



## BOARD OF TRUSTEES MEETING

Thursday, April 13, 2023

Executive Session at 5 PM and **Regular Meeting at 6 PM**

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

\* LIVE STREAM available at Town website at 6 PM\*

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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

#### Roll Call

**Convene to Executive Session (note: any unfinished items may be resumed at the end of the meeting with a motion by the Board)**

*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) – lease terms of town property (ER); terms of fire IGA; and for conference with Town Attorney to receive legal advice on special legal questions under C.R.S. 24-6-402(4)(b) - possible annexation (Challenger Homes, Ben Lomand Mountain)*

**Reconvene to Open Session at 5:45 pm to open doors for public to start Regular Meeting at 6 pm**

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#### Pledge of Allegiance

#### Introductions/Presentations

1. CORE Introduction & Presentation - Mr. Robert Osborn, Director of Business Development
2. Proclamation Recognizing National Library Week 2023

#### 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.*

3. Minutes from March 23, 2023 Meeting
4. Minutes from Special Meeting April 5, 2023
5. Elephant Rock Plaque - Mr. Jerry Merrick (Palmer Lake Arts Council)

#### Staff/Department Reports

6. Water
7. Public Works including Roads & Park Maintenance
8. Police
9. Fire

- [10.](#) Administration
- 11. Attorney
- 12. Administrator/Clerk

**Public Hearing**

*Mayor will open the hearing and inquire if any public member is present to speak for/against the item. Board members will listen. Mayor will close the hearing and the item will be addressed under Business.*

- [13.](#) Ordinance to Adopt Revised Pikes Peak Regional Building Code

**Business Items**

- [14.](#) Ordinance 10-2023 to Adopt and Apply the Pikes Peak Regional Building Code, 2023 Edition
- [15.](#) Special Event Application - Arts Council Lecture in Town Hall (4/29)
- [16.](#) Special Event Application - Tri Lakes Kids Fishing Derby (6/03)
- [17.](#) Special Event Application - Red Wine and Blue BBQ (6/10)
- [18.](#) Special Event Application - Palmer Lake Elementary School Fun Run (7/04)
- [19.](#) Special Event Application - Festival on the Fourth (7/4)
- [20.](#) Special Event Application - Palmer Lake Wine Festival (9/9)
- [21.](#) Ordinance 11-2023 to Amend Title 17 Relating to Land Use (Reimbursement Agreement)
- [22.](#) Ordinance 12-2023 to Amend Section 5 Relating to Short Term Rental Regulations
- [23.](#) Resolution 28-2023 to Authorize Parks Commission to Create a Trail
- [24.](#) Resolution 29-2023 to Direct a Workgroup to Draft a Master Plan for Elephant Rock Property
- [25.](#) Resolution 30-2023 to Reinstate IGA with Monument Fire District - Monthly
- [26.](#) Resolution 31-2023 to Oppose Senate Bill 23-213 Relating to Housing
- [27.](#) Direction on Water System Improvement Recommendations / Master Plan
- [28.](#) Direction on Drainage Improvement Plans (High Street Drainage Basin)

**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 (48 hours prior to the meeting) and shall be announced, distributed, and addressed at the meeting. Otherwise, please step to the microphone, state your name and address for the record and address the Board on matters not on the agenda. Please note that the Board will not take action on your concern but may refer it to staff and/or to a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!*

**Board Reports****Next Meeting (4/27) and Future Items****Convene to Executive Session for any unfinished items****Adjourn**

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**Americans with Disabilities Act**

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

# ***Proclamation Recognizing National Library Week***

***April 23-29, 2023***

**WHEREAS**, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning by cultivating spaces for belonging, personal growth, and strong communities; and

**WHEREAS**, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status, including veterans, active duty military and their families, small business owners, community organizations, and places of worship; and

**WHEREAS**, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

**WHEREAS**, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

**WHEREAS**, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

**WHEREAS**, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

**WHEREAS**, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all.

**NOW, THEREFORE**, BE IT RESOLVED, that the Board of Trustees of Palmer Lake, Colorado, proclaim **April 23-29, 2023**, as **National Library Week**. During this week, all residents are encouraged to visit the Pikes Peak Library District in person or online to access resources and services. Because of public members, Libraries continue to transform lives and communities.

**DONE THIS** 13<sup>th</sup> day of April, 2023, at Palmer Lake, Colorado.

TOWN BOARD OF TRUSTEES

ATTEST:

\_\_\_\_\_  
Mayor Glant Havenar

\_\_\_\_\_  
Town Administrator/Clerk



## BOARD OF TRUSTEES MEETING

### Thursday, March 23, 2023 at 5:00 PM

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

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### MINUTES

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**Call to Order.** Mayor Havenar called the meeting to order 5:07 pm.

#### **Pledge of Allegiance**

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

#### **Presentations**

1. Presentation of Revised Building Code by Pikes Peak Regional Building (PPRBD), Mr. Roger Lovell, Building Official. Trustee Dennis Stern introduced Mr. Roger Lovell, PPRBD. He introduced his team and provided the background of the creation of the department, schedule of revision of the International, State and Local codes. Mr. Lovell explained the most current energy conservation code, 2015 with revisions, to be adopted prior to July, otherwise, the 2021 code without amendments will take effect. Mr. Lovell further reviewed the review process and public outreach. Mayor Havenar asked about ISO level specific to building (not fire). Trustee Dreher inquired on the energy topic. Adoption of the code gets ahead of the restrictive 2021 code – energy conservation and accessibility code. Mayor referenced the first reading of the revised building code later in the agenda.

#### **Consent Agenda**

MOTION (Ball, Farr) to approve the consent agenda including items 2) Minutes from March 9, 2023, Meeting; 3) Checks over \$15,000 - CIRSA (\$30,876.59); and 4) Financials (Feb-2023). Roll call taken – aye 7; nay 0. Motion passed.

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

5. Attorney – none.
6. Administrator/Clerk. Collins reported the library door frame is repaired and under the estimate. Water Supervisor Orcutt noted that the surface water is too low to add water to the lake. Fire Chief John Vincent accepted the offer for the Fire Chief position. The water department analysis is moving along, and a presentation is expected in April. The Chamber After Hours event was a success on 3/21 and Collins thanked those who attended.

#### **Public Hearing**

7. 2023 Budget Amendment. Mayor Havenar opened the hearing for the budget amendment. Deputy Town Clerk Stambaugh provided background of the unused 2022 general fund and water fund to carry forward

to 2023 for public works and water projects. Mr. Roger Moseley clarified the unused funds from 2022. No person spoke for or against the amendment. Mayor Havenar closed the hearing.

### Business Items

8. Resolution 25-2023 to Amend the 2023 Budget. MOTION (Stern, Ball) to adopt Resolution 25-2023 to amend the 2023 budget as presented. Roll call taken – aye 5; nay 2 (Farr, Padgett). Motion passed.
9. First Reading of Ordinance 10-2023 to Consider Pikes Peak Regional Revised Building Code. Trustee Stern thanked PPRBD and suggested adopting the 2015 version with amendments to be done before July. MOTION (Farr, Padgett) to pass Ordinance 10-2023 revising the code. Roll call taken – aye 7; nay 0. Motion passed.
10. Special Event Application - Egg Hunt on the Village Green (Palmer Lake Arts Council, 4/8). Ms. Lindsey Aho and her daughter provided the details of the planned Easter egg hunt for 4/8 at 11 am. The event is approved with fees waived.
11. Ordinance 8-2023 Amending Title 12 Regulating Snow Removal. Discussion took place about the final version of the ordinance to regulate snow removal and concerns were expressed about overstepping. Collins noted that education will take place first with enforcement of the ordinance. Mr. Kent Hutson inquired about enforcement. Mr. Matt Stephens referenced the state code prohibiting placing snow from private property on public right of way and that this ordinance provides local enforcement. MOTION (Dreher, Padgett) to approve Ordinance 8-2023 to regulate snow removal. Roll call taken – aye 6; nay 1 (Farr). Motion passed.
12. Ordinance 9-2023 to Authorize Sale of Town Property. The location of the parcel was explained. MOTION (Padgett, Stern) to approve Ordinance 9-2023 to authorize the sale. Roll call taken – aye 7; nay 0. Motion passed.
13. Resolution 26-2023 to Authorize Use of Cost Reimbursement Agreement (Development Review). Mayor Havenar explained the background to implement this agreement. MOTION (Stern, Ball) to approve Resolution 26-2023 to authorize the agreement. Roll call taken – aye 7; nay 0. Motion passed.
14. Resolution 27-2023 to Authorize CMI as Interim Planner Consultant for Development Review. Collins stated CMI will be utilized in the interim. MOTION (Ball, Dreher) to approve Resolution 27-2023 to work with CMI. Roll call taken – aye 7; nay 0. Motion passed.
15. Direction on Draft Ordinance to Amend and Create Code for Use of Cost Reimbursement Agreement. Review of the draft ordinance took place and the Board directed staff to finalize a version.
16. Direction on Draft Ordinance to Amend Short Term Rental Code. Mayor Havenar further reviewed the redlined draft version. Collins reviewed the safety features of the application packet. Mr. Roger Moseley restated item 2 of his written input to the Board, as well as page 6 of 20 and referenced use of if/may language. Attorney Krob stated he will review the language. An ordinance to amend the code will be drafted for Board consideration.
17. Authorize Mayor to Sign Request Letter - DOLA, Energy and Mineral Impact Assistance Fund. MOTION (Padgett, Ball) to authorize Mayor Havenar to sign the letter for DOLA funds. Roll call taken – aye 7; nay 0. Motion passed.
18. Consider Direction for Elephant Rock Property First Initiative. Mayor Havenar and Trustee Farr explained the general discussion previously taken place with the Board members. It was stated that a master plan to begin, stake/flag the trail path to connect, move forward to lease smaller area to Willans for the Eco Spa, and reserve about three acres for a possible public facility. Mr. Kent Hutson suggested conducting a master plan with input to the property, including PLEDG and Arts Council. Mr. Richard Willan confirmed that lease terms will be negotiated. Mr. Reid Wiecks clarified the master plan for a portion or all 28 acres. He suggested that Parks also create a master plan for the trail/parks area on the property. The spreadsheet of the Parks plan for the property

is the foundation for a 3-year plan and phase 1 to be conducted this year. Ms. Amy Hutson suggested the master plan be completed for the entire property. Mr. Gene Kalesti introduced Mr. Rogers Davis to speak about the history of the elephant rock property. Mr. Davis spoke about the importance of Chautauqua that brought folks to Palmer Lake, the background on the area and celebrating the memory. Mr. Kalesti spoke about a mapping tool to exact the trail location. Discussion took place with members about the process and next steps. Ms. Linsey Willan stated these agreed parts (spa, trail, etc.) should be incorporated into the master plan. Discussion took place about cabins and possible demo, and general plans to secure the other structures. Mr. Roger Moseley suggested checking the PUD code to amend the use of the property.

19. Review Prioritized Items and Additional Board Workshop (First Thursday/Month). Discussion took place about a regular standing workshop or retreat as needed. Trustee Dreher inquired about changing it from the first Thursday to the first Wednesday each month. Board members agreed to add a regular time instead on the first Wednesday each month at 5 pm. Trustee Padgett reviewed the items to be addressed. Mr. Gary Atkins clarified the time is in addition and not replacing a regular meeting.

#### Public Comment

Mr. Gary Atkins gave Board members a handout and requested a future agenda item. He expressed his concerns about the new retail MJ license at Alpine Essentials and asked the Board address parking and screening.

Ms. Brenda Woodward stated their parking plan and signs were approved with the retail license application.

#### Board Reports

Trustee Ball mentioned updates of CML legislation and webinars she is registered to participate in.

Trustee Dreher asked if the Board can circle back on Board rules together and noted a meeting held with Mr. Roger Moseley about his concerns of accounting/budgeting for the water fund.

Trustee Stern attended the PPRBD advisory meeting.

Mayor Havenar stated she attended the Board of Health and will be interviewed on Fox 21 local on Friday.

#### Next Meeting - April 5th workshop and April 13 regular meeting – and Future Items

**Convene to Executive Session.** MOTION (Padgett, Stern) to convene to executive session at 7:32 pm for conference with town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402 (4)(b) - litigation and/or possible claims against town (PD complaint update); and for 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) – elephant rock lease terms. Roll call taken – aye 7; nay 0. Motion passed.

**Reconvene to Open Session and Adjourn.** MOTION (Farr, Padgett) at 8:45 pm. Motion passed.

\_\_\_\_\_  
Mayor Glant Havenar

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



## BOARD OF TRUSTEES - SPECIAL MEETING

Wednesday, April 05, 2023 at 5:00 PM

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

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### MINUTES

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**Call to Order.** Due to technical difficulties, Mayor Havenar called the meeting to order at 5:15 pm.

#### **Pledge of Allegiance**

**Roll Call.** Present: Mayor Glant Havenar; Trustees Nick Ehrhardt, Shana Ball, Kevin Dreher, Jessica Farr, and Dennis Stern. Excused: Trustee Sam Padgett. Mayor Havenar stated that Trustee Padgett will not be available through the end of May.

#### **Business Items**

1. Affirm the Proclamation for National Public Health Week 2023. Mayor Havenar explained the proclamation for the Department of Health. MOTION (Ball, Ehrhardt) to accept the proclamation. Roll call vote – aye 6; nay 0. Motion passed. A photo of the Board with the proclamation will be taken following the meeting.
2. Special Event Application - Pancake Breakfast (April 16). Collins explained the Fire Association event on 4/16, with breakfast beginning at 8a and egg hunt at 11:30a. MOTION (Ball, Dreher) to approve the event. Roll call vote – aye 6; nay 0. Motion passed.

#### **Public Comment**

Mr. Richard Willan thanked the Board for the work on elephant rock property and mentioned Franco being enthusiastic about his concept contributing to the property. Mr. Willan requested the Board members consider including the maintenance shed and gymnasium in the lease area (approximately 3.6 acres). Discussion took place about leasing the gym and utilizing it for classes or small event venue. Mr. Willan stated he will add a restroom and a discussion took place about access to water and sanitation.

Ms. Nicole Currier inquired about what took place with Carter Payne and the change of plans for the property. Mayor Havenar and staff provided background to the sequence of events. Further discussion took place about concepts being accepted for the property via the town website. Ms. Currier suggested the Board consider the preservation grants that the Arts Council is exploring for the cabins. Discussion of the master plan process took place.

Mr. Reid Wiecks responded to Ms. Currier's remark that Parks did not pull the rug out from Carter Payne, explaining that ideas were submitted by Parks early on when input for the property was solicited (fall 2021) and stated that Parks was not invited to participate in the property committee.

Collins clarified that the former Board received and reviewed all citizen input early in 2022 and were very clear that the Board will determine what will be developed on the property. She stated that a committee was suggested by Bob Radosevich at the time, but the Board directed differently. It was directed to move forward with an appraisal and an RFP for concepts to consider, of which three were presented at a joint meeting of the Planning Commission and the Board of Trustees, and the direction given to staff was to start discussions with two parties – Willans and Carter Payne. Discussion continued generally about the events of the past few months.

**Next Meeting (4/13 at 6 pm) and Future Items**

**Adjourn.** MOTION (Ball, Stern) to adjourn at 5:47 pm. Motion passed.

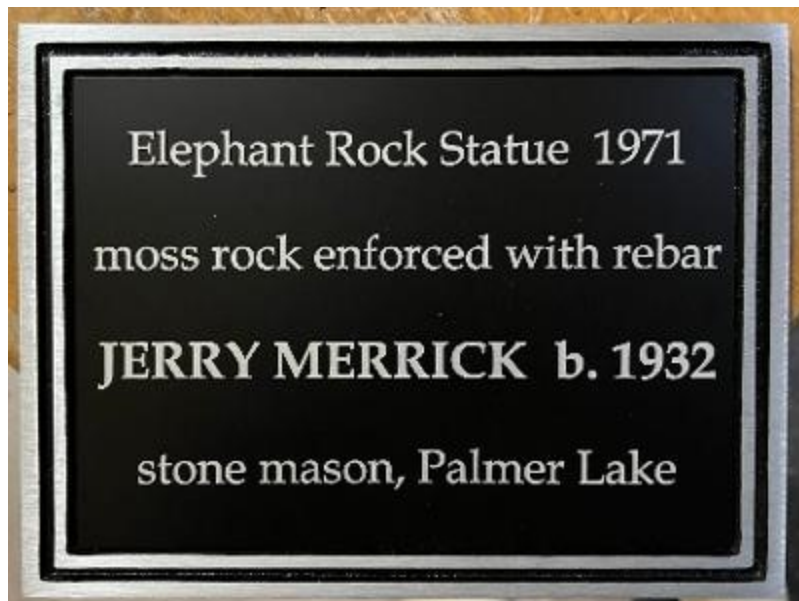
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Mayor Glant Havenar

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ATTEST: Dawn A. Collins, Town Clerk





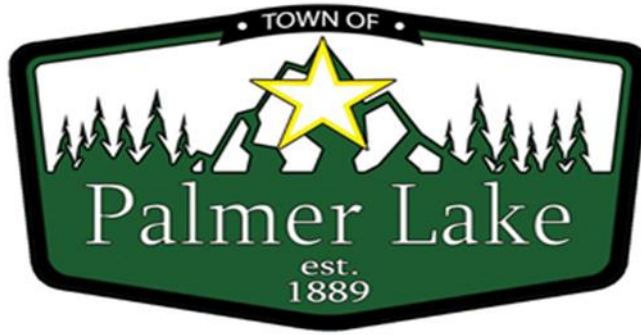
**Town of Palmer Lake Monthly Water Usage**

**Month Year March 2023**

	<b>Gallons</b>	<b>Acre Ft</b>
<b>Surface Water</b>	<b>2,226,000</b>	<b>6.83</b>
<b>Well A2</b>	<b>1,394,000</b>	<b>4.28</b>
<b>Well D2</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>3,620,000</b>	<b>11.11</b>
<b>Avg. Gal/Day</b>	<b>117,000</b>	<b>0.36</b>

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

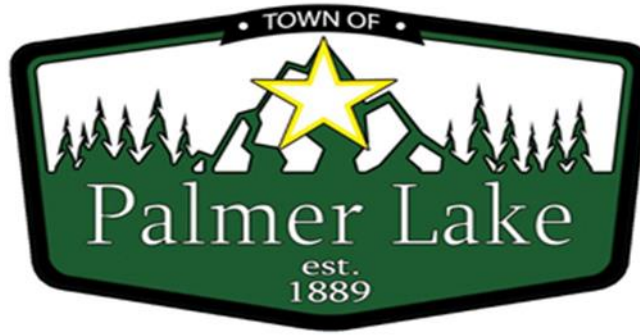
**Total      0 AF**



*Board of Trustees Summary Sheet*

	<b>MARCH 2023</b>
Title	<b>Public Works Monthly Report</b>
Date	4/13/2023
Contact	Jason Dosch
Summary	<p>Graded roads                      Patched Potholes                      Snow plowed and sanded ROWs, Town parking lots and cleared sidewalks around Town Hall and library                      Cut tree limbs from ROW                      Replaced and repaired street signs                      Performed routine maintenance on equipment and playground equipment                      Emptied trash cans at Lake Rec area                      Performed playground inspections                      Maintained area around the Town office and Town Hall                      Set up and tear down seating and tables at Town Hall for meetings and events                      Attended Parks Commission meetings                      Attended special event permit meetings                      Attended TAC meeting at PPACG                      Performed maintenance on parking kiosk at Trailhead parking lot                      Directed CORE to proceed with new power at Ped Bridge area in Centennial Park                      Moved Federal stimulus of \$200k from bridge maintenance to repave project on Spring St (summer '23)                      Hired 2 part time Parks Dept employees</p>
Training	Safety, cyber security (ongoing)

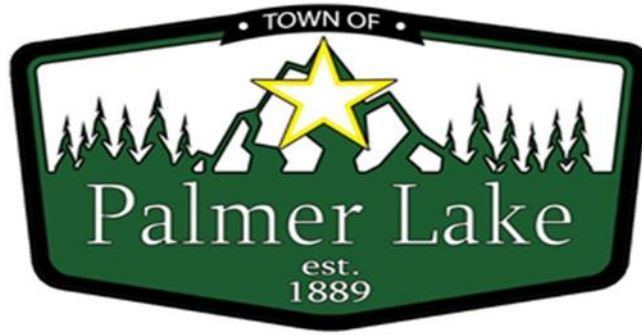
<b>Other Project Activity</b>	<ul style="list-style-type: none"><li>• Working on design phase of Palmer Lake Elementary School Project</li><li>• Hired GMS Eng to design Circle Rd/Dr for construction in summer of 2024</li><li>• Started gathering bids for Westward Ln and Hillview Rd roadway improvement project this summer '23</li></ul>
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### Board of Trustees Summary Sheet

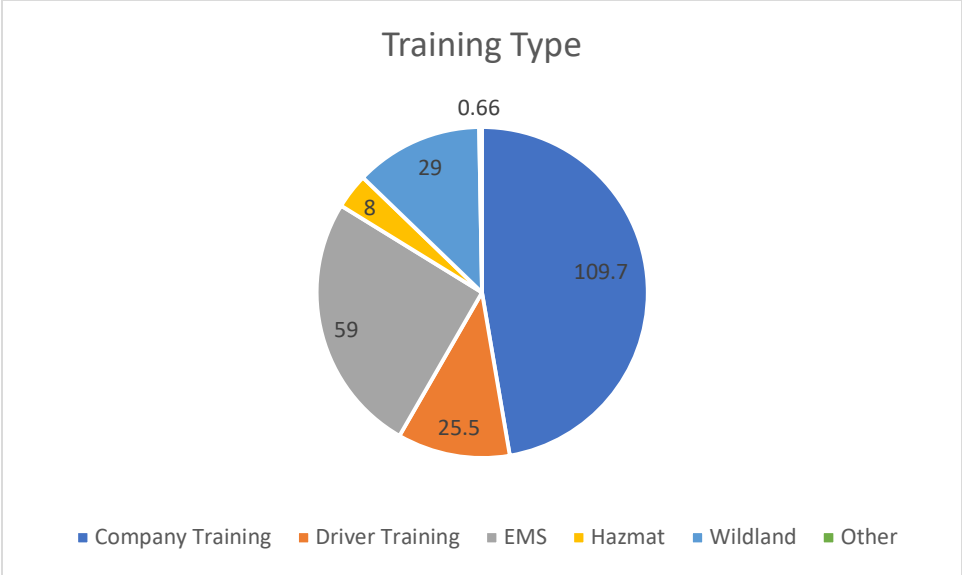
	<b>Mar-Apr 2023</b>
Title	<b>Police Monthly Report</b>
Date	3/1-3/31/2023
Contact	J. Vanderpool
Summary	In the Month of March 2023, the PLPD conducted <u>52 traffic stops</u> and issued 33 citations. Also, in the month of March - 2 DUI arrests and 2 Domestic Violence arrests were made.
Training	Firearms, Arrest Control, Hazmat and Critical incident training were attended by the PLPD.
Photographs	none
Other Actions	The Palmer Like Police Department obtained mobile radios from the Colorado State Patrol, these radios have been placed into the patrol cars and are operational. By doing this it has allowed the Palmer Lake Fire Department to upgrade their radios.
Active investigations	Palmer Lake PD officers continue investigating several crimes that have occurred this month.
Calls for service	Officers responded to <u>252 calls</u> for service this month - 217 of the calls were in the Town of Palmer Lake and 37 were outside of town.

Code Enforcement	Code enforcement officers have been working with town residents to correct several violations. The code enforcement officer is continuing her work getting the local businesses up to date with their business licenses.
S.T.E.P.	S.T.E.P. program continues, reducing accidents.



*Board of Trustees Summary Sheet*

Title	<b>Fire Department Report-March 2023</b>
Date	April 13, 2023
Contact	John Vincent, Chief
Summary	<p>VHF Radio Grant received from Gary Sinise Foundation for \$25,500. VHF Mobile Radios have arrived, awaiting Portable radio delivery.</p> <p>New Brush Truck 2041 continues to be outfitted. Pending striping, lettering. Attachment of Emergency Equipment and Communications.</p> <p>Engines 2010 &amp; 2015 are retired and need to be sold.</p> <p>3 Personnel obtained their State Proctor Certification.</p> <p>Annual Wildland Refresher Training Completed along with Pack Test.</p> <p>Auto-Aid Assist to Monument Fire Protection District for 2<sup>nd</sup> Alarm Structure fire.</p>
Training	See Attachment
Photographs	See Attachments
Code Enforcement	



Total Training Hours: 231.86





# Palmer Lake Fire Department

Palmer Lake, CO

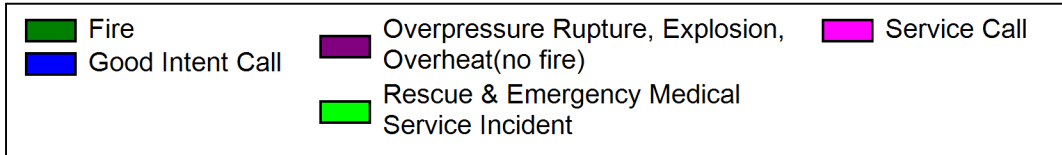
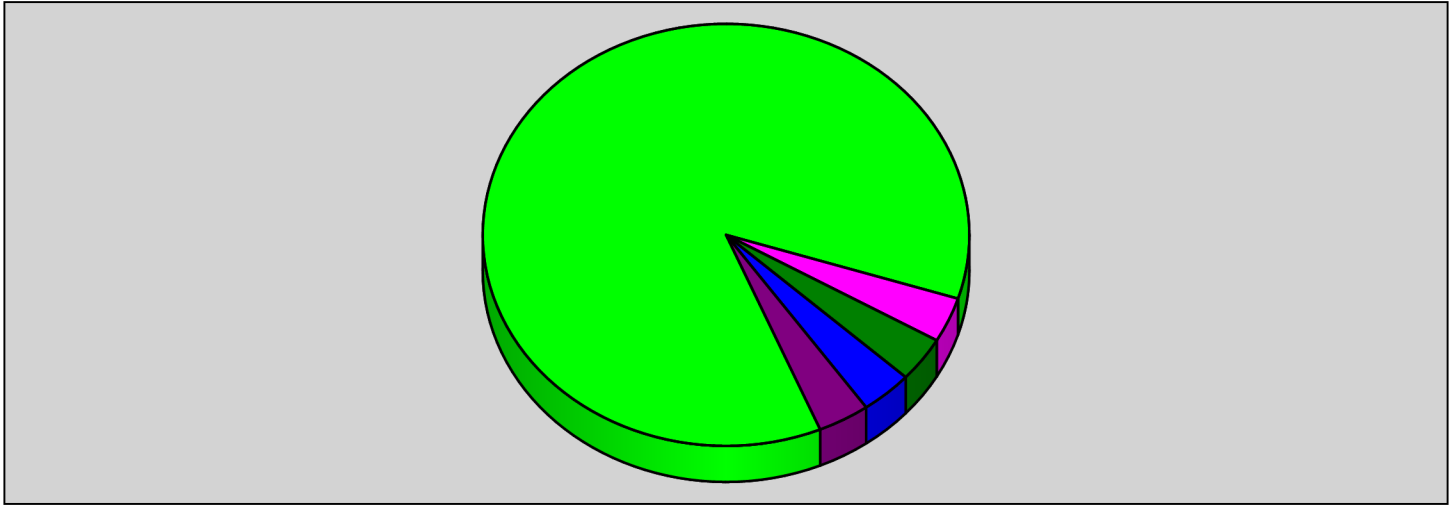
This report was generated on 4/10/2023 8:43:35 AM



Item 9.

## Major Incident Types by Month for Date Range

Start Date: 03/01/2023 | End Date: 03/31/2023



INCIDENT TYPE	MAR	TOTAL
Fire	1	1
Good Intent Call	1	1
Overpressure Rupture, Explosion, Overheat(no fire)	1	1
Rescue & Emergency Medical Service Incident	25	25
Service Call	1	1
<b>Total</b>	<b>29</b>	<b>29</b>

Only REVIEWED incidents included







## Board of Trustees Summary Sheet

	<b>April 2023</b>																																						
Title	<b>Administration</b>																																						
Date	4/13/2023																																						
Contact	Admin personnel																																						
Kiosk Revenue	<p>March Collections for the Kiosk / Transactions: 420</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">\$ 2,226.00</td> <td style="width: 10%;"></td> <td style="width: 80%;">Gross Collections</td> </tr> <tr> <td>\$ (126.00)</td> <td></td> <td>Fees</td> </tr> <tr> <td style="border-top: 1px solid black;">\$ (70.00)</td> <td></td> <td>Monthly T2 Svc charge</td> </tr> <tr> <td>\$ 2,030.00</td> <td></td> <td>Net Collections - March</td> </tr> </table> <p>Collections 2023 YTD / YTD Transactions: 740</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">\$ 6,148.00</td> <td style="width: 10%;"></td> <td style="width: 80%;">Gross Collections</td> </tr> <tr> <td>\$ (304.00)</td> <td></td> <td>Fees</td> </tr> <tr> <td style="border-top: 1px solid black;">\$ (254.00)</td> <td></td> <td>Monthly T2 Svc charge</td> </tr> <tr> <td>\$ 5,590.00</td> <td></td> <td>Net Collections</td> </tr> </table>			\$ 2,226.00		Gross Collections	\$ (126.00)		Fees	\$ (70.00)		Monthly T2 Svc charge	\$ 2,030.00		Net Collections - March	\$ 6,148.00		Gross Collections	\$ (304.00)		Fees	\$ (254.00)		Monthly T2 Svc charge	\$ 5,590.00		Net Collections												
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Contact Us (online)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Submitted Date</th> <th style="width: 20%;">First Name</th> <th style="width: 60%;">Subject</th> </tr> </thead> <tbody> <tr><td>3/1/2023</td><td>Monika</td><td>Plastic bag fee</td></tr> <tr><td>3/2/2023</td><td>Stacy</td><td>Reservation of Palmer Lake Recreation Area Pavilion</td></tr> <tr><td>3/2/2023</td><td>Kellie</td><td>El Paso County Clean Sweep Recycling Event</td></tr> <tr><td>3/3/2023</td><td>Jen</td><td>Wood chipping?</td></tr> <tr><td>3/3/2023</td><td>Danni</td><td>Venue rental</td></tr> <tr><td>3/7/2023</td><td>Megan</td><td>Citation paid?</td></tr> <tr><td>3/11/2023</td><td>Jesse</td><td>Palmer Lake Pavilion Reservation Inquiry</td></tr> <tr><td>3/17/2023</td><td>Tara</td><td>Palmer Lake Pavilion</td></tr> <tr><td>3/17/2023</td><td>Stephanie</td><td>Train</td></tr> <tr><td>3/21/2023</td><td>Robert</td><td>Palmer lake mx track</td></tr> <tr><td>3/30/2023</td><td>Rebecca</td><td>Renting picnic area</td></tr> </tbody> </table>			Submitted Date	First Name	Subject	3/1/2023	Monika	Plastic bag fee	3/2/2023	Stacy	Reservation of Palmer Lake Recreation Area Pavilion	3/2/2023	Kellie	El Paso County Clean Sweep Recycling Event	3/3/2023	Jen	Wood chipping?	3/3/2023	Danni	Venue rental	3/7/2023	Megan	Citation paid?	3/11/2023	Jesse	Palmer Lake Pavilion Reservation Inquiry	3/17/2023	Tara	Palmer Lake Pavilion	3/17/2023	Stephanie	Train	3/21/2023	Robert	Palmer lake mx track	3/30/2023	Rebecca	Renting picnic area
Submitted Date	First Name	Subject																																					
3/1/2023	Monika	Plastic bag fee																																					
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3/21/2023	Robert	Palmer lake mx track																																					
3/30/2023	Rebecca	Renting picnic area																																					
Land Use permits issued	<p>Type: Single Family; Qty: 0 Other; Qty: 5</p> <p>Total water taps issued: 1039</p>																																						

**Business Licenses**

<b>BUSINESS STATUS COUNTS</b>	2023
	Mar
New:	1
Renewed:	4
Pending:	4
Closed:	1

**SCHEDULED TO RENEW NEXT MONTH: May**  
*\*Board – please report any concerns to Admin\**

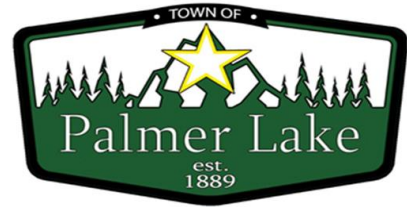
Aggregate Industries - WCR, Inc.
Big D Enterprises, Inc.
Bowman Machine Design, LLC
Carefree Ice, LLC
CareVet, LLC dba Palmer Lake Veterinary Hospital
Dentaltemps of the Rockies
Evergood Adventure Wines
Excel Roofing, Inc.
Happy Tails Dog Walking & Pet Sitting Service
Lee & Associates Real Estate
Mediatrunk, LLC
Mission Training International
Monument Towing
Oasis Landscape & Irrigation, Inc.
Pizzazz, LLC dba Luna Hair & Co.
Premier Custom Decks
Real Red Riding Hoods, LLC
Satiama, LLC dba Satiama Publishing
Spring Sweet Enterprises
Waste Connections of Colorado, Inc.

**Water Billing**

2022	# of Water Accounts	Water Gallons Sold
Total YTD	1,015	87,118,100

2023	# of Water Accounts	Water Gallons Sold
Jan	1,013	9,514,500
Feb	1,014	9,625,800
Mar	1,016	8,698,800
Total YTD		27,839,100

	<table border="1"> <thead> <tr> <th>2021</th> <th>Total Accounts</th> <th>Accounts Shut off</th> </tr> </thead> <tbody> <tr> <td>Aug - Dec</td> <td>1000</td> <td>5</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>2022</th> <th>Total Accounts</th> <th>Accounts Shut off</th> </tr> </thead> <tbody> <tr> <td>Total YTD</td> <td>1010</td> <td>11</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>2023</th> <th>Total Accounts</th> <th>Accounts Shut off</th> </tr> </thead> <tbody> <tr> <td>Jan</td> <td>1010</td> <td>0</td> </tr> <tr> <td>Feb</td> <td>1010</td> <td>0</td> </tr> <tr> <td>Mar</td> <td>1011</td> <td>0</td> </tr> </tbody> </table>	2021	Total Accounts	Accounts Shut off	Aug - Dec	1000	5	2022	Total Accounts	Accounts Shut off	Total YTD	1010	11	2023	Total Accounts	Accounts Shut off	Jan	1010	0	Feb	1010	0	Mar	1011	0
2021	Total Accounts	Accounts Shut off																							
Aug - Dec	1000	5																							
2022	Total Accounts	Accounts Shut off																							
Total YTD	1010	11																							
2023	Total Accounts	Accounts Shut off																							
Jan	1010	0																							
Feb	1010	0																							
Mar	1011	0																							
Grants	TBD																								
Admin Activity	Continuing the data transition of the GP accounting program with Fromm Accounting and GP training with Knaster to set up town codes and 2023 budget																								



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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Second Reading and Consider Adoption of the PPRBD Revised Building Code
<b>Presented by:</b> Town Administrator /Clerk		

Following the PPRBD presentation and the first reading of the Ordinance to adopt the revised building code on March 23, this is the second reading and action to consider adoption of the revised code.

As previously presented by PPRBD, Roger Lovell, adoption of this revised code with amendments will benefit the town from having to adopt the 2021 code without the amendments. The PPRBD presentation and code modification is found here – <https://www.townofpalmerlake.com/bc-bot/page/board-trustees-meeting-79>

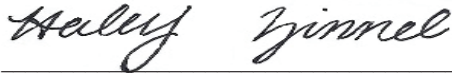
Staff recommends adoption of Ordinance 10-2023.

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

I, Haley Zinnel, being first duly sworn, deposes and says that he 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 **2 time(s) to wit 03/22/2023, 03/29/2023**

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.



Haley Zinnel  
Sales Center Agent

Subscribed and sworn to me this 03/29/2023, at said City of Colorado Springs, El Paso County, Colorado.

My commission expires June 23, 2026.



Karen Hogan  
Notary Public  
The Gazette

**KAREN HOGAN**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 20224024441  
MY COMMISSION EXPIRES 06/23/2026

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO REGARDING ADOPTION OF THE PIKES PEAK REGIONAL BUILDING CODE, 2023 EDITION, BY REFERENCE**

Notice is hereby given that a public hearing will be held before the Town of Palmer Lake Board of Trustees on Thursday, April 13, 2023, at 6:00 pm at the Palmer Lake Town Hall, 42 Valley Crescent, Palmer Lake, Colorado. Following the hearing, the Board will consider the second reading of an ordinance adopting the Pikes Peak Regional Building Code, 2023 Edition, by reference. The purpose is to repeal previous editions and include provisions for adoption of the penalties for the violation of the building code in the Town of Palmer Lake, Colorado. The referenced code to be considered by the Palmer Lake Board of Trustees is available for review here: [https://www.townofpalmerlake.com/news?field\\_news\\_type\\_value=publicnotice&field\\_microsite\\_tid=All](https://www.townofpalmerlake.com/news?field_news_type_value=publicnotice&field_microsite_tid=All)

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

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

Published in the Tri-Lakes Tribune March 22, & 29, 2023.

Document Authentication Number  
20224024441-810266



**TOWN OF PALMER LAKE**

**ORDINANCE NO. 10-2023**

**AN ORDINANCE ADOPTING AND APPLYING THE PIKES PEAK REGIONAL BUILDING CODE, 2023 EDITION, AND REPEALING THE PREVIOUS EDITION OF SUCH CODE**

**WHEREAS**, on June 14, 2018, the Board of Trustees for the Town of Palmer Lake, Colorado, (the “Board”), adopted the Pikes Peak Regional Building Code (the “Code”), 2017 Edition, and has subsequently amended the adopted 2017 Edition of the Code; and

**WHEREAS**, the Code provides for the administration of Pikes Peak Regional Building Department (the “Department”), licensing and registration of contractors, plan review(s), permitting, and enforcement of adopted model codes and locally developed standards, including, but not limited to regulation of construction, alteration, maintenance, repair, and demolition of buildings; and

**WHEREAS**, it is necessary to continue regulation of construction activities within the Town of Palmer Lake to protect the health, welfare, and safety of the citizens and the public at large; and

**WHEREAS**, the Town of Palmer Lake entered into an agreement with El Paso County, Colorado, and several of its municipalities allowing the Department to administer and enforce the Code; and

**WHEREAS**, the Board of Review of the Department, as the governing body responsible for reviewing, approving, implementing, and enforcing the Code, has reviewed and approved the proposed 2023 Edition of the Code after public comment period(s) and conducting public hearing(s); and

**WHEREAS**, the Board of Trustees has determined it to be reasonable and necessary to adopt by reference the 2023 Edition of the Code and its model codes as amended and adopted therein by reference; and

**WHEREAS**, the Board of Trustees now desires to adopt said Code by repealing the 2017 Edition of the Code, as amended, in its entirety and adopting and applying the 2023 Edition of the Code in its entirety, together with Appendix A and Appendix B; and

**WHEREAS**, the Board of Trustees finds that it has complied with all approval and notice requirements related hereto, if any.

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

**Section 1. Repeal.** Any previously adopted edition of the Code, as amended, is hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 2. Adoption by Reference.** The Pikes Peak Regional Building Code, 2023 Edition, together with Appendix A and Appendix B, as published by Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, Colorado 80910, and all secondary codes duly described or referenced therein, are hereby adopted by reference and applied and enacted as the building code of the Town of Palmer Lake, Colorado, as if fully set out herein.

**Section 3. Amendments.** The following are the amendments in full set forth in the Code:

1. **Section RBC108.2 SCHEDULE OF PERMIT FEES** is amended and modified by adding the following to read: “The Board of Trustees establishes Appendix B: Building Permit Fee Schedule of this Code as the adopted fee schedule.”

**Section 4. Penalties.** The following penalties herewith set forth shall apply to this ordinance:

1. It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, or cause or permit the same to be done in violation of any of the provisions stated or adopted in this ordinance.
2. Any person violating this ordinance or any provision thereof shall, upon conviction thereof, be punished as provided in Chapter 1.12 of the Town of Palmer Lake Municipal Code.
3. The building official may impose an administrative fine in an amount of up to one thousand dollars (\$1,000.00) on any person (entity included) engaged in any construction consulting work or construction work covered by this ordinance who engages in this work in violation of any provisions of this ordinance. Appeals to this action may be made as provided for elsewhere in the adopted Code.
4. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues.
5. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of the adopted Code or of any provision of the Building Code<sup>1</sup>, the town attorney or Pikes Peak Regional Building Department’s attorney, as applicable, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove any unlawful erection, construction, reconstruction, alterations, remodeling, maintenance, or use.

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<sup>1</sup> As referenced throughout the Pikes Peak Regional Building Code, 2023 Edition, “Building Code” means either the Commercial Building Code or the Residential Building Code, as applicable, in accordance with Chapter 3 of the Pikes Peak Regional Building Code, 2023 Edition.

**Section 5.** The following additional fines and penalties in the adopted Code are hereby adopted and set forth in this adopting ordinance pursuant to C.R.S. § 31-16-204:

1. The Building Official shall have authority to record a certificate of alleged noncompliance in the public records of the County of the Jurisdiction where a property is located thirty (30) calendar days after notice of noncompliance is posted on the premises or sent by registered mail or by certified mail, postage prepaid, return receipt requested, addressed to the record owner as such concerns any work done by any person, which work allegedly fails to comply with the final inspection requirements of the Pikes Peak Regional Building Code. Service is perfected under this Section at the earliest of the date of posting; the date the record owner receives the notice of non-compliance; the date shown on the return receipt, if signed on behalf of the record owner; or five (5) days after mailing. This Section does not prescribe the only means, or necessarily the required means, of serving a person in the State of Colorado. When the person has made appropriate corrections so that the work becomes compliant with the Pikes Peak Regional Building Code, the Building Official may record a release of the certificate of alleged non-compliance. *See, RBC103.13*
2. All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building, or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work. *See, RBC105.2.3.*
3. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Pikes Peak Regional Building Code whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any other provisions of this Code. *See, RBC105.10.4.*
4. Any person who refuses, without lawful excuse, to attend any hearing or to produce material evidence in the person's possession or under the person's control, as required by any subpoena served upon the person as provided for herein, shall be guilty of a misdemeanor. *See, RBC112.3.8.3.*
5. The Jurisdiction's Engineer shall keep an itemized account of the expenses incurred by the Jurisdiction in the repair or demolition of any building or structure done pursuant to the provisions of Section RBC112.4.1.2 Item 3 of the Pikes Peak Regional

Building Code. Upon the completion of the work of repair or demolition, the Jurisdiction's Engineer shall prepare and file with the Jurisdiction's Clerk a report specifying the work done, the itemized and total fees and cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section RBC112.2.5 of the Pikes Peak Regional Building Code. Upon receipt of this report, the Jurisdiction's Clerk shall fix a time, date, and place for hearing the report, and any protests or objections thereto. The Clerk shall cause notice of the hearing to be posted upon the property involved, published once in a newspaper of general circulation in the Jurisdiction, and served by registered mail or by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the assessment roll of the County Assessor, if it so appears or is known to the Clerk. The notice shall be given at least ten (10) calendar days prior to the date set for hearing, and shall specify the day, hour, and place when the governing body of the Jurisdiction will hear and pass upon the Engineer's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in or affected by the proposed charge. *See, RBC112.5.1.*

6. The Jurisdiction may thereupon order that the charge be made a personal obligation of the owner, or assess the charge against the property involved, or both. *See, RBC112.5.4.*
7. If the Jurisdiction orders that the charge be a personal obligation of the owner, it shall direct the Jurisdiction's attorney to collect the same on behalf of the Jurisdiction by use of all appropriate legal remedies. *See, RBC112.5.4.1.*
8. If the Jurisdiction orders that the charge be assessed against the property, it shall confirm the assessment roll, and thereafter this assessment shall constitute a special assessment against and a lien upon the property and shall be collected in the same manner as other special assessments of the Jurisdiction. *See, RBC112.5.4.2.*
9. Eligible persons who are determined to have a marginal income such that they cannot pay an assessment or personal obligation levied under this Section, either against the property on which they reside or against themselves personally, may be afforded relief as hereinafter provided.
  1. Within thirty (30) calendar days after the assessment or the personal obligation is ordered by the Jurisdiction, an

application for relief shall be filed with the Jurisdiction's Clerk.

2. The governing body of the Jurisdiction, or a hardship committee, as designated and authorized by the governing body of the Jurisdiction, shall review the application for the requested relief. To determine the applicant's eligibility, the reviewing body shall use criteria established or adopted in the Jurisdiction's code, ordinances, rules, or regulations, except that ownership of real property need not be required.
3. If it is determined that the applicant is eligible and that any person would probably default on the assessment or personal obligation, the reviewing body may authorize the execution with the applicant of an installment note for the payment of the assessment or personal obligation. The note shall be secured by a deed of trust, or if not available, by some other security reasonably available or appropriate. If no security is reasonably available or appropriate, then none may be required. The installment note shall provide that the owner shall make monthly payments to the Jurisdiction's Treasurer; that the payments shall not be less than five dollars (\$5.00) and shall be sufficient to repay the amount within a period of not more than twenty-five (25) years; that interest shall be charged at a rate of three percent (3%) per annum on the unpaid balance; that the entire outstanding balance shall become due and payable upon the death of the obligor or the sale or transfer of the property; that if at any time the Jurisdiction determines that the obligor is financially able to pay the outstanding balance, or that the obligor has willfully misrepresented the obligor's financial condition on the obligor's application, it may upon sixty (60) calendar days' notice declare the entire balance due and payable.

*See, RBC112.5.4.3.*

10. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the property assessed. The lien shall be subordinate to all existing special assessment liens previously imposed upon and recorded against the same property and shall be priority or superpriority, as applicable, to all other liens except for State, County, and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid in full. *See, RBC112.5.6.1.*

11. Any assessments remaining unpaid after thirty (30) calendar days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one percent (1%) per month from and after this date. *See*, RBC112.5.6.2.
12. The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subjected to the same penalties and procedures and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection, and enforcement of general municipal taxes shall be applicable to the assessment. If the Jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as general and municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedures for sale as provided for general municipal taxes. *See*, RBC112.5.8.
13. No person or entity convicted or found by a court or an administrative agency or authority having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration issued by Pikes Peak Regional Building Department, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in Pikes Peak Regional Building Department's jurisdiction. *See*, RBC201.6.6.
14. Each policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify Pikes Peak Regional Building Department at least ten (10) calendar days in advance of the effective date of any reduction or cancellation of the policy. The lapse, cancellation, or reduction of insurance shall be cause for automatic suspension of the license or registration until the required coverage is timely reinstated. *See*, RBC201.7.2.
15. Failure to renew a license within this (45) calendar day period after the expiration date of the license or registration will require payment of a penalty at one-half ( $\frac{1}{2}$ ) of the license or registration fee if renewed within ninety (90) days of the expiration date. After (90) days to (135) days, the penalty will be equal to the license or registration fee. After (135) days up to (180) days, the penalty will be equal to twice the license or registration fee. All requests for renewal(s) after (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective Advisory Committee, and approval by the Board of Review of Pikes Peak Regional

Building Department, as applicable. *See*, RBC201.10.4.

16. The following actions shall be considered punishable:
1. Willfully violating any provisions of the Pikes Peak Regional Building Code including any codes which are adopted by reference.
  2. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by Pikes Peak Regional Building Department pertaining to the administration of the Pikes Peak Regional Building Code and the codes which have been adopted by reference.
  3. Using a contractor's license or registration to obtain permits required under the Pikes Peak Regional Building Code for work that will not be performed by or supervised by the contractor.
  4. Misrepresentation by an applicant of a material fact when applying for a contractor's license or registration.
  5. Failure to obtain a proper permit for any work for which a permit is required by virtue of the Pikes Peak Regional Building Code.
  6. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of the Pikes Peak Regional Building Code.
  7. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor within a three (3) year time period that are, in the judgment of the Board of Review of Pikes Peak Regional Building Department, sufficient in number and severity to warrant revocation or suspension of the contractor's license or registration.

*See*, RBC201.11.3.

17. A license or registration, or the right of an examinee of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:
1. Registrations within this jurisdiction shall be automatically

revoked or suspended upon revocation, suspension or refusal to renew any required Colorado State license.

2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by section RBC201.7 of the Pikes Peak Regional Building Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to Pikes Peak Regional Building Department. Failure to present this proof within twelve (12) months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.
3. Conviction or a finding by a court or administrative agency or authority having competent jurisdiction of the contractor and/or its examinee(s), for a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration under the authority of the Pikes Peak Regional Building Code, or for work related to the building trades in any jurisdiction, shall result in automatic revocation of the license or registration and revocation of the right of the examinee and all authorized persons of the contractor to serve as a contractor or examinee for this or another contractor after notification by the Board of Review of Pikes Peak Regional Building Department and exhaustion of due process rights, if any, in accordance with Colorado law. The notification shall be served personally or posted by registered or by certified mail, return receipt requested, to the last known mailing address.

*See, RBC201.11.4.*

18. Voluntary Suspension.

1. The Board of Review of Pikes Peak Regional Building Department may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of twelve (12) months unless a notarized annual certification from an employer is furnished to Pikes Peak Regional Building Department indicating that the contractor is engaged in an active capacity in the field of building codes and construction.
2. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.



3. The voluntary suspension shall be automatically lifted at any point during the twelve (12) month period under the following conditions:
  - a. Written request is made to the Board of Review of Pikes Peak Regional Building Department by the contractor.
  - b. Proof of insurance is provided in accordance with section RBC201.7 of the Pikes Peak Regional Building Code.
4. In the event the contractor does not terminate the voluntary suspension within the twelve (12) month period as provided in item 3 above, or furnish proof of active engagement in the construction field and building codes, as provided in item 1 above, in order to obtain a new license or registration, the contractor must then meet all requirements of sections RBC201.5 and RBC201.6 of the Pikes Peak Regional Building Code.

*See, RBC201.11.5.*

19. The Building Official shall have the authority to require compliance with the requirements of SECTION RBC312 - of the Pikes Peak Regional Building Code. It shall be the responsibility of the property owner(s) to meet or cause to be met all applicable requirements. Upon due notification of noncompliance and failing to meet or cause to be met all applicable requirements, the property owner(s) shall be responsible for any and all incurred expenditures on the part of the Jurisdiction(s) or any authorized agency in the enforcement of and compliance with applicable requirements. *See, RBC312.3.8.*
20. Refer to local Jurisdiction's penalties for noncompliance, as stated within the Jurisdiction's ordinances or regulations. *See, RBC313.10.*
21. The following provisions of Appendix B:

R. Investigation Fee: Work Without a Permit.

**Investigation.** Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

**Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the

amount of the permit fee that would be required by this Code if a permit was issued. The payment of such an investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.

Equal to two times the Permit Fee

**S. Re-Inspection Fees:**

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.

This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.

Re-inspection fees may be assessed for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

\$50.00 for 1<sup>st</sup> incident  
 \$100.00 for 2<sup>nd</sup> incident  
 \$200.00 for 3<sup>rd</sup> incident  
 Plus 2 workday inspection delay

**Section 6. Inspection.** Responsibility to maintain copies for inspection by the public is hereby delegated to the Building Official. Three copies of the 2023 edition of the Code adopted by reference, as referenced in Section 2 above, are now filed and available in the office of the Building Official, Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, Colorado 80910, and may be inspected by the public during regular business hours.

**Section 7. Severability.** It is hereby declared to be the intention of the Board of Trustees that the sentences, clauses, and phrases of this ordinance are severable, and if any sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses, or phrases of this

ordinance since the same would have been enacted by the Board of Trustees without incorporation of any unconstitutional or invalid sentence, clause, or phrase.

**Section 8. Publication(s).** The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be adopted and to be posted or published. This ordinance shall become effective on \_\_\_\_\_, 2023.

**INTRODUCED AND PASSED** this 23 day of March, 2023, by the Board of Trustees of the Town of Palmer Lake by a vote of 7 for and 0 against the ordinance.

ATTEST: TOWN OF PALMER LAKE

By: *Ann Collins*  
Town Clerk

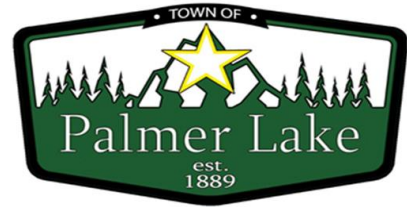
By: *Alan Hume*  
Mayor

**PASSED AND ADOPTED** this \_\_ day of \_\_\_\_\_, 2023, by the Board of Trustees of the Town of Palmer Lake by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against the ordinance.

ATTEST: TOWN OF PALMER LAKE

By: \_\_\_\_\_  
Town Clerk

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



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

<b>DATE:</b> April 13, 2022	<b>ITEM NO.</b>	<b>SUBJECT:</b> SPECIAL EVENT APPLICATION – Palmer Lake Arts Council Lecture at Town Hall
<b>Presented by:</b> Deputy Clerk Julia Stambaugh		

**Recommended Action**

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

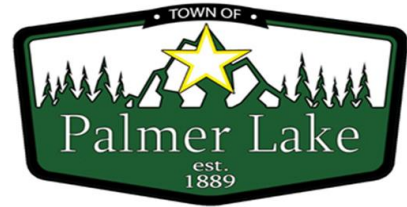
**Background**

The Palmer Lake Arts Council will be presenting a lecture entitled - *ARTificial intelligence: How Does AI Work and How Does It Make Art?* as presented by R. Kent Hutson, MD on April 29, 2023, from 10a-noon at the Town Hall

“Artificial intelligence is all around us today. We're even beginning to see it used to create art, including images, stories, poems, and music. Join us for an exploration into how artificial intelligence really works. You'll also learn how to use AI to make your own images.”

About Dr. Hutson: A neuroradiologist with a computer science background, Dr. Hutson is the Director of Artificial Intelligence Clinical Operations for Radiology Partners.

This non-profit organization is requesting a waiver of the application fee.



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

<b>DATE:</b> April 13,2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> SPECIAL EVENT APPLICATION – Tri-Lakes Lions Club’s Annual Tri-Lakes Fishing Derby
<b>Presented by:</b> Deputy Clerk Julia Stambaugh		

**Recommended Action**

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

**Background**

The event will run from 8:00am to Noon on Saturday, June 3. This event is open to children, ages 4-14 yrs. They are anticipating approximately 400 people. There will be a contest for varies prizes. Parents/guardians will be encouraged to bring their fishing gear. However, fishing gear will be provided to children who do not have gear.

The water level of the lake always have a potential impact on the derby. Due to low water levels at the reservoir, no water will be added to the lake this year. We will meet with the event coordinators closer to the event if water levels become a concern. At this time, they anticipate the Colorado Game and Wildlife are planning to stock it with fish before the derby.

Signs will also be posted, and the event will be set up the night before the event. On the day of, the coordinators will set up at 6:00am, PD will clear the lake before the start of the event at 8:00 am. There will be cones mapping out the event area and for registration at the pavilion. PD will patrol the area, including around the RR tracks. The Parks dept. will be sure the area is mowed the week before the event. The Disc Golf manager is to be informed of the upcoming event. Tear-down and cleanup will be done at the end of the event. The department heads have given they approval to the event’s plan.

As a non-profit organization, the event coordinators are requesting a waiver of fees.

# Kids Fishing Derby



Must be accompanied by an adult

## Ages 4 - 14



Hosted by

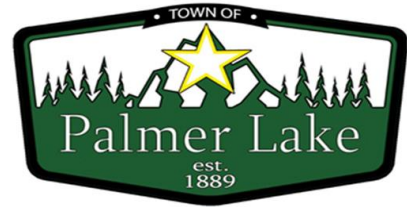
## Palmer Lake Saturday, June 3, 2023

- **Entrance Fee** - Donation of non-perishable food items for **Tri-Lakes Cares**
- **Tournament Prizes** donated by **Bass Pro**
- **Recommended Bait** - **Salmon Eggs** and **Worms**
- **Educational Fishing Safety Tips** included
- **Please bring your own fishing gear and bait**
- **Staff will measure fish throughout the Derby**

Start Time..... 8 am  
 End Time..... 11 am  
 Awards..... 11:30 am

There will be a limited number of poles and bait for participants





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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> SPECIAL EVENT APPLICATION – Awake The Lake presents the Red, Wine & Blue BBQ Dinner Dance
<b>Presented by:</b> Deputy Clerk Julia Stambaugh		

**Recommended Action**

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

**Background**

Awake The Lake is sponsoring the Red, Wine & Blue BBQ fundraiser in support their annual event, Festival on the 4<sup>th</sup>. The event will take place at the Town Hall on June 10, 2023 from 4pm – 10pm. They anticipate approximately 135 people in attendance. They will be serving a BBQ dinner, and folks will be able to enjoy their meal alfresco at the picnic tables set out on the Village Green. After dinner, there will be music and dancing in the Town Hall.

Since there will be alcoholic beverages onsite, the area surrounding the Town Hall and the Village Green will be fenced, and attendees 21 and over will flow through monitored entrance/exit.

The Staff does not foresee any issues with security or parking for this event. They have been instructed to call 911 in the event of an emergency.

This non-profit organization is requesting a waiver of the application fee.

**PALMER LAKE FUN RAISERS: PRESENT**

**RED, WINE, & BLUE**

**BBQ**

**TICKETS ARE LIMITED**

**DINNER & DANCE \$20 CASH BAR**

**INDOOR/OUTDOOR EVENT**

**DANCE FOR THE FIREWORKS**

**JUNE 10<sup>th</sup>**



**SCAN FOR DETAILS**

**Saturday June 10th**

**5:30 DINNER 6:30-9:30 DANCING**

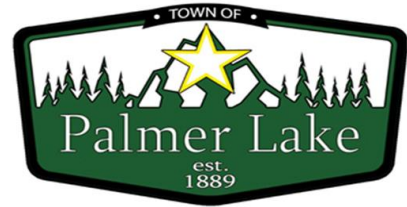
**FOR TICKETS EMAIL: FESTIVALONTHEFOURTH@GMAIL.COM**

**\$20 PER PERSON: CASH BAR: BEER/WINE/SELTZER  
PULLED PORK SLIDERS, BEANS, SLAW, DESSERT**

**PALMER LAKE TOWN HALL & VILLAGE GREEN**

**42 VALLEY CRESCENT ST, PALMER LAKE, CO 80133**





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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Deputy Town Clerk, Julia Stambaugh		Special Event – Palmer Lake Elementary School PTO – The 41 <sup>st</sup> Annual - July 4 <sup>th</sup> Fun Run

**Recommended Action**

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

**Background**

The Palmer Lake Elementary School PTO’s 41<sup>st</sup> Annual July 4th Fun Run is a four-mile run starting at the Palmer Lake Recreational Park continuing along the Santa Fe Trail and ending in Monument. It will take place on July 4. The event has also received permission from El Paso County to use the Santa Fe Trail. Our Fire Dept will give the traditional blare of their fire engine siren to start the race.

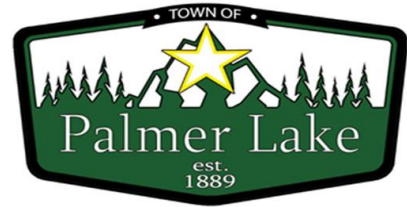
Their arrival time for set up and the participants packet retrieval, will be on the morning of the run at 5am, with a start time of 700 am, at the Pavilion. This happens on the same day as the Festival on the Fourth set up. However, they will be done by 11am, and the Festival will start set up in the afternoon.

The run anticipates up to 650 runners. They will have staggered start times with the runners going first and then those who will be walking after them.

The parking area on the westside of the lake will be utilized as much as possible. People are being asked to use the public parking lots along Hwy 105. Traffic and parking will be directed by volunteers with safety vests and flags. The Police Dept. requests that participants not park along County Line Rd, as large groups of parked cars can invite break-ins. Also reminds the participants to leave their valuables at home. The portable restrooms will be available to the public.

The EMS plan for the event: All volunteers staged at the starting line, the mid-point, and the finish line are CPR/first aid certified. They will be staged along the route, sweeping the area to ensure all participants cross the finish line. TLMFPD ambulance will be parked at the finish line. In the event of an emergency, they will call 911.

The event is requesting a waiver of the \$100 application fee.



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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> SPECIAL EVENT APPLICATION – Festival of the Fourth
<b>Presented by:</b> Deputy Clerk Julia Stambaugh		

**Recommended Action**

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

**Background**

The festival itself will run from 4-9 pm on July 4 with fireworks display at dusk pending on any fire bans. This event will run concurrent with the Monument festivities. The event coordinators anticipate approximately 10,000 people will attend the event.

It will be a family-oriented event. Families can enjoy carnival games, face painting, etc. There will be bands playing in the area; and near the ballfield there will be an enclosed beer garden. There will also be food vendors. Concessions stand will be offered by the Palmer Lake Fireworks Committee.

Security is being finalized with our Police Dept. with officers to patrol the event, along with other law enforcement agencies from around the area. There is liability insurance coverage for this event.

A safety meeting will be set up between the fireworks company and Ch. Vincent, who will oversee the fireworks staging area, and the pedestrian bridge safety. The area will be mowed the week prior to the event by the Public Works – Parks Dept. Chief Vincent will have final say on the go ahead of the fireworks display. His decision will be based on the examination of the fireworks company’s expertise, and their equipment, the weather conditions on the day of the event, and/or any other conditions he deems unsafe. Both the Fire Chief and the Police Chief are working closely with the event coordinators to ensure the safety of the event.

There will be approximately 25-30 portable toilets (including ADA), and about 30 trash cans located in strategic locations throughout the park. The areas are to be cleaned of trash soon after the event and the stage trailer is to be removed promptly.

Parking was discussed with the Public Works Supervisor. The plan is to direct traffic to designated parking areas. To keep cars off the town’s residential streets, they will place no parking signs along the streets leading off Hwy 105, and where appropriate, barricade signs, along with orange fencing to cordon off the beer garden area. The Public Works Supervisor has given approval to the event’s traffic plan.

This non-profit organized event requests the \$100 application fee be waived.

**TUESDAY JULY 4th. 2023 4:00pm-9:00PM**

**RAIN OR SHINE EVENT**

Item 19.

GATES  
OPEN AT 4:00



FOR DETAILED  
INFORMATION

# FESTIVAL ON THE FOURTH

**AT PALMER LAKE**



**FOOD / FUN / FIREWORKS BEER & WINE GARDEN**

RETURNING MUSIC BY

**AIRFORCE BLUE DELTA BAND**

KIDS ENTERTAINMENT

**RENISSANCE FESTIVAL: STREET PERFORMERS**

**BALLOONIST, FACE PAINTING, DJ DANCE PARTY**

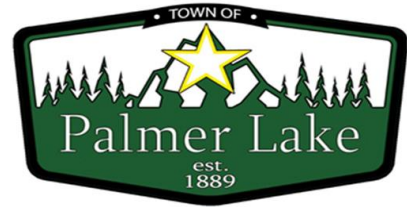
**10+ FOOD TRUCKS, 30+ VENDORS**

\$10 PARKING HELPS PAY FOR THE FIREWORKS,  
FREE ADMISSION, FIREWORKS LAUNCH AT 9:00PM

"ALMOST HEAVEN" PALMER LAKE, COLORADO  
EMAIL: [FESTIVALONTHEFOURTH@GMAIL.COM](mailto:FESTIVALONTHEFOURTH@GMAIL.COM)

<https://palmerlakecolorado.org>

THIS COMMUNITY EVENT IS PROVIDED BY THE FESTIVAL ON THE FOURTH  
C/O AWAKE PALMER LAKE A 501 (C)(3) 100% PROCEEDS ARE USED IN HOSTING



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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Mayor Glant Havenar		Palmer Lake Wine Festival

**Recommended Action**

Approve the event to take place at Palmer Lake Recreational Area as presented to and endorsed by staff.

**Background**

The Palmer Lake Wine Festival is seeking the Board’s approval to allow this event to take place at Palmer Lake Recreation Area on September 09, 2023. The festival is to celebrate the local Colorado wines and the Town of Palmer Lake sponsored by Evergood Elixir. It is anticipated to draw approximately 1,500 attendees.

Per Liquor Enforcement, the area will be fenced, and attendees will flow through monitored entrance/exit. The State Liquor Enforcement (LED) will require a copy of the event plan and likely sign off by August.

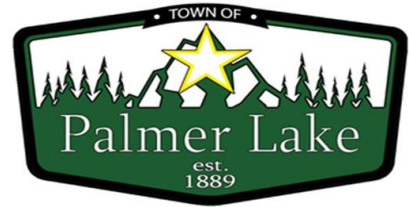
The event is planned for the north end of the recreational area with multiple vendors and tented seating areas. They may also set up picnic tables in a central location. There will be an outdoor music venue. Use of the pavilion with power for the PA system is requested. The event will provide 15 or more portable restrooms on site.

The Public Works Dept. requests that parking be established on the west side of the lake and utilize the bridge. The event has secured several private parking lots to handle VIP and participant parking and also request the parking are by the baseball diamond. The event will instruct attendees to travel to the event from the north via Hwy 105 and be encouraged to park in the lots to the north end of the festival. When exiting they will be directed to leave via the northern route. There will be Ubers and Lyfts available to the event goers and volunteers. The PD will be monitoring the area as vehicles may be left in the area overnight.

Security for the festival will be provided by a third-party contractor. The Fire Dept. will ensure the crew is on duty on the day of the festival. However, if the on-duty crew is dispatched elsewhere, Fire recommends calling 911 to provide the fastest service in case of an emergency. PD will provide 2 officers and a patrol vehicle to cover the event.

Event vendors will have access to the east side of the fenced area to bring in and set up goods and equipment. The Roads Dept. and PD have no issues with the access routes provided to drivers. Electricity will be required. A portable generator will be placed outside the fenced perimeter where vendors will be positioned. All vendors using propane will be inspected the day of the event.

As the event date draws near and plans firm up, the event coordinator will be in communication with Town staff/departments to notify them of any changes.



Item 21.

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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Ordinance to Amend Code to Add Use of Cost Reimbursement Agreement
<b>Presented by:</b> Town Administrator /Clerk		

With an approved cost reimbursement agreement for development review, this is an ordinance to adopt the use to the land use code.

Staff recommends approval of Ordinance 11-2023 to create and amend code to utilize the reimbursement agreement for developments (where town consultants review applications – ie., Subdivision, Master Plan, PUD, etc.).

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 11- 2023**

**AN ORDINANCE AMENDING CHAPTER 17.12 OF TITLE 17 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE RELATING TO COST REIMBURSEMENT AGREEMENTS FOR LAND USE APPLICATIONS WITHIN THE TOWN OF PALMER LAKE**

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

**WHEREAS**, the Town previously adopted regulations relating to land use applications and the Board desires to amend these regulations to ensure that the Town does not pay the consulting costs associated with these land use applications and developments; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interest of protecting the health, safety, and general welfare of the citizens of the Town of Palmer Lake to adopt such regulations.

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

**Section 1.**

Section 17.12.050 is hereby amended by adding the underlined language as indicated below with such Section to read in its entirety as follows:

**17.12.050 Land use procedures.**

(a) The applicant shall complete an application form and tender the required application fee and sign the cost reimbursement agreement and any required deposit to the town clerk.

(b) The town clerk, within 15 days after receipt, shall review the application for completeness with town department staff and respond to the applicant. The applicant shall be notified whether the application is complete or needs any additions. If the application is complete, said application will then follow the application procedures for each type of application.

**Section 2.**

Chapter 17.12 is hereby amended to create a new section, Section 17.12.055, with such section to read in its entirety as follows:

**17.12.055 Application Fees, Cost Reimbursement Agreement.**

- (a) All applications submitted to the Town pursuant to this chapter are subject to a non-refundable fee to cover the cost of review by the Town and notice and publication expenses. Such fees are set by the Board of Trustees and may be amended by Resolution.
- (b) In addition to the fees provided for in subsection (a), the applicant shall enter into a cost reimbursement agreement to reimburse all of the Town's consulting costs and expenditures in reviewing an application including but not limited to attorney fees, consultant engineer fees, consultant surveyor fees, consultant planner fees and other hired consultants providing services to the town with respect to the application. The fee and cost reimbursement agreement are necessary to cover costs for review by and consultation with any other expert whom the Town may reasonably employ in reviewing an application.
- (c) Where the Town Administrator or Town Administrator's designee finds it necessary for the security of the town, the Town Administrator or Town Administrator's designee may require an applicant to deposit funds with the Town, prior to the Town considering any application pursuant to this section, to cover the anticipated costs and expenditures in reviewing the application.

**Section 3.**

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

**Section 4.**

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 13<sup>TH</sup> DAY OF APRIL 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**

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Consider Ordinance to Amend Short Term Rental Code
<b>Presented by:</b> Town Administrator /Clerk		

The amended STR code has been presented and discussed at prior Board meetings. Subsequent to a year of data, below summarizes the changes going forward for short term rental regulations.

Currently, there are 49 licensed STR in the town – including 22 owner occupied with 9 accessory dwellings, and 26 non-owner occupied with 1 accessory dwelling.

Going forward, the following will apply, along with minor edits:

- all accessory dwelling on one parcel will require a conditional use
- cap limit on both license type – 10% cap on non-owner occupied (meaning roughly 112 license) and 5% on owner occupied
- fees will apply in full at initial application and renew 12 months later on anniversary date (similar to the town business license)
- updates made to the application, safety affidavit, provided by owner

Staff recommends approval of Ordinance 12-2023 and consider any issues annually.

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 12-2023**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE TOWN OF  
PALMER LAKE MUNICIPAL CODE RELATING TO SHORT TERM RENTALS  
WITHIN THE TOWN OF PALMER LAKE**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the 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 previously adopted regulations relating to Short Term Rentals within the Town of Palmer Lake, such regulations appearing in Chapter 5.08 of the Palmer Lake Town Code; and

**WHEREAS**, the Board of Trustees has determined that these regulations need to be amended to help preserve the health, safety, and general welfare of the citizens of the Town of Palmer Lake.

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

**Section 1.**

Section 5.08.030 of Chapter 5.08 of the Palmer Lake Municipal Code shall be amended by adding the underlined text as indicated below with such Section to read in its entirety as follows:

**5.08.030. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Lawful dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation purposes.

*Local agent* means a management company or individual who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is available 24 hours per day, seven days per week to respond as the initial point of contact for the short-term rental unit and who is able to respond to emergencies at the short-term rental unit within one hour of the agent's receipt of notice of the emergency. The local agent may be the owner of the short-term rental unit and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

*Owner* means the owner of a property within the town who intends to lease or leases the property or a portion thereof as a short-term rental unit.

*Owner-occupied* means a property on which an owner uses a dwelling unit of any kind, or portion thereof, as the owner's legal, primary residence.

*Parcel* means an area of land which is capable of being described with such specificity that its location and boundaries may be established and which has been or may be developed as a single unit of land.

*Renter* means the party to a lease that has obtained the temporary right to use and occupy a short-term rental unit.

*Short-term rental* means charging overnight lodging fee that is in increments less than 30 days.

## **Section 2.**

Sub-Section 5.08.060(a)(14) of Chapter 5.08 of the Palmer Lake Municipal Code shall be amended by deleting the strikethrough text as indicated below with such subsection to read in its entirety as follows:

(14) The applicant has obtained a conditional use permit, if ~~and as required by zoning code.~~

## **Section 3.**

Section 5.08.070(b)(4) of Chapter 5.08 of the Palmer Lake Municipal Code shall be amended by deleting the strikethrough text as indicated below with such sub-section to read in its entirety as follows:

(4) The applicant has obtained a conditional use permit, if ~~and as required by zoning code.~~

## **Section 4.**

Sub-Sections 5.08.080(a) and (b) of Chapter 5.08 of the Palmer Lake Municipal Code shall be amended by adding the underlined text and deleting the strikethrough text as indicated below with such sub-sections to read in its entirety as follows:

### **5.08.080. - Term of license, renewal, and show cause hearings.**

(a) *Term.* Short-term rental licenses are effective from May 1 until April 30 each year. Applicants who apply for and obtain a new/initial short-term rental license any time ~~on or~~ after May 1 shall be responsible for paying a pro-rated ~~the entire~~ license fee. Any license issued after May 1 shall expire on the April 30 following the date of issuance regardless of the issuance date.

(b) *Renewal.* All short-term rental licenses must be renewed annually. All renewal applications must be submitted prior to April 30 each year on forms provided and approved by the town along with the entire annual license fee. ~~For short-term rental licenses subject to the annual cap set forth in section 5.08.090(k), a~~All renewal applications meeting the requirements herein and submitted by the deadline set forth in this subsection, ~~with applicants~~ who are in good standing, will be approved. Notwithstanding the foregoing, any license renewal applications received after the deadline set forth in this subsection will be considered on a first-come, first-served basis. The town shall approve a renewal application if:

- (1) The renewal form is complete and does not omit any required information;
- (2) The renewal fee has been paid;
- (3) The owner or local agent has submitted a new, current safety affidavit;
- (4) Neither the owner, the local agent, nor the short-term rental unit is currently in violation of any applicable law, rule, or regulation, including the provisions of this Code;
- (5) The owner has not been cited by the town for, or convicted by municipal court or other court of, competent jurisdiction of more than one violation related to the owner's short-term rental unit in the last 12 months; and
- (6) ~~For any l~~Licenses are subject to the annual license cap set forth in this chapter, ~~the short-term rental unit was rented for at least 14 days during the previous license term.~~ If the short-term rental unit was not rented for at least minimum of 14 days during the previous term, the renewal application shall not be approved. Such showing may be made through submittal of lodging fees reported to the Town. Notwithstanding the foregoing, an owner or local agent may complete an one-time affidavit of non-use declaring the reasons for failing to rent the short-term rental unit as required in this subsection. If a renewal application including such an affidavit meets all other requirements of this Code, then the town will approve the renewal application. Affidavits of non-use will not be allowed for subsequent renewal applications.

## **Section 5.**

Sub-Sections 5.08.090(h), (j), (k), (l), and (r) of Chapter 5.08 of the Palmer Lake Municipal Code shall be amended by adding the underlined text and deleting the strikethrough text as indicated below with such sub-sections to read in its entirety as follows:

(h) *Taxes.* Owners shall be responsible for making timely property tax payments for all short-term rental units, as applicable for each property. Owners shall also be responsible for keeping all applicable sales and lodging fees tax and licenses current.

(j) *Safety checks.* An owner or local agent of a short-term rental unit shall allow the town access to a licensed short-term rental unit once per year, upon request of the Town, for the purpose of verifying the information set forth in the safety features affidavit submitted with the owner's license application or renewal application. Upon the request of the Town, ~~a~~An owner or local agent shall also allow the town access to a short-term rental unit to investigate a safety complaint about the short-term rental unit. ~~Each safety check shall be subject to a~~ The fee for a safety check shall be set forth in the town's fee

schedule. Following a safety check, the town may provide the owner or local agent instructions on how to bring the property into compliance with this Code and a deadline for such compliance. If the town determines that the owner or local agent has not complied with the instructions by the compliance deadline, the owner may be subject to the suspension or revocation or denial of a renewal application, as appropriate and in accordance with this Code, of the owner's short-term rental license.

(k) *Maximum number of licenses per year.* There shall be a maximum number of certain licenses available per year (from May 1 through April 30), which shall not exceed ~~ten~~ an established percentage of the total number of residential parcels within the town as indicated in subsections 1 and 2, below. The total number of residential parcels shall be as determined by the town using information from the El Paso County Assessor. The following types of licenses shall be subject to the cap set forth in this subsection:

(1) AH Class 2 licenses shall not exceed 5%; and

(2) Class 1 licenses shall not exceed 10% ~~for parcels with two or more short-term rental units on a single parcel.~~

~~Class 1 licenses for parcels with only one short-term rental unit are not subject to the cap set forth in this subsection. Licenses issued for owner-occupied parcels with two or more short-term rental units on a single parcel will be considered through the conditional use permit process shall count as one license toward the license cap set forth in this subsection.~~ Notwithstanding the foregoing, owners or local agents must obtain a license for each proposed short-term rental unit in accordance with this section.

(l) *Maximum number of licenses per parcel.*

(1) The town shall issue no more than one license per parcel, subject to the provisions of this chapter.

(2) ~~Parcels may be eligible for more than one license on a case-by-case basis if the additional licenses are~~ shall be approved only through the conditional use permit process set forth in this Code prior to issuance of a license in accordance with this chapter. ~~Applicants seeking two or more licenses for a single owner-occupied parcel and applicants seeking three or more licenses for a single parcel that is not owner-occupied must obtain a conditional use permit from the town before the town will process any such short-term rental license application.~~

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

(r) *Limited application of certain regulations to condominium units.* Notwithstanding any provision to the contrary set forth in this chapter, the following regulations apply to condominium units:

- (1) Each condominium unit is eligible for one short-term rental license.
- (2) Subsection (1) of this section does not apply to parcels containing condominium unit developments, and applicants seeking a short-term rental license for a condominium unit shall not be required to obtain a conditional use permit if other condominium units on the same parcel have obtained short-term rental licenses.
- (3) All condominium units licensed as short-term rental units ~~that are not owner-occupied~~ are subject to the maximum number of licenses available per year set forth in subsection (k) of this section.
- (4) Condominium units are subject to all other provisions of this Code, as applicable.

**Section 6.**

All other provisions of Chapter 5.08 not specifically amended by sections 1-5 above, remain unchanged and in full force and effect.

**Section 7.**

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

**Section 8.**

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

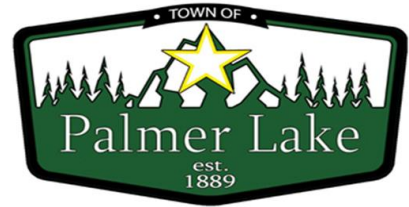
**INTRODUCED, READ AND PASSED AT A FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13<sup>TH</sup> DAY OF APRIL, 2023.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

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

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



Item 23.

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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Resolution to Authorize Parks Commission to Create Trail on Town Property

Subsequent to multiple Board discussions, this item is a resolution to authorize the Parks Commission to create a trail as directed by the Board, at this time. It was discussed that trail connection is important within the town. It should comprise of direction from the Board (per the resolution), notice to the abutting property owners, and flag/stake of the trail area on town property prior to establishing a new trail. It is understood that the initial direction is for Parks to design a trail starting at Kent (with no parking established on the ROW) to cross the creek to connect to Creekside and connect to the elephant rock property at the open pavilion. This design will include one bridge for 2023. Board requested that the proposed parking area along Epworth be staked for review and future consideration with a master plan.

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

**RESOLUTION NO. 28-2023**

**A RESOLUTION TO AUTHORIZE PARKS COMMISSION TO CREATE A TRAIL WITHIN THE  
BOUNDARIES OF THE TOWN OF 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 Board holds authority over town public property; and

**WHEREAS**, the Board has authorized the Parks Commission to create a new trail to help connect existing trails within the town boundaries.

**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 Parks Commission to do the following on behalf of the Board of Trustees:

- a. Stake and/or flag a proposed trail beginning at the Kent Street platted right of way, to cross the creek, connect to the Creekside trail and follow southeast to the Elephant Rock town property to the open pavilion;
- b. Provide written notice to all abutting property owners of the proposed trail;
- c. Hear any concerns about the proposed trail and report such concerns to the Board of Trustees;
- d. Review the trail design with Fire Department for proper mitigation;
- e. Build and install one walking bridge to cross the creek to connect to Creekside trail;
- f. Stake/flag the potential future parking area along the trail at Epworth/Greeley area; and,
- g. Build the proposed trail, so long as the trail has been staked/flagged for not less than 30 days and the Board of Trustees has not directed otherwise.

**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.

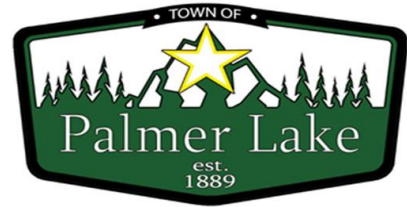
**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13th DAY OF APRIL 2023.**

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Glant Havenar, Mayor

ATTEST:

By: \_\_\_\_\_  
Dawn A. Collins, Town Administrator/Clerk



Item 24.

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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b>
<b>Presented by:</b> Town Administrator /Clerk		Resolution to Authorize Creation of a Master Plan for Elephant Rock Property

Subsequent to multiple Board discussions about elephant rock property, this item is a resolution to authorize initial steps for a draft of a master plan for the elephant rock property.

Under a workgroup comprised of representatives from PLEDG, APL, Arts Council, Parks Commission and the current tenants on the ER property, a master plan may be drafted for Board review and consideration for use of the property. The current tenants shall be made part of the plan and include a 3-acre parcel abutting Hwy 105 for a potential public safety facility. The

This resolution authorizing a workgroup to draft a master plan shall not supersede the Board authorizing lease of any area or structure of the property in the interim of a completed plan and RFP.

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

**RESOLUTION NO. 29-2023**

**A RESOLUTION TO AUTHORIZE PUBLIC WORKGROUP TO DRAFT A  
MASTER PLAN FOR THE ELEPHANT ROCK PROPERTY  
TOWN OF 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 Board holds authority over town public property; and

**WHEREAS**, the Board values the elephant rock property, desiring to plan for the future and restrict the property from residential development or rezoning from the current Planned Unit Development (PUD), which Planning Commission and the Board of Trustees approve any modification of use on the property; and

**WHEREAS**, the Board desires to authorize a public workgroup to develop and present a draft Master Plan for the Hwy 105 town property, aka Elephant Rock; and

**WHEREAS**, the draft Master Plan is intended to guide the property development to amend the existing Planned Unit Development (PUD) for future use; and

**WHEREAS**, the workgroup should include abutting neighbors to the property, Parks Commission members, and representatives of Palmer Lake Economic Development Group, Palmer Lake Arts Council, Awake Palmer Lake, and consider input from current tenants.

**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 a workgroup to collaborate on a draft Master Plan for approximately 16 acres of open area of Elephant Rock and incorporate the following in the plan:

- A 3-acre parcel abutting Hwy 105 for a potential future public safety facility,
- A 2.8-acre area identified and leased for an Eco Spa and amphitheater, and
- A perimeter area for a potential single walking trail.

The workgroup shall be open to the public, not subject to Colorado sunshine law, with one individual appointed as a contact to the Board and staff to identify meeting times to post and report progress to the Board of Trustees.

**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.

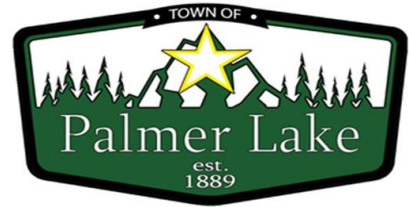
**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13th DAY OF APRIL 2023.**

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**

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution to Reinstate the IGA with Monument Fire on a Monthly Basis
<b>Presented by:</b> Town Administrator /Clerk		

As previously directed by the Board of Trustees, staff continues to hold discussions to negotiate terms of the IGA with Monument Fire District for emergency response to Palmer Lake. While these discussions continue to take place, it is suggested that the IGA be reinstated on a monthly basis in this interim. One additional modification is that only Palmer Lake personnel will be authorized to call for service.

Staff recommends approving Resolution 30-2023 to reinstate the IGA for emergency response on a monthly basis while discussions continue with Monument Fire District.

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

**RESOLUTION NO. 30-2023**

**A RESOLUTION TO REINSTATE THE IGA WITH MONUMENT FIRE DISTRICT  
ON A MONTHLY BASIS WHILE NEGOTIATING A NEW AGREEMENT  
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 Board has directed staff to negotiate a new agreement with Monument Fire District for emergency response and transport; and

**WHEREAS**, discussions are taking place between Palmer Lake Fire Department and Monument Fire District; and

**WHEREAS**, it was agreed that the current agreement be reinstated on a monthly basis until resolve of the agreement is mutually agreed to.

**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 reinstatement of the existing IGA with Monument Fire District on a monthly basis until completion of a negotiated agreement.

**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 13th DAY OF APRIL 2023.**

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Glant Havenar, Mayor

ATTEST:

By: \_\_\_\_\_  
Dawn A. Collins, Town Administrator/Clerk



**KROB LAW OFFICE, LLC**  
Attorneys at Law

**To:** Board of Trustees  
Town of Palmer Lake

**From:** Matthew Z. Krob,  
Town Attorney

**Date:** April 11, 2023

**Re:** SB23-213 – Land Use

On March 23, 2023, Senate Bill 23-213 (SB23-213) was introduced in the Colorado Senate. It is over 150 pages long and proposes sweeping changes regarding land use. Some of the proposed changes will directly impact the Town of Palmer Lake.

Perhaps as importantly, SB23-213 seems to be a massive effort by the state to take away from municipalities matters that have historically been viewed as matters of “local control” such as zoning, land use, and subdivision of property that should be decided by the elected officials of a municipality, and replace them with uniform state regulations to be promulgated by DOLA. Most of the more onerous provisions apply to larger municipalities, such as Denver, Greeley, and Fort Collins. However, many of its provisions, as discussed below, would apply to the Town of Palmer Lake. Many of the events related to the consideration of this bill by the Colorado legislature are happening very quickly, and a substantial amount of uncertainty as to many of the bill’s provisions still exists. However, I wanted to get this memo to you as soon as possible and in advance of your consideration of a possible resolution opposing SB23-213, to give you some perspective of how the bill came to be and what it could mean to the Town of Palmer Lake.

This memo addresses:

- Background of the SB23-213
- It’s purported intent
- CML’s issues with and concerns over the bill
- How it would apply to the Town of Palmer Lake

## I. Background of SB23-213

SB23-213 seeks to address Governor Polis' 2023 Legislative Priority: More Housing Now.

Governor Polis and several state agencies including:

- Colorado Energy Office (CEO)
- Department of Local Affairs (DOLA)
- Department of Transportation (CDOT)

had a study performed to “understand which potential policies could have the greatest impact on increasing opportunities to add housing supply, by type, income level, and geography.”

The study analyzed existing policies as a baseline, and then analyzed the impact of four possible policies or options:

1. Allowing ADUs and duplexes by right in single-unit residential zones
2. Allowing 3plexes to 6plexes by right in single unit residential zones
3. Allowing multi-family housing by right near transit centers
4. Allowing multi-family housing by right in commercial and institutional zones.

The case study was done in four jurisdictions that represent about 50% of the state population:

- Denver metro (DRCOG)
- North Front Range (NFRMPO)
- Grand Valley MPO
- A conglomerate of 8 jurisdictions in the Roaring Fork Valley

Conclusions of the study were:

1. Applying all four policies/options together would have the following impacts in the case study jurisdictions:
  - a. Increased opportunity to build housing units by 65% over what could be built under existing land use policies.
  - b. 300% increase in opportunity to build duplexes
  - c. 1000% increase in opportunity to build triplexes and fourplexes
  - d. 35% increase in opportunities to build multi-family housing units
2. Benefits of shifting away from single-family units and toward duplex, triplex, fourplex, and multi-family units, according to the study:
  - a. Increased affordability:
    - i. 14-43% less expensive to own
    - ii. 9-26% less expensive to rent



- b. Reduced water use (due to less outdoor use) - 22-86% less
- c. Reduced energy demands: 30-60% of the energy used by Single Family units

## **II. Purported purpose of the bill**

According to its drafters, SB23-213 was formulated to implement the findings of the study and to provide a comprehensive plan to “help create more housing for every Colorado budget.” It is intended to “improve affordability, water conservation, equity and access to opportunity.”

## **III. CML’s view of the bill**

The bill incorrectly has a central theme that “municipal zoning laws caused the housing crisis by not permitting unfettered residential construction and by trying to protect communities and resources.”

The bill involves state regulation of local matters, particularly zoning and land use, that should be left to local governments

It imposes regulatory actions with insufficient process

It has lots of unintended consequences

The bill would do little make housing affordable

## **IV. Application of SB23-213 to the Town of Palmer Lake**

### **A. State imposed zoning regulations**

SB23-213 does not apply all requirements to all municipalities equally. It divides municipalities into four categories, and leaves some municipalities out of the four groups. The Town of Palmer Lake is not in one of these categories, but this could be a foreshadowing of things to come.

#### **1. Tier 1 Urban Municipality (T1UM) is:**

A municipality located within an MPO with a population of at least 1 million and either, (a) 10% of territory in urbanized area with population over 75,000 and a municipal population of at least 1,000, or (b) A municipal population of at least 25,000

#### **2. Tier 2 Urban Municipality (T2UM): a municipality located within an MPO, having a population of between 5,200-25,000, and in a county with a population of at least 250,000.**

#### **3. Rural Resort Job Center (RRJC) is a municipality that is not within an MPO; has a population of at least 1,000; has 1,200 jobs and a jobs-to-population ration of at least .64; and a transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day.**

4. Non-urbanized Municipality (NUM) is a municipality that is not within the definition of an urban municipality or a rural resort job center; and has a population of at least 5,000

SB23-213 then proposes to apply one or more of four possible “state zoning pre-emptions” to a municipality, depending on which category the municipality falls within.

State zoning preemption No. 1: Accessory dwelling units (ADUs)

SB23-213 defines an ADU as “an internal, attached, or detached “dwelling unit” providing complete independent living facilities for at least one person that is located on the same lot as a primary residence with provisions for living, sleeping, eating, cooking, and sanitation.”

The standards to be used by Town of Palmer Lake for reviewing applications for ADUs would be “objective standards” provided by DOLA that would prohibit Town of Palmer Lake from considering other local factors that it currently considers, such as consistency with the Master Plan, compatibility or harmony with surrounding land uses, and strategies for mitigating project impacts, to determine if the ADU is to be approved. Only objective standards approved by DOLA may be applied.

The minimum standards from DOLA would include:

- a. The ADU must be a minimum of 800 square feet or 50% of the primary residence, whichever is greater
- b. Town of Palmer Lake could not require additional off-street parking in connection with any new ADUs.
- c. Town of Palmer Lake could not require side or rear setbacks greater than 5 feet unless needed for health or safety standards
- d. Town of Palmer Lake could not require that the primary residence be owner-occupied

**B. Additional State regulations and burdens placed on municipalities under SB23-213 that would apply to the Town of Palmer Lake under SB23-213.**

In addition to the zoning regulations discussed above, SB23-213 would place a number of other burdens on the Town of Palmer Lake:

1. Water, wastewater and stormwater burdens

If a municipality can show that its existing water, sewer, or stormwater services are insufficient to serve the additional demand that will be created by a preemption that applies to them (for example, if Town of Palmer Lake could show that it has insufficient water or water rights to serve the additional ADUs that will be authorized under Exemption No. 1), then the municipality

can apply to DOLA for an extension of time to provide the service. However, the application for extension must include a plan with a specific timeline to remedy the deficiency. Arguably, this places the burden on the Town, rather than the developer, to come up with the additional water or water rights, or the additional sewer treatment capacity, or the additional stormwater capacity to meet the new demand created by allowing ADUs in all single-family residential districts.

2. PUD limitations

PUDs that include residential uses cannot limit the uses authorized by the four pre-emptions. For Town of Palmer Lake, this means that PUDS which allow residential uses cannot preclude ADUs.

3. HOA regulations

SB23-213 would invalidate HOA regulations or declarations that seek to limit any of the four pre-emptions. In Town of Palmer Lake, HOA regulations that prohibit ADUs would be invalid.

4. Minimum residential square footage limits (Applies to T2UM, as well as T1UM)

The bill Prohibits municipalities from imposing square footage requirements for residential units unless necessary for health and safety in the municipality.

5. Housing needs assessment and planning (Applies to T2UM, as well as T1UM and RRJC communities)

DOLA will provide a methodology that municipalities must follow, with the first assessment to be completed by each municipality by December 31, 2024, and every five years after that. The assessment must include among other things, a determination of the types of housing needed, focused on affordable housing, and a plan for how the municipality will meet those needs. The municipality's plans for meeting housing needs must include a minimum number of strategies from a menu of possible strategies that will be provided by DOLA.

6. Master plans (Applies to T2UM, as well as T1UM and RRJC)

Master plans must include, in addition to current statutory requirements:

- a. Housing needs plan
- b. A "greenfield development" analysis (the term refers to how previously undeveloped lands will be developed)
- c. A concept of natural and agricultural land priorities consistent with state requirements that will be developed by DOLA

7. Additional reporting requirements (Applies to T2uM, as well as T1UM and RRJC):

Beginning 12/31/26 municipalities must report to DOLA:

- a. Number of permits for new housing
- b. Number of housing construction starts, categorized by structure type
- c. Time frames to complete residential permit reviews by housing type
- d. Workforce assigned to development review by position
- e. Implementation status of strategies identified in a housing needs plan
- f. Zoning information specifying zone districts, allowed uses, densities and other data

8. Manufactured and Modular Housing

The bill mandates that municipalities treat manufactured and modular housing in the same manner as site built/stick built housing.

9. Residential occupancy limits

Municipalities are prohibited from placing residential occupancy limits on dwellings that differentiate between occupants based on family relationship.

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 31-2023**

**A RESOLUTION OF THE TOWN OF PALMER LAKE IN OPPOSITION TO  
STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213**

**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**, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

**WHEREAS**, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

**WHEREAS**, Senate Bill 23-213 would place statewide mandates on local land use matters and substitute the judgment of local legislators with state regulators who lack the understanding needed to make the right decisions for our community;

**WHEREAS**, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners; and,

**WHEREAS**, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters.

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

1. It is the position of the Town of Palmer Lake that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top down statewide mandates and giveaways to special interests – are the solution to Colorado's affordable housing problem;
2. The Town of Palmer Lake opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

3. 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.

4. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

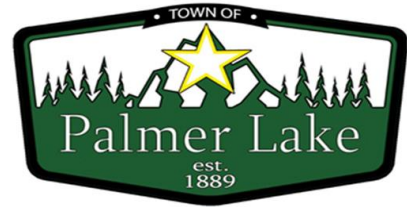
**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13TH DAY OF APRIL, 2023.**

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**

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Direction on Town Water System Improvement
<b>Presented by:</b> Town Administrator /Clerk		

As previously reviewed with the Board, direction on future planning is necessary to prepare for grant fund opportunity or planning future projects in budgets.

As reviewed, GMS completed a water accounting study in 2021 and a final Preliminary Engineering Report for Water System Improvements in 2022. Reports are found here – <https://www.townofpalmerlake.com/water/page/water-system-studiesreports>

As a result of these reports, staff is seeking direction from the Board to consider future plans for the water system. This direction will assist in the analysis work being conducted by Mr. Chris Brandewie as well as future budgets and in discussions for potential developments in the town.

With past action to restrict the water system with Emergency Ordinance 16 of 2018, areas considered for development are outside the water service boundary, making it very difficult to discuss future availability of water from the town system. Regardless of the boundary, water taps remain on a first come, first serve basis with land use applications and/or Board approved development agreements.

Staff requests direction from the Board to reflect the desire for the future water system.

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

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

EDWARD D. MEYER, P.E.  
 ROGER J. SAMS, P.E.  
 GREGORY R. WORDEN, P.E.  
 THOMAS A. McCLERNAN, P.E.

KEN L. WHITE, P.L.S.  
 DAVID R. FRISCH, P.L.S.  
 MARK A. MORTON, P.E.  
 JASON D. MEYER, P.E.

**MEMORANDUM VIA ELECTRONIC MAIL**

TO: Ms. Dawn Collins, Town Administrator  
 Town Board of Trustees  
**Town of Palmer Lake**

DATE: April 10, 2023

FROM: Mark A. Morton, P.E.  
**GMS, Inc., Consulting Engineers**

RE: Town of Palmer Lake  
 Preliminary Engineering Report (PER) – Supplemental Comments

GMS, Inc. is providing supplemental comments to the Water System Improvements PER delivered to the Town last year. Initial comments addressing the major discussion points of the PER were issued by GMS to the Town in a memorandum dated August 16, 2022. The supplemental comments in this memorandum are being provided to reemphasize the major points of the PER, as well as address additional information that has been discussed in workshops held with the Town Board and staff in recent months. In order to assist the Town in selecting the direction forward with the Water System Improvements project, we are providing the following thoughts:

As stated in the previous memorandum, the Town Board of Trustees ultimately has the responsibility of selecting the total scope of work for the Water System Improvements project which meets the Town's short-term and long-term water system needs. As such, it is recommended that the total scope of the Water System Improvements project be selected to address the needs of the Town for the 20-year planning period. As with the previous memorandum, we have broken down our comments into the major Water System categories for the Town's consideration.

**A. WATER SUPPLY AND TREATMENT**

1. A new Arapahoe well is a top priority for establishing the Town's firm water supply capacity.
  - a. The installation of a new well will address the Town's short-term needs of redundancy and reliability, as well as long-term needs if growth is experienced.
  - b. The Town currently has a large portfolio of ground water rights, the new well will be covered by the existing water rights and will not require any additional water rights to be acquired.
  - c. A new Arapahoe well would supply the existing groundwater water treatment plant (GW-WTP)



2. The existing GW-WTP may require upgrades depending on the radium levels of the new and existing wells.
  - a. The GW-WTP currently provides iron and manganese removal only, which does not classify it as a required compliance facility.
  - b. Radium levels in the existing wells A-2 and D-2R are currently less than the 5 Picocuries per liter (pCi/L), with 5 pCi/L being the compliance level.
  - c. Radium levels in wells drilled into the Arapahoe and Denver aquifers have shown historically rising levels, and are expected to increase in the future.
  - d. If the radium level of the existing wells, or a new well, raise above the 5 pCi/L compliance level, this will trigger the GW-WTP into being classified as a required compliance facility, which requires a redundant treatment train be installed to maintain capacity.
  - e. If radium levels rise above 5 pCi/L in the wells within the 20-year planning period, the GW-WTP will be equipped for the new classification of a required compliance facility.
  - f. If radium levels do not reach the 5 pCi/L in the wells in the 20-year planning period, the GW-WTP will have additional capacity for other uses.

## B. DISTRIBUTION SYSTEM

1. Replacement of the remaining lead joint piping within the Town's distribution system has been a top priority, and should continue to be a top priority in the Water System Improvements project.
2. Distribution system piping segments which are older, or known to be problematic, should be prioritized in the project in order to proactively mitigate future system repairs within the 20-year planning period.
3. For the dead-end line segments in the distribution system, constructing looped waterline connections would provide greater water circulation and redundant feed options should a waterline break occur.
4. Due to cost constraints, the smaller looping recommendations (County Line Road and East-West Loop) may provide the best cost benefit ratio of the looping recommendations.
5. The larger Red Rock Ranch looping recommendation may provide long term opportunities for service and cost recovery due to the potential developable area near its alignment.

## C. STORAGE CAPACITY

1. The Town currently has adequate storage capacity in the existing storage tanks, additional tank construction is not required at this time.

#### D. FUTURE LINE EXTENSIONS

1. In addition to the looping recommendations in the PER, future line extensions were proposed to serve potential future developmental areas, as well as certain areas where private wells are prevalent.
2. If future line extensions are considered, the Town can assess an additional connection fee to be collected when developable lands connect to these water line extensions in order to recover the cost for the Town's initial installation.
3. Alternatively, the Town can elect to have the future developable areas build the infrastructure at their cost and at their time of development.

We trust the items above provide additional beneficial information to the Town for its consideration in selecting the direction for the Water System Improvements project. If there are questions or clarifications required, please feel free to contact us at your convenience.

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

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

EDWARD D. MEYER, P.E.  
 ROGER J. SAMS, P.E.  
 GREGORY R. WORDEN, P.E.  
 THOMAS A. McCLERNAN, P.E.

KEN L. WHITE, P.L.S.  
 DAVID R. FRISCH, P.L.S.  
 MARK A. MORTON, P.E.  
 JASON D. MEYER, P.E.

**MEMORANDUM VIA ELECTRONIC MAIL**

TO: Ms. Dawn Collins, Town Administrator  
 Town Board of Trustees  
**Town of Palmer Lake**

DATE: April 11, 2023

FROM: Mark A. Morton, P.E.  
**GMS, Inc., Consulting Engineers**

RE: Town of Palmer Lake  
 Water System Master Plan

GMS, Inc. is providing this correspondence as an additional consideration for the Town as the Water System Improvements Preliminary Engineering Report (PER) is evaluated further to potentially select direction on a Water System Improvements project. With the renewed discussions on the PER recommendations for a Water System Improvements project, and the multiple inquiries of potential developments which may eventually request water service, this appears to be an ideal time for discussions with the Town regarding a Water System Master Plan. Similar to what the Town has accomplished on the planning side with the completion of the Town's Community Master Plan, the Town should consider the preparation of a Water System Master Plan to guide future decisions on the water system.

Implementing a Water System Master Plan would ensure that the Town has the capacity and capability to provide adequate potable water service to its constituents, both now and into the future. The Water System Master Plan would serve as a guide and a direction for the Town's water system by providing a defined path into the future. This document can also be utilized in conjunction with the Community Master Plan when considering and reviewing proposed development sites throughout the Town.

A major benefit of having a Water System Master Plan is the foresight needed for future planning. The long-term vision provided in a Water System Master Plan is also a critical component of responsible budgeting for the Town's water system. A Water System Master Plan will help with basic capital improvements planning and budgeting, for items such as future renewals and replacements of existing aging infrastructure, as well as upgrading facilities for regulatory requirements or development expansion. It can be tailored to the specific level of growth and change anticipated, and desired, within the Town of Palmer Lake. Whatever future direction the Town selects, the Water System Master Plan can chart a course of required actions at various milestones to attain that future vision of the Town.

To assist with funding such an effort, the Town would have the option to apply for a grant through the Energy/Mineral Impact Assistance Fund (EIAF), which could cover 50% of the cost. We would be happy to discuss this idea further with the Town staff and the Board of Trustees at their convenience. In the meantime, if there are questions or clarifications required, please feel free to contact us.

**PALMER LAKE, COLORADO****ORDINANCE NO. 16 OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE REPEALING AND REPLACING SECTION 16.48.010 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE REGARDING THE WATER SUPPLY SYSTEM, RESTRICTING ANY FURTHER EXPANSION OF SUCH WATER SUPPLY SYSTEM, AND DECLARING AN EMERGENCY**

WHEREAS, THE TOWN OF PALMER LAKE IS A STATUTORY MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF COLORADO AND HAS THE AUTHORITY TO REGULATE LAND USE WITHIN ITS JURISDICTION; AND

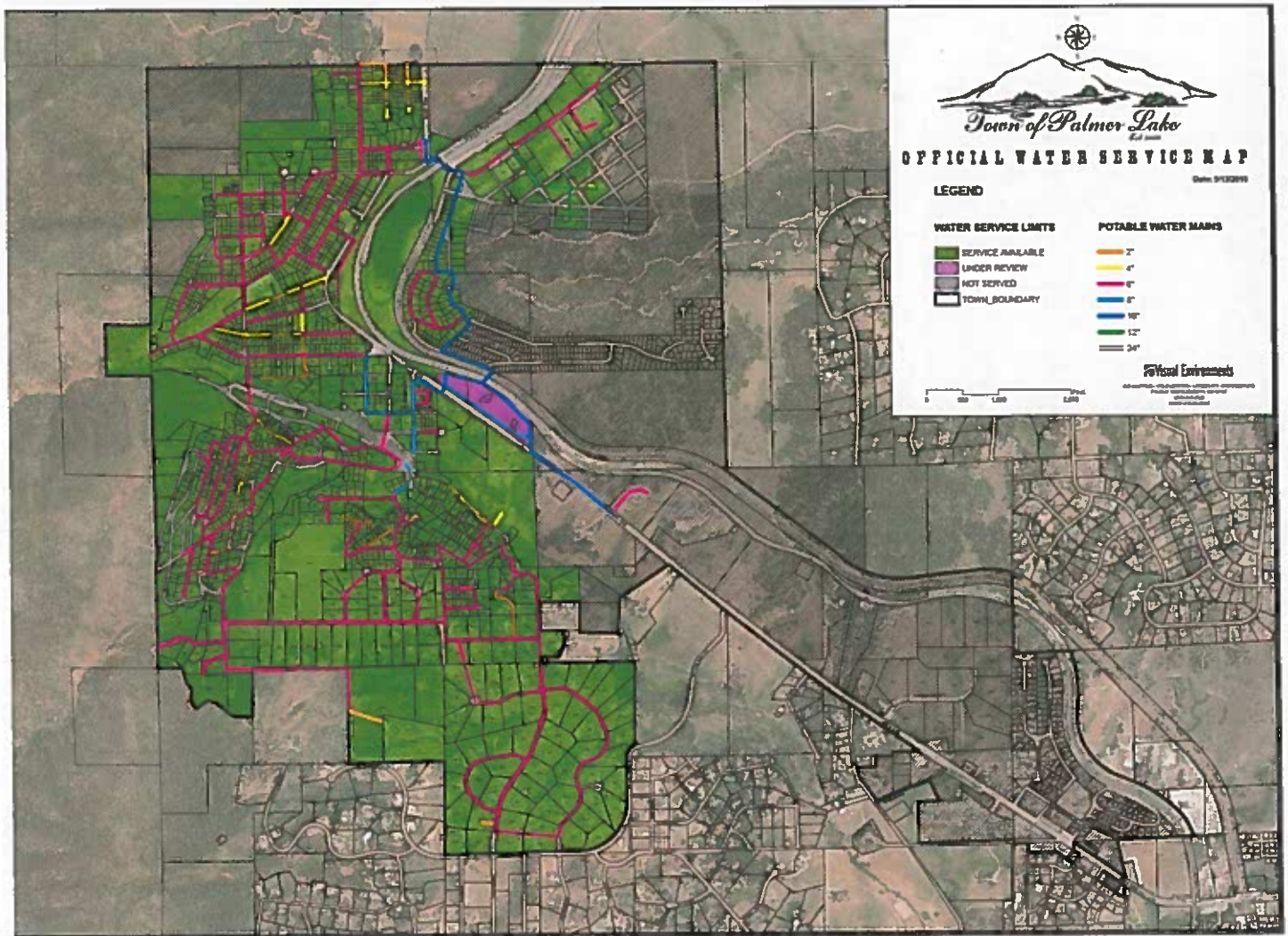
WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED AND REVIEWED A REPORT DATED JUNE 14, 2017, REGARDING THE TOWN'S WATER SYSTEM TAP AND WATER RIGHTS INFORMATION WHICH PROVIDES THAT THE MAXIMUM NUMBER OF WATER TAPS THAT CAN BE SUPPLIED WITH THE TOWN'S EXISTING WATER SUPPLY SOURCES IS 1,060; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE MAXIMUM TAP ESTIMATE OF 1,060 ASSUMES THAT THE TOWN'S SURFACE WATER DIVERSIONS ARE IN PRIORITY, UNDERSTANDING THAT IF LOW FLOW CYCLES OCCUR IN THE TOWN'S SURFACE WATER, THE WATER SUPPLY WILL HAVE TO BE AUGMENTED BY AQUIFER WELLS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE WATER SURFACE ELEVATION IN THE AQUIFER WELL AREAS HAS BEEN DROPPING APPROXIMATELY 35 FEET PER YEAR AND THAT THE WELLS ARE LOCATED IN A CONFINED AQUIFER, RESULTING IN A SLOW RECHARGE RATE SUCH THAT MORE WATER IS REMOVED FROM THE AQUIFER THAN CAN BE ADDED UNDER NORMAL CONDITIONS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION FROM ITS WATER PLANT OPERATOR THAT THE TOWN IS NEARING THE THRESHOLD NUMBER OF TAPS THAT IT CAN SERVE WITH THE TOWN'S CURRENT WATER SUPPLY; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES FINDS THAT THERE IS A DEMONSTRATED NEED TO PREVENT A SHORTAGE OF WATER FOR DOMESTIC AND FIRE FLOW USAGE FOR CURRENT AND FUTURE WATER CUSTOMERS OF THE TOWN; AND



B. Service or main line connections to the Town's water supply system not otherwise restricted in accordance with subsection A hereof shall at all times conform to the engineering standards of the Town. Fire plugs shall be installed at each intersection or every six hundred feet, whichever is less. Stand pipes are prohibited. Connections to water lines in alleys are prohibited.

**Section 3.** Section 16.48.030 is hereby amended as follows with deletions shown as strikethroughs and additions shown in all caps:

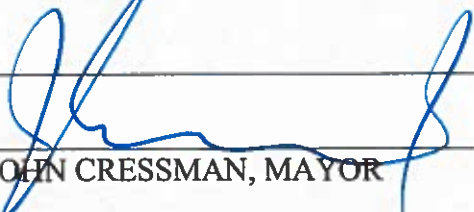


**16.48.030. Minimal Lot Sizes for Water and Sewer.** Municipal or other public provision of ~~both water and sewer~~ is required on lots less than two and one-half (2-1/2) acres in area. On lots of two and one-half (2-1/2) acres but less than five (5) acres, a central system of sewage treatment will be provided, designed, and built in a manner

approved by the State Health Department, provided, however, that the request for a central system for sewage treatment may be waived by the Board for good cause. ~~On lots of two and one half (2-1/2) acres but less than five (5) acres individual lot water sources may be used.~~ On lots of five (5) acres or more, OUTSIDE THE TOWN'S WATER SUPPLY SYSTEM PERIMETER AS DESCRIBED IN SECTION 16.48.010 individual water and sewer facilities may be installed ~~according to regulations herein and the appropriate state laws.~~ ON LOTS OF FIVE (5) ACRES OR MORE, INDIVIDUAL SEWER FACILITIES MAY BE INSTALLED ACCORDING TO REGULATIONS HEREIN AND THE APPROPRIATE STATE LAWS.

**Section 4.** The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

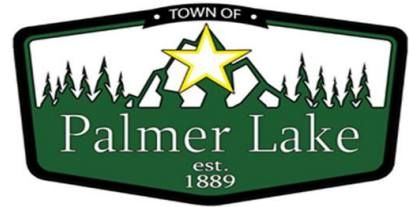
**Section 5. Emergency, Effective Date and Publication.** In accordance with the recitations above, the Board of Trustees finds that an emergency exists, this Ordinance is declared necessary for the immediate preservation of the public peace, health, welfare and safety, and this Ordinance shall take effect immediately upon its adoption, as provided by Section 31-16-105, C.R.S. This Ordinance shall be published by title only in a newspaper of general circulation within the Town and shall be published in full on the town web site upon adoption.

ORDINANCE PASSED, APPROVED AND ADOPTED BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS OF THE BOARD OF TRUSTEES ON THIS 13th DAY OF SEPTEMBER, 2018, BY A VOTE OF 5 FOR AND 0 AGAINST.

 JOHN CRESSMAN, MAYOR	Approved as to Form:
ATTEST:  VERLA BRUNER, TOWN CLERK	 MAUREEN JURAN, TOWN ATTORNEY

**ORDINANCE NO. 16 OF 2018  
AN ORDINANCE OF THE BOARD OF TRUSTEES  
OF THE TOWN OF PALMER LAKE REPEALING  
AND REPLACING SECTION 16.48.010 OF THE  
TOWN OF PALMER LAKE MUNICIPAL CODE  
REGARDING THE WATER SUPPLY SYSTEM,  
RESTRICTING ANY FURTHER EXPANSION OF  
SUCH WATER SUPPLY SYSTEM, AND DECLAR-  
ING AN EMERGENCY**

Published in the CS Gazette September 20,  
2018



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

<b>DATE:</b> April 13, 2023	<b>ITEM NO.</b>	<b>SUBJECT:</b> Direction on Drainage Improvement
<b>Presented by:</b> Town Administrator /Clerk		

As previously reviewed with the Board, direction on future planning is necessary to prepare for grant fund opportunity or planning future projects in budgets.

As reviewed, GMS completed the High Street Drainage Basin report in 2022. Report found here – [https://www.townofpalmerlake.com/sites/default/files/fileattachments/public\\_works/page/6245/master\\_drainage\\_plan\\_report.pdf](https://www.townofpalmerlake.com/sites/default/files/fileattachments/public_works/page/6245/master_drainage_plan_report.pdf)

As a result of this report, staff seeks direction from the Board to consider future drainage plans in the town. This direction will assist with future budgets for capital improvement projects and begin addressing drainage issues in town.