



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
January 11, 2022**

A work session of the Board of Trustees for the Town of Palisade began at 5:15 pm to discuss a ballot measure to increase sales tax for the April 2022 Regular Election. Present were Mayor Greg Mikolai, Trustees Jamie Sommerville, Ellen Turner, and Bill Carlson. Mayor Pro-Tem Thea Chase and Trustees Susan L'Hommedieu and Nicole Maxwell were absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development (CD) Director Brian Rusche, Finance Director Travis Boyd, Parks, Recreation & Events (PRE) Director Troy Ward, Interim Police Chief Jesse Stanford, Utilities Supervisor Fred Miller, and Fire Chief Charles Balke.

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 pm by Mayor Greg Mikolai with Trustees present: Jamie Sommerville, Ellen Turner, Bill Carlson, and Mayor Pro-Tem Thea Chase. Trustees Susan L'Hommedieu and Nicole Maxwell were absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development (CD) Director Brian Rusche, Finance Director Travis Boyd, Parks, Recreation & Events (PRE) Director Troy Ward, Interim Police Chief Jesse Stanford, Utilities Supervisor Fred Miller, and Fire Chief Charles Balke.

AGENDA ADOPTION

Motion #1 by Trustee Sommerville, seconded by Trustee Turner, to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

PRESENTATIONS

Proclamation – National Crime Stoppers Month

Presented by Trustee Somerville to representatives of the Board of Directors of the Crime Stoppers of Mesa County – Shari Zen, Brittaney LeTurgez, and Rich Parish.

Proclamation – Martin Luther King Jr. Day

Presented by Mayor Mikolai to representatives of the Board of Directors of the Black Citizens and Friends.

Introduction of a new Lieutenant for the Palisade Fire Department

Introduction of Lieutenant Trevor Nieslanik by Chief Balke.

Donation Presentation from Vines 79 Wine Barn

Juliann Adams presented a donation to the Palisade Fire Department.

PUBLIC COMMENT

None was offered.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her Manager's Report and explained the timeline for various projects being undertaken by the Town.

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 – December 9, 2021 – January 6, 2022

- **Minutes**

- Minutes from the December 14, 2021, Regular Board Meeting
- Minutes from the January 4, 2022, Special Board Meeting

Motion #2 by Trustee Sommerville, 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,

No:

Absent: Trustee L'Hommedieu, Trustee Maxwell

Motion Carried.

PUBLIC HEARING I**ORDINANCE 2022-01: PRO 2021-14 – Text Amendments To The Land Development Code (LDC) Bed And Breakfast**

Mayor Mikolai opened the public hearing at 6:23 pm.

CD Director Rusche reviewed his staff report citing the findings of fact and staff recommendation.

An application was received from Tammy Tallant to amend the standards for a Bed and Breakfast found in Section 7.03(C) of the Land Development Code (LDC). The proposed amendments would allow sleeping rooms in separate structures other than the primary residence and would clarify the requirements surrounding food service.

There will still be a review process required to ensure that any structure or structures meet the appropriate zoning, fire, and building codes to be utilized as a bed and breakfast. This was a point of discussion at the Planning Commission, and it should be emphasized that changing the code does not automatically approve any location to be used as a bed and breakfast.

Staff is recommending as part of this amendment changes to Table 6.1 – Use Table to modify the zones in which a bed and breakfast is either a permitted use or a conditional use. The goal is to ensure the appropriate level of review based on the potential location of future bed and breakfast uses. It is important to note that this change does not affect any of these uses that already exist under the current code prior to adopting these amendments.

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;
The proposed text amendment is consistent with the remainder of the LDC. Both the definition and the standards for a bed and breakfast distinguish the use from a short-term vacation rental in that the owner must reside on the property, and food is expected by the guests. The proposed amendment would allow a property more options to provide guestrooms that would all still meet zoning, fire, and building codes.
2. The amendment must not adversely affect the public health, safety or general welfare;
The proposed text amendment would not adversely affect the public health, safety, or general welfare as the establishment of a new bed and breakfast would still require review of zoning, fire, and building codes.
3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;
The proposed amendment would remove unnecessary restrictions for the homeowner/operator of the bed and breakfast to reside in the same building as all of the guests while retaining the oversight of the property that distinguishes this use from other lodging accommodations.
4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law;
or
The proposed text amendment appears to be consistent with the Colorado Revised Statutes for the definition of a bed and breakfast.
5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.
The adopted Comprehensive Plan delegates the regulation of individual land use actions to the Land Development Code. It has been asserted that Palisade needs additional overnight accommodations.

Applicant Tammy Tallent explained her application briefly and stated that she truly wants a traditional bed & breakfast, not a vacation rental. She clarified that the building she wants as a B&B is currently being rented on a monthly basis.

Mayor Mikolai opened the hearing to Board comment.

Cheryl Young 3857 North River Road, announced that she had wanted a bed & breakfast at her farm for a long time, but she cannot have one in her existing home due to drainage issues. She fully supported the proposed amendments to the code.

Mayor Mikolai opened the hearing to Board Comment.

Trustee Turner expressed concerns that people may take advantage of the changes to circumvent the rules and regulations we currently have for short-term vacation rentals. She went on to state that she feels the current definitions of bed & breakfast need to be discussed at length during the comprehensive plan revision process.

Trustee Somerville felt like the applicant is trying to follow the Town's regulations and had come upon a hurdle that prevented them from moving forward. He also felt that each industry has a very solid definition of a bed & breakfast and a short-term vacation rental and does not see any issues approving the change as requested.

Mayor Pro-Tem Chase agreed that the code regarding short-term vacation rentals needs to be reviewed but doesn't feel that the short-term vacation rental code review needs to prevent moving forward with the requested changes.

Mayor Mikolai asked staff how enforcement of the rules would be accomplished. CD Director Rusche stated that the applicants would have to meet all building codes and go through a Conditional Use Permit process with the Town.

Trustee Carlson announced that the Colorado legislature would be reviewing two bills later in the cycle that will require all short-term vacation rental homes to be taxed as commercial instead of residential, which may dissuade some homeowners from pursuing that option due to higher property taxes.

Ms. Tallent closed by stating that her proposed bed & breakfast will be owner-occupied (as required by bed & breakfast regulations). She went on to clarify that regardless of the proposed change, anyone can apply for a bed & breakfast instead of a short-term vacation rental to try and circumvent the regulations, but that is not what her intent is.

Motion #3 by Trustee Somerville, seconded by Mayor Pro-Tem Chase to approve Ordinance 2022-01 entitled “An Ordinance of the Town of Palisade, Colorado Amending the Land Development Code Regarding Bed and Breakfast Standards.”

A roll call vote was requested.

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

No: Trustee Turner

Absent: Trustee L’Hommedieu, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:52 pm.

PUBLIC HEARING II

ORDINANCE 2022-02: PRO 2021-15 – Text Amendments To The Land Development Code (LDC)

Family Child Care Home

Mayor Mikolai opened the public hearing at 6:52 pm.

CD Director Rusche gave a brief presentation outlining the findings of fact and staff recommendation.

In 2021 the Colorado State Legislature passed HB21-1222, which was intended to help make it easier for people to operate “child care home” within a residence. The State Statute defines child care homes as “a state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the child care is provided”.

If a use meets this definition, the new statute requires local governments to treat these facilities as residences for the purposes of licensures and local regulations, including zoning, land use development, fire and life safety, and building codes.

The proposed Text Amendment is intended to align the Land Development Code (LDC) with State of Colorado law.

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;
The proposed text amendment is consistent with the remainder of the LDC. The LDC already defines a child care home as having no more than twelve (12) children in a place of residence and treats it as an accessory use, so no changes are needed to Table 6.01 – Use Table. The amendment eliminates the need to obtain a conditional use permit for homes over eight (8) and up to twelve (12), which conflicts with the intent of newly adopted Colorado State Law HB21-1222.
2. The amendment must not adversely affect the public health, safety or general welfare;
The proposed text amendment would not adversely affect the public health, safety or general welfare as the State of Colorado would retain licensing authority over the individual family care homes.
3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;
Colorado has a shortage of licensed, safe, and affordable child care options, while at the same time there is a growing need for child care in order to bolster the economy and allow parents to work, according to the State.
4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law; or
The Legislative declaration in HB21-1222 finds that a shortage of family care homes is a matter of statewide concern and local governments must remove inconsistent regulations to expand opportunities to access child care in family child care homes.
5. The proposed text is found to be consistent with the Town’s adopted comprehensive plan.
The adopted Comprehensive Plan delegates the regulation of individual land use actions to the Land Development Code.

Mayor Mikolai opened the hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment.

Mayor Pro-Tem Chase expressed her enthusiasm for the topic and emphasized the difficulty many parents are currently suffering in finding child care in our area.

Motion #4 by Mayor Pro-Tem Chase, seconded by Trustee Somerville to approve Ordinance 2022-02 entitled “An Ordinance of the Town of Palisade, Colorado Amending the Land Development Code Regarding Child Care Homes.”

A roll call vote was requested.

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

No:

Absent: Trustee L’Hommedieu, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:56 pm.

PUBLIC HEARING III:

ORDINANCE 2022-03: PRO 2021-16 – Text Amendments To The Land Development Code (LDC) Board Of Trustees Decision

Mayor Mikolai opened the public hearing at 6:57 pm.

CD Director Rusche reviewed his staff report clarifying that the purpose of this Ordinance is to make Section 3.10.A of the Land Development Code clear that once a decision is made in a public hearing, it takes effect immediately, and notification of the decision is a courtesy.

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

The proposed text amendment is consistent with the remainder of the LDC. The intent is that a decision made at the conclusion of the hearing is effective immediately and that notification of the decision is a courtesy. The proposed amendment makes that unambiguously clear.

2. The amendment must not adversely affect the public health, safety or general welfare;
The proposed text amendment would not adversely affect the public health, safety or general welfare as all other provisions of the public hearing process remain unchanged.
3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;
The intent is that a decision made at the conclusion of the hearing is effective immediately and that notification of the decision is a courtesy. The proposed amendment makes that unambiguously clear.
4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law;
or
The proposed text amendment does not go against any state or federal statutes or case law.
5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.
The adopted Comprehensive Plan delegates the regulation of individual land use actions to the Land Development Code.

Mayor Mikolai opened the hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment. None was offered.

Motion #5 by Trustee Somerville, seconded by Trustee Carlson to approve Ordinance 2022-03 entitled "An Ordinance of the Town Of Palisade, Colorado Amending the Land Development Code Clarifying the Effective Date of Final Land Use Decisions by the Board of Trustees."

A roll call vote was requested.

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

No:

Absent: Trustee L'Hommedieu, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:59 pm.

PUBLIC HEARING IV:

ORDINANCE 2022-04: PRO 2021-17 – Text Amendments To The Land Development Code (LDC) Screening Of Service Areas

Mayor Mikolai opened the public hearing at 6:59 pm.

CD Director Rusche reviewed his staff report citing the findings of fact and staff recommendation.

Commercial land uses often necessitate “service areas” such as loading docks, trash receptacles, and other items are stored outside of a building. These service areas are required to be screened through the provisions of Section 10.04 of the Land Development Code (LDC).

One specific screening requirement is that of trash collection or dumpsters. The current standard requires a fully enclosed, opaque screening structure at least eight (8) feet in height. An enclosure of this size is considered a structure and, technically, requires a building permit and must meet the setbacks the same as the primary structure. This requirement, however, can defeat the purpose of providing a screened location for these necessary functions, and, as such, many existing commercial uses (prior to the adoption of the current code) simply do not have any screening.

The proposed amendment would reduce the height of the required trash enclosure to six (6) feet, which is consistent with the typical height of a fence. The enclosure would still need to be opaque, but an option of using fencing or other building-type materials would be available. These proposed changes would incentivize businesses to construct trash enclosures by making it less onerous to comply with the screening standard.

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;
The proposed text amendment is consistent with the remainder of the LDC. Screening is still required for all new trash enclosures, just not as tall.
2. The amendment must not adversely affect the public health, safety or general welfare;
The proposed text amendment would not adversely affect the public health, safety, or general welfare as the enclosures would still be opaque and not accessible to the public.
3. The amendment is necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected;
Staff has been approached by businesses who desire to improve their property but find that the current standard is too onerous, thereby defeating the objective of the standard.
4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law;
or
The proposed text amendment does not go against any state or federal statutes or case law.
5. The proposed text is found to be consistent with the Town’s adopted comprehensive plan.
The adopted Comprehensive Plan delegates the regulation of individual land use actions to the Land Development Code.

The Planning Commission reviewed the proposed text amendment to the LDC and made a unanimous recommendation of approval, with the addition of adding architectural metals as an approved material [supported by staff and included in the Ordinance].

Mayor Mikolai opened the hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment.

Mayor Mikolai declared his appreciation for the Planning Commission’s recommendation on adding corrugated metal to the list of approved materials.

Motion #6 by Mayor Pro-Tem Chase, seconded by Trustee Turner to approve Ordinance 2022-04 entitled “An Ordinance of the Town of Palisade, Colorado Amending the Land Development Code Regarding Trash Enclosure Standards.”

A roll call vote was requested.

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

No:

Absent: Trustee L’Hommedieu, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 7:04 pm.

NEW BUSINESS

J-U-B Engineers Contract

Town Manager Hawkinson reviewed her staff report and requested approval of the contact with J-U-B Engineers.

The Board had a lengthy discussion regarding the Town’s existing procurement policy, past RFQ process, and how the company has served the Town in the last three years. The Board agreed that J-U-B Engineers are doing a great job for the Town.

Motion #7 by Trustee Somerville, seconded by Mayor Pro-Tem Chase, to direct the Town Manager to enter into a contract with J-U-B Engineering for services to the Town.

A roll call vote was requested.

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

No:

Absent: Trustee L’Hommedieu, Trustee Maxwell

Motion carried.

Contract with Slate Communications for Marketing

PRE Director Ward reviewed his staff report and asked the Board if they had any questions regarding the proposed services or the contract.

Mayor Pro-Tem Chase inquired as to how the numbers in the contract compare to years past, and PRE Director Ward stated that they are the same and have not changed.

Trustee Turner stated that as a member of the Tourism Advisory Board, she has worked with Slate Communications and feels they are a phenomenal company.

Motion #8 by Trustee Turner, seconded by Mayor Pro-Tem Chase to direct the Town Manager to enter into a contract with Slate Marketing for marketing services for the 2022 Palisade Bluegrass and Roots Festival.

A roll call vote was requested.

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

No:

Absent: Trustee L’Hommedieu, Trustee Maxwell

Motion carried.

Agreement with Afton Tickets

PRE Director Ward reviewed his staff report and asked the Board if they had any questions regarding the proposed services or the contract.

After a brief discussion, the Board agreed to move forward with the contract and looks forward to the festival in June.

Motion #9 by Mayor Pro-Tem Chase, seconded by Trustee Turner to direct the Town Manager to enter into a contract with Afton Tickets for services for the 2022 Palisade Bluegrass and Roots Festival.

A roll call vote was requested.

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

No:

Absent: Trustee Maxwell, Trustee L’Hommedieu

Motion carried.

OPEN DISCUSSION

Trustee Carlson asked staff to look into having the Waste Management Recycling calendar delivered to residents that utilize the service. Finance Director Boyd assured the Board that he would reach out to Waste Management and have it taken care of.

Mayor Pro-Tem Chase stated that the Town Manager asked her if she was interested in being Palisade’s representative on the Mesa County EMS Council, and she wanted to make sure that no one else was interested before accepting. ***The consensus of the Board is to support Mayo Pro-Tem Chase and forward a letter of recommendation to the Mesa County EMS Council for her appointment as Palisade’s representative.***

Mayor Mikolai asked Finance Director Boyd and Town Clerk Frasier to update the Board at a future meeting on how the Town is collecting Sales Tax from vendors at special events.

COMMITTEE REPORTS

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

ADJOURNMENT

Motion #10 by Mayor Pro-Tem Chase, seconded by Trustee Turner to adjourn the meeting at 7:32 pm.

A voice vote was requested.

Motion carried unanimously.

X



Greg Mikolaj
Mayor

X



Keli Frasier
Town Clerk

