



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
January 24, 2023**

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: Thea Chase, Bill Carlson, Nicole Maxwell, Jamie Somerville, Stan Harbaugh, and Mayor Pro-Tem Ellen Turner. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, Parks & Events Director Troy Ward, Police Chief Jesse Stanford, and Fire Chief Chuck Balke.

AGENDA ADOPTION

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

A voice vote was requested
Motion carried unanimously

PRESENTATIONS

State of Palisade High School: Presented by PHS Principal Dan Bollinger and PHS Community Advisory Council (CAC) President David Miller.

Grand Valley Disc Golf Club Presentation: Presented by Bryce Hein and Bill Alderman.

The Consensus of the Board is to accept the donation and allow GDGC to retain the old baskets.

NOTE: The donation letter from the Grand Valley Disc Golf Club will be a permanent attachment to these minutes.

TOWN MANAGER REPORT

Mayor Mikolai announced that the Town was awarded a GVRTC grant of \$610,000.00 for two footbridges over Highline Canal on Elberta Avenue.

Trustee Chase advised the Board and the public that One Riverfront is actively recruiting new members.

Town Manager Janet Hawkinson introduced Jacob Samuels-Logan and thanked him for all of his efforts in running the Town cameras during public meetings and for the recently acquired artwork displayed in the newly refurbished Board Chambers. Town Manager Hawkinson went on to update the Board on the request for qualifications (RFQ) for fiber, the RFQ for a new audit firm, and the RFQ for engineering services for the multimodal project on Elberta Avenue.

Fire Chief Charles Balke announced that in working with the Colorado Division of Fire Prevention Control Training, the Palisade Fire Department was asked to serve as a remote site for quarterly certification testing starting in April. Chief Balke is also looking into hosting several training trailers, including a live firefighting training simulator, a driving simulator, as well as a HAZMAT training trailer.

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 – January 6, 2023 – January 18, 2023
- **Minutes**
Minutes from the January 10, 2023, Regular Board of Trustees Meeting

Motion #2 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve the consent agenda as presented.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

PUBLIC HEARING I

PRO 2023-01 - Peach Street Distillers CUP Amendment

Mayor Mikolai opened the public hearing at 6:32 pm.

Community Development Director Brian Rusche reviewed his staff report stating that the Town of Palisade received a request from the operators of Peach Street Distillers, represented by Miera and Son Construction, and Angry Gnome LLC as the property owner, for an amendment to an existing Conditional Use Permit (CUP) to construct an additional permanent kitchen/food service building, including a walk-up counter, on the property located at 144 S. Kluge Ave.

No Conditional Use Permit Shall Be Approved Unless The Following Findings Are Made Concerning The Application:

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 expansion of the use will not materially endanger public health or safety.

The proposed building will replace the existing food trolley and provide a permanent kitchen for the Distillery. As a food service establishment, it will require approval from the Mesa County Health Department for a retail food permit. As new construction, the building will be constructed to current building and fire codes, including industrial pretreatment standards. A Modification of Premises Application for liquor licensing is also required prior to opening. These standards are meant to ensure that the facility will not endanger public health or safety.

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 expansion of the use conforms to the standards and practices of sound land use planning.

The proposed building will replace the existing food trolley and effectively complete the campus that has evolved over the years. Its location adjacent to Kluge Avenue provides an opportunity to access the site from the public parking lot across the street. The addition of features, including a walk-up counter, additional bicycle parking, and dog-friendly space (indicated in the letter of intent), all add to the pedestrian and entertainment experience.

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 application will not substantially injure the value of adjoining property or be detrimental to their use.

The abutting property to the north remains a single-family residence. Technically, no buffer is required between uses in the Town Center (TC) and Mixed Use (MU) zone districts. However, mitigation measures proposed over the years were eventually implemented in the form of a buffer fence constructed in 2019. The current proposal would place the building nine (9) feet from the property line, which is permitted as an Administrative Adjustment of the standard ten (10) foot setback. The orientation of the building would utilize the north wall as a form of buffer, creating an internal campus that would retain and extend existing walls to create a buffer from the abutting property, according to the site plan. The proposed plan, therefore, will not substantially injure the value of the abutting property nor be detrimental to its current and/or future uses.

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 expansion of the use will not adversely affect the adopted plans of the Town or violate the character of the adjacent properties.

The elevation drawings for the proposed building demonstrate an architectural style consistent with the existing buildings on the distillery campus. The Distillery is one of the anchors of the "entertainment district" that has evolved along the railroad tracks on the north side of downtown. Constructing this building to replace the existing food trolley will complete the development of this property without necessitating additional land.

Community Development Director Rusche also suggested the following conditions to the CUP:

1. The applicant shall comply with all licensing and regulations of the Colorado Department of Revenue, Liquor Enforcement Division, and the Mesa County Health Department.
2. The Conditional Use Permit shall only be valid in conjunction with a Business License issued by the Town of Palisade.
3. The Conditional Use Permit shall become null and void if the distillery operations are discontinued for twelve (12) consecutive months.
4. The conditional use permit is based on the uses identified by the submitted site plan, elevation plan (including exterior color), and as stated in the supporting documents submitted with this

- application. Modification of the conditional use permit shall follow the process established in the Land Development Code.
5. Any improvements (structural, electrical, fire, plumbing, and building) associated with this use require planning clearances and building permits before operations commence.
 6. There shall be no outside storage of equipment or waste materials visible from Kluge Avenue, Second Street, or Peach Street.
 7. No outside lighting shall create glare or visual interference for vehicles along the 2nd Street frontage.
 8. Any encroachments into the street rights-of-way or onto adjoining property shall be subject to a use agreement/license with the Town and an easement with the adjoining property owner. Any improvements in the right-of-way are subordinate to the Town's obligations within that right-of-way.
 9. The Board may review the CUP at any time if complaints are received and the Board determines that the use and the associated operations are unreasonably impacting adjoining properties. The Board may impose additional conditions to address any adverse impacts. If the Board determines that the impacts have not been adequately addressed, the Board may terminate the Conditional Use Permit.
 10. Failure to comply with any and all licenses required by the Town of Palisade and/or the State of Colorado shall result in the CUP becoming null and void upon revocation of licenses. The Conditional Use Permit shall automatically expire if licensing/registration by the Town of Palisade and/or the Colorado Department of Revenue Liquor Enforcement Division is terminated for any reason.

Applicant Dustin Lemoine assured the Board that they are not changing the capacity or size of the establishment and that the proposed building is a further investment into their food concept.

Mayor Mikolai opened the hearing to public comment.

Denny Cole (peach farmer); emphasized his support of the project.

Mayor Mikolai opened the hearing to Board comment.

Trustee Chase asked for more information on the proposed walk-up window. Mr. Lemoine explained that it is intended to be a to-go service for food for individuals who don't feel comfortable going into the Distillery.

Trustee Harbaugh asked for clarification on the indoor space and if it would be used for indoor dining. Mr. Lemoine noted that the indoor space is all kitchen and food prep and that no indoor dining would be offered. Trustee Harbaugh also inquired about the liquor license and if the applicant would be covered under the existing license. Town Clerk Keli Frasier answered that the Distillery would have to submit a Modification of Premises Application to the Town and to the State of Colorado Liquor Licensing Division.

Trustee Maxwell inquired about the overhang and the impact on the neighboring residence. Community Development Director Rusche and Mr. Lemoine responded that the overhang is to the East, and that the neighbor to the north has been informed and does not have any objections.

Trustee Chase asked if the neighbor had been contacted about the administrative approval for the north side setback of 9ft instead of 10ft. Community Development Director Rusche stated that the neighbor has no concerns regarding the application.

Motion #3 by Trustee Somerville, seconded by Trustee Chase, to approve PRO 2023-01 amending an existing conditional use permit for Peach Street Distillers to allow the construction of an additional permanent kitchen food service building, including a walk-up counter; to include the conditions proposed by staff, due to the fact that the application meets all of the criteria set forth in section 4.07.E of the Palisade Land Development Code.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

Mayor Mikolai closed the public hearing at 6:42 pm.

NEW ITEMS

Diorios of Palisade Request to Waive 500' Distance Requirement

Town Clerk Frasier advised the Board that Diorio's of Palisade submitted a letter of request to waive the distance requirement from a public school in order to apply for a Beer & Wine Liquor license and that the following criteria must be considered when approving or denying such a request:

- a. Type of school property and uses involved
*Taylor **Elementary School***
- b. Schedules of school operation;
School hours are 8:55 am – 3:55 pm, with various activities taking place before and after school hours
- c. Type of liquor license involved:
*The applicant plans on applying for a **Beer & Wine License***
- d. Hours of operation of the proposed establishment or event
*The **current hours** of operation for Diorio's of Palisade are Mon-Thurs 11:00 am – 8:00 pm, Fri-Sat 11:00 am – 9:00 pm, Closed on Sundays (per <https://dioriosofpalisade.com>)*
- e. Potential for disruption of school activities: and
*The legal counsel for Mesa County School District 51 stated that they **do not have any objections***
- f. Likelihood of increase in liquor-related violations by minors
*The Palisade Police Department **does not see a likelihood of an increase in liquor-related violations by minors***

Applicant Vaughn Fetterly reiterated his interest in serving beer & wine during meals.

Mayor Mikolai opened the item to public comment.

Scott High, 3519 E 1/2 Road, and Dustin Lemoine of Peach Street Distillers both spoke in favor of the application and expressed their support for increasing local restaurant viability.

Mayor Mikolai opened the item to Board comment.

Trustee Harbaugh expressed concerns about having the 500 ft distance requirement if the Board was just going to waive it. Mayor Mikolai explained the history and reasoning for the rule and stated that this request is the first of its kind.

Motion #4 by Mayor Pro-Tem Turner, seconded by Trustee Maxwell, to approve a waiver of the 500' distance between schools and a liquor establishment rule specifically for Diorios of Palisade.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

RESOLUTION #2023-01 - DOLA Grant Application for LDC Update Support Request

Community Development Director Rusche reviewed his staff report stating that staff would like the support of the Board of Trustees to apply for a grant from the Department of Local Affairs (DOLA) for the evaluation and revision of the Palisade Land Development Code (LDC). The grant is a 1:1 match for \$25,000.00.

Mayor Pro-Tem Turner asked if the grant is approved if the match was currently in the 2023 Town of Palisade Budget. Community Development Director Rusche responded that it is.

Motion #5 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Resolution 2023-01 to support the application of a DOLA grant to update the Palisade LDC.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

EMERGENCY ORDINANCE #2023-01 – Skilled Gaming Moratorium

Community Development Director Rusche explained that throughout the Grand Valley, a number of skilled gaming establishments have opened, which purport to offer games of skill that are distinguished from games of chance, which are prohibited. He went on to state that the City of Grand Junction is currently moving forward with a moratorium, as most existing establishments are located there, while the City of Rifle has banned them since 2020. The proposed moratorium will allow staff time to draft appropriate amendments to Chapter 10 of the Palisade Municipal Code concerning gambling and

amendments to the Land Development Code to provide for and clarify a Town enforced criminal offense of operating illegal gaming businesses and prohibiting land use authorization of the same.

Board members expressed support for the ordinance, asked when the ordinance would go into effect, and cautioned labeling all skilled gaming establishments as causing problems of increased crime tied directly to these types of businesses.

Motion #6 by Trustee Maxwell, seconded by Trustee Somerville, to approve Ordinance 2023-01, an Ordinance of the Town of Palisade, Colorado, Establishing a Temporary Moratorium on the Establishment of Any Skilled Gaming Businesses in the Town; and Declaring an Emergency.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

Fire Department Vehicle

Fire Chief Balke reviewed his report, clarifying that the request is for a new vehicle to replace the 2007 Ford Expedition, and the cost will be no more than \$65,000.00, which is less than the \$80,000.00 budgeted.

Motion #7 by Trustee Chase, seconded by Trustee Carlson, to approve the purchase of a staff vehicle for the Fire Department.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

Police Department Vehicle

Police Chief Jesse Stanford described the patrol vehicle being requested by the Police Department and confirmed that the proposed purchase amount of less than \$56,000.00 is under the approved 2023 budget of \$65,000.00.

Motion #8 by Trustee Maxwell, seconded by Trustee Harbaugh, to approve the purchase of a new patrol vehicle for the Police Department.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

PUBLIC COMMENT

None was offered.

COMMITTEE REPORTS

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

ADJOURNMENT

Motion #9 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to adjourn the meeting at 7:25 pm.

A voice vote was requested.
Motion carried unanimously.

X 

Greg Mikolaj
Mayor

X 

Keli Frasier
Town Clerk



To the Town of Palisade,

First and foremost, the Grand Valley Disc Golf Club would like to extend our sincerest appreciation to the Town of Palisade for the instrumental role they have played in the growth of the sport and our club. The Riverbend Disc Golf Course is the premier venue for our region. It has hosted some of the largest events in the state, including the Colorado State Disc Golf Championships. Further, the Riverbend Disc Golf Course has allowed our community to support the annual Ice Bowl tournament, which has raised nearly \$100,000.00 locally for charity.

Our club and the Town of Palisade have enjoyed a mutualistic relationship for years, and we want to see that relationship continue to flourish and grow. As we make improvements to the Club and our local courses, we can attract more players and their families from outside of our region. These players support local businesses and return to enjoy other events hosted by the town. Further, the local community gets to enjoy these assets each and every day.

The Grand Valley Disc Golf Club recently purchased a full set of DGA Mach 7 disc golf baskets. These are top of the line, tournament ready baskets which retail for nearly \$500.00 each and feature a 25-year warranty. The club would like to donate these baskets to the Town of Palisade. This would allow the entire Riverbend Disc Golf Course to be upgraded, and in return the club would ask to retain the existing DGA Mach 3 baskets currently installed on the course. The Mach 3 baskets currently installed have a market value of \$100-\$150, but the club intends to utilize these baskets elsewhere. This benefits both the club and the Town of Palisade. The town will enjoy both a more valuable asset through our donation, and increased spending at local businesses as events hosted by the club continue to grow. The club will benefit by having an even better venue to host tournaments and other events.

Once again, the club's appreciation for the Town of Palisade and the Riverbend Disc Golf course cannot be overstated. We want to thank you for your time and consideration.

Nigel Bibler

01/08/2023

Bryce Hein

01/09/2023

Shannon Lowery

01/09/2023

Jessi Smith

01/08/2023

Tim Gossage

01/08/2023

Joshua Fritz

01/08/2023

Kent Slawson

01/08/2023