



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
February 14, 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, Finance Director Gregg Mueller, Police Chief Jesse Stanford, and Public Works Director Jack Nickerson.

AGENDA ADOPTION

Motion #1 by Trustee Maxwell, seconded by Trustee Harbaugh, to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

TOWN MANAGER REPORT

Town Manager Janet Hawkinson announced that the Palisade Chamber of Commerce requested that the Town join the Chamber at a \$5,000.00 membership. Trustee Somerville expanded that the in-kind donations made on behalf of the Town would no longer be offered, and the monetary membership would help support the Chamber and simplify the process. ***The Consensus of the Board is to join the Palisade Chamber of Commerce at a \$5,000.00 membership level.***

Town Manager Hawkinson went on to inform the Board of the various Town projects' progress. Finance Director Gregg Mueller was introduced and voiced his desire for consistency within the department.

Trustee Carlson gave a brief report on a new legislative bill that passed for energy efficiency and the potential for a 30% credit on building materials. He asked if Town Manager Hawkinson has discussed this opportunity with FCI Constructors in regard to the clinic costs. Town Manager Hawkinson stated she would follow up with them at their next meeting.

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 19, 2023 – February 9, 2023
- **Minutes**
Minutes from the January 24, 2023, Regular Board of Trustees Meeting
Minutes from the February 2, 2023, Special Board of Trustees Meeting

Motion #2 by Trustee Somerville, seconded by Trustee Chase, 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 2023-03 – Pali Thai Setback Variance

Mayor Mikolai opened the public hearing at 6:07 pm.

Community Development Director Brian Rusche reviewed his staff report stating that the Town of Palisade received a request for a variance from Section 5.03.E of the Palisade Land Development Code (LDC) to allow for a new free-standing restaurant building located zero (0) feet from a street side yard where code requires a ten (10) foot setback in the Mixed Use (MU) zone, located at 128 N. Peach Ave. (Parcel # 2937-092-12-007), as applied for by the owner Michael Johnson, pursuant to Section 4.12 of LDC.

No variance shall be approved by the Board of adjustment unless all of the following findings are made:

- 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];**

There are exceptional conditions pertaining to this property because of the configuration of the lot.

As a corner lot, the property is subject to a setback along both adjacent streets. While properties across the street, specifically Peach Street Distillers, are also corner lots, their zoning is different (Town Center versus Mixed Use) and does not require such a setback.

- 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.**

Granting the variance requested will not confer upon the applicant any special privilege.

The purpose of the ten (10) foot street side yard setback in the MU (Mixed Use) zone is to provide for a front yard feel along both streets of a corner lot, regardless of which direction the building is oriented. This is a desirable goal in exclusively residential areas; however, this property's mixed-use zoning and neighborhood context, sitting across the street from a zero-setback commercial area, does not necessitate this requirement.

Furthermore, the property has an existing building that, were it in better condition, would be permitted to be even closer to the street than the proposed new restaurant.

- 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.**

A literal interpretation of the code would deprive the applicant of the ability to cover an outdoor seating area that other restaurants are allowed to do.

Due to the increased setback as a result of the current Mixed Use zoning, Pali-Thai would not be able to cover its outdoor space like other restaurants within the Town Center would be permitted

to do. They would still be allowed to have an uncovered patio, but no shade or other weather protection would be available without violating the setback, hence the request for a variance.

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 requested variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the public.

As noted earlier, the proposed use is a restaurant compatible with the neighboring Brewery and Distillery, both of which also serve food. The orientation of the building toward W. Second Street, along with an extension of the existing sidewalk, would allow patrons to move between the different venues, depending on their tastes. The orientation also provides for the maximum room between the rear of the restaurant and the residence across the alley to the north. The only impediment to completing the desired atmosphere is the requirement to set back the building off Peach Ave.

5. The special circumstances are not the result of the actions of the applicant.

The current owner purchased the lot in its existing configuration.

The applicant originally intended to make use of the existing building; however, it was determined that it would not be financially viable to update the building to current building codes for a restaurant. The proposed design was discussed with the applicant, planning staff, and the architect and was reviewed by other entities as well.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

The requested variance is the minimum necessary to effectively cover the outdoor dining space. *Outdoor dining is a benefit of Palisade's mild climate; however, weather extremes (heat, flash rain downpours, etc.) still exist. The request to allow the covered dining as part of the new structure is reasonable, and the proposed reduction in setback still provides space between the actual property line and the back of the existing sidewalk.*

Applicant Michael Johnson, 3680 G .4 Road, owner of Pali-Thai, expressed his belief that approving the variance request will bring value to the community, and he's confident that he has met all requirements of the Palisade Land Development Code. Approving the request will significantly improve the corner of 2nd and Peach, draw in more customers, and create local jobs. Mr. Johnson also thanked Town Staff, specifically Community Development Director Rusche, for the assistance with moving his request forward.

Mayor Mikolai opened the hearing to public comment.

Lisa McNamara, 322 W 2nd Street; emphasized her support of the project and the huge improvement to the neighborhood that will come from the completed proposal.

Mayor Mikolai opened the hearing to Board comment.

Trustee Harbaugh asked who owned the property between the property line shown on the site plan and the sidewalk. Community Development Director Rusche explained that the Town of Palisade owns approximately 11 feet between the property line and the back of the sidewalk.

Trustee Chase inquired about the possibility of rezoning the property to Town Center instead of granting the variance. Community Development Director Rusche responded that rezoning might be something to consider after the adoption of the Comprehensive Plan, but for this particular request, it was more feasible to address the one criteria that wasn't being met instead of going through the much lengthier

process of rezoning. He further clarified that, if the variance is granted, it would match the setbacks for the Town Center zone.

Trustee Somerville asked for clarification on where parking would be located. Applicant Mr. Johnson showed the Board where the parking is located on the submitted site plan.

Trustee Carlson expressed his belief that the Transportation Impact Fee associated with the square footage of the outdoor seating area (\$3424.75) should be waived due to a precedent that all of the parklets the Town put up for other restaurants were not charged that fee. Mayor Mikolai requested staff to bring more information about that fee and the process to waive it to the next meeting.

Motion #3 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve PRO 2023-03 Pali-Thai Setback Variance, finding that the criteria of Section 4.17.F have been met.

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 6:22 pm.

NEW ITEMS

New Audit Company Contract for the Town of Palisade

Town Manager Hawkinson announced that the Town received two bids as a result of the RFP (Request for Proposal) that was published for audit services for the 2022 year-end budget.

Mayor Pro-Tem Turner and Trustee Harbaugh explained the interview process that included them, Finance Director Mueller, and Town Manager Hawkinson and why they unanimously agreed to recommend Hinkle & Co.

Motion #4 by Trustee Harbaugh, seconded by Trustee Somerville, to direct the Mayor to enter into a contract with Hinkle & Co for financial audit services for the Town of Palisade for five (5) years.

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.

Contract for Middle-Mile Fiber and CNL

Town Manager Hawkinson explained that the Town has been working with State Agencies Region 10 & DOLA to bring high-speed internet to the Town of Palisade and that last fall, the Town was awarded a grant from DOLA to build out the middle-mile from I-70 to the new CNL (Carrier Neutral Location) building.

The Town of Palisade published a Request for Proposal (RFP) for the construction of the middle-mile, design, and construction of the CNL. The Town published the RFP on the Town website, BidNet, newspaper & Facebook.

The Town received two bids. Upon review of the bids with Trustee Harbough, Dana Havlak from DOLA, and Corey Brindal from Region 10, it is recommended that the Board select Deeply Digital + Clearnetworx Option 2 Bid.

Board members discussed the potential speed of service, who is responsible for gaining CDOT's permission to connect to I-70 fiber (Region 10), and the bid amount.

Motion #5 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to direct the Town Manager to enter into a contract with Deeply Digital + Clearnetworx for the design and construction of the middle-mile broadband fiber and CNL (Carrier Neutral Location) for the Town of Palisade, contingent upon the Colorado Department of Transportation (CDOT) allowing access to fiber along I-70.

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.

Special Event Safety Equipment

Parks and Events Director Troy Ward and Police Chief Jesse Stanford gave a presentation of the equipment that the Parks, Police, and Fire departments are requesting. *Note: this presentation will be a permanent attachment to these minutes.*

Board members expressed their support for increased security and safety precautions surrounding all special events held in the Town of Palisade. They went on to ask for clarification on the amount of funds being requested, concerns about the time it will take festival goers to enter events with metal detectors and who would be in charge of manning them, and future plans for a security strategy for bag checks and concealed carry permits.

Motion #6 by Trustee Chase, seconded by Trustee Harbaugh, to approve the purchase of special event safety equipment as listed in the staff report for an amount not to exceed \$227,194.00.

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.

Purchase New Equipment for the Public Works Department

Public Works Director Jack Nickerson and Town Manager Hawkinson explained that they are requesting to purchase of a Hot Jet II Vac n Jet trailer to replace the current vacuum trailer. The new trailer would allow the hydraulic excavation of utilities and the cleaning of sewer and storm pipes.

Motion #7 by Trustee Chase, seconded by Trustee Somerville, to approve the purchase of a vac-trailer for the water/sewer department in an amount not to exceed \$129,995.00.

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.

PUBLIC COMMENT

None was offered.

COMMITTEE REPORTS

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

ADJOURNMENT

Motion #8 by Trustee Somerville, seconded by Trustee Harbaugh, to adjourn the meeting at 7:26 pm.

A voice vote was requested.

Motion carried unanimously.

X 

Greg Mikolai
Mayor

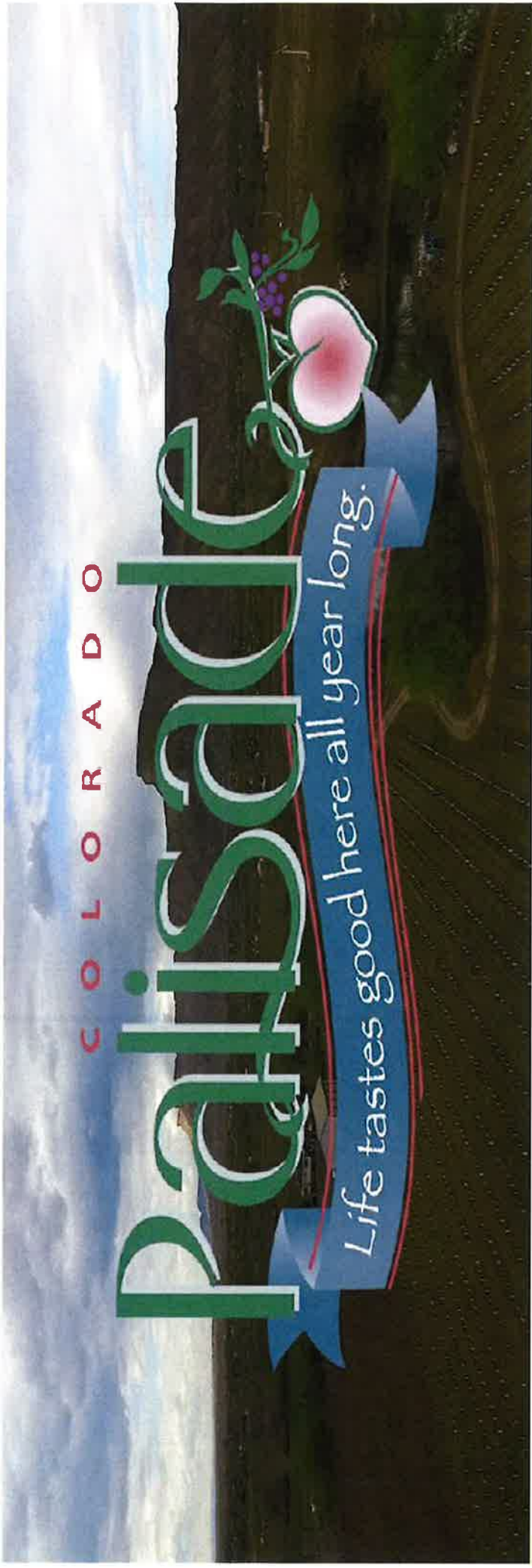
X 

Keli Frasier
Town Clerk



Community Preparedness

Special Event, Festival & Parade Planning



Palisade as a Destination

- Thousands of annual visitors
- Festivals, Events and Recreation with National Recognition
- Family Friendly Atmosphere



Why We Are
Concerned

Recent Presentation on Garlic
Festival Incident In Gilroy

Grand Junction Police
Department Incident



- Realistic recognition of the capacity and capabilities of our resources
- Investing in the proper Training and Equipment before an incident
- Developing proper plans and adhering to those plans

Proactive vs

Reactive





Festival & Event Crowds

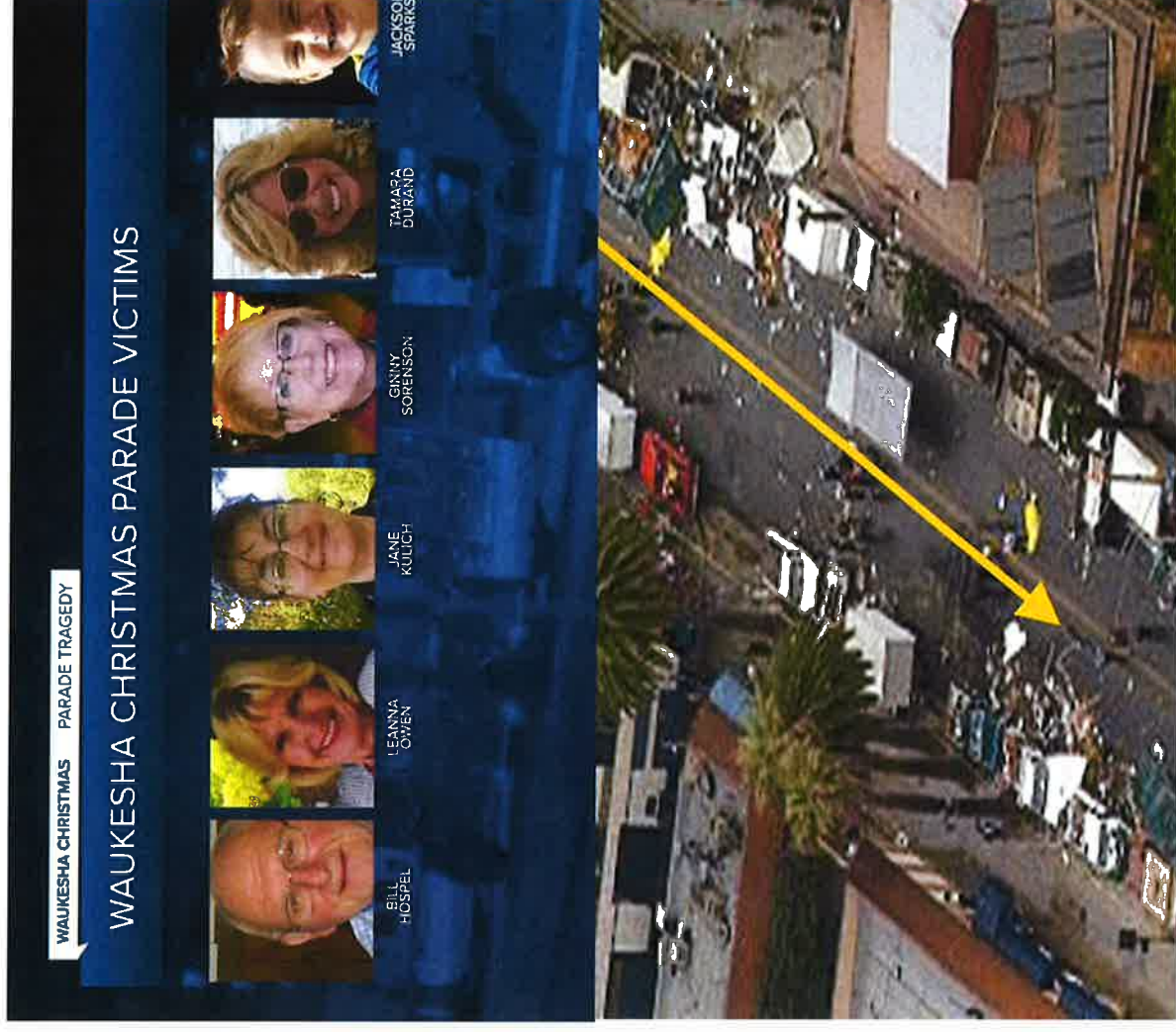
- Crowd Surges due to - poor crowd management, inadequately trained security, negligence in occupancy loads (indoor and outdoor), limited exits points for evacuation
- Crowds attract those wishing to have fun and those wishing to make a violent statement
- Parades and events are becoming targets for reckless drivers



Multitude of Parades through Downtown

Parades are “generally” peaceful..... Until.....

- Some instances are intentional -
 - Waukesha Holiday Parade - 6 killed, 62 injured
- Some instances are accidental -
 - Santa Monica Farmers' Market - 10 Killed
 - Hawthorne Farmers' Market - 1 killed



Don't Know When or What



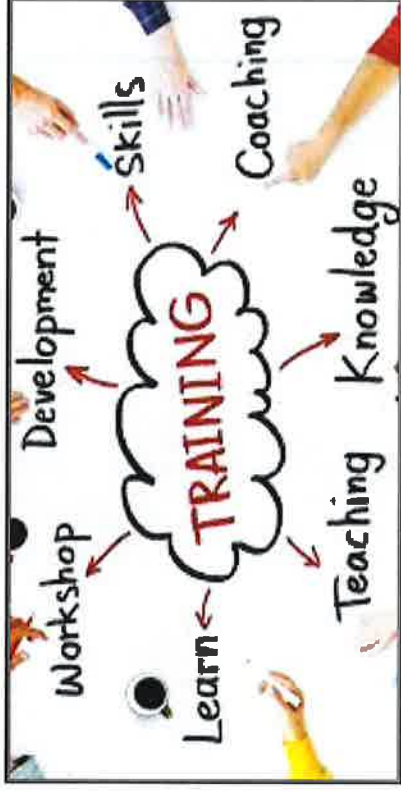
Palisade Peach Festival Fire 2019

- Limited Access for responders
- Large Crowds = Panic
- Evacuation Concerns due to inadequate exit points

Hard Decisions

- **Palisade Community First**
 - We must be able to provide for **Our Community FIRST** which includes providing for the safety of our residents and visitors
 - Being Prepared Before an Incident
 - Violent incidents are becoming more frequent especially in areas where crowds gather
 - Recognize the fact it CAN happen to us

Training – Doing Our Part



- NIMS Training for all Town employees has started
- Active Shooter Response Training for Emergency Response personnel scheduled
- Incident Action Plan Development and Use as a standard
- Bringing training here for little to no cost
- Opens more grant opportunities

Warning Devices versus Barrier Devices

- Signs and Cones
- Intersections
- NO protection



Sunday Farmers Market & Plaza Events

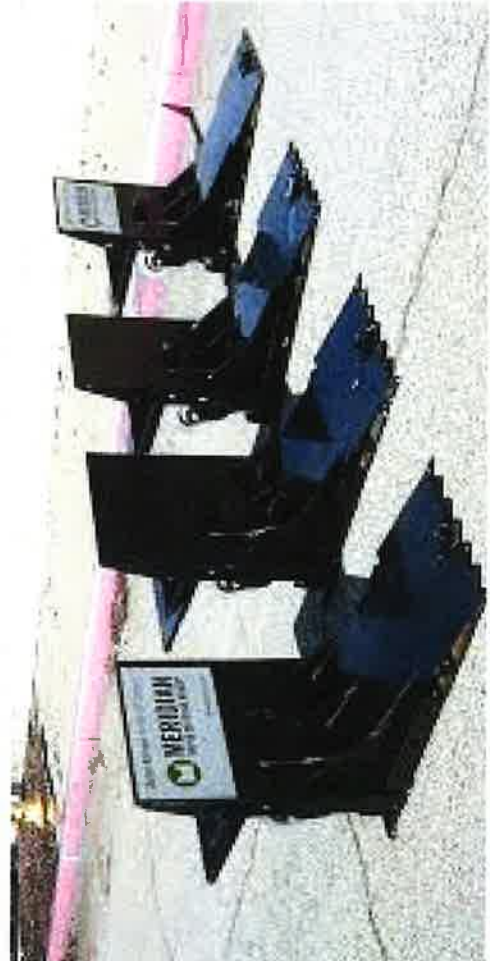
- 2,000+ visitors for Sunday Farmers Market
- Olde Fashion Christmas
- Ice-cream Social
- Ability to provide appropriate safeguards



Safety & Security Parks & Facilities

- Industry Standard
- Barriers to protect people placed at intersections and streets.
- Festivals and/or any need to close streets for maintenance – Personnel Safety
- One person mobility

• https://www.youtube.com/watch?v=VJpI8v_Q0W0



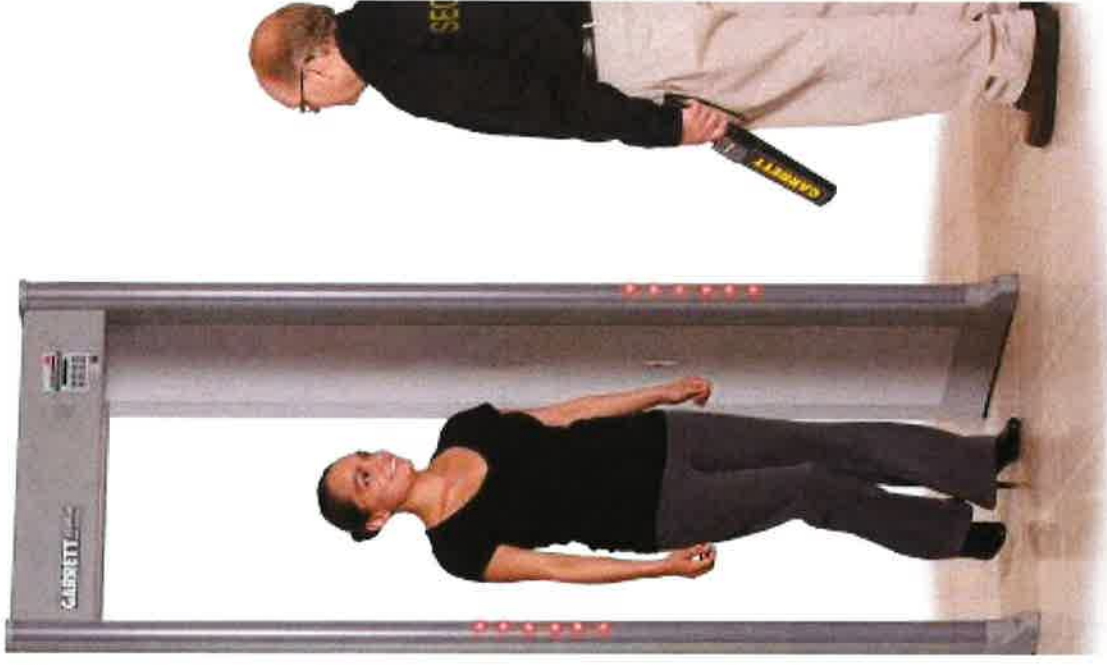
Law Enforcement - Safety & Security - E-Bikes

- Ease in maneuvering through crowds quickly and effectively
 - 10 Minutes for a Patrol Car / 2 minutes on a bike
- Ability to stow equipment and not carry vs walking and carrying
- Increased community engagement and public relations
- Any good weather day use



Law Enforcement – Portable Metal Detectors

- Can be utilized during community and/or board meetings
- Utilized for front desk employees at town hall
- Increase security for any gathering of large people
- Deployable at festivals/events



Law Enforcement Side- by-Side



- Increased maneuverability through downtown during patrol for events and parades
- Day/Evening Patrolling festival and parking/camping areas
- Ability to use for getting Town personnel to remote areas i.e., watershed annually

Law Enforcement - NOLA Camera

- Increased visual monitoring in vulnerable areas throughout the year
- Ability to monitor large crowds in Riverbend Park



Fire & EMS Life Safety & Security

- Fire/EMS response to remote or crowded areas
 - Mt. Garfield
 - Palisade Rim Trail
 - Riverbend Park
 - Farmer's Market
- Maneuverability through large crowds for medical emergencies
- Year long use - Any given day

• <https://youtube.com/clip/Ugkx1fnx53gTv2nFvgIuTN3t7uzQATLm2s1UX>



Fire & EMS - Shelter Tent

- Used at events / Festivals for environmental protection for responders
- Ability to isolate people in need of medical exams and/or treatment
- Clearly identified Medical Aid station



Fire & EMS – Oxygen Trauma Backpack & AED



- Allows responders to carry essential supplies for patient care into the remote areas where responders must hike in



- Palisade Farmer's Market
- Mt. Garfield
- Palisade Rim Trail
- Riverbend Park Festivals

Fiscal Reinvestment Factors

The following revenue and savings can be reinvested into Safety & Security

- Town Auction - \$40,000.00
- Donation to Fire Department for UTV - \$7,900.00
- Fire Department Budget Savings - \$15,52500
- Police Department Budget Savings - \$10,000.00
- **TOTAL = \$73,425.00**



Initial Investment Costs For Public Safety & Security



- Events & Parks - \$121,744.34
- Police Department - \$63,346.94
- Fire Department - \$42,102.00
- Total - \$227,193.28
- Reinvestment Funds - \$73,425.00
- **TOTAL INVESTMENT \$153,768.28**

Thank you for
your time and
consideration

Charles K. Balke, Fire Chief

Jesse Stanford, Police Chief

Troy Ward, Parks, Rec, Events Director

