

BOARD OF TRUSTEES - SPECIAL MEETING

Thursday, May 29, 2025 at 6:00 PM

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

MINUTES

Call to Order. Mayor Havenar called the meeting to order at 6 pm.

Roll Call. Present: Mayor Glant Havenar; Trustees Atis Jurka, Amy Hutson, Dennis Stern, Kevin Dreher, Tim Caves, Shana Ball.

Invocation. Presented by Trustee Tim Caves.

Pledge of Allegiance. Led by Trustee Shana Ball.

Public Hearing

Mayor Havenar stated that public comments will be heard and each speaker will have two minutes.

Attorney Krob provided comments about keeping signs low to not disturb others attending. He explained the requirements of open meeting law and that proper notice, opportunity to view and participate are provided. Attorney Krob explained the Integrity Matters temporary restraining orders (TRO) filed and the Courts decision to deny the TRO. Attorney Krob further explained the December 12, 2024, meeting and the withdrawal of the petitions to eliminate the issues raised, which makes for the current three petitions for annexation. He explained how the petitions went from 6 to 3, due to using the entire roadway in this submittal, to create contiguity. Attorney Krob reviewed the process – 1) petition filed to set hearing (previously completed; 2) eligibility hearing to determine whether the property can be annexed (what is currently before the Board); and 3) agree or not to annex, which is a discretionary act. He further referenced the criteria for eligibility and suggested that comments by the public should be confined to eligibility.

Mayor Havenar introduced Nina Ruiz with Vertex, representing the applicant.

1. Eligibility for Annexation Petition Submitted by CSMS Management LLC (Owner Monument Ridge West LLC, Maria Larsen). Ms. Ruiz provided the background about the site, the owner, and an explanation of each contiguous area petitioned. She referenced statutes, meeting the requirements, notice to the landowners outside town boundaries, and confirmed that no other landowner expressed interest to join the annexation. She explained that this petition includes the entire roadway.

Mayor Havenar read names from the first sign up list. Ms. Martha Brodzik referenced statutes to hold a hearing. She stated that the AIR is required to be presented. Ms. Jennica Mabe asked whether the applicant will build regardless if the Board determines the site is eligible to be annexed to the town. Mr. Chase Olivier stated the annexation feels wrong for the town and referenced C.R.S. requirements about being urbanized. Ms. Colleen Means expressed concern about water. Ms. Trina Shook stated she

is opposed to the annexation. Ms. Cyndee Henson inquired about the community master plan not allowing big box development and expressed concern about water. Ms. Deborah Paauw inquired about the Douglas County portion of the roadway and asked if they are involved. Ms. Sherry Roper expressed concern about water, asking how the applicant would know there would be water. Ms. Sana Abbott inquired about the annexation on Beacon Lite Road and if that is CDOT or how that works along with water. Mr. Sean S thanked everyone for their public service and inquired if the annexation eligibility and the count can't be forced to accept the annexation, is that true for annexation and eligibility. He further commented that this land is a commercial community and as defined, he believes it does not and does not feel Bucee's will serve the local communities and expressed concern about water. Ms. Alex Olivier asked members where they see Palmer Lake in 25 years. She stated that according to the FBI, convenience stores are one fourth percentage of violent crimes.

Mayor Havenar recessed for a brief break.

Ms. Linda stated the process is broken and it should be done over. Ms. Genevieve Gustason expressed concern about water, restrictions to her private well, and long term water use. She asked who would fund the road infrastructure. Mr. Milt Murphy suggested compliance is not in the spirit of the law. He asked where the other locations are that Bucee's is this close to residents. He suggested that members consider the spirit of the law. Ms. Caitlin Quander, Brownstein firm, representing the Malone family land, stated that this proposal is unable to integrate into town. She stated it is incompatible to integrate and referenced the statute about community of interest. She stated the notice was insufficient and the resolution is inaccurate and should identify Monument Ridge West. She stated it is very important to the foundation to protect the land. Mr. Eric Elkhorn stated there is not water available for this project. Mr. Larry Wiora stated the importance of protecting water and the environment, noting wildlife. He mentioned the community interest is important.

Mayor Havenar recessed for a brief break and reconvened at 7:27 pm.

Mr. Kane Cotton stated this property is not eligible, that the proceedings are not transparent and that the meeting should be moved. Ms. Kat Gayle stated the proceeding does not comply with open meeting law and community of interest. She stated light pollution will obscure the stars and night sky. Ms. Amy Dreher stated that she came to the meeting to learn more. Mr. Darin Fike provided a handout of the town ordinance about lighting. He asked how a property can be eligible if it will violate a town ordinance and referenced the lighting code. Mr. Roy Martinez expressed concern about proper notification, stating that the property posting was too small to be noticed. Mr. Herbert Preslier stated that everyone is against Bucee's and people will get to vote about annexation. Ms. Christie Beverly stated that eligibility is not met because there is not community interest, noting the rural outlying lot that will not be like the community. Mr. Rene Trudel asked why the owner wants to come through and do an annexation and would like to understand the purpose of the request, along with a better understanding of the economic benefit. Mr. R.A. Gerard referenced eligibility and asked how the argument is made for contiguity and what area will be urbanized in the future. Ms. Kim Greer asked about the conservation easement for Douglas Land Conservancy. Mr. Todd Messenger, representing United Congregational Church, explained legislative proceeding of C.R.S. 31-12-104 stating that contiguity shall be "a" basis not the basis for annexation. He suggested that it is a big risk to the town if the development fails, what is left for the town. He urged members to vote no and alleviate possible litigation. Mr. Matt Dunston thanked the Board members and stated that all good things are met with opposition and asked about the benefit to the town. Mr. Jeffrey Dunston stated he is in support of the annexation. Ms. Anne Jones questioned the eligibility process, asking if either party is forced to annex,

and whether trustees are legally required to approve eligibility. She asked if there is a decision tonight to annex and urged members to refuse eligibility, even if eligible. Ms. Debbie Hall stated that property values are going down and Bucee's will ruin her neighborhood. Mr. Mike Kopyanski asked how the Douglas County side of the roadway can be annexed without Douglas County.

Trustee Amy Hutson asked Attorney Krob to explain community of interest. Attorney Krob stated it means a common interest between the property proposed to be annexed and the town, noting it does not mean the community's interest. Attorney Krob further reviewed legal requirements and the process. He explained that Douglas Land Conservancy does have an easement that restricts the use of the area and all utilities are proposed to be on the south side of the roadway. Attorney Krob further explained C.R.S. 31-12-104, including 1/6 contiguity or not, and other references such as likely to be urbanized in the near future, common interest with the town. He explained the basis for other criteria to be met, noting two of three criteria do not apply and there must be two. Attorney Krob stated that Douglas County does not have to consent to the roadway annexation. He explained the misconception of the AIR (Annexation Impact Report) which is a required document to the County about services being provided. He stated the AIR is not related to eligibility.

Mr. RA Gierard stated if this is the one legislative move, and stated to the board they don't have to agree with it. Mr. Randy Cowden inquired about the process and next steps and what will be at Planning Commission. Attorney Krob stated that PD zoning, annexation and a favorable agreement could be prepared for a June 18 hearing.

Mayor Havenar noted comments emailed and distributed to the Board from Mr. Roger Moseley, Tom & Sheryll Robbins, Drew Carlisle, and Ms. Beth Harris.

Ms. Anne Jones asked about roadway maintenance. Ms. Jen Coopman inquired further about community of interest vs. community interest and Attorney Krob confirmed that it needs to be a shared or common interest between applicant and town. Mr. Roy Martinez asked Attorney Krob to look at the notice requirement handout. Attorney Krob stated that notice must substantially comply.

Mayor Havenar invited Ms. Nina Ruiz to provide any comments. She pointed out that the 3-mile plan refers to the site as a retail node on the future land use map. She stated that there is no evidence of 2 of 3 criteria not applying to community interest. Trustee Hutson inquired whether C.R.S. 31-12-108 should be considered. Attorney Krob responded that it applied to the petition received, which was previously completed and set eligibility hearing date. He referenced 31-12-104 and 105 and amending the owner name on the resolution. Mr. Chase Olivier suggested that section 31-12-102 subpart 1,f declares annexation. Attorney Krob pointed out that section is a statement of policy, not a requirement. Mr. Gary Kamlin questioned the venue and Attorney Krob responded there is not a specific requirement for the venue, as long as public are allowed to speak and observe. Ms. Trina Shook asked why the initial eligibility was allowed. Ms. Kat Wolford asked members if they are prepared for a lawsuit, stating it will hurt the town if members vote yes. Ms. Shelley Warner stated that we have been doing this for awhile and stated there are no residents here to support this. Ms. Laura Huth stated that her 80 year old mother could not be inside.

Trustee Shana Ball asked Attorney Krob whether the December 12 hearing was illegal. Attorney Krob responded that there was not a ruling by the court on the complaint filed by Integrity Matters on the December 12 meeting; the case was dismissed. She followed up asking whether there is anything illegal about the current meeting. Attorney Krob stated no that this meeting complies with open meeting law. Ms. Lynn Gardner stated that she felt abused at the first, December 12 meeting. Mr. Tyler

Travis asked whether it is correct about litigation risk and Attorney Krob responded there is risk either way. Mayor Havenar closed the hearing. Ms. Angie Fike returned to ask whether a business violating a town ordinance makes it ineligible. Attorney Krob stated that lighting relates to consideration but does not relate to eligibility. A gentleman commented about whether annexation be considered if chemical plant.

Mayor Havenar recessed for a brief break and reconvened at 8:58 pm.

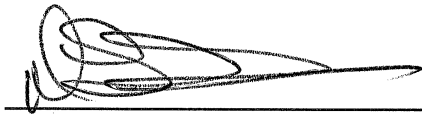
Business Items

2. Resolution 46-2025 Making Findings Regarding Eligibility for Annexation to the Town of Palmer Lake of Certain Unincorporated Property. Trustee Stern asked Attorney Krob whether there are any legal issues that are not met. Attorney Krob stated that is for the Board to determine. MOTION (Stern, Caves) to approve Resolution 46-2025 as amended with Monument Ridge West. Roll call vote – aye 6; nay 1 (Jurka). Trustee Jurka stated that he voted no because although criteria is in line, he does not agree with the community of interest and integration to the town. Motion passed.

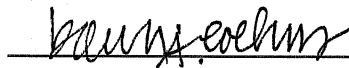
Public Comment. Ms. Debbie Hall suggested that members think outside the box and consider a smaller community fit. Mr. Jeffrey Dunston thanked the members for the great pickleball courts installed. Ms. Angie Fike spoke about the divisiveness in the community and thanked members for listening.

Next Meeting (6/12) and Future Items

Adjourn. MOTION (Stern, Hutson) to adjourn at 9:06 pm. Motion passed.



Mayor Glant Havenar



ATTEST: Dawn A. Collins, Town Clerk