



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
August 23, 2022**

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, Bill Carlson, Thea Chase, Stan Harbaugh, and Mayor Pro-Tem Ellen Turner. Trustee Nicole Maxwell arrived at 6:05 pm. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, Police Chief Jesse Stanford, and Fire Chief Charles Balke.

AGENDA ADOPTION

Motion #1 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve the agenda as amended to include a presentation from Ben Snyder, the Executive Director of the Greater Grand Junction Sports Committee, to present a check to the Palisade Fire Department with funds earned from the *Peachy 5k Fun Run*.

A voice vote was requested
Motion carried unanimously

PRESENTATIONS

Gary Hauschulz with Palisade Art Vision (PAV) gave a brief presentation on their progress over the last year and the downtown sculptures that will be unveiled next month.

Mayor Mikolai presented Juliann Adams and Bill Binnian, members of the Palisade Sunrise Rotary, with a check for \$16,548.21 for managing the 2022 Palisade Bluegrass and Roots Festival bar.

Ben Snyder, the Executive Director of the Greater Grand Junction Sports Committee, presented a donation check to the Palisade Fire Department with funds earned from the *Peachy 5k Fun Run*.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson announced the groundbreaking event planned for the new community clinic, reviewed her Town Manager's report (included in the packet) and offered to answer any questions or concerns from the Board.

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 – August 4, 2022 – August 17, 2022
- **Minutes**
Minutes from the August 9, 2022, Regular Board 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.

NEW BUSINESS

Resolution 2022-14 approving an Intergovernmental Agreement (IGA) with Mesa County Elections for Coordinated Special Election

Town Manager Janet Hawkinson and Town Clerk Keli Frasier explained that the Tourism Advisory Board (TAB) has requested that the Board of Trustees ask the voters to increase the lodging tax. If the Board does not wish to enter into an IGA with Mesa County for the November 2022 election, the next opportunity to vote on this issue would be in April 2024.

TAB Chairperson Juliann Adams, and TAB Member Jeff Snook advised the Board that they were there to help answer any questions the Board had regarding the request.

Various Board members asked about the current lodging tax rate, the businesses that are required to pay the tax, the timeline of the requested ballot question, and why it felt rushed.

Town Clerk Frasier explained that while the timeline is short, the order of proposing the IGA before the ballot language is in accordance with State Statute. Town Manager Hawkinson advised the Board that the ballot request has been a discussion amongst TAB for about a year, but the talks of proposing a sales tax ballot question had pushed the lodging tax question back. Because Mesa County is able to coordinate in November, TAB requested we move forward to the Board so they wouldn't have to wait for a much later election before being able to make the request again.

Motion #3 by Trustee Somerville, seconded by Mayor Pro-Tem Turner to approve an Intergovernmental Agreement with Mesa County Elections for a coordinated election on November 8, 2022.

A roll call vote was requested.

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

No: Trustee Chase, Trustee Carlson

Absent:

Motion carried.

Purchase of a used 2021 Toyota Pick-Up Truck for the Parks Department

Town Manager Hawkinson explained that the three Ford Hybrid Mavericks that the Board approved in 2021 are still in production due to supply chain issues and will not be in the possession of the Town for up to a year from now.

She went on to describe a used 2021 Toyota that would help alleviate the Parks Department's desperate need for a vehicle to aid in completing daily required duties. The truck is listed for \$31,295.00 and will be an added vehicle to the Parks fleet once the three Mavericks arrive.

Motion #4 by Mayor Pro-Tem Turner, seconded by Trustee Somerville to direct the Town Manager to purchase a used truck for the Parks Department for an amount not to exceed \$35,000.00.

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.

Resolution 2022-13 Supporting the Safe Streets and Roads for All (SS4A) Grant and Memorandum of Agreement

Community Development Director Brian Rusche explained that the Mesa County Regional Transportation Planning Office (RTPO) is applying for a grant under the Safe Streets and Roads for All (SS4A) program. The grant, if awarded, would pay for the creation of a “Vision Zero” action plan to eliminate traffic deaths within Mesa County.

He went on to clarify that coordinating with Mesa County on this grant, it would allow Mesa County, the City of Grand Junction, the City of Fruita, and the Town of Palisade to split the match cost of the grant and open the opportunity to apply for future grants through this program. Palisade’s contribution is \$1105, which said amount is available in the Community Development – Professional Services budget.

Motion #5 by Trustee Chase, seconded by Trustee Harbaugh to approve Resolution 2022-13 supporting the Safe Streets and Roads for All (SS4A) Grant and Memorandum of Agreement.

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.

Resolution 2022-15 supporting a Department of Local Affairs (DOLA) Grant Application

Utilities Director Matt Lemon announced that the Energy and Mineral Impact Assistance Fund (EIAF) Grant if awarded, will be used to replace the Troyer Avenue lift station. He explained that the existing lift station is the oldest system serving the Town, with outdated electric controls for the pumps, and a visual alarm system. There is no call out to staff or audible alarm for notification.

The grant is a 50/50 match, and staff is requesting to apply for a total of \$300,000.00, with the \$150,000.00 match being appropriated from the Sewer Enterprise Fund and/or General Fund.

Motion #6 by Trustee Maxwell, seconded by Mayor Pro-Tem Turner to approve Resolution 2022-15 supporting a Department of Local Affairs (DOLA) Grant Application.

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.

Resolution 2022-16 supporting a Federal Mineral Lease District (FMLD) Grant Application

Fire Chief Charles Balke stated that the proposed grant is for \$16,968.00 and is a zero funding match. If awarded, the grant funds would be used to purchase two Altair 4-gas monitors, two handheld TXS Thermal Imagers, and structural firefighting boots for all twenty members of the Palisade Fire Department.

Motion #7 by Trustee Maxwell, seconded by Trustee Chase to approve Resolution 2022-16 supporting a Federal Mineral Lease District (FMLD) Grant Application.

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 HEARING I

PRO 2022-08 Third Street Lodging Setback Variance

Mayor Mikolai opened the public hearing at 7:01 pm.

Community Development Director Rusche reviewed his staff report citing the findings of fact and staff recommendations.

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 piece of property because of the size of the lot and the location of the existing structure.

Unlike buildings on most downtown lots, the original motel structure is oriented to the side, rather than the front, of the lot. This creates a condition where the width of the lot, which is narrower than the depth, functions as the space available for any additional development. The orientation makes the alley, typically found behind a building in downtown, feels like a side yard, which in a downtown context has no 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 rear yard setback in the TC (Town Center) zone is ostensibly to provide room for parking and/or building access from an alley in a traditional downtown grid. However, applying this standard would reduce the ability to provide room for parking and create the potential for unauthorized access to the bathhouse from the alley.

- 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 upgrade the property to meet modern building codes.

The former house, which provided the only restroom on the property for years, existed in the middle of the lot, effectively splitting it in half, with an inability to access the back of the property from the front. If the bathhouse were placed at this location, the property would also feel as though it were split in half, which could compromise the privacy and security of the proposed motel use.

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.

The proposed site plan shows that, by locating the bathhouse adjacent to the alley, a maximum number of parking spaces and more efficient use of the lot can be achieved. The adjacent property to the east is a post office, which currently has a storage unit located right on the alley as well, to maximize the use of its parking lot.

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

The substandard condition of the existing building and the property is not the result of the applicant.

In fact, the applicant is attempting to modernize both the existing building as well as construct a modern bathhouse to restore the property to its original use as a motel.

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 make full use of the land.

Any setback more than zero creates a dead zone between the bathhouse and the alley that would need to be maintained and would reduce the feeling of privacy for the guests of the proposed motel.

Applicants Jeff Snook and Jody Corey gave a brief presentation on their vision for the property and the reasoning for their request.

Mayor Mikolai opened the hearing to public comment.

Gary Brauns 555 36 Road, Palisade; expressed enthusiasm about the applicant's abilities to turn the proposed property into a gem and encouraged the Board to approve the variance request.

Kristin Steidel, 2190 W Morrison Court, Grand Junction; is an employee of Spoke and Vine Motel and feels that approval of the application will allow guests to have their own parking space and take up less public parking downtown.

Mayor Mikolai opened the hearing to Board comment.

Board Members asked if notice requirements had been met, if the variance would impact trash pick-up and clarification on where the zero line was actually being requested for.

Motion #8 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve PRO 2022-08 a variance from the Palisade Land Development Code (LDC) to allow for a zero (0) foot rear yard setback where ten (10) feet is required, for the property located at 215 W. Third Street (Parcel # 2937-092-06-002), as applied for by Third Street Lodging LLC.

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.

Mayor Mikolai closed the public hearing at 7:16 pm.

PUBLIC HEARING II

PRO 2022-14 Wine Country Inn Sign Variance

Mayor Mikolai opened the public hearing at 7:17 pm.

Community Development Director Rusche gave a brief presentation outlining the findings of fact and staff recommendations.

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 piece of property because of its shape.

The winery and the inn are accessible only by Grand River Drive, which runs parallel to I-70.

The property also sits lower than the interstate, meaning that a sign meeting the maximum height of 20 feet would not be particularly visible to the traveling public. The existing sign was built prior to the annexation of the property into the Town and has become a very recognizable feature of Palisade.

- 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.

This request is not for a new sign but rather to continue and improve the use of the existing sign to reflect the common uses accessible from Grand River Drive and to maintain the existing sign structure.

- 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 require that the sign be decommissioned and removed.

In fact, this sign was used as the basis for consideration of a sign variance for a sign of the same height across Elberta for the Golden Gate fuel location (PRO-2017-43), as it was determined during that process to be compatible with the existing signage, such as the current winery sign.

- 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 not be injurious to the neighborhood or to the public.

The existing sign has not, to the Town's knowledge, caused any safety hazards and, in fact, has become a reference point for exiting I-70 into the Town. The modification of the business name(s) to reflect common ownership and the addition of internal illumination will improve upon the existing, worn-out painting of the existing sign.

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

The configuration of the lot and signage location is not the result of the applicant.

By purchasing the winery, the owners have preserved a historical land use within the Town and inherited the existing condition of the sign.

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

The requested variance will allow the sign to remain.

Signage is necessary to convey information and direction to visitors and residents alike.

Applicant Paul Schritter with Bud’s Signs gave a brief presentation highlighting what the sign would look like if approved.

Mayor Mikolai opened the hearing to public comment.

Mariah Reynolds, 557 Cicero Drive, Palisade; declared her opposition to any brightly lit signs in Palisade.

Dan Vice, the General Manager at Grande River Vineyards; remarked that the proposed color scheme will help limit light pollution and will help visitors find them easily.

Ian Kelly, the General Manager of Wine Country Inn; spoke in favor of the application.

Susan Ryan from Grand Junction; passed out additional images of the proposed sign.

Jean Tally, owner of both Grande River Vineyards and Wine Country Inn, specified that a large concern that the lighted sign would help mitigate is the ability of emergency personnel to find both locations if necessary.

Mayor Mikolai opened the hearing to Board comment.

All members of the Board of Trustees discussed the concern of the lighted sign and the potential light pollution it may cause when entering Palisade.

Applicant Paul Schritter reminded the Board that the illumination of the sign is currently allowed under the Palisade Land Development Code.

Mayor Mikolai called for a five-minute recess at 8:03 pm.

Motion #9 by Trustee Maxwell, seconded by Trustee Harbaugh, to approve PRO 2022-14 for a variance from the Palisade Land Development Code (LDC) to allow for the replacement of an existing sign, approximately 312 square feet advertising both Wine Country Inn and Grande River Vineyards. The sign has a height of thirty-six (36) feet above grade with a total height of thirty-nine (39) feet and is located on the property of 787 37 3/10 Road (2937-054-55-001), as applied for by the Bud’s Signs on behalf of the property owner.

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 8:16 pm.

PUBLIC HEARING III

ORDINANCE 2022-16: Amending the Land Development Code (LDC) regarding Outdoor Lighting

Mayor Mikolai opened the public hearing at 8:16 pm.

Community Development Director Rusche reviewed his staff report clarifying that the purpose of this Ordinance is to mitigate light pollution in Palisade and to help improve the quality of life for the residents.

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, specifically the section on parking and street lights in subdivisions.

2. The amendment must not adversely affect the public health, safety or general welfare;

The proposed text amendment seeks to improve public health, safety, or general welfare by reducing light pollution.

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;

Dark-sky interest has grown within Palisade and has become an important value for those who reside here.

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 feedback on the Comprehensive Plan update indicates support for dark-sky-compliant lighting.

Mayor Mikolai opened the hearing to public comment.

Marsha Kosteva, 346 W 6th Street, Palisade; thanked the Board for considering the proposed Ordinance and stated that it was long overdue for Palisade to adopt such requirements.

Mariah Reynolds, 557 Cicero Drive, Palisade; stated that she is a fan of the proposed Ordinance.

Mayor Mikolai opened the hearing to Board comment.

Mayor Pro-Tem Turner asked if light shields would be required for new commercial developments. Community Development Director Rusche stated that they indeed would.

Motion #10 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Ordinance 2022-16 amending the Palisade Land Development Code regarding outdoor lighting.

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.

Mayor Mikolai closed the public hearing at 8:39 pm.

PUBLIC COMMENT

Mariah Reynolds, 557 Cicero Drive, Palisade; expressed deep concerns regarding the perceived increase in crime in Palisade and requested increased police presence.

OPEN DISCUSSION

Mayor Pro-Tem Turner and Trustee Chase expressed their concerns over the perception that crime is increasing in Palisade and would like the Palisade Chief of Police to do a presentation on the facts of crime in Town and the processes in place for mitigating the issue.

Trustee Somerville stated that he would like to see the Board move forward with adopting an ordinance regarding dark sky compliance for businesses and signs. ***The consensus of the Board is to direct staff to work on a draft ordinance for the Board's consideration.***

Various Board members, including Trustee Maxwell, Trustee Chase, and Mayor Mikolai, discussed the appropriateness of drafting a letter of support for the Cameo Sport Shooting Complex regarding magazine limit laws in connection with tournaments. ***The consensus of the Board is to ask for the Town Attorney's advice in drafting such a letter and what the potential repercussions could possibly be.***

Trustee Carlson stressed concerns over the Breau of Reclamation taking over water rights in Colorado. ***The consensus of the Board is to talk to the Town's water attorney and get a report on what we could be doing now to protect our water rights and what our vulnerabilities are.***

COMMITTEE REPORTS

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

ADJOURNMENT

Motion #11 by Trustee Somerville, seconded by Trustee Turner to adjourn the meeting at 8:59 pm.

A voice vote was requested.
Motion carried unanimously.

X 

Greg Mikolai
Mayor

X 

Keli Frasier
Town Clerk