



**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE
PALISADE BOARD OF TRUSTEES
April 13, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 pm by Mayor Mikolai with Trustees Somerville, L'Hommedieu, Turner, Carlson, Maxwell, and Mayor Pro-Tem Chase present. Also present were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, and Finance Director Travis Boyd.

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her report and stated that Town Hall would be reopening on Monday, April 19 with masks being optional. She also announced that the Town will be entering into an agreement for the Palisade Sunrise Rotary Club to take over maintenance of the Town's garden beds.

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 – March 20, 2021 – April 9, 2021
- **Minutes**
Minutes from the March 23, 2021 Board Meeting

Motion #2 by Trustee Somerville, seconded by Trustee Turner, to approve the Consent Agenda as presented.

A roll call vote was requested.
Yes: Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell
No:
Absent:

Motion carried.

PUBLIC COMMENT

Dave Walker 588 W 1st Street relayed a list of disappointments from the previous meeting regarding a Conditional Use Permit (CUP) application for The Colorado Weedery to move from their current location. The list included the high volume of traffic that goes down 1st Street to visit the Colorado Weedery that could have been alleviated with the move, the uncertainty of a few of the Board members on what they were and were not allowed to do (such as tabling the application), and most of all the discussion regarding the traffic study and why there was not more discussion regarding the existing traffic. Mr. Walker stated he hopes the Board will direct staff to make looking into traffic on 1st Street and Elberta a priority.

PUBLIC HEARING

PRO 2021-05 – Turley Rezone

Mayor Mikolai opened the public hearing at 6:26 pm.

Community Development Director (CDD) Brian Rusche reviewed his staff report citing the approval criteria and Planning Commission recommendation:

1. Consistency with the adopted plans and policies of the Town;
The Comprehensive Plan – Future Land Use Map (2007) designates the property as low-density residential, which reflected its use at the time the plan was developed. However, the residence has been demolished, and the property is zoned for high-density residential, which also permits a range of small-scale commercial uses. The most recent action on the property was the approval of a bank with a drive-through in 2018, which was not constructed.

The Hospitality Retail (HR) zone was created after the adoption of the Comprehensive Plan to provide hospitality and retail development compatible with the character of adjacent historic neighborhoods with a design complementary to the existing wineries and agricultural uses (which exist across the Street from the subject property).

Since the property is no longer being used for residential purposes, and no residential use has been proposed, and commercial use has previously been approved, there has been a change in condition and public policy that warrants consideration of the proposed rezone as an action that would advance the welfare of the Town.

2. Suitability of the subject property for uses permitted by the current versus the proposed district;
A tasting room, as distinguished from a winery, requires a Conditional Use Permit (CUP) within the current HDR (High-Density Residential) zone. A tasting room is permitted within the AFT (which is the zoning across the Street), MU, TC, CB (also across the Street), LI, and HR (Hospitality Retail) zones. In addition, neighborhood retail, including the sale of gifts or souvenirs, and the preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections, and similar products (whose preparation does not require installation of an exhaust hood) requires a CUP in the HDR (current zoning) but is permitted within the MU, TC, CB, and HR (Hospitality Retail) zones – note that this is not allowed (at least under the matrix) in an AFT zone.
The applicant has provided a concept drawing (attached to this report) that shows how a tasting room, along with associated parking and landscaping, would fit within the one-acre lot.

3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;
The current property owner operates a winery outside of the Town limits and is intending to develop a tasting room at this location, which would provide access to customers who might not otherwise venture directly to the winery. Tasting rooms are an important part of the Town's commercial and tourist appeal. This property is on a visible street across from an established agricultural business (McLean Farms) that offers products to locals and visitors traveling the corridor between I-70 and Highway 6. The property has not attracted interest in residential development, potentially because it would be difficult to subdivide and is located directly adjacent to the railroad tracks.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, and water supply facilities, and stormwater drainage facilities for the proposed use;
Unlike residential use, commercial use does not impact school enrollment or parks and recreation facilities. The site is only accessible by 37 3/10 Road (a.k.a. Elberta Ave.) which has other commercial uses across the Street and to the south. There is an existing sidewalk adjacent to the property as well. It is bordered on one side by the Union Pacific Railroad, which can be a detriment to residential uses. The property does have an existing water tap, though any new use may require an upgrade to both the water and sewer tap, along with the appropriate fees. Water, sewer, and stormwater facilities are accessible within the public roadway.
5. It has been determined that the legal purposes for which zoning exists are not contravened;
The legal purposes for which zoning exists are not contravened by this request.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
While there is a residential neighborhood adjacent to the property on the north and east, there is no access to this property from that neighborhood, meaning that traffic will not traverse a residential neighborhood, but rather utilize an existing collector road (Elberta). The Land Development Code (LDC) requires a landscape buffer of between 10 and 15 feet for development in the HR zone (proposed) adjacent to development in the LDR (neighboring zone on the north and east); the applicant's concept plan includes a garden area on the east side of the potential building site that would serve as this buffer.
7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The public would benefit from the increase in revenue generated by commercial use, particularly one that is consistent with the predominant market of the region (fruit/wine) and contributes sales taxes, as well as property taxes, to the Town.

The Planning Commission conducted a Public Hearing on this rezone request on April 6, 2021, and forward a unanimous recommendation of approval.

Applicant Richard Turley began by reviewing the history of his business *Colorado Cellars*, and the reasons behind their request to put a tasting room at the proposed location.

Mayor Mikolai opened the hearing to public comment.

Dave Walker 588 W 1st Street remarked that he could not see a better use for the proposed property, requested that it obtain an Elberta Avenue address, and also asked for continuous sidewalks from Elberta Avenue and 1st Street to the Palisade Pool, Peach Bowls Park, etc.

Mayor Mikolai opened the hearing to Board comment.

Mayor Pro-Tem Chase inquired why there were going for rezone vs. a CUP?

The applicant responded that they *could* have gone for a CUP under the current zone but was not in favor of the uncertainty of his business's future with conditional use. The rezone is appropriate for the area and allows the proposed tasting room as a permitted use.

Trustee Maxwell began by asking if there had been any consideration given to having the separate entrance and exit points moved to the middle to alleviate the potential hard left exit the train tracks? With the train tracks being so high, her concern is that people will not see traffic coming or going from the proposed exit area.

The applicant said he would look into it and find the safest option.

Trustee Somerville commented that he feels it would be an excellent use of land that has sat vacant for so many years. It is hard to imagine anyone wishing to build residential next to the existing train tracks from a zoning perspective.

Mayor Mikolai asked if there was history or documentation as to why the bank was going for a CUP in the past instead of going through this rezoning process?

Trustee Carlson commented on the proposed use and plans being a great idea.

Motion #3 by Trustee Somerville, seconded by Trustee Turner to approve Ordinance 2021-05 on the grounds that it meets the criteria required in the Palisade Land Development Code.

A roll call vote was requested.

Yes: Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai

No:

Absent:

Motion carried.

Mayor Mikolai closed the public hearing at 6:48 pm.

NEW BUSINESS

Permission to auction a fire truck

Town Manager Hawkinson reviewed her staff report, reiterating that despite the title of the agenda item that staff was looking to auction off Fire Engine 42, Old Rescue, Fire Tender, Grader, Dozer, Leaf Vac, Pick-up Truck, and the 510 Backhoe.

Mayor Pro-Tem Chase asked where the revenue will go once sold?

Finance Director Boyd stated that all revenue would go to the General Fund.

Trustee Carlson inquired about the funds we could potentially receive if the equipment was sold as scrap.

Finance Director Boyd responded that we could set the minimum bid at the expected scrap value, and if it doesn't sell, scrap it then.

Motion #4 by Trustee Somerville, seconded by Trustee Carlson to direct the Town Manager to auction off all equipment listed in the staff report.

A roll call vote was requested.

Yes: Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner

No:

Absent:

Motion carried.

Palisade Chamber of Commerce Memorandum of Understanding (MOU)

Town Manager Hawkinson stated that the MOU with the Chamber of Commerce is being presented for the Board's approval.

Becky Davis, representing the Palisade Chamber of Commerce, gave a lengthy presentation, including the modifications they would like to see in the MOU.

After a brief discussion amongst the Board, staff is requested to work with the Chamber to modify the MOU and bring it back to the Board for final approval.

Motion #5 by Trustee Somerville, seconded by Trustee Turner to table the MOU with the Palisade Chamber of Commerce until the April 27, 2021 Board of Trustees meeting.

A roll call vote was requested.

Yes: Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville

No:

Absent:

Motion carried.

Supplemental Budget Appropriation for Bower Sewer Project

Finance Director Boyd stated that the total cost of the Bower Sewer/Water project is estimated to be \$295,000 and that resources from both funds will be required to pay for it. \$88,500 is being requested for appropriation from the Water Fund. \$206,500 is being requested for appropriation from the Sewer Fund.

Motion #6 by Mayor Pro-Tem Chase, seconded by Trustee Somerville approve Resolution 2021-02 to amend the 2021 budget by supplementing an appropriation of money to the water and utilities fund.

A roll call vote was requested.

Yes: Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase

No:

Absent:

Motion carried.

Supplemental Budget Appropriation for Waste Management

Finance Director Boyd explained that the total revenue of the Solid Waste Fund was estimated to be \$175,283.38, which is more than the 2020 budget of \$140,000 by \$35,283.38.

The total expenditure of the Solid Waste Fund was estimated to be \$162,915.85, which exceeds the \$139,600 2020 budget appropriation by \$23,315.85. He requested a retroactive supplemental budget appropriation for the budget year 2020 in the amount of \$30,000. The excess amount above the estimated total expenditure is requested to cover any accruals that may be unknown at the time of the request.

Motion #7 by Trustee Turner, seconded by Trustee Somerville approve Resolution 2021-01 to amend the 2020 budget by supplementing an appropriation of money to the garbage fund.

A roll call vote was requested.

Yes: Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson

No:

Absent:

Motion carried.

Ordinance 2021-04 Amending Chapter 7, Article VI of The Palisade Municipal Code Repealing the Fowl Permit Requirement

Community Development Director Rusche reviewed the staff report and reiterated that the Code amendment would update the fowl Code by giving enforcement of fowl violations to the Code Enforcement Officer, instead of the Mayor, Town Manager, and Chief of Police who are presently responsible for enforcing fowls regulations in Town limits.

Motion #8 by Mayor Pro-Tem Chase, seconded by Trustee Somerville approve Ordinance 2021-04 Amending Chapter 7, Article VI of The Palisade Municipal Code Repealing the Fowl Permit Requirement

A roll call vote was requested.

Yes: Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu

No:

Absent:

Motion carried.

Award of the Main Street Grant

Town Manager Hawkinson announced that the Town had been awarded \$50,000 from the CDOT (Colorado Department of Transportation) Main Street Grant Program to build two parklets: one for Diorio's restaurant and a second for Peche' to support businesses and recovery from the COVID-19 pandemic.

She requested that the Board give her direction to enter into a contract with CDOT Main Street Grant Program and Western Precision Manufacturing for the construction and installation of the two parklets.

Motion #9 by Trustee Somerville, seconded by Trustee Turner to direct the Town Manager to enter into a contract with CDOT Main Street Grant Program and Western Precision Manufacturing for the construction and installation of two parklets.

A roll call vote was requested.

Yes: Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell

No:

Absent:

Motion carried.

OPEN DISCUSSION

Mayor Mikolai opened by suggesting a work session of the Board of Trustees after May 17, 2021, when all members of the Board would be available to gather. After a brief discussion, *the consensus of the Board is to have a small (hour or two long) work session on April 20, 2021, at 6:00 pm at the Veteran's Memorial Community Center to discuss priority "shovel ready projects" that can be accomplished with potential grant money.*

Mayor Pro-Tem Chase inquired about the Fruit and Wine Byway signs and who was responsible for their upkeep? Town Manager Hawkinson stated the Town is responsible and has already taken steps to get some of the signs in the most distress replaced.

Trustee Turner announced that she would like to see Palisade Art Vision (PAV) involved in some manner with the Highway 6 design project.

COMMITTEE REPORTS

Board members briefly explained the various meetings they had recently attended.

ADJOURNMENT

Motion #10 by Trustee Turner, seconded by Trustee L'Hommedieu to adjourn the meeting at 8:17 pm.

A voice vote was requested.

Motion carried unanimously.

X 

Greg Mikolai
Mayor

X 

Keli L. Frasier
Town Clerk

