RECORD OF MINUTES

Board of Trustees

Thursday, August 13, 2020, at 6 PM

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

Local Licensing Authority

Mayor Pro Tem Schuler called the Local Licensing Authority to order at 6:03 pm with five members present.

Needs and Desires Hearing and Action in Consideration of Hotel and Restaurant Liquor License Application from The Ugly Mug LLC dba The Ugly Mug. Mayor Pro Tem Schuler opened the hearing. Clerk Collins provided an overview of the application and confirmed the property was posted, legal notice published, and reminded the board of the previously defined "neighborhood" for this establishment.

Alicia Gatti provided her background of former licensed establishments and the spoke to the support provided by area business owners. Schuler inquired about any past issues, in which Gatti identified one situation, approximately six months after her initial opening, that an individual with a false ID was served. Banta inquired about the bar and restaurant combination. No person spoke in opposition to the application. Mayor Pro Tem Schuler closed the hearing and requested action on the application.

MOTION (Banta, Havenar) to approve the hotel and restaurant liquor license for The Ugly Mug LLC. Roll call vote – 5-0. Motion PASSED.

Mayor Pro Tem Schuler adjourned the Local Licensing Authority.

Town Board Meeting

1. **Call to Order.** Mayor Pro Tem Schuler called the meeting to order at 6:09 pm.
2. **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
Excused late	Trustee Susan Miner
Present	Trustee Patty Mettler

4. Consent Agenda; including Approval of Agenda; Approval of Board Minutes from July 23, 2020; Financials/Bills; Checks over $15,000 (Bradley Excavating for $56,207 and SEMA Construction for $91,467.50); Resolution to Authorize Signature on IGA with El Paso County for November Election. MOTION (Havenar, Mettler) to approve the consent agenda including items 4a,b,c,d,e. Motion PASSED.

5. Public Comment. Mr. Blackman requested that the Board commit to doing what is necessary to keep the library in operation. Schuler stated that the Town did not shut down the library and is reviewing what is needed.

6. Business License – Wild Bills Buffalo Wings Too (Stanley Latham). Mr. Latham provided his restaurant business in the Springs since 2004. He has no prior issues or violations. He explained that COVID has not slowed his business as it is a standard quality "to go" business and it has, in fact, increased during this time. As clarification, Mr. Latham will operate in the restaurant portion of The Ugly Mug, formerly The Depot. His menu is made up of ribs, wings, catfish and more. MOTION (Banta, Havenar) to approve the business license for Wild Bills Buffalo Wings Too. Motion PASSED.

7. Business License – Good Medicine LLC (Nathan Morris, MD). Mr. Morris explained his experience of 20+ years as doctor in family practice and 10 years in functional medicine and now seeking to open at 88 Hwy 105 with three others. He explained functional medicine, a holistic view, to address the root cause of medical issues. MOTION (Havenar, Banta) to approve the business license for Good Medicine LLC. Motion PASSED.

Trustee Miner arrived approximately 6:30 pm.

8. Resolution 12-2020 to Authorize Signature for Driveway Agreement (Verano/Beebe). This item was previously discussed at the prior meeting and Attorney Krob addressed the final agreement. MOTION (Havenar, Banta) to approve Resolution 12-2020 to authorize signature on the driveway agreement. Motion PASSED.

9. Resolution 13-2020 to Authorize Signature on Contract to Buy Real Estate (Grand/Alamosa). Attorney Krob explained the contract to purchase parcels previously directed by the Board for $10,000. Discussion took place about addressing the interior lines at a future time. MOTION (Banta, Mutu) to approve Resolution 13-2020 to sign the purchase contract. Motion PASSED.

10. Resolution 14-2020 to Authorize Signature on Contract to Buy Real Estate (former Living Word Property). Attorney Krob addressed the status of this transfer of property to the Town. Discussion took place about proper consideration. Mr. Edwards inquired about the use of the 28 acres. Attorney Krob stated that proper acceptance will include due diligence for deed and closing. MOTION (Havenar, Miner) to approve and added amendment to specify the inclusions and final closing date. Motion PASSED.

11. Ordinance 09-2020 to Vacate Portion of Rio Grande Right of Way (Kerr). Schuler stated this vacation was previously approved, located near County Line Road, for the property owner to add a septic. MOTION (Banta, Miner) to approve Ordinance 09-2020. Roll call vote – aye (6); nay (0). Motion PASSED.

12. Ordinance 10-2020 to Vacate Right of Way, South of Block 14, Lots 17-20 (Access from Epworth). Trustee Banta explained his change of opinion from his vote at the prior meeting. Discussion took place about the potential impact of this ordinance not passing after prior approval to vacate the portion of right of way. Attorney Krob requested that board members discuss the concern or issues prior to voting or tabling the item to get more information on the concerns, since they previously approved an intent to vacate. Issues discussed were primarily about the well in the area. It was restated that the town owns the property south of the area requested to vacate and will have access to the well area. Discussion took place about the easement staying with the property, as well as what a property owner will or will not do once this portion is vacated. A question about the zoning was raised from Ms. Flake. MOTION (Miner, Banta) to approve Ordinance 10-2020. Roll call vote – aye (5); nay (1 - Havenar). Motion PASSED.

13. Ordinance 11-2020 to Amend Title 12 Adopting Rules Relating to Use of Lake. Discussion took place about the rules being enforceable and whether the rules are for the lake or other park area, including the gazebo. Park Commission members Wiecks and Noll addressed the review of the rules, and Clerk Collins stated Chief Vanderpool also reviewed rules for enforcement. Board members agreed to remove items that were controversial at this point to immediately provide for enforcement of issues at the lake. MOTION (Banta, Havenar) to approve Ordinance 11-2020 Adopting Rules for the Lake with the following modification – strike item 3 relating to swimming and wading; and remove language of dog being in the lake from item 12. Roll call vote – aye (6); nay (0). Motion PASSED.

14. Ordinance 12-2020 to Amend Section 5.80 Relating to Sexually Oriented Business. Mayor Pro Tem Schuler stated that this item was previously discussed to determine the allowable distance in the M-1 zoning. Radosevich described the mapping in which he measured for the modification to 2000 feet. Discussion took place about the distance as well as two homes in the M-1 zoning. MOTION (Banta, Mettler) to approve Ordinance 12-2020 with striking item 5 of 1.c. from the existing code. Roll call vote – aye (6); nay (0). Motion PASSED.

15. Ordinance 07-2020 to Amend Title 9 Relating to Excessive Noise Enforcement. Mr. Edwards requested that the Board adopt this to keep noise down for residents. Attorney Krob addressed the question of why local government should adopt state law, in an order to enforce as a local violation. Discussion was raised about permits exempting groups or situations from the excessive noise enforcement. Clerk Collins requested that the concern of additional permits be examined at staff level. MOTION (Miner, Havenar) to table this ordinance until the next meeting to review permits further. Roll call vote – aye (5); nay (1 - Mettler). Motion PASSED.

16. Ordinance 08-2020 to Amend Section 5.30.270 Relating to Odor Control. Mr. Atkins stated that he supports this ordinance language and inquired about the process for a complaint. Radosevich stated a call to the Police Department should initiate code enforcement. MOTION (Miner, Banta) to approve Ordinance 08-2020 as presented. Roll call vote – aye (6); nay (0). Motion PASSED.

17. Action on Short Term Parking Plans. Trustee Miner stated that the Master Plan Team member for the Glen area will address long term parking. Discussion took place about short term direction to amend the former emergency ordinance and action by staff to prepare for any changes. Discussion about street parking included no changes at this point. Citizens suggested addressing issues only at trailhead and restaurant. Board members directed staff to further define the parking as laid out with barriers, etc., in order to open the trailhead parking with limited parking.

18. Direction on Town Hall/Library. Interim Manager Radosevich explained the one bid of $27,970 received for the demo work of the existing ramp at the library. Extensive discussion took place about the options of a lift or a ramp; how to raise funds to complete the work; the history of the structure; the idea of gathering all bids for demo and replacement; the terms of agreement with the library. Citizens expressed support to raise funds to repair and sustain the library as well as the museum. Board members directed staff to check into options of COVID grants/funds to accumulate necessary funding for the full project of demo and replacement and to go out for bids on the entire project including options of a lift or a ramp for further review.

19. Staff/Department Reports

Water, Roads, Police, Fire, Parks – included

Clerk – Collins reported that a Business Relief Fund program is available on the Town website, having received six applications in review. The ad for hire for the Deputy Town Clerk/Treasurer position was posted and have four applications in review. Due to the workload and departure of one administrative support (Gabriella), temporary administrative support is being reviewed. Revisions from the department heads are being incorporated into the handbook and will go to Employers Council next week for legal/HR review. As other funding or grant options for local business are learned of, they will be posted on the town website.

Attorney – Krob stated that he spent a portion of the day touring the town in review of some land use issues. Additionally, he will bring back the discussion of the $0.10 per foot to the board.

Manager – Radosevich provided a report on grants available and a summary of the structural issues of the Town hall, as well as the status of Elite Crane, and the attempt to stream the meeting. Audio was not functioning correctly and will be checked into.

20. Board Reports. Trustee Havenar provided an update from the PPACG meeting, including her involvement on Transportation.

21. Next Meeting (August 27)

22. Adjourn. MOTION (Mutu, Mettler) to adjourn at 9:57 pm. Motion PASSED.

Mark Schuler, Mayor Pro Tem

Dawn A. Collins, Town Clerk

9/1/2020
Date Approved