer Lake. This includes Sponsorship projects, Public Art, and Advertising Displays. A separate application must be completed for each display. There is no fee for this application. The following must be submitted for this application to be considered:

- Completed Public Display Permit Application
- Picture or sketch of the display, including the nature, size, color, and location of the proposed display

Submission of application does not guarantee approval.

Note: A minimum of 30 days is required to process this application.

APPLICANT INFORMATION

Name: Palmer Lake Historical Society Phone: 719-559-0837 / 719-291-8258

Email: plhssecretary01@gmail.com

Mailing Address: 66 Lower Glenway, PO Box 662

City: Palmer Lake State: CO Zip: 80133

What type of display are you applying for? Advertising Display Public Art Sponsorship Other

If other, describe: Display case in PL Town Hall to feature rotating displays of local history and artifacts.

Will your display be permanent or temporary? Permanent Temporary

If temporary, approximate dates your display will remain: _____

Note: Temporary displays may not exceed a period of 6 months.

Please describe the purpose and nature of the display (attach additional sheets if needed):

Please see 3 attached sheets describing proposed display case, location within Town Hall, display criteria, security, lighting, maintenance and rotation schedule.

APPLICANT ACKNOWLEDGEMENT

THIS APPLICATION HAS BEEN EXAMINED AND COMPLETED BY ME. ALL OF THE INFORMATION COMPLETED IN THIS APPLICATION AND ALL ATTACHMENTS ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AM AWARE OF AND FULLY UNDERSTAND THE TOWN OF PALMER LAKE REGULATIONS. BY SIGNING BELOW, I HEREBY CERTIFY THAT I AM THE PERSON WHOSE NAME APPEARS ON THIS APPLICATION AS THE APPLICANT.

Patricia Atkins
 Applicant Signature

Patricia Atkins
 Printed Name

1 Feb. 2023
 Date

PROPOSED DISPLAY CASE IN PALMER LAKE TOWN HALL

The Palmer Lake Historical Society (PLHS) proposes to:

Purchase a new, commercial, pre-assembled, lighted display case -

48" long x 38" high x 20" deep.

Tempered glass sides with high security lock.

Install low voltage push button on case to activate LED lights inside case for 15-minute interval.

Be responsible for providing the display materials.

Rotate displays as appropriate, to be determined by the PLHS.

Assume liability for loss or damage to display materials.

Displays may include items of interest from school age students to seniors.

Displays will focus on the history, events, people, places and artifacts from the Palmer Divide area or those things/events that directly influenced or had substantial effect on the local area citizens.

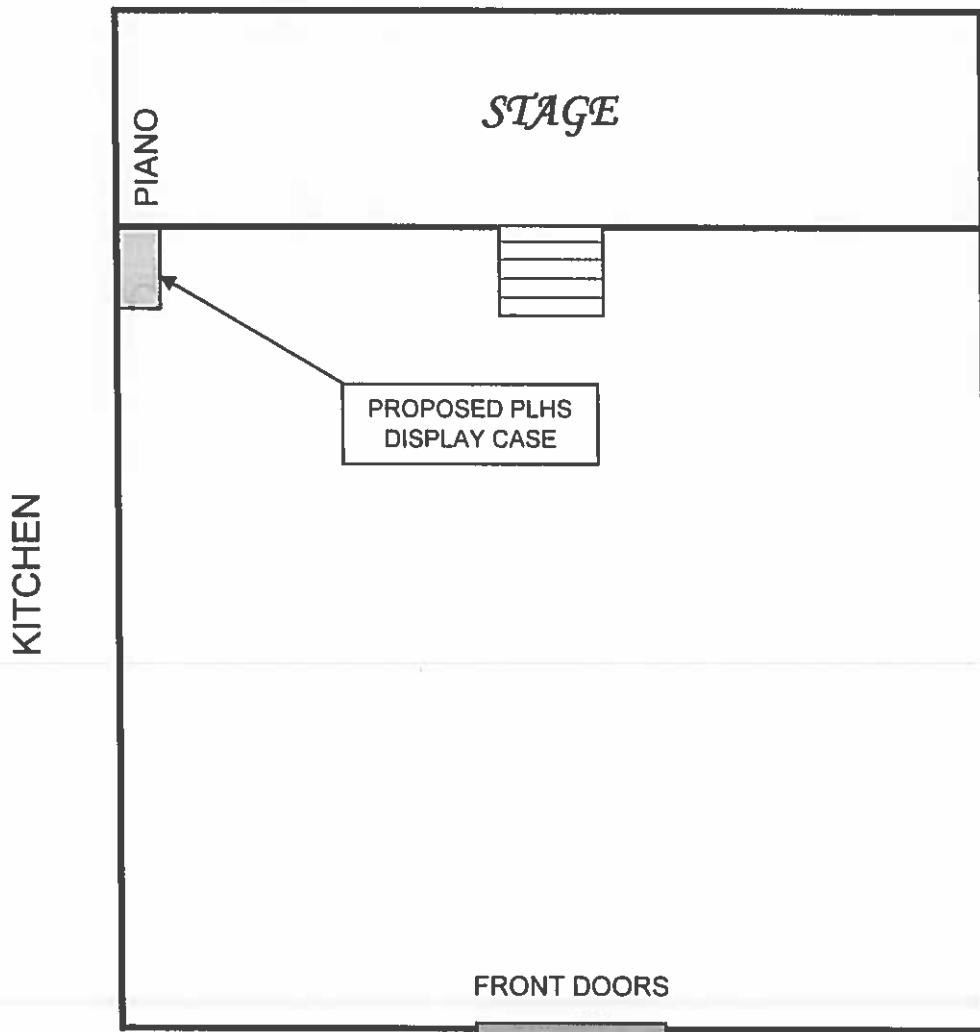
Displays will not include "For Sale" items or current commercial advertising.

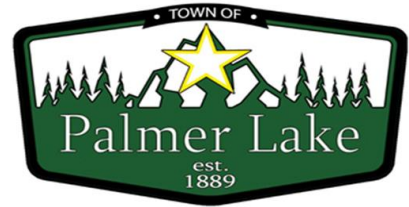
48-inch Full Vision Gray Metal Framed Display Case

- Gray Melamine Finish
- Fully Assembled
- Tempered Glass Top, Front and Sides
- Sliding Rear Entry
- Bright White Doors and Deck
- Satin Finish Clear Anodized Aluminum Frame
- Steel interior standards and shelf brackets
- Overall Size: 38" H x 20" D x 48" L
- 2 rows adjustable ¼" split glass shelves 8" and 10" depth
- Black Recessed Kick Plate
- LED light strip factory installed
- High Security door lock



PROPOSED LOCATION OF PLHS DISPLAY CASE IN PALMER LAKE TOWN HALL.





Item 11.

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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Resolution to Appoint Planning Commission Members
Presented by: Town Administrator /Clerk		

The Planning Commission heard from two applicants for appointment to two vacant seats for the Planning Commission. At the January meeting, both Tim Caves and Lindsey Zapalac were recommended for appointment to the Planning Commission.

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

RESOLUTION NO. 18 - 2023

**A RESOLUTION TO APPROVE APPOINTMENTS TO PLANNING COMMISSION,
PALMER LAKE, COLORADO**

WHEREAS, Palmer Lake is a statutory town organized under Part 3 of Article 4 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, pursuant to State Statute and the Palmer Lake municipal code, the Board of Trustees is authorized to fill the offices for the Town Planning Commission; and

WHEREAS, the Planning Commission interviewed and recommended the appointment of two candidates on January 25, 2023.

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

Section 1. The following identifies two appointments to the Planning Commission for the balance of the term:

- Two-Year term (ending January 2024)
 - R. Tim Caves
 - Lindsey Zapalac

Section 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.

Section 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.

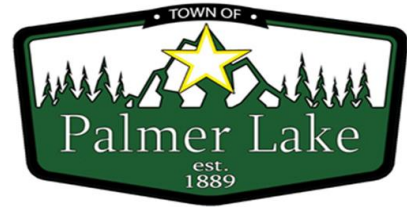
INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9th DAY OF FEBRUARY 2023.

TOWN OF PALMER LAKE, COLORADO

Glant Havenar, Mayor

ATTEST:

By: _____
Dawn A. Collins, Town Administrator/Clerk



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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Resolution to Authorize Agreement with Chavez Consulting LLC
Presented by: Town Administrator /Clerk		

It is the recommendation of staff that the town continue services provided by Mr. John Chavez as it relates to the implementation of stormwater management. Mr. Chavez previously worked with El Paso County and assembled the MS4 permit and ordinances for the town (stormwater management). He provides ongoing consultation services with review of stormwater management for proposed development, illicit discharge, construction site review over one acre pursuant to the MS4 ordinances.

Mr. John Chavez provides services on an hourly basis and staff are cautious utilizing his time. His knowledge and experience are valued in stormwater regulations new to the town and not currently resourced by town staff.

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

RESOLUTION NO. 19 - 2023

**A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE AGREEMENT FOR
STORMWATER CONSULTING FOR PALMER LAKE, COLORADO**

WHEREAS, Palmer Lake is a statutory Town organized under Part 3 of Article 4 of Title 31 of the Colorado Revised Statutes; and

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 desires to engage the professional services of Chavez Consulting LLC for stormwater consulting; and

WHEREAS, Chavez Consulting LLC desires to provide the professional services needed by the Town and is committed doing so on an hourly basis as needed.

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

Section 1. The Board authorizes the Mayor to sign the attached service agreement with Chavez Consulting LLC for stormwater implementation work at rate of \$150 per hour as required for the Town.

Section 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.

Section 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 9TH DAY OF FEBRUARY 2023.

TOWN OF PALMER LAKE, COLORADO

Glant Havenar, Mayor

ATTEST:

By: _____
Dawn A. Collins, Town Administrator/Clerk

TOWN OF PALMER LAKE CONSULTING AGREEMENT
Revision 1

This Agreement was effective April 1, 2020, and revised in January 2023, by and between the Town of Palmer Lake, Colorado, of 42 Valley Crescent, Palmer Lake, Colorado 80133, a Colorado municipality, and Chavez Consulting Inc., LLC, of 13880 Gymkhana Road, Peyton, Colorado 80831.

In this Agreement, the party who is contracting to receive services shall be referred to as "Palmer Lake" and the party who will be providing the services shall be referred to as "Chavez Consulting."

Chavez Consulting has a background in Municipal Separate Storm Sewer System (MS4) permits and is willing to provide services to Palmer Lake based on this background. Contractor is customarily engaged in an independent trade, occupation, profession, or business related to the services to be provided hereunder, and is ready, qualified, willing, and able to provide such services to Palmer Lake.

Palmer Lake desires to have services provided by Chavez Consulting.

Therefore, the parties agree as follows:

- 1. DESCRIPTION OF SERVICES.** Beginning on January 1, 2023, Chavez Consulting will provide the services (collectively, the "Services") as defined in the attached and accepted proposal for services as drafted solely by Chavez Consulting.
- 2. PERFORMANCE OF SERVICES.** The manner in which the Services are to be performed and the specific hours to be worked by Chavez Consulting shall be determined by Chavez Consulting. Palmer Lake will rely on Chavez Consulting to work as many hours as may be reasonably necessary to fulfill Chavez Consulting's obligations under this Agreement.
- 3. PAYMENT.** Palmer Lake will pay Chavez Consulting for the Services based at a rate of \$150.00 per hour. This fee shall be payable monthly, no later than the thirtieth (30th) day of the month following the period during which the Services were performed. Should the time spent providing any of the Services exceed the Estimated Hours, Chavez Consulting will notify the Town of Palmer Lake prior to continuing work on that particular Service.
- 4. NEW PROJECT APPROVAL.** Chavez Consulting and Palmer Lake recognize that Chavez Consulting's Services will include working on various projects for Palmer Lake. Chavez Consulting shall obtain the approval of Palmer Lake prior to the commencement of a new project.
- 5. TERM/TERMINATION.** The term of this Agreement is from January 1, 2023, to January 31, 2024, if not terminated earlier. This Agreement shall terminate upon the written notice of either party upon 30 days' notice, with payment for work completed by the termination date due

30 days after a final invoice has been provided, subject to the provisions of Paragraph 3, above.

6. RELATIONSHIP OF PARTIES. It is understood by the parties that Chavez Consulting is an independent contractor with respect to Palmer Lake, and not an employee of Palmer Lake. Palmer Lake will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefit, for the benefit of Chavez Consulting.

THE PARTIES HERETO UNDERSTAND THAT THE CONTRACTOR, CHAVEZ CONSULTING IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS OR UNEMPLOYMENT COMPENSATION BENEFITS AND IS OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON ANY MONEYS EARNED PURSUANT TO THIS AGREEMENT.

7. EMPLOYEES. Chavez Consulting's employees, if any, who perform services for Palmer Lake under this Agreement shall also be bound by the provisions of this Agreement.

8. INJURIES. Chavez Consulting acknowledges Chavez Consulting's obligation to obtain appropriate insurance coverage for the benefit of Chavez Consulting (and Chavez Consulting's employees, if any). Chavez Consulting waives any rights to recovery from Palmer Lake for any injuries that Chavez Consulting (and/or Chavez Consulting's employees) may sustain while performing services under this Agreement and that are a result of the negligence of Chavez Consulting or Chavez Consulting's employees.

Chavez Consulting agrees to indemnify and hold harmless the Town, and its officers, agents, and employees, from and against any and all liability, claims, demands, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage, which arises out of or is in any manner connected with the services to be provided under this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, or other fault of Chavez Consulting, any subcontractor of Chavez Consulting, or any officer, employee, or agent of Chavez Consulting or any officer, employee, or agent of a subcontractor of Chavez Consulting. Chavez Consulting further waives and releases the Town, and its officers, agents, and employees, from any and all liability, claims, demands, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage, which Chavez Consulting may suffer and which arises out of or is in any manner connected with the services to be provided under this Agreement.

9. INTELLECTUAL PROPERTY. The following provisions shall apply with respect to copyrightable works, ideas, discoveries, inventions, applications for patents, and patents (collectively, "Intellectual Property"):

a. Consultant's Intellectual Property. Chavez Consulting does not personally hold any interest in any Intellectual Property. Upon termination of this Agreement, all programs, control measures, regulatory mechanisms, record keeping systems and subparts developed for Palmer Lake will become the property of Palmer Lake.

10. RETURN OF RECORDS. Upon termination of this Agreement, Chavez Consulting shall deliver all records, notes, data, memoranda, models, and equipment of any nature that are in Chavez Consulting's possession or under Chavez Consulting's control and that are Palmer Lake's property or relate to Palmer Lake's business.

11. NOTICES. All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered when delivered in person, email, or deposited in the United States mail, postage prepaid, addressed as follows:

IF for Palmer Lake:

Town of Palmer Lake Colorado
 Dawn A. Collins
 Town Administrator/Clerk
 42 Valley Crescent
 P.O. Box 208
 Palmer Lake, Colorado 80133
dawn@palmer-lake.org

with a copy to:

Matthew Z. Krob, Town Attorney
 KROB LAW OFFICE, LLC
 8400 E. Prentice Avenue, Penthouse
 Greenwood Village, CO 80111

IF for Chavez Consulting:

Chavez Consulting Inc., LLC
 John B. Chavez
 Owner
 13880 Gymkhana Road
 Peyton, Colorado 80831
johnchavez@chavezconsultinginc.com

Such address may be changed from time to time by either party by providing written notice to the other in the manner set forth above.

12. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.

13. AMENDMENT. This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.

14. SEVERABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

15. WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

16. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Colorado.

17. NO WAIVER OF IMMUNITY. Nothing herein shall be construed as a waiver by Palmer Lake 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.

Party receiving services:
Town of Palmer Lake, Colorado

By: _____
Glant Havenar
Mayor

Party providing services:
Chavez Consulting Inc., LLC

By: _____
John B. Chavez
Owner

Attest: _____
Dawn A. Collins, CMC
Town Administrator/Clerk

ATTACHMENT
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CHAVEZ CONSULTING INC., LLC

PROPOSAL FOR MS4 COMPLIANCE ASSISTANCE SERVICES

OVERVIEW

Chavez Consulting Inc., LLC is pleased to submit this proposal for Municipal Separate Storm Sewer System (MS4) permit compliance assistance services to the Town of Palmer Lake, Colorado. With over twenty years of regulatory experience developing and implementing stormwater control measure programs for local and state governments, Chavez Consulting Inc., brings the required knowledge and skills to help build a sustainable and MS4 permit compliant stormwater program for the Town of Palmer Lake.

The Objective

The Town of Palmer Lake (Palmer Lake) is subject to MS4 permitting requirements pursuant to Regulation 61 of Colorado Code of Regulations (CCR): 5 CCR 1002-61. In June of 2020, the Town of Palmer Lake formally adopted regulatory mechanisms required by the MS4 permit. Chavez Consulting Inc., LLC has assisted the town with implementation of the MS4 program since that time. A MS4 permit renewal is expected in 2023, which may impose new permit requirements on the town. It is the objective of Chavez Consulting Inc., LLC to keep Palmer Lake in compliance with current and future MS4 permit requirements.

Chavez Consulting Inc., LLC understands that Palmer Lake has the following needs relative to complying with the MS4 permit.

Need #1: MS4 Permit Administration

An annual program review and report are required by the MS4 permit. The annual report is to be submitted to the CDPHE by March 10, 2023. Permit administration is needed which includes:

- Completion of the annual program evaluation.
- Preparation of the annual report and other permit required documents.
- Updates to the Program Description Document and regulatory mechanisms.
- Representation during permit renewal.

Need #2: Implement Control Measures

Assistance is needed for the implementation the specific control measures required in Parts I.D and I.E. of the MS4 permit, which includes:

- Outreach and Education
- Illicit Discharge Control
- Construction Oversight
- Post Construction Stormwater Management
- Municipal Facility Pollution Prevention and Good Housekeeping

Need #3: Maintain Record Keeping System

A review, evaluation, and update to the Town's MS4 record keeping system is needed.

THE PROPOSAL

Chavez Consulting Inc., LLC proposes to provide the following services to the Town of Palmer Lake.

Service Area 1: MS4 Permit Administration

Compliance with the MS4 permit requires ongoing administration of the permit. Permit administration services include:

- Completion of an annual program evaluation.
- Preparation of the annual report and other permit required documents as needed.
- Update the Program Description Document and regulatory mechanisms.
- Representation during permit renewal.

Service Area 2: Control Measure Implementation

Assist with the implementation of the specific control measures required in Parts I.D and I.E. of the MS4 permit that includes:

Part I.D.1. Public Involvement and Participation Process

Part I.E.1. Public Education and Outreach

Part I.E.2. Illicit Discharge Detection and Elimination

Part I.E.3. Construction Oversight

Part I.E.4. Post Construction Stormwater Management in New Development and Redevelopment

Part I.E.5. Pollution Prevention/Good Housekeeping for Municipal Operations

Service Area 3: Maintain Record Keeping System

Utilize existing information technology infrastructure and resources to maintain a mechanism that satisfies the recordkeeping requirements of the permit.

Chavez Consulting Inc., LLC will provide technical support to the Town Manager for all presentations to the Town Board of Trustees required for service areas 1,2 and 3.

Service Area 4: Coordination with the Division and Colorado Stormwater Council

Chavez Consulting Inc., LLC will coordinate the Town's participation in the Colorado Stormwater Council. Technical support will also be provided for communications with the Water Quality Control Division.

Resources

Chavez Consulting Inc., LLC will provide its own electronic resources to complete the required services. Documents will be produced in Word and PDF formats. Presentations will be prepared using PowerPoint. Travel expenses (if incurred) will be priced separately and directly billed to the Town.

Timeline for Execution

The following timeline is proposed for completion of the services provided. All work proposed should be completed by this date. Please note this timeline provides a suggested schedule and does not reflect billable hours needed to complete the service.

Description	Start Date	End Date	Duration
Service Area 1	January 1, 2023	January 31, 2024	13 months
Service Area 2	January 1, 2023	January 31, 2024	13 months
Service Area 3	January 1, 2023	January 31, 2024	13 months
Service Area 4	January 1, 2023	January 31, 2024	13 months

Supplied Services and Materials

The following services and materials may be required and is to be supplied by the client.

Material to be Supplied by Client	Due Date
Access to all MS4 permit documents, criteria manuals, policies and procedures, codes, ordinances related to stormwater.	January 1, 2023
Legal review and signatures on documents prepared for submission to the Division.	One week from submission to Town Administrator

PRICING

The following table details the pricing for delivery of the services outlined in this proposal. The following cost estimates are provided for evaluation purposes. The base fee for services is \$150.00 per hour. Costs for all services will be billed based on actual hours spent performing the service, rounded up to the nearest quarter hour. Actual billable hours and costs may vary due to factors outside the control of Chavez Consulting Inc. Travel time to the Division (if needed) is priced separately, please see note at end of table.

Cost: Service Area #1	Estimated Hours	Cost
Permit Administration	20	\$3000
Cost: Service Area #2		
Part I.D.1. Public Involvement and Participation Process	8	\$1200
Part I.E.1. Public Education and Outreach	16	\$2400
Part I.E.2. Illicit Discharge Detection and Elimination	16	\$2400
Part I.E.3. Construction Site	60	\$9000
Part I.E.4. Post Construction Stormwater Management in New Development and Redevelopment	20	\$3000
Part I.E.5. Pollution Prevention/Good Housekeeping for Municipal Operations	16	\$2400
Cost: Service Area #3		
Recordkeeping	24	\$3600
Cost: Service Area #4		

Coordination: Stormwater Council; WQCD	16	\$2400
Total:	176	\$29,400.00
Note: 1. Travel time to the Division is billed at \$50.00 per hour.		

Billing

Chavez Consulting Inc., will bill monthly (1st of the month) for services rendered in the preceding calendar month.

Payment

Payment is due within 30 days upon receipt of the invoice for services.

QUALIFICATIONS

Please refer to my webpage: www.chavezconsultinginc.com to review my qualifications.

CONCLUSION

Chavez Consulting Inc., LLC looks forward to working with the Town of Palmer Lake to address its MS4 permit compliance concerns. I am confident that we can meet the challenges ahead and stand ready to partner with the Town of Palmer Lake in developing a compliant, sustainable and effective stormwater program consistent with the MS4 permit.

Notification of acceptance of this proposal must be provided. If you have questions on this proposal, feel free to contact me at your convenience by email at johnchavez@chavezconsultinginc.com or by phone at (719) 251 5580. I will be in touch with you next week to arrange a follow-up conversation on the proposal.

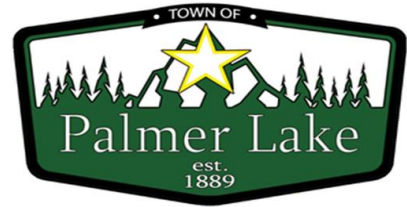
Thank you for your consideration,

Signed (Acceptance of Proposal)

John B. Chavez
Chavez Consulting Inc., LLC
January 30, 2023

Print Name:

Date:



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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Ordinance to Adopt Official Zoning Map
Presented by: Town Administrator /Clerk		

With the completion of the Master Plan, it is recommended to adopt the current zoning map, as enclosed, to reflect the current zoning throughout the town.

The previous Board meeting, this item was tabled due to concerns of improperly zoned parcels; however, after review, only one parcel was inaccurate and corrected.

As follow-up, there are a multitude of *non-conforming* parcels throughout the town. The County does not have authority over zoning; the Board of Trustees has authority over zoning by ordinance with recommendation from the Planning Commission - requiring a rezoning application, hearing, and approval of the Board to change any zoning on a property.

In summary, modification of one parcel was completed (Ordinance 14-2021 to RA) on this version.

***Note 2/9:**

As further follow up on the “unlabeled” parcels, there are three residential parcels that former zoning was identified on an older zoning map. The others are public property. The Town is unclear of any historical “official” zoning map and staff will not edit zoning without Board direction. Thus, enclosed with this revised memo is the map and table listing the unlabeled property. If the Board desires to label the residential parcels as noted from the former map, it is the recommendation of staff that the Board approve the zoning map with direction to label the residential parcels as the former map noted for the final copy to be signed by Mayor Havenar. This is an acceptable action vs. bringing the map back to another meeting.

Please do not hesitate to reach out with questions.

Town of Palmer Lake - Review of Zoning for Selected Parcels - 2/8/2023

Notes:

The zoning map in the Comprehensive Plan and the Official Zoning Map are based on the zoning map on the Town's website. The most reliable sources of information would be the original zoning map and the any ordinances that zoned or rezoned properties. In the absence of the original map and the ordinances, the 2nd column from the right is a best estimate based on the other information below.

Assessors Website			Zoning on Town's website map	Zoning on "old paper map" [^]	Judgebob email on 2/8	Likeliest existing zoning	Notes
Parcel No.	Address	Zoning					
710000021	600 Glen Av.	none	none	**	-	not zoned~	W. edge of Town @ Glenway Av.
710510007	xxx Hwy. 105	none	none	none	-	not zoned~	NE of lake
7105113002	xxx Petite Av.	none	none	none	-	not zoned~	NE of lake
710510004	199 County Line Rd.	CC, O1	***	none	-	**** ~	The lake plus West side of tracks
7108201047	222 Clio Av.	none	none	R3	R3	R3~	W side of Monument Creek
7108217002	xxx Virginia Av.	none	none	R3	R3	R3~	W side of Monument Creek
7108100014	148 Trinidad Ln.	none	none	R1	R1 or R3~	R1~	road appears to encroach on SW part of parcel
7105200008	05-11-67	RA	none	none	R1, RE or RA~	not zoned~	water tank @ N end of High St.
7105113003	xxx Petite Av.	none	none	none	R1 or RE1~	not zoned~	NE of lake
*	xxx Hwy. 105	*	*	*	C2~	not zoned~	in front of Fletcher

Key:

- ~ Suggestion
- ^ The "old paper map" was found in the boxed rolls of maps and drawings, but the map did not have a date or indicate who made the map.
- * Maps show a wider right-of-way instead of parcel along Highway 105.
- ** Parcel is beyond th edge of the map and is not shown
- *** No zoning on the lake parcel, O1 zoning on west side of railroad track
- ****O1 on the lake parcel, CC on the west side of the railroad track
- xxx No street number listed in the Assessor's website

PALMER LAKE, COLORADO

ORDINANCE NO. 2 - 2023

AN ORDINANCE TO ADOPT AND RECORD THE OFFICIAL ZONING MAP OF THE TOWN OF PALMER LAKE COLORADO

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

WHEREAS, pursuant to state statute, specifically including C.R.S. 31-23-301 *et seq.* and the Local Government Land Use Control Enabling Act of 1974, C.R.S. 29-20-101 *et seq.* the Town is authorized to enact and adopt zoning regulations; and,

WHEREAS, Section 17.12.020 of the Town Code makes the Official Zoning Map of the Town of Palmer Lake, Colorado applicable to Title 17 of the Town Code, a copy of said map being available for public examination at the Town Offices during normal business; and,

WHEREAS, although the Town has had zoning regulations, the Town has not previously had an Official Zoning Map; and,

WHEREAS, the Town has engaged the professional services of Community Matters Institute to create a Zoning map based upon the previously adopted Town zoning regulations.

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

1. The Map attached as Exhibit A hereto is hereby adopted as the Official Zoning Map of the Town of Palmer Lake, Colorado and the shall be recorded as such.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

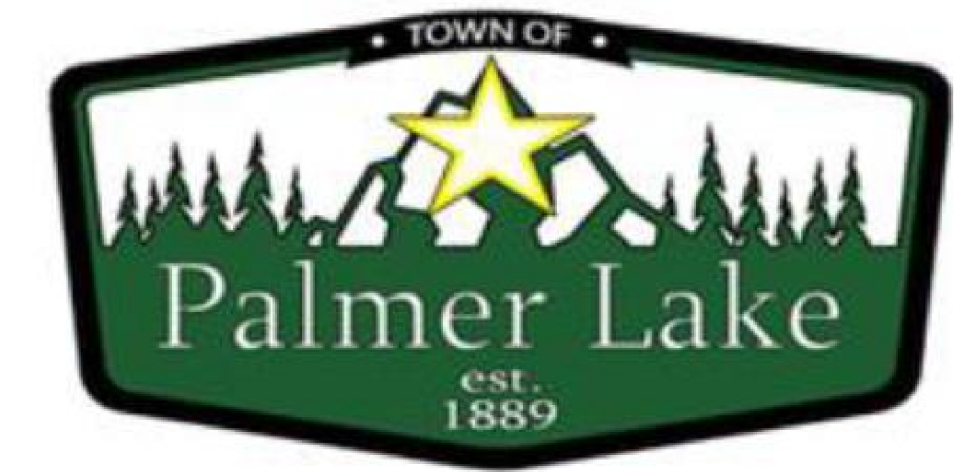
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9TH DAY OF FEBRUARY 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor



Town of Palmer Lake Official Zoning Map

LEGEND

- Lakes
 - Streams
 - Railroad
 - Town Boundary
 - County boundary
 - Pike National Forest
 - Greenland Ranch Open Space
- ZONE DISTRICTS**
- C1 Commercial/General Business
 - C2 General Business & Commercial
 - CC Convenience Commercial
 - M1 General Industrial
 - O1 Recreation
 - RA Residential Agricultural
 - R1E Estate
 - R1 Low Density Residential
 - R2 Intermediate Density Residential
 - R3 Medium Density Residential
 - R10,000 Single Family Residential
 - PUD Planned Unit Development

Sources:
 - Town of Palmer Lake
 - GMS, Inc., Consulting Engineers
 - El Paso County
 - Douglas County
 - State of Colorado

Disclaimer: Neither the Town of Palmer Lake nor Community Matters Institute, nor any of their employees shall be held liable for any improper or incorrect use of the information contained herein and assume no responsibility for anyone's use of the information. Although the data found and processed are believed to be reliable, no warranty, expressed or implied, is made regarding the accuracy, adequacy, completeness, legality, reliability, or usefulness of any information, unless otherwise indicated.

1. This map shall not be used to: Establish specific legal lots of record, or individual parcel boundaries; or Establish property descriptions for the legal conveyance of parcels of land.
2. Individual property boundaries are subject to frequent change, and recent changes may not be reflected on this map. El Paso County and the Town of Palmer Lake cannot anticipate and do not assume responsibility or liability for subsequent, secondary use of this map. No representation or warranty is made as to the completeness or accuracy of this map for any use other than the intended use of identifying zoning district boundaries.



Open Space Douglas County

El Paso County

OFFICIAL ZONING MAP CERTIFICATE

I, Glant Havenar, as Mayor of the Town of Palmer Lake, Colorado, do hereby certify that this Official Zoning Map has been approved and reflects all rezones approved through the rezoning process within the Town.

 Glant Havenar, Mayor

 Dawn Collins, Town Administrator / Clerk

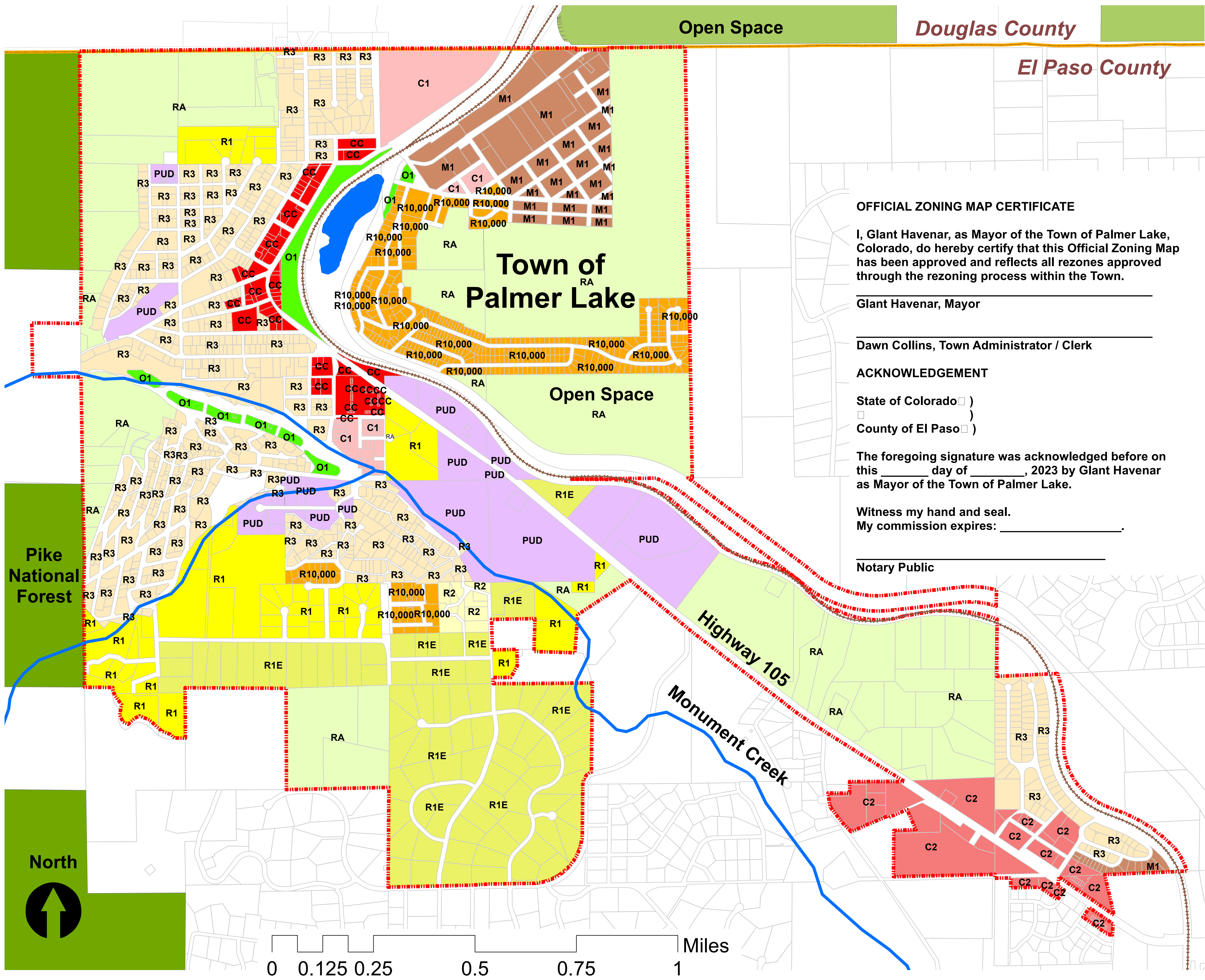
ACKNOWLEDGEMENT

State of Colorado)
)
 County of El Paso)

The foregoing signature was acknowledged before on this _____ day of _____, 2023 by Glant Havenar as Mayor of the Town of Palmer Lake.

Witness my hand and seal.
 My commission expires: _____

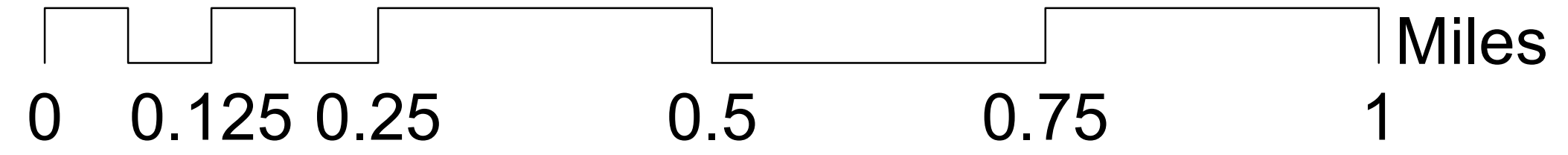
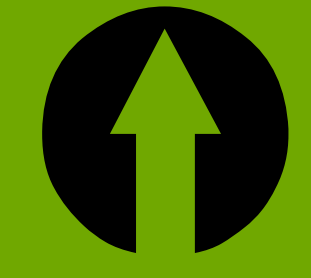
 Notary Public

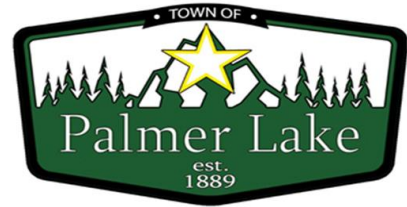


Pike National Forest

Highway 105
Monument Creek

North





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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Consider Draft Ordinance to Affirm Wholesale MJ Excise Tax
Presented by: Town Administrator /Clerk		

The 2016 election resulted in voters approving an excise tax on retail marijuana cultivation operations. It was laid forth, as noted in town code, that the rate increases annually by one percent. The question on the ballot read and passed as follows:

Shall Town of Palmer Lake taxes be increased, commencing January 1, 2017, by \$150,000 annually in the first fiscal year ending December 31, 2017, and by whatever additional amounts are raised annually thereafter, by imposing a new excise tax of 5% of the average market rate for unprocessed marijuana as determined by the Colorado Department of Revenue when unprocessed retail marijuana is first sold or transferred by a marijuana cultivation facility located within the limits of the Town of Palmer Lake; with the rate of such excise tax being allowed to be decreased or increased by the Town Board without further voter approval so long as the rate of such tax does not exceed 10%, and shall all revenues derived from such excise tax be collected and spent, as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20 of the Colorado Constitution, Article 1 of Title 29, Colorado Revised Statutes, or any other law?

The ordinance was subsequently adopted in 2017. The current code is found here - [https://library.municode.com/co/palmer lake/codes/code of ordinances?nodeId=COOR TIT3REFI CH3.24REMAEXTA](https://library.municode.com/co/palmer%20lake/codes/code_of_ordinances?nodeId=COOR_TIT3REFI_CH3_24REMAEXTA)

According to MJ establishment owners, prior administration provided a notice to hold the rate at 2% on payments. However, there is no record found of this notice and the administrative staff does not have the authority to amend town code.

Additionally, it is typical standard within the MJ industry that a 5% excise tax is levied on retail MJ cultivation facilities.

Staff recommendation is to keep the table as laid forth in the original ordinance and affirm the tax of 5%. This should aid in discouraging increased cultivation at a lower rate within the town. Execution of this ordinance will be distributed to licensed establishments.

PALMER LAKE, COLORADO

ORDINANCE NO. 4 - 2023

AN ORDINANCE AMENDING CHAPTER 3.24 OF TITLE 3 OF THE PALMER LAKE TOWN CODE RELATING TO THE RETAIL MARIJUANA EXCISE TAX ON RETAIL MARIJUANA SALES WITHIN THE TOWN OF PALMER LAKE

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

WHEREAS, previously the Board of Trustees adopted regulations relating to excise tax on retail marijuana facilities within the Town, said regulations appearing in Chapter 3.24 of the Town Code; and,

WHEREAS, the excise tax established by the Town's electors on the retail marijuana cultivation facility authorized the excise tax rate of five percent (5%) initially, but was established as a tax that increased by one percent (1%) each year, beginning in July of 2017, phasing up to five percent (5%) in July of 2021; and,

WHEREAS, although the Town's electors approved the maximum excise tax rate of ten percent (10%) and the timing for the phasing up to five percent (5%) has passed, the rate being remitted currently is neither the five percent (5%), nor the maximum ten percent (10%).

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

1. Section 3.24.020 of Chapter 3.24 of Title 3 of the Palmer Lake Town Code is hereby amended by adding the underlined language as indicated below, with said amended Section 3.24.020 to read in its entirety as follows:

3.24.020. Imposition and rate of tax; taxes collected held in trust; tax constitutes lien.

(a) In accordance with the authority provided in C.R.S. § 29-2-114, as may be amended, in addition to any other tax imposed by law including any sales and use tax levied, there is levied by the town and shall be paid and collected an excise tax at the rate set forth in the table below on the average market rate of unprocessed retail marijuana upon its first sale or transfer from a retail marijuana cultivation facility located within the town:

Commencement Date	Rate
July 1, 2017	1%
July 1, 2018	2%
July 1, 2019	3%
July 1, 2020	4%
July 1, 2021	5%
<u>March 1, 2023</u>	<u>5%</u>

The excise tax shall be levied and owed irrespective of where delivery takes place. Each retail marijuana cultivation facility shall collect, remit and pay the excise tax on the first sale or transfer of unprocessed retail marijuana.

(b) All sums of money paid by a person as the excise tax on unprocessed retail marijuana imposed by this chapter are public monies that are the property of the town. The retail marijuana cultivation facility shall hold such monies in trust for the sole use and benefit of the town until paying them to the town.

(c) The tax imposed by this chapter shall be a first and prior lien upon the goods and business fixtures of such person, or used by, any person with an obligation to remit tax under this chapter under lease, title-retaining contract or other contract arrangement, excepting stock of goods sold or for sale in the ordinary course of business, and shall take precedence on all such property over other liens or claims of whatsoever kind or nature except as to pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall have attached prior to the filing of the notice on property of the taxpayer, other than the goods, stock in trade and business fixtures of such taxpayer. Upon default of payment thereof, the town after demand upon the person owing such tax may bring an action in attachment, and seize any property to secure the payment of said tax, interest and penalties.

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

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

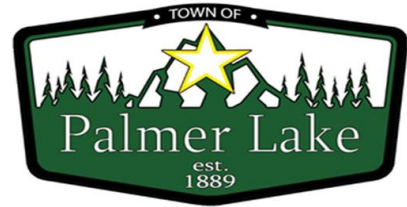
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9TH DAY OF FEBRUARY 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor



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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Consider Draft Ordinance to Create MJ Sales Tax
Presented by: Town Administrator /Clerk		

The 2016 election resulted in voters approving an additional sales tax of 5% on retail marijuana (MJ) sales. The question on the 2016 ballot read and passed as follows:

Shall the Town of Palmer Lake taxes be increased by five hundred thousand dollars (\$500,000.00) in the first fiscal year and by whatever additional amounts are raised annually thereafter, by imposing an additional sales tax of 5% on the sale of retail (recreational) marijuana and retail (recreational) products as defined in the Colorado retail marijuana code, with the rate of such tax being allowed to be decreased or increased without further voter approval, so long as the rate of the tax does not exceed 10%, provided that the rate shall not exceed 7% on or before January 1, 2019, with the revenues derived from such tax to be collected and spent to promote the general purposes of the Town of Palmer Lake as a voter approved revenue change notwithstanding any revenue or expenditure limitations contained in Article X, Section 20 of the Colorado Constitution?

The draft ordinance for Board consideration is to establish the rate. Staff recommends an additional 5% sales tax on MJ/product retail sales. It is difficult to establish exactly what portion will come from the state. Note the CDOR reference below:

Local governments receive 10% of the 15% **retail marijuana state sales tax**. The 10% is divided among the local governments. The calculation is based on the amount of retail marijuana sales taxes in the local jurisdiction. The city or town share is apportioned according to the percentage of retail marijuana sales tax revenues collected by the Department of Revenue within the boundaries of the city or town. Counties do not receive any retail marijuana sales tax revenue unless there is a retail marijuana store in an unincorporated area. The distribution is monthly. This is similar to cigarette tax distributions to local governments. Please note that since the distribution is based on a percentage of retail marijuana sales tax revenue collected within the boundaries of a city, town, or unincorporated area of a county versus the total retail marijuana sales tax revenues collected, the monthly percentage to each eligible jurisdiction is not a static amount but varies based on total retail marijuana sales tax revenues and the amount of retail marijuana sales tax collected in each jurisdiction.

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 5 - 2022

**AN ORDINANCE AMENDING TITLE 3 OF THE PALMER LAKE TOWN CODE
BY ADDING A NEW CHAPTER, CHAPTER 3.25 ESTABLISHING A SPECIAL
RETAIL MARIJUANA SALES TAX ON RETAIL MARIJUANA AND
MARIJUANA PRODUCTS SOLD BY RETAIL MARIJUANA STORES WITHIN
THE TOWN OF PALMER LAKE**

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

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

WHEREAS, the Board of Trustees then submitted to the Voters of the Town of Palmer Lake asking the Voters of the Town whether they want to permit up to two marijuana stores in existing marijuana business locations and the Voters voted in favor of permitting such retail marijuana stores; and,

WHEREAS, the Voters have previously voted to approve a tax on the sale of retail marijuana and the Board now desires to adopt regulations establishing such sales tax.

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

1. Title 3 of the Town of Palmer Lake Municipal Code is hereby amended by adding a new Chapter, Chapter 3.25, with such new Chapter to read in its entirety as indicated below.

3.25.010. - Administration and enforcement.

The special retail marijuana sales tax imposed pursuant to this Chapter 3.25 shall be administered and enforced in accordance with the provisions of this Title 3, and in a manner consistent with the administration and enforcement of other Town sales taxes, including, without limitation, any penalties for failure to make any return or to collect or pay any tax.

3.25.020. - Definitions.

(a) The following words and phrases when used in this Chapter, unless the context otherwise requires, shall have the meanings given to them below:

(1) "Consumer" means a person twenty-one (21) years of age or older who purchases retail marijuana or retail marijuana products for personal use by person twenty-one (21) years of age or older but not for resale to others.

(2) "Retail marijuana" means all or parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Retail marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(3) "Retail marijuana products" means concentrated retail marijuana products and retail marijuana products that are comprised of retail marijuana and other ingredients and are intended for use or consumption, such as but not limited to, edible products, ointments, and tinctures.

(4) "Retail marijuana sales tax" means the tax imposed on the sale of retail marijuana and retail marijuana products pursuant to this Chapter 3.25.

(5) "Retail marijuana store" means an entity licensed by the Colorado Department of Revenue to sell retail marijuana and retail marijuana products to consumers pursuant to section 16 of article XVIII of the Colorado Constitution and the "Colorado Retail Marijuana Code," Article 43.4 of Title 12, C.R.S., and licensed pursuant to Chapter 5 of the Palmer Lake Town Code.

3.25.030. - Imposition of tax.

(a) In addition to the sale tax imposed elsewhere by the Town of Palmer Lake Code, beginning March 1, 2023 there is imposed upon all sales of retail marijuana and retail marijuana products to a consumer by a retail marijuana store a special marijuana sales tax at the rate of five percent (5%) of the amount of the sale.

(b) Nothing in this section shall be construed to impose a tax on the sale of marijuana or marijuana products to any person by a medical marijuana center licensed by the Colorado Department of Revenue to sell medical marijuana and medical marijuana-infused products pursuant to the Colorado Medical Marijuana

Code, article 43.3 of Title 12, C.R.S., and licensed by the Town pursuant to Chapter 5 of the Town Code. To the extent any retail marijuana store exists at the same location and under common ownership with a licensed medical marijuana center, the retailer shall strictly segregate and account for sales of retail marijuana distinct from medical marijuana in accordance with all applicable state and city laws and regulations governing collocation of retail marijuana stores and medical marijuana centers.

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

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

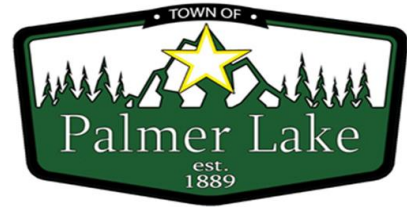
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9TH DAY OF FEBRUARY 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor



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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Review of Staff Time on Citizen Inquiries
Presented by: Town Administrator /Clerk		

In addition to CORA requests for specific documents, staff is currently receiving an increased number of general inquiries. The goal of staff is to make resident inquiries a priority; however, due to the depth of some inquiries, it is becoming extremely time consuming.

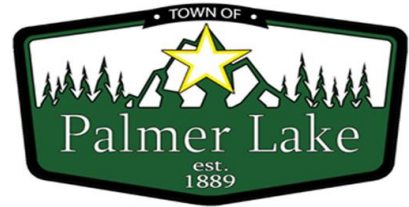
An example of this – I personally received seven messages within three days following the prior Board meeting and I spent six hours specifically on a Sunday afternoon attempting to research and provide a response. Some of the research activity requires going back to former code and piecing together what took place along with Board action. Unfortunately, our historical records are not quick and easy to navigate. We are working to improve this going forward, but the past is simply what we have inherited.

This is six hours of town business either put off or trying to fit in another time of a workweek already exceeding 60 hours. Being highly sensitive to the town’s past experience with administration, I want to provide a level of service that exceeds expectations; however, I cannot keep at this rate.

Thus, this item is to request Board direction on responding to non-CORA request inquiries which require staff time to research, gather documents, and/or otherwise respond. One option is for the Board to set an agreed upon amount of time each week that you will support staff spending in order to provide responses toward public inquiries. Again, this is not for specified CORA requests – they have rules of their own. For example, if a response can be completed within 10-15 minutes, I could respond to an average of 4-6 inquiries in a week. But those requests requiring more than one hour perhaps wait until higher priority items are completed. If a request is more voluminous than that, perhaps the Board would like me to bring it to the next meeting to seek guidance on a response or course of action.

The purpose in seeking your direction is 1) to request you set policy on the use of staff time in responding to non-CORA requested inquiries; 2) to request your support as we anticipate that the Board may hear from public members when an inquiry may be responded to as a low priority based on the amount of time it may take for staff to respond to it.

Please let me know any questions.



Item 17.

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

DATE: February 9, 2023	ITEM NO.	SUBJECT: Consideration of Candidates to Appoint to the Board of Trustees (2020-2024 remaining term)
Presented by: Town Administrator /Clerk		

Town office received applications for appointment from a number of interested residents. The application copies will be distributed to Board members via email following the 2/6 deadline. Copies will also be provided separately at your tabletop on Thu., 2/9, along with a list of questions used for candidates to fill a vacancy in 2021.