



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
November 15, 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, Stan Harbaugh, and Mayor Pro-Tem Ellen Turner. Trustees Thea Chase and Nicole Maxwell were absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Attorney Jim Neu, Town Clerk Keli Frasier, Community Development Director Brian Rusche, Finance Director Travis Boyd, 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 presented.

A voice vote was requested
Motion carried unanimously

PRESENTATIONS

Mayor Mikolai presented Penny Prinster a token of the Town's appreciation for her many years of service to the Town of Palisade as a Board of Trustee and a Planning Commission Member.

Chief of Police Jesse Stanford gave a brief introduction of new Palisade Police Officer William Sauer.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her Town Manager's report (included in the packet), announced that the Town was awarded a grant for the Troyer lift station, and then 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 – October 20, 2022 – November 9, 2022
- **Minutes**
Minutes from the October 25, 2022, Regular Board of Trustees Meeting
Minutes from the November 8, 2022, Special 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 Harbaugh, Mayor Pro-Tem Turner, Trustee Somerville, Trustee Carlson

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

PUBLIC HEARING I

ORDINANCE 2022-17 – Adopting the 2018 Edition of the International Energy Conservation Code

Mayor Mikolai opened the public hearing at 6:08 pm.

Community Development Director Brian Rusche reviewed his staff report, confirming that Town Clerk Frasier published all required public notices.

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

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

Motion #3 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Ordinance 2022-17 – Adopting the 2018 Edition of the International Energy Conservation Code.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:10 pm.

PUBLIC HEARING II

PRO 2022-16 - Campbell Garage Variance

Mayor Mikolai opened the public hearing at 6:10 pm.

Community Development Director Brian Rusche reviewed his staff report, citing the approval criteria required for consideration by the Board of Trustees.

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 existing structure.

The entry to the residence is recessed, and the front of the home is not flush with the street. The proposed garage includes a renovation to what was formerly a sunroom that will provide a proper front door for the residence facing the street.

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 side-yard setback in the MU (Mixed Use) zone is to provide separation between residences along the street frontage. The proposed setback variance would still provide separation between the adjacent neighbor to the west, where the residence is separated from the property line by a driveway. The property does not currently have a garage. Garages are permitted for all single-family residences.
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 vehicle storage needs.
The proposed garage is just large enough to accommodate two vehicles, which are common for today's homes. In fact, the code requires two parking spaces per residence. The alternative to an enclosed garage is parking within a driveway or on the public street, which is common in older neighborhoods but often visually blocks the front of the residence as viewed from the street.
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 front of the garage will be sufficiently set back from the existing sidewalk and in harmony with the front of adjacent residences. The side yard will not be reduced to less than what is allowed if the garage were behind the residence.
5. **The special circumstances are not the result of the actions of the applicant.**
The current owner purchased the residence in its existing configuration.
The applicant is attempting to modernize the existing building and the residence's visual appeal while accommodating the modern necessity of enclosed parking.
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 accommodate the garage.
Five (5) feet is a standard setback for detached garages, while ten (10) feet is the standard setback for a residence. Given the configuration of the residence, a variance is necessary to attach the garage to the residence. A 5-foot setback does not create any building or fire code issues for this property or the neighboring property.

Mayor Mikolai opened the hearing to public comment.

Adriann Jones, 326 W 4th Street; announced that she, as the neighboring homeowner, is agreeable to the variance as long as the distance from the property line is verified by a surveyor.

Mayor Mikolai opened the hearing to Board comment.

Trustee Somerville asked for a description of what kind of verification the neighbor was requesting. Community Development Director Rusche responded that both property owners have agreed upon the existing survey pin as the property line and that the contractor has been instructed to begin constructing 5 feet from that point.

Trustee Harbaugh requested clarification on the Land Development Code's requirements for a detached garage in the front yard. Community Development Director Rusche clarified that the proposed garage is attached to the existing home, not detached.

Motion #4 by Mayor Pro-Tem Turner, seconded by Trustee Somerville, to approve PRO 2022-16 - Campbell Garage Variance.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:20 pm.

PUBLIC HEARING III

Budget Resolutions

Mayor Mikolai opened the public hearing at 6:20 pm.

Finance Director Travis Boyd reviewed his staff report and explained all three resolutions before the Board.

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

Mayor Mikolai opened the hearing to Board comment.

Trustee Harbaugh asked if the budget had changed at all from the version they received on November 8, 2022. Finance Director Boyd stated that no changes were made since that date.

Motion #5 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Resolution 2022-25 – Appropriating Sums to Various Funds.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

Motion #6 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Resolution 2022-26 – Budget Expenditures and Revenues.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

Motion #7 by Mayor Pro-Tem Turner, seconded by Trustee Somerville, to approve Resolution 2022-27 – Budget Tax Levy.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

Mayor Mikolai closed the public hearing at 6:25 pm.

NEW BUSINESS

Expanding the Scope of Work for the existing Agreement for Professional Services with Mountain Groove Productions

Town Attorney Jim Neu reviewed his staff report, briefly explaining the history of Mountain Groove Production's involvement with the Palisade Bluegrass and Roots Festival, and reviewed the details proposed for expanding their contractor services.

Josh Behrman and Amy Kimberly with Mountain Groove Productions described their excitement for the opportunity to take on a more prominent role with the festival and the goal of engaging the community more than what has been possible under the management of Town staff.

Trustee Carlson gave suggestions on website updates and recommended offering a locals discount on ticket prices. Both Mr. Behrman and Ms. Kimberly agreed that all of his proposals were great and had already been discussed among their staff.

Mayor Pro-Tem Turner asked for confirmation that ticket sales would be restricted to 3,500. Town Attorney Neu confirmed that the restricted number of ticket sales had been added to the contract.

Motion #8 by Mayor Pro-Tem Turner, seconded by Trustee Somerville, to approve the contract for expanding the scope of work for the existing agreement for professional services with Mountain Groove Productions.

A roll call vote was requested.

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

No: Trustee Carlson

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

ORDINANCE 2022-18 – Extending the Temporary Moratorium for Major Residential Subdivisions and Large Residential Developments

Town Attorney Jim Neu reviewed the staff report, detailing that the proposed moratorium is to extend the expiration date until the Comprehensive Plan is completed and can offer the Board direction on moving forward with larger developments. He noted that the Board may end the moratorium at any time if the Comprehensive Plan is completed sooner than the June 30, 2023 date noted in the Ordinance.

Motion #9 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to approve Resolution 2022-18 – Extending the Temporary Moratorium for Major Residential Subdivisions and Large Residential Developments.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

ORDINANCE 2022-19 Regarding the Number of Retail Marijuana Store Licenses Available in the Town of Palisade

Town Attorney Neu explained that the current moratorium on new retail marijuana store licenses has been in place for going on two years while the Town was in litigation with the last applicant for a retail marijuana store. The proposed ordinance will amend the Town’s current marijuana Code so there are only two licenses for retail marijuana stores and one license for a medical marijuana center. Town Attorney Neu stated that the current marijuana code needs a lot of work, but this ordinance will allow the moratorium to expire at the end of the year and that the Board can always authorize more licenses in the future once the Comprehensive Plan is complete if they choose to.

Motion #10 by Trustee Somerville, seconded by Trustee Harbaugh to approve Ordinance 2022-19 Regarding the Number of Retail Marijuana Store Licenses Available in the Town of Palisade.

A roll call vote was requested.

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

No:

Absent: Trustee Chase, Trustee Maxwell

Motion carried.

PUBLIC COMMENT

Andrea Skorupski, 229 W 5th Street, and Tara Brosig with Mountain Side Production Services; apologized for appearing later in the meeting than intended, as they both wanted to comment on the Mountain Groove Productions agreement. Ms. Skorupski and Ms. Brosig expressed their disappointment in not having an opportunity to bid on the project as they are both local.

COMMITTEE REPORTS

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

ADJOURNMENT

Motion #11 by Trustee Somerville, seconded by Trustee Carlson to adjourn the meeting at 7:00 pm.

A voice vote was requested.

Motion carried unanimously.

X *Keli Frasier*

Greg Mikolai
Mayor

X *Greg Mikolai*

Keli Frasier
Town Clerk

