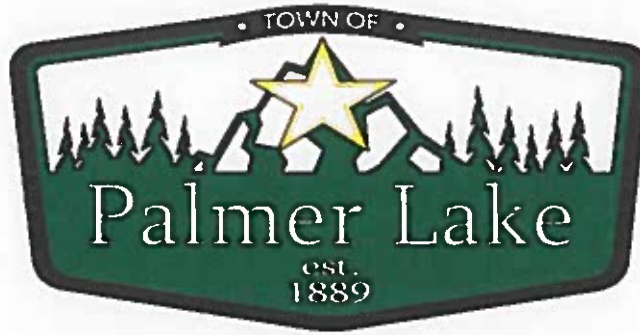




**Board of Trustees Regular Meeting
Thursday, October 24, 6:00 PM
Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado**

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 October 10, 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. Valley Crescent – Jess Smith

Financials

9. Approval of Checks over \$15,000

Discussion/Decision Items

10. Drainage Study
11. Review and Acceptance of Bids for Pedestrian Bridge Water Line

Staff Report

Manager Report

Work Session**12. Recodification – Chapter 2****Executive Session**

13. Pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions.

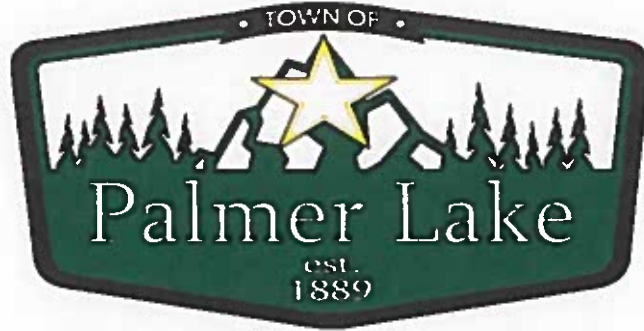
14. Adjourn

Next Palmer Lake Town Board of Trustees Meeting will be held November 14, 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.

Outstanding items

- Recodification
- HR Manual
- Facilities Fee Schedule
- Drainage plan
- Board of Trustees training



RECORD OF MINUTES

THURSDAY, October 10, 2019, 6:00 PM

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

1. Call to order

Mayor Pro Tem Mark Schuler called the meeting to order at 5:59 PM

2. Pledge of Allegiance

Mayor Pro Tem Mark Schuler led in the Pledge of allegiance

3. Roll call

Excused	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

Motion to approve the agenda by Trustee Havenar and seconded by Trustee Mutu. Motion passes.

5. Approval of minutes from September 12, 2019 and September 26, 2019

Motion to approve the September 12, 2019 and September 26, 2019 meeting minutes was made by Trustee Faust and seconded by Trustee Mettler. Motion passed.

6. Board comments, reports, meetings attended

Trustee Faust gave report on the PPACG meeting he attended.

Mayor Pro Tem Schuler gave report on the citizen's meeting that he attended. Discussion regarding the hiring of town clerk was discussed. The board discussed the possibility of another audit. No decision was made.

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*

List of speakers is incomplete as the sign in sheet was removed from the podium prior to the end of the meeting.

Christi Ramshur-citizen's committee meeting

Grant Stockmeyer-medical marijuana and the Palmer Lake Wellness Center

Guest Speakers

8. Valley Crescent – Jess Smith

Financials

9. Financials for August 2019

Financials for July 2019 were presented by V. Remington. Motion to accept the financials was made by Trustee Faust and seconded by Trustee Mutu. Motion approved.

Discussion/Decision Items

10. Request for Donation to Monument Park N Ride.

Motion to approve a donation of \$150.00 to the Monument Park N Ride was made by Trustee Banta and seconded by Trustee Havenar. Motion approved.

11. Agreement for Well Between Town of Palmer Lake and Louis Sass and Mei Sass

Motion to approve the agreement for well between Town of Palmer Lake and Louis Sass and Mei Sass was made by Trustee Faust and seconded by Trustee Mettler. Motion approved.

12. Discussion of Accepting Donation of Property from Living Word Chapel

The board discussed the donation. A request was made by the board to have the party making the donation present something written for the board to review. This item was tabled until the request was received.

13. Alluvial Well Information on Epworth Property

The board discussed the alluvial well information. There were additional questions by the board that were not answered in the written presentation. A request was made to have Steve Jeffers, Steve Orcutt, and Dean Couture attend the November 14th meeting to answer questions before a decision is made.

14. Delivery of Proposed 2020 Budget

The proposed 2020 budget was delivered to the board. The budget process was presented by V. Remington. The board will have a budget workshop on October 22, 2019 at 6:30 pm.

15. Staff Reports/Committee Reports

Water

Roads

Police

Fire Department-no report submitted

Code Enforcement-pending

Parks Committee

Manager Report

Work Session

16. Recodification Chapter 1

The board went over the changes to the first chapter of the code. The board approved the first chapter of the code in concept. A formal vote to approve the entire code will be made at the completion of reviews of all the chapters.

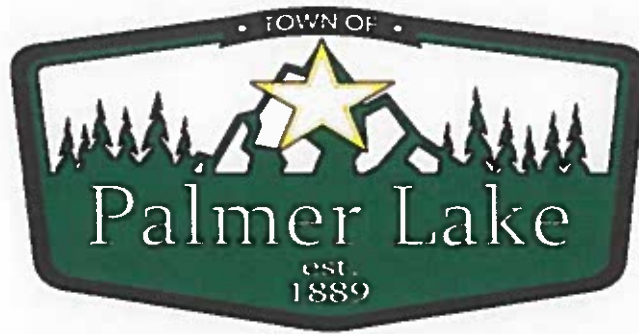
Questions that the board may have prior to the next review would be appreciated by the attorney in writing to assure that the proper research is done, and questions can be answered completely.

17. Adjourn

Motion to adjourn the meeting was made by Trustee Havenar and seconded by Trustee Mettler. Motion passed. Meeting adjourned at 8:42 pm.

John Cressman, Mayor

Valerie Remington, Town Manager



October 24, 2019

Checks Over \$15,000

1. Avery Asphalt Inc.
Douglas Avenue

\$80,335.99



Invoice #
Date 7/29/2019
Project Name Palmer Lake Douglas Ave.
Project # 193055

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

Line #	Item #	Description	Plan Quantity	Quantity to Date	Unit	Unit \$	Extended
1	201-00000	CLEARING AND GRUBBING	1	1.00	LS	3890.00	\$ 3,890.00
2	202-00026	REMOVE CONCRETE DITCH PAVEMENT	160	160.00	SY	19.47	\$ 3,115.20
3	202-00035	REMOVE PIPE	310	350.00	LF	10.00	\$ 3,500.00
4	202-00047	REMOVE ELECTRICAL OUTLET	1	0.00	LS	100.00	\$ -
5	202-00210	REMOVE CONCRETE PAVEMENT	3	3.00	SY	175.00	\$ 525.00
6	202-00220	REMOVE ASPHALT MAT	44	44.00	SY	27.00	\$ 1,188.00
7	203-00010	UNCLASSIFIED EXCAVATION	3,121	1500.00	CY	17.00	\$ 25,500.00
8	208-00200	STRUCTURAL BACKFILL (CLASS 2)	43	43.00	CY	90.00	\$ 3,870.00
9	208-01000	BED COURSE MATERIAL	38	38.00	CY	75.00	\$ 2,850.00
10	208-00001	SILT DIKE	55	55.00	LF	18.00	\$ 990.00
11	208-00002	EROSION LOG TYPE 1 (8 INCH)	55	55.00	LF	8.75	\$ 536.25
12	208-00008	EROSION BALES (WEED FREE)	10	10.00	EA	24.00	\$ 240.00
13	208-00020	SILT FENCE	1,610	1610.00	LF	1.32	\$ 2,125.20
14	208-00033	SEDIMENT TRAP	2	1.00	EA	500.00	\$ 500.00
15	208-00041	ROCK CHECK DAM	50	50.00	EA	84.00	\$ 4,200.00
16	208-00045	CONCRETE WASHOUT STRUCTURE	1	1.00	EA	2775.00	\$ 2,775.00
17	208-00050	STORM DRAIN INLET PROTECTION	20	20.00	EA	50.00	\$ 1,000.00
18	208-00070	VEHICLE TRACKING PAD	1	1.00	EA	1500.00	\$ 1,500.00
19	208-00103	REMOVAL AND DISPOSAL OF SEDIMENT	120	90.00	HR	41.00	\$ 3,690.00
20	208-00207	EROSION CONTROL MANAGEMENT	20	16.00	DAY	250.00	\$ 4,000.00
21	210-00011	RESET MAILBOX STRUCTURE (TYPE 1)	2	0.00	EA	400.00	\$ -
22	210-01000	RESET FENCE	120	0.00	LF	15.00	\$ -
23	210-02900	RELAY RIPRAP	8	8.00	CY	75.00	\$ 600.00
24	210-04010	ADJUST MANHOLE (SAN SEWER)	6	0.00	EA	400.00	\$ -
25	210-04050	ADJUST VALVE BOX (WATER)	5	0.00	EA	300.00	\$ -
26	212-00006	SEEDING NATIVE	0.27	0.00	AC	1250.00	\$ -
27	213-00002	MULCHING (WEED FREE HAY)	0.27	0.00	AC	2500.00	\$ -
28	216-00201	SOIL RETENTION BLANKET (CLASS 1)	232	0.00	SY	4.00	\$ -
29	304-06007	AGGREGATE BASE COURSE (CLASS 6)	1,009	0.00	CY	79.00	\$ -
30	304-09100	AGGREGATE BASE COURSE (RECYCLED)	501	0.00	TN	35.00	\$ -
31	403-33741	HOT MIX ASPHALT PAVEMENT	7,482	0.00	SY	12.00	\$ -
32	403-34741	HOT MIX ASPHALT PAVEMENT	6,020	0.00	SY	12.50	\$ -
33	506-00212	RIPRAP (12 INCH)	89	44.50	CY	90.00	\$ 4,005.00
34	507-00100	CONCRETE SLOPE AND DITCH PAVING	214	134.00	CY	525.00	\$ 70,350.00
35	601-01050	CONCRETE CLASS B (HEADWALL)	4	0.00	CY	1500.00	\$ -
36	602-00000	REINFORCING STEEL (HEADWALL)	166	0.00	LB	10.00	\$ -
37	603-01185	18 INCH RCP (CIP)	100	100.00	LF	80.00	\$ 8,000.00
38	603-01245	24 INCH RCP (CIP)	118	118.00	LF	95.00	\$ 11,210.00
39	603-05024	24 INCH RCES	1	1.00	EA	1500.00	\$ 1,500.00
40	603-50018	18 INCH HDPE (CIP)	412	412.00	LF	55.00	\$ 22,660.00
41	620-00020	SANITARY FACILITY	1	1.00	EA	1000.00	\$ 1,000.00
42	625-00000	CONSTRUCTION SURVEYING	1	1.00	LS	15000.00	\$ 15,000.00
43	626-00000	MOBILIZATION	1	0.60	LS	25000.00	\$ 15,000.00
44	627-00005	EPOXY PAVEMENT MARKING	40	0.00	GAL	250.00	\$ -
45	627-30410	PREFORMED THERMOPLASTIC PAVEMENT	32	0.00	SF	50.00	\$ -
46	630-80000	TRAFFIC CONTROL	1	0.75	LS	5000.00	\$ 3,750.00
							\$ -
							Total To Date \$ 219,069.65
							Retention 5% \$ (10,953.48)
							Net Amount \$ 208,116.17
							Project Grand Total \$ 596,292.15
							Total of Previous Estimates \$ 127,780.18
							Pay This Amount This Estimate \$ 80,335.99

Account # 10-51-3523

Contractor's Application for Payment No. 3	
Application Period: 8/30/2019 - 9-27-2019	Application Date: 9/30/2019
To (Owner): City of Palmer Lake	Via (Engineer): Jason Dosch
Project: Palmer Lake- Douglas Ave. Road & Drainage Improvements	Contract: Jeremy Havens
Owner's Contract No.: 211-50	Contractor's Project No.: 193035
	Engineer's Project No.: STE-M026-003

Application For Payment
Change Order Summary

Approved Change Orders	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).....		\$ \$219,069.65
5. RETAINAGE:		
a. 5% X Work Completed.....		\$ -\$10,953.48
b. 5% X Stored Material.....		\$
c. Total Retainage (Line 5a + Line 5b).....		\$ -\$10,953.48
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....		\$ \$208,116.17
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....		\$ \$127,780.18
8. AMOUNT DUE THIS APPLICATION.....		\$ \$80,335.99
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....		\$ \$377,222.35

Contractor's Certification

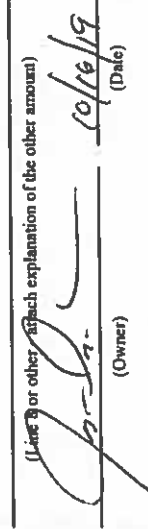
The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications 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: 10/16/19

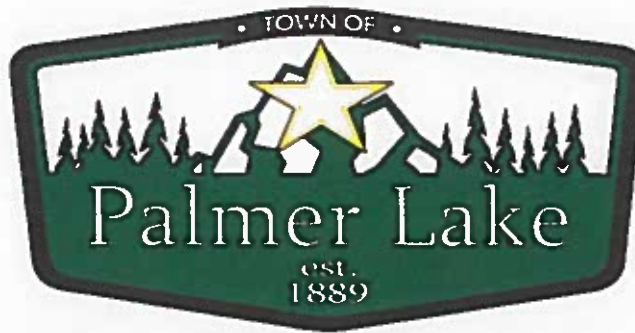
Payment of: \$ \$80,335.99
(Line 8 or other - attach explanation of the other amount)

is recommended by: _____ (Engineer) _____ (Date)

Payment of: \$ _____
(Line 9 or other - attach explanation of the other amount)

is approved by:  10/16/19
(Owner) _____ (Date)

Approved by: _____ Funding Agency (if applicable) _____ (Date)



Board of Trustees Summary Sheet

	Drainage Study
Title	Memorandum and Agreement from GMS, Inc. for High Street Master Drainage Plan
Action	Board Vote to Proceed with Study
Date	October 24, 2019
Contact	Valerie Remington-Town Manager
Summary	The town currently does not have a master drainage plan. The need for some type of drainage plan became apparent after the flooding storms of August 2018. There was significant damage to the town's roads and resident's personal property. The town would like to have a drainage plan to refer to as changes and upgrades to roads, drainage ditches, culverts, etc. are done. This drainage study only is the portion of the town around High Street and the associated basin.
Issues	There are matching grants that may be available to assist in the cost of the study. However, it would require the establishment of a storm water enterprise and fees assessed to the residents to do implement the plan. If a grant is obtained, the plan needs to be implemented within 3-5 years. This may be a more aggressive implementation than the town is willing to fund at this time. If no grant is received, the town can implement the plan over many years as the projects present themselves and funding is available.

Budget Implications	The cost of the study is \$30,000. There is an additional cost to map the outlined area of approximately 3500-4000. Total estimate of the project is \$34,000.
Other Actions	None
Motion	I move to approve the drainage study by GMS.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, entered into the ___ day of _____, 2019, by and between the Town of Palmer Lake, hereinafter called "Client," and MEYER & SAMS, INC. d/b/a GMS, INC., a Colorado corporation, hereinafter called "Engineer," is as follows:

The Client engages Engineer to perform professional services for a project known and described as **High Street Master Drainage Plan**, hereinafter called the "Project." The Project area is shown on the attached Exhibit A.

A. Engineer agrees to provide and perform certain professional services for Client for the Project as further described in the attached "Scope of Professional Services."

B. Period in which services are to be rendered: Draft study to be submitted for review within approximately one hundred eighty (180) days of authorization to proceed.

C. Client's responsibility shall be as follows:

- Provide data on existing drainage system conditions and operations
- Provide information on areas of deficient drainage
- Provide available mapping of Town infrastructure, including storm drain facilities, water infrastructure and to the extent available
- Provide input on growth projections
- Provide input on areas of future development within the Study Area
- Provide extent of existing storm water management system

D. Client agrees to pay Engineer as compensation for its services as follows: Lump sum fee of \$30,000. In addition, the lump sum fee of \$4,000 for current aerial photography. Fees shall be due and payable as work progresses based upon monthly statements submitted to the Client. Final payment will be made upon submittal of the final report.

E. The attached "Standard Provisions of Agreement for Professional Services" are applicable to this Agreement.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this agreement upon the terms, conditions and provisions above stated, and on the attachments hereto, the day and year first above written.

MEYER & SAMS, INC. d/b/a GMS, INC.
611 N. Weber Street, Suite 300
Colorado Springs, CO 80903

Town of Palmer Lake
42 Valley Crescent
PO Box 208
Stratton, CO 80836

By



Title Principal

By

Title Mayor

STANDARD PROVISIONS OF AGREEMENT
FOR PROFESSIONAL SERVICES

The Client and Engineer agree that the following provisions shall be a part of their agreement.

1. Neither the Client nor Engineer shall assign its interest in this agreement without the written consent of the other.

2. All agreements on Engineer's part are contingent upon, and Engineer shall not be responsible for damages or be in default, or be deemed to be in default, by reason of delays in performance by reason of strikes, lock-outs, accidents, acts of God and other delays unavoidable or beyond Engineer's reasonable control, or due to shortages or unavailability of labor at established area wage rate or delays caused by failure of Client or Client's agents to furnish information or to approve or disapprove Engineer's work promptly, or due to late, slow, or faulty performance by Client, other contractors or governmental agencies, the performance of whose work is precedent to or concurrent with the performance of Engineer's work. In the case of the happening of any such cause of delay, the time of completion shall be extended accordingly.

3. In the event that any changes are made in the plans and specifications by the Client or persons other than Engineer which affect Engineer's work, any and all liability arising out of such changes is waived as against Engineer and the Client assumes full responsibility for such changes unless Client has given Engineer prior notice and has received from Engineer written consent for such changes.

4. Engineer is not responsible, and liability is waived by Client as against Engineer, for use by Client or any other person of any plans or drawings not signed by Engineer.

5. All tracings, survey notes and other original documents are instruments of service and shall remain the property of Engineer, except where by law or precedent these documents become public property.

6. Engineer's liability to the Client for injury or damage to persons or property arising out of work performed for the Client and for which legal liability may be found to rest upon Engineer, other than for professional errors and omissions, will be limited to \$1,000,000. For any damage on account of any error, omission or other professional negligence, Engineer's liability will be limited to a sum not to exceed \$50,000 or Engineer's fee, whichever is greater.

7. Fees and all other charges will be billed monthly as the work progresses, and the net amount shall be due at the time of billing.

8. Interest of 1½% per month (but not exceeding the maximum rate allowable by law) will be payable on any amounts not paid within 30 days of the billing date, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs incurred in collecting any delinquent amount shall be paid by the Client.

9. The Client shall pay the costs of checking and inspection fees, zoning and annexation application fees, assessment fees, soils engineering fees, soils testing fees, aerial topography fees, and all other fees, permits, bond premiums, title company charges, blueprints and reproductions, and all other charges not specifically covered by the terms of this agreement.

10. In the event all or any portion of the work prepared or partially prepared by Engineer is suspended, abandoned, or terminated, the Client shall pay Engineer for the work performed on an hourly basis, not to exceed any maximum contract amount specified herein.

11. Any Opinion of the Construction Cost prepared by Engineer represents his judgment as a design professional and is supplied for the general guidance of the Client. Since Engineer has no control over the cost of labor and material, or over competitive bidding or market

conditions, Engineer does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the Client.

12. The Client agrees that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for jobsite conditions during the course of construction of the project, including safety of all persons and property and that this requirement shall be made to apply continuously and not be limited to normal working hours.

13. In the performance of its professional services, Engineer will use that degree of care and skill ordinarily exercised under similar conditions in similar localities and no other warranties, express or implied, are made or intended in any of Engineer's proposals, contracts or reports. The Client agrees to defend, indemnify and hold Engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability proximately arising from the sole negligence of Engineer.

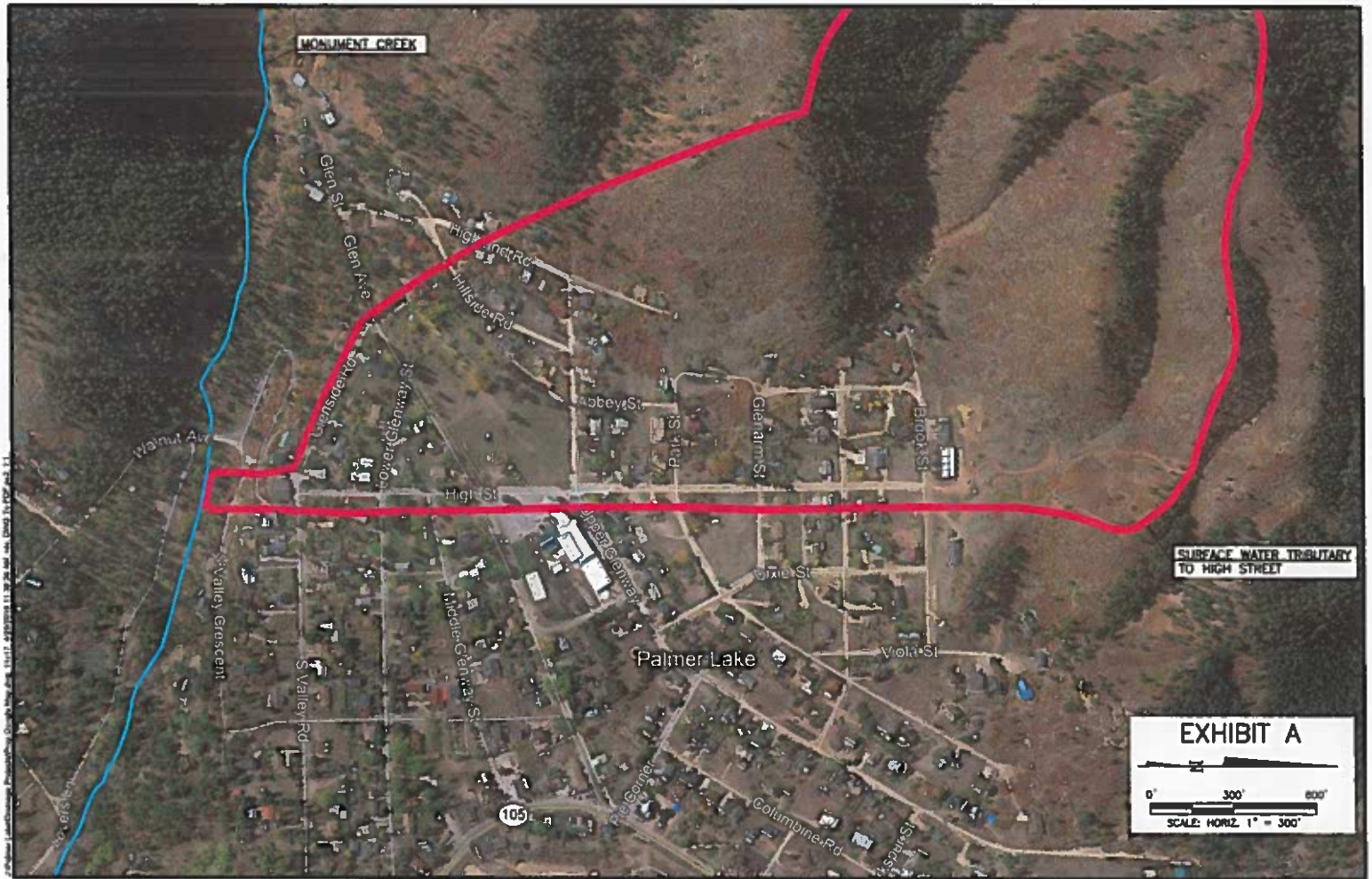
14. In the event Client fails to pay Engineer within thirty (30) days after invoices are rendered, then Client agrees that Engineer shall have the right to consider said default a total breach of this agreement and the duties of Engineer under this agreement terminated upon five (5) days' written notice. This agreement may be terminated by either Client or Engineer upon thirty (30) days' written notice in the event of substantial failure of the other party to perform in accordance with the terms of this agreement. Client expressly agrees to hold Engineer harmless from any liability arising out of Engineer's termination of its services hereunder due to Client's failure to perform and/or pay in accordance with the provisions of this agreement. In the event of termination of this agreement, Client shall then promptly pay Engineer for all of the fees, charges and services performed by Engineer in accordance with the compensation arrangements under this agreement or on an agreed hourly basis.

15. Should litigation be necessary to enforce any term or provision of this agreement, or to collect any portion of the amount payable under this agreement, then all litigation and collection expenses, witness fees and court costs, and attorney's fees shall be paid to the prevailing party.

16. Should any provision herein be found or deemed to be invalid, this agreement shall be construed as not containing such provision, and all other provisions which are otherwise lawful shall remain in full force and effect, and to this end the provisions of this agreement are declared to be severable.

17. Services provided within this agreement are for the exclusive use of the Client.

18. There are no understandings or agreements except as herein expressly stated.



**SCOPE OF PROFESSIONAL SERVICES
for
HIGH STREET MASTER DRAINAGE PLAN
for the
TOWN OF PALMER LAKE, COLORADO**

This Scope of Professional Services defines the work and services to be provided in the development of a High Street Master Drainage Plan for the Town of Palmer Lake. In general, the work will evaluate existing storm water management conditions and project future and other design conditions and criteria. The plan will develop recommendations for implementation of improvements to upgrade the existing storm water management system and better manage and protect the Town, its public infrastructure and the private property of its citizens from adverse affects of excessive precipitation and storm water runoff.

The major purpose of this High Street Master Drainage Plan is to serve as a tool for implementation of capital improvements for improved storm water management. It is not intended to serve as the basis of submittal to the Flood Plain Department of the Regional Building Department for Federal Emergency Management Agency (FEMA) Letters of Map Amendment (LOMA) or Letters of Map Revision (LOMR). The technical aspects of the project could be used in the development of a LOMA or LOMR at some time in the future if it were deemed in the best interests of the community to do so. Additional detailed technical work would be necessary to fulfill such requirements of the FEMA and the Flood Plain Code of the Regional Building Department to effect revisions to the regulatory flood plain definitions and the Flood Insurance Rate Map (FIRM) for the community.

A detailed description and definition of services is given below in outline format. The resulting High Street Master Drainage Plan will be a report with appropriate graphical exhibits containing the findings and recommendations of the work described.

A. General Information

1. The planning area will be delineated in terms of location and extent. Surveyed base mapping along with aerial photography will be utilized as a means of defining the existing roadways and general geographic and topographic conditions in the community. Areas outside the immediate Town limits that are topographically tributary to the Town will be represented with United States Geological Survey quadrangle mapping supplemented with other available mapping.

2. **System Mapping**

A map based on ground and aerial photogrammetric surveys will be developed depicting the location of the town's existing drainage facilities including channels, roadside ditches, storm water inlets and outlets, curb and gutters, storm drainage piping, culverts and other pertinent infrastructure.

3. **Problem Definition**

The nature and magnitude of storm water management deficiencies will be defined based primarily on on-site surveys and observations together with interviews with Town staff, elected officials and others who have first hand knowledge of the existing

storm water management conditions. Major emphasis will be given to addressing those well-recognized issues.

B. Drainage Basin Description

1. Within the planning area, the "High Street Basin" will be identified and described. The basin definitions will include the following features.
 - a. Basin area
 - b. Elevation range
 - c. Typical ground surface slope(s)
 - d. Land use
 - e. Ground cover and other conditions affecting storm water runoff
 - f. Drainage facilities
2. Documented surficial soil conditions
3. Planned future land use
4. Climate

C. Hydrology

1. Methodology

Hydrologic methodology utilized for evaluation will consist of those methods and requirements of the El Paso County/City of Colorado Springs Drainage Criteria Manual (DCM).

2. Description of selected design storms
 - a. Storm frequency and duration
 - b. Rainfall intensity
 - c. Determination of runoff conditions
 - d. Peak runoff determination approach
 - e. Application of various design storm criteria to "major" and "minor" facilities

D. Description of Existing Drainage Facilities

1. The Town's existing storm water management facilities shall be defined with respect to the following:
 - a. Type, i.e. pipes, culverts, ditches
 - b. Location
 - c. Condition
 - d. Capacity
 - e. Historical performance and maintenance of the drainage facilities and problematic areas. This data will be evaluated in terms of determining critical areas that need attention.

2. Operation and Maintenance Practices

Present storm water system operation and maintenance practices will be defined and related to system performance.

E. Evaluation of Existing System

The existing drainage and storm water management system will be evaluated in terms of its ability to convey DCM established runoff events and provide minimum acceptable service conditions to the community. This will consider such factors as capacity, potential flooding risk, degree of public and private property damage from runoff, applicability to storm water quality regulations and flood plain management. Areas of deficiency will be itemized and prioritized.

F. Improvements to Storm Water Management System

Improvements and facilities to adequately address deficiencies identified in the evaluation of the existing drainage system will be defined. The recommended improvements will include assessment of the following major items:

1. Initial and future capital improvement costs
2. Maintenance needs, impacts and costs
3. Impact on storm water quality requirements
4. Overall cost effectiveness of the system
5. Suitability for phasing of improvements, flexibility and adaptability

G. Implementation Plan

The High Street Master Drainage Plan will define the scope of recommended improvements. These recommendations will take into account a phased approach to installing the facilities based upon both existing and projected prioritized needs. The recommended improvements will be prioritized to enable the community to focus on those improvements that require immediate attention and address conditions that have the greatest impact on the community.

The High Street Master Drainage Plan will provide for a definition of separate projects/improvements that can be used to develop final technical and financial plans for individual projects. This will include the following specific items:

1. Location of Improvements
2. Size and type of Improvements
3. Design criteria and data
4. Project cost

The Project will not address requirements of the U.S. Environmental Protection Agency MS4 Permit. This Project may help the Town in establishing and enforcing requirements on future projects within the Project area. During the design phase of any stormwater improvements as a result of this Project, the MS4 Permit requirements will need to be addressed.

H. Financial Matters

The financial implications of the proposed improvements will be reviewed and described in the High Street Master Drainage Plan. An analysis of possible revenue sources suitable for supporting the implementation of capital improvements will be discussed in the Plan. In addition, guidelines will be developed for financial support of the operation and maintenance of the Town's drainage system.

I. Deliverables

The Town will be provided with ten bound copies of the preliminary and final High Street Master Drainage Plan. The Plan will be developed in close coordination with the Town staff and elected officials. The draft report will be submitted to the Town for review and comment. Comments received will be incorporated into the final Plan as appropriate.

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

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

EDWARD D. MEYER, P.E.
ROGER J. SAMS, P.E.
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.

October 17, 2019

Board of Trustees
Ms. Valerie Remington, Town Manager
Town of Palmer Lake
42 Valley Crescent
Palmer Lake, CO 80133

Via Email to: valerie@palmer-lake.org
No Hard Copy to Follow

RE: Town of Palmer Lake
Pedestrian Bridge Water Line Relocation
Recommendation for Award of Construction Contract

Dear Trustees and Valerie:

Bids for the Pedestrian Bridge Water Line Relocation project were received at the office of GMS, Inc. on or before 2:00 p.m. on October 17, 2019. Due to the small size of the project, the contractors were selected based on recommendations from Town staff and experience GMS, Inc. has with local contractors. Four general contractors were provided Plans and four responses were received. Generally, the scope of the project includes installation of 218 lineal feet of water line by the general contractor, with materials being provided by the Town of Palmer Lake. The results of the bids received for the project are in the summary table attached.

In review of the bid tabulation, you will find a wide range of bids received. This, in large part, is predicated upon the contractor's work load and resources available. The equipment available to perform the work also impacts mobilization and demobilization costs. Bradley Excavating, Inc. provided the lowest bid for the scope of work. Bradley Excavating, Inc. has completed work for the Town of Palmer Lake in the past and comes strongly recommended by Town staff as well as GMS, Inc.

Based upon our discussion with Town staff, we recommend the Board of Trustees consider award of a construction contract to Bradley Excavating, Inc. in the amount of **\$16,995.72**. If the Board is in concurrence, we suggest a Trustee may desire to make the following motion:

I move to approve the award of a construction contract between the Town and Bradley Excavating, Inc. for the Pedestrian Bridge Water Line Relocation project in the amount of \$16,995.72."

Board of Trustees
Ms. Valerie Remington, Town Manager
October 17, 2019
Page 2

We trust this provides sufficient information to make an informed decision regarding the award of the Pedestrian Bridge Water Line Relocation project. If you should have any questions or desire additional information, please feel free to contact us at your convenience.

Sincerely,

A handwritten signature in blue ink, reading "David R. Frisch". The signature is fluid and cursive, with the first name "David" being more prominent.

David R. Frisch, P.L.S.

DRF/cg
Enclosure

ec: Mr. Steve Orcutt, Town of Palmer Lake (sorcutt@palmer-lake.org)

Project: Pedestrian Bridge Water Line Replacement
 Owner: Town of Palmer Lake

Bid Opening Time: October 17, 2019 at 2:00 p.m.

Place: GMS, Inc.
 611 N. Weber, Suite 300
 Colorado Springs, CO 80903

Item	Description	Quantity	Unit	Bradley Excavating, Inc.		Frazee Construction Co.		Pate Construction Co., Inc.		Native Sun Construction, Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID SCHEDULE:											
1.	6-inch C900 DR14 PVC water line piping with minimum 6-foot cover, horizontal and vertical fittings with polyethylene wrap, joint restraints, Contractor furnished thrust blocks, tracer wire, unclassified excavation, Class "C" bedding, backfill, compaction, surface restoration, pressure testing, and all incidental materials of construction, complete in place.	211	LF	\$71.52	\$15,090.72	\$189.00	\$39,879.00	\$240.00	\$50,640.00	\$284.35	\$59,997.85
2.	¾-inch blow-off assembly complete with tapping saddle for new water main, corporation stop, curb stop valve, valve boxes, ¾-inch copper tubing with necessary flared coupling, unclassified excavation, Class "C" bedding, backfill, gravel drain pit, compaction, surface restoration and all incidental materials of construction, complete in place.	1	LS	\$1,905.00	\$1,905.00	\$1,700.00	\$1,700.00	\$1,850.00	\$1,850.00	\$4,444.00	\$4,444.00
Total Base Bid Schedule:					\$16,995.72		\$41,579.00		\$52,490.00		\$64,441.85

MATERIAL LIST TO BE PROVIDED BY OWNER:

6-INCH C900 DR14 PVC PIPE = 220 LF

12 GAUGE SOLID COPPER TRACER WIRE WITH CONNECTORS = 220 LF

6-INCH x3/4-INCH TAPPING SADDLE = 1 EA

3/4-INCH CORPORATION STOP = 1 EA

3/4-INCH CURB STOP VALVE WITH VALVE BOX = 1 EA

5-1/4-INCH CAST IRON VALVE BOX = 3 EA

3/4-INCH TYPE K COPPER TUBING = 16 LF

6-INCH JOINT RESTRAINT = 16 EA

POLYETHYLENE ENCASEMENT/WRAP FOR FITTINGS

DISINFECTION TABLETS AND/OR POWDER

6-INCH MECHANICAL JOINT FITTINGS:

- 45° HORIZONTAL BENDS = 2 EA
- 22.5° HORIZONTAL BEND = 1 EA
- 11.25° HORIZONTAL BEND = 1 EA
- 11.25° VERTICAL BENDS = 2 EA
- SOLID SLEEVE COUPLING = 1 EA

MATERIAL LIST TO BE PROVIDED AND INSTALLED BY OWNER:

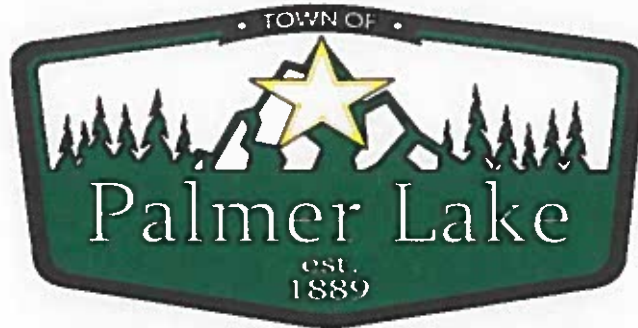
6-INCH INSERTION VALVE ASSEMBLY = 2 EA

6" STAINLESS STEEL TAPPING SLEEVE AND ISOLATION VALVE ASSEMBLY = 2 EA

Project: Pedestrian Bridge Water Line Replacement
 Owner: Town of Palmer Lake

Bid Opening Time: October 17, 2019 at 2:00 p.m.
 Place: GMS, Inc.
 611 N. Weber, Suite 300
 Colorado Springs, CO 80903

Item	Description	Quantity	Unit	Bradley Excavating, Inc.		Frazee Construction Co.		Pate Construction Co., Inc.		Native Sun Construction, Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID SCHEDULE:											
1.	6-inch C900 DR14 PVC water line piping with minimum 6-foot cover, horizontal and vertical fittings with polyethylene wrap, joint restraints, Contractor furnished thrust blocks, tracer wire, unclassified excavation, Class "C" bedding, backfill, compaction, surface restoration, pressure testing, and all incidental materials of construction, complete in place.	211	LF	\$71.52	\$15,090.72	\$189.00	\$39,879.00	\$240.00	\$50,640.00	\$284.35	\$59,997.85
2.	¾-inch blow-off assembly complete with tapping saddle for new water main, corporation stop, curb stop valve, valve boxes, ¾-inch copper tubing with necessary flared coupling, unclassified excavation, Class "C" bedding, backfill, gravel drain pit, compaction, surface restoration and all incidental materials of construction, complete in place.	1	LS	\$1,905.00	\$1,905.00	\$1,700.00	\$1,700.00	\$1,850.00	\$1,850.00	\$4,444.00	\$4,444.00
Total Base Bid Schedule:					\$16,995.72		\$41,579.00		\$52,490.00		\$64,441.85



Department Monthly Report

	Manager
Date	October 24, 2019
Contact	Valerie Remington-Town Manager
Summary	• Code Enforcement – outside vendor vs. internal hire. The internal hire would be for part time. • Town Clerk – a new group of resumes is being reviewed. Candidates that will be eligible for interview will be determined by the end of next week. At that time, I will contact the board members again to see if any are interested in participating in the interview process. The last round of interviews 2 board members participated. • Planning Process – beginning in November, the planner will be at both the Board of Adjustments meeting and the Planning Commission meeting to introduce herself. At that time, we will go over the planning process. Any questions by the members of the Board of Adjustments and the Planning Commission are welcomed and encouraged.

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, however, 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 C.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)

2.028.020. 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)

2.028.030. 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 AttorneyHe 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 to 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 [M33]: 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 2.28¹⁶ FLOOD AREAS

Commented [MJ4]: 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 [M35]: 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 office 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.~~

~~B.C. 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.~~

~~C.E. 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. — Jurors 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.

2.50.090110. 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)?~~