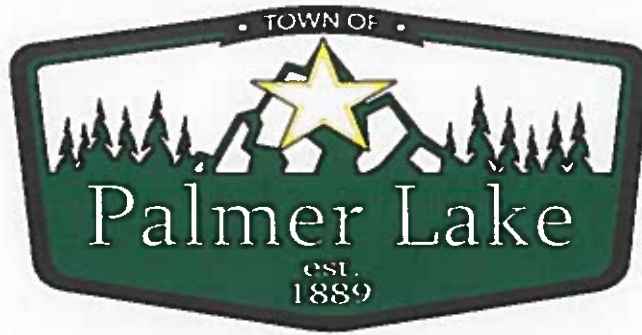




**Town Board of Trustees Regular Meeting
Thursday, September 26, 2019, 6:00 PM
Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado**

AGENDA

This agenda is subject to revision

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Approval of the Agenda
5. Approval of minutes from August 22, 2019
6. Board comments, reports, meetings attended

7. Unscheduled Public Comments–Reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. As a general practice, the Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather will refer the items to staff for follow up. Comments are limited to three (3) minutes per speaker

Guest Speaker

8. Pedestrian Bridge Update – Jeff Hulsmann
9. Parks Committee Proposed Master Plan – Reid Wiecks
10. Property Exchange – Dean Couture
11. Valley Crescent – Jess Smith

Financials

12. Approval of Checks over \$15,000 (Motion to approve)

Discussion/Decision Items

- 13. Road Improvement, Meadow Lane – Jason Dosch
- 14. Move of Water Line for the Pedestrian Bridge Project

Work Session

- 15. Recodification Chapters 1-3
- 16. Executive Session

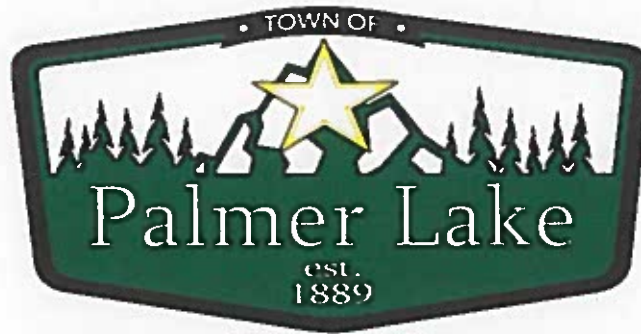
Pursuant to C.R.S 24-6-402(4)(f) with the Town Attorney regarding personnel matters for which the employee has consented to discussion.

Pursuant to C.R.S. 24-6-402(4)(b) with the Town Attorney regarding legal advice related to personnel matter.

- 17. Adjourn

Next Palmer Lake Town Board of Trustees Meeting will be held October 10, 2019.

Please note: If you have a disability and need auxiliary aids or services, please notify the Town of Palmer Lake (719-481-2953) at least 48 hours in advance of when services are needed. The Town of Palmer Lake will make every effort to accommodate the needs of the public.



RECORD OF MINUTES

THURSDAY, AUGUST 22, 2019, 6:00 PM

PALMER LAKE TOWN HALL -28 VALLEY CRESCENT, PALMER LAKE, COLORADO

1. Call to order

Mayor John Cressman calls the meeting to order 6:04 PM

2. Pledge of Allegiance

Mayor John Cressman leads in the Pledge of allegiance

3. Roll call

Present	Mayor John Cressman
Present	Mayor Pro Tem Mark Schuler
Present	Trustee Paul Banta
Present	Trustee Glant Havenar
Present	Trustee Bob Mutu
Present	Trustee Gary Faust
Present	Trustee Patty Mettler

4. Approval of the Agenda (As Amended)

Added 11 a. Public Trust

Added 12 a. Shana Ball discusses findings of the Fire Committee

Added 12 b. Participation in the 2019 election

5. Approval of minutes from August 8 & 17th 2019

Trustee Bob Mutu Makes a motion to approve minutes from August 8th, 2019 seconded by Trustee Patty Mettler all aye motion passes

Trustee Glant Havenar makes a motion to approve minutes from August 17th, 2019 seconded by Trustee Bob Mutu all aye motion passes

6. Board comments, reports, meetings attended

Mayor John Cressman discusses housekeeping rules for Council meetings and adds that the Council would like to appoint liaisons from the Council to the following departments in addition to retaining the Town Manager as head over the Municipal organization.

Parks – Trustee Glant Havenar

Economic Development- Mayor Pro Tem Mark Schuler

Police Department-Trustee Paul Banta

Fire Department -Trustee Gary Faust

Roads Department-Patty Mettler

Water Department – Trustee Bob Mutu

Continued discussion on how the organization of it would look

7. Unscheduled Public Comments-Reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. As a general practice, the Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather will refer the items to staff for follow up. Comments are limited to three (3) minutes per speaker

Resident Sylvia Amos asks about the contact information for our new Town Engineer firm

Resident Christine Clark discusses the Towns responsibility to manage public funds fiscally responsibly

Financials

8. Approval of Checks over \$15,000 (Motion to approve)

Mayor Pro Tem Mark Schuler makes a motion to approve checks over \$15,000 seconded by Trustee Paul Banta all aye Motion passes

Conditional Use Permit

9. Illumination Point – Applicant; Jeremy Ferranti

Resolutions

10. No. 13 of 2019 A Resolution approving a Conditional Use Permit To establish a Mini Warehouse and Storage rental use on a property currently Zoned C-2 General Business and Commercial Zone District and located at 640 Highway 105 (Property)

Trustee Paul Banta makes a motion to approve Resolution No. 13 of 2019 A Resolution approving a Conditional Use Permit To establish a Mini Warehouse and Storage rental use on a property currently Zoned C-2 General Business and Commercial Zone District and located at 640 Highway 105 (Property) Seconded by Trustee Patty Mettler

Roll Call Vote

Nay	Mayor John Cressman
Nay	Mayor Pro Tem Mark Schuler
Nay	Trustee Paul Banta
Nay	Trustee Glant Havenar
Nay	Trustee Bob Mutu
Nay	Trustee Gary Faust
Nay	Trustee Patty Mettler

All Nay motion denied

11. No. 14 of 2019 A Resolution approving a Conditional Use Permit To establish a Mini Warehouse and Storage rental use (outdoor vehicle storage) on a property currently Zoned C-2 General Business and Commercial Zone District and located at 650 Highway 105 (Property)

Trustee Paul Banta makes a motion to approve Resolution No. 14 of 2019 A Resolution approving a Conditional Use Permit To establish a Mini Warehouse and Storage rental use (outdoor vehicle storage) on a property currently Zoned C-2 General Business and Commercial Zone District and located at 650 Highway 105 (Property) seconded by Trustee Gary Faust

Roll Call Vote

Nay	Mayor John Cressman
Nay	Mayor Pro Tem Mark Schuler
Nay	Trustee Paul Banta
Nay	Trustee Glant Havenar
Nay	Trustee Bob Mutu
Nay	Trustee Gary Faust
Nay	Trustee Patty Mettler

All Nay motion denied

11 a. Public Trust

Mayor Pro Tem Mark Schuler discusses ways the Council can build trust with the Community

Discussion/Decision Items

12. Vaile House sale document findings

Town Manager; Valerie Remington discusses the research she did and findings relating to the Vaile House sale and proceeds

12 a. Shana Ball discusses findings of the Fire Committee

Shana Ball states that she had received some new information that day and due to the Committee not having enough data to give a full and accurate picture of what the New Firehouse would cost she would

like to request that the Ballot question for the Fire Department be considered next year in 2020, additionally, Shana suggested that the Fire Department staff receive raises

12 b. Participation in the 2019 Election

Trustee Paul Banta makes a motion to withdraw from the 2019 election seconded by Trustee Bob Mutu

Roll Call Vote

Aye	Mayor John Cressman
Aye	Mayor Pro Tem Mark Schuler
Aye	Trustee Paul Banta
Aye	Trustee Glant Havenar
Aye	Trustee Bob Mutu
Aye	Trustee Gary Faust
Aye	Trustee Patty Mettler

All Aye's motion passes

13. South Valley Crescent update- *Withdrawn*

15. Adjourn

Trustee Glant Havenar makes a motion to adjourn seconded by Gary Faust all aye, meeting adjourned 8:36 PM

Mayor John Cressman

Town Clerk Verla Bruner

Glen Park Master Plan Palmer Lake, Colorado Parks and Recreation



2019

Presented by the Palmer Lake Volunteer Parks Commission as authorized by
the Palmer Lake Town Council

2018

Glen Park was described in the 1890's as "there are winding roads and babbling brooks, beside a small forest of trees, permeating one with a delightful sense of rest. " and "In the openings of these canons and scattered over the park are many shady, secluded nooks, with easy seats, inviting you to rest and 'commune with nature, and each other'."

"A 1894 promotional article spoke of 'cliffs and chasms, of sunlit glen and fairy dell and flowery vale, of stream and wood and dashing cataract, of gaping caverns and pillared palisades.' " ⁱ

ⁱ "The Divide," Historic Sites & Structures, El Paso County, Colorado 1977 pp 21

Glen Park Master Plan – August 2019

Purpose / Plan Overview

A *Glen Park Master Plan* provides a framework for the future maintenance, management, and development of the park. The plan seeks to address issues and concerns, and identifies priorities for future improvements at the park.

Why Glen Park and not all the Town parks? It was decided by the Commission that without adequate funds and in an effort to save the Town money, we would address Glen Park as a Commission responsibility to assess and develop a master plan. Once the Master Plan for Glen Park was developed and approved by the Town Council, the Commission would then move on to develop a Master Plan for all the Town parks. It was further decided that Glen Park was a manageable project compared to Centennial Park, and had more users than the neighborhood Columbine Park. Glen Park has also not benefitted from attention over a great many years.

While there is focus on Glen Park, Centennial Park continues to receive needed attention from the Commission as documented by the first Parks Department report of May 2019. The Parks Commission has reached out to and heard from a representative of the Columbine neighborhood. The representative was invited to participate on a regular basis in the Parks meetings but has not chosen to. Two other Columbine neighbors have also been invited in the last month (June 2019) to participate. At the August 19th, 2019 meeting another Columbine resident attended and presented the Committee with a Plan for Columbine Park. The Committee was able to immediately help with the purchased of some requested items and inclusion in the forthcoming Volunteer in Palmer Lake Parks" day. There was a commitment from both to communicate and work together to upgrade Columbine Park.

The *Glen Park Master Plan* provides a 5-10 year vision for the management, maintenance and development of the park. The plan is the product of public engagement and the Town of Palmer Lake Parks Commission. It embodies the community's vision to provide active and healthy year-round recreational opportunities while preserving important natural resources for future generations.

The vision statement embodies the community's vision for the next 5-10 years at Glen Park. It is a compilation of the contributions made during the master planning process by members of the Parks Commission, Glen Park neighbors and users, and survey respondents. The vision is the guiding theme of the design development process for the future of Glen Park.

Glen Park is a safe, outdoor recreation destination for Palmer Lake residents that balance its natural green space and accessible waterway with a variety of unique, year-round activities for people of all ages and abilities, providing the community a natural oasis within the context of residential development.

Format (Chapters)

1. History and Description of Glen Park including Topography, soil, wildlife, and vegetation
2. Past Master Plans and Surveys
3. Creation of the Parks Commission/Department Committee
4. Vision
5. Mission
6. Goals
7. Objectives
8. Current Conditions/use/assessment of needs, findings
9. Access and Connections
10. Utilities: lights, water, sewer, storm water drainage
11. Specific Goals of the Master Plan for Glen Park
12. Specific Objectives for Glen Park

13. Summary of Recommendations in general terms

14. Detailed list of proposed Park Commission activities as it relates to Glen Park by priority for a 5-10 year vision

History and Description of Glen Park

The Glen and Glen Park were identified on plat maps and named in 1886. Glen Park became a part of Palmer Lake when the town was incorporated in 1889. ⁱ "This section... (along Lover's Lane and North Monument Creek) was purchased by the Town in 1896 ...for a public recreational park."ⁱⁱ Glen Park was used during the height of the Rocky Mountain Chautauqua Assembly from 1886 to 1910.

"The original Chautauqua Assembly came to Palmer Lake in 1886 and was an annual summer event for more than two decades. Palmer Lake hosted one of the first Chautauqua Assemblies in the Rocky Mountain West. The purpose of the Chautauqua Assembly was to provide entertainment, education, inspiration and outdoor recreation to enrich people's lives. The Chautauqua Movement flourished in the U.S. from 1874 into the 1920s. At its peak, over 400 locations around the country held an annual summer Chautauqua Assembly.

The Rocky Mountain Chautauqua Assembly made Palmer Lake a destination point for many. People from Colorado Springs and Denver, as well as elsewhere in Colorado and Midwestern states, arrived on the Denver & Rio Grande Railroad. Palmer Lake's Chautauqua took place in Glen Park centered around an auditorium built on what we now know as Chautauqua Avenue. Chautauqua activities included lectures, debates, concerts, campfire gatherings and burro excursions up to the reservoirs.

Many homes in "The Glen" neighborhood began as rustic tent cottages, where Chautauqua-goers stayed for the six-week long assembly. Several Chautauqua cottages eventually evolved into permanent homes where some descendants still live today."ⁱⁱⁱ

The Glen and Glen Park has experienced its share of natural disasters. "In May 1946, four bridges were washed out by a cloud burst, a section of the road in reservoir canyon was destroyed and basements flooded. Except for the rustic foot bridge, (across North Monument Creek) all the others were replaced."^{iv}

In June 1965 "wind whipped rain tore at houses and buildings from every direction followed by hail. Signs, house and garage roofs sailed through the air. Trees, electric light and telephone poles crashed, blocking all roads. The creek became a raging torrent 10 feet wide, carrying boulders, trees and bridges along with it. It is estimated that 4,000,000 gallons of water a minute rushed down stream. Pine Crest and Glen Park were isolated."^v



Original Cover for 1901 Assembly



Crowds thronged to the Assemblies

Chautauqua Mountain and Glen Park are considered "one of the most important visual resources in Palmer Lake" according to the 2003 Comprehensive Plan.

A partially developed social trail through the park has emerged over the years; signs erected at both ends identifying it as Glen Park; a swing set was erected 30+ years ago as was a metal slide supported by a wooden structure, and a metal balance beam. Some long-time residents remember there being a monkey bar at one point in the last 40 years. 1978 two tennis courts were constructed off Lovers Lane. A fundraising by a local teenager, Morgan Day, in the 2013 timeframe allowed the tennis court to be somewhat improved. In the 1980's Glen Park saw further development with the addition of a restroom and in the late 1990's the construction of the Creekside Trail by volunteers and spearheaded by Tom and Cindy Allen.

Description of Glen Park, Reservoir Trailhead, North Monument Creek Greenbelt

Glen Park is a 24 +/- acre park located along the North Monument Creek Greenbelt in the Glen Park neighborhood of Palmer Lake. The park is classified as a community rustic park and is comprised, for the use of this Master Plan, of five distinct, individual parcels/use areas linked together by the surrounding vacated roadways, all owned by the Town of Palmer Lake, managed by the Town of Palmer Lake, and the Parks Commission. Each use area is unique and varies in the level of development and types of facilities it contains.

Glen Park features both developed facilities and natural areas providing visitors with a variety of recreational and natural experiences in one easily accessible location. While Glen Park has well-used facilities some of the most popular features at the park are the relatively undeveloped Creekside Trail along N. Monument Creek, the playground area, trail to the Reservoirs, the Glen Park Woods Walk loop trail within Glen Park which is approximately ½ mile long, the tennis courts, the picnic tables, and the natural areas, especially behind and west of the tennis courts. In addition to providing opportunities for recreation, the park provides valuable habitat for birds, fish, and wildlife.

Glen Park is bordered by North Monument Creek on the North Side of Lovers Lane (north of the Creek is private property), (Creekside Trail runs west to east just within the town boundary and on the south side of the Creek); west to the Pike National Forest along Walnut, and extends farther west of Walnut Avenue to encompass the Reservoir Trailhead area; south along Walnut, Alamosa, and private property; east to the intersection of Virginia Avenue and Lover's Lane.

It is rustic and mostly wooded, with some mitigation of ladder fuel through out the years opening the views to head height. The further east you go the more topsoil with grasses dominant as opposed to gravel found at the west end.

Residents identify Glen Park as a valuable community asset as the largest community use park in the Glen neighborhood, Glen Park provides important opportunities for active and passive recreation in a quiet natural environment in an increasingly suburbanized Palmer Lake. The park also offers convenient connections to the Creekside Trail and the Reservoir Trail systems.

Topography, Vegetation, Wildlife

The area East Area of the tennis courts presents nicely wooded areas with the Parks only aspen grove and some Ponderosa pine, where grass grows well. It is undeveloped, save for a small seasonal pool, a wildflower garden, a bathtub planter, and a couple of picnic tables.

The Middle Area is dominated by Ponderosa pine and Gamble scrub oak that is younger and creates a natural barrier between the west and central areas. Behind (south of) the tennis courts and near the southern boundary there are mature cottonwoods and grassy areas.

The West Area is gravelly in nature dominated by open areas shaded by older Ponderosa pine. During heavy rain the area will experience runoff from Crescent Ave. and Walnut Ave. with gravel collecting and fanning out through this section.

The Reservoir Trailhead section west of Walnut, south of Old Carriage, and north of the Pike National forest's steep slope where North Monument Creek flows most of the year is extremely gravelly in nature with almost no topsoil and dominated by Ponderosa pine and some Gambel scrub oak. The trail from the trailhead at Old Carriage to the Town fence at the culvert is 700' +/- long.

The North Monument Stream Corridor and Creekside Trail is home to important natural resources, Ponderosa pine, aspen, cottonwood, numerous wildflowers such as Wild Salsify, Lupine, Indian Paintbrush, Yarrow and Sweet pea to name a few, and is generally less developed except for one bench at the Eastern end. The Trail is 2000' +/- long.

Wildlife throughout the Park has an abundance of varying species. The area provides excellent habitat for mule deer, mountain lion, black bear, fox, black and gray squirrel, porcupine, and raccoon. It is not uncommon to see turkey, ravens, magpies, bluebirds, chickadees, nuthatches, jays, and flickers in the Glen Park area. Some raptors are also present: falcons, hawks, owls but are not as common.



Black bear and mountain lions roam the park, as does the occasional black squirrel.

The majority, if not all, of Glen Park is in the December 2018 FEMA Flood Insurance Rate Map floodplain delineation.

Noxious weeds have been present in Glen Park but efforts from 2014 to 2017 by the PL Noxious Weeds Team in cooperation with Boy Scout Troop 17, D-38 Civics classes, community members, and Mile High Corp with some matching funds from the Town has kept them in check. Over 8500 pounds of Myrtle Spurge and Orange Hawkweed were removed along with 10000 pounds of ladder fuel plants: thistles, Knapweed, Teasel, Common Mullein, Poison Hemlock, Downey Brome, and Common Burdock.

Master Plans / Surveys

There have been no master plans for Glen Park specifically, and has only short mentions in the February 2003 "Palmer Lake HWY 105 Streetscape Plan" as an update to the July 1994 Pikes Peak Council of Governments report, which is an update of the Town's Comprehensive Plan of 1982. There is no mention or plan for Glen Park in surveys conducted in 2008, 2014 or 2015 by Palmer Lake groups, nor any mention in the 1992 survey or "El Paso County Parks and Recreation Advisory Board summary of 2008" (this was also titled "Town of Palmer Lake, Master Plan update, Palmer Lake Recreation Area"). Glen Park specifically has been ignored as a recreational facility and valuable Town asset for years, hence has received little attention. This despite residents who claimed the Glen as their residence having the highest percentage of response of any area in Palmer Lake in the 2003 Comprehensive Plan.

In the survey conducted as part of the Comprehensive Plan 2003, 6 questions relating to "Parks and Recreation" were asked. None addressed Glen Park specifically, and only one addressed it peripherally "Would you like to see recreational programming expanded? If yes please specify." That is it! Glen Park ignored.

One might argue that this is because residents didn't value parks, hence little mention. In evaluating the survey further residents were asked "List three projects you feel should be made priorities by the Town." Of the 15 categories offered "Parks and Rec" was ranked #5 by the resident responders, yet still has not received the attention the residents feel it should.

In the 1999 citizens advisory group stated the vision or goal for Palmer Lake "to provide traditional public services while maintaining the Town's historical, small-town atmosphere."

This *Glen Park Master Plan* provides a guiding vision for the management, maintenance, and development of Glen Park by aiming to balance recreational uses with the preservation of important natural resources. This master plan identifies current and future needs, addresses issues and concerns, and establishes a framework for future development, management, and maintenance consistent with a 5-10 year vision for Glen Park which is long over due for some attention. It is a "living" plan and will update constantly.

It is the hope of the Parks Commission that, unlike past surveys, studies, budgets, comprehensive plans, Palmer Lake Parks, and specifically Glen Park for this Master Plan won't be ignored.

Creation of the Parks Commission and Glen Park Master Plan

The "Parks and Recreation Commission" was approved in 1983 and various sections over the years, 1991 and 1992, revised. Ordinance 12.20.010-12.20.100 Parks and Recreation Commission approved by the Town Council 4/9/92 outlines the duties.^{vi} In the 2003 Town of Palmer Lake Comprehensive Plan three community recommendations were made that directly impact parks within Palmer Lake.

There were:

1. "Parks: Investigate the development of a Parks Association or District for the purposes of acquiring, developing, maintaining park land and coordinating recreational activities and programs for the Town."
2. "Bicycle/Pedestrian Trail System: Encourage civic groups to become involved with the trail development program."
3. "Open Space: Establish an Open Space Committee, composed of local interested citizens, to identify potential open space areas, sources for public acquisition and coordination with bicycle/pedestrian trail development program."

Fifteen years later little has been done to address these recommendations.

In the October 12, 2017 Council Meeting the formation of the Parks Advisory Group for Town Parks was discussed as a future agenda item.

In January 2018, the Palmer Lake Board of Trustees heard a report on the formation of the Parks Committee and its beginning activities. The Parks Commission has been charged with developing the master plan, policy reviews, possible programs, and facility needs for all Palmer Lake Parks.

The Palmer Lake parks are: Centennial (around Palmer Lake itself), Columbine Park (a small neighborhood park near the old Pine Crest site), and Glen Park. The Commission began meeting every two-week in March 2018. It is composed of two Town Council Trustees, and 7 community member/volunteers. The meetings are open to the public. The Commission began addressing all the needs of the various parks and programs for the parks (all of which were designed to raise funds for park facilities/equipment and the maintenance of them), identify other sources for funds, and prioritize projects that would be the focus for the 2018 budget expenditures. The Commission didn't just establish the guidelines but also developed, organized, and ran various programs to achieve the tasks.

In May 2019 the Parks Commission submitted their first Department Report to Town administration before the Council meeting summarizing the first year of their activities. The Commission doesn't have a paid department head like fire, police, water departments. The duties of developing and presenting the monthly (from now on) report is done on a shared basis by the Commission members. The May 9th report outlined the 44 different activities, events, proposals, and meetings the Parks Commission had participated in or accomplished in its first year. Even more impressive is the number of volunteer hours preformed by the Parks Commission: May 2019 – 155; June 2019 – 267.

The Commission is requesting a seat at the monthly town department meeting so as to facilitate communication and cooperation between departments. There have been a number of situations where representation would have facilitated smoother and timelier operations, thus greater efficiency, and helped develop safer, more efficient, facilities for the public.

Palmer Lake Parks Department Vision Statement

The vision of the Palmer Lakes Parks Department/Commission is to be a premier Town parks and recreation facilities and service provider on the Colorado Front Range while enhancing the quality of life for residents and adding value to Town visitors' experiences within the historical, small-town atmosphere.

Palmer Lake Parks Department Mission Statement

The mission of the Palmer Lake Parks Commission is to ensure the responsible stewardship of Palmer Lake Parks and Palmer Lake Parks funding. Ensuring that Palmer Lake parks are well maintained, safe, and begin to meet the current and future needs of the public; to provide high quality year-round recreational amenities and opportunities for residents and visitors. Our values include access for all; promotion of healthy lifestyles for youth and adults; support for Town economic vitality through recreational facilities and programs.

Palmer Lake Parks Department/Commission Goals

The goals of the Palmer Lake Parks Commission are as follows:

1. Provide safe, well maintained park space and facilities for youth and adults
2. Meet the parks and recreational needs of our growing and historic community
3. Enhance and support current amenities while looking toward future needs
4. Advocate and plan for sufficient recreational amenities and no loss of recreational amenities during times of growth
5. Develop and manage park space with respect for the natural environment
6. Identify and develop public – private partnerships for fundraising.

Palmer Lake Parks Department/Commission Objectives

The objectives required to reach out goals are as follows:

1. Meet and exceed safety standards set forth by parks and recreation industry and known best practices
2. Remain in touch with Town needs and trends in recreational programming and facilities while remaining responsible to fiscal realities
3. Continue to apply long term vision to short term needs. Not every eventuality can be anticipated, but a well-planned parks program will best serve the neighbors and Town at large.
4. Participate in Town meetings to be aware of parks and recreation opportunities and challenges associated with future development and budget restraints.
5. Participate in Town and department meetings so as to foster communication and cooperation between departments in these tight fiscal times

6. Monitor environmental risks and mitigate those risks through appropriate vegetation mitigation, weed control, drainage issues, and use of native plants where appropriate. Current and future park space should complement and enhance existing natural settings.

Current Condition Assessment and Usage of Glen Park by area

Community priorities for the future of Glen Park range from improving maintenance and restoring damaged natural areas to investments in new facilities and safety improvements.

Starting from the West: **The Reservoir Trailhead Area** sees a higher concentration of users, both residents and visitors; parking on most nice days is a safety issue for smooth travel into or out of the Glen down and up Old Carriage Road. Emergency vehicles should anticipate possible problems if they need to access the Glen at those times. In August 2019 one Parks committee member, a Town Trustee, and neighbors concerned with the parking issues have met on two occasions to begin the process of planning a strategy to relieve some of the parking and traffic issues in this area. A number of suggestions have been put forth by all parties but time and opportunity have not allowed the development of a formal report to present to the Council and Town as of this writing. It is a serious situation and cannot be neglected.

At the August 22, 2019 Town Council meeting, Mayor John Cressman appointed a liaison for each Town Department, Grant Havenar for Parks and Patricia Mettler for Roads. It is vital that Parks Committee members be involved in all the discussions and decisions involving the areas surrounding the Town Parks, including the Reservoir Trailhead parking.

There have been discussions of increased parking space during 2018 Town Council meetings, but no action or plans have been presented or seriously considered as of this writing. Caution must be taken so that the natural/forest environment is maintained as much as possible.

There have also been problems with hikers bringing dogs, leashed and unleashed, into the area. The problem stems from dogs being allowed by their owners to defecate along the trail and in the reservoirs, leaving it where deposited. There have been a couple of proposals but none have been feasible as they were dependent on a part-time Town employee to perform extra duty to pick-up the deposits. The Town Council imposed a "no dogs allowed" ordinance in the early fall 2018 but attempts to enforce the ordinance have been unsuccessful as of this writing because of incomplete and conflicting warning signs, or lack of will. There is also a shortage of trashcans and dog poop bag stations in which to pick up and leave trash.

The **West Playground and Picnic Area** is family and children oriented; the only play equipment in Glen Park is here: 2 regular swings and 2 child swings. There are 3 picnic tables and a stand-alone bench. There is poison ivy in the NW corner of the park where Walnut and Lover's lane connect and the GP Walking Trail converge, along with numerous social trails. The wooden structure that once "held" the slide needs to be repurposed once safety issues are addressed. There are numerous large rocks that randomly exist through out the area, and some stone/dirt piles and depressions that present hazards. The only bicycle rack is in the parking area along Lovers Lane.

In June 2019 a new playground structure with chip cushioning and curbing was installed mostly with volunteer Parks Commission labor. A second new structure was added in August, a Two-Person swing. Both have been received very positively.

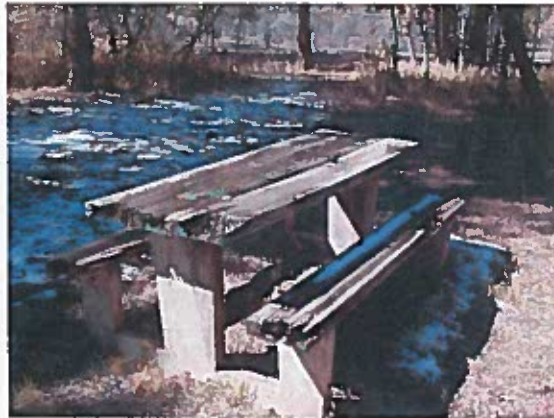


There are currently 7 parking spots along Lovers Lane, but on busy Reservoir Trailhead days they are often taken up by hikers not playground users. Visitors have begun parking informally along Walnut near the playground and then walking to the Reservoir trailhead. The area along Walnut was left unfinished with the installation of a fire hydrant in 2017.

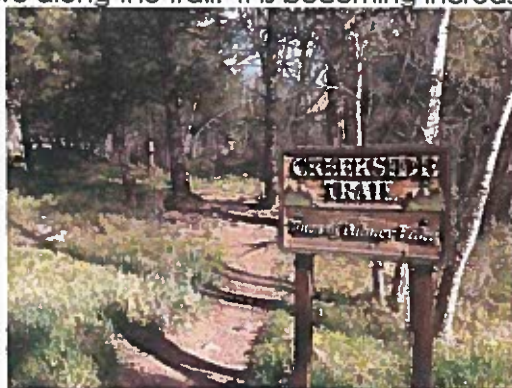


The **Central Area** contains two tennis courts and two picnic tables in very poor condition; the existing tennis courts are in generally good condition but currently under-used. The heavily wooded area just west of the tennis courts is in need of mitigation and re-seeding as the old bathrooms were removed in the fall 2018 but the area was left as bare ground. There is also a pipe sticking out of the ground and a large stone "fire-ring" that present opportunities for injury or illegal activity. The area behind, south, of the tennis courts is rarely used except by walkers. Mitigation of dead vegetation is badly needed especially on the south slope as it rises to meet private property. This situation creates ladder fuel that could ignite residents' homes on the slope above the Park.





The **North Monument Creek Greenbelt/Creekside Trail** is one of Palmer Lake's and Glen Park's most used trails by residents. The Trail provides safe access to Glen Park from both the East and West areas as it parallels North Monument Creek, connecting use areas within the Park. It is an important recreation destination and natural area offering a quiet, intimate experience in nature that changes with the seasons. The trail is a single track, soft surface, 2-3 feet wide, and is designed for walking and enjoying the stream and inhabitants. The stream is bordered on the north by private property and is undeveloped. There are entrances at both the East and West ends, parking at the East end for 3-4 cars, a bench along the trail, and is defined by a rock border most of its length. A dog poop bag dispenser is located at the Trail's West entrance. There are no trashcans anywhere along the trail. It is becoming increasingly overgrown and the creek clogged.



The **Glen Park Woods Walk Trail** (change to **Glen Park Loop Trail**) is a pedestrian only (no bicycles, horses, or motorized vehicles) circles the East, Central, along Lovers Lane, and West Areas and does not cross any

perimeter roads. It is approximately ½ mile long. Various portions of the trail meander through the park with a very loose pattern. Some sections are in good shape and well defined others almost nonexistent. There are a number of social trails that aren't useful and take away from the natural setting or could be used for picnic tables or benches. The trail also intrudes on areas where other users might appreciate less trail activity in their vicinity i.e. cutting through picnic areas, located immediate along the tennis court fence, converging in the playground area.



The **East Area** is at the intersection of Virginia and Lovers Lane entrance has a sign announcing the Park and Trail but little else. The sometimes ill-defined trail divides here, the right side heading along Lovers Lane, the left side going along the southern boundary. There are no facilities, the random trail is cut by numerous social trails, no trashcan, benches, or picnic tables. There is a sometimes-maintained wildflower garden, a bathtub planter, and a seasonal pool between the trail and the south boundary that needs cleaning and possibly a name.



Seasonal pool in East Area

General poor conditions: Split rail fences and some stones define the parking areas along Lovers Lane and Walnut – need repair, replacement as there are areas where cars could drive into the Park unimpeded. On weekends there isn't enough parking near the playground as many Reservoir Trail users park there. Many users park along the road, in non-designated areas creating congested roadways, hence potentially dangerous situations for all users and emergency vehicles.

The entire Glen Park has only one trash can (at the Reservoir Trailhead).

Access to Glen Park, Connections to the Glen neighborhood, and upper Palmer Lake

Vehicles and Parking: Vehicle access to Glen Park, Creekside Trail, and the Reservoir Trailhead is generally from Old Carriage Road or Spring Street. Glen residents can access the Park areas along Lovers Lane, Walnut Avenue, Crescent Avenue, or Virginia Avenue.

Visitors arriving by vehicle can park at one of seven small parking areas located at the periphery of the park and trailheads. This includes three small parking areas along Lovers Lane, (6, 11, and 7 vehicles with 90 degree parking), one at the Creekside Trailhead at the base of Spring Street (3-4 vehicles with 90 degree parking), and three at the Reservoir Trailhead at the base of Old Carriage Road (2, 2, and 18 with 90 degree parking). There is informal parking along the north side of Old Carriage Road where it turns east at the Reservoir Trail Area accommodating about 7 cars parked parallel, but when parked at 90 degrees poses a severe safety hazard for pedestrians and any emergency vehicles.

Traffic has seen an increase the past few years with the popularity due in part to the listing of the trail in The Best Colorado Springs Hikes^{vii} of the Reservoir Trailhead. The Town Council and Town management began addressing this issue in 2018 by looking at adding parking to accommodate the Reservoir Trailhead parking needs. Vehicles often park along Lovers Lane, along the corner of Walnut and Old Carriage (informal), and Walnut Avenue (informal parking area) as a solution. This poses safety issues for Glen Park users, as the informal Walnut parking is adjacent to the playground area. This also limits the parking for playground and picnic area users. Additionally it presents problems for emergency vehicles trying to access the Glen.

The increased speeds at which many trail and Park users exit the Glen on Old Carriage Road has become a concern for the residents along that road and have approached the Town office with suggestions during the 2019 summer. (see page 7 for additional information)

Pedestrian and Bicycle: Pedestrians and bicyclist can access Glen Park from the surrounding areas and adjoining neighborhoods by any of the streets described above, and down the path extending into the Park from Alamosa Avenue on the South side.

All pedestrian and bicycle routes (except for the Alamosa entrance) are shared with vehicles as there are no designated bike paths or sidewalks. There is a bicycle rack located at the West end Lovers Lane parking area. Within the park, informal paths connect trails and facilities.



Trail up to Alamosa from the south

Utilities: Some utilities run throughout the Glen Park area, providing access to sewer, water, and power. Currently there are no utilities connected in the Park.

Lighting: There are no streetlights along the Park's perimeter streets and none within the Park itself.

Water: Water is available along Walnut, Virginia, Old Carriage but currently undeveloped within the park.

Sewer: Sewer is available but currently undeveloped within the park. PL Sanitation maintains a sewer main running parallel to Lover's Lane on the North side of the Park. A second sewer main runs along Virginia Ave. at the East end of the Park. A third line runs through the Park from Walnut/Crescent Avenue to Lover's Lane.

Stormwater: North Monument Creek provide valuable ecosystem services through the conveyance of storm water from properties adjacent to the North side of the Creek. North Monument Creek also receives storm water and planned discharges of water from the Reservoir. Maintenance of those systems is critical to maintaining the health of riparian and stream habitat.

Runoff from Crescent Avenue under Walnut into the Park's south side near the playground area with little control is untreated and forms an undirected streambed and alluvial fan of sand and gravel, and road residue that flows almost 300' across the Park. This area is left undeveloped because of the potential damage to any Park facility erected in that area, hence wasted Park recreational space.

On July 27th and July 30th, 2019 one of the Parks Committee members witnessed the effects of a thunderstorm dumping almost one inch of rain and hail in 45 minutes on this area. There was a fast moving stream moving to the North from the above culverts across the Park toward Lovers Lane and a second stream turning East behind the Dalrymple property. It flooded the picnic area and the trails all the way to the area just west of the tennis courts. Additionally storm water runoff from Walnut Avenue flowed forcefully into the playground area under the wooden slide structure to the swings flooding the area. It remained muddy for the next 48 hours. The playground area is one of the most heavily used areas of Glen Park. This is dangerous and irresponsible. It needs to be addressed by the Roads and Water Departments as they have created part of the problem when they installed a new water line in 2017 or 2018.



The Palmer Lake Town Council voted in April 2019 to not pursue any storm water/drainage repairs or mitigation as recommended by GMS Engineering. They choose to continue doing what they could through normal road maintenance. This presents major safety and use issues for a large area bisecting Glen Park.





Goals of the Master Plan For Glen Park

- Understand community recreation needs as it relates to Glen Park
- Identify and prioritize improvements consistent with the community vision for the park
- Balance the development of new facilities with the preservation of existing natural areas
- Provide much needed investment and upgrades at the park
- Improve access, connections, and circulation to address areas of congestion and minimize conflicts between park and trail users
- Address community safety concerns such as condition and maintenance of the facilities and equipment.
- Identify and develop strategic partnerships with public and private organizations to better manage, maintain, program, and invest in Glen Park
- Create a tool for future fundraising
- Protecting the natural environment
- Providing new opportunities for outdoor education
- Develop and submit an adequate budget to meet the annual needs for facilities, programs, and maintenance of the Parks.
- Provide adequate staffing, especially during the summer to accomplish the tasks at hand.
- Involve the Parks Commission/ or a representative from it in the interview process for hiring of Parks full or part-time staff for the summer and have them directed by the Parks Committee as to weekly tasks.

Challenges and Opportunities

The planning process revealed numerous opportunities and challenges which this master plan seeks to address. The following objectives and attached spreadsheet punch list is based on research and site inventory over the passed 16 months, and was used to help identify and prioritize design, programming, maintenance and management recommendations.

Objectives For Glen Park

Assessment of Needs, Assessment Findings listed below are proposed improvements to existing facilities and proposed new facilities to enhance the overall use of Glen Park. Each improvement will be contingent upon available funding that may consist of public funds, grants, and donations, and approved by the respective governing body, the use of volunteers and available resources. As development of the Park moves forward, it will be important to balance development of new facilities with the preservation and restoration of existing natural areas.

It is proposed that the west area be dominated by the playground and picnic areas, and one terminus (the other being at the east end) of a loop trail in the Park, and the transition area from Glen Park to the reservoir trail and/or Creekside trail.

1. With volunteers the trails can be redefined using existing rock borders, mowing outside the border rocks, defined trail base, woodchip footing, and a pattern that would loop inside the boundaries with occasional spur trails into picnic areas and benches. (Started 7/2019)
2. 6 picnic tables – 4 are useable, 2 need repair to the table and benches, add 1 by the tennis courts – west side (done 7/2019).
3. Two tennis courts – further assessment and collaboration with tennis/pickle ball groups is needed. Continue general maintenance until a detailed "to do" list can be developed.
4. Playground at the west end that is focused on younger neighborhood children: 4 swings. Use the existing wooden structure to offer additional playground opportunities.
5. Bring existing wood structure up to safety standards. Resurface the existing wood structure with redwood, Trex, or similar, add cushioning and curbing, using volunteer help and donation of materials.
6. Expand the Creekside, Glen Park trails (at least through signage) to connect with the reservoir trail system west of Walnut to the Creekside and Glen Park Loop Trails
7. Switching to 4" or 5" round treated 2-rail fencing or large rocks moved from within the Park would be more economical and require less maintenance over the years. Cooperation between departments is needed.
8. Porta Potty near the tennis court is the only bathroom facility in the Park. Add another near the west end – perhaps only during the summer months. Construct tasteful wooden enclosures.
9. Clean up and make safer park areas by: (many can be done with volunteers)
 - a. Removing a stone, dirt pile near the west end playground or clean it up and make it a mound which can be played upon;
 - b. Look into creating an art piece or flower garden out of the fire ring just west of the tennis court;
 - c. Make sure the manhole cover west of the tennis court is secure; (completed 4/2019)
 - d. Define and secure the drainage off Crescent into the park that may require building a retention or collection "pond" that is fed by a defined "stream" using existing rocks from the park after a streambed is dug;
 - e. Repurpose random rocks strewn all throughout the Park – volunteers and town equipment could easily collect them and repurpose them as trail boundaries or parking area boundaries for the bigger ones.
 - f. Cutting mitigated tree stumps at ground level, especially behind and East of tennis courts
10. Secure or remove a water (?) spigot near tennis court and the spigot near the playground
11. Improving overall maintenance – mowing, tree trimming, addressing parking areas & boundaries. Regular maintenance provides for a clean, healthy, and enriching experience. Recommended: regular trash pick-ups, restroom, dog poop stations. This will help instill community pride and ownership, decrease vandalism, making the Park safer and more enjoyable for all.
12. Leave the area south of the tennis courts and north of the southern boundary as natural as possible after some mitigation. The area of the cottonwood, aspen groves, small scrub oak clusters.
13. Install new playground structure, curbing and safety cushioning (completed 6 and 8/2019)
14. Eradicate poison ivy in NW corner & along Lover's Lane, continue removal of noxious weeds.
15. Re-vegetate existing social trails after removing them to minimize further trampling and erosion.
16. Maintain & clean up vegetative buffers between each of the designated use areas.
17. Look at repairing/welding the original metal slide.
18. Mitigation along Creekside Trail and North Monument Creek clean-up should be addressed soon.
19. Address parking and traffic flow issues to Glen Park and The Reservoir Trailhead area.

New Facilities: estimated cost per new facility – see attachment 2

1. Add bear proof trash cans, at least 3, the length of the park
2. Look to building an ADA compliant bathroom in Glen Park
3. Expand parking along Lovers Lane perhaps on the north side of the Lane.
4. Expand / create parking at the corner of Walnut and Old Carriage on the west side.
5. Expand / create parking along Walnut near the playground – there is room for about 9 cars, some parallel and some straight in. This would be a nice number as it doesn't overwhelm the

- area, doesn't encroach too close to the residents just to the east, and provides parking next to the playground.
6. Create a safety barrier (fence, rocks) between parking and playground – this might be done in conjunction with the water department that put in a new water line and removed the split rail fence. There are numerous rocks pushed off the road into the park about 30' that could be used to establish a preliminary barrier.
 7. Create a small protection area (approx. 13' x 10') around the hydrant and water valves that were placed along Walnut near the playground and the intersection of Walnut and Lover's Lane. Using timbers or rocks to surround them. Wildflowers could be planted inside with the addition of topsoil. It would also serve as the boundary for a parking area mentioned in #5 above. The other end of this parking area would be defined by a large existing Ponderosa Pine.
 8. Install curbs in the playground swing and wood structure area to be safety compliant using donations and volunteers – cement, landscape timbers, artificial curbs, wood logs & woodchips (possible donations from local landscape/mitigation companies, retailers).
 9. Expand playground equipment offerings at least a piece of equipment each year for 4 years using budget, focus on using natural colors and materials when possible (not in any priority order).
 - a. Slack rope between two existing trees
 - b. Climbing wall and/or net designed for 5-9 year olds
 - c. Tunnel apparatus (could even be a large concrete drainage pipe section) or a repurpose of the existing wood structure
 - d. Sit-upon bouncy child's equipment
 - e. Tunnel slide
 - f. Children's mountain bike loop for learning
 - g. Stump or rock "islands" to step or hop from one to the other, or sit upon;
 - h. Climbing boulder: manufactured or natural brought in
 - i. Child's zip line using existing trees as starting and end stations
 - j. Spider web between two trees
 10. Create a quiet area (meditation, wildlife, wildflower viewing area) with benches at the east and west ends of the Park
 11. Change Dog Poop stations to ones that have dispensers and receptacles for waste.
 12. Plant and expand wildflowers / drought tolerant perennials in the east end of the park
 13. Add another dog poop station near the tennis court; replace 2 others with appropriate stations
 14. Look at possibility of installing picnic tables in the area west of Glen Park and SE of the Reservoir trailhead, along with a trash can near the tables. Also one or two additional picnic tables in the wooded area west of the tennis courts.
 15. Create a more formal trail that connects the above area (#13) with the west end of Glen Park, minimally with signage.
 16. Establish the town property lines along the southern boundary so that a trail can run along and near it to provide distance from the trail along Lover's Lane, picnickers and tennis players in the center of the area. The residences along the south boundary rest upon a high bank and are mostly screened from the Park by trees.
 17. Plant native grasses in the area west of the tennis court where the old outhouse was removed.
 18. Establish mileage and post signs at key trail junctions
 19. Erect information, educational, interpretive signs at key points throughout the park.
 20. Look to a future expansion of the Creekside and Glen Park trail along Lover's Lane east to the intersection of Walnut, along the south side.
 21. Add lighting along Lovers Lane to increase visibility and deter negative activity, while not encroaching on the night sky, especially for the immediate neighbors.
 22. Remove existing "Glen Park Woods Walk Trail" sign and replace with "Glen Park Loop Trail" sign.

Summary of Recommendations for Glen Park

It is proposed to leave the Glen Park in as natural state as possible with improvements to blend into the natural surroundings. New facilities and equipment should be constructed of material which is as maintenance free as possible due to dependence on inconsistent paid staff, budget, and volunteers.

Current Glen Park needs: Attached is a spreadsheet punch list, Attachment 2, of proposed improvements to existing facilities and park improvements, additional facilities and equipment to be added. It is a priority ranking of importance by the Palmer Lake Parks Commission of Glen Park needs as of August 25, 2019 without discussion of available resources or funds to accomplish each item. It has been constantly modified since then as new items emerge.

Estimated cost of items for upgrading the safety and usability of Glen Park – Attachment 1

Priority detailed punch list for Glen Park - Attachment 2

Map of the Glen Park area, current – to come

-
- i Palmer Lake A Historical Narrative, Marion Savage Sabin, pp 49
 - ii Palmer Lake A Historical Narrative, Marion Savage Sabin, pp 71
 - iii Return of the Rocky Mountain Chautauqua Assembly, Palmer Lake Historical Society, 2018
 - iv Palmer Lake A Historical Narrative, Marion Savage Sabin, pp 117
 - v Palmer Lake A Historical Narrative, Marion Savage Sabin, pp 120-121
 - vi Chapter 12.20 Parks and Recreation, Town of Palmer Lake
 - vii The Best Colorado Springs Hikes, CMC, Pikes Peak Group, pp54



Tandem swing added 8/19



One of 3 new Pet Waste stations added 8/19

Attachment 1: Estimated cost for upgrading existing facilities and installing new facilities with an estimate of how many are needed.

1. Bear proof trashcans (3): \$240 (plastic), \$860 (steel). Still need an estimate of those made by CO. State Corrections inmates.

2. ADA Compliant bathroom/porta potty enclosure: 1 PP = approximately \$500.00; 2 porta potty enclosure approximately \$1000.00.

New Facilities items 3-7, pages 14 & 15, can be accomplished with cooperation and in-kind services from roads and water departments.

9. Expanding playground equipment over the next 5-10 years:

- a. Slack rope/rope walk – freestanding \$2500 (Gametime), using trees – less
- b. Climbing wall (5-12 year olds) – 6' SWall \$5700; 8' Volcano \$8300; 8' Ribbon Wall \$8300 (Gametime); Burke #BB 1932 \$4400.
- c. Tunnel apparatus
- d. Sit upon bouncy 2-5 year old
- e. Tunnel slide – contact company reps
- f. Children's mountain bike loop
- g. Stump or rock "islands" to step one to the other, or sit upon – use existing rocks
- h. Climbing boulder – free with town moving one in, artificial rock \$12000 (Burke)
- i. Zip Line (5-12 year olds) 75' freestanding \$13000; using existing trees – less
- j. Spider web climber – standalone \$2600 (Burke), use existing tress – less

10. Quite area at East end - 6' bench (2): Leaf \$731 (Gametime), Buddy (Burke) \$817

11. Expand wildflower garden East end - \$50 for added seed, volunteers maintaining it

12. Pet Waste stations (3) add and replace existing ones - \$519 (Kirby built #VFL3045), explore recycled material poop stations: 5 for \$1300 (pet waste eliminator)

13. Picnic tables (4) at various locations in the Park - \$725-1100 each (Gametime)

14. Trail work – volunteers

15. South property line – work with owners

16. Plant native grasses near tennis court - \$50 for seed, watering is a ??

17. Establish mile/distance posts and signs (3) \$??

18. Erect information and interpretive signs or info center sign/station (\$1500) for a 2-sided.

19. Expansion of Creekside Trail – volunteers

20. Lighting along Lovers Lane - \$??

21. Repair of original metal slide approx. \$200.00

22. Restore existing picnic tables (5): replace wood tops, paint cement supports colors matching the new playground structure. Approximately \$500.00.

23. Another load of wood chips for around swings, slide, and possibly new swings set: \$500. Added curbing and leveling.

Additional information – cost estimates:

Benches: all 6' – Pine \$304, Steel \$877, backless steel \$326

Picnic tables: 8' – Pine \$580, Steel portable \$1054; 6' Pine \$559, steel portable \$902

El PASO COUNTY

NEW SANTA FE REGIONAL TRAIL
CITIZEN WATCH PROGRAM

Please keep the New Santa Fe Regional Trail free of criminal activity.
Report suspicious activity to 911 or the Santa Fe Sheriff's Office.
(915) 333-2060

Please do not molest suspicious persons.
Report suspicious persons, locations, and activities of travel
to the Sheriff's Office, and 911.

SEE SHERIFF'S OFFICE, SHERIFF'S OFFICE
PLEASE REPORT TO SHERIFF'S OFFICE AT ALL TIMES

Please
Help With
Donations
For Ballfield
Lights

ALL PETS
MUST BE
ON A LEASH

PLEASE CLEAN UP
AFTER YOUR PET

[illegible]

A photograph of a children's educational book titled "WHO LIVES HERE?" with a magnifying glass over the title. The book cover features a landscape illustration with various animals labeled: a bird (Blue Jay), a squirrel (Red Squirrel), a raccoon (Raccoon), a turtle (Turtle), a snake (Snake), a frog (Frog), a deer (Deer), and a bear (Black Bear). A small inset shows a "FARM" scene with a tractor and a barn.

A photograph of a playground. In the foreground, a large green mat is on the ground. Several children are playing on it: one in a red shirt is sitting, one in a blue and white checkered shirt is sitting, and one in a pink shirt is standing. To the right, there is a wooden play structure with a red slide. Other children are playing on the structure. The background shows trees with autumn foliage and a blue sky.



Dog Waste station



sample park rules



ADA porta potty enclosure & information station



Another sample instructional sign

Comments from Glen Park neighbors over the past few weeks:

Jean K. 7/24 "Just wanted to express a huge thanks to everyone that brought life back to Glen Park!! My grandkids LOVE it!!!"

Angela B. 7/25 "Our kids absolutely love it! (Glen Park) Thank you for all of your hard work."

Kathy A. 7/25. "It (Glen Park) is really nice! My 20 month old granddaughter enjoys the slide. Thank you!"

Darcy L. 7/15. "Glen Park is so much more fun with the new playground. My daughters love it! When I was growing up we only had the swings and slide. Thank you for all the work."

Frankie B-G (5 years old) 6/25. "Dear Reid, how are you? The Park is so much fun! Thank you for your hard work."

Carrie B. 2/22. Thanks you for your tremendous amount of work you have invested in Glen Park! I want you to know it is appreciated & keeps us families motivated! Thank you for fighting for parks."

Anne O. 7/29. "Its (Glen Park) wonderful!"

Sue R. 8/30. "Wonderful time at Glen Park this morning with my grandsons! There were other families there that come to the Parl daily. A HUGE thank you to the Parks and Rec for the great updates at the Park!"

Local, long-time couple donate \$500.00 to the Parks because of the work in Glen Park 8/19

The response from the Parks Committee to these compliments has been: "We aren't done yet!"

Palmer Lake Parks Commission Committee Members - August 2019

Jessica Farr	Alicia Gatti	Glant Havenar	Bob Mutu	Kirk Noll	Mike Pietsch
Christie Ramshur	John Ramshur	Darcy Schoening	Matt Stephen	Reid Wiecks	

The Committee would also like to thank the volunteers who have contributed to the progress made in all the Palmer Lake Parks since the Commission's reestablishment in the spring of 2018. Thank you also to the many people, businesses, and neighbors who have donated money to help the Parks and who have attended the fundraisings aimed at improving the Parks.

Lastly the help from other Town Departments, Town Council, and Town Office has been greatly appreciated. We hope the relationship and cooperation grows stronger as we work to improve our Parks.

We wouldn't be where we are without you all!

And we aren't done yet!

Attachment 2:Glen Park, Palmer Lake Master Plan Punch List

Priority	Description
1	Secure water/gas spigot so it isn't dangerous near the playground
1	representative of the Parks Commission at the Town of Palmer Lake Department head monthly meeting
1	Develop a budget request for the rest of 2019 and 2020 Town Budget by September 2019
1	Move the trail that is directly behind the tennis court to the high point berm nearer Lover's Lane
1.2	Secure water/gas spigot so it isn't dangerous near the tennis court
1.25	Add Porta Potty at the west end near the playground, at least in the summer
1.25	Annual budget for Park maintenance and upkeep, and supervision of same by the Parks' Committee
1.33	Remove steel ring from around pine tree SE of 50-75' of tennis courts - PLVFD
1.33	Cut stumps left by previous mitigators below ground level throughout the Park
1.5	Replace the "S" attachments with Clevis attachments on the old swings. Per insurance company evaluation
1.5	Paint trash can by playground and label: "TRASH PLEASE"
1.5	Smooth sand under old swings and add cushioning and curbing
1.5	Look at having the old metal slide repaired/rewelded
1.5	Repair split rail fence parking area 1 - switch to 4" round treated rails and posts or rocks
1.5	spread wood chips on the trail once it is realigned
1.5	Define trail so that it loops around Glen Park's inside boundary; and out of dangerous drainage paths
1.5	Eliminate random trails where possible
1.6	Do some grading in the playground area repositioning, removing stumps, rocks etc. to make it safer
1.67	Create a volunteer in the parks day each year
1.75	Repair split rail fence parking area 2 - switch to 4" round treated rails and posts or rocks
1.75	Add Porta Potty near the Res. Trailhead, at least in the summer
1.75	Establish a person and schedule for emptying trash cans and filling doggy bag dispensers
1.8	PLVFD healthy forest mitigation project behind the tennis courts and east to Virginia Ave.by July 2019 - ph
1.8	Re-surface existing wood structure with Trex - donated & volunteer labor
1.8	dirt/rock mound west end - remove hazards, add dirt to make it safe for kids' play
2	Research and develop a parking plan, ingress and egress route plan for G.P and Res. Trailhead, Old Carriage
2	design a parking area south of Reservoir trailhead, west of walnut
2	Finish new parking areas along Walnut using rocks or 4" round treated rails and posts - water dept. help
2	Create new parking areas (2) along Lovers Lane near the East end for about 3 cars each
2	work with neighbors re their concerns over parking, traffic, traffic flow, at Glen Park and the Res. Trailhead
2	Create some tasteful protection around the water hydrant and water valves near playground on Walnut
2	Create some parking at corner of Old Carriage and Walnut (4) Water Dept help
2	Roads department in cooperation with Parks needs to address the drainage issue from Walnut and Crescent
2	Build wooden enclosures(2) for 2 porta potties, or one ADA porta potty
2	Install split rail fence parking area 3 - switch to 4" round treated rails and posts or rocks
2	repair picnic tables, east of the tennis courts (2)
2	Establish consistent sign design and obtain a cost for trail, playground, GP signs
2	add at least 3 trash cans the length of the Park - bearproof!
2	Approach the owners of the small lot island in the Park about donating it in exchange for a tax deduction
2	Install distance/mileage posts/markers along the Glen loop trail

Attachment 2:Glen Park, Palmer Lake Master Plan Punch List

2	Inventory the condition of the tennis courts and prioritize its needs
2	Mitigation along Creekside Trail and stream clean-up of North Monument Creek
2.2	Create climbing ramp and wall on existing wood structure
2.2	Eradicate the poison ivy that grows in the area near Walnut and Lover's Lane intersection and east of play
2.25	Remove/reposition random rocks throughout the Park
2.25	Use existing rock, rearranged, to provide seating & play equipment
2.4	Grade, widen & add a border to the loop trail & cushion with wood chips & pine needles where possible
2.5	ADA compliant porta potty to replace current Porta Potty near tennis court; enclosed with wood structure
2.5	add two picnic tables in the area west of the tennis courts in the treed area
2.5	Connect trail in Glen Park to the one going to the Res., at least with signage
2.5	Define and secure drainage from Crescent so that it doesn't fan out spreading gravel, but is channeled
2.5	Create, clean up the small water feature/"pond" at the east end of the park. Spring water.
2.5	Establish some formal entrances to Glen Park where Crescent and Walnut intersect - strairs?
3	Plant drought tolerant grass, flowers in the area where the old bathroom was removed
3	Add 2 benches at East end of park in the area for wildlife, wildflower viewing and reflection/meditation
3	Establish the south boundary of Glen Park
3	Add an additional bike rack either at Creekside trail entrance east, or near the tennis courts
3	Formalize the trail from Walnut west to the Res. Trail at gate - approximately 1090'
3	Build a stream crossing structure that would be safe in higher water times on trail to res. (see above)
3	Grade, mitigate and install picnic tables in the area west of GP, SE of Res trailhead
3	Possible creation/renovation of pedestrian only entrance to S. side of GP from Alamosa Ave.
3	Erect interpretive, direction, safety /rules signs and/or information station
3.25	Connect trail in Glen Park to Creekside Trail, at least with signage
3.3	Create a Glen Park t-shirt design for a fund raiser (name and map of original cabins in the Glen for examp
3.3	Look at establishing a sleiding Hill at intersection of Walnut and Spring ? Street
3.5	Add additional playground equipment at West end - see possibles in MP, over a 4-5 year period
3.5	add at least two benches along the southern loop of the trail once it is defined
3.67	Plant shade & drought tolerant, deer resistant flowers, & boulders along Lover's Lane to discourage parking
3.75	Explore conversion of fire ring near tennis court to an art form/sculpture, small garden or remove
4	Explore extending Glen Park trail east along Lover's Lane to at least across from East Creekside Trail parki
4	re-evaluate GP master Plan in 2023
4.2	Create a meditation, wildlife, wildflower viewing area at the East end
4.75	Create a more formal trail through the area SE of Res. Trailhead, north of stream, connect to Res. Trail
5.2	Add a basketball hoop and backboard on one end of one tennis court
done 10/18	Remove dangerous slide
done 10/18	Remove / destroy the old bathroom near the tennis court
done 11/18	Secure man hole cover (water department) and cover with rocks once locked/secured
done 11/18	Raise child swings to safe heights
done 12/18	Purchase new playground structure to be installed near the swings at the West end
done 12/18	Purchase a two seat rocker playground structure to be also placed near the swings
done 5/19	Remove RR tie at the end of path west of tennis court against pine tree

Attachment 2:Glen Park, Palmer Lake Master Plan Punch List

done 5/19	Remove old tire about 30' SE of tennis courts
done 5/19	Remove RR tie square E. of tennis courts
done 5/19	Remove wire fencing S of tennis courts and posts
done 6/19	Erect new multi station play structure at west end before the end of June 2019
done 6/19	Before we do any alterations on the wood structure we must check to make sure it is safe, use guidelines
done 6/19	Add benches near the playground for increased supervision, or use suitable rocks
done 6/19	PLVFD healthy forest mitigation project behind the tennis courts and east to Virginia Ave.by May 2019 - ph
done 7/19	Installed a new picnic table west of the tennis courts
done 7/19	Install curbs and cushioning material to safety standards around playground equipment
Done 8/19	Add at least one pet waste station near tennis court
Done 8/19	Add two more pet waste stations near tennis court and at the East end (Virginia and Lovers Lane)
Done 8/19	Bearproof trash can installed at playground area of G.P. 8/30/19
done 8/19	Complete GP needs priority list for a 5-9 year plan by June 30th 2019
Done 8/19	Purchased and installed a two-person swing, curbing, and started the cushioning behind the new playgrou
done 8/19	Finish Glen Park Master plan by May 31, 2019
on-going	Mitigate noxious weeds
on-going	Apply for grants and establish partnerships for GP and Centennial Park annually/as they become available
	The ranking in the left column was the independent ranking by each member then divided by the total
	members who ranked each item as of May 9, 2019. Revised rankings August 31, 2019

Hello,

I'm writing you in regards to the lot on Epworth that I offered to purchase from the Town of Palmer Lake.

I was informed that the board was not interested in selling.

I have a unique opportunity to purchase 4 lots in the Walnut and Lovers Lane area.

These are beautiful lots with nice trees etc..

These lots also are just South of the Tennis courts and park area.

This would make a great extension of the Towns Park area.

I would like to propose that I could purchase these 4 lots and trade all 4 for the lot on Epworth. (See #1,2,3+4 for 5)

This is a really good offer and the 4 lots have a higher value (per the assessors office).

Again this would greatly improve my lots north of there.

I have attached the 4 lots with the info and also the towns lot on Epworth.

Thanks for considering.

Dean Couture
719-491-0368

#1



No Photo Available



Disclaimer

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EL PASO COUNTY - COLORADO

7105324001

Total Market Value
\$37,800**OVERVIEW**

Owner:	
Mailing Address:	7 CLOVER CIR W COLORADO SPRINGS CO, 80906-5126
Location:	
Tax Status:	Taxable
Zoning:	-
Plat No:	391
Legal Description:	ALL BLK 65 GLEN PARK PALMER LAKE

MARKET & ASSESSMENT DETAILS

	2019 Market Value	2019 Assessed Value
Land	\$37,800	\$10,960
Improvement	\$0	\$0
Total	\$37,800	\$10,960

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT RESIDENTIAL LOTS	29.000	8900 SQFT	\$37,800

SALES HISTORY

	Sale Date	Sale Price	Sale Type	Reception
+	05/15/2017	\$0	-	217055559
+	12/05/1995	\$0	-	95130719
+	08/26/1994	\$0	-	94118457
+	07/14/1994	\$0	-	94097751

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PDZ Levy Year: 2018 Mill Levy: -

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.738	FINANCIAL SERVICES	(719) 520-6498
EPC ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
TOWN OF PALMER LAKE	21.238	TARA BERRETH	(719) 481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
LEWIS-PALMER SCHOOL NO 38	44.068	CHERYL WANGEMAN	(719) 488-4705
PIKES PEAK LIBRARY	4.000	MIKE VARNET	(719) 531-6333
PALMER LAKE SANITATION	0.000	BECKY ORCUTT	(719) 481-2732



No Photo Available



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EL PASO COUNTY - COLORADO7105325017
ALAMOSA DRTotal Market Value
\$15,500**OVERVIEW**

Owner:	PATRICK ALMA REVOC TRUST
Mailing Address:	7 CLOVER CIR W COLORADO SPRINGS CO, 80906-5126
Location:	ALAMOSA DR
Tax Status:	Taxable
Zoning:	-
Plat No:	391
Legal Description:	LOT 9 BLK 9 GLEN PARK PALMER LAKE

MARKET & ASSESSMENT DETAILS

	2019 Market Value	2019 Assessed Value
Land	\$15,500	\$4,500
Improvement	\$0	\$0
Total	\$15,500	\$4,500

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT RESIDENTIAL LOTS	29.000	2360 SQFT	\$15,500

SALES HISTORY

	Sale Date	Sale Price	Sale Type	Reception
+	05/15/2017	\$0	-	217055561
+	12/05/1995	\$0	-	95130719
+	08/26/1994	\$0	-	94118457
+	07/14/1994	\$0	-	94097751

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PDZ Levy Year: 2018 Mill Levy: 77.374

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.738	FINANCIAL SERVICES	(719) 520-6498
EPC ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
TOWN OF PALMER LAKE	21.238	TARA BERRETH	(719) 481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
LEWIS-PALMER SCHOOL NO 38	44.068	CHERYL WANGEMAN	(719) 488-4705
PIKES PEAK LIBRARY	4.000	MIKE VARNET	(719) 531-6333
PALMER LAKE SANITATION	0.000	BECKY ORCUTT	(719) 481-2732

#3



No Photo Available



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EL PASO COUNTY - COLORADO7105325016
ALAMOSA DRTotal Market Value
\$15,500**OVERVIEW**

Owner:	PATRICK ALMA REVOC TRUST
Mailing Address:	7 CLOVER CIR W COLORADO SPRINGS CO, 80906-5126
Location:	ALAMOSA DR
Tax Status:	Taxable
Zoning:	-
Plat No:	391
Legal Description:	LOT 8 BLK 9 GLEN PARK PALMER LAKE

MARKET & ASSESSMENT DETAILS

	2019 Market Value	2019 Assessed Value
Land	\$15,500	\$4,500
Improvement	\$0	\$0
Total	\$15,500	\$4,500

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT RESIDENTIAL LOTS	29.000	2360 SQFT	\$15,500

SALES HISTORY

	Sale Date	Sale Price	Sale Type	Reception
+	05/15/2017	\$0	-	217055562
+	12/05/1995	\$0	-	95130719
+	08/26/1994	\$0	-	94118457
+	07/14/1994	\$0	-	94097751

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PDZ Levy Year: 2018 Mill Levy: 77.374

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.738	FINANCIAL SERVICES	(719) 520-6498
EPC ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
TOWN OF PALMER LAKE	21.238	TARA BERRETH	(719) 481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
LEWIS-PALMER SCHOOL NO 38	44.068	CHERYL WANGEMAN	(719) 488-4705
PIKES PEAK LIBRARY	4.000	MIKE VARNET	(719) 531-6333
PALMER LAKE SANITATION	0.000	BECKY ORCUTT	(719) 481-2732

#4



No Photo Available



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EL PASO COUNTY - COLORADO

7105325003

Total Market Value
\$15,500**OVERVIEW**

Owner:	
Mailing Address:	7 CLOVER CIR W COLORADO SPRINGS CO, 80906-5126
Location:	
Tax Status:	Taxable
Zoning:	-
Plat No:	391
Legal Description:	LOT 7 BLK 9 GLEN PARK PALMER LAKE

MARKET & ASSESSMENT DETAILS

	2019 Market Value	2019 Assessed Value
Land	\$15,500	\$4,500
Improvement	\$0	\$0
Total	\$15,500	\$4,500

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT RESIDENTIAL LOTS	29.000	2625 SQFT	\$15,500

SALES HISTORY

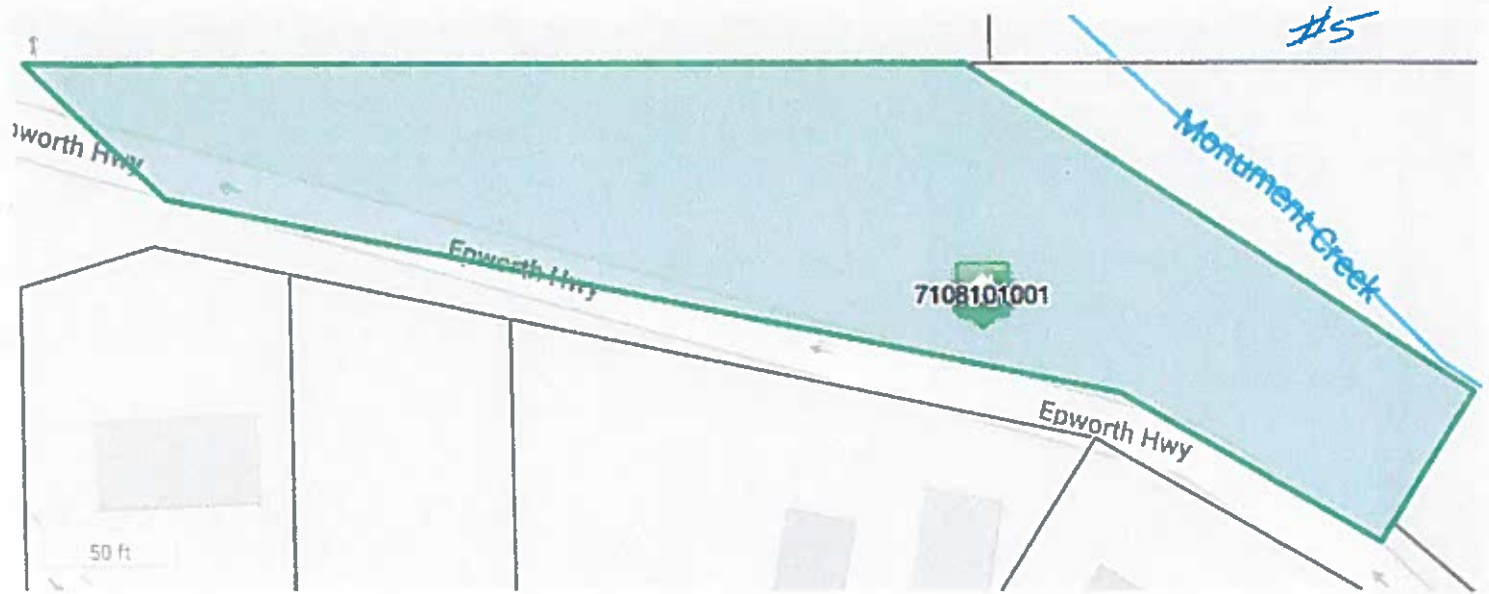
	Sale Date	Sale Price	Sale Type	Reception
+	05/15/2017	\$0	-	217055560
+	12/05/1995	\$0	-	95130719
+	08/26/1994	\$0	-	94118457
+	07/14/1994	\$0	-	94097751

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PDZ Levy Year: 2018 Mill Levy: -

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.738	FINANCIAL SERVICES	(719) 520-6498
EPC ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
TOWN OF PALMER LAKE	21.238	TARA BERRETH	(719) 481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
LEWIS-PALMER SCHOOL NO 38	44.068	CHERYL WANGEMAN	(719) 488-4705
PIKES PEAK LIBRARY	4.000	MIKE VARNET	(719) 531-6333
PALMER LAKE SANITATION	0.000	BECKY ORCUTT	(719) 481-2732



No Photo Available



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EL PASO COUNTY - COLORADO7108101001
EPWORTH HWYTotal Market Value
\$73,800**OVERVIEW**

Owner:	PALMER LAKE TOWN OF
Mailing Address:	PO BOX 208 PALMER LAKE CO, 80133-0208
Location:	EPWORTH HWY
Tax Status:	Exempt
Zoning:	R3
Plat No:	907
Legal Description:	ALL OF BLK 5 PINE CREST TRI-DIST ASSEMBLY GRDS ADD 1 PALMER LAKE

MARKET & ASSESSMENT DETAILS

	2019 Market Value	2019 Assessed Value
Land	\$73,800	\$0
Improvement	\$0	\$0
Total	\$73,800	\$0

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	POLITICAL SUBDIVISION	29.000	39000 SQFT	\$73,800

SALES HISTORY

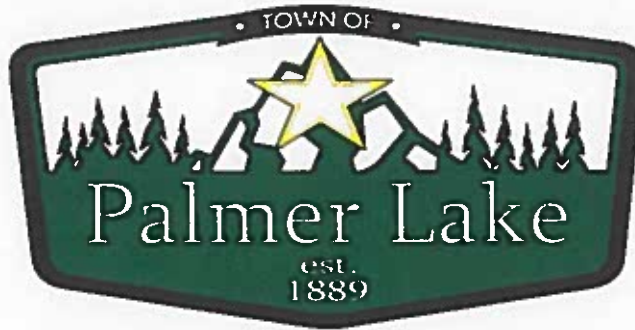
	Sale Date	Sale Price	Sale Type	Reception
+	03/19/1993	\$0	-	2271505
+	02/09/1993	\$0	-	2256504

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PDZ Levy Year: 2018 Mill Levy: 77.374

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.738	FINANCIAL SERVICES	(719) 520-6498
EPC ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
TOWN OF PALMER LAKE	21.238	TARA BERRETH	(719) 481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719) 520-6498
LEWIS-PALMER SCHOOL NO 38	44.068	CHERYL WANGEMAN	(719) 488-4705
PIKES PEAK LIBRARY	4.000	MIKE VARNET	(719) 531-6333
PALMER LAKE SANITATION	0.000	BECKY ORCUTT	(719) 481-2732



September 26, 2019

Checks Over \$15,000

- | | |
|--|--------------|
| 1. Avery Asphalt Inc
Douglas Avenue | \$93,091.45 |
| 2. Awake the Lake
Reimbursement from GOCO Grant | \$102,123.92 |

Contractor's Application for Payment No. 2

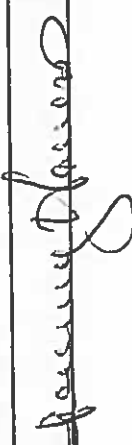
Application Period: 7/27/19 - 8/30/2019		Application Date: 8/30/2019
To: City of Palmer Lake	From (Contractor): Avery Asphalt Inc.	Via (Engineer): Jason Dosch
Project: Palmer Lake- Douglas Ave. Road & Drainage Improvements	Contract: Jeremy Havens	Engineer's Project No.: STE-M026-003
Owner's Contract No.: 211-50	Contractor's Project No.: 193055	

Application For Payment Change Order Summary

Approved Change Orders	Number	Additions	Deductions
1. ORIGINAL CONTRACT PRICE			\$ \$596,292.00
2. Net change by Change Orders			\$
3. Current Contract Price (Line 1 ± 2)			\$ \$596,292.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)			\$ \$134,505.45
5. RETAINAGE:			
a. 5% X Work Completed			\$ \$6,725.37
b. 5% X Stored Material			\$
c. Total Retainage (Line 5a + Line 5b)			\$ \$6,725.37
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)			\$ \$127,780.18
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)			\$ \$34,688.73
8. AMOUNT DUE THIS APPLICATION			\$ \$93,091.45
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)			\$ \$461,786.55

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: 

Date: 9/11/19

Payment of: \$	\$93,091.45	(Line 8 or other - attach explanation of the other amount)
is recommended by:	(Engineer)	(Date)
Payment of: \$		(Line 8 or other - attach explanation of the other amount)
is approved by:	(Owner)	(Date)
Approved by:	Funding Agency (if applicable)	(Date)



Invoice #
Date
Project Name
Project #

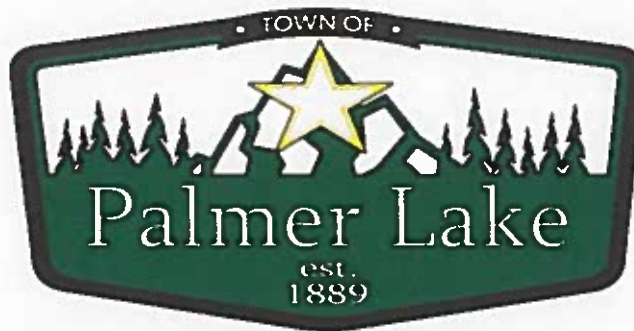
7/28/2019
Palmer Lake Douglas Ave.
19355

7770 Venture St., Colorado Springs Co 80951
Phone # 719-471-0110

\$ 508,292.15

Abelmann@cityofcentral.co

Line #	Item #	Description	Plan	Quantity	Quantity to Date	Unit	Unit \$	Extended	Job bid Totals	Pay Est #1	Pay Est #2	Pay Est #3	Pay Est #4	Pay Est #5	% Complete
1	201-00000	CLEARING AND GRUBBING	1	1	1.00	LS	3890.00	\$ 3,890.00	\$ 3,890.00	\$ 3,890.00	\$ -	\$ -	\$ -	\$ -	100
2	202-00028	REMOVE CONCRETE DITCH PAVEMENT	160	160	50.00	SY	19.47	\$ 3,115.20	\$ 3,115.20	\$ -	\$ 973.50	\$ -	\$ -	\$ -	31
3	202-00035	REMOVE PIPE	310	310	350.00	LF	10.00	\$ 3,100.00	\$ 3,100.00	\$ 570.00	\$ 2,830.00	\$ -	\$ -	\$ -	0
4	202-00047	REMOVE ELECTRICAL OUTLET	1	1	0.00	LS	100.00	\$ -	\$ 100.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
5	202-00210	REMOVE CONCRETE PAVEMENT	3	3	3.00	SY	175.00	\$ 525.00	\$ 525.00	\$ 525.00	\$ -	\$ -	\$ -	\$ -	100
6	202-00220	REMOVE ASPHALT MAT	44	44	44.00	SY	27.00	\$ 1,188.00	\$ 1,188.00	\$ 1,188.00	\$ -	\$ -	\$ -	\$ -	100
7	203-00010	UNCLASSIFIED EXCAVATION	3,121	3,121	110.00	CY	17.00	\$ 5,305.70	\$ 5,305.70	\$ -	\$ 1,870.00	\$ -	\$ -	\$ -	4
8	208-00200	STRUCTURAL BACKFILL (CLASS 2)	43	43	43.00	CY	90.00	\$ 3,870.00	\$ 3,870.00	\$ 3,510.00	\$ 360.00	\$ -	\$ -	\$ -	100
9	208-01000	BED COURSE MATERIAL	38	38	55.00	LF	75.00	\$ 2,850.00	\$ 2,850.00	\$ -	\$ 2,850.00	\$ -	\$ -	\$ -	100
10	208-00001	SILT DIKE	55	55	55.00	LF	18.00	\$ 990.00	\$ 990.00	\$ -	\$ 990.00	\$ -	\$ -	\$ -	100
11	208-00002	EROSION LOG TYPE 1 (8 INCH)	55	55	55.00	LF	9.75	\$ 536.25	\$ 536.25	\$ -	\$ -	\$ -	\$ -	\$ -	100
12	208-00006	EROSION BALES (WEED FREE)	10	10	10.00	EA	24.00	\$ 240.00	\$ 240.00	\$ -	\$ -	\$ -	\$ -	\$ -	100
13	208-00020	SILT FENCE	1,810	1,810	1810.00	LF	1.32	\$ 2,389.20	\$ 2,389.20	\$ 2,125.20	\$ 264.00	\$ -	\$ -	\$ -	50
14	208-00033	SEDIMENT TRAP	2	2	2.00	EA	500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -	100
15	208-00041	ROCK CHECK DAM	50	50	50.00	EA	84.00	\$ 4,200.00	\$ 4,200.00	\$ 4,200.00	\$ -	\$ -	\$ -	\$ -	100
16	208-00045	CONCRETE WASHOUT STRUCTURE	1	1	0.50	EA	2775.00	\$ 2,775.00	\$ 2,775.00	\$ -	\$ 1,387.50	\$ -	\$ -	\$ -	50
17	208-00050	STORM DRAIN INLET PROTECTION	20	20	10.00	EA	50.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -	100
18	208-00070	VEHICLE TRACKING PAD	1	1	1.00	EA	1500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -	\$ -	\$ -	100
19	208-00103	REMOVAL AND DISPOSAL OF SEDIMENT	120	120	60.00	HR	41.00	\$ 4,920.00	\$ 4,920.00	\$ -	\$ 2,460.00	\$ -	\$ -	\$ -	50
20	208-00207	EROSION CONTROL MANAGEMENT	20	20	12.00	DAY	250.00	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -	\$ -	60
21	210-00011	RESET MAILBOX STRUCTURE (TYPE 1)	2	2	0.00	EA	400.00	\$ -	\$ 800.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
22	210-01000	RESET FENCE	120	120	0.00	LF	15.00	\$ 1,800.00	\$ 1,800.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
23	210-02900	RELAY RIPRAP	8	8	8.00	CY	75.00	\$ 600.00	\$ 600.00	\$ -	\$ 600.00	\$ -	\$ -	\$ -	100
24	210-04010	ADJUST MANHOLE (SAN SEWER)	6	6	0.00	EA	400.00	\$ -	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
25	210-04050	ADJUST VALVE BOX (WATER)	5	5	0.00	EA	300.00	\$ -	\$ 1,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
26	212-00008	SEEDING NATIVE	0.27	0.27	0.00	AC	1250.00	\$ -	\$ 337.50	\$ -	\$ -	\$ -	\$ -	\$ -	0
27	213-00002	MULCHING (WEED FREE HAY)	0.27	0.27	0.00	AC	2500.00	\$ -	\$ 675.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
28	218-00201	SOIL RETENTION BLANKET (CLASS 1)	232	232	0.00	SY	4.00	\$ 928.00	\$ 928.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
29	304-00007	AGGREGATE BASE COURSE (CLASS 6)	1,008	1,008	0.00	CY	79.11	\$ 79,711.00	\$ 79,711.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
30	304-09100	AGGREGATE BASE COURSE	501	501	0.00	TN	35.00	\$ 17,535.00	\$ 17,535.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
31	403-33741	HOT MIX ASPHALT PAVEMENT	7,492	7,492	0.00	SY	12.00	\$ 89,784.00	\$ 89,784.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
32	403-34741	HOT MIX ASPHALT PAVEMENT	6,020	6,020	0.00	SY	12.50	\$ 75,250.00	\$ 75,250.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
33	509-00212	RIPRAP 12 INCH	69	69	44.50	CY	90.00	\$ 4,005.00	\$ 4,005.00	\$ -	\$ 4,005.00	\$ -	\$ -	\$ -	50
34	507-00100	CONCRETE SLOPE AND DITCH PAVING	214	214	59.00	CY	525.00	\$ 112,350.00	\$ 112,350.00	\$ -	\$ 30,975.00	\$ -	\$ -	\$ -	28
35	601-01050	CONCRETE CLASS B (HEADWALL)	4	4	0.00	LB	1500.00	\$ -	\$ 6,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
36	602-00000	REINFORCING STEEL (HEADWALL)	168	168	0.00	LF	80.00	\$ 13,440.00	\$ 13,440.00	\$ 2,880.00	\$ 5,120.00	\$ -	\$ -	\$ -	100
37	603-01185	18 INCH RCP (CIP)	100	100	100.00	LF	95.00	\$ 9,500.00	\$ 9,500.00	\$ -	\$ 2,680.00	\$ -	\$ -	\$ -	24
38	603-01245	24 INCH RCP (CIP)	118	118	28.00	LF	1600.00	\$ 1,920.00	\$ 1,920.00	\$ -	\$ 1,500.00	\$ -	\$ -	\$ -	100
39	603-05024	24 INCH RCES	1	1	1.00	EA	1600.00	\$ 1,600.00	\$ 1,600.00	\$ -	\$ 1,500.00	\$ -	\$ -	\$ -	100
40	603-50018	18 INCH HDPE (CIP)	412	412	412.00	LF	55.00	\$ 22,660.00	\$ 22,660.00	\$ -	\$ 22,660.00	\$ -	\$ -	\$ -	100
41	620-00020	SANITARY FACILITY	1	1	0.80	EA	1000.00	\$ 800.00	\$ 800.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ -	50
42	625-00000	CONSTRUCTION SURVEYING	1	1	0.00	LS	15000.00	\$ -	\$ 15,000.00	\$ 9,000.00	\$ 3,000.00	\$ -	\$ -	\$ -	80
43	626-00000	MOBILIZATION	3	3	0.50	LS	2500.00	\$ 7,500.00	\$ 25,000.00	\$ 6,250.00	\$ 6,250.00	\$ -	\$ -	\$ -	0
44	627-00005	EPOXY PAVEMENT MARKING	40	40	0.00	GAL	250.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
45	627-30410	PREFORMED THERMOPLASTIC PAVEMENT	32	32	0.00	SF	50.00	\$ -	\$ 1,600.00	\$ -	\$ -	\$ -	\$ -	\$ -	0
46	630-80000	TRAFFIC CONTROL	1	1	0.50	LS	5000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,250.00	\$ 1,250.00	\$ -	\$ -	\$ -	50
Total to Date									\$ 508,292.15	\$ 38,514.45	\$ 97,981.00	\$ -	\$ -	\$ -	\$ 134,505.45
Retention 5%									\$ 25,414.61	\$ 1,925.72	\$ 4,899.55	\$ -	\$ -	\$ -	\$ 32,240.93
Net Amount									\$ 482,877.54	\$ 36,588.73	\$ 93,081.45	\$ -	\$ -	\$ -	\$ 102,264.52
Project Grand Total									\$ 508,292.15	\$ 38,514.45	\$ 97,981.00	\$ -	\$ -	\$ -	\$ 134,505.45
Total of Previous Estimates									\$ 34,688.73	\$ 1,825.72	\$ 4,899.55	\$ -	\$ -	\$ -	\$ 41,414.00
Pay This Amount This Estimate									\$ 93,081.45	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 93,081.45



Board of Trustees Summary Sheet

	Meadow Lane Paving
Title	Recommendation to pave Meadow Lane.
Action	Board Vote to approve project and project funding
Date	September 26, 2019
Contact	Jason Dosch- Road Department
Summary	The town has additional money in the roads department budget for capital improvement due to the savings from the Glenway Road project. It is requested that it be used on Meadow Lane to pave 2850 square yards of roadway.
Issues	• Additional money in this year's road budget possibly will not be available next year for the project. • The time for paving is running short due to the weather. Paving needs to be done when there is not snow and the temperature is warmer to have the asphalt work. • Most asphalt plants stop producing asphalt in late October or early November depending on the weather.
Budget Implications	• Cost of the project will come from the general fund, road capital improvement allocation. • Cost is projected to be below \$70,000. • Formal bidding will cause undue delay due to our weather and time constraints and possibly missing the opportunity to complete the project. Therefore, an exemption to the procurement policy is reasonable. • Two quotes from firms available to do the job were secured. • It is recommended that the town accept the bid from

	Schmidt Construction Company for the project in the amount of \$65,535.00.
Other Actions	None
Motion	I move to approve the paving of Meadow Lane and accept the bid from Schmidt Construction Company in the amount of \$65,535.00.

SCHMIDT CONSTRUCTION COMPANY

2635 Delta Drive
Colorado Springs, CO 80910

Phone: 719-392-4207
Fax: 719-392-4245

To: Town Of Palmer Lake	Contact: Jason Dosch
Address: 42 Valley Crescent, P. O. Box 208 Palmer Lake, CO 80133	Phone: (719) 481-2953 Fax: (719) 488-9305
Project Name: Meadow Lane Palmer Lake	Bid Number:
Project Location: Parker, CO	Bid Date: 9/23/2019

We are pleased to have the opportunity to submit this proposal for your consideration. The terms and conditions on the reverse side hereof are incorporated as a part of this document. If this proposal is acceptable, please return one original with authorized signature to Schmidt Construction Company.

We will perform the following:

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
005	Mobilization - (Assumption 1 Dirt/base, 1 Paving)	2.00	EACH	\$1,750.00	\$3,500.00
015	Till Millings Road HMA Paving Area - 6.0" Depth	1.00	LS	\$4,180.00	\$4,180.00
020	Subgrade Prep Under Base Course/HMA Paving Area - 12" Depth	2,850.00	SY	\$1.75	\$4,987.50
030	Full Depth HMA - 3.0" HMA (PG 64-22, Grading S/Sx)	2,850.00	SY	\$18.55	\$52,867.50

Total Bid Price: \$65,535.00

Notes:

• Bid Clarifications:

One move-in, additional move-ins at per each unit price stated above. Payment based on actual field measurements or quantities at stated unit prices. Subgrade to be within +/- one tenth of a foot to balance onsite (if fine grade and compaction is done by Schmidt Construction). Subgrade prep and fine grading by others to be ready (blue top) to receive ABC or asphalt pavement. Owner/General Contractor assumes responsibility to verify location and elevation of manholes and valves and that they are at finish elevation to minus six inches of finish elevation. All curb, gutter, ramps, and any other concrete adjacent to HMA must be placed, cured, and backfilled prior to any SG prep, base, or asphalt work. Vertical faces of concrete must be vertical and smooth.

If bond required add .65% or \$250.00 minimum.

Hot Mix Asphalt Materials will meet Colorado Department of Transportation specifications.

Pricing based on winter shutdown generally from October 31 through April 1. Paving may continue into shutdown period depending on weather conditions. Schmidt can produce warm-mix asphalt as a compaction aid during cooler paving temperatures at no additional charge. Any costs or risks associated with cold weather paving are by the Owner.

CL6 recycled concrete base course sourced from ARS. There will be additional cost if other sources are needed.

PRICE IS GOOD FOR 2018 ADD 10% FOR 2019.

- Exclusions (if not specifically included above): Testing, staking, surveying, prime or tack coat (except along concrete or as required for multiple lift paving), soil sterilant, patching, raising/lowering manholes/valves, base course under concrete, striping, performance/payment bonds, traffic control, permits, sawcutting, erosion control, backfill, payment fees (Textura, Supply Pro, etc.), WRAP insurance.

SCHMIDT CONSTRUCTION COMPANY

2635 Delta Drive
Colorado Springs, CO 80910

Phone: 719-392-4207
Fax: 719-392-4245

To:	Town Of Palmer Lake	Contact:	Jason Dosch
Address:	42 Valley Crescent, P. O. Box 208 Palmer Lake, CO 80133	Phone:	(719) 481-2953
		Fax:	(719) 488-9305
Project Name:	Meadow Lane Palmer Lake	Bid Number:	
Project Location:	Parker, CO	Bid Date:	9/23/2019

• TERMS & CONDITIONS

The total cost of the work includes all materials and labor complete and in-place for each item listed, unless otherwise indicated.

If approved plans, specs, and dimensions are acknowledged on the front of this form, the prices given may be considered firm. If approved plans, specs, and dimensions are not provided, or in the event revisions to the plans and/or specs are made, the total price shall be determined by applying unit prices to actual measured quantities.

Unless otherwise stated, the prices herein will remain in effect for a period of ten days from the date of this quotation.

This quotation is not binding on buyer or seller unless signed by both parties.

Work will be invoiced as performed on a monthly basis and all invoices shall be due and payable on the 30th day following the date of the invoice. Overdue amounts shall bear interest at 1.5% on the average daily balance, which is 18% per annum. After 90 days, interest will escalate and accrue at the highest rate permitted by law.

No retention may be withheld from payments unless prior arrangements have been made and noted on the face herein. In no case shall retention be held beyond 60 days from the date of last work.

Schmidt Construction Company warrants the work outlined herein to be free of defects due to faulty materials or workmanship for a period of one year from completion of the work.

Schmidt Construction Company shall not be liable for failure of performance or failure or delay in delivery by reason of any contingency beyond Schmidt Construction Company's exclusive control, including strikes, fire, flood, embargo, war, Government regulations including allocation, preferences or priorities for Government or shortage or failure of raw materials or fuel, inclement weather, low temperature or frost.

Any technical advice given is for information only. Schmidt Construction Company will assume no responsibility for operation or results when said technical advice is used in connection with the design, installation, or end use of the product sold hereunder.

Unless otherwise indicated, subgrade preparation is quoted based on rough grading provided by others to within +/- one tenth of a foot of finish subgrade elevation, and also allowing adequate soil to balance within Schmidt Construction Company work limits. Schmidt Construction Company will not be responsible for importing or exporting material in order to bring subgrade to finish level.

Schmidt Construction Company will not be responsible for existing soil conditions or existing base aggregates furnished by others.

Base installation is for one move-in only on total project. Asphalt installation is for one move-in only on total project. Extra move-ins will be charged at figures to be quoted per move-in for either base or asphalt installation.

Schmidt Construction Company will not be responsible for drainage unless the minimum drainage requirement of 1/10th foot for each 10 feet is attainable in conjunction with our portion of work.

Additional work requested by Purchaser shall be authorized in writing and shall bear the signature of Purchaser's representative. Signature of Purchaser's representative shall constitute acknowledgment of, and authorize compensation based on Schmidt Construction Company's rates, for work performed beyond the scope of this proposal.

SCHMIDT CONSTRUCTION COMPANY

2635 Delta Drive
Colorado Springs, CO 80910

Phone: 719-392-4207
Fax: 719-392-4245

To:	Town Of Palmer Lake	Contact:	Jason Dosch
Address:	42 Valley Crescent, P. O. Box 208 Palmer Lake, CO 80133	Phone:	(719) 481-2953
		Fax:	(719) 488-9305
Project Name:	Meadow Lane Palmer Lake	Bid Number:	
Project Location:	Parker, CO	Bid Date:	9/23/2019

• **TERMS & CONDITIONS (cont.)**

Schmidt Construction reserves the right to not commence work on this project if your account is or becomes delinquent, or if you, the lender, owner, general contractor, construction manager, or any party to the contract, are experiencing financial difficulty. Further, if at any time during the course of this project, the payment terms set forth in this Agreement are not strictly complied with, or if you, the lender, owner, general contractor, construction manager, or any party to the contract are experiencing financial difficulty, Schmidt Construction reserves the right to suspend or terminate the provision of labor and materials until the past due account balances are brought current and are maintained in compliance with Schmidt Construction's credit terms under this Agreement, and the financial difficulty has been resolved.

Purchaser agrees to pay a reasonable attorney's fee and all costs of collection in the event the services of an attorney are required by Schmidt Construction Company to enforce this agreement.

It is agreed that no promises, agreements or understandings have been made other than herein contained; that no agent or salesman has any authority to obligate Schmidt Construction Company to any terms, stipulations or conditions not herein expressed.

Failure of Schmidt Construction Company to enforce any of these conditions or to exercise any right shall not affect Schmidt Construction Company rights nor shall any such failure act as a waiver in respect to other future occurrences.

Neither party shall be liable to the other for any delay or failure in performance (other than to make payments when due) to the extent that it is caused by circumstances beyond its reasonable control, or by fire; explosion; flood; earthquake; storm; civil insurrection; act of God; mechanical breakdown; sabotage or vandalism; strike or other labor disturbance (Seller shall not be required to settle a labor dispute or take an action that might involve it in a labor dispute); shortages of, significant cost increases of, or delays in obtaining raw materials or finished products, equipment, labor, transportation or storage; interruption of utility services; interruption or loss of use of facilities; or compliance with any law, regulation or order (regardless of validity) of any governmental or military authority. Further, if Seller at any time decides that its product supply is insufficient to meet the actual or forecasted needs of Seller, its divisions and subsidiaries and its and their customers (whether under contract or not), Seller may allocate its supply among them in any fair and reasonable manner determined by Seller.

Regardless of any other term in this Agreement or any other document, Schmidt's signature and agreement is subject to the following. The Contractor shall indemnify, hold harmless and defend Schmidt Construction from any and all claims, (including reasonable attorneys' fees) which relate to the Contractor's actions or omissions or to its work.

In accordance with Colorado Revised Statute 13-21-111.5 as amended, Schmidt Construction will not accept a Contract or Purchase Order that requires Schmidt to accept responsibility for the negligence of others.

Payment Terms:

Payment Terms: 30 Days

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: SCHMIDT CONSTRUCTION COMPANY Authorized Signature: <u>Kevin Hunter</u> Estimator: Kevin Hunter khunter@schmidtconstr.com
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Martin
Marietta

1910 Rand Ave.
Colorado Springs, CO 80905
Phone (719) 591-3300
Fax (719) 591-3325

To:	TOWN OF PALMER LAKE	Contact:	Jason Dosch
Address:	42 VALLEY CRESCENT PALMER LAKE, CO 80133	Phone:	719-499-3030
Project Name:	MEADOW LANE FULL DEPTH REC & 3" FDA PAVING	Fax:	
Project Number:		Estimate Number:	20442
Project Location:	Meadow Lane, Town Of Palmer Lake, CO	Bid Date:	2/3/2017

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	FULL DEPTH RECLAMATION OF EXISTING @ 0-6" (BLEND 12")	2,850.00	SY	\$9.55	\$27,217.50
2	3" FULL DEPTH ASPHALT PAVING	2,850.00	SY	\$17.95	\$51,157.50
				Total Bid Price:	\$78,375.00

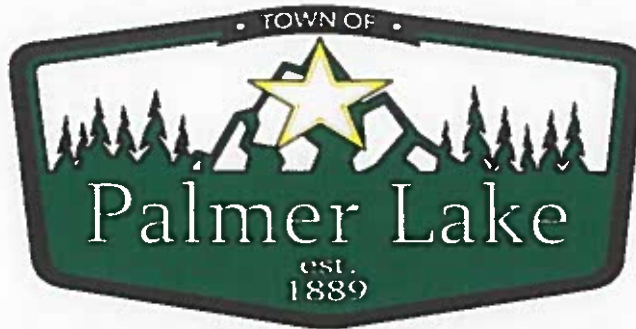
- Notes:**
- * The following Proposal, subject to terms and conditions, as noted, and on the attached page, if accepted, shall constitute a contract between the parties to this Proposal. This Proposal shall be valid for a period of Thirty (30) days from the date of Proposal unless otherwise specifically stated in the Proposal.
 - * This contract is expressly conditioned upon approval of Customer's credit by Martin Marietta Materials Inc.'s credit department, and Martin Marietta Materials Inc. shall have no obligation to perform its obligations hereunder until such approval has been obtained. Project scheduling is subject to receipt of accepted Proposal. Please sign in spaces provided to indicate acceptance and return original. Note terms and conditions of sale as listed on Proposal document.
 - * Final billing will be determined by field measurement of actual quantities upon completion of the project.
 - * Sub grade is to be accepted @ $\pm .10'$ of final grade elevation, compacted in depth, & balanced and blue-topped on a forty (40) foot grid prior to crew mobilization(s).
 - * Over excavation and/or replacement of unsuitable sub grade material is to be performed on an hourly time and materials basis.
 - * Work is bid based on two (2) mobilizations with performance of work being completed during the months of April through November 2019 in accordance with Pikes Peak Region Asphalt Paving Specifications. Work performed outside of this time frame will be subject to a waiver of guarantee and an increase in price, due to inadequate temperatures and/or sub grade conditions. Each additional mobilization will cost \$2,500.00 each, plus any patching and/or cleaning required to complete our scope of the project.
 - * **EXCLUSIONS:** Traffic control, herbicide, striping, site signage, geogrid, pavement fabrics, grinding, concrete work, concrete prep, water charges, back-fill, shouldering, ditch work, rip-rap, erosion control, rough grading, Import/export excess material, asphalt patching, asphalt milling, t-capping, utility adjustments, utility relocates, prime coat, night work, bond, permits, survey, engineering, staking, blue-topping, drainage in areas with less than 2% constant slope and any other work beyond the scope of this proposal.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: <u>TOWN OF PALMER LAKE</u> Signature: _____ Date of Acceptance: _____	CONFIRMED: Martin Marietta Materials, Inc. (Colorado Springs) _____ Scott Kenley Estimator (719) 491-2093 scott.kenley@martinmarietta.com
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MARTIN MARIETTA MATERIALS INC. AGREES TO FURNISH LABOR AND MATERIALS TO CUSTOMER AS SET FORTH ON THE ATTACHED PROPOSAL HEROF, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- 1) RESPONSIBILITIES OF CUSTOMER AND MARTIN MARIETTA MATERIALS INC.:** Customer shall reimburse Martin Marietta Materials Inc. for all expenditures for any required permits or inspection fees assessed by any government entity and paid by Martin Marietta Materials Inc. unless stated otherwise on the reverse hereof Customer shall ensure that all manholes and other utility structures are on proper grade, in proper alignment, and are properly flagged. Martin Marietta Materials Inc. shall not be liable for any damage to underground facilities caused by equipment used in the performance of this contract.
- 2) SUBBASE, AND/OR BASE COURSES:** If the subbase and/or base course has not been placed by Martin Marietta Materials Inc., then Martin Marietta Materials Inc. shall not be liable for any defects in the finished pavement developing as a result of any subbase, and/or base course failure. If, after being advised of existing inadequate or defective subbase and/or base course conditions, Customer directs Martin Marietta Materials Inc. to proceed with the work without first correcting those conditions, then Martin Marietta Materials Inc. shall not be liable for any subsequently occurring paving defects or failures.
- 3) PAYMENT:** Martin Marietta Materials Inc. will, from time to time, submit invoices to Customer for work performed and materials and equipment provided by Martin Marietta Materials Inc.. Payment shall be due 30 days from the date of Martin Marietta Materials Inc.'s invoice. Interest at the rate of 18% per annum shall accrue on all invoice amounts not paid when due. In addition, Customer shall be liable for all costs and reasonable attorney's fees incurred by Martin Marietta Materials Inc. in the collection of any unpaid balance. The Customer shall not withhold retention.
- 4) TAXES:** The quotation on the reverse side hereof includes sales or use taxes as applicable on job related materials.
- 5) SCHEDULING OF WORK:** Martin Marietta Materials Inc. reserves the right to delay its work until, in its sole judgment, a sufficient area of the job is ready to be paved. If additional mobilizations are requested, they will be billed on a unit price basis. Customer recognizes that Martin Marietta Materials Inc.'s ability to perform paving work is dependent upon site, weather, and temperature conditions and Customer agrees that any projected starting or completion date and any work schedule will remain subject to site, weather, and temperature conditions. Martin Marietta Materials Inc. will use its best reasonable efforts to begin and complete all work promptly. However, Martin Marietta Materials Inc. does not promise or warrant completion by any specific date.
- 6) ADDITIONAL WORK:** Unless otherwise agreed to in this contract, quantity increases will be billed either on a unit price basis, or at time and material rates as agreed to by Martin Marietta Materials Inc. and Customer, so long as the extra work can be performed while Martin Marietta Materials Inc. is at work at the job site performing the original work. Otherwise unit prices for any additional extra work will be negotiated by the parties prior to commencement of such additional work.
- 7) TERMINATION:** Martin Marietta Materials Inc. shall have the right to terminate the contract and shall have no further obligation to perform the contract in the event of any one of the following occurrences:
- Martin Marietta Materials Inc. is put on allocation for liquid asphalt, fuel, or other petroleum products, or its performance is otherwise restricted by governmental order or regulation.
 - Customer fails to make payments when due.
 - Circumstances or events beyond Martin Marietta Materials Inc.'s control prevent completion of the work.
 - If Martin Marietta Materials Inc. becomes aware of any hazardous substance in, on, or under the property, Martin Marietta Materials Inc. has the right to discontinue work until the hazardous substance is removed or dealt with in accordance with applicable law. Hazardous substance shall mean any substance defined as hazardous in any federal, state, or other applicable law or regulation. Martin Marietta Materials Inc. shall not be responsible for removing or otherwise dealing in any manner with any hazardous substance on the property being improved. The Owner of the property shall indemnify Martin Marietta Materials Inc. and hold it harmless against any loss, damage, or expense that may be incurred by Martin Marietta Materials Inc. which is caused by or attributable to the presence of any hazardous substance in, on, or under the property.
 - If national or regional shortages of crude oil and/or other raw materials used for construction supplies occur, the parties agree that the contract price stated herein may be increased or decreased by the amount necessary to reflect increases or decreases after the date of this quotation. Martin Marietta Materials Inc. shall give notice of any increase prior to commencing work, and Customer shall have the right to terminate this agreement within 24 hours after receipt of such notice of increase; provided, however, that the Owner or Customer shall pay Martin Marietta Materials Inc. its actual expenses incurred through the date of such notice.
 - In the event Martin Marietta Materials Inc. terminates the contract for any of the reasons set forth above, Martin Marietta Materials Inc. shall provide Customer with an invoice for all work completed prior to termination, and Customer shall promptly pay the full amount of said invoice.
 - Under no circumstances shall Martin Marietta Materials Inc. be liable for special, indirect, or consequential damages incurred as a result of termination of work.
- 8) WARRANTY:** Martin Marietta Materials Inc. warrants that its labor and services will be performed and its materials supplied in a good and workmanlike manner. All materials supplied by Martin Marietta Materials Inc. shall be of standard grade unless otherwise specified in writing. **THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTY OF MERCHANTABILITY AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HERBY DISCLAIMED. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF.** Martin Marietta Materials Inc.'s warranty shall continue for a period of one year from the date of substantial completion of its work hereunder. Any claim for defective workmanship or material or for breach of this warranty must be made in writing, delivered via certified mail, return receipt requested, to Martin Marietta Materials Inc. within 20 days from the date of delivery of the materials or performance of the work by Martin Marietta Materials Inc.. Failure to comply with the preceding clause shall constitute a full, complete, and unconditional acceptance of materials and work. Martin Marietta Materials Inc.'s liability hereunder, whether in contract, tort, under any warranty, in negligence or otherwise, shall be limited to the reasonable cost of any labor and/or materials shown to Martin Marietta Materials Inc.'s satisfaction to have been defective. Under no circumstances shall Martin Marietta Materials Inc. be liable for special, indirect or consequential damages. The parties agree that, if soil sterilizer is required to be applied under the terms of this contract, a licensed contractor other than Martin Marietta Materials Inc. will perform such application. Martin Marietta Materials Inc. shall assign to Customer the manufacturer's warranty, if any, given in connection with such soil sterilizer. Martin Marietta Materials Inc. shall not be liable for any damage caused by such application of soil sterilizer.
- 9) ATTORNEY'S FEES AND COSTS:** In the event that Martin Marietta Materials Inc. either initiates or is named as a party in any legal action arising from or related to the furnishing of labor, services, and/or materials to Customer, including any litigation to enforce a mechanic's lien, Customer shall be liable for all costs and reasonable attorney's fees incurred by Martin Marietta Materials Inc. in such litigation.
- 10) INDEMNIFICATION:** To the fullest extent permitted by law, Customer shall indemnify Martin Marietta Materials Inc. and hold it harmless from and against claims, damages, losses and expenses arising out of or resulting from performance of Martin Marietta Materials Inc.'s work under this contract, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself), but only to the extent caused by the negligent acts or omissions of Customer, Customer's subcontractors, anyone directly or indirectly employed by them or anyone for whose acts they may be liable.

The parties acknowledge that this document contains the entire understanding and agreement concerning the work to be done by Martin Marietta Materials Inc.. There are no agreements, oral or otherwise, which are not set forth herein.



Board of Trustees Summary Sheet

	Relocation of Water Line
Title	Recommendation from GMS, Inc. for Relocation of Water Line at the Pedestrian Bridge
Action	Board Vote to Proceed with relocation and funding
Date	September 26, 2019
Contact	Valerie Remington-Town Manager
Summary	The town has a main water line that is located beneath the proposed pedestrian bridge. This line has a depth cover of approximately 17 feet. The line services 7 units, both residential and commercial.
Issues	The depth of the line would require special handling when servicing is required. It could interrupt service to the commercial and residential customers for an extended period. Full outline of issues are in the letter from GMS, Inc. to the board.
Budget Implications	The cost to relocate the line options: 1. Covered from funds in the general fund. 2. Covered from funds in the account restricted to pedestrian bridge operations 3. Covered by Awake the Lake
Other Actions	None
Motion	I move to approve the recommendation by GMS to relocate the existing water line and fund the project using funds from _____

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

TELEPHONE (719) 476-2936
TELEFAX (719) 476-2938

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

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

August 2, 2019

Ms. Valerie Remington, Town Manager
Awake the Lake Committee
Town of Palmer Lake Representatives

Via Electronic Mail

RE: Town of Palmer Lake
Palmer Lake Pedestrian Bridge
Water Line

Dear Ladies and Gentlemen:

Yesterday Mr. Fisher and I had an opportunity to discuss the water line that is located beneath the proposed pedestrian bridge. It is Mr. Fisher's understanding that the water line has a depth of cover of approximately 17 feet. Yesterday afternoon, we reduced the field data obtained on Thursday, July 24, 2019. It appears the depth of cover that presently exists over the water line is close to the depth indicated on the drawing provided by Mr. Fisher.

With that information, we have the following comments relative to the existing water line and the proposed relocation alignment.

1. Existing Water Line

- a. The existing water line is a 6-inch C900 water line with a dimension ratio of 14.
- b. The operating pressure of this water line is 140 psi to 150 psi.
- c. The water line is approximately 10 years old.
- d. There are seven units that are serviced off this line, including restaurants, residential units and a hair salon.
- e. The present depth of cover is approximately 7 feet of cover on the northerly end where the relocation would begin, and approximately 6 feet of cover on the south end where the relocated line would be reconnected to the existing line.
- f. The water line is a single feed line, i.e. the water comes from the north, flows to the south and dead-ends at the end of the seven units on the easterly side of Highway 105.
- g. If the water line requires maintenance, repairs or replacement north of the seven units, all units must be shut-off from water service.
- h. A 6-inch line break with the line pressure that exists could potentially wash out the embankment placed for the new pedestrian bridge.

2. Town Responsibilities and Issues if Water Line is Left in Place

- a. The structural integrity of the water line is not jeopardized with 17 feet of cover.

- b. The biggest issue for Town staff is access to the water line once the bridge is constructed.
- c. The Town operates a public drinking water system. It is their responsibility to:
 - 1) Provide potable drinking water to the residents of the Town of Palmer Lake meeting Drinking Water Standards.
 - 2) Operate and maintain a public water system that provides ongoing service to the residents.
 - 3) Update, maintain and repair the water distribution system such that fire protection is available to all businesses and residences within the community.
 - 4) Have available water supply that meets all residences' requirements during average day demand and peak hour demand for water.
- d. Access to the water line for operation, maintenance, repair and replacement is absolutely critical to Town staff.
- e. A water line that is 17 feet deep does not allow for access to the water line in the event of maintenance, repair or replacement.
- f. Conventional open trench excavation techniques will require, at a minimum, a 1:1 slope on the trench. A greater slope would likely be required. A 1:1 slope would indicate the "top of trench" to "top of trench" to be a minimum of 35-feet wide.
- g. If trench boxes were utilized, it could take days to get the trench boxes delivered, stacked and put in place. It would then be incumbent upon a Contractor, as Town staff would no longer be able to access the line at this depth, to stack the trench boxes and pull them under the bridge during the repair or replacement process.
- h. In summary, access for operation, maintenance, repair and possibly replacement of the water line in its present location is not an option.

3. Pipeline Relocation

- a. Access for operation, maintenance and repair is paramount with the Town of Palmer Lake.
- b. A suggestion was made to locate the pipeline east under the bridge section where there would be no fill or limited fill over the pipeline. This would require placement of the line near or within the railroad right-of-way. During operation, maintenance and repair of the pipeline, coordination with railroad personnel while seven units are out of water is not an option.
- c. As presently observed, there is a large spoil pile north of the proposed pedestrian ramp embankment. The relocated water line could be routed from the north side of the spoil pile to the existing dirt road behind the seven units. The relocation of this alignment will provide for ongoing and continuous access for Town staff in the event of a line break, line repair or line replacement. It is imperative the Town maintain water service and fire protection to those businesses and residences. It is anticipated that approximately 270 lineal feet of pipe will be required for the realignment.
- d. Special valving will be required to keep the existing line operational while the new line is installed, disinfected, pressure tested and placed into operation. This will also allow for continuous fire protection during installation of the new pipeline.

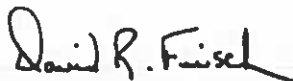
Ms. Valerie Remington, Town Manager
Awake the Lake Committee
Town of Palmer Lake Representatives
August 2, 2019
Page 3

- e. If the spoil pile is removed, it would appear approximately 70 lineal feet of pipe could be eliminated. Due to the nature of the distribution system with a single feed system from the north, it is critical that Town staff have access to the line on an ongoing basis. The typical 6-foot of bury depth allows Town staff to "safely" work on the water line. Staff would not be able to perform maintenance and repair on a water line at 17 feet of depth.
- f. The August 1 email also suggested that if there was ever a problem with the line, the end around could be accomplished at that time. The effort to complete that work in "reaction" to a problem could potentially take weeks, placing businesses and residences out of water as well as fire protection. Town staff prefers to take a "proactive" approach to this issue.

We anticipate the approximate cost estimate for reroute work to be \$74,000. If the 70 lineal feet of pipe can be eliminated, it would reduce that amount by approximately \$7,000.

On behalf of the Town, we request the line be relocated and placed near the easterly edge of the parking lot and then run southerly to connect to the road behind the businesses and residences. This will allow ongoing and continuous access for Town staff to perform maintenance, repair and replacement of the line in the event it is required. We trust this provides the information you need at this time and which provides direction for the Palmer Lake Restoration Project, Inc. aka Awake the Lake. If you should have any questions or desire additional information, please feel free to contact us at your convenience.

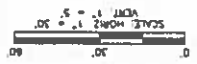
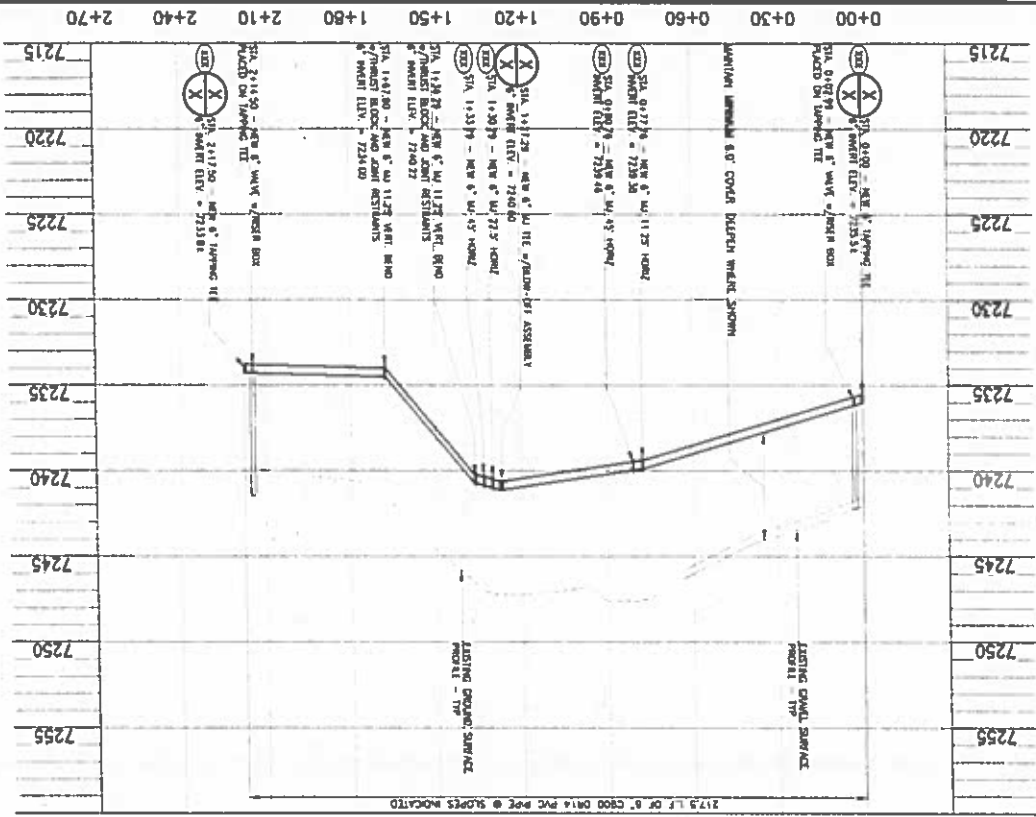
Sincerely,



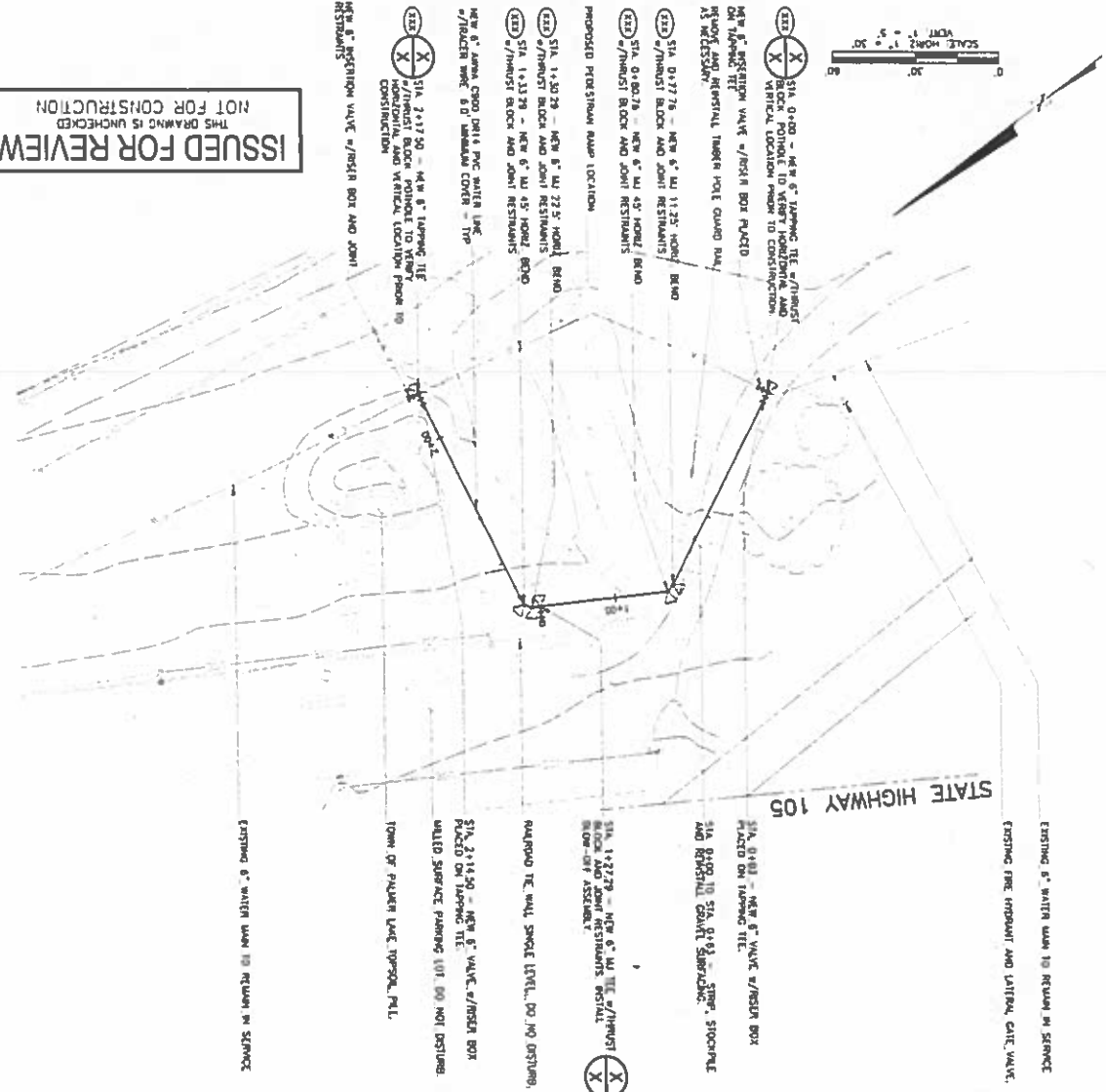
David R. Frisch, P.L.S.
For and on behalf of GMS, Inc., Consulting Engineers

DRF/cg

ec: Mr. Chris Cummins (cdc@cowaterlaw.com)
Mr. Chris Price (cprice@lawwj.com)
Ms. Maureen Juran (mjuran@lawwj.com)
Ms. Jane Fredman (jane@fredmanlawco.com)
Mr. John Cressman, Mayor (jcressman@palmer-lake.org)
Mr. Jeff Markle (jmarkle@semaconstruction.com)
Mr. Eric Petrie (epetrie@semaconstruction.com)
PJ (punchyco@gmail.com)



ISSUED FOR REVIEW
THIS DRAWING IS UNCHECKED
NOT FOR CONSTRUCTION



TITLE 1¹ GENERAL PROVISIONS

Chapter 1.01

CODE ADOPTION TITLE AND SCOPE*²

***State law reference**--Codification of ordinances, C.R.S. § 31-16-201 et seq.

~~*For statutory provisions regarding the adoption by reference of ordinance codes, see C.R.S. § 139-34.~~

Sections:

1.01.010	Adoption
1.01.020	Title--Citation--Reference
1.01.030	Codification authority
1.01.040	Reference applies to all amendments
1.01.050	Title, Chapter and Section Headings
1.01.060	Reference to specific ordinances
1.01.070	Effect of code on past actions and obligations
1.01.080	Effective date
1.01.090	Constitutionality
1.01.100	Violations and punishment

Commented [M31]: Assume this table will still appear at the start of each chapter and is only eliminated because there are changes to be made?

1.01.010. Adoption.³

Pursuant to the provisions of Sections 139-34-1 through 139-34-8 of the Colorado Revised Statutes, there is hereby adopted the "Palmer Lake Municipal Code" as published by Book Publishing Company, Seattle, Washington.
(Code 1973, § 1.01.010; Ord. No. 9-1973, § 1, 1973)

1.01.010. Title--Citation--Reference.

This code is known as the "Palmer Lake Municipal Code" and it is sufficient to refer to said

¹ **Code of 1973, Title 1.** The legal manuscript is not a proof, but rather a draft copy of the Code used at conference to convey the author's legal analysis and recommended organization of the material. Thus, the material in this Chapter has not been completely edited or proofread. We do not require or expect the town or its attorney to edit or proofread the material in this Chapter during their review of the legal manuscript. Those tasks will be performed by our editing and proofreading staff when creating the final proofs for this project. Instead, we would rather have the town and its attorney review and respond to the embedded footnoted recommendations, and make us aware of any substantive language in the text that does not reflect the town's current practices, procedures or titles of officials/employees.

² **Code of 1973, Chapter 1.01.** Changed the chapter heading. Once proofs are approved with any changes town desires, we will produce the final code and provide a recommended adopting ord. to include in the code. **TR/D in TA Email of 1/27/17: OK**

³ **Code of 1973, Section 1.01.010.** See prior footnote. We will provide a recommended adopting ord. for code when it is shipped to Town. **TR/D in TA Email of 1/27/17: OK**

code as the "Palmer Lake Municipal Code" in any prosecution for the violation of any provision hereof or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of portion thereof as an addition to, amendment to, correction or repeal of the "Palmer Lake Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Palmer Lake Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(Code 1973, § 1.01.020; Ord. No. 9-1973, § 2, 1973)

(Code 1973, § 1.01.030; Ord. No. 9-1973, § 3, 1973)

(Code 1973, § 1.01.040; Ord. No. 9-1973, § 4, 1973)

1.01.020. Title, chapter, and section headings. Code of 1973, ⁴

Title, chapter, and section headings contained herein, or any amendments thereto, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, or section. Hereof: Additionally, the history notes appearing in parenthesis after each section, and any state law reference or editor's notes, are for the benefit of the user of the Code and shall have no legal effect.

(Code 1973, § 1.01.050; Ord. No. 9-1973, § 5, 1973)

(Code 1973, § 1.01.060; Ord. No. 9-1973, § 6, 1973)

1.01.03. Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the Town shall in any manner affect the prosecution or violations of ordinances which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provision of such ordinances relating to the collection of any such license, fee, or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Code 1973, § 1.01.070; Ord. No. 9-1973, § 7, 1973)

~~1.01.080. Effective date.⁵~~

~~This code shall become effective on the date the ordinance adopting this code as the "Palmer Lake Municipal Code" becomes effective.~~

~~(Code 1973, § 1.01.080; Ord. No. 9-1973, § 9, 1973)~~

1.01.040. Constitutionality. Severability.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Board of Trustees declares that it would have adopted this code,

⁴ Code of 1973, Section 1.01.050. Expanded section to include amendment headings, state law reference and editor's notes. TR/D in TA Email of 1/27/17: OK

⁵ Code of 1973, Section 1.01.080. Deleted as not needed. TR/D in TA Email of 1/27/17: OK

and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared by a court of competent jurisdiction as invalid or unconstitutional, then the original ordinance or ordinances not affected by such declaration shall be in full force and effect.
(Code 1973, § 1.01.090; Ord. No. 9-1973, § 10, 1973)

(Code 1973, § 1.01.100; Ord. No. 9-1973, § 8, 1973; Ord. No. 9-1992, § 3, 1992; Ord. No. 1-2003, § 11, 2003)

1.01.050. Amendments to Code.⁶

(a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. In the case of repealed titles, chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by their omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code by the Board of Trustees.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code.

(c) All sections, chapters, titles or provisions desired to be repealed should be specifically repealed by section, chapter or title number, as the case may be.

1.01.060. Ordinances not affected by adoption of the Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any

⁶ Code of 1973, Chapter 1.01. Recommend adding the following new sections, which are standard MCC sections for General Provision Titles, to the Palmer Lake Municipal Code: (1) Amendments to Code; (2) Supplementations to the code; (3) Altering code; and (4) Ordinances not affected by adoption of the Code. TR/D in TA Email of 1/27/17: OK

evidence of the town's indebtedness.

(3) Any contract or obligation assumed by the town.

(4) Any ordinance or resolution establishing or fixing the salaries, retirement and pension plans, benefits, personnel policy, civil service rules and regulations, and/or administrative procedures for town officers or employees not otherwise enumerated in this Code.

(5) Any right or franchise granted by the town.

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the town.

(7) Any appropriation or budget ordinance.

(8) Any ordinance providing for local improvements and assessing taxes therefor.

(9) Any ordinance rezoning specific property or amending the zoning map.

(11) Any ordinance dedicating or accepting any subdivision plat or providing for subdivision regulations.

(12) Any ordinance describing or altering the boundaries of the town.

(13) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this Code.

(14) Any ordinance levying or imposing taxes not included in this Code.

(15) Any ordinance establishing or prescribing street grades in the town.

(16) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code.

(17) Any ordinance or resolution approving any agreement with another political subdivision.

(18) Any ordinance or resolution establishing or imposing any municipal rates, charges or fees for the town, that are not otherwise enumerated in this Code.

(19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

(20) Any ordinance or resolution that is temporary, although general in effect;

(21) Any ordinance or resolution that is special, although permanent in effect; or

(22) Any ordinance or resolution the purpose of which has been accomplished.

(b) No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

CHAPTER 1.04 GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions
- 1.04.020 Grammatical Interpretation
- 1.04.030 Prohibited acts include causing and permitting
- 1.04.040 Construction
- 1.04.050 Repeal shall not revive any ordinances

1.04.010. Definitions⁷

The following words and phrases, whenever used in the ordinances of the Town of Palmer Lake, Colorado, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "Town" means the Town of Palmer Lake, Colorado, or the area within the territorial limits of the Town of Palmer Lake, Colorado, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Board" means the Board of Trustees of the Town of Palmer Lake, Colorado, consisting of a Mayor and six (6) Trustees. "All its members" means the total number of board members entitled to vote in any particular circumstance upon any question, as provided by the general laws of the State of Colorado.⁸

C. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a

Commented [M12]: Alphabetize please

⁷ Code of 1973, Section 1.04.010. Recommend expanding this definition section by adding the underlined definitions, which are standard MCC definitions for General Provision Titles. Our editors will also alphabetize this (and any other code definitional section) during the editorial phase of this project. OK

⁸ Code of 1973, Section 1.04.010 B. Recommend adding additional language pointing out that Mayor is part of Board of Trustees. See C.R.S. § 31-4-301(1). TR/D in TA Email of 1/27/17: OK OK

Sunday or a legal holiday, that day shall be excluded.

D. "County" means the County of El Paso, Colorado.

E. "Law" denotes applicable federal law, the constitution and the statutes of the State of Colorado, the ordinances of the Town of Palmer Lake, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. "May" is permissive.

G. "Month" means a calendar month.

H. "Must" and "shall" Are each mandatory.

I. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

J. "Ordinance" means a law of the town; provided that a temporary or special law, administrative action, order, or directive may be in the form of a resolution.

K. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, estate, organization, or the manager, lessee, agent, servant, officer, director or employee of any of them.

L. "Preceding" and "following" mean next before and next after, respectively.

M\R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

N. "State" means the State of Colorado.

O. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

P. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Q. "Year" means a calendar year.

R. "C.R.S." means the Colorado Revised Statutes:

S. "Governing Body" means the Board of Trustees of the Town of Palmer Lake, Colorado.

Commented [m3]: Alphabetize please

(Code 1973, § 1.04.010; Ord. No. 13-1973, § 1, 1973)

1.04.020. Grammatical Interpretation.

The following grammatical rules shall apply in the ordinances of the Town of Palmer Lake, Colorado:

- A. *Gender.* Any gender includes the other genders.
- B. *Singular and Plural.* The singular number includes the plural and the plural includes the singular.
- C. *Tenses.* Words used in the present tense include the past and the future tenses and vice versa.
- D. *Use of words and phrases.* Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
(Code 1973, § 1.04.020; Ord. No. 13-1973, § 2, 1973)

1.04.030. Prohibited Acts include Causing and Permitting.

Whenever in the ordinances of the Town of Palmer Lake, any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Code 1973, § 1.04.030; Ord. No. 13-1973, § 3, 1973)

**CHAPTER 1.08
TOWN SEAL**

Sections:

1.08.010 Description

1.08.010. Description.

A seal, the impression of which is as follows: In the center the words "Town Seal, Incorporated March, 1889," and around the outer edge the words "Palmer Lake, El Paso County, Colorado" is the seal of the Town of Palmer Lake.
(Code 1973, § 1.08.010; Ord. No. 3, § 1, 1889)

Commented [M34]: Existing Chapter 1.12 should be eliminated

**CHAPTER 1.16
GENERAL PENALTY***

***State law references-** Fines and penalties in municipal courts, C.R.S. § 13-10-113;
Penalties for ordinance violations, C.R.S. § 31-16-101.

Sections:

1.16.010 Designated-
1.16.020 Minor Offenders.

1.16.010 General Penalty.

Commented [M15]: Ord 9 of 2017

A. Unless otherwise specifically provided in the relevant code provision(s), any person convicted of violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town of Palmer Lake shall be guilty of a petty offense. A person convicted under this code shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Any such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the Town of Palmer Lake, Colorado, is committed, continued or permitted by any such person, and he shall be punished accordingly.

(Code 1973, § 1.16.010; Ord. No. 11-1973, § 1, 1973; Ord. No. 9-1992, § 1, 1992)

1.16.020. Minor Offenders.⁹

A. For the purposes of this Section, a "minor offender" is defined as any person accused of an offense pursuant to the Palmer Lake Municipal Code who, on the date of the alleged offense, was at least ten (10) years of age, but had not yet attained the age of eighteen (18) years.

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

Commented [M16]: Ord 9 of 2017

C. Nothing contained in this Chapter shall be construed to abrogate, abolish, or otherwise limit the power of the Municipal Court to confine a minor offender arrested for an alleged violation of this code or convicted of a violation thereof, or who is before the Court

⁹ Code of 1973, Section 1.16.020. Added definition of minor offender for town's consideration in new subsection A. Corrected cross-reference cite in Subsection B, and deleted last sentence as minors cannot be imprisoned as allowed under § 10.04.040. Propose new subsection C. for town's consideration in light of § 13-10-113(4) & (5). Proposed new subsection D to give municipal court flexibility. TR/D in TA Email of 1/27/17: OK

for contempt of Court, whether by failure to obey a summons, subpoena, or other lawful order of the Court, including an order to pay a fine, or by personal conduct before the Court. Pursuant to C.R.S. § 13-10-113 the Municipal Court may, however, only confine a minor offender in a juvenile detention facility operated by or contracted by the Colorado Department of Human Services or a temporary holding facility operated by or under contract with a municipal government. Any confinement of a child for contempt of Municipal Court or for violation of probation conditions shall not exceed forty-eight (48) hours.

D. The presiding Judge of the Municipal Court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the Municipal Court as he may, from time to time and consistent with Colorado law, deem appropriate.
(Code 1973, § 1.16.020; Ord. No. 7-1983, § 1, 1983; Ord. No. 9-1992, § 2, 1992)

Chapter 1.50¹⁰ ELECTIONS*

Commented [MJ7]: Ordinances 1 of 2018 and 9 of 2018

***State law references-** Municipal Election Code, C.R.S. § 31-10-101 et seq.; When municipal election may be cancelled, C.R.S. § 31-10-507; Write-in candidate affidavit, C.R.S. § 31-10-306.

1.50.010. Date of regular election and conduct of all elections.

The regular election of the Town shall be held on the Tuesday on which the general statewide election is held in November of each even numbered year. All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965 unless the Town by ordinance, resolution or agreement with the coordinating county determines to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. No. 9-2018, §2, 2018)

1.50.020. Write-in Candidate Affidavit.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk prior to the deadline as set forth in applicable state statute indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(Code 1973, § 1.50.020; Ord. No. 1-2018, §1, 2018; Ord. No. 9-2018, §2, 2018)

1.50.030 Cancellation of Election.¹¹

(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the deadline before the election as set forth in applicable state statute, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in section 1.50.020, the Town Clerk, if instructed by resolution either before or after such date, shall cancel the election and such candidates shall be deemed elected.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

(Code 1973, § 1.50.010; Ord. No. 2-1992, § 2, 1992; Ord. No. 1-2018, §1, 2018; Ord. No. 9-2018, §2, 2018)

¹⁰ Code of 1973, Chapter 1.50. We recommend moving the election chapter to Title 2 as it is not a General Provisions chapter but rather an Administrative chapter. TR/D in TA Email of 1/27/17: OK Agree but see changes adopted in 2018

¹¹ Code of 1973, Sections 1.50.010 and 1.50.020. Changed the stated time periods to conform to state statutes governing the same (see added state law reference above for statutes). TR/D in TA Email of 1/27/17: OK Use the changes I show as redlines above instead as the Town has moved to coordinated November elections

TITLE 2¹
ADMINISTRATION AND PERSONNEL*

***State law reference-** -Organizational structure and officers of statutory towns, C.R.S. § 31-4-301 et seq.

Chapters:

2-02	Board of Trustees
2-04	Rules of Board of Trustees
2-08	Appointment and Duties of Town Officers
2-12	Street Commissioner
2-16	Planning Commission
2-22	The Palmer Lake Volunteer Fire Department
2-24	Town Employees
2-28	Flood Areas
2-30	Town Administrator/Planner
2-50	Municipal Court

CHAPTER ~~12-02~~
MAYOR AND BOARD OF TRUSTEES

Sec. 2.01.010. Board of Trustees; election; term of office; authority; qualifications and vacancies.

(A) Board of Trustees; election and term of office. The corporate authority of the Town is by state law vested in a Board of Trustees consisting of one (1) Mayor and six (6) Trustees. The term of office for trustees shall be four years.

(B) Authority. The Board of Trustees shall constitute the legislative body of the Town, shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(C) Qualifications. Each Trustee shall be a resident of the Town and a qualified elector therein. If any Trustee shall move from or become, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his office, upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

¹ **Code of 1973, Title 2. This is an UNEDITED DRAFT of the Town's Code content only. Please disregard typographical, grammatical, stylistic, numbering, formatting and other editorial errors. These will be addressed after conference by our editors and proofreaders. Titles, chapters, sections and subsections will be numbered uniformly during editing. Underlined text is used to suggest additions. Stricken text is used for original text we recommend deleting. Text without underline or strike-through is original text. The history note at the end of each section notes the source of that original text.**

(D) Vacancies. In the case of death, resignation, vacation or removal for cause of any of the Trustees during their term of office, the Board of Trustees, by a majority vote of all remaining members thereof, may select and appoint, from the duly qualified electors of the Town, a suitable person to fill the vacancy, who shall hold the office until the next regular election. If the term of the person creating the vacancy was to extend beyond the next regular election, the term of the office of the successor elected at that regular election shall be shortened so that the following regular election for the office is held at the time at which it would have been held if no vacancy had occurred.

Sec. 2.01.020. Mayor.

(A) The Mayor shall preside over all meetings of the Board of Trustees, and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be the presiding officer of the Board of Trustees and shall have the same voting power as a trustee.

(B) The Mayor shall execute and authenticate by his or her signature such instruments as the Trustees, or any statutes or ordinances, shall require.

(C) The Mayor shall serve a ~~two~~four year term.

(D) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her.

Sec. 2.01.030. Mayor Pro Tem.

At its first meeting in January following each biennial regular election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees, or during the Mayor's absence from the Town or the Mayor's inability to act, shall perform the duties of Mayor.

Sec. 2.01.040. Acting Mayor.

In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability.

Sec. 2.01.050. Regular meetings.

Regular meetings of the Board of Trustees shall be established by resolution of the Board of Trustees; provided, however, that when the day fixed for any regular meeting of the Board of Trustees falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on a date set by the Board of Trustees in advance of such holiday. In the event there is insufficient business to require the holding of a meeting or an excusable conflict exists such that there is an inability to attain a quorum, regular meetings of the Board may be cancelled or rescheduled by the affirmative vote of a majority of the Board of Trustees in advance of such meeting. Regular meetings rescheduled in advance in accordance with this section shall be regular meetings and not special meetings but notice of such rescheduled regular meeting shall be posted on the next regular business day after the Board takes action to reschedule a meeting.

Sec. 2.01.060. Special meetings.

The Mayor or the Mayor Pro Tem, if the Mayor is absent, or two trustees may convene the

Board at any time for a special meeting. Whenever a special meeting is called, a summons or a notice authorized by the Mayor, the Mayor Pro Tem or a majority of the Board, as the case may be, shall be served upon each member of the Board either in person, by electronic mail with receipt confirmed by reply electronic mail, or by notice left at his place of residence stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. Except in cases of emergency, special meetings shall require at least twenty-four (24) hours advance notice.

Sec. 2.01.070. Quorum.

No action shall be taken unless a quorum is present. Four (4) members of the Board of Trustees shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board of Trustees, at any regular or special meeting, may, in writing, demand the attendance of absent members, which demand shall be entered on the record forthwith by the Town Clerk, who shall thereupon notify the absent members of the time and place of the meeting.

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Sections:

2.02.010 Terms of Office:
2.02.020 Term of Mayor:

2.02.010. Terms of Office.²

~~Commencing with the Municipal Elections to be held in the year 1992, the term of office for three of the trustees of the Town of Palmer Lake shall be for four years. Three of the Board of Trustee positions shall have terms of four years. The remaining three trustees shall have an initial term of two years until the elections to be held in 1994, whereupon those terms shall become four year terms as well.~~

~~(Code 1973, § 2.02.010; Ord. No. 5-1990, § 1, 1990)~~

Commented [m1]: Replace with above.

2.02.020. Term of Mayor:

~~The term of Mayor shall be for a two-year four year term.~~

~~(Code 1973, § 2.02.020; Ord. No. 5-1990, § 2, 1990)~~

CHAPTER 2.04 **RULES OF BOARD OF TRUSTEES***

Commented [m2]: Delete this chapter - language replaced as above.

***State law reference**—Colorado Open Meetings Law, C.R.S. § 24-6-401 et seq.

***For statutory provisions regarding the duty of the mayor to preside at meetings of the Board of Trustees, see C.R.S. 139-6-2.**

² **Code of 1973, Section 2.02.010.** Is the staggered election part of this section obsolete now?

In other words, should it just read that the terms are for four years? **TR/D in TA Email of 1/27/17: We would like all trustees to have 4 year terms with 3 of 6 being up for election every two year cycle. We would like the term of Mayor to be changed to 4 years.**

2.04.010. Rules Generally.

The following are the rules and order of business of the Board of Trustees of the Town of Palmer Lake.

(Code 1973, § 2.04.010; Ord. No. 2, § 1 (part), 1889)

2.04.020. Rule 1—Compliance to Rules:

The rules and procedure and order of business shall be strictly adhered to by the Board of Trustees, unless temporarily suspended by a two-thirds vote of the members present:

(Code 1973, § 2.04.020; Ord. No. 2, § 1 (part), 1889)

2.04.030. Rule 2—Meetings—Time.³

The Board of Trustees shall meet regularly on the second Thursday of each month at seven p.m. or at any other day or hour the trustees may, at their discretion, deem proper:

(Code 1973, § 2.04.030; Ord. No. 9-1974, 1974; Ord. No. 2, § 1 (part), 1889)

2.04.040. Rule 3—Special Meetings:⁴

The mayor or any two members may call, at any time, special meetings of the Board. Full and timely notice of any such special meeting will be provided to the public in accordance with C.R.S. § 24-6-402(c).

(Code 1973, § 2.04.040; Ord. No. 2, § 1 (part), 1889)

2.04.050. Rule 4—Quorum and Abstentions:

a. A quorum at a meeting of the Board shall consist of a majority of the members serving on the Board.

b. If at any meeting at which a quorum is present, one or more members of the Board abstain or believe they should abstain from voting on an issue because of a potential conflict of interest, then the presence of the member or members shall not be counted for purposes of determining whether there continues to be quorum at the meeting. Should the application of this Rule result in a failure of the quorum for purposes of the meeting, the issue in question shall be tabled until such time as the member or members are able to qualify themselves to act, and the meeting shall continue for purposes of considering such other matters as may properly come before the Board.

c. Any one Board member may bring the lack of a quorum under this Rule to the attention of the Board.

(Code 1973, § 2.04.050; Ord. No. 10-1988, § 1, 1988; Ord. No. 11-1973, § 2, 1973; Ord.

³ Code of 1973, Section 2.04.030. Is the time and date stated for regular meetings still correct? Town website states town council meeting are on the second and fourth Thursdays of each month and that both will be voting meetings. Was this changed by ordinance? Also, request town verify the date of Ord. No. 2 in the history note. Is it really 1889 or is that scrivener's error? **TR/D in TA Email of 1/27/17: I do not think 1889 is correct but will need to look further. Time and date is correct.**

⁴ Code of 1973, Section 2.04.040. Recommend adding underlined language to ensure requirements of Colorado Open Meeting Law are followed. **TR/D in TA Email of 1/27/17: OK (except 1889 HN).**

No. 2, § 1 (part) 1889)

2.04.060. Rule 5—Meetings—Call-to-Order—Order of Business.⁵

At the appointed hour for the meeting, the members shall be called to order by the mayor, or in his absence by the mayor pro tempore. The clerk shall then call the roll, note the absentees, and announce whether a quorum be present, and if there be a quorum, the Board shall proceed to business in the following order:

First:	Reading of the Minutes.
Second:	Presentation of Officers.
Third:	Reports of Officers.
Fourth:	Reports of Standing Committees.
Fifth:	Report of Special Committees.
Sixth:	Reading of Bills.
Seventh:	Unfinished Business.
Eighth:	Introduction and Consideration of Ordinances.
Ninth:	Motions, Resolutions and Inquiries.

(Code 1973, § 2.04.060; Ord. No. 2, § 1 (part), 1889)

2.04.070. Rule 6—Questions on Priority of Business:

All questions relating to priority of business should be decided without debate.

(Code 1973, § 2.04.070; Ord. No. 2, § 1 (part), 1889)

2.04.080. Rule 7—Presiding Officer—Duties:

The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to the right of appeal to the Board.

(Code 1973, § 2.04.080; Ord. No. 2, § 1 (part), 1889)

2.04.090. Rule 8—Conduct of Members:

Previous to his speaking, every member shall address the presiding officer and shall not proceed with his remarks until recognized by the chair. No member shall leave the room while the Board is in session, except by permission of the presiding officer. Any member called to order shall immediately suspend his remarks and resume his seat, unless permitted to explain.

(Code 1973, § 2.04.090; Ord. No. 2, § 1 (part), 1889)

2.04.100. Rule 9—Motions and Resolutions—Reduction to Writing:

All motions and resolutions shall be reduced to writing, if required, by any member of the Board.

(Code 1973, § 2.04.100; Ord. No. 2, § 1 (part), 1889)

2.04.110. Rule 10—Members Required to Vote:

Every member present shall be required to vote on all questions, unless excused by the

⁵ Code of 1973, Section 2.04.060: Is this Order of business still being followed? TR/D in TA Email of 1/27/17: Not really, we follow order of agenda. If I need to list that I could.

Board;
(Code 1973, § 2.04.110; Ord. No. 2, § 1 (part), 1889)

2.04.120. Rule 11—Passage of Ordinances and Amendments.⁶

No new ordinance nor amendment to any existing ordinances shall be put to its final passage at the same meeting of its introduction, except by the consent of two-thirds of the members present.

(Code 1973, § 2.04.120; Ord. No. 2, § 1 (part), 1889)

2.04.130. Rule 12—Standing Committees:

The standing committees shall be appointed annually by the mayor as soon as practicable after his election and qualification.

Each committee shall consist of the entire council. A chairman shall be appointed by the mayor, whose duties shall be to attend to the special duties pertaining to his committee, subject to the council.

(Code 1973, § 2.04.130; Ord. No. 92, § 1, 1917; Ord. No. 2, § 1 (part), 1889)

2.04.140. Rule 13—Reports of Committees and Officers:

All reports of committees and officers shall be in writing and addressed "To the Board of Trustees of the Town of Palmer Lake."

(Code 1973, § 2.04.140; Ord. No. 2, § 1 (part), 1889)

2.04.150. Rule 14—Journal Record of Proceedings.⁷

The Board shall be a journal of its proceedings which shall be open to inspection at all reasonable hours.

(Code 1973, § 2.04.150; Ord. No. 2, § 1 (part), 1889)

⁶ Code of 1973, Section 2.04.120. Request town review this rule in light of requirements of G.R.S. §§ 31-16-105 and 106. **TR/D in TA Email of 1/27/17: This was repealed by Ord No 1-2016, we now have one reading for ordinances and two voting meetings per month.**

⁷ Code of 1973, Section 2.04.150. Did this section mean to say that the Board shall "keep" a journal of its proceeding ...? Request town to review and advise. **TR/D in TA Email of 1/27/17: Yes. Should we change to minutes?**

**CHAPTER 2.028
APPOINTMENT AND DUTIES OF TOWN OFFICERS***

***State law references-** -Board of Trustees appointment of officers, C.R.S. § 31-4-304;
Removal of officers for cause, C.R.S. § 31-4-307.

~~*For statutory provisions regarding the authority of the Board of Trustees to appoint various town officers, and fix their compensation, see C.R.S. 139-6-4; for provisions authorizing removal of officers for cause, see C.R.S. 139-6-6.~~

Sections:

~~I. APPOINTMENTS-GENERALLY~~

~~2.08.010 Officers appointed—terms~~

~~2.08.020 Oath of office~~

~~2.08.030 Removal~~

~~II. MAYOR-PRO-TEMPORE~~

~~2.08.040 Appointment—Duties~~

~~III. CLERK-AND-RECORDER~~

~~2.08.050 Duties~~

~~2.08.060 Compensation~~

~~2.08.070 Clerk and Recorder pro tempore~~

~~IV. TOWN ATTORNEY~~

~~2.08.080 Duties~~

~~2.08.090 Power to take appeal~~

~~2.08.100 Compensation~~

~~V. MUNICIPAL JUDGE~~

~~2.08.110 Appointment~~

~~2.09.120 Jurisdiction~~

~~2.09.130 Compensation~~

~~VI. MUNICIPAL COURT CLERK~~

~~2.09.140 Appointment~~

~~2.09.150 Performance bond~~

~~2.09.160 Compensation~~

~~VII. TOWN POLICE CHIEF~~

~~2.09.170 Powers~~

~~2.09.180 Duties~~

~~2.09.190 Compensation~~

~~VIII. TREASURER~~

~~2.09.200 Bond—Conformance to state statutes~~

~~2.09.210 Compensation~~

I. APPOINTMENTS GENERALLY

2.028.010. Officers appointed - terms.⁸

⁸ **Code of 1973, Section 2.08.010.** Deleted "and Recorder" as that is a county officer. Statutory towns have "Town Clerks." Will make change throughout code without further comment.

The Board of Trustees shall appoint on the first meeting succeeding each regular municipal election a Clerk and Recorder, a Treasurer, a Town Attorney, a Municipal Judge, a Clerk of the Municipal Court, and and a Town Police Chief, and may appoint a Town Administrator, all of whom shall hold their respective offices for one year and until their successors are duly appointed and qualified, unless sooner removed for cause.
(Code 1973, § 2.08.010; Ord. No. 7-1972, Art. 1, § 1, 1972; Ord. No. 1-2004, § 2, 2004)

2.02.020. Oath of Office.

Before entering upon the duties of their respective offices, each officer shall take and subscribe an oath or affirmation to support the Constitution of the United States and, the Constitution of the State of Colorado, which oath shall be filed with the Town Clerk and Recorder.
(Code 1973, § 2.08.020; Ord. No. 7-1972, Art. 1, § 2, 1972)

2.02.030. Removal.⁹

With the exception of the Municipal Judge, a any appointive officers s shall be appointees or employees at-will and may be removed for cause by the concurrent votes of a majority of four members of the Board of Trustees. No such removal shall be made, however, without a charge in writing and an opportunity of hearing being given the officer. Whenever any officer shall cease to reside within the limits of the Town it shall be deemed a good ground of removal. The Municipal Judge shall only be removed during his term of office for cause as set forth in C.R.S. § 13-10-105(2).
(Code 1973, § 2.08.030; Ord. No. 7-1972, Art. 1, § 3, 1972)

II. — MAYOR PRO TEMPORE

2.08.040. Appointment — Duties:

The Board of Trustees shall, at their first meeting following a municipal election, appoint one of the trustees as mayor pro tempore, who, in the absence of the mayor from any meeting of the board, or during the mayor's absence from the town or in his inability to act, shall perform his functions and duties.
(Code 1973, § 2.08.040; Ord. No. 7-1972, Art. II, § 1, 1972)

III. — TOWN CLERK AND RECORDER

2.02.040. Town Administrator Duties

(A) Creation. The position of Town Administrator is created to centralize in a single appointed individual all administrative functions of the Town. When and if the Town Board of Trustees has appointed a person to fill this role as an at-will employee of or contractor with the Town, the Town Administrator shall be responsible for all day-to-day operations and activities of the Town. The Town Administrator shall report to the Board of Trustees.

(B) Qualifications. The Town Administrator need not be a resident of the Town.

Does Town still appoint on first meeting after each municipal election as stated in this section? TR/D in TA Email of 1/27/17: NO

⁹ Code of 1973, Section 2.08.060. Recommend additional underlined language as removal of municipal judge for cause is set out in statute cited. TR/D in TA Email of 1/27/17: OK

(C) Duties. The Town Administrator shall perform the following duties:

(1) Supervise the day-to-day activities of the Town, with full responsibility and authority for administration of the Town.

(2) Hire, establish compensation for and terminate all Town personnel, excluding those Town officers who are appointed by and serve at the pleasure of the Board of Trustees. Although respective Town department heads shall supervise the day-to-day activities of Town personnel, the ultimate authority to render a decision concerning the terms of any employee's employment lies with the Town Administrator.

(3) Supervise the day-to-day activities of the Town's Water Activity Enterprise and Wastewater Activity Enterprise, with full responsibility and authority for administration of such enterprises and their facilities.

(4) Develop and administer all Town and enterprise budgets.

(5) Keep the Board of Trustees, and the individual liaisons who are members thereof, informed about all issues related to Town administration.

(6) Request engineering and legal services from the Town Engineer and the Town Attorney, as needed, and coordinate with the Town Engineer and the Town Attorney.

(7) Prepare and deliver reports to the Board of Trustees on a monthly basis describing all meetings attended by the Town Administrator, all purchases of goods or services made by the Town Administrator, all major decisions made by the Town Administrator, and such other matters as are determined by the Town Administrator to be necessary to keep the Board of Trustees properly advised as to the activities of the Town Administrator.

(8) Purchase such goods and services as are determined by the Town Administrator to be necessary in the day-to-day administration of the Town and the purchase of which is authorized by the approved Town budget; provided, however, that the power to purchase any goods or services shall be limited as set forth in the purchasing or procurement policy of the Town as approved by the Board of Trustees. All other proposed purchases of goods or services shall come before the Board of Trustees for its prior approval. Notwithstanding the above, the Town Administrator shall have the power and authority to exceed the above limits if goods or services are needed immediately to correct or remedy an unsafe condition or to adequately address an emergency situation with the advice and consent of the Mayor, who will advise the Board of Trustees of his or her decisions and actions as soon as practical.

(9) Perform such other duties as may be assigned by the Board of Trustees.

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2.028.050. Town Clerk Duties.

The Town Clerk and Recorder shall attend all meetings of the Board of Trustees and make a faithful and accurate record of all proceedings, rules, and ordinances made and passed by the Board of Trustees, and the same shall at any time be open to the inspection of the public. The Town Administrator, if any, or the Town Clerk, if there is no appointed Town Administrator, shall have authority to appoint a Town Clerk pro tempore to perform the duties of the Town Clerk during his or her absence or inability to act.

(Code 1973, § 2.08.050; Ord. No. 7-1972, Art. III, § 1, 1972)

~~2.08.060. Compensation.~~

~~The Town Clerk and Recorder shall receive a compensation for services specified in Section 2.08.050, which sum shall be agreed upon between the Town Clerk and Recorder and the Board of Trustees.~~

~~(Code 1973, § 2.08.060; Ord. No. 7-1972, Art. III, § 2, 1972)~~

~~2.08.070. Clerk and Recorder pro tempore.~~

~~The Board of Trustees shall have powers to appoint a Town Clerk and Recorder pro tempore to perform the duties of the Town Clerk and Recorder during his or her absence or inability to act.~~

~~(Code 1973, § 2.08.070; Ord. No. 7-1972, Art. III, § 3, 1972)~~

IV. — TOWN ATTORNEY

2.028.0680. Town Attorney Duties and Compensation.

The Town Attorney shall institute and prosecute all suits for the recovery of fines and penalties on behalf of the Town. ~~The Town Attorney~~He shall appear for the Town in courts of record when the Town shall be a party plaintiff or defendant; ~~he~~shall draft all ordinances and legal papers required for the Town; ~~he~~shall act as legal advisor of the Board of Trustees; and ~~he~~shall have the right to be heard upon all questions arising in said body.

~~(Code 1973, § 2.08.080; Ord. No. 7-1972, Art. IV, § 12, 1972)~~

~~2.08.090. Power to take appeal.~~

~~The Town Attorney shall have the power to take appeal in all cases when and where in his opinion an appeal is for the best interests of the Town; and he shall receive from the Treasurer on demand all the moneys necessary to meet the costs, disbursements, and expenses for any court in this state whenever the Town shall be a party plaintiff or defendant.~~

~~(Code 1973, § 2.08.090; Ord. No. 7-1972, Art. IV, § 2, 1972)~~

~~2.08.100. Compensation.~~

The Town Attorney shall receive ~~for the services required in Sections 2.08.080 and 2.08.090~~ such compensation as shall be agreed upon between the town attorney and the board of trustees.

~~(Code 1973, § 2.08.100; Ord. No. 7-1972, Art. IV, § 3, 1972)~~

V. — MUNICIPAL JUDGE

~~2.08.110. Repealed.~~

~~(Code 1973, § 2.08.110; Ord. No. 15-1988, § 6A, 1988)~~

2.028.070120. Municipal Judge Jurisdiction and Compensation.

The Municipal Judge shall have jurisdiction ~~within the territorial limits of the town~~over of all cases arising under the ordinances of the town.

~~(Code 1973, § 2.08.120; Ord. No. 7-1972, Art. V, § 2, 1972)~~

~~2.08.130. Compensation.~~

The Municipal Judge shall receive such compensation as shall be agreed upon between the Municipal Judge and the board of trustees.

Repealed Ord. No. 15-1988, § 6B, 1988. (See § 2.50.050 for additional provisions.)
(Code 1973, § 2.08.130)

VI.—MUNICIPAL COURT CLERK

2.08.140. Appointment.¹⁰

The Board of Trustees shall at the time designated in Section 2.08.010 appoint a Clerk of the Municipal Court.

(Code 1973, § 2.08.140; Ord. No. 7-1972, Art. VI, § 1, 1972)

2.08.150. Performance bond:

The Clerk of the Municipal Court shall give performance bond in the sum of one thousand dollars and the performance bond shall be approved by the Board of Trustees of the Town of Palmer Lake and be conditioned upon the faithful performance of his or her duties and for the faithful accounting for and payment of all funds deposited with or received by the court.

(Code 1973, § 2.08.150; Ord. No. 7-1972, Art. VI, § 2, 1972)

2.08.160. Compensation:

The Clerk of the Municipal Court shall receive a compensation for services specified in Section 2.08.150, which sum shall be agreed upon between the Clerk of the Municipal Court and the Board of Trustees.

(Code 1973, § 2.08.160; Ord. No. 7-1972, Art. VI, § 3, 1972)

VII.—TOWN POLICE CHIEF

2.02.0808-170. Police Chief Powers Duties and Compensation.¹¹

(A) The Chief of Police is hereby declared to be in direct command of the Department of Police. The Chief of Police shall have the duty to:

- (1) Assign all members of the Police Department their posts, shifts, details and duties.
- (2) Make all rules and regulations concerning the Department of Police and be responsible for the efficiency and operation of the Department of Police.
- (3) Be responsible for all discipline of the members of the Department of Police.

¹⁰ ~~Code of 1973, Section 2.08.140.~~ Request town review in light of repeal of code cross-reference cited in section. Is there still an actual town-appointed position of municipal court clerk (does not appear on website)? ~~My mistake—§2.08.010 was not repealed, §2.08.110 was. TR/D in TA Email of 1/27/17: The Town Clerk also serves as court clerk and treasurer. But I can see these duties being separated as the town grows (especially treasurer).~~

¹¹ **Code of 1973, Section 2.08.170.** State statute does not refer to "constable" but rather "sheriff." Recommend changing section as follows:

"The Chief of Police shall, in such capacity, and by such name and title, be vested with all powers and duties set forth in C.R.S. § 31-4-306, and as otherwise provided under the laws of the State of Colorado." TR/D in TA Email of 1/27/17: Yes. MJ-Rather use above language.

including such full-time, part-time and reserve officers as are appointed by the Chief of Police pursuant to the regulations that may be adopted.

- (4) Have such powers and duties as are appointed by state law and in particular Sections 31-4-112 and 31-4-112.1, C.R.S., which are hereby adopted by reference.

The Town Police Chief shall have the same powers that constables have by law, coextensive with the county, in cases of violation of town ordinances, and for offenses committed within the limits of the Town.

(Code 1973, § 2-08.170; Ord. No. 7-1972, Art. VII, § 1, 1972; Ord. No. 1-2004, § 1, 2004).

2-08.180. Duties.

The Town Police Chief shall perform all duties required by the Town, shall execute all orders given by the Mayor, Town Attorney, Town Clerk and Recorder, or chairmen of standing committees in their official capacities:

(Code 1973, § 2-08.180; Ord. No. 7-1972, Art. VII, § 2, 1972; Ord. No. 1-2004, § 1, 2004)

2-08.190. Compensation.

- (B) The Town Police Chief shall receive as compensation for the duties required of him in Section 2-08.180 such sums as shall be agreed upon between the Town Police Chief and the Board of Trustees.

(Code 1973, § 2-08.190; Ord. No. 7-1972, Art. VII, § 3, 1972; Ord. No. 1-2004, § 1, 2004)

VIII. TREASURER*

State law reference—Duties and bond of treasurer, C.R.S. § 31-20-301

2-028.090200. Town Treasurer Duties and Compensation.

- (A) The Town Treasurer shall perform the following duties:

- (1) Pay from the treasury such sums of money as may be ordered by the Board of Trustees and subject to the signing authority requirements as set by the Board of Trustees by resolution.
- (2) Keep the account of each fund separate and distinct from all others, charging such fund with all payments and crediting it with all monies received on account thereof, and upon all warrants payable out of any particular fund there shall be legibly written the name of the fund out of which same is payable.
- (3) Annually, within ten (10) days after the close of the fiscal year, make out and file with the Town Clerk a full and detailed account of all receipts and expenditures of the Town and all of his or her transactions as such Town Treasurer during the preceding fiscal year; and show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper published in the Town.
- (4) Perform all other duties, keep all records and make all reports that are required by other provisions of this Code or by the laws of the State

Bond—Conformance to state statute:

- (B) The Treasurer shall give/furnish a surety bond in the amount of five thousand dollars (\$5,000.00), conditioned upon the faithful discharge of the duties as Town Treasurer and that when he or she shall vacate such office, he or she will turn over to his or

~~her successor all monies, books, papers, property or things belonging to the Town, and remaining in his or her charge as Town Treasurer, bond in the amount of one thousand dollars (\$1,000) and shall be governed in all his official acts by the statutes of the State of Colorado and such cases provided.~~

(Code 1973, § 2.08.200; Ord. No. 7-1972, Art. VIII, § 1, 1972)

~~2.08.210. Compensation:~~

~~(C) The Treasurer shall receive as compensation for the duties required of him in Section 2.08.200 such sum as shall be agreed upon between the Treasurer and the Board of Trustees.~~

(Code 1973, § 2.08.210; Ord. No. 7-1972, Art. VIII, § 2, 1972)

CHAPTER 2.12
STREET COMMISSIONER¹²

Sections:

2.12.010 Office created—Appointment—Term
2.12.020 Duties

2.12.010. Office created—Appointment—Term:

There is hereby created the office of Street Commissioner for the Town of Palmer Lake, the holder whereof shall be appointed by the Board of Trustees at the time provided for the appointment of other officers, and shall hold office for one year and until his successor is duly appointed and qualified.

(Code 1973, § 2.12.010; Ord. No. 5, § 2, 1889)

2.12.020. Duties:

The Street Commissioner shall superintend any and all work upon the avenues, streets, alleys, bridges, and water service with the Town, as required by the Board of Trustees, of by the committee on streets, bridges, and water service.

(Code 1973, § 2.12.020; Ord. No. 5, § 2, 1889)

¹² **Code of 1973, Chapter 2.12.** Is Street Commissioner still a valid office? I note on town website that there is a "Roads Department" and a "Water Department." § 2.12.020 also states that part of Street Commissioner's duties is "water service within the town." **TR/D in TA Email of 1/27/17:** No. Recently the town has started easing out of assigning trustees as department managers referred to as commissioner (street/water/police commissioner, etc). I would like to eliminate these formal appointments.

**CHAPTER 2.16
PLANNING COMMISSION***

State law reference- -Planning commission, C.R.S. § 31-23-201 et. seq.

Sections:

- 2.16.010 Creation of Planning Commission.
- 2.16.020 Membership, Terms, Vacancies.
- 2.16.030 Vacancies.
- 2.16.040 Town Resident.
- 2.16.050 No Compensation.
- 2.16.060 Removal.
- 2.16.070 Chairman and Procedures.
- 2.16.080 Staff and Finances.

2.16.010. Creation of Planning Commission.

There is hereby created a Planning Commission for the Town of Palmer Lake to have and exercise all rights and powers granted to such Commission under the provision of Colorado Revised Statutes, Title 31, Article 23, Part 2.

(Code 1973, § 2.16.010; Ord. No. 11-1989, § 1, 1989; Ord. No. 2-1970, § 1, 1970)

2.16.020. Membership, Terms, Vacancies.¹³

The Planning Commission shall consist of seven (7) members to be appointed by the Town of Palmer Lake Board of Trustees. The term of each appointed member shall be two (2) years or until his or her successor takes office. ~~The terms of office shall be staggered so that in 1989 three (3) members will be appointed to serve until June 1, 1991. The existing four members whose terms have not expired shall serve until June 1, 1990.~~

(Code 1973, § 2.16.020; Ord. No. 11-1989, § 2, 1989; Ord. No. 2-1970, § 2, 1970)

2.16.030. Vacancies.

Any vacancies occurring otherwise and through the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the Palmer Lake Board of Trustees.

(Code 1973, § 2.16.030; Ord. No. 11-1989, § 3, 1989; Ord. No. 2-1970, § 2, 1970)

2.16.040. Town Resident.

All members of the Planning Commission shall be bona fide residents of the Town of Palmer Lake. If any member ceases to reside in the Town of Palmer Lake, his or her membership on the Commission shall automatically terminate.

(Code 1973, § 2.16.040; Ord. No. 11-1989, § 4, 1989)

2.16.050. No Compensation.

All members of the Planning Commission shall serve without compensation and shall hold no other municipal office.

(Code 1973, § 2.16.050; Ord. No. 11-1989, § 5, 1989)

¹³ **Code of 1973, Section 2.16.010.** Request town review and advise if it wants to keep language as currently stated since time periods cited have expired. **TR/D in TA Email of 1/27/17: Take out.**

2.16.060. Removal.

Planning Commission members may be removed after public hearing by the Town Board for inefficiency, neglect of duty or malfeasance in office. The Town Board shall file a written statement of reasons for such removal.

(Code 1973, § 2.16.060; Ord. No. 11-1989, § 6, 1989)

2.16.070. Chairman and Procedures.

The Planning Commission shall elect its chairman from among its members and shall create and fill such other offices as it may determine. The term of the chairman shall be one year with eligibility for reelection. The Planning Commission shall hold at least one regular meeting in each month; however, if there are no agenda items for the meeting one week prior to the regular meeting the Chairman of the Planning Commission may continue the meeting to the next regularly scheduled meeting the following month. The continuation of the meeting shall be posted by the Town Clerk. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be of public record.

(Code 1973, § 2.16.070; Ord. No. 7-1996, § 1, 1996; Ord. No. 11-1989, § 7, 1989)

2.16.080. Staff and Finances.

The Planning Commission may appoint such employees as it deems necessary for its work with the consent of the Board of Trustees. The Commission may also contract, with approval of the Board of Trustees, with municipal planners, engineers and architects and other consultants for such services as it requires. All other proceedings shall be governed by the statutes of the State of Colorado then in effect relating to Planning Commissions.

(Code 1973, § 2.16.080; Ord. No. 11-1989, § 8, 1989)

CHAPTER 2.20¹⁴
WATER DEPARTMENT

See 13.01.010 et seq.

¹⁴ ~~Code of 1973, Chapter 2.20. Unless the town wants to insert something specific here, we recommend deletion of this chapter. TR/D in TA Email of 1/27/17. OK C: Delete~~

CHAPTER 2.22
THE PALMER LAKE ~~VOLUNTEER~~ FIRE DEPARTMENT*

~~State law reference—~~ Volunteer Fire Department Organization Act, C.R.S. § 24-33.5-1208.5

~~2.22.010:~~

~~The Palmer Lake Volunteer Fire Department is recognized as a separate enterprise within the Town of Palmer Lake, Colorado.
(Code 1973, § 2.22.010; Ord. No. 7-2009, § 2, 2009)~~

~~2.22.0120. Creation and Appointment of Fire Chief.~~

~~There is established a Fire Department within the Town and the Board of Trustees shall appoint a Fire Chief to oversee such department. The Fire Chief shall, with the approval of the Board of Trustees, impose and administer. Town Board of Trustees shall approve by resolution the rules and regulations for the management, maintenance, care and operation of the Volunteer Fire Department and any amendments thereto.
(Code 1973, § 2.22.020; Ord. No. 7-2009, § 3, 2009)~~

~~2.22.030:~~

~~The Palmer Lake Volunteer Fire Department shall report annually to the Board of Trustees the status of the Volunteer Fire Department and the financial condition of the Palmer Lake Volunteer Fire Department.
(Code 1973, § 2.22.030; Ord. No. 7-2009, § 4, 2009)~~

~~2.22.040:~~

~~The Town of Palmer Lake, Colorado recognizes that the Palmer Lake Fire Department Protective Association has certain assets that are not subject to the Town of Palmer Lake and as such would not be reported on to the Town but specifically authorizes the Volunteer Fire Department to coordinate with the Palmer Lake Fire Department Protective Association to maximize the delivery of fire and other emergency protection services to the inhabitants of the Town of Palmer Lake, Colorado.
(Code 1973, § 2.22.040; Ord. No. 7-2009, § 5, 2009)~~

CHAPTER 2.24¹⁵
TOWN EMPLOYEES*

Commented [MJ3]: Delete chapter

*For statutory provisions enabling towns to receive social security for town employees, see C.R.S. 111-7-5.

Sections:

- 2.24.010 Plans Authorized.
- 2.24.020 Payroll Deduction System Authorized.
- 2.24.030 Appropriation from Funds.
- 2.24.040 Agreement Authorized.
- 2.24.050 Effective Date of Participation.
- 2.24.060 Personnel Policies.

2.24.010. Plans Authorized:

The Town of Palmer Lake is authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan, or plans, and agreement, required under CRS 111-7-5 and the Social Security Act; to extend coverage to employees and officers of the Town; and, to do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivor's Insurance System.

(Code 1973, § 2.24.010; Ord. No. 7-1992, § 1, 1992; Ord. No. 2-1961, § 1, 1961)

2.24.020. Payroll Deductions System Authorized:

The clerk of the Town of Palmer Lake is authorized to establish a system of payroll deduction to be matched by payments by the Town of Palmer Lake to be paid into the Contribution Fund of the State of Colorado through the Department of Employment Security; to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees and officers of the Town of Palmer Lake; and, to make such payments in accordance with the provisions of Section 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that act. Payments shall be made to the Department of Employment Security, State of Colorado; payments shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and, such payments as are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

(Code 1973, § 2.24.020; Ord. No. 2-1961, § 2, 1961)

2.24.030. Appropriation from Funds:

Appropriation is hereby made from the proper fund, or funds of the Town of Palmer Lake, in the necessary amount to pay into the contribution fund as provided in CRS 111-7-5(d) and in accordance with the plan, or plans, and agreement.

(Code 1973, § 2.24.030; Ord. No. 2-1961, § 3, 1961)

¹⁵ Code of 1973, Chapter 2.24. Does Town wish to retain this chapter in its code? If so, state statute citations need to be updated. The last section in this chapter gives the BOT authority to adopt by resolution personnel policies. Not sure if that is being done. If so, and it includes benefits, perhaps a section on social security participation could be added. **TR/D in TA**
Email of 1/27/17: Not sure.

~~2.24.040- Agreement Authorized:~~

~~Authority is given to the mayor and the clerk of the Town of Palmer Lake to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with C.R.S. 111-7 and with paragraph 218 of the Social Security Act.~~

~~(Code 1973, § 2.24.040; Ord. No. 2-1961, § 4, 1961)~~

~~2.24.050- Effective Date of Participation:~~

~~The plan and agreement shall provide that the participation of the Town of Palmer Lake shall be in effect as of the first day of April, 1961.~~

~~(Code 1973, § 2.24.050; Ord. No. 2-1961, § 5, 1961)~~

~~2.24.060- Personnel Policies:~~

~~The Town of Palmer Lake is hereby authorized to adopt by resolution such personnel policies as the Town Board, in its sole and absolute discretion, determines to be necessary, proper and appropriate. All changes in the Personnel Policy shall be made by Board Resolution.~~

~~(Code 1973, § 2.24.060; Ord. No. 3-1990, § 1, 1990)~~

CHAPTER ~~2.28~~¹⁶ FLOOD AREAS

Commented [M34]: Delete chapter

Sections:

- 2.28.010 Review of Permit Application
- 2.28.020 Review of Subdivision Proposals
- 2.28.030 Water and Sewer Systems

~~2.28.010. Review of Permit Applications:~~

The zoning officer shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and utility equipment that are resistant to flood damage, and (3) use construction methods and practices that will minimize flood damage.

(Code 1973, § 2.28.010; Ord. No. 5-1974, § 1, 1974)

~~2.28.020. Review of Subdivision Proposals:~~

The zoning officer shall review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards.

(Code 1973, § 2.28.020; Ord. No. 5-1974, § 2, 1974)

~~2.28.030. Water and Sewer Systems:~~

The zoning officer shall require new or replacement water systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(Code 1973, § 2.28.030; Ord. No. 5-1974, § 3, 1974)

¹⁶ Code of 1973, Chapter 2.28. Request Town review this chapter and advise if it wants to keep in Title 2. They appear to be more Zoning and Water Title oriented. TR/D in TA Email of 1/27/17: I think this belongs in Title 16 subdivisions, although it should also be checked at LUP (14).

CHAPTER 2.30
TOWN ADMINISTRATOR/PLANNER¹⁷

Commented [MJ5]: Delete chapter

Sections:

- 2.30.010 Town Administrator/Planner.
- 2.30.020 Appointment.
- 2.30.030 Duties.

2.30.010. Town Administrator/Planner.

That the position of Town Administrator/Planner is hereby established.
 (Code 1973, § 2.30.010; Ord. No. 3-1989, § 6, 1989; Ord. No. 17-1987, § 1, 1987)

2.30.020. Appointment.

That the Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Administrator/Planner. In case a vacancy should occur in the officer of Town Administrator/Planner, the Board shall appoint a Manager/Administrator/Administrator/Planner for the unexpired term.
 (Code 1973, § 2.30.020; Ord. No. 3-1989, § 6, 1989; Ord. No. 17-1987, § 2, 1987)

2.30.030. Duties.

That the duties of the Town Administrator/Planner shall be as follows:

- A. Be the Chief Administrator Officer for the Town, and be responsible to the Mayor and Town Board for proper administration of all affairs of the Town.
- B. Perform the duties of Town Planner and Zoning Officer.
- C. Implementation of Board of Trustees policies and directives.
- D. Such other duties as may be prescribed by the Board of Trustees.
 (Code 1973, § 2.30.030; Ord. No. 3-1989, § 6, 1989; Ord. No. 17-1987, § 3, 1987)

¹⁷ Code of 1973, Chapter 2.30. Is this position still called Administrator/Planner? Town website only has Administrator. Also, in § 2.30.020 changed title for consistency purposes. In section 2.030.030, should it read "Be the Chief Administrative Officer?" TR/D in TA Email of 1/27/17. Refer to position as Town Administrator, however TA is also planner. For future reference, the planner may be a separate position.

CHAPTER 2.50 MUNICIPAL COURT*

Commented [MJ6]: Renumber chapters to avoid too many reserved chapters

***State law reference-** Municipal Courts, C.R.S. § 13-10-101 et seq.

Sections:

2.50.010	Municipal Court Created:
2.50.020	Jurisdiction, Contempt, Powers and Court Costs:
2.50.030	Procedures
2.50.040	Court of Record
2.50.050	Municipal Judge Appointment Salary Oath
2.50.060	Sessions of Court:
2.50.070	Clerk of Municipal Court:
2.50.080	Appeals:
2.50.090	Failure of Person to Respond to Process:
2.50.100	Trial by Jury:
2.50.110	Penalty for Adult
2.50.120	Penalty for Juvenile
2.50.130	Work Program
2.50.140	Appropriations:
2.50.150	Fines and Costs:
2.50.160	Surcharge for Traffic Violations:

2.50.010. Municipal Court Created.

A municipal court in and for the Town of Palmer Lake is hereby established pursuant to and governed by the provision of Article 10, of Chapter 13, Colorado Revised Statutes, 1973, as amended.

(Code 1973, § 2.50.010; Ord. No. 15-1988, § 2, 1989)

2.50.020. Jurisdiction, Contempt, and Powers and Court Costs.¹⁸

A. The municipal court shall have original jurisdiction of all cases arising under the ordinances of the Town with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by law, ordinance or court rule.

B. It shall have the power to assess court costs of fifteen dollars (\$15.00) in an amount as set by the presiding municipal judge for a defendant who is found guilty of an ordinance violation after trial to the Court and forty five (\$45.00) for a defendant who is found guilty of an ordinance violation after trial by jury, in addition to any fines or penalties authorized by this Code or state law for any plea entered in the designated court room.

C. It shall have power to compel attendance at sessions of court and to punish for contempt of court by fine, or by jail sentence or both such fine and jail sentence, as permitted pursuant to Colorado law.

¹⁸ **Code of 1973, Section 2.50.020.** Recommend adding the underlined language in Subsection C. Are the assessed court costs still as stated in subsection B? TR/D in TA Email of 1/27/17: Not sure, will ask court clerk.

(Code 1973, § 2.50.020; Ord. No. 15-1988, § 3, 1989)

2.50.030. Procedures.

The procedures of the court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding municipal judge shall have authority to issue local rules of procedure not inconsistent with any rules of procedure adopted by the Colorado Supreme Court.

(Code 1973, § 2.50.030; Ord. No. 15-1988, § 4, 1989)

2.50.040. Court of Record.

The municipal court shall be a Qualified Municipal Court of Record, and the presiding municipal judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

(Code 1973, § 2.50.040; Ord. No. 15-1988, § 5, 1989)

2.50.050. Municipal Judge-Appointment-~~Salary-Oath.~~¹⁹

A. ~~As provided by Section 13-10-105, C.R.S., the court shall be presided over by the presiding municipal judge appointed by the Board for a term of not less than two years, except that the initial appointment under this section shall be for a term of office which expires on the date of the next election of the municipal governing body.~~

~~B. The presiding judge shall receive a salary of two hundred twenty-five and no/100 dollars (\$225.00) per session.~~

~~BC.~~ The Board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence of the presiding judge. Any vacancy in the office of municipal judge shall be filled as appointment by the Town Board for the remainder of the unexpired term.

~~D. Preference shall be given by the Board, when possible, to the appointment of a municipal judge who has been admitted to and shall be at the time of his appointment and during his tenure of office, licensed in the practice of law in the State of Colorado. No person shall be eligible for appointment as municipal judge unless he has graduated from high school or has the equivalent of a high school education.~~

~~CE.~~ The presiding judge shall supervise and direct the court's operation.

~~F. Before entering upon the duties of his office, the municipal judge shall take and subscribe before the Town Clerk and file with the Town Clerk an oath of affirmation that he will support the Constitution of the United States, the Constitution and laws of the State of~~

¹⁹ Code of 1973, Section 2.50.050. Subsection D. of this section conflicts with § 2.50.040 in that a "Qualified Municipal Court of Record" is defined in C.R.S. § 13-10-102(3) as "requiring as a qualification for the office of judge of such court that he has been admitted to, and is currently licensed in, the practice of law in Colorado." How does the Town want to reconcile this conflict? Additionally, if there is not a court clerk has judge given bond as required? TR/D in TA Email of 1/27/17: Position was once not required to be an attorney, but it is now. We have a court clerk. Judge is a circuit judge for several municipalities.

~~Colorado and the ordinances of the Town of Palmer Lake and will faithfully perform the duties of his office.~~

~~G. — If the municipal judge serves as clerk, he shall give bond to the Town in an amount of Two Thousand Dollar (\$2,000.00) which shall be approved by the Board and which shall be surety for his faithful performance of the duties of his office and for his faithful accounting of the payment of all monies coming into his hands by virtue of said office.~~

DH. The municipal judge may be removed from office by the Board for cause as defined in C.R.S. § 13-10-105(2). The municipal judge shall perform no other duties during the hours when court is in session except as may be approved by the Board.
(Code 1973, § 2.50.050; Ord. No. 15-1988, § 6, 1989; Ord. No. 7-1998, § 1, 1998)

2.50.060. Sessions of Court.

~~A. — There shall be regular sessions of court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the court may require. Such sessions shall be conducted no less frequently than once per month and shall be open to the public.~~

~~B. — The court shall be open during such hours as are set by the presiding municipal judge with the advice and consent of the Board, provided, however, the court shall be closed on weekends and local, State and National holidays, except for extraordinary sessions.~~
(Code 1973, § 2.50.060; Ord. No. 15-1988, § 7, 1989)

2.50.070. Clerk of the Municipal Court.²⁰

A. The presiding municipal judge, after approval by the Board of Trustees, may appoint a person to serve as clerk of the court whose duties shall be those designated by law, by Court Rule or by the presiding municipal judge.

B. The clerk of the court shall file monthly reports with the Town Clerk of all monies collected, either by fines or otherwise, and shall on the last day of each month, pay to the Town Treasurer all such monies.

~~C. — The clerk shall post a performance bond in the amount of Two Thousand Dollars (\$2,000.00) which shall be approved by the Town Board.~~

~~D. — The municipal clerk of court shall receive a salary of \$ 0 per month for each month of service.~~
(Code 1973, § 2.50.070; Ord. No. 15-1988, § 8, 1989)

2.50.080. Appeals.

Appeals from the municipal court shall be in accordance with the practice and procedure provided by Section C.R.S. § 13-10-116 and sequential sections of the Colorado Revised Statutes.
(Code 1973, § 2.50.080; Ord. No. 15-1988, § 9, 1989)

²⁰ Code of 1973, Section 2.50.070. Is there a clerk of court? If so, is salary correctly stated?

~~2.50.090. Failure of Person to Respond to Process.~~

~~A. — In all cases where a person is summoned as juror or as a witness to the municipal court and fails to attend at the time and place appointed, the court may issue a citation for the appearances of such juror or witnesses so failing to attend and direct such person to show cause why he should not be punished for contempt of court. Upon a satisfactory excuse being made, the court may discharge such person and release any bond posted pursuant thereto.~~

~~B. — In all cases where a person is summoned to appear at the municipal court of Palmer Lake or ordered to appear by the municipal judge, it is unlawful for such person to fail to appear at the time and place so ordered.~~

~~(Code 1973, § 2.50.090; Ord. No. 15-1988, § 10, 1989)~~

2.50.100. Trial by Jury.²¹

~~A. — In any action before the municipal court in which the defendant is entitled to a jury trial by the constitution or the general laws of the state, such party shall have a jury upon request. The jury shall consist of three (3) jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six (6) is requested by the defendant.~~

~~B. — Juries may be summoned by the issuance of venire to the police chief. (Ord 1-2004, § 2, 2004).~~

~~C. — Jurors shall be paid the sum of six dollars (\$6.00) per day for actual jury service and three dollars (\$3.00) for each day of service on the jury panel alone.~~

~~D. — For the purposes of this section, a defendant waives his right to a jury trial under Subsection A of this section unless, within ten days after arraignment or entry of a plea, he files with the court a written jury demand and at the same time tenders to the court a jury fee of twenty-five dollars (\$25.00), unless the fee is waived by the judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant having paid the jury fee files with the court at least ten days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded.~~

~~E. — At the time of arraignment for any petty offense in this state, the judge shall advise any defendant not represented by counsel of the defendant's right to trial by jury, of the requirement that the defendant, if he desires to invoke his right to trial by jury, demand such trial by jury in writing within ten days after arraignment or entry of a plea; of the number of jurors allowed by law; and of the requirement that the defendant, if he desire to invoke his right to trial by jury, tender to the court within ten days after arraignment or entry of a plea a jury fee of twenty-five dollars (\$25.00) unless the fee is waived by the judge because of the indigence of the defendant.~~

~~(Code 1973, § 2.50.100; Ord. No. 15-1988, § 11, 1989)~~

²¹ Code of 1973, Section 2.50.100. Are these "Trial by Jury" provisions still being followed?

TR/D in TA Email of 1/27/17: I've never know him to have a trial by jury, not sure why.

2.50.090-110. Penalty for Adult.

Any adult convicted in the municipal court of a violation of any Ordinance of the Town of Palmer Lake may be punished according to Chapter 1.16 of this Code, provided, however, that any lesser penalty than that which is permitted herein may be expressly provided for by Ordinance of the Town of Palmer Lake or by laws of the State of Colorado and in such cases, such lesser penalty shall be controlling upon the Municipal Court.
(Code 1973, § 2.50.110; Ord. No. 15-1988, § 12, 1989; Ord. No. 9-1992, § 1, 1992; Ord. No. 1-2003, § 12, 2003)

Commented [MJ7]: Make sure this remains the number of the general penalty section

2.50.120. Penalty for Juvenile.²²

Any child convicted in the municipal court of a violation of any Ordinance of the Town of Palmer Lake may be punished according to Chapter 1.16 of this Code. No person under the age of eighteen years as of the date of the offense for which he or she is convicted shall be subject to the imposition of a jail sentence, except in the case of a conviction of a traffic offense or as otherwise provided by the Colorado Children's Code. ~~The municipal court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the Department of Institutions for failure to comply with a lawful order of the court, including an order to pay a fine.~~
(Code 1973, § 2.50.120; Ord. No. 9-1992, § 2, 1992; Ord. No. 15-1988, § 13, 1989; Ord. No. 1-2003, § 13, 2003)

2.50.130. Work Program.

Nothing contained herein shall deprive the municipal judge of the authority to permit defendants to perform labor and service ~~for the Town of Palmer Lake~~ in lieu of paying all or part of the fine or fines and costs imposed, under such terms and conditions as the municipal judge shall require. ~~provided, however, that no defendant shall be ordered or required to participate in any Work Program; instead such Work Program alternative may be granted by the Municipal Judge only upon a defendant's voluntarily requesting participating therein.~~
(Code 1973, § 2.50.130; Ord. No. 15-1988, § 14, 1989)

2.50.140. Appropriations.

The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this ~~chapter ordinance~~.
(Code 1973, § 2.50.140; Ord. No. 15-1988, § 15, 1989)

2.50.150. Fines and Costs.

All fines and costs collected, except as provided in 2.50.160 or as provided in A below, shall be reported and paid to the Treasurer of Palmer Lake and deposited in the general fund.

~~A. Where any person, association or corporation is convicted of an offense, the court may, upon proper motion and at the discretion of the court, give judgment in favor of the prosecuting attorney or law enforcement agency for any reasonable and necessary costs incurred directly as a result of the prosecution of the defendant in addition to any fine or court costs.~~

²² Code of 1973, Section 2.50.050. Recommend deleting everything after the first sentence as it should be covered in the Title 1 General Penalty provision. TR/D in TA Email of 1/27/17: OK

(Code 1973, § 2.50.150; Ord. No. 8-1990, § 1, 1990; Ord. No. 15-1988, § 16, 1989)

~~2.50.160—Surcharge for Violations:~~²³

~~A. —There shall be created a fund to be maintained by the Town, known as the Town Police Chief's Department Training Fund. This fund will receive proceeds from a surcharge to be assessed on all fines for traffic violations, and all Town Ordinance violations.~~

~~B. —The Town Police Chief's Department Training Fund and all monies comprising the Fund shall be used for the sole purpose of providing law enforcement and Town Police Chief Department-related training.~~

~~C. —There shall be a surcharge of thirty seven percent (37%) assessed on all fines levied for traffic and Town ordinance violations committed in the Town of Palmer Lake and charged under the ordinances of the Town of Palmer Lake.~~

~~D. —This surcharge shall be added to the schedule of fines for traffic and Town Ordinance violations and shall be assessed on all convictions of traffic and Town Ordinance violations occurring after the effective date of this ordinance.~~

~~E. —All proceeds from this surcharge collected by the Town of Palmer Lake shall be placed in the Police Department Training Fund.~~

~~(Code 1973, § 2.50.160; Ord. No. 15-1988, § 17, 1989; Ord. No. 12-1992, § 1, 1992; Ord. No. 1-2004, §§ 1, 2, 2004)~~

²³ ~~Code of 1973, Section 2.50.160. Request town review and provide statutory authority for this surcharge. Is the authority C.R.S. § 13-10-113(3)?~~

TITLE 3¹
REVENUE AND FINANCE*

***State law references-** -Municipal financial powers, C.R.S. § 31-15-302; Colorado Local Government Budget Law, C.R.S. § 29-1-101 et seq.; Municipal audits required, C.R.S. § 29-1-603.

Chapters:

- 3.04 ~~Occupation Tax~~
- 3.08 ~~Budget of Expenditures~~
- 3.12 ~~Conservation Trust Fund~~
- 3.20 ~~Water Capital Improvement Fund~~
- 3.40 ~~Sales and Use Tax~~
- 3.80 ~~Town Marshall's Special Investigation Fund~~
- 3.85 ~~Unclaimed Property~~

CHAPTER 3.01
FINANCIAL MANAGEMENT

3.04.010 - Fiscal year established.

The fiscal year of the Town shall commence on the first day of January and end on the last day of December of each year.

3.04.020. - Annual budget and funds.

(A) The budget as approved by the Board of Trustees shall be adopted and administered in accordance with the provisions of the Local Government Budget Law of Colorado.

(B) The annual budget adopted by the Town shall provide for revenues and expenditures into the following separate funds:

- (1) the Conservation Trust Fund to be funded by the Town's annual per capita allocation of funds from the Colorado Lottery proceeds and income distributed by the Colorado Department of Local Affairs to be spent only as permitted by Article XXVII of the Colorado Constitution and the regulations adopted pursuant thereto.

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¹ **Code of 1973, Title 3. This is an UNEDITED DRAFT of the Town's Code content only. Please disregard typographical, grammatical, stylistic, numbering, formatting and other editorial errors. These will be addressed after conference by our editors and proofreaders. Titles, chapters, sections and subsections will be numbered uniformly during editing. Underlined text is used to suggest additions. Stricken text is used for original text we recommend deleting. Text without underline or strike-through is original text. The history note at the end of each section notes the source of that original text.**

- (2) the Palmer Lake Water Activity Enterprise Water Fund to be funded by monies received by the Town of Palmer Lake from water usage rates and to be spent for operations of the Palmer Lake Water System.
- (3) the Palmer Lake Water Activity Enterprise Water Capital Improvement Fund to be funded by monies received by the Town of Palmer Lake for water tap fees and to be spent for capital improvement or capital expansion of the Palmer Lake Water System.
- (4) the General Fund to be funded from all other income sources including other taxes and fees and to be spent for general operational and capital improvement purposes.

3.04.030. - Rate of tax levy.

The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify the levy to El Paso County in accordance with state law.

3.04.040. - Annual appropriation.

The Board of Trustees shall pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation ordinance for the next fiscal year. In such ordinance the Board of Trustees shall appropriate such sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the Town, specifying the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

3.04.050. - Publication of financial statements.

The Board of Trustees shall, within twenty (20) days after the adjournment of each regular or special meeting, publish such of its proceedings as relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed and to whom paid. It shall also publish a statement concerning all contracts awarded and rebates allowed.

3.04.060. - Deposits and investments.

The Town Treasurer shall deposit all of the funds and moneys which come into his or her possession by virtue of his or her office as Town Treasurer in one (1) or more responsible banks located in the State which have been designated by written resolution of the Board of Trustees. The Board of Trustees may also authorize the Town Treasurer, by written resolution, to invest all or any part of such funds in securities which are authorized for such investment by state law.

3.04.070. - Annual audit.

~~The Board of Trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of state law.~~

CHAPTER 3.04 **OCCUPATION LODGING TAX^{*2}**

~~*State law reference—Power of municipality to regulate and tax occupations and businesses, C.R.S. § 31-15-501~~

~~*For statutory provisions authorizing the Board of Trustees of a town to tax any and all lawful occupations, see C.R.S. 31-15-501.~~

~~Sections:~~

3.04.010	Definitions
3.04.020	Assessment—Rate
3.04.030	Due Date
3.04.040	To Whom Paid
3.04.050	Occupation Tax on Lodging

~~3.04.010. Definitions:~~

~~The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:~~

~~A. "Home Delivery Business" means any person, partnership, or corporation, which provides for goods to be delivered to the home of the buyer.~~

~~B. "Trailer Courts" means any lot, place, or parcel of ground where two or more mobile homes or house trailers are or may be located, regardless of whether the same shall be operated for or without compensation.
(Code 1973, § 3.04.010; Ord. No. 8-1972, § 1, 1972)~~

~~3.04.020. Assessment—Rate:~~

~~An occupation tax shall be assessed against any person, partnership, or corporation engaged in any commercial business within the limits of the Town of Palmer Lake, in the following amounts:~~

~~A. Home Delivery Business: Twenty-five dollars (\$25) per year;~~

~~B. Trailer Courts: Ten Dollars (\$10) per year;~~

~~C. All other commercial business: One Dollar (\$1) per year.
(Code 1973, § 3.04.020; Ord. No. 8-1972, § 2, 1972)~~

² Code of 1973, Chapter 3.04. Are the taxes in this chapter current and still being collected as stated in the various sections? TR/D in TA Email of 1/27/17: No to the training fund. Occupation tax is now lodging tax for overnight stays less than 40 days (TA to send Ord.) \$2/night.

~~3.04.030. Due Date:~~

~~Such tax will be due on January 1st of each year.
(Code 1973, § 3.04.030; Ord. No. 8-1972, § 3, 1972)~~

~~3.04.040. To Whom Paid:~~

~~Such occupation tax shall be paid to the Town Clerk.
(Code 1973, § 3.04.040; Ord. No. 8-1972, § 4, 1972)~~

3.024.0150. Occupation Tax on Lodging.

~~Effective January 1, 2003, t~~There is hereby levied by the Town of Palmer Lake an occupation tax on the provision of lodging upon every person or business that furnishes any hotel room, motel room, lodging room, motor hotel room, guest house room, bed and breakfast room or other similar accommodation for consideration for less than ~~fifty fivethirty~~ (5530) consecutive days within the Town of Palmer Lake in the amount of two dollars (\$2.00) per day, per occupied lodging room or accommodation. The ~~resulting~~ tax shall be paid to the town clerk monthly with a report on each lodging room occupied and payment of the occupation tax for the prior month due and payable on the 15th day of each following month. (Code 1973, § 3.04.050 [Ord. 2015-2](#))

Commented [M11]: Amended by ordinance 2 of 2015

CHAPTER 3.08
BUDGET OF EXPENDITURES*

~~*State law reference—Local Government Budget Law of Colorado, C.R.S. § 29-1-101 et seq.~~

~~*For statutory provisions granting towns the power to control their finances, see C.R.S. 31-12-201.~~

Sections:

- 3.08.010 When made.
- 3.08.020 Mill levy budgets excluded.
- 3.08.030 Combining with mill levy budget.

3.08.010. When made:

~~Beginning with the first day of January, 1965, the budgeting of expenditure of funds shall be made on a calendar year bases, not on the fiscal year beginning April 1, 1965.
(Code 1973, § 3.08.010; Ord. No. 2-1964, § 1, 1964)~~

3.08.020. Mill levy budgets excluded:

~~This chapter does not affect the forming of a budget for the purpose of setting the mill levy for the next preceding year as has heretofore been in effect.
(Code 1973, § 3.08.020; Ord. No. 2-1964, § 2, 1964)~~

3.08.030. Due Date:

~~Such tax will be due on January 1st of each year.
(Code 1973, § 3.08.030; Ord. No. 8-1972, § 3, 1972)~~

3.08.030. Combining with mill levy budget:

~~The annual budget of expenditures from whatever source may be combined with the mill levy tax budget and published as the budget for the Town for its next succeeding years' budget.
(Code 1973, § 3.08.030; Ord. No. 2-1964, § 3, 1964)~~

**CHAPTER 3.12
CONSERVATION TRUST FUND³**

Sections:

- 3.12.010** Creation:
- 3.12.020** Expenditures:
- 3.12.030** Definition:

3.12.010. Creation:

A trust fund shall be created for the Town of Palmer Lake entitled "Palmer Lake Conservation Trust Fund."

(Code 1973, § 3.12.010; Ord. No. 10-1974, § 1, 1974)

3.12.020. Expenditures:

Monies expended from that trust fund shall be used only for acquisition, development, and maintenance of new conservation sites or for capital improvements for recreational purposes on any public site.

(Code 1973, § 3.12.020; Ord. No. 12-1982, § 1, 1982; Ord. No. 10-1974, § 2, 1974)

3.12.030. Definitions:

New conservation sites shall be defined as follows:

"Interests in land and water, acquired after establishment of a conservation trust fund pursuant to this section, for park or recreation purposes, for all types of open space including but not limited to flood plains, greenbelts, agricultural lands or scenic areas, or for any scientific, historic, scenic, recreational, aesthetic, or similar purpose."

(Code 1973, § 3.12.030; Ord. No. 10-1974, § 3, 1974)

³ **Code of 1973, Chapter 3.12.** Are there sections missing from this chapter that address as to where \$\$ come from and who decides when/how to expend? **TR/D in TA Email of 1/27/17: Fees such as rentals, License fees (liquor, Marijuana, dog tags, business license); E: AS is**

**CHAPTER 3.20
WATER CAPITAL IMPROVEMENT FUND⁴**

Sections:

3.20.010 Fund Established;
3.20.020 Revenue;
3.20.030 Expenditures.

~~3.20.010. Fund Established:~~

~~There is hereby established for the Town of Palmer Lake a "Water Capital Improvement Fund."~~

~~(Code 1973, § 3.20.010)~~

~~3.20.020. Revenue:~~

~~All monies received by the Town of Palmer Lake for water tap fees paid pursuant to now existing Palmer Lake Code 13.02.020 as it may be amended in the future shall be deposited to said Water Capital Improvement Fund.~~

~~(Code 1973, § 3.20.020)~~

~~3.20.030. Expenditures:~~

~~All monies appropriated and expended from the Water Capital Improvement Fund shall be for capital improvement or capital expansion of the Palmer Lake Water System.~~

~~(Code 1973, § 3.20.030)~~

⁴ ~~Code of 1973, Chapter 3.20.~~ Are there any other provisions that address the operation and maintenance of this fund? **C: Keep as is**

CHAPTER 3.0640
SALES AND USE TAX*

*State law reference- - Authority for municipal imposition of sales tax, C.R.S. § 29-2-101 et seq.; Contents of use tax ordinances, C.R.S. § 29-2-109.

Sections:

3.40.010	Purpose.
3.40.020	Definition.
3.40.030	License.
3.40.040	Property and Services Taxed.
3.40.050	Sales Tax Exemptions.
3.40.060	Amount of Tax and Schedule.
3.40.070	General Provision.
3.40.080	Collective, Administration, and Enforcement.
3.40.090	Revenues Derived—Disposition.
3.40.100	Use Tax Imposed.
3.40.110	Use Tax Exceptions.
3.40.120	Motor Vehicle Use Tax.
3.40.130	Construction, Materials, Use of Tax.
3.40.140	Election.
3.40.150	Effective Date.

3.40.010. Purpose.

The purpose of this Article ~~Chapter~~ is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Palmer Lake, Colorado, pursuant to the authority granted to incorporated towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, as amended. This Article ~~Chapter~~ shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the State of Colorado, levied by ~~Article 26 of Title 39, C.R.S., 1973, as amended C.R.S. § 39-26-101 et seq.~~

(Code 1973, § 3.40.010; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 1, 2006)

3.40.020. Definitions.

For the purpose of this Article ~~Chapter~~, the definition of words herein contained shall be as said words are defined in ~~39-26-102, Colorado Revised Statutes C.R.S. § 39-26-102~~, as amended, except the definition of food in C.R.S. § 39-26-102 (4.5), and said definitions are incorporated herein by this reference.

(Code 1973, § 3.40.020; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 2, 2006)

3.40.030. State-issued License.

A.—It shall be unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefore, which license shall be granted and issued by the Department of Revenue of the State of Colorado, and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of

the person desiring such license, the name of such business, and location, and such other facts as the Department of Revenue may require.

~~B. — It shall be the duty of each licensee on or before January first of each year during which this Article Chapter remains in effect, to obtain a renewal thereof if the licensee remains in retail business or liable to account for the tax herein provided.~~

~~C. — For each license issued, a fee as set by the Department of Revenue shall be paid, which fee shall accompany the application together with any deposit required by the Department of Revenue. Except for licenses issued pursuant to Section 39-26-103 (9)(b), Colorado Revised Statutes, as amended C.R.S. § 39-26-103(9)(b), all licenses issued pursuant to this section shall be renewed on a biennial basis, effective January 1, 1986.~~

~~D. — In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.~~

~~E. — Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferrable.~~

~~F. — Any license may be revoked for cause as provided in Section 39-26-103, Colorado Revised Statutes, as amended C.R.S. § 39-26-103, which provision is incorporated herein by this reference.~~

~~G. — No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article Chapter, i.e., wholesalers, contractors, and barber and beauty shops.~~

~~H. — Any person engaged in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, without having first secured a license therefore as provided in this Article Chapter, shall be guilty of a violation of this Article Chapter.~~

(Code 1973, § 3.40.030; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 3, 2006)

3.40.040. Property and Services Taxed.

A. There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article Chapter provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in "The Emergency Retail Sales Tax Act of 1935," set forth in Article 26 of Title 39, Colorado Revised Statutes, as amended, which provisions are incorporated herein by this reference, and upon the sale at retail of tangible personal property, on sales of food and purchases of machinery or machine tools, and the furnishing of services on sales and purchases of electricity, coal, gas, fuel oil, and coke for domestic and commercial consumption.

B. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended.

C. The gross receipts from sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised

Statutes, as amended, regardless of the place to which delivery is made.

D. Notwithstanding any other provision of this ~~article~~ Chapter, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city, or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city, or county.

(Code 1973, § 3.40.040; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 4, 2006)

3.40.050. Exemptions.⁵

A. There shall be shall be exempt from taxation under the provisions of this ~~Article~~ Chapter, all of the tangible personal property and services which are exempt under the provisions of "The Emergency Retail Sales Tax Act of 1935", as set forth in Article 26, Title 39, Colorado Revised Statutes, as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by ~~Section 39-26-709, Colorado Revised Statutes, as amended~~ C.R.S. § 39-26-709, for purchases of machinery or machine tools as provided in ~~Section 39-26-709 Colorado Revised Statutes, as amended~~, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil and coke as provided in ~~Section 39-26-715(1)(a)(II), Colorado Revised Statutes, as amended~~ C.R.S. § 39-26-715(1)(a)(II).

B. All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:

1. The purchaser is a nonresident of, or has its principal place of business outside of the Town; and
2. Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado.

(Code 1973, § 3.40.050; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 5, 2006)

3.40.060. Amount of Tax and Schedule.

A. There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Property and Services Tax, Section 3.40.040 of this ~~Article~~ Chapter, a three percent (3%) sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein;

B. The imposition of the tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax shall be in accordance with schedules set forth in the Rules and Regulations of the Department of Revenue of the State of Colorado.
(Code 1973, § 3.40.060; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 6, 2006)

3.40.070. General Provisions.

⁵ **Code of 1973, Section 3.40.050.** Deleted some repetitious language in subsection A. Request town review last cite in subsection A as it was amended in 2016. **C: TA will have atty check**

A. For the purposes of this Article ~~Chapter~~, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.

B. In the event a retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article ~~Chapter~~ shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado.
(Code 1973, § 3.40.070; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 7, 2006)

3.40.080. Collection, Administration, and Enforcement.

A. The collection, administration, and enforcement of the sales tax imposed by this Article ~~Chapter~~ shall be performed by the Executive Director of Revenue of the State of Colorado in the same manner as the collection, administration, and enforcement of the Colorado State Sales Tax. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, Colorado Revised Statutes, as amended, and all rules and regulations promulgated by the Executive Director of Revenue pertaining to such collection, administration, and enforcement, are incorporated herein by this reference.

B. At this time of making his return of the tax, as required by this Article ~~Chapter~~, every retailer shall be entitled to subtract from the tax so remitted a sum equal to three and one-third percent ($3\frac{1}{3}\%$) of said tax as his fee, said fee to be known as the "Vendor's Fee."

C. If said retailer shall be delinquent in remitting said tax, he shall forfeit the "Vendor's Fee," unless good cause can be shown for such delinquent remittance.
(Code 1973, § 3.40.080; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 8, 2006)

~~3.40.090. Revenues Derived—Disposition.~~

~~A. One-third ($\frac{1}{3}$) of all revenues derived shall be added to the Roads Fund of the Town of Palmer Lake.~~

~~B. One-third ($\frac{1}{3}$) of all revenues derived shall be added to the General Fund of the Town of Palmer Lake.~~

~~C. One-sixth ($\frac{1}{6}$) of all revenues derived shall be added to the Essential Police Service Fund.~~

~~D. One-sixth ($\frac{1}{6}$) of all revenues derived shall be added to the Essential Fire Service Fund.~~

~~(Code 1973, § 3.40.090; Ord. No. 11-1985, § 1, 1985; Ord. No. 7-2006, § 9, 2006)~~

3.40.100. Use Tax Imposed.

There is hereby imposed a use tax of two percent (2%) thereof, for the privilege of storing, using, or consuming in the Town of Palmer Lake, Colorado, any construction and building materials and motor and other vehicles on which registration is required, purchased at retail.

(Code 1973, § 3.40.100; Ord. No. 11-1985, § 2, 1985)

3.40.110. Exceptions.

In no event shall the use tax imposed by this ordinance extend or apply:

- A. To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town of Palmer Lake;
- B. To the storage, use, or consumption of any tangible personal property purchased for resale in the Town of Palmer Lake either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;
- C. To the storage, use, or consumption of any tangible personal property brought into the Town of Palmer Lake by a non-resident thereof for his own storage, use, or consumption while temporarily within the Town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;
- D. To the storage, use, or consumption of tangible personal property by the United States government or the State of Colorado, or by its institutions or political subdivisions, in their governmental capacities only, or by charitable organizations in the conduct of their regular charitable function;
- E. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;
- F. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city, or county equal to or in excess of that imposed by this Article Chapter. A credit shall be granted against the use tax imposed by this Article Chapter with respect to a person's storage, use, or consumption in the town, city, or county of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city, or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this Article Chapter;
- G. To the storage, use, or consumption of tangible personal property and household effects acquired outside the Town of Palmer Lake brought into it by a non-resident acquiring residency;
- H. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of the Town of Palmer Lake and he purchased the vehicle outside the Town of Palmer Lake for use outside the Town of Palmer Lake and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the Town of Palmer Lake;
- I. To the storage, use, or consumption of any construction and building materials and

motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;

J. To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of this use tax ordinance.
(Code 1973, § 3.40.110; Ord. No. 11-1985, § 2, 1985)

3.40.120. Motor and Other Vehicle Use Tax Collection.

A. The two percent (2%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this ordinance has been paid.

B. The use tax imposed by this ordinance shall be collected by the authorized agent of the Department of Revenue in this county.

C. The proceeds of said use tax shall be paid to the Town of Palmer Lake periodically in accordance with an agreement entered into by and between the Town of Palmer Lake and the Department of Revenue.

(Code 1973, § 3.40.120; Ord. No. 11-1985, § 2, 1985)

3.40.130. Construction and Building Materials Use Tax Collection.

A. The collection of the use tax for construction and building materials shall be administered by the Board of Trustees of the Town of Palmer Lake, Colorado;

B. Said tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction;

C. The collection and administration of the use tax imposed by this ordinance shall be performed by the Board of Trustees of the Town of Palmer Lake, in substantially the same manner as the collection, administration, and enforcement of the Colorado Sales and Use Tax.

(Code 1973, § 3.40.130; Ord. No. 11-1985, § 2, 1985)

3.40.140. Election:

~~The sales and use taxes in this Ordinance were approved in an election by the registered electors of the Town of Palmer Lake and the additional sales taxes were approved in subsequent elections by the registered electors of the Town of Palmer Lake.~~

~~(Code 1973, § 3.40.140; Ord. No. 11-1985, § 3, 1985; Ord. No. 7-2006, § 10, 2006)~~

3.40.150. Effective Date.⁶

⁶ Code of 1973, Section 3.40.150. It appears this section is obsolete except for historical purposes. Does the town wish to retain it? TR/D in TA Email of 1/27/17. Agree.

~~The tax increase reflected in this Ordinance having been approved by the registered electors as herein provided, this Ordinance shall become effective and in force at 12:01 A.M. on the first day of January, 2007. As soon as practical after said approval, the Board of Trustees of the Town shall request the Executive Director of Revenue of the State of Colorado to collect, administer, and enforce this Ordinance as herein provided and shall at the time of said request submit a true and complete certified copy of this Ordinance and all necessary proceedings in connection herewith to the Executive Director of Revenue.~~
(Code 1973, § 3-40.150; Ord. No. 11-1985, § 4, 1985; Ord. No. 7-2006, § 11, 2006)

**CHAPTER 3.60
EMERGENCY TELEPHONE SERVICE AUTHORITY**

Sections:

- 3.60.010 Emergency Telephone Charge
- 3.60.020 Change of Telephone Charge
- 3.60.030 Collection of Telephone Charge
- 3.60.040 Imposition of Charge

3.60.010. Emergency Telephone Charge.

There is hereby imposed pursuant to Article 11 of Title 29, C.R.S., upon all telephone exchange access facilities within the Town of Palmer Lake, an emergency telephone charge in an ~~amount not to exceed two percent (2%) of the tariff rates, as approved by the Public Utilities Commission, or fifty cents (\$0.50) per month, whichever is less as set by the El Paso-Teller County Emergency Telephone Service Authority ("Authority").~~
(Code 1973, § 3.60.010; Ord. No. 13-1989, § 2, 1989)

~~3.60.020. Change of Telephone Charge.~~

~~Upon recommendation of the Emergency Telephone Service Authority, the Town Board may by resolution raise or lower the emergency telephone charge but in no event shall such charge exceed the amount of two percent (2%) of the tariff rate as approved by the Public Utilities Commission.
(Code 1973, § 3.60.020; Ord. No. 13-1989, § 3, 1989)~~

3.60.030. Collection of Telephone Charge.

Telephone service suppliers providing telephone service in the Town of Palmer Lake are hereby authorized to collect the emergency telephone charge imposed by this ~~chapter ordinance~~ in accordance with Article 11 of Title 29, C.R.S., and remit charges collected to the ~~Emergency Telephone Service Authority pursuant to the then-current as provided for in the Intergovernmental Agreement(s) governing the same. Concerning the implementation of an "E911 Emergency Telephone Service" authorized pursuant to Resolution No. _____ 1989 ("The E911 Agreement").~~
(Code 1973, § 3.60.030; Ord. No. 13-1989, § 4, 1989)

~~3.60.040. Imposition of Charge.~~

~~This ordinance shall be in full force and effect from and after its passage and publication as provided by law; provided that the collection of the emergency telephone charge hereby imposed and remission of charges collected to the Emergency Telephone Service Authority as authorized pursuant to the E911 Agreement enters into an agreement or agreements as necessary with the service supplier or suppliers providing for the collection and remission of such emergency telephone charge to the Emergency Telephone Service Authority to be used in accordance with the E911 Agreement and in accordance with the other applicable provisions of Article 11 of Title 29, C.R.S.
(Code 1973, § 3.60.040; Ord. No. 13-1989, § 5, 1989)~~

**CHAPTER 3.80
TOWN POLICE CHIEF'S SPECIAL INVESTIGATION FUND**

Sections:

- 3.80.010 Establishment of Account.
- 3.80.020 Purposes of Expenditures.
- 3.80.030 Authorization of Expenditures.
- 3.80.040 Funds Deposited.
- 3.80.050 Accounting and Administration.

3.80.010. Establishment of Account:

A special investigation account is hereby established in the office of the Palmer Lake Police Department for the use of the Palmer Lake Police Department.

(Code 1973, § 3.80.010; Ord. No. 7-1991, § 1, 1991; Ord 1-2004, § 2, 2004)

3.80.020. Purpose of Expenditures:

Funds in the special investigation account may be used for the following purposes: (a) buying suspected drugs and contraband from suspects in criminal investigations; (b) making payments to informants in criminal investigations; (c) acquisition or lease of materials, services, or property and the maintenance thereof, which if obtained through normal city purchasing procedures might jeopardize the integrity of under cover criminal investigations; and (d) other expenditures necessary for under cover criminal investigations.

(Code 1973, § 3.80.020; Ord. No. 7-1991, § 2, 1991)

3.80.030. Authorization of Expenditures:

All expenditures from the special investigation account shall be made within and through the exercise of the discretion of the Police Chief of the Town of Palmer Lake, and such expenditures may only be authorized by the Police Chief, or any deputy or assistant which the Police Chief has specifically designated for such purpose. The Police Chief shall submit to the Town Board a list of personnel acting as his designees pursuant to this ordinance, and he shall further notify the Town Board of any modifications to this list of designated personnel as they may occur.

(Code 1973, § 3.80.030; Ord. No. 7-1991, § 3, 1991; Ord 1-2004, § 2, 2004)

3.80.040. Funds Deposited:

Upon receiving funds pursuant to court order and public nuisance abatement actions, the Police Chief shall deliver such funds for deposit into the special investigations account. Funds deposited in this account shall be deemed unanticipated revenues to be budgeted and appropriated pursuant to Section 29-1-111, C.R.S. 1973 C.R.S. § 29-1-111. Any interest which accrues from the deposit of funds in this special investigation account shall be added to the principal in such account.

(Code 1973, § 3.80.040; Ord. No. 7-1991, § 4, 1991; Ord 1-2004, § 2, 2004)

3.80.050. Accounting and Administration:

Procedures for accounting and administration of the special investigation account shall be established by the Police Chief under review from the Town Clerk and, prior to implementation, shall be approved by the Mayor. The account shall be audited from time to time by the Town Clerk and the Mayor or their designee.

(Code 1973, § 3.80.050; Ord. No. 7-1991, § 5, 1991; Ord 1-2004, § 2, 2004)

CHAPTER 3.85
UNCLAIMED AND SURPLUS PROPERTY

Sections:

3.85.010
3.85.020
3.85.030 Procedure for disposition of property.
3.85.040 Sale of Unclaimed Property.
3.05.050 Effective date.

3.85.010:

~~The purpose of this ordinance is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the municipality. (Code 1973, § 3.85.010; Ord. No. 5-1992, § 2, 1992)~~

3.82.020:

~~Unless otherwise required by context or use, words and terms shall be defined as follows:~~

~~(a) — "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the municipality and which has not been claimed by its owner for a period of more than five (5) years after it became payable or distributable, except for impounded vehicles which are handled under § 10.20.010, et seq.~~

~~(b) — "Municipality" means the Town of Palmer Lake, Colorado.~~

~~(c) — "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the municipality.~~

~~(d) — "Director" shall mean the Town Clerk or designee thereof. (Code 1973, § 3.85.020; Ord. No. 5-1992, § 3, 1992)~~

3.85.030. Procedure for disposition of property:

~~(a) — Prior to disposition of any unclaimed property having an estimated value of \$50 or more, the Director shall send a written notice by certified mail, return receipt requested, to or the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the municipality, and any claim of the owner to such property shall be deemed forfeited.~~

~~(b) — Prior to disposition of any unclaimed property having an estimated value of less than \$50, or having no last known address of the owner, the Director shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include~~

a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

(c) — If the Director receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

(d) — If the Director receives a written claim within the sixty (60) day claim period, the Director shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) — In the event that there is more than one claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.

(f) — In the event that all claims filed are denied, the property shall become the sole property of the municipality, and any claim of the owner of such property shall be deemed forfeited.

(g) — Any legal action filed challenging a decision of the Director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the Court having jurisdiction over such claim.

(h) — The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Ordinance, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.
(Code 1973, § 3.85.030; Ord. No. 5-1992, § 4, 1992)

3.83.040. Sale of Unclaimed Property:

(The Town Clerk may make such arrangement for sale or disposition of the unclaimed property as she, in her discretion, deems to be necessary or appropriate.
(Code 1973, § 3.85.040; Ord. No. 5-1992, § 5, 1992)

3.85.050. Effective date:

This ordinance is effective July 1, 1992.
(Code 1973, § 3.85.050; Ord. No. 5-1992, § 6, 1992)

CHAPTER 3.85 **UNCLAIMED AND SURPLUS PROPERTY**

Sections:

3.85.010 Disposition of abandoned personal property: general procedure

3.85.020 Surplus Town-owned property

3.85.010. Disposition of abandoned personal property: general procedure.

(A) For purposes of this section, the following terms have the assigned meaning:

Intangible property includes:

- (1) Moneys, checks, drafts, deposits, interest, dividends and income;
- (2) Credit balances, overpayments, refunds, and unidentified remittances;
- (3) Moneys deposited with the City to secure the completion of public improvements; and
- (4) Unpaid wages.

Last known address means a description of the location of the apparent owner sufficient for the purpose of delivery by mail by the United States Postal Service.

Owner means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant or payee in the case of other intangible property or a person having a legal or equitable interest in unclaimed property held by the Town or such person's legal representative.

(B) Personal property having an estimated value of one hundred and one dollars (\$101.00) or more held by any department of the Town other than the police department may be disposed of in the following manner:

- (1) Tangible and intangible personal property shall be deemed abandoned if unclaimed sixty (60) days after written notice is mailed by first class mail to the last known address of the owner. When a last known address of the owner is not known to the Town, the Town Clerk shall cause a notice to be published on the Town's official website.
- (2) Whether mailed or posted on the web site, such notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held, notice of the date on which such property shall be deemed abandoned if not claimed, and shall state where and how the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town, and any claim of the owner to such property shall be deemed forfeited.
- (3) All claims to unclaimed property filed with the Town pursuant to this Section shall be made in writing and shall be accompanied by a written verification that the claimant is the lawful owner and shall include an agreement to indemnify and hold the Town harmless for subsequent claims made by another person to the claimed property if such property is returned to the claimant. Any written claims filed with the Town shall also include the social security number or federal employer

- identification number, whichever is applicable, of the claimant. The Town Treasurer may waive the requirement that the claimant verify the claim where the value of the property claimed is less than one hundred and one dollars (\$101.00).
- (4) If intangible and abandoned, the property shall then be converted to cash and deposited in the general fund. If tangible and abandoned, such property may then be disposed of or sold in the same manner set forth in code section 3.85.020. Property which is subject to impoundment or forfeiture pursuant to federal, state or local law shall be exempt from application of this Article.
- (5) In the event that there is more than one claimant for the same property, the Treasurer may, in the Treasurer's sole discretion, resolve such claims or may direct the Town Attorney to deposit the disputed property with the registry of the El Paso County District Court in an interpleader action.
- (6) In the event that all claims filed are denied by the Treasurer with respect to any unclaimed property, such property shall become the sole property of the Town, and any claim of the owner of such property shall be deemed forfeited.
- (7) Any legal action filed challenging a decision of the Treasurer shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within the timeframe for filing such actions or shall be forever barred.

3.85.20 Surplus Town-owned property.

- (A) Purpose. Pursuant to Colorado Revised Statutes Section 31-15-101(1)(d), the Town has the authority to acquire, hold, lease, and dispose of real and personal property owned by the Town. This Section provides a mechanism for the orderly and expedient disposition of Town-owned personal property and real property.
- (B) Personal property.
- (1) Town-owned personal property may be sold, leased, traded, exchanged, donated, abandoned, or destroyed. Upon notification of the designation of Town-owned personal property as surplus or otherwise unneeded, the Town Administrator (or the Administrator's designee) shall determine the appropriate form of orderly and expedient disposition, in consultation with the Town Board of Trustees only if required by subsection (c) below. When choosing the form, the Town Administrator or designee shall take into consideration the relative costs and/or benefits to the Town of the available method(s) of disposition.
- (2) The Town Administrator shall first consult with the Town Board of Trustees concerning any planned disposition of Town-owned property in the event that the value of such property is estimated to exceed five thousand dollars (\$5,000) in value. The Town Board of Trustees may, at its discretion, direct the Town Administrator regarding the preferred method of disposal of property estimated to exceed five thousand dollars (\$5,000) in value.

- (3) A donation of Town-owned personal property shall be made with consideration of the following preferences, although no specific factor shall be determinative to the Town Administrator's decision to donate personal property: (1) the underlying purpose of the recipient (educational, charitable, or non-profit preferred); (2) the location of the recipient's business or operation (Town of Palmer Lake preferred); (3) the potential that the property will be used by the recipient to provide services or benefit to Palmer Lake residents; and (4) the recipient's particular need for the personal property.
- (4) If the Town directs that surplus or unneeded Town-owned property be sold, such sale may be conducted as either:

 - (i) A private sale. A private sale will typically require that the Town first determine that the administrative time and expense needed to conduct a public sale is unwarranted in light of the ease of sale to one or more willing and identifiable private parties prepared to pay reasonable value. A private sale shall not be appropriate where the Town has a reasonable expectation or knowledge that the private party intends to resell the property without refurbishing or renovating such property prior to resale.
 - (ii) A public sale. The Town Administrator shall cause notice to be published on the Town web site and in a newspaper of general circulation in the Town at least ten (10) days prior to the date of sale. The notice shall include a date, time, and location of the sale, a general description of the item(s) to be sold, and a brief description of the process to be used for the public sale. The public sale process may be by auction, submission of written offers, or other method determined by the Town Administrator to ensure a reasonably competitive and fair sale.
- (5) Any sale, lease, trade, exchange, or donation of property shall be "as is" without warranty of any kind or type. As a condition of the transaction, the Town may at its option demand from any recipient a written signed acknowledgement of the "as is" and unwarranted terms of the transaction and/or other contractual protections as deemed appropriate by the Town including but not limited to a release, hold harmless, and/or indemnification agreement
- (6) The Town Administrator or designee shall create a written record of the disposed item(s) and the date and nature of the disposition. Such records shall be maintained by the Town finance department in accordance with any adopted document retention schedule.
- (7) Real property. The sale of any Town-owned real property shall comply with the election requirements of state law, as and if required, and the methodology for the disposition of such real property shall be determined by the Board of Trustees
- (8) No Town official, employee or agent may acquire any Town-owned property by any method other than by being the highest bidder at an open public sale.

- (9) All proceeds from the sale or lease of Town-owned personal or real property shall be placed in the Town's general fund or other appropriate fund as determined by the Town Administrator and approved by the Board of Trustees through the budget approval process.