

MINUTES OF MEETING
PALISADE BOARD OF TRUSTEES
January 28th, 2020

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 p.m. by Mayor Granat with Trustees present: Bonds, Sundermeier, Somerville, Mikolai, Chase and L'Hommedieu. A quorum was declared. Also, in attendance were Town Attorney Jim Neu, Town Manager Janet Hawkinson, Town Clerk Lindsey Chitwood, Finance Director Travis Boyd, Utilities Director Matt Lemon, Police Chief Deb Funston, Community Development Director Allyson Shellhorn, Parks Recreation and Event Director Troy Ward, and Fire Chief Richard Rupp.

AGENDA ADOPTION

Motion #1 by Mayor Pro-Tem Mikolai, seconded by Trustee Sundermeier, to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

CONSENT AGENDA

The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board members may ask that an item be removed from the Consent Agenda for individual consideration.

- **Expenditures**
Approval of Bills from Various Town Funds – January 11th, 2020 – January 24th, 2020
- **Minutes**
Minutes from January 14th, 2020 Board Meeting

Motion #2 by Trustee Chase, seconded by Trustee Sundermeier, to approve the Consent Agenda as presented.

A roll call vote was requested.

Yes: Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu

No: None

Absent:

Motion carried.

PUBLIC COMMENT

None was offered.

PUBLIC HEARING I

Project #2019-27

Should the Board of Trustees for the Town of Palisade approve an application requesting a variance on the height of a fence at 393 West 4th Street (Parcel #2937-092-14-009)?

Mayor Granat opened the public hearing at 6:08p.m.

An application was submitted to the Town of Palisade for a variance on the height of a fence at 393 W. Fourth St. (Parcel # 2937-092-14-009) as applied for by Robert Woodburn. The owner of this parcel is requesting to place a 6' tall fence along the western side of the property which is considered a street side. This property is currently zoned as Mixed Use (MU). Per the Town of Palisade Land Development Code section 7.05, accessory uses and structures, 'fences and walls in any required street yard shall not exceed four feet in height.' To request a 6' fence along a street yard, the property owner is asking for approval for a variance.

Staff is asking the Board of Adjustment to make a decision regarding the application for a variance on the height of a fence on a street yard.

Town of Palisade Land Development Code section 7.05.D.6.a. Fences and Walls:

A. General:

- Fences and walls not more than six (6) feet in height may be installed along any side (interior) and rear lot line.

- ii. Fences and walls in any required street yard shall not exceed four (4) feet in height.
- iii. Fences and walls placed on corner lots shall comply with the requirements of Section 9.04.B.2.c.
- iv. Fences and walls higher than six (6) feet in height shall comply with all applicable yard requirements; provided, however, that the provisions of this Section shall not apply in the LI district.
- v. Fences and walls shall be constructed of high-quality materials, such as decorative blocks, brick, stone, vinyl, treated wood, wrought iron and chain link. Fences shall be constructed so that the supporting side of any fence (beams or cross arms, supports) are facing away from the right-of-way. Chain link shall not extend above the top fence rail. Barbed wire or other wire fence materials shall not be permitted outside the LI district.
- vi. Electrical fences are prohibited.
- vii. Breaks in any required fence or wall may be required for pedestrian connections to adjacent developments.
- viii. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be one hundred (100) feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
- ix. All fences shall be kept in good repair at all times. Failure by the property owner to keep a fence in good repair may result in the Board of Trustees ordering that the fence be repaired or removed.

The applicant is requesting to put in a 6' fence along the western property line (along Iowa Ave). The variance request would allow the applicant a variance on the above section (LDC section 7.05.D.6.a) which only permits a 4' fence height along street yards.

Town of Palisade Land Development Code Section 4.12 Variance

Section 4.17.F. Findings of Fact

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic;

This property is located on the corner of Iowa Avenue and W. Fourth Street. The house location lies along the current Town truck route and is approximately four feet from the sidewalk that was put in by the Town a few years ago. When the sidewalk improvements were made, the side of the house became much closer to pedestrians walking by. At the time of the sidewalk improvements, the landscaping (as pictured above) was removed. The landscaping cannot be put back in due to the small width between the sidewalk and the foundation of the house. Since the existing house was already built close to Iowa Avenue, and the sidewalks infringed on that space, these characteristics are unique to this particular piece of property.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

The Town has received other inquiries and applications for a variance on fence height. Applications for a variance in fence height have typically been denied before due to a lack of undue hardship as required by a variance. It is the applicant's responsibility to show any undue hardship caused by the exceptional circumstances.

3. A literal interpretation of the provisions of the LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

Other property owners are not allowed to put 6' tall fences along street sides without approval of a variance by the Board of Adjustment. Other 6' tall fences may have been constructed prior to this regulation on fence height. If the variance is not granted by the Board of Adjustment, the applicant may construct a 4' tall fence along the sidewalk.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

The requested variance complies with the intent of a variance application as well as the request of a 6' tall fence along a street side yard. The 6' tall fence will not hinder any visibility to drivers at the intersection of W. Fourth Street and Iowa Avenue. The intent of the LDC is to have 4' tall fences along street yards unless there are exceptional circumstances and the applicant can show undue hardship. If the variance application is approved, the 6' tall fence must still comply with all other fence regulations as far as material and maintenance.

5. The special circumstances are not the result of the actions of the applicant.

Since the Town constructed sidewalks along Iowa Avenue, the applicant is not responsible for the close proximity to pedestrians walking by the house. Due to the sidewalks along Iowa Avenue, the applicant is also not able to put landscaping as a buffer due to possible damage to the sidewalk.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

The variance requested is the minimum variance possible. The applicant is not asking for a fence height of greater than 6' tall which would create a much larger variance. Asking for a 6' fence instead of a 4' fence along Iowa Avenue would be the minimum variance requested. If granted, the variance would not permit a fence that is higher than a standard residential fence constructed at 6' tall.

RECOMMENDATION:

Staff is asking the Board of Adjustment to make a decision on the application for a variance for fence height at 393 W. Fourth Street. Staff is recommending that the Board approve the application, it be based upon the above findings of fact.

The applicant briefly spoke to the Board regarding the reason why they're seeking this variance with the following points being made:

- Proximity to the sidewalk that the Town installed in 2019
- Privacy
- Safety
- The fence will be aesthetically appealing
- Most neighbors are in favor of the variance

Mayor Granat asked for public comment.

Citizens spoke to the Board briefly regarding the variance with the following points being made:

- The fence will impede visibility in the area, especially when leaving the alleyway

Mayor Granat asked for Board comment.

A brief discussion ensued amongst the Board of Trustees with the following points being made:

- This is a perfect example of the reasons why the Town allows variances
- Town projects have encroached onto this property for many years
- Concerns about the limited amount of space between the home and fence and whether the bedroom windows will be able to open.

Motion #3 by Mayor Pro-Tem Mikolai, seconded by Trustee L'Hommedieu, to approve an application requesting a variance on the height of a fence at 393 West 4th Street (Parcel #2937-092-14-009)" as presented.

A roll call vote was requested.

Yes: Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds

No: None

Absent:

Motion carried.

Mayor Granat closed the Public Hearing at 6:27p.m.

NEW BUSINESS

Resolution #2020-01

Should the Board of Trustees for the Town of Palisade, Colorado, approve Resolution #2020-01 entitled, "A Resolution of the Board of Trustees for the Town of Palisade, Colorado, Submitting a Ballot Question to the Registered Electors Voting in the April 7th, 2020 Regular Municipal Election Concerning Whether the Town of Palisade Should be Permitted to make Expenditures Accessible by Request at Town Hall or on the Town Website Rather than Regularly Publishing them in a Local Newspaper."?

The Finance Director stated that the Colorado Revised Statutes requires that municipalities publish all expenditures in a newspaper of general circulation within 20 days of the expenses being approved for payment. Within the same statute, it

states that if the citizens may vote to allow the municipality to publish expenses on their websites, allowing expenditures to no longer have to be published in the newspaper, thereby saving money.

A brief discussion ensued amongst the Board with the following points being made:

- This is a good idea to save the Town money
- Is this actually worth going to the voters since the Town only expends approximately \$700 annually to publish the expenditures
- This lets the people make the decision
- No harm in continuing to publish expenditures in the newspaper because it allows for more transparency
- Saves paper

Motion #4 by Trustee Somerville, seconded by Mayor Granat, to approve Resolution #2020-01 entitled, "A Resolution of the Board of Trustees for the Town of Palisade, Colorado, Submitting a Ballot Question to the Registered Electors Voting in the April 7th, 2020 Regular Municipal Election Concerning Whether the Town of Palisade Should be Permitted to make Expenditures Accessible by Request at Town Hall or on the Town Website Rather than Regularly Publishing them in a Local Newspaper" as presented

A roll call vote was requested.

Yes: Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee L'Hommedieu, Trustee Bonds

No: Trustee Chase, Trustee Sundermeier

Absent:

Motion carried.

Should the Board of Trustees approve a computer system upgrade at the water treatment plant in the amount of \$38,962.00?

The Town Manager stated that staff toured the water treatment plant and met with the water treatment plant operators. Together a list was created of maintenance items that need to be addressed, one of which being the computer system. Funds for this project are included in the 2020 Town of Palisade budget.

Mayor Pro-Tem Mikolai inquired as to whether or not staff went out for RFP. The Town Manager stated that staff did go through the RFP process, this was the only response received.

Motion #5 by Mayor Pro-Tem Mikolai, seconded by Trustee Sundermeier, to approve a computer system upgrade at the water treatment plant in the amount of \$38,962.00.

A roll call vote was requested.

Yes: Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier, Trustee Somerville

No: None

Absent:

Motion carried.

Discussion regarding new event Palisade Art Festival on September 26th and 27th, 2020

The Town Manager stated that by Code, the Board of Trustees must approve any new event that comes to Town.

The Parks, Recreation and Events Director stated that the Town was approached by the coordinator of the Mountain Arts Festival, and they're interested in beginning a new art festival at the Palisade Veterans' Memorial Park. This event would be very low impact, no alcohol is served and possibly 50-60 artisans being featured.

A brief discussion ensued amongst the Board with the following points being made:

- How does the festival make money? The Parks, Recreation and Events Director stated that the festival makes money through the entry fees from the artisans.
- Would like to see the committee work with the Blue Pig, Palisade Art Vision and other local galleries.
- Great idea
- Need to have a backup plan in case of inclement weather

Motion #6 by Mayor Pro-Tem Mikolai, seconded by Trustee L'Hommedieu to support the Palisade Art Festival being hosted in the Town of Palisade on September 26th, and 27th, 2020.

A roll call vote was requested.

Yes: Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat

No: None

Absent:

Motion carried.

Discussion regarding a concert event at Riverbend Park for Palisade High School on May 16th, 2020

The Town Manager stated that Palisade High School is requesting the use of Riverbend Park for a fundraising concert for mental health awareness and they are requesting the park use fees be waived.

The Parks, Recreation and Events Director stated that students from Palisade High School approached staff regarding hosting a fundraiser for mental health awareness. The students are anticipating a couple hundred people and will be charging a small fee for entry, there would be no alcohol, would take care of their own security, port-a-potties and any other facet of their concert. The concert would include three or four bands that would finish before dark. The students would like to come to a regularly scheduled Board meeting to formally present their idea.

A brief discussion ensued amongst the Board with the following points being made:

- What kind of bands will be performing? Looking at bands within the community.
- What will the impact be?
- Who will be in charge of security?
- How will they enforce a no drugs and/or alcohol policy?
- What is the cost?
- What are the hours?
- They need to provide volunteer staff for tasks like parking
- Need more information before any decision can be made

Motion #7 by Mayor Pro-Tem Mikolai, seconded by Trustee Sundermeier, to approve the May 16th, 2020 date for the Palisade High School fundraising concert with the caveat that the students formally present their idea to the Board of Trustees during a regularly scheduled Board meeting making sure to include the answers to the above listed questions.

A roll call vote was requested.

Yes: Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai

No: None

Absent:


Motion carried.

ADJOURNMENT

Mayor Granat, stating that there was no further business before the Board, adjourned the meeting at 7:10p.m.



ATTACHED



Roger L. Granat
Mayor

X *L. Chitwood*

Lindsey Chitwood
Town Clerk