



**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE  
PALISADE BOARD OF TRUSTEES  
September 22, 2020**

A work session of the Board of Trustees for the Town of Palisade to discuss the 2021 Palisade Budget began at 5:00 pm. Present at the work session were Mayor Mikolai, Trustees Turner, Maxwell, and L'Hommedieu. Mayor Pro-Tem Chase and Trustee Carlson appeared via Zoom. Also present were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Allyson Shellhorn, Police Chief Deb Funston, and Finance Director Travis Boyd.

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 present: Turner, Somerville, Maxwell, and L'Hommedieu. Mayor Pro-Tem Chase and Trustee Carlson appeared via Zoom. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Allyson Shellhorn, Police Chief Deb Funston, Utilities Director Matt Lemon, and Parks, Rec, and Events Director Troy Ward. Town Attorney Jim Neu appeared via Zoom.

**AGENDA ADOPTION**

*Motion #1* by Trustee Somerville, seconded by Trustee Turner, 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 invited Police Chief Deb Funston to provide details of her staff report so the Board could better understand the amount and varied types of calls the Police Department responds to each month.

**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 – September 3, 2020 – September 16, 2020
- **Minutes**  
Minutes from the September 8, 2020 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**

**Tammy Tallant 3819 N River Road** – Ms. Tallant asked the Board about Palisade's plans for North River Road to repair it and make it safer for pedestrians and bicyclists. Ms. Tallant also inquired about the reasoning for the speed sign location that was placed on North River Road. Town Manager Janet Hawkinson responded that Mesa County maintains North River Road, and plans for the area were placed outside the meeting hall's entry doors for public review. Utilities Director Matt Lemon stated that the speed sign was placed in its current location because it's the safest place on the road's side. The location was also the most logical for line of sight to capture vehicle speed data.

**Dave Walker 588 W 1<sup>st</sup> Street** – Mr. Walker declared that it was difficult seeing the Town spend \$15 Million to connect to Clifton Sewer when the town had the funds in the past to accomplish the connection; however, the previous Board of Trustees made chose to go in a different direction. He advised the Board that bad decisions made by the Board matter to the citizens of Palisade long into the future. Mr. Walker also noted that the cause of a recent water leak was a crushed water line and caused more cost to the surrounding citizens than most people were aware of. He implored the Board to make sure that the Palisade Police Department has everything they need to write tickets at 1st and Elberta, as they are currently not present enough.

### **NEW BUSINESS**

#### **Tourism Advisory Board Grant Opportunity**

Julianne Adams, Chair of the Tourism Advisory Board (TAB), gave a brief presentation about a grant opportunity that TAB wants to apply for to help market Palisade in conjunction with Fruita.

Shannon Vassen, Assistant to the City Manager with the City of Fruita, clarified the grant's purpose and the proposed expenditures.

*Motion #3* by Trustee Turner, seconded by Trustee Maxwell, to support the application of a grant by the Tourism Advisory Board by signing a letter of support.

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

#### **Ordinance 2020-11 titled An Ordinance Of The Board Of Trustees For The Town Of Palisade, Colorado, Adopting An Updated Truck Route For The Town Of Palisade**

Community Development Director Allyson Shellhorn reviewed her staff report. Many intersections were considered for the truck route; however, due to the intersection's street classifications and size, most intersections could not accommodate the needs of the trucks. The truck route attached to the packet

provides the most viable option. Additionally, staff will add signage along the route to communicate to drivers where the route is. Local deliveries shall be exempt from the truck route and shall make local deliveries as needed.

Utilities Director Matt Lemon clarified what arterial routes are and why certain roads are allocated as such.

Police Chief Funston clarified that some trucks must make deliveries that do not follow the proposed truck route, and that deviating from the truck route is not considered illegal.

Town Clerk Keli Frasier read two emails - one from Theresa Harkreader 209 Sunset Circle and one from David Stevens 202 Sunset Circle, while Tim Wedel 3815 North River Road, Michelle Walker 588 W 1<sup>st</sup> Street, Dave Walker 588 W 1<sup>st</sup> Street, Gary Miller 347 Troyer, Rondo Buechler owner of Rapid Creek Cycles and Sports, Gail Evans 126 Majestic Court, and Tammy Tallant 3819 North River Road all spoke in opposition of the proposed truck route, citing:

- A condition of the Food Bank of the Rockies Conditional Use Permit was overnight parking, and they are not complying, which is disturbing to residents
- There was a previous version of a truck route that doesn't seem to be being considered
- There are two bridges along the proposed truck route that cannot hold the weight of semi-trucks
- Trucks turning right on Elberta Avenue from 1<sup>st</sup> Street are causing massive traffic jams and are a danger to the area
- More and more bicyclists are using Elberta Avenue, and until sidewalks are installed, this is a bad idea
- Running a truck route through a residential neighborhood on 1<sup>st</sup> Street does not seem like a good idea
- When special events occur in town, the traffic is a nightmare

Trustees Somerville, Maxwell, L'Hommedieu, Carlson, and Mayor Pro-Tem Chase raised the following concerns:

- All former Board members remember a code created with a truck route
- Propose a variance to the Food Bank of the Rockies regarding the truck route
- The Board must not pay attention to individual's agendas and must work toward a better solution for all residents
- All concerns brought forward by the residents have been valid and should be considered

*Motion #4* by Trustee Maxwell, seconded by Trustee Carlson table Ordinance 2020-11, to consider alternative options for an official truck route.

A roll call vote was requested.

Yes: Trustee L'Hommedieu

No: Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee Maxwell, Mayor Mikolai, Trustee Turner

Absent:

Motion failed

*Motion #5* by Trustee Somerville, seconded by Trustee Maxwell, to reject Ordinance 2020-11 and have staff bring a new route to the Board without 1<sup>st</sup> Street being included as part of the route for discussion.

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

**Proposed Fence Variance Waiver for Residents on 1st Street and Elberta Avenue**

Community Development Director Shellhorn reviewed her staff report. Due to the high traffic at the intersection, because it is the 'gateway' into town, staff is asking that the three properties located at First Street and Elberta Avenue be granted a variance to allow for a 6' tall fence at the corner of the intersections. The fence would include 5' setbacks and shall comply with visibility triangle requirements. Staff is also asking the Board of Trustees to waive the associated fees for a variance application. The fence can increase privacy along the truck route for residents and the community.

Dave Walker, 588 W 1<sup>st</sup> Street, stated he was unaware of this proposal until seeing the agenda and appreciates the staff for bringing this proposal forward.

Trustee Somerville and Mayor Pro-Tem Chase reasoned that:

- Six-foot fences will not remedy the semi-truck turning issue from 1<sup>st</sup> Street on to Elberta
- Something like this proposal should be a part of the Comprehensive Plan

*Motion #6* by Mayor Pro-Tem Chase, seconded by Trustee L'Hommedieu, to deny the proposed fence variance waiver for residents on the corners of 1<sup>st</sup> Street and Elberta Avenue.

A roll call vote was requested.

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

No: Mayor Mikolai

Absent:

Abstained: Trustee Somerville

Motion carried

*Mayor Mikolai called a recess at 7:45 pm and readjoined at 7:50 pm.*

**Resolution No. 2020-21 entitled "A Resolution Of The Board Of Trustees Town Of Palisade, Colorado Approving The Final Plat For Cresthaven Acres Subdivision Filing 2."**

Community Development Director Shellhorn reviewed her staff report stating that the request is appropriate and consistent with the Town's Comprehensive Plan. All of the twenty-two acres of land were zoned as Medium Density Residential in anticipation the site would develop as a unified subdivision.

The Final Plat substantially complies with all the approved preliminary plat elements that was reviewed and approved by Planning Commission Resolution 2018-01 on May 7, 2018.

The plat associated with Filing 2 complies with all standards under the Land Development Code's subdivision regulations. All future construction of roads will be the developer's responsibility and will be inspected to ensure compliance with requirements for pavement marking, traffic control devices, street signs, and street naming and numbering conventions.

All new and residual parcels shall conform with the requirements of the Land Development Code and other applicable regulations.

All necessary right-of-way have been offered for reservation or dedication. Filing 2 contains streets that will be offered for dedication to the Town of Palisade as public streets and one private loop lane owned and maintained by the Home Owners Association (Gold Dust Lane).

All the required drainage easements have been designed to meet the LDC requirements and are located where appropriate and needed.

Town Attorney Jim Neu explained the traffic impact fees and the general process for housing development review and approval.

Tammy Tallant 3819 North river Road and Marshall Roach (address unintelligible) stated:

- It sounds like the Board is unfamiliar with the process and should table the discussion until they have more information
- Specific plans would be helpful to see

*Motion #7 by Mayor Pro-Tem Chase, seconded by Trustee Maxwell to approve Resolution 2020-21 entitled "A Resolution Of The Board Of Trustees Town Of Palisade, Colorado Approving The Final Plat For Cresthaven Acres Subdivision Filing 2."*

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

## **PUBLIC HEARING I**

**Pro 2019-24, An Application To Request Approval Of A Conditional Use Permit To Operate A Retail Marijuana Store Located At 3816 North River Road, Parcel # 2937-091-00-027, As Applied For By Drift 6, LLC**

Mayor Mikolai opened the public hearing at 8:10 pm.

Community Development Director Shellhorn reviewed her staff report reiterating that staff received an application to request approval for a conditional use permit to operate a retail marijuana store located at 3816 N. River Road as applied for by Drift 6, LLC. Running a retail marijuana store requires the approval of a conditional use permit under the Palisade Land Development Code. The current property is zoned Commercial Business, which permits a retail marijuana store business under a CUP application. The applicant has fulfilled all the initial application process requirements, including the pre-application meeting, the staff, and agency review, and notice of public hearing.

Zach Adair, the owner of Drift 6, LLC, gave a brief speech about the application process, and Drew Gotley, the attorney for Drift 6, LLC, gave an opening statement and a lengthy PowerPoint presentation that was passed out to the Board (*and will be a permanent attachment to these minutes*). Eric Marquez, Apex Engineering, who performed the Traffic Impact Study - explained the study included in the packet.

Mayor Mikolai opened the public hearing to public comment.

Sawyer Lincoln, 129 E 4th Street; Tim Wedel, 3815 N River Road; Gail Evans, 126 Majestic Court; Laughlin Bilyou 145 E 5th Street; Caleb Hicks, 315 Troyer; Oliver Lincoln, 129 E 4th Street; Tammy Tallant, 3819 N River Road; Jonas Lincoln, 129 E 4th Street; Jan Miller, 347 Troyer; Rondo Buechler, Owns Rapid Creek Cycles; Dave Smith, 362 W 7th Street; Kurt Lincoln, 129 E 4th Street; Tony Bates, 2736 B Rd GJ; Raquel Hicks, 315 Troyer Avenue; Bill McDonald, 311 Troyer; Shawn Tallant, 3819 N River Road; Wayne Buxton, 170 E 1st Street all spoke in opposition to the application observing:

- There is a children's bus stop by the proposed location
- The increase to traffic flow will pose a danger to children playing in the area as well as bicyclists coming of the Palisade Plunge trail or traveling the Fruit and Wine Byway
- Sidewalks should be installed on North River Road before any business is allowed to open in this location
- Shuttles to the Palisade Plunge trail estimate 90+ bicyclists will be transported each day
- The existing marijuana store has customers parking along the sides of North River Road already, and the space cannot tolerate any more vehicles
- Most, if not all, surrounding residents are opposed to this location for a retail marijuana store
- Residents do not feel safe with another marijuana store on North River Road
- Tim Wedel passed out photos to the Board as evidence of current unsafe travel practices that will increase with the approval of the proposed application. ***These photos will be a permanent attachment to these minutes***
- Caleb Hicks passed out a flyer, also showing unsafe travel practices. ***This flyer will be a permanent attachment to these minutes***
- Tammy Tallant passed out a sheet with important questions the Board should consider. ***This sheet will be a permanent attachment to these minutes***

Linda Keltner, 3816 North River Road, and Karen Bishop, 3847 North River Road both spoke in support of the application emphasizing:

- A new store in the area will help redirect and spread traffic out, making North River Road less congested and, ultimately, safer
- The applicant will be improving the existing property making it safer and more attractive to those traveling through
- North River Road has never been safe for children to ride bikes and play by
- This applicant should not be penalized for the shortcomings of an existing marijuana store

After noting there were no further comments from the public, Mayor Mikolai closed the hearing to public comment.

The Board, Mr. Gotley, and Mr. Marquez had a lengthy conversation, discussing proposed parking spaces, when the traffic study was performed, proposed improvements to North River Road, and the CUP process and why it was implemented.

Mr. Gotley made his closing remarks, stressing that the traffic study was reviewed and agreed upon by Town Engineers, that they successfully presented their application and should not be punished because of



another business's problems. He asked the Board to evaluate the merit of the application based upon the four findings of fact.

*Motion #8* by Mayor Pro-Tem Chase, seconded by Trustee Turner to deny the application to request approval of a conditional use permit to operate a retail marijuana store located at 3816 North River Road, Parcel # 2937-091-00-027, as applied for by Drift 6, LLC due to failure to comply with the findings of fact noted as #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," and #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."

A roll call vote was requested.

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

No:

Absent:

Abstained: Trustee Maxwell

Mayor Mikolai closed the public hearing at 9:47 pm.

### OPEN DISCUSSION

Trustee Maxwell commented that the public comment from the citizens on the previous agenda item brings to light that there may be issues with the CUP for Happy Camper, and asked staff to look into it. All Board members agreed.

### COMMITTEE REPORTS

Due to the late hour, Committee Reports were tabled until the next meeting.

### ADJOURNMENT

*Motion #7* by Trustee Somerville, seconded by Trustee Turner to adjourn the meeting at 9:47 pm.

A voice vote was requested.

Motion carried unanimously.

X



Greg Mikolai  
Mayor

X



Keli L. Frasier  
Town Clerk

