



**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE
PALISADE BOARD OF TRUSTEES
April 27, 2021**

A work session of the Board of Trustees for the Town of Palisade began at 5:00 pm to discuss an Intergovernmental Agreement (IGA) with Clifton Sewer and to interview applicants for the Planning Commission. Present were Mayor Mikolai, Trustees Somerville, L'Hommedieu, Turner, Carlson, Maxwell, and Mayor Pro-Tem Chase. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, Utilities Director Matt Lemon, Town Engineer Bret Guillero, District Manager for Clifton Sanitation District Eli Jennings, and Planning Commission applicant Stan Harbaugh.

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, and Community Development Director Brian Rusche.

AGENDA ADOPTION

Motion #1 by Trustee Somerville, seconded by Trustee Maxwell, to approve the agenda as presented. *It was noted that the Proclamation for Police Week is being postponed until the May 11, 2021 meeting.*

A voice vote was requested.
Motion carried unanimously.

PRESENTATIONS

Proclamation for Teacher Appreciation Week was presented to Mesa County Valley School District 51 Superintendent Dr. Diana Sirko by Trustee Somerville.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her report and asked the Board for direction on the following items discussed in a previous work session:

1. If they supported giving her direction to design the concept plan and funding request for Elberta Ave multi-modal improvements to the Revitalizing Main Streets Grant? ***The consensus of the Board was YES.***
2. If the Board of Trustees wanted to tour the potential Wine Valley Road route for possible concept design work to prepare for a future grant as "project ready?" ***The consensus of the Board was YES.***
3. If they want to give her direction to apply for a \$100,000 Main Streets Grant for additional Highway 6 sidewalk funding? ***The consensus of the Board was YES.***
4. Would the Board like to tour the water treatment plant and watershed on May 17, 2021, where she would rent a couple of side-by-sides for transportation? ***The consensus of the Board is to send out a poll to clarify the availability of all members for either May 18 or May 19.***

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 – April 10, 2021 – April 22, 2021

- **Minutes**

Minutes from the April 13, 2021 Board Meeting

Motion #2 by Trustee Somerville, seconded by Mayor Pro-Tem Chase, 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

Desa Loughman 378 W 5th Street stated concerns in making Wine Valley Road continue through Town. She supports the Chambers efforts with Palisade Peachfest.

Jesse Loughman 378 W 5th Street agreed with what Desa had stated in her comments and expanded by emphasizing that an expanded Wine Valley Road would have to pass through a conservation easement.

PUBLIC HEARING I

PRO 2021-5 – Harvest Hosts at Colorado Vintners CUP

Mayor Mikolai opened the public hearing at 6:21 pm.

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

1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
The Colorado Vintners Collective is located on Highway 6. It has existing access sufficient for RVs and other commercial vehicles. The proposed parking area would not interfere with the operations of the winery itself. There are no adjacent residences or businesses to the subject property. The RVs must be fully contained as no facilities (dump station, etc.) are provided. This is a requirement of the Harvest Hosts program. The guests (as well as hosts) are vetted through the program to ensure a good experience (i.e., no disruptive behavior) for both parties.
2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
The application conforms to practices of sound land use planning.

The proposed parking area has approximately 180 linear feet between the building and the west property line. Based on the setback and separation requirements specific to RV parks (15 feet between spaces and 20 feet to a building), about 120 feet would be necessary to accommodate up to four (4) RVs. The area proposed is gravel and no electrical hookups or other improvements are proposed. The concept behind the Harvest Hosts is to experience the winery or other destination and only an overnight (versus weekly or longer) stay is allowed, reducing the potential impact. The use will function as an accessory to the existing winery use and is within an appropriate commercial zone.

3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The area of the property is currently unused. The parking area will not interfere with the operation of the winery and the parking for guests thereof. The property itself is bordered by the Highway on the south (with the High School on the other side), a vineyard and church to the east, and the railroad tracks on the north and west with additional agricultural operations/vineyards on the other side of the railroad.

4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

The addition of this optional service (Harvest Hosts) could boost visits to this winery and provide another alternative for tourists to experience the uniqueness of Palisade. The property is commercial in nature and there are no permanent improvements proposed that would alter the existing character of the winery or adversely affect neighboring properties.

The recommendations from staff and Planning Commission include the following conditions:

1. No permanent facilities (such as a dump station or electrical connection) shall be installed to serve this proposed use.
2. Gravel surfaces within the property shall be maintained for the duration of the use in a dust-free manner.
3. Should the business owner elect to no longer participate in the Harvest Hosts program, the RV parking will no longer be allowed unless a new CUP is approved.
4. A maximum of four (4) recreational vehicles may be hosted at the site at any one time.

Applicant Ally McDonald gave a brief presentation reiterating plans outlined by CDD Rusche.

Mayor Mikolai opened the hearing to public comment.

Jeff Snook 424 W 8th Street; declared that he thinks the application is a great idea and that we need more lodging in Town. He asked the Board considers approval.

Jesse Loughman 378 W 5th Street; agreed with Mr. Snook and thinks it's a great idea. Mr. Loughman stated that he looks forward to the Board supporting the applicant to help this business move forward.

Annette Lewis 568 34 Road; announced that she is all for Ally (the applicant) having a Harvest Hosts hosting at her establishment. Ms. Lewis stated that she has worked with the applicant in the past on other events, and Harvest Hosts is a way to give back to the tourists that come to Town.

Gail Evans 126 Majestic Court; asked for clarification that guests could only stay for a single night and queried about how they would get around Town in their RVs.

Mayor Mikolai opened the hearing to Board comment.

Trustee Somerville asked for clarification that there would be a four-vehicle maximum. When CDD Rusche confirmed that the Planning Commission had made that as a recommendation, Trustee Somerville expressed what an amazing idea he thought this application was.

Trustee L'Hommedieu remarked that this program if approved, would not collect the lodging fee that other lodging establishments are required to pay. Various Board members confirmed that she was correct due to the fact that the guests staying through the Harvest Hosts program are required to be self-contained, and the hosts do not charge for the parking space they stay in.

Trustee Carlson confirmed that the entry and exit points are the same spots.

Trustee Maxwell expressed concerns about people traveling eastbound on Highway 6 trying to maneuver a large RV into the space and around various utility obstacles. She suggested adding a condition to widen the entrance and move some of the utility boxes to make it easier for guests to traverse the area in large vehicles. The applicant responded that there had been many RVs enter and park for day use in the same spots outlined in the application, and there has been no difficulty. She also stated that she would restrict the size of RVs that are allowed to stay on the property through the Harvest Hosts program.

Trustee Maxwell's other concern was the high school being directly across the street, and suggested the possibility of putting up a privacy fence on the border along the Highway. The applicant stated that a fence would block her business from being seen by travelers.

Mayor Pro-Tem Chase asked CDD Rusche if the ingress/egress had been evaluated as a part of this application process? CDD Rusche stated that the ingress/egress is designed for commercial traffic.

The applicant read a brief closing statement stating that she believes that it will benefit the Town's economy to allow this type of accommodation for travelers.

Motion #3 by Trustee Somerville, seconded by Trustee Maxwell to approve *PRO 2021-5 Harvest Hosts at Colorado Vintners CUP* and to include the recommendations made by staff and the Planning Commission on the grounds that the application with the recommendations meet 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 6:43 pm.

PUBLIC HEARING II

PRO 2021-06 - 3719 G Road Fence Variance

Mayor Mikolai opened the public hearing at 6:43 pm.

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

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 consists of 0.795 acres and the residence was built in 1960. The property only has access to the Frontage Road adjacent to Highway 6. When the Montclair Subdivision was constructed (2007), the only access to the development was via Montclair Drive. Montclair Drive, when constructed, created a corner lot out of the subject property and, in effect, changed the condition of the 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 does receive other inquiries for variances to this rule on fence height. Applications for a variance, therefore, must be evaluated on a case-by-case basis using the criteria set forth in this section.

Of note is that the adjacent properties have different zoning from the subject property and are developed at a higher density.

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.

In this case, the applicant is denied the ability to create a private side yard due to the construction of a street several decades after the construction of the residence. Had a 6' fence already been constructed prior to the development Montclair it would have been allowed to remain at that height. The existing agricultural style wire fence approximately 3 feet from the property line that has deteriorated and needs replacement. The applicant has already received a permit to replace other portions of fencing that are not impacted by the side yard rule.

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 intent of the LDC is to have 4' tall fences along street side yards to maintain consistency with the 4' fences permitted in the front yards of the adjacent residences. In this case, the construction of Montclair created a street frontage that did not previously exist, and so the existing situation looks out of sorts. The applicant proposes the 6' fence as a better alternative entrance to the subdivision while simultaneously creating the privacy desired on his property. The fence will taper down to 4' at the true front yard of the subject property and will actually be lower than that to comply with the site distance triangle at the intersection of the Frontage Road and Montclair Drive. The requested variance is only to the height; if approved, the fence must still comply with all other fence regulations as far as material and maintenance.

In addition, Montclair Drive is constructed higher than the elevation of the applicant's property, causing stormwater runoff upon the subject property. The fence and associated landscaping improvements will help to mitigate this condition.

5. The special circumstances are not the result of the actions of the applicant.
As noted earlier, the construction of Montclair Drive created the circumstances that do not allow the proposed fence; this was done several decades after the home was constructed but prior to the current owner purchasing the home.
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 possible, as it would allow a 6' fence that is typical of other residential properties that are not encumbered by a street constructed after the property was developed.

Applicant Marshal Roach read a lengthy statement reiterating what CDD Rusche explained in his staff report.

Mayor Mikolai opened the hearing to public comment.

Gail Evans 126 Majestic Court; asked what material the retaining wall will be constructed out of. The applicant stated that it would be made of textured landscape retaining wall bricks (12" X 17").

Mayor Mikolai opened the hearing to Board comment.

Trustee Carlson commented on how much work Mr. Roach has put into his property and how many improvements have been made since he moved in. The Montclair subdivision HOA is also in full support of the project.

Mayor Pro-Tem Chase asked for clarification on the final height of the fence once complete.

Trustee L'Hommedieu stated she felt the applicant did a good job looking into all aspects of this project.

Trustee Maxwell expressed her appreciation of how well the application was put together.

The applicant declined a closing statement.

Motion #4 by Trustee Somerville, seconded by Trustee Turner to approve *PRO 2021-06 - 3719 G Road Fence Variance* on the grounds that the application meets the criteria required in the Palisade Land Development Code.

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.

Mayor Mikolai closed the public hearing at 7:06 pm.

NEW BUSINESS

Appointment of Planning Commissioner

Mayor Mikolai reminded the audience that interviews had occurred at the work session preceding the meeting this evening.

Motion #5 by Mayor Pro-Tem Chase, seconded by Trustee Turner to appoint Stan Harbaugh to the Planning Commission.

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.

Clifton Sewer Intergovernmental Agreement (IGA)

Town Manager Hawkinson briefly reviewed the history of the Town's sewer treatment options and the work toward moving to connect to Clifton Sewer.

The Board had a brief discussion where they commended staff on a job well done and their excitement to finally be able to approve this IGA as this has been a long process to get to this point.

Motion #6 by Trustee Somerville, seconded by Trustee Carlson enter into an Intergovernmental Agreement with Clifton Sanitation to connect Palisade Sewer to their system.

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.

Resolution 2021-03 - Fee Schedule Update

Town Clerk Keli Frasier announced that only the fees highlighted in the report are changing and asked the Board if they had any further questions regarding the staff report submitted in the packet.

None were offered.

Motion #7 by Trustee Turner, seconded by Trustee Somerville approve Resolution 2021-03 to update the Town of Palisade Fee Schedule.

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.

Transportation Alternatives Program (TAP) Grant Sidewalks Engineering Contract

Town Manager Hawkinson reviewed her staff report stating that in 2020 the Town applied for a Federal Grant for \$1 million dollars to design and construct sidewalks on the south side of the Highway 6 frontage road. The proposed sidewalks will begin at Iowa Avenue and end at Palisade High School.

Town advertised a Request for Qualifications (RFQ) for the Engineering Design of the project.

After review by the selection committee, Stolfus Engineering was selected. Staff has worked with Stolfus to negotiate the scope of the project and negotiated a contract.

The project will be in CDOT right-of-way and will take about seven months for the design, engineering, and CDOT approval process. Construction of the sidewalks scheduled to begin in March 2022.

Trustee Carlson announced that as a member of the selection committee, he is confident with the choice of Stolfus Engineering.

Motion #8 by Trustee Somerville, seconded by Trustee Turner to direct the Town Manager to enter into contract with Stolfus and Associates to design & engineer the TAP grant sidewalks project.

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.

Chamber of Commerce Memorandum of Understanding (MOU)

The Palisade Chamber of Commerce submitted an MOU to Board Representative Maxwell and Town Manager Hawkinson to submit to the Board of Trustees.

On behalf of the Palisade Chamber of Commerce, Becky Davis stated that she was satisfied with the terms of the MOU being presented to the Board.

Mayor Pro-Tem Chase observed that it was wonderful to move toward a positive relationship. However, she does not feel that #2 (Events by the Chamber will be advertised as *event name* by the Palisade Chamber of Commerce. For example, *Palisade Peach Festival - powered by the Palisade Chamber of Commerce*) is necessary in the agreement, and it should be left up to the Chamber on how it communicates it's ownership of events and festivals.

Ms. Davis responded that Chamber has no problem in saying that the Chamber of Commerce sponsors their events.

Trustee Somerville stated that he would vote in favor of the MOU to move forward; however, he feels that regulation #2 opposed by Mayor Pro-Tem Chase needs to be revisited in 2022.

Trustee Maxwell clarified that the Town has never asked the Chamber to re-name the Palisade Peach Festival; rather, the request has always been to add “sponsored by” the Chamber of Commerce, so event-goers know who to call and request information from in the marketing. She went on to add that communication has not been an issue, as there had been over ten meetings to get this MOU accomplished. The Chambers wrote “powered by” in the MOU.

Motion #9 by Mayor Pro-Tem Chase, seconded by Trustee Sommerville, enter into a Memorandum of Understanding with the Palisade Chamber of Commerce.

Motion #10 by Mayor Pro-Tem Chase, seconded by Trustee Sommerville to amend the Memorandum of Understanding to remove #2 that states, “Events by the Chamber will be advertised as *event name* by the Palisade Chamber of Commerce. For example, *Palisade Peach Festival - powered by the Palisade Chamber of Commerce.*”

A roll call vote was requested.

Yes: Trustee Somerville, Mayor Pro-Tem Chase,

No: Mayor Mikolai, Trustee Turner, Trustee Carlson, Trustee L’Hommedieu, Trustee Maxwell

Absent:

Motion failed.

A roll call vote was requested for *Motion #9*.

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

No:

Absent:

Motion carried.

OPEN DISCUSSION

Trustee Somerville recognized Tracey Garchar, the Mesa County Director of Health and Human Services, who we just lost within the last few days. He was an absolutely outstanding human being, and Trustee Somerville had the pleasure of working with him on the Grand Valley Task Force. Trustee Somerville went on the state that it’s unfortunate that most people don’t get to see the contributions he (Mr. Garchar) made. The differences he made at the County level in every department were incredible. Mr. Garchar was just an outstanding public servant, and we will not be able to fill the void left by him due to this tragedy.

Mayor Mikolai also sent out heartfelt condolences to the Garchar family. Mr. Garchar’s daughter is a student of Mayor Mikolai’s at CMU; our sympathies and best wishes go out to all affected by his loss.

Trustee Maxwell report that she came across a social media post that was a bit disturbing to her. The underlying issue of the post is that the Town needs to get better at enforcing CUPs (conditional use permits). The specific post that has her concerned is of an adult person urinating in plain sight during the day at one of the Town’s local businesses. The parking at the business has become atrocious and has not been fixed, and she feels it’s time to start enforcement.

Mayor Pro-Tem Chase asked staff for a budget-to-actual report and balance sheet on a quarterly basis. This topic has been discussed before, and she feels it’s difficult to monitor the finances of

the Town – as the Board is responsible for – without those reports. She would also like the Finance Director present at the meeting when those reports are submitted. *Town Manager Hawkinson stated that we would have the reports and the director available at the next meeting.*

Trustee Carlson Trustee Carlson read a letter from the Montclair Subdivision Homeowners Association to the Town Manager dated April 21, 2021, that regarded irrigation concerns.

COMMITTEE REPORTS

Board members briefly explained the various meetings they had recently attended. *Trustee Carlson handed out a flyer regarding a Virtual Senior Law Series presented by area agencies that will be a permanent attachment to these minutes.*

ADJOURNMENT

Motion #10 by Trustee Somerville, seconded by Mayor Pro-Tem Chase to adjourn the meeting at 7:45 pm.

A voice vote was requested.
Motion carried unanimously.

X 

Greg Mikolai
Mayor

X 

Keli L. Frasier
Town Clerk



VIRTUAL SENIOR LAW SERIES

10 AM - 11 AM

FREE SERIES!

*Free Senior Law Book!

*Sign up for a free
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You must pre-register at:

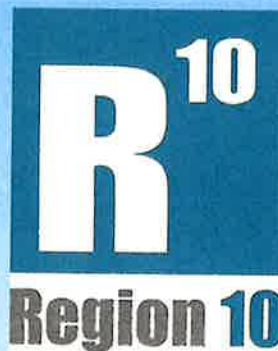
<https://www.eventbrite.com/e/virtual-senior-law-day-series-2021-registration-150814112069>

Schedule

Date	Topic	Presenter
5/7/2021	What You Need to Know When Someone Dies	Clara Brown-Shaffer, Esq.
5/14/2021	POA's & Advanced Directives	Andrea Rosenberry, Esq.
5/21/2021	Wills & Trusts	Lloyd Quesenberry, Esq.
5/28/2021	Long Term Care Medicaid	Shauna Clemmer, Esq.
6/4/2021	Medicare 201	John Ahern
6/11/2021	Titling Assets & Beneficiary	Chris Mahre, Esq.
6/18/2021	Long-Term Care Choices: Assisted Living or Skilled Nursing Home	Robb Huff & Marilyn Richardson
6/25/2021	End of Life Planning	Stephanie Holguin, Esq.

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*Estate, Trust, Tax and
Long Term Care Planning*



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QUESENBERRY**
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**KAIN &
BURKE, PC**

Colorado Legal Services

For low-income Coloradans seeking legal assistance and Colorado legal advocates

**Area
Agency on Aging
of NORTHWEST COLORADO**