



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
August 10, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 p.m. by Mayor Gregg Mikolai with Trustees present: Thea Chase, Jamie Sommerville, Bill Carlson, and Susan L'Hommedieu. Trustees Ellen Turner and Nicole Maxwell were absent. A quorum was declared. Also in attendance were Town Attorney Jim Neu, Community Development Director Brian Rusche, Town Manager Janet Hawkinson, Police Chief Debra Funston, Finance Director Travis Boyd, Utilities Director Matt Lemon, Parks, Recreation and Events Director Troy Ward, and Administrative Assistant Deb Mattson.

AGENDA ADOPTION

Motion #1 by Trustee Sommerville, seconded by Trustee L'Hommedieu, to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her report. The Town of Palisade was awarded a \$100,000 Main Street grant for a detached sidewalk on Highway 6 adjacent to the fire station. The old high school asbestos remediation is up for bid, and demo contract bids are due by August 27, 2021, at 1:00 p.m.

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 -July 23, 2021 – August 4, 2021

- **Minutes**
Minutes from July 27, 2021, Board Meeting

Motion #2 by Trustee Sommerville, seconded by Trustee Carlson, to approve the Consent Agenda as presented.

A roll call vote was requested.

Yes: Mayor Mikolai, Trustee Sommerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu

No:

Absent: Trustee Turner, Trustee Maxwell

Motion Carried.

PUBLIC COMMENT

Dave Chrisney 917 Square Ct. Fruita, stated that he is one of the many volunteers working with New Dimensions classes and would like representatives from Fruita, Grand Junction, and Palisade for their class on October 7, 2021, at 6:30 p.m. Mayor Mikolai volunteered to be the representative from the Board to participate in this class.

Sean Tallant 3819 N River Rd. stated that the speeding on North River Rd. is ridiculous, and the happy face speed monitoring signs are not working. He is worried about the safety of the many bike riders on the road.

PUBLIC HEARING I

PRO 2021-13 – Happy Camper Relocation - Conditional Use Permit (C.U.P.) and Minor Subdivision For a Retail Marijuana Store at 400 Wine Valley Road

Mayor Mikolai opened the public hearing at 6:16 p.m.

Community Development Director Rusche reviewed his staff report, clarifying the findings of fact, and recommended conditions of approval.

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 proposed retail marijuana store would be located on Wine Valley Road, which has been designed and partially built to current development standards, inclusive of sidewalks. More than twice the amount of required parking is provided based on the square footage of the store (using Table 10.1) with sufficient area for additional parking if necessary.

The proposed use is limited to a retail marijuana store and does not include any growing of marijuana on site. Its location is adjacent to an already approved drive-through restaurant as well as other existing auto-oriented uses and accessible via a public street, the extension of which will be paid for by the owner and not the Town, which makes the property immediately accessible to I-70, as this type of use attracts visitors from out of Town. The site includes parking areas that provide a greater amount than the required number of spaces under the Land Development Code, with all parking happening onsite.

One of the proposed conditions would include the approval of a landscape design, including ensuring the use of xeric landscaping.

CDOT and the applicant's engineer have been coordinating on obtaining an access permit, as required due to a projected increase in existing traffic volume indicated by the prepared traffic study; this increase, however, does not warrant physical changes to the intersection according to the traffic study.

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 applicant shall comply with all required specifications and standards within the Land Development Code. The proposed use appears substantially compliant with parking, landscaping, trash containments, lighting, and all other required sections of the Land Development Code, based on the submitted site plan.

The retail marijuana store shall comply with the above-required standards for a retail marijuana establishment found in the Town of Palisade Marijuana Code and all applicable regulations of the State of Colorado.

The design of the proposed store is a low-rise building utilizing earth-tone colors and accents to ensure that it blends into the high-desert landscape. An outdoor patio area (shown on the elevations) is provided in front of the store, like that found at the existing Happy Camper location.

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 property is currently a vacant commercial lot and has been vacant for some time. The development of the Golden Gate convenience store has undoubtedly increased the value of the remaining undeveloped commercial property due to the construction of public infrastructure. The establishment of complementary uses along the Wine Valley Road corridor will increase the value of the remaining parcels.

The nearest residential property to the east would remain separated from the proposed retail marijuana store by approximately two (2) acres of undeveloped commercial property. To the south, the residential Willow Tree Subdivision is separated by a canal with roads on both sides, a strip of undeveloped commercial property, and Wine Valley Road. As noted earlier, there will not be marijuana grown onsite. The L.D.C. requires the property to remain free of odors.

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 Comprehensive Plan (2007) predates the incorporation of the subject property into the Town limits. Nevertheless, it notes in Desired Future Condition – Policy 7: "For the area near I-70 Exit 42, encourage commercial development on vacant or undeveloped land that is consistent with preserving the agricultural character and an attractive entry into Palisade."

Prior to the annexation of the property in 2017, Mesa County had designated this area around Exit 42 as commercial, but it had historically been underutilized, and there does not appear to be any agricultural production present in the decade between the 2007 Comprehensive Plan and the 2017 annexation and development of the Golden Gate convenience store, based upon a review of available aerial photos.

There are two distinct neighborhoods at Exit 42, with the west side of Elberta being more agricultural in look and feel (i.e., gravel roads, large acreage sizes, active agricultural uses) and the east side of Elberta being more highway convenience-oriented (i.e., a new road with sidewalk, ample paved parking, new buildings but with historical aesthetics).

The duly adopted Hospitality Retail zone was established to provide hospitality and retail development along I-70 in the vicinity of Exit 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. A retail marijuana store may be considered via this conditional use permit process in this zone. All retail marijuana applications must comply with all necessary standards within the adopted Marijuana Code and Land Development Code.

Staff recommended the following conditions be included in the recommendation on this application:

1. The conditional use permit approval is based on the submitted plans, along with the supporting documents submitted with the application. No expansion of the area or use shall occur without the consideration and approval of the Board of Trustees. Development of any expansion shall be reviewed as an amendment to the approved conditional use permit and shall be subject to the notice and hearing procedures and standards which governed the initial approval, except that minor deviations may be approved by the Community Development Director pursuant to L.D.C. Section 4.07.G.1.
2. The site plan for this use shall be reviewed by the Town administratively as per Section 4.06 of the Land Development Code. The applicant shall adequately address any comments that arise from the administrative review or from the public hearing. Any improvements to the building (structural, electrical, fire suppression, plumbing, and building) associated with this use require planning clearances and building permits before improvements commence; furthermore, a final occupancy shall not be issued until the applicant has demonstrated to the satisfaction of the Town this use will comply with all applicable building and fire codes.
3. No marijuana cultivation is permitted unless approved through a separate conditional use permit.
4. No "pole sign" shall be permitted that would be visible from either direction on I-70. Other signage, including wall and/or monument signs, shall meet the requirements of the L.D.C. and Municipal Code. The term "cannabis" may not be used for exterior signage as per Section 6-129(a) of the Palisade Municipal Code.
5. The Conditional Use Permit is subject to a one-year review by the Town Board of Trustees. However, the Board may review the C.U.P. at any time if complaints are received and the Board determines that the use and the associated operations are unreasonably impacting adjoining properties.
6. The Conditional Use Permit shall only be valid in conjunction with a retail marijuana license issued by the Town of Palisade.
7. The Conditional Use Permit shall only be valid in conjunction with a Business License issued by the Town of Palisade.
8. The Conditional Use Permit shall become null and void if the use is discontinued for 12 consecutive months.
9. The owner or operator of the retail marijuana store shall adhere to the "Right to Farm" ordinance - specifically Section 7-173 of the Municipal Code.
10. A final landscaping design will be required and shall make use of xeric/water-wise landscaping principles.
11. An Access Permit shall be required from the Colorado Department of Transportation (CDOT), per the recommendations found in the traffic study. Any improvements at the intersection of Elberta Avenue and Wine Valley Road that are required by either CDOT or the Town Engineer will be the responsibility of the applicant and not the Town of Palisade.
12. The associated minor subdivision shall receive final approval by the Community Development Director and shall be recorded prior to receiving a Certificate of Occupancy for the building.

13. The design of public infrastructure in Wine Valley Road shall be approved by the Town Engineer, and infrastructure shall be completed prior to issuance of a Certificate of Occupancy (C.O.) for the building. A Subdivision Improvements Agreement may be recorded by the Town pursuant to the Land Development Code to ensure the completion of these improvements.

Colleen Scanlon-Maynard, representing the applicant H.C. Properties, L.L.C., and their landscape architect Ted Ciavonne gave a PowerPoint presentation explaining why they were requesting the Conditional Use Permit (C.U.P.), the reasons for wanting to move their business, and how they feel they meet the requirements of the Land Development Code.

Mayor Mikolai opened the hearing to public comment.

David Edwards 3781 Granada Drive #30, read a letter that will be a permanent attachment to these minutes.

Holly Butler 305 Main Suite #102 Assistant Director of the Chamber of Commerce believes Happy Camper has a positive impact on the community and that the application meets all requirements of the Land Development Code. The Chamber of Commerce plans to put a kiosk on the property when the proposed building of Happy Camper is completed.

Julianne Adams 3839 G Rd. requested approval of the application and believes Happy Camper has met all conditions of the C.U.P. process.

Tim Boyle, 3845 N River Rd. is in support of Happy Camper's move. Mr. Boyle feels it will improve traffic on N River Road as well as improving traffic elsewhere in Town.

Mayor Mikolai opened the hearing to Board comment.

Trustee Sommerville stated he believes the application meets the criteria of the Land Development Code; however, he is concerned about lumping together the subdivision and C.U.P.

Trustee L'Hommedieu had concerns about traffic in the proposed area and if their proposed parking would accommodate recreational vehicles and semi-trucks. Kari McDowell Schroeder, Traffic and Transportation Engineer with McDowell Engineering, explained the data included in the traffic study and noted that operationally, the volume levels of traffic would not be a concern.

Mayor Pro-Tem Chase asked for clarification on the procedure for the two items being discussed during the public hearing. Community Development Director Rusche and Town Attorney Neu explained the reason behind considering both items together. Mayor Pro-Tem Chase went on to state that she feels public comment sent via email should require the sender to include their Palisade home or business address. She inquired if cultivation would be allowed in the future, even though the applicants stated they would not have any cultivation on the property. Community Development Rusche stated that if the applicants want to start cultivation, they would be required to come before the Board with a new C.U.P.

Trustee Carlson asked what is the average time a customer takes at business. The applicant explained that online ordering takes 5 to 10 minutes for pick up. There is a different section for online ordering and new customers. Trustee Carlson was concerned about parking. The Happy Camper manager said that they do not foresee ever filling all 60 parking spots at one time.

Mayor Mikolai thanked the applicant for a very thorough presentation and for increasing parking for customers.

Applicant Colleen Scanlon-Maynard closed by explaining why they have designed such a large patio (aesthetics are pleasing) and that the business's goal is to have customers in and out within five minutes.

Motion #3 by Trustee L'Hommedieu, seconded by Mayor Pro-Tem Chase, to approve PRO 2021-13 – Happy Camper Relocation - Conditional Use Permit (C.U.P.) and Minor Subdivision for a Retail Marijuana Store at 400 Wine Valley Road with the inclusion of all of the staff's recommendations.

A roll call vote was requested.

Yes: Trustee Sommerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Mayor Mikolai.

No:

Absent: Trustee Turner, Trustee Maxwell

Motion Carried.

Mayor Mikolai closed the Public Hearing at 7:35 p.m.

NEW BUSINESS

Contract for Professional Services for the Demolition Project of the Old High School

Town Manager Hawkinson asked the Board for approval of a contract for engineering services to provide bid documents, bid phase, and construction phase assistance for a demolition project to remove the three annex buildings. The 1939 Gymnasium will stay. Asbestos remediation will have to occur first.

Trustee L'Hommedieu asked about salvaging various items from the old high school for memorabilia purposes. Town Manager Hawkinson explained that she has been looking into what can be done to salvage things that have been requested, like chalkboards, banisters, and bricks.

Motion #4 by Mayor Pro-Tem Chase, seconded by Trustee L'Hommedieu to approve a contract for professional services with J-U-B Engineers for the demolition project of the old high school.

A roll call vote was requested.

Yes: Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Mayor Mikolai, Trustee Sommerville.

No:

Absent: Trustee Turner, Trustee Maxwell

Motion carried.

OPEN DISCUSSION

Trustee Somerville addressed the move to not allow public participation via Zoom at meetings any longer and stated that those not able to appear in person are able to write letters and reassured the public that the Board reads all letters sent.

Mayor Mikolai informed the public that the meetings would be streamed live on YouTube moving forward. He agreed with Trustee Somerville about letters and reminded everyone that the Board

Chambers is A.D.A. compliant for those who wish to attend in person. Mayor Mikolai suggested creating a Zoom link for members of the public that are unable to attend meetings and having that link available upon request. ***The consensus of the Board is to move forward with a Zoom/Youtube hybrid platform for meetings.***

Mayor Pro-Tem Chase announced that she will not be able to attend the scheduled budget work session and asked if she could watch/listen to the meeting. Mayor Mikolai stated that staff would try to accommodate her request at the work session.

Trustee L'Hommidieu expressed her concern with traffic speeding on Main Street, as well as other side streets. She requested additional pedestrian crosswalks at the skate park and by the railroad tracks near McLeans Farms.

Trustee Carlson asked about the Town receiving copies of maps from Palisade Pipes and Laterals. Dave Edwards responded from the audience that they will provide them to Town staff.

COMMITTEE REPORTS

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

EXECUTIVE SESSION/ADJOURNMENT

Motion #5 by Trustee Somerville, seconded by Mayor Pro-Tem Chase to go into executive session *for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) (Pending litigation: Drift 6 L.L.C. v. Town of Palisade, Case No. 2020CV030283).*

A roll call vote was requested.

Yes: Trustee Carlson, Trustee L'Hommidieu, Mayor Mikolai, Trustee Somerville, Mayor Pro-Tem Chase

No:

Absent: Trustee Turner, Trustee Maxwell

Motion carried.

Those present for the executive session were Mayor Mikolai, Trustees Somerville, Carlson, Mayor Pro-Tem Chase, and Town Manager Janet Hawkinson, and Town Attorney Jim Neu.

The Board came out of the executive session at 8:01 p.m.

Motion #6 by Trustee L'Hommidieu, seconded by Mayor Pro-Tem Chase to adjourn the meeting at 8:02 p.m.

A voice vote was requested.

Motion carried unanimously.

X



Greg Mikolai
Mayor

X



Deb Mattson
Administrative Assistant



August 2, 2021

To: Planning Commission, Town of Palisade

Board of Trustees and Mayor, Town of Palisade

I served on the Board of Trustees as Mayor Pro Tem for eight years which included the years the citizens of Palisade approved the sale of marijuana.

I am proud of the two marijuana shops that have operated successfully within our town. Both Happy Camper as well as The Weedery have been upstanding citizens of our community. Both establishments have respected our way of life and have contributed actively to bettering our town.

The current proposal by Happy Camper to relocate its operations to Exit 42 along I-70 is well thought out, a beautiful addition to our town, respectful of all of the considerations we embedded in our town ordinances related to the sale of marijuana, and smart in a business perspective.

Others have provided you with ample testament to the character of Dan Sprague as owner/operator of Happy Camper. I add my own kudos regarding him. (I equally respect the owner/operators of The Weedery.)

I would like in this letter to address the wisdom of approving the Happy Camper's Conditional Use request.

After The Weedery's proposal to purchase the Grande Rivery Winery was turned down, I proposed to local realtors that any objection that people in the community might have about locating marijuana retail operations to the West of Exit 42 could be met by locating such operations East of Exit 42 along I-70.

Palisade itself has to confront the reality that the City of Grand Junction has approved the retail sale of marijuana. Palisade will no longer monopolize retail marijuana sales from De Beque Canyon, west in Mesa County, as well as sales to residents of Eastern Utah, where there are no such operations.

Palisade derives a significant portion of its revenue from the sales of marijuana. It behooves Palisade to protect this revenue.

Happy Camper is proposing to relocate to an ideal location for both its own interests as well as the interests of the Town of Palisade.

I am, respectfully

Dave Edwards, former Trustee and Mayor pro tem, Town of Palisade