SPECIAL BOARD OF TRUSTEES MEETING

Friday, January 30, 2026 at 6:00 PM

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

LIVE STREAM available on Town website

AGENDA

This agenda is subject to revision 24 hours prior to commencement of the meeting.

The Board of Trustees values public comment on issues relevant to Town government. To permit the fair and orderly expression of such comments, the Board will adhere to the following rules for public comment, whether for an agenda item or during public comment for non-agenda items brought by the public.

A speaker must be recognized by the Mayor to step to the podium, sign in, use the microphone, state name and address for the record, and address comments solely to the Board, as a whole.

Each speaker is limited to 3 minutes, cannot pool time with another, and each speaker may only speak once per topic. Civility and respect is required. Comments should not be directed to Town staff, individual Board members or to public members. Comments or disruption from audience members not recognized by the Mayor are prohibited. Points already made should not be duplicated. Only written comments limited to one page will be permitted. Public members are also invited to submit comments by email to be distributed to the Board separately. Note that comments submitted to the Board are public record. Please understand that the Board will listen and consider public comments; however, members will not discuss or take action on your comment but may refer it to staff and/or a future meeting for discussion.

Thank you for your cooperation.

Call to Order

Roll Call

Pledge of Allegiance

Consent Agenda

1. Minutes from January 08, 2026, Meeting

Business Items

2. Discussion/Confirmation Regarding Hearing/ Election Date - Specific to Monument Ridge West, LLC Annexation Application
3. Discussion/Update Interim Town Attorney
4. Discussion/Direction on the Process for Appointing Replacement Trustees, Including Review & Revision of Interview Questions

Public Comment - *Public comments are encouraged to be emailed to the Town office at info@palmer-lake.org with subject line of Public Comment (24 hours prior to meeting) and shall be distributed and* *read at the meeting. Otherwise, please be recognized to speak, sign in, and address the Board on matters not on the agenda. Thank you!*

Board Reports

Adjourn

Americans with Disabilities Act

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

BOARD OF TRUSTEES MEETING

Thursday, January 08, 2026 at 6:00 PM

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

MINUTES

Call to Order/Roll Call

- Meeting was called to order at 6:05PM
- Present: Mayor Dennis Stern; Trustees Roger Moseley, Tony Beltran, and Atis Jurka. Trustee Beth Harris noted absent.
- Also Present: Town Attorney Scott Krob, Town Clerk Erica Romero, Interim Town Administrator/Police Chief Glen Smith, Staff Christi Birkland and Grant Massey.

Invocation & Pledge of Allegiance – Mayor Dennis Stern

Introductions/Presentations

- Administer Oath of Office, Ofc. Alan Dominguez
    - continued until January 22, 2026, due to Ofc. Alan Dominguez availability.

Consent Agenda – *Items under the consent agenda may be acted upon by one motion. If, in the judgment of a board member, a consent agenda item requires discussion, the item can be placed on the regular agenda for discussion and/or action.*

1. Financials - November 2025
2. Checks Over $15,000 - Hill's Fire & Speed Shop ($18,658.25) CIRSA ($48,614.29)
3. Minutes from December 11, 2025, Meeting
4. Resolution 01-2025 to Designate Posting Sites
5. Resolution 03-2026 to Re-appoint Members to Parks and Trails Commission
6. Resolution 05-2026 to Appoint Board Official to PPACG
7. Resolution 07-2026 to Appoint Board Official to PPRBD
8. Resolution 09-2026 Cancelling the Recall Election

- **Motion to Accept the Consent Agenda.** (Beltran, Stern) "Aye" Vote.
    - Aye, Beltran, Stern
    - Nay, Moseley, Jurka
    - **Motion Failed**
- **Motion to remove Resolutions 05-2026 and 07-2026 from the Consent Agenda.** (Moseley, Jurka) "Aye" Vote.

  - Aye, Jurka, Moseley, Beltran
  - Nay, Stern
  - **Motion Passed**
- **Motion to accept consent Agenda as modified** (Stern, Moseley) “Aye” Vote. Motion passed unanimously.
- **Motion to approve resolution 07-2026 to appoint Dennis Stern to the PPRBD** (Jurka, Beltran) “Aye” vote.
  - Aye, Stern, Jurka, Beltran
  - Nay, Moseley
  - **Motion Passed**
- **Motion to continue Resolution 05-2026 to Appoint Board Official to PPACG until the next board meeting.** (Jurka, Moseley) Roll Call Vote.
  - **Accept**: Jurka, Moseley
  - **Deny**: Stern, Beltran
  - **Motion Failed**
- **Motion to approve Resolution 05-2026 to Appoint Board Official to PPACG until the next board meeting.** (Stern, Moseley) “Aye” Vote. Motion passed unanimously.

Staff/Department Reports

9. Attorney Krob provided litigation updates, including election-related matters and pending court actions, he also noted that an independent third-party investigation had been initiated regarding employment-related complaints, and confirmed RFP for legal services had been issued

   Mayor Stern issued a prepared statement that he wished to enter into the record with the response from El Paso County District Attorney Michael Allen, disputing Trustee Moseley’s statements about the phone conversation they had.

10. Police/Interim Town Administrator
11. Town Clerk/Administration - Election cost summary; agenda software update; meeting schedule adjustments; board and commission vacancy overview; workshop topic dates.
12. Water - Reports received. No questions
13. Public Works including Roads & Park Maintenance - Reports received. No questions
14. Fire - 2025 response-time statistics presented; facility condition discussed.

Business Items

Agenda was amended to include a new business item of discussion on the fifth amendment of the contract between the Town and Twenty1Five LLC.

- **Motion to approve the fifth amendment to the contract** (Moseley, Stern) “Aye” Vote. Motion passed unanimously.

15. Discussion - Town of Palmer Lake Fire Department
    - Chief Vincent and Interim Town Manager Smith presented the report on the physical state of the fire station.

16. Resolution 02-2026 to Re-appoint Members to Planning Commission

Town Clerk Romero provided a list of positions that were vacant or up for re-appointment across all boards and commissions.

Planning Commissioner Herb Tomitsch spoke about his desire to not seek re-appointment.

- **Motion to re-appoint Richard Kuehster to the Planning Commission.** (Stern, Beltran) "Aye" Vote. Motion passed unanimously.

17. Resolution 04-2026 to Re-appoint Members to Board of Adjustments

- **Motion to approve Resolution 04-2026 to Re-appoint Members to Board of Adjustments.** (Jurka, Stern) "Aye" Vote. Motion passed unanimously.

18. Ordinance 01-2026 Amending Section 1.2.010 Penalties for Non - Felony Criminal Violations Fee's - The Board adopted an ordinance amending Town Code penalties for non-felony criminal violations to comply with a recent Colorado Supreme Court decision.

- **Motion to Approve Ordinance 01-2026 Amending Section 1.2.010 Penalties for Non - Felony Criminal Violations Fee's** (Beltran, Jurka) "Aye" Vote. Motion passed unanimously.

19. Resolution 08-2026 Management of General & Conservation Trust Funds

- **Motion to approve Resolution 08-2026 Management of General & Conservation Trust Funds**. (Stern, Moseley) "Aye" Vote. Motion passed unanimously.
- **Motion to designate the Town Clerk Erica Romero as Town Treasurer and be reimbursed for any cost for acquiring a bond.** (Jurka, Stern) "Aye" vote. Motion passed unanimously.

20. Accept Resignation of Trustee Tim Caves & Michael Boyett & Address Vacancy Announcement

- **Motion to accept resignation of Trustee Tim Caves & Michael Boyett**. (Stern, Jurka) "Aye" Vote. Motion passed unanimously.

Staff was directed to advertise two trustee vacancies with an application deadline of January 30, 2026, and to return with an update at the January 22 meeting.

21. Accept Resignation of Krob Law & Address Request for Proposal

- **Motion to accept resignation including his offer of interim until a permanent is chosen, with a caveat to not undertake major new projects** (Stern, Beltran) Roll Call Vote.
  - Accept: Jurka, Stern, Beltran
  - Deny: Moseley
  - **Motion Passed.**

The Board requested Attorney Krob to produce a list of current projects to be presented the next month.

Public Comment - *Public comments are encouraged to be emailed to the Town office at info@palmer-lake.org with subject line of Public Comment (24 hours prior to meeting) and shall be distributed and read at the meeting. Otherwise, please be recognized to speak, sign in, and address the Board on matters not on the agenda. Thank you!*

- Martha Brodzik – expressed concerns regarding the meeting's audio quality, noting that approximately half of the board's comments were inaudible to the public and likely the livestream recording. Ms. Brodzik then provided a rebuttal to the correspondence from Mr. Allen read earlier by Mayor Stern, stating that based on a phone call overheard during the week of Thanksgiving, Mr. Allen had suggested that Trustee Moseley recommend Mayor Stern's voluntary resignation. Additionally, the speaker noted Mr. Allen's recent announcement of his candidacy for State Attorney General, characterizing the decision as a calculated move based on months of statewide support assessment.
- Angela Fike – Speaking on behalf of Dana Dugan, addressed the Board to correct the record regarding DA Allen's recent communications, citing a contemporaneous exchange between Dana Dugan (President of Integrity Matters) and Trustee Moseley. Ms. Fike stated that Trustee Moseley confirmed DA Allen had requested he ask Mayor Stern to resign voluntarily, reportedly noting that "intent does not matter" in the case of an unlawful appointment. Ms. Fike further testified that DA Allen acknowledged a mandatory duty to pursue a *Quo Warranto* action if directed by the Governor. Ultimately, expressing disappointment in what they characterized as an abdication of duty by DA Allen, suggesting the handling of the matter was politically influenced and noting DA Allen's frustration at learning of the appointment through the press.
- Gene Kalesti – Addressed the Board regarding the legal status of Mayor Stern's claim to the Mayor's office, asserting that a Quo Warranto action is the only mechanism to formally resolve the dispute. He outlined the legal pathway from Governor to District Attorney to Court, noting that under Colorado law, the DA's discretion becomes mandatory if directed by the Governor. He contended that DA Allen's refusal to initiate this process insulates the county from accountability and ignores the legal irrelevance of intent in an unlawful appointment. Furthermore, the speaker highlighted Mayor Stern's active recall status and alleged misconduct at prior meetings, calling for his immediate resignation. Finally, Mr. Kalesti raised concerns regarding selective enforcement, questioning Town Attorney Krob's focus on complaints against Trustee Moseley while ignoring formal requests to investigate former Mayor Havenar, and requested a formal on-the-record response from the Town Attorney.
- Angela Fike – Wanted to clarify that while Palmer Lake ordinances may allow for individuals to hold multiple roles those roles must be specifically defined by the town's own code. The speaker stated they would provide the specific ordinances via email. Additionally, she characterized Town Attorney Krob as a liability, alleging a pattern of inconsistent legal advice over the past year. Finally, she raised a claim of discrimination regarding the Town's decision to hire outside counsel to investigate Trustee Moseley while declining to do so for former Mayor Havenar, asserting that the latter's emails contained evidence of collusion that the Town has failed to address.
- Daren Fike – Urged the Board of Trustees to make a motion during the Board Report section to schedule a special meeting the week of January 12th. The proposed agenda would include a vote on the Buc-ee's annexation and a discussion regarding the February Buc-ee's meeting. He argued that voting on the annexation in mid-January could negate the need for the February meeting and, crucially, save the Town the significant expense and time associated with a special election. As an alternative, he suggested adding these items to the regular January 22nd agenda if a special meeting cannot be accommodated.

Commented [ER1]: Trustee Moseley requested I change this word "Hearing" not "Meeting" - however after verifying - the word hearing is not mentioned. No changes were made per his request.

Board Reports

- Trustee Jurka – Provided an update on a grand opening of a new business in Palmer Lake, Mind Quest.
- Trustee Moseley – Asked for an update on the Town's new Audit.
  - Response from Interim Town Administrator Smith that it is still ongoing.
- Trustee Moseley – Provided a detailed clarification regarding a 31-minute phone call with DA Allen held in late November. Trustee Moseley stated that three trustees had formally sent a Quo Warranto request to the DA, as the Board lacked the authority to vote on the mayor's legal status due to Open Meetings Law constraints. Trustee Moseley clarified that the DA specifically asked him to request Mayor Stern's voluntary resignation to resolve the matter at a local level, rather than the DA's office initiating court action. While Trustee Moseley acknowledged the DA's discretionary authority to stay hands-off, he maintained that the DA's outreach was a result of a "valid complaint" regarding the appointment. Trustee Moseley concluded by stating his account was based on a contemporaneous discussion held immediately following the call and emphasized that while he values Mayor Stern's contributions to the budget and meeting management, the underlying reasons for the active recall remain valid for the community to decide.
- Trustee Beltran – reflected on their first month in office, stating that their motivation for joining the Board was to bridge the existing split and serve the community they have lived in for nearly 20 years. The Trustee acknowledged that the town is undergoing unavoidable change, as requested by the voters, and encouraged passionate residents to join local commissions to help improve the town

  Commented [ER2]: After reviewing it, I don't believe adding the phrase "Change is coming" to the end of Trustee Beltran's statement is appropriate for inclusion in the summary minutes. The purpose of the minutes is to document actions taken and provide a neutral summary of discussion, not to capture opinion-based or rhetorical statements, particularly where no action, motion, or vote was associated with the comment.
  In addition, because this language reflects Trustee Beltran's expression rather than your own, inserting it at your request would move the minutes away from a neutral summary and toward selective emphasis, which is not consistent with how statements from other Trustees are recorded.
  For those reasons, I will retain the minutes as drafted.

- Trustee Stern – Addressed their conduct at the previous meeting, clarifying that turning away from Trustee Moseley was a protest against continued attacks on Town Attorney Krob, rather than a dismissal of the public. He defended Mr. Krob's expertise and integrity, noting he provided services at a reduced rate and was driven away by a small faction. He then asserted that Mr. Krob chose to resign in open session to maintain transparency despite the matter being slated for executive session. Furthermore, he alleged that certain individuals have conspired outside of Open Meetings Laws to silence dissent and claimed that the loss of Mr. Krob's services would result in increased costs and a significant loss of talent for Palmer Lake.

Next Meeting and Future Items

Board of Trustee Regular Meeting January 22, 2025,

Adjourn

- **Motion to Adjourn.** (Beltran, Stern) "Aye" Vote. Motion passed unanimously.

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Town Clerk- Erica N. Romero Mayor Dennis Stern

TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO

DATE: January 30, 2026	**ITEM NO.**	**SUBJECT**: Retaining Legal Council
Presented by: Glen Smith Interim Town Admin		

This memo is intended to clarify the process currently underway for securing both interim legal counsel and a permanent Town Attorney, and to outline the standards being applied to the handling of RFP submissions.

Two-Step Attorney Hiring Process

The Town is proceeding with a two-step approach to ensure continuity of legal services while also conducting a full and fair selection process for permanent counsel through RFP.

1. Interim Attorney

- CIRSA does **not** provide general counsel services for municipalities. (email attached)
- I have contacted several potential interim attorneys per the recommendation of CIRSA, CML, and DOLA.
    - Number contacted: 14
    - Number who responded “NO”/not interested: 6
    - Number not interested in Interim but considering Permanent: 1
    - Number who expressed interest: 0 at this time, however 5 have not yet responded
    - Follow-up responses/in communication: 2
- Those who meet the minimum qualifications/requirements will be presented to the Board for consideration.

2. Permanent Town Attorney (RFP Process)

- The Town currently has an active Request for Proposals (RFP) open for a permanent Town Attorney or law firm.
- The RFP deadline is February 5, 2026, at 5:00 p.m**.**
- Proposals will be reviewed after the deadline, and qualified submissions will be included in the Board packet for formal consideration.

<u>Handling of RFP Submissions Prior to the Deadline</u>

Neutral status updates prior to the deadline are generally allowed, with conditions.

A pre-deadline update may be shared with the full Board only if it:

- Is sent to all Trustees at the same time
- Is purely factual (e.g., number of proposals received)

- Does not identify proposers, contents, or rankings
- Does not invite discussion or evaluation
- Is documented as part of the public record

Example of an acceptable update:
"As of today at 3:00 p.m., three proposals have been received. The submission deadline remains February 5 at 5:00 p.m."

What Is Not Appropriate Before the Deadline
Prior to the RFP closing, the following should not occur:

- Sharing names of proposers
- Distributing copies or summaries of proposals
- Commenting on quality, completeness, or competitiveness
- Creating opportunities for trustee discussion or comparison
- Sending piecemeal updates outside the packet/posting process

These actions risk:

- Undermining the fairness of the RFP
- Potential protest or challenge by proposers
- Open Meetings Law concerns (including serial communication)
- The appearance of bias or pre-selection

Best Practice and Records Considerations

- Proposer identities and materials should **not** be distributed until after the deadline.
- All proposals and proposer lists will be included in the official Board packet once the RFP has closed.
- Until that time, submissions are treated as confidential procurement records.
- Proposals typically become public records after the deadline, subject to limited redactions (e.g., proprietary information).
- Including all materials in the Board packet after the deadline ensures a clear, permanent, and transparent public record.
- A neutral count update before the deadline is legally permissible
- Sharing names or proposal materials before the deadline is not recommended
- Best practice is to wait until the deadline closes and include all materials in the official Board packet

Staff Recommendation: As Interim Town Administrator, I have received the Board's direction and am moving forward accordingly. I recognize that Trustees are attempting to be helpful by sharing recommendations and information through multiple emails related to this matter. At the same time, it is important to allow the established process to move forward in an orderly way. Frequently, piecemeal communications can unintentionally divert time and attention away from carrying out the work itself and can disrupt continuity of operations. My focus is on ensuring that the process is handled consistently, transparently, and in compliance with applicable requirements and best practice, while maintaining the day-to-day operations of the Town. I appreciate the Board's support and ask that we allow the process to proceed as structured so I can effectively fulfill my responsibilities on behalf of the organization and the community.

Professionally,

Glen Smith