



**AGENDA**  
**for the Board of Trustees**  
**of the Town of Palisade, Colorado**  
**120 W 8<sup>th</sup> Street (Veterans Memorial Community Center)**

**March 23, 2021**

**5:30 pm Site Visit – Board members will visit the Land Use Application site at 787 37 3/10 Road**  
*(no decisions or comments will be made at this time)*

**6:00 pm Regular Virtual Meeting w/ Limited In-Person Seating**

- I. **REGULAR MEETING CALLED TO ORDER AT 6:00 pm**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **AGENDA ADOPTION**
- V. **ANNOUNCEMENTS**
  - A. **PUBLIC COMMENT REMINDER:** All emails sent to the Town Clerk for public comment on a specific agenda item prior to the day packets are published will be included in the staff report. Emails received after the packets are posted will be forwarded to the Board of Trustees. Any member of the public who wishes to have a statement or email read into the Minutes is required to appear (virtually or in-person) at the meeting and make said statements to the Board directly.
  - B. **Highway 6 Design Open House - Thursday, March 25, 2021, from 2:00 pm to 8:00 pm at Veterans Memorial Community Center (120 W. 8th St.)**
- VI. **TOWN MANAGER REPORT**
- VII. **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 any Board Member may ask that an item be removed from the Consent Agenda for individual consideration.*

  - A. **Expenditures**  
Approval of Bills from Various Town Funds – March 6, 2021 – March 19, 2021
  - B. **Minutes**  
Minutes from March 9, 2021, Regular Board Meetings

## VIII. PUBLIC COMMENT

*Please keep comments to 3 minutes or less, and state your name and address. IF ATTENDING VIRTUALLY, PLEASE TURN ON YOUR CAMERA WHEN SPEAKING TO THE BOARD.* Neither the Board of Trustees nor staff will respond to comments at this time. The Board may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.

## IX. PUBLIC HEARING

### A. PRO 2021-3 – Colorado Weedery Conditional Use Permit (CUP)

*The Board will consider a request for a CUP for the relocation of a retail marijuana dispensary (Colorado Weedery), as applied for by Jesse and Desa Loughman, for the properties located at 787 37 3/10 Road (Parcel # 2937-054-55-01 and 2937-054-55-02).*

1. Staff Presentation
2. Applicant Presentation
3. Public Comment *(Please keep comments to 3 minutes or less and state your name and address. If attending virtually, please turn on your camera when speaking to the Board.)*
4. Board Discussion
5. Applicant Closing Remarks
6. Decision – Motion, Second, Rollcall Vote

## X. NEW BUSINESS

### A. Palisade Swimming Pool Intergovernmental Agreement (IGA) with the City of Grand Junction

*This item is for the Board consider Resolution #2021-01 allowing the Town Manager to enter into an IGA with the City of Grand Junction for the Provision of Lifeguards, Guest Service Representatives, Swim Instructors and Pool Managers for the Palisade Swimming Pool During the 2021 Season.*

1. Staff Presentation
2. Board Discussion
3. Decision – Motion, Second, Rollcall Vote

### B. Memorandum of Understanding (MOU) with the Colorado Bureau of Land Management (BLM) and the City of Grand Junction for Fire Mitigation on the Palisade Watershed

*The Board will consider authorizing the Mayor to sign an MOU with the BLM and the City of Grand Junction to conduct a prescribed burn as part of a fuel reduction plan within the watershed of the Town of Palisade.*

1. Staff Presentation
2. Board Discussion
3. Decision – Motion, Second, Rollcall Vote

## XI. OPEN DISCUSSION

*This is a chance for the Board of Trustees to voice concerns, opportunities, or other important topics, not on the Agenda. Each Trustee will be held to a limit of three minutes apiece to speak.*

## XII. COMMITTEE REPORTS

## XIII. ADJOURNMENT



### **TOP Board of Trustees Regular Scheduled Virtual Meeting Electronic Participation Instructions**

*Due to the COVID-19 (coronavirus) pandemic in Mesa County, the Town of Palisade will be holding virtual public meetings with limited in-person seating*

**Regular meeting starts at 6:00 pm**

**<https://zoom.us/j/3320075780>**

**Meeting ID Number: 332 007 5780**

To Join Zoom Meeting:

**BY COMPUTER/SMARTPHONE:** Click on the link above and follow the instructions. Participants from the audience will be able to speak during public comment. **There is a hand symbol to push that will allow the meeting moderator to see who wants to speak.** Please remember to state your name before speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes. **If using a smartphone, you must download the app.**

**\*BY TELEPHONE:** Members of the public who wish to provide public comment on any specific agenda item or during general public comment must call the number provided below between 5:15 pm and 5:29 pm. During that time, the **moderator of the call will ask your name and the agenda item or if you wish to speak to an item not on the Agenda.** Once that information has been provided, your line will be muted. When it is time to talk during the meeting, the moderator will unmute the line, state the person's name who will be speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes.

To participate, dial the following phone number: **1 (253) 215 8782**, then there will be a prompt to enter the meeting **ID. Number Noted Above**, and the User ID is the pound (#) sign.

**BY ELECTRONIC MAIL:** Members of the public may also provide public comments or comment on a specific agenda item by sending an email to [kfrasier@townofpalisade.org](mailto:kfrasier@townofpalisade.org). The email must be received by 2:00 pm on the day of the meeting. **The Town Clerk will FORWARD THE EMAIL TO THE BOARD OF TRUSTEES.** *Any member of the public who wishes to have a statement read into the Minutes is required to appear (virtually) at the meeting and make said statements to the Board directly.*



**Main Street Grants:** The Town has submitted 2 additional Main Street Grants for \$50,000 for 2 parklets and sidewalk expansion in the downtown area. The Town was awarded 1 of these grants for the construction of additional parklets for local businesses. The second grant is still being reviewed.

**Highway 6 Project:** The project is in the engineer design phase. This reconstruction of the highway 6 from Iowa to Main Street is to improve safety and beautification. Construction is still scheduled for this October. An Open House is being held this Thursday, March 25, 2021 from 2:00 – 8:00 pm at the Veterans Community Center. Different landscape design concepts will be shown for feedback and the new lane and crosswalk designs for improved safety measures. This project is being completed with the MMOF grant awarded to the Town and close collaboration with CDOT.

**List of Calendar Year Projects:**

<b><u>Capital Improvement Projects</u></b>	
EPA Brownfields Grant – Asbestos Remediation	Grant submitted Wednesday 10.28.2020 for asbestos remediation at the old high school – grant request is +/- \$500,000 with 20% match  Announcement of winners in June 2021
Master Sewer Plan Study Completed	Completing portal application with USDA for possible funding on sewer design and construction – there is a lot of information to submit for the grant/ loan application.  Staff working on IGA with Clifton Sewer to present to the Board for approval
Palisade – Clifton Fire Department	Entered into IGA with Clifton Fire. Steering committee appointed to work on moving fire authority forward.

<p>DOLA Tier 1 – Fire Department Tender Truck Submittal</p>	<p>Staff to submit grant in April 2021 for a 50% grant request to purchase a Fire Tender at total cost of \$300,000</p>
<p>MPPO GRANT AWARD: \$912,000 Highway 6 between Main street and Iowa COVID 19 – CARES Act Funding</p>	<p>30% Completion of design work submitted to CDOT for comment. Staff is working with Landscape Architect to complete 3 concept plans to present to the public at open houses – to be scheduled.</p> <p>JUB Engineering Firm was selected to perform design/engineering for this project.</p> <p>TOP has been awarded the total grant with the match relief: \$912,000.00 for work on highway 6 – completed IGA and RFQ with CDOT – Town received 3 RFQ’s for design and engineering work</p>
<p>TAP Grant Awarded: \$1 million dollars –  Build sidewalks from Lincoln St to High School.</p>	<p>Committee selected Stolfus Engineering as Design Firm for the project. TOP awarded \$1 million dollar grant for sidewalks from Lincoln to the high school on the south side of Highway 6 Have hired and completed the ICE – Independent Contractor Estimate for design work required by grant Completing IGA with CDOT.</p>



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## EXPENDITURES - APPROVAL BY DEPT

Council Meeting Date – March 23, 2021

Date Range of Payables – 03/06/21 – 03/19/21

## Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Invoice Detail.Input date = 03/06/2021-03/19/2021

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
AFLAC INSURANCE	PR0306210	AFLAC After-Tax Pay Period: 3/6/	03/11/2021	55.80	.00		
AFLAC INSURANCE	PR0306210	AFLAC Pre-tax Pay Period: 3/6/2	03/11/2021	230.70	.00		
COLORADO DEPT OF REVENUE	PR0306210	State Withholding Tax Pay Period	03/11/2021	2,755.00	.00		
FICA/MED/ P/R TAXES	PR0306212	Federal Withholding Tax Pay Peri	03/11/2021	7,801.00	.00		
FICA/MED/ P/R TAXES	PR0306212	Social Security Pay Period: 3/6/2	03/11/2021	3,081.87	.00		
FICA/MED/ P/R TAXES	PR0306212	Social Security Pay Period: 3/6/2	03/11/2021	3,081.87	.00		
FICA/MED/ P/R TAXES	PR0306212	Medicare Pay Period: 3/6/2021	03/11/2021	1,186.40	.00		
FICA/MED/ P/R TAXES	PR0306212	Medicare Pay Period: 3/6/2021	03/11/2021	1,186.40	.00		
FIRE AND POLICE PENSION	PR0306210	FPPA 457 Pay Period: 3/6/2021	03/11/2021	50.00	.00		
FIRE AND POLICE PENSION	PR0306210	FPPA Fire DD Pay Period: 3/6/20	03/11/2021	144.04	.00		
FIRE AND POLICE PENSION	PR0306210	Police Pension Pay Period: 3/6/2	03/11/2021	3,130.97	.00		
FIRE AND POLICE PENSION	PR0306210	Police Pension Pay Period: 3/6/2	03/11/2021	2,314.20	.00		
FIRE AND POLICE PENSION	PR0306210	Fire Pension Pay Period: 3/6/202	03/11/2021	552.16	.00		
FIRE AND POLICE PENSION	PR0306210	Fire Pension Pay Period: 3/6/202	03/11/2021	408.11	.00		
FIRE AND POLICE PENSION	PR0306210	FPPA Police DD Pay Period: 3/6/	03/11/2021	816.76	.00		
ICMA TRST 401 - 107074	PR0306210	ICMA 401K Pay Period: 3/6/2021	03/11/2021	1,983.81	.00		
ICMA TRST 401 - 107074	PR0306210	ICMA 401K Pay Period: 3/6/2021	03/11/2021	1,983.81	.00		
ICMA TRST 457 - 304721	PR0306210	ICMA 457 Pay Period: 3/6/2021	03/11/2021	100.00	.00		
FAMILY SUPPORT REGISTRY	PR0306211	FIPS 056888833 Garnishment P	03/11/2021	342.08	342.08	03/12/2021	
RECREATION PROGRAM REFUND	COLOR THE R	COMM CENTER REFUND	03/16/2021	100.00	.00		
RECREATION PROGRAM REFUND	GYM RESERV	GYM RENTAL REFUND	03/16/2021	255.00	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	144.83	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	154.45	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	125.73	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	613.15	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	92.28	.00		
CIGNA HEALTHCARE	PR0306211	Health and Dental Insurance Cig	03/11/2021	139.60	.00		
ANTHEM BLUE CROSS AND BL	PR0306211	Vision Insurance Vision Employee	03/11/2021	24.68	12.78	03/12/2021	
ANTHEM BLUE CROSS AND BL	PR0306211	Vision Insurance Vision Employee	03/11/2021	11.99	.00		
ANTHEM BLUE CROSS AND BL	PR0306211	Vision Insurance Vision Employee	03/11/2021	11.48	.00		
ANTHEM BLUE CROSS AND BL	PR0306211	Vision Insurance Vision Employee	03/11/2021	81.99	81.99	03/12/2021	
Total :				32,960.16	436.85		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>ADMINISTRATION</b>							
OFFICE DEPOT	159340519001	OFFICE SUPPLY - ADMIN	03/12/2021	88.69	.00		
OFFICE DEPOT	161877549001	OFFICE SUPPLY - ADMIN	03/10/2021	44.97	.00		
CENTURY LINK	03012021	1343 - TOWN HALL INTERNET-R	03/01/2021	197.90	.00		
CENTURY LINK	03012021	9016 - ADMIN. FAX	03/01/2021	109.48	.00		
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Admin	03/01/2021	70.03	70.03	03/12/2021	
KARP NEU HANLON, PC	28809	PROFESSIONAL SERVICES	02/03/2021	3,000.00	.00		
KARP NEU HANLON, PC	29173	PROFESSIONAL SERVICES	03/02/2021	4,385.50	.00		
SPECTRUM ENTERPRISE	108289601030	IT CHARGES	03/02/2021	109.99	.00		
Total ADMINISTRATION:				8,006.56	70.03		



Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>COMMUNITY DEVELOPMENT</b>							
BUD'S SIGNS	2.2.2021 - 50%	WAYFINDING SIGNS	02/02/2021	2,350.00	.00		
TROPHY CASE, THE	77483	NAME PLATE - RUSCHE - COM	02/10/2021	46.15	.00		
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Comm Dev	03/01/2021	17.25	17.25	03/12/2021	
J-U-B ENGINEERS	0138151-2	CEVELOPER PASS-THRU - CRE	11/10/2020	194.60	.00		
Total COMMUNITY DEVELOPMENT:				2,608.00	17.25		

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<b>TOURISM FUND</b>							
AMY NUERNBERG	73738311	TAB - MAP DEVELOPMENT - W	03/07/2021	814.92	.00		
Total TOURISM FUND:				814.92	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>RECREATION</b>							
SUNDAY MARKET REFUNDS	2021 FARMER	REFUND SUNDAY MARKET FEE	03/09/2021	275.00	.00		
GRAND VALLEY PUBLIC RADIO	INV-80020	PSM RADIO ADV	09/27/2020	200.00	200.00	03/12/2021	
Total RECREATION:				475.00	200.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>POLICE</b>							
OFFICE DEPOT	161876661001	OFFICE SUPPLY-PD	03/10/2021	64.76	.00		
COOP COUNTRY	239740	PD CAR WASH	03/10/2021	2.02	.00		
COOP COUNTRY	239741	PD CAR WASH	03/10/2021	2.74	.00		
COOP COUNTRY	239742	PD CAR WASH	03/10/2021	2.00	.00		
COOP COUNTRY	239743	PD CAR WASH	03/10/2021	2.97	.00		
COOP COUNTRY	239851	PD CAR WASH	03/17/2021	3.20	.00		
COOP COUNTRY	239852	PD CAR WASH	03/17/2021	3.57	.00		
COOP COUNTRY	239853	PD CAR WASH	03/17/2021	2.42	.00		
COOP COUNTRY	239854	PD CAR WASH	03/17/2021	3.32	.00		
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Police	03/01/2021	15.15	15.15	03/12/2021	
KINETIC LEASING, INC.	247964	INTERCEPTOR LEASE (3)	03/10/2021	3,869.04	.00		
Total POLICE:				3,971.19	15.15		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>CEMETERY</b>							
JOHN DEERE FINANCIAL	I71963	CEMETERY - JACKET - HEUTO	02/04/2021	89.99	.00		
GOODWIN SERVICE, INC.	92047	TOILET CLEANING - CEMETARY	03/01/2021	90.00	90.00	03/12/2021	
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Cemetery	03/01/2021	14.82	14.82	03/12/2021	
Total CEMETERY:				194.81	104.82		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>FIRE / EMS</b>							
BOUND TREE MEDICAL, LLC	83971750	MEDICAL SUPPLIES/EMS	03/02/2021	126.77	.00		
BOUND TREE MEDICAL, LLC	83971751	MEDICAL SUPPLIES/EMS	03/02/2021	751.00	.00		
BOUND TREE MEDICAL, LLC	83977423	MEDICAL SUPPLIES/EMS	03/05/2021	624.00	.00		
CLIFTON FIRE PROTECTION	21-03-002	FIRE MANAGEMENT FEES	03/08/2021	5,000.00	.00		
CO DIV OF FIRE PREVENTION	17-13867	FIRE FIGHTER I TEST - X 1	12/25/2017	30.00	.00		
CO DIV OF FIRE PREVENTION	18-14368	FIRE FIGHTER II TEST - X 1	01/22/2018	30.00	.00		
CO DIV OF FIRE PREVENTION	18-14568	HMA/HMO TESTING	02/05/2018	270.00	.00		
CO DIV OF FIRE PREVENTION	18-15362	HMA/HMO TESTING	03/26/2018	90.00	.00		
CO DIV OF FIRE PREVENTION	18-15675	FIRE FIGHTER I - RENEWAL	04/09/2018	60.00	.00		
CO DIV OF FIRE PREVENTION	18-15995	HMA/HMO TESTING	04/23/2018	60.00	.00		
CO DIV OF FIRE PREVENTION	18-16573	FIRE FIGHTER I TEST	05/21/2018	30.00	.00		
CO DIV OF FIRE PREVENTION	18-17043	FIRE FIGHTER I TEST	06/11/2018	180.00	.00		
CO DIV OF FIRE PREVENTION	18-18147	FIRE FIGHTER I TEST, FIRE FIG	07/30/2018	150.00	.00		
CO DIV OF FIRE PREVENTION	18-18552	HMA/HMO TESTING	08/20/2018	120.00	.00		
CO DIV OF FIRE PREVENTION	18-19022	HMA/HMO TESTING	09/24/2018	30.00	.00		
CO DIV OF FIRE PREVENTION	18-19232	HMA/HMO TESTING	10/08/2018	30.00	.00		
CO DIV OF FIRE PREVENTION	18-19354	HMA/HMO RENEWAL	10/15/2018	40.00	.00		
CO DIV OF FIRE PREVENTION	18-19494	HMA/HMO TESTING	10/22/2018	30.00	.00		
CO DIV OF FIRE PREVENTION	18-19964	FIRE FIGHTER I TEST & HMA/H	11/26/2018	120.00	.00		
CO DIV OF FIRE PREVENTION	18-20177	PROCTOR CERTIFICATION-RUP	12/03/2018	20.00	.00		
CO DIV OF FIRE PREVENTION	18-20584	FIRE FIGHTER TESTING & HMA/	12/24/2018	120.00	.00		
CO DIV OF FIRE PREVENTION	18-20720	PROCTOR CERTIFICATION	12/31/2018	20.00	.00		
CO DIV OF FIRE PREVENTION	19-21096	HMA/HMO TESTING	01/28/2019	60.00	.00		
CO DIV OF FIRE PREVENTION	19-22363	HMA/HMO TESTING	04/01/2019	180.00	.00		
CO DIV OF FIRE PREVENTION	19-23027	HMA/HMO TESTING	05/06/2019	30.00	.00		
CO DIV OF FIRE PREVENTION	19-24914	HMA/HMO RENEWAL	07/15/2019	20.00	.00		
CO DIV OF FIRE PREVENTION	19-25049	FIRE FIGHTER TESTING & HMA/	07/22/2019	150.00	.00		
CO DIV OF FIRE PREVENTION	19-25345	FIRE FIGHTER TESTING	08/05/2019	30.00	.00		
CO DIV OF FIRE PREVENTION	19-25570	PROCTOR CERTIFICATION	08/19/2019	150.00	.00		
CO DIV OF FIRE PREVENTION	19-25675	FIRE FIGHTER TESTING	08/26/2019	30.00	.00		
CO DIV OF FIRE PREVENTION	19-26150	FIRE FIGHTER TESTING	09/16/2019	30.00	.00		
CO DIV OF FIRE PREVENTION	19-26528	FIRE FIGHTER TESTING	10/07/2019	60.00	.00		
CO DIV OF FIRE PREVENTION	19-27323	FIRE SCHOOL - 2020 WINTER	11/20/2019	50.00	.00		
CO DIV OF FIRE PREVENTION	19-28120	FIRE FIGHTER TESTING	12/23/2019	30.00	.00		
CO DIV OF FIRE PREVENTION	20-31747	FIRE FIGHTER & HMA/HMO RE	06/01/2020	140.00	.00		
CO DIV OF FIRE PREVENTION	20-32106	HMA/HMO RENEWAL	06/15/2020	20.00	.00		
CO DIV OF FIRE PREVENTION	20-32854	HMA/HMO TESTING	07/10/2020	30.00	.00		
CO DIV OF FIRE PREVENTION	20-37391	FIRE FIGHTER TESTING	10/26/2020	300.00	.00		
CO DIV OF FIRE PREVENTION	21-39306	HMA/HMO RENEWAL - CYNTHIA	01/18/2021	20.00	.00		
HIGH COUNTRY GAS & SUPPLY	322128	OXYGEN	03/02/2021	207.00	.00		
IMPACT PROMOTIONAL PRODU	70410	FD - UNIFORMS	01/28/2021	437.50	.00		
IMPACT PROMOTIONAL PRODU	70468	FD - UNIFORMS	02/24/2021	1,422.33	.00		
CENTURY LINK	03012021	4735 - FIRE INTERNET	03/01/2021	163.51	.00		
CENTURY LINK	03012021	9913 - FIRE ALARM	03/01/2021	208.58	.00		
CENTURY LINK	03012021	0032 DATA - FIRE ALERT SYS.	03/01/2021	375.00	.00		
CENTURY LINK	03012021	0032 PHONE - FIRE ALERT SYS.	03/01/2021	2,055.78	.00		
PYE-BARKER FIRE & SAFETY L	PSI421062	FIRE EXTINGUISHER ANNUAL S	02/12/2021	1,656.50	.00		
CURTIS	INV466023	FD - GAS CALIBRATION CYLIND	02/22/2021	334.92	.00		
Total FIRE / EMS:				16,122.89	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>EMS</b>							
BOOKCLIFF AUTO PARTS INC	218111	STREETS / PARKS SHARED CO	03/09/2021	23.52	23.52	03/12/2021	
BOOKCLIFF AUTO PARTS INC	218352	STREETS / PARKS SHARED CO	03/10/2021	55.99	.00		
BOOKCLIFF AUTO PARTS INC	219048	STREETS / PARKS SHARED CO	03/11/2021	268.37	.00		
BOOKCLIFF AUTO PARTS INC	219175	STREETS / PARKS SHARED CO	03/11/2021	14.36	.00		
BOOKCLIFF AUTO PARTS INC	219588	STREETS / PARKS SHARED CO	03/12/2021	100.91	.00		
BOOKCLIFF AUTO PARTS INC	219845	STREETS / PARKS SHARED CO	03/12/2021	47.76	.00		
HONNEN EQUIPMENT CO.	1253385	SHARED DEPT EXPENSES	03/16/2021	40.87	.00		
HONNEN EQUIPMENT CO.	1253386	SHARED DEPT EXPENSES	03/16/2021	84.06	.00		
HONNEN EQUIPMENT CO.	1253852	SHARED DEPT EXPENSES	03/17/2021	41.49	.00		
GCR TIRES & SERVICE	202-116286	REPAIRS - SHARED CHARGES	03/16/2021	480.25	.00		
COOP COUNTRY	239745	PW CAR WASH	03/10/2021	14.01	.00		
COOP COUNTRY	239855	PW CAR WASH	03/17/2021	2.03	.00		
COOP COUNTRY	239856	PW CAR WASH	03/17/2021	8.70	.00		
YOUR SIGN COMPANY	22622	VEHICLE DECALS - PARKS AND	09/02/2020	106.25	106.25	03/12/2021	
MCCANDLESS TRUCK CENTER	S105007595:0	SHARED COST - DOT INSPECTI	03/12/2021	235.50	.00		
Total EMS:				1,524.07	129.77		

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<b>STREETS</b>							
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Streets	03/01/2021	46.68	46.68	03/12/2021	
Total STREETS:				46.68	46.68		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>WATER</b>							
BATTERIES PLUS #085	P37501074	PW - 3V LITHIUM	03/10/2021	5.32	.00		
DELTA RIGGING & TOOLS, INC.	GRA_SO19181	SUPPLIES - WATER DIST	03/11/2021	35.00	.00		
JOHN DEERE FINANCIAL	I50413	BOOTS - HERING	01/02/2021	154.99	.00		
JOHN DEERE FINANCIAL	I72770	WATER - UNIFORMS	02/05/2021	99.98	.00		
HACH COMPANY	12360234	CHLORINE REAGENT	03/09/2021	1,006.06	.00		
MOUNTAIN PEAK CONTROLS	10026	WATERSHED METER REPAIR	03/12/2021	2,915.00	.00		
CENTURY LINK	03012021	7148 - CARETAKER RESERVOI	03/01/2021	66.63	.00		
SENSUS USA, INC.	ZA21004288	ANNUAL SOFTWARE SUPPORT	03/05/2021	1,715.95	.00		
THATCHER COMPANY	AR REFUND E	AR REFUND ENTRY	12/31/2020	651.59	.00		
UTE WATER CONSERVANCY	PAL221	COMPLIANCE ANALYSIS 1ST Q	02/18/2021	380.00	.00		
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Water	03/01/2021	73.88	73.88	03/12/2021	
SKYLINE CONTRACTING, INC.	20-30-03	BOWER AVE SEWER & WATER	02/28/2021	6,870.75	.00		
KARP NEU HANLON, PC	28809	WATER DIST: FIRE MOU - STOR	02/03/2021	2,794.00	.00		
COLORADO CSG II LLC	7AB776F4	SUBSCRIBER - WATER	02/18/2021	437.11	.00		
COLORADO CSG II LLC	BFC0A8DE	SUBSCRIBER - WATER	03/17/2021	518.04	.00		
WIDEGREN, TODD	03082021	WORK BOOTS	03/08/2021	125.00	.00		
PINE COUNTRY, INC.	90969	WATER - FLATBED FOR TRUCK	03/09/2021	3,750.00	.00		
Total WATER:				21,599.30	73.88		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>SEWER PLANT</b>							
JOHN DEERE FINANCIAL	I75245	SEWER - UNIFORMS	02/08/2021	99.98	.00		
CENTURY LINK	03012021	1319 - SEWER & CALL OUT	03/01/2021	158.64	.00		
COLORADO CSG II LLC	7AB776F4	SUBSCRIBER - SEWER	02/18/2021	437.12	.00		
COLORADO CSG II LLC	BFC0A8DE	SUBSCRIBER - SEWER	03/17/2021	518.05	.00		
Total SEWER PLANT:				1,213.79	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>SEWER COLLECTION</b>							
FREMAREK, INC	0725834-IN	LIFT STATION DEGREASER	03/03/2021	4,374.00	.00		
SKYLINE CONTRACTING, INC.	20-30-03	BOWER AVE SEWER & WATER	02/28/2021	10,050.76	.00		
FALCON ENVIRONMENTAL CO	8481	WASTEWATER MAINTENANCE	03/04/2021	1,536.86	.00		
Total SEWER COLLECTION:				15,961.62	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
WASTE MANAGEMENT INC -	1692999-0576-	GARBAGE SERVICE	03/01/2021	14,889.82	.00		
Total :				14,889.82	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>PARKS</b>							
JOHN DEERE FINANCIAL	I77516	PARKS - UNIFORMS - MALIK	02/12/2021	119.97	.00		
GOODWIN SERVICE, INC.	92047	TOILET CLEANING - RIVERBEN	03/01/2021	180.00	180.00	03/12/2021	
GOODWIN SERVICE, INC.	92047	TOILET CLEANING-BIKE TREK	03/01/2021	90.00	90.00	03/12/2021	
GOODWIN SERVICE, INC.	92047	VAULT CLEANING	03/01/2021	450.00	450.00	03/12/2021	
PROVELOCITY LLC	30046	PARKS - OPERATING SUPP - D	03/16/2021	355.00	.00		
CENTURY LINK	03012021	1207 - RIVERBEND PARK	03/01/2021	128.18	.00		
VERMEER SALES AND SERVIC	20014798	PARKS - BRUSH CHIPPER BLA	03/17/2021	155.27	.00		
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Parks	03/01/2021	38.90	38.90	03/12/2021	
Total PARKS:				1,517.32	758.90		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>POOL</b>							
CENTURY LINK	03012021	1067 - POOL INTERNET	03/01/2021	158.64	.00		
Total POOL:				158.64	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>FACILITIES</b>							
CURRENT SOLUTIONS, LLC.	9618	PD CAMERA	03/10/2021	112.50	.00		
HOME DEPOT CREDIT SERVICE	151300001720	FACILITIES REPAIRS & MAINT	03/04/2021	784.30	784.30	03/12/2021	
HOME DEPOT CREDIT SERVICE	151300002938	BUILDING MAINTENANCE	03/10/2021	565.73	.00		
DORA ORTIZ	TP-03 2021	JANITORIAL SERVICES	03/17/2021	1,240.00	.00		
MESA COUNTY LANDFILL	1291047	LOOSE TRASH - FACILITIES	01/19/2021	10.00	10.00	03/12/2021	
TERMINIX	251922	PEST CONTROL	03/03/2021	62.00	62.00	03/12/2021	
MUTUAL OF OMAHA INSURANC	MARCH 2021	LTD - Facilities	03/01/2021	12.92	12.92	03/12/2021	
J-U-B ENGINEERS	0138151-2	EPA BROWNFIELD GRANT APP	11/10/2020	21,459.58	.00		
J-U-B ENGINEERS	0138151-2	GENERAL SERVICES ON PHS	11/10/2020	845.43	.00		
ALSCO INC	LGRA2471685	BUILDING - REP & MAINT - FLO	03/05/2021	47.04	47.04	03/12/2021	
ALSCO INC	LGRA2474278	BUILDING - REP & MAINT - FLO	03/12/2021	45.91	.00		
Total FACILITIES:				25,185.41	916.26		
Grand Totals:				147,250.18	2,769.59		

Finance Director:   
 (Finance Department Review and Approval for Payment)

Date: 03/19/2021

Town Manager:   
 (Administrative Review and Approval for Payment)

Date: 3.19.2021

Mayor: \_\_\_\_\_  
 (Board of Trustees Review and Approval for Payment)

Date: \_\_\_\_\_

Town Clerk: \_\_\_\_\_  
 (Document Recorded)

Date: \_\_\_\_\_

Report Criteria:  
 Invoices with totals above \$0 included.  
 Paid and unpaid invoices included.  
 Invoice Detail.Input date = 03/06/2021-03/19/2021



**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE  
PALISADE BOARD OF TRUSTEES  
March 9, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 PM by Mayor Mikolai with Trustees Somerville, Turner, Carlson, and Maxwell present in person. Trustee L'Hommedieu and Mayor Pro-Tem Chase appeared via Zoom. Also present in person were Town Manager Janet Hawkinson, Community Development Director Brian Rusche, Police Chief Deb Funston, and Parks, Recreation and Events Director Troy Ward. Town Clerk Keli Frasier appeared via Zoom.

**AGENDA ADOPTION**

*Motion #1* by Mayor Pro-Tem Chase, seconded by Trustee L'Hommedieu, to approve the agenda as amended to remove items *XI Supplemental Budget Appropriation for Bower Sewer Project* and item *XII Supplemental Budget Appropriation for Waste Management* to allow published public notification.

A voice vote was requested.  
Motion carried unanimously.

**TOWN MANAGER REPORT**

Town Manager Janet Hawkinson announced that an official decision regarding whether or not to hold the Palisade Bluegrass and Roots Festival from the Board of Trustees is necessary to move forward in 2021. She stated that the festival would be required to keep capacity at or under 50%, that it is estimated that the Town would lose approximately \$100,000.00. Staff is recommending canceling the 2021 festival. Board members expressed concern over canceling the event and strongly supported having a smaller event for locals to help boost community morale. Town Manager Hawkinson stated the Palisade Chambers of Commerce is still planning on having the 2021 Peach Festival in August and the Town is working with Mesa County to host a grand opening for the Palisade Plunge in July. ***The consensus of the Board is to cancel the 2021 Palisade Bluegrass and move forward with smaller-scale events geared toward local residents.***

Town Manager Hawkinson also informed the Board that Police Chief Deb Funston found a grant for one million dollars from Lowes that staff would like to apply for to upgrade the Veteran's Memorial Community Center. ***The consensus of the Board is to move forward with applying for the grant.***

**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 – February 19, 2021 – March 4, 2021
- **Minutes**  
Minutes from the February 24, 2021 Board Meeting

*Motion #2* by Trustee Somerville, seconded by Mayor Pro-Tem Chase, 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, Trustee L'Hommedieu, Trustee Maxwell

No:

Absent:

Motion carried.

### **PUBLIC COMMENT**

None was offered.

### **PUBLIC HEARING I**

#### **PRO 2020-34 – Subway CUP PRO 2020-33 – Wine Valley Minor Subdivision**

Mayor Mikolai opened the public hearing at 6:14 PM.

Community Development Director Brian Rusche reviewed his staff report citing findings of fact and staff's recommendation for conditions of approval for both projects PRO 2020-33, *Wine Valley Subdivision, a Subdivision of The Property Located at 450 Wine Valley Road, Parcel # 2937-043-42-002*, and PRO 2020-34, *a Request for a Conditional Use Permit (Cup) for a Drive-Through Subway Restaurant Located at 450 Wine Valley Road, Parcel # 2937-043-42-002*.

#### **Minor subdivisions shall be approved only when the following conditions are found to be met:**

1. Consistency with the adopted plans and policies of the Town;  
*The proposed lots are properly zoned HR (Hospitality Retail), and the lot sizes exceed the minimum required for this zone.*
2. The plat complies with the standards of Article 9, Subdivision Regulations, and any other applicable requirements of this LDC;  
*The plat complies with these requirements.*
3. The plat indicates that all subject lots will have frontage on existing approved streets;  
*Both lots will front on Wine Valley Road.*
4. New or residual parcels conform to the requirements of this LDC and other applicable regulations;  
*The proposed lots are properly zoned HR (Hospitality Retail) and the lot sizes exceed the minimum required for this zone.*
5. No new streets are required or are likely to be required for access to interior property;  
*Both lots will front on Wine Valley Road.*
6. No drainage or utility easements will be required to serve interior property;  
*All necessary easements to service the irrigation ditch have been created with the original subdivision.*

7. No extension of public sewerage or water lines will be required;  
*Utilities will be extended as they were not constructed with the original subdivision – this will be accomplished in conjunction with the development of Lot 1 and enforced via an SIA.*

8. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and  
*The proposed subdivision will not adversely affect future development of the remainder of the parcel.*

9. No waivers from Article 9, Subdivision Regulations, have been requested.  
*No waivers have been requested.*

A recommendation of approval of the proposed Wine Valley Subdivision, with the approval criteria as stated above, and with the following condition:

1. A Subdivision Improvements Agreement be recorded in conjunction with the Wine Valley Subdivision plat related to the extension of public infrastructure in Wine Valley Road. Said infrastructure must be completed prior to issuance of a Certificate of Occupancy (CO) for the restaurant (approved under the CUP).

#### **Section 4.07.E. Conditional Use Permit Findings of Fact:**

In order to approve a conditional use permit, the Board of Trustees must make certain findings about the request:

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 proposed drive-through restaurant would be located adjacent to an existing auto-oriented use and accessible via a public street, built to current development standards. The proposed drive-through provides sufficient queuing for automobiles at the order box (6 vehicles) and the pick-up window (4 vehicles), as required by Section 10.01.F.1 – Off-street stacking requirements. Sufficient parking is provided - based on the square footage of the restaurant (using Table 10.1), a minimum of 20 spaces is required (1 per 100 sq. ft. of floor area) and 23 spaces are provided.*

*In granting approval of a conditional use permit, the Board of Trustees may impose reasonable conditions which serve to assure that the conditional use permit does not endanger the public health or safety. Staff is recommending two conditions relative to accessing the property: 1) That a shared access be created between the proposed restaurant site and the remaining outparcel (as required by Section 10.07.G.1 – Nonresidential driveway access to adjacent development) and 2) That a pedestrian walk be constructed from the public sidewalk on the north side of Wine Valley Road to the primary entrance of the restaurant (as was required of the Golden Gate convenience store).*

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 application conforms to practices of sound land use planning. The application complies with the intent of the Hospitality Retail zoning district by providing retail development in the vicinity of Exit 42 in an environment compatible with the character of existing land uses. The design of the proposed restaurant is unlike a typical "fast-food" establishment. The low-rise building utilizes earth-tone colors, including brick accents, to ensure that it blends into the high-desert landscape. An outdoor patio area (shown on the elevations) is provided (and could be expanded) in front of the restaurant, allowing people to enjoy the outdoors during the peak tourist season in Palisade. Xeric landscaping is also shown along the street frontage.*

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 property is currently a vacant commercial lot and has been vacant for some time. The development of the Golden Gate convenience store has undoubtedly increased the value of the remaining property that was platted at this location – due to the construction of public infrastructure. The extension of this infrastructure and the establishment of a complimentary use to the gas station will only increase the value of the remaining parcel. These public improvements will also allow better access to agricultural properties to the east.*

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. Prior to annexation of the property in 2017, Mesa County had designated this area around Exit 42 as commercial. The adjacent Golden Gate convenience store make the proposed restaurant and drive through a complimentary use, consistent with the standard of development found at major interstate exits. In addition, the orientation of the drive-through adjacent to the existing parking lot, along with the creation of a remnant parcel, mean little to no impact on agricultural uses further east.

A recommendation of approval of the proposed conditional use permit (CUP) for a drive-through Subway restaurant, with the findings of fact as stated above, and with the following conditions:

1. A shared access be created between the proposed restaurant site and the remaining undeveloped lot;
2. A pedestrian walk be constructed from the public sidewalk on Wine Valley Road to the entrance of the restaurant;
3. A Subdivision Improvements Agreement be recorded in conjunction with the Wine Valley Subdivision plat related to the extension of public infrastructure in Wine Valley Road. Said infrastructure must be completed prior to issuance of a Certificate of Occupancy (CO) for the restaurant;
4. A Site Plan shall be approved by the Community Development Director prior to issuance of a Planning Clearance/Building Permit for the proposed restaurant;
5. The Community Development Director will work with the Irrigation District and the Developer on an amicable resolution of the irrigation easement. [condition added by the Planning Commission]

While the staff presentation was given for both items simultaneously, it was explained that two motions would be required (one for each project). Trustee Somerville called a point of order and requested that each item be considered separately in its entirety for the remainder of the Public Hearing.

Mark Austin with Austin Civil Group spoke to the Board on behalf of Jim Cagle, owner of the proposed project location and Soul Deep Development. Mr. Austin remarked that staff made a detailed presentation of the proposed projects, and he'd be happy to answer any questions they may have.

Mayor Mikolai opened the hearing to public comment and reminded the audience that comments should be kept to issues regarding the subdivision only at this time.

*Will McGough 592 Milleman Street and Ron West 405 W 1<sup>st</sup> Street* raised concerns regarding the brand and reputation that Palisade currently has with visitors as a small rural community without major developments at its entrance from the interstate. Worry about the intersection quickly turning into a Clifton-like area to the detriment and abandonment of downtown was also voiced. Mr. West asked the applicant if the CUP for the drive-through was denied, would the developer continue to move forward with building the Subway Restaurant?

**Mayor Mikolai** opened the hearing to Board comment and began by asking staff why this item was coming before the Board when Community Development Director 'Rusche's report stated that this item could be approved at the staff level? Community Development Director (CDD) Rusche stated that while the Code allows him as the CDD to approve this item, it also requires a Public Hearing before the Board of Trustees.

**Trustee 'L'Hommidieu** asked if the owner of the parcel being discussed was the same person who owns the Golden Gate Gas Station; she also mentioned that she would like to see more lodging (to keep visitors in Town vs. them going to Horizon Drive to sleep) in the three-plus acres that will remain undeveloped if this project is approved.

**Trustee Somerville** stated that his opposition to the project stems from criteria #8 *""The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property""*. " He clarified that the Town does not have an updated Comprehensive Plan, the land is newly-annexed, the property has never been discussed, and he feels it was zoned by default. With that, he went on to say that Palisade has a limited amount of development space, 'there's currently no strategy going forward with it, and the Board does not get a second chance for development with it. He concluded that he is not comfortable with the direction it is going. Trustee Somerville defined his objection to the subdivision stating that *""it limits the potential the Town has to develop a strategic plan""*. "

In addition, he added that the subdivision is taking away the value of other properties; it reduces the amount of space and reduces the ability to do something else that may be more strategic going forward.

**Trustee Carlson** observed that the letter of intent shows the developer as Soul Deep Development, and when he researched the company, he 'couldn't find any information on them or locate them through the Colorado Secretary of State. The applicant previously stated that the 'company's owner is Jim Cagle and Trustee Carlson asked for clarification if the corporation was in-state, out-of-state, and who they were in general

**Mayor Pro-Tem Chase** clarified that a restaurant does not require a CUP in an HR zone; 'it's because of the drive-through that the Board is looking at this in terms of a CUP. She also referenced other communities that have a very specific plan for what developments can and cannot go into their Town through their comp plan, zoning, etc.

She feels that there is an opportunity to look at the Comprehensive Plan, not to dictate each acre of Palisade, but to create incentives and vision for the community that the Board can use to try to influence as much as possible can. She stated that the proposed subdivision is appropriate as currently zoned.

**Mayor Mikolai** voiced his support of the minor subdivision because the application has fulfilled all of the requirements and has done what they need to do to seek approval. He understands that we do not have a strategy for the area but feels we should not shut down all development for the next year or two while the Board develops a Comprehensive Plan. He also stressed that the current Palisade Land Development Code allows for the requested use in the designated zone.

In the applicant's closing remarks, Mr. Austin stated that the intent is to construct a drive-through restaurant in the proposed subdivided location. He clarified that Soul Deep Development is owned and operated by Mr. Cagle, a Grand Junction resident who does not own Golden Gate Gas Station.

CDD Rusche stated that all public improvements, including streets and sidewalks, would be installed and paid for by the applicant.

*Motion #3* by Mayor Pro-Tem Chase, seconded by Trustee L'Hommedieu to approve PRO 2020-33 – Wine Valley Minor Subdivision as applied for.

A roll call vote was requested.

Yes: Trustee Turner, Mayor Pro-Tem Chase, Trustee L'Hommedieu, Mayor Mikolai

No: Trustee Somerville, Trustee Carlson, Trustee Maxwell

Absent:

Motion carried.

Mayor Mikolai opened the hearing to public comment and reminded the audience that comments should be kept to issues regarding the conditional use permit (CUP) application at this time.

*Gail Evans 126 Majestic Court, Ron West 405 W 1<sup>st</sup> Street, Will McGough 592 Milleman Street, and Aaron Tofsrud 550 W 1<sup>st</sup> Street* all showed misgivings about the CUP project – questioning the signage and lighting the developer will propose, if they will request a sign variance similar to Golden Gate Gas Station, and asking for clarification on the question raised under the subdivision regarding whether or not the restaurant will be built regardless of the CUP being approved. Concerns were also voiced about a drive-through at the exit of the interstate. It will not encourage visitors to go downtown to other local businesses and lose Palisade's character by allowing a chain restaurant in Town.

Mayor Mikolai opened the hearing to Board comment.

**Ellen Turner** questioned the signage – specifically stating that the rendering provided to the Board looks nice, but asked if the applicant intended to put up a sign on a pole that would capture traffic going east and west on the interstate? Mayor Mikolai responded that any sign variances would have to come back to the Board for approval.

She went on to note that there are many times when she visits downtown and businesses are closed, so she is unsure to what degree a Subway restaurant would be competing with existing businesses.

**Trustee Somerville** asked for clarification on the Golden Gate lighting/sign agreement and if the lighting restrictions were in the Code or if it was a term of the agreement. His concern is 24-hour lighting from a fast-food sign would be a detriment in the form of light pollution in Palisade. The response was that it was agreed upon per the Board's request and was not in the Code.

**Trustee Maxwell** observed that the letter of intent mentions a four-inch water main (that services a home to the east of the property) that will be abandoned, and she would like clarification if that will affect the homeowner, as well as if the proposed changes to the eight-inch sewer main would affect the same homeowner. She went on to inquire if the developer planned on tapping into the existing irrigation line or if they would consider zero scaping to reduce their impact on the irrigation that local farmers use.

Trustee Maxwell also noted that it would make more sense if the exit of the drive-through could be direct to Wine Valley Road instead of cutting across the parking lot.

**Mayor Mikolai** referenced the Planning Commission's recommendation to make a shared access road between the proposed restaurant and the remaining undeveloped plot. He hypothesized that the impact to the traffic going in and out of that shared access and should not be a condition of the CUP or use Trustee Maxwell's suggestion of the exit of the drive-through going directly to Wine Valley Road.

**Mayor Pro-Tem Chase** asked to draw the Board's attention to **Finding of Fact number 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" and given that the CUP is for a drive-through it does violate the character of existing standards for development of adjacent properties. The adjacent properties don't have drive-throughs – they are agriculture, a gas station (that did a very good job to create a nice ambiance in terms of people walking in), and the Peach Shack. A drive-through is not consistent with the character in the area, and it does violate the character of existing standards for development of the adjacent properties.** Mayor Pro-Tem Chase went on to state that she will be voting against the proposed CUP. She went on to clarify that she was not against the Subway restaurant; rather, she's against the drive-through.

**Trustee L'Hommidieu** feels it should be up to the developer to decide where the entrance and exit should be. She also reminded the Board that a drive-through has already been approved downtown and feels that the Board cannot not support this application for a drive-through.

She mentioned that most existing restaurants in Palisade serve alcohol, and it would be nice to have an option (other than Diorio's) to take a family to a place that doesn't serve it, and she supports the Subway having a drive-through.

**Mayor Mikolai** mentioned that people could drive up to and through the existing gas station, and therefore a drive-through restaurant does not fall out of character with businesses within the area. Mayor Mikolai voiced his support of approval of the application for a drive-through.

**Trustee Maxwell** pointed to **Finding of Fact number 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"** and stated *that the neighborhood across Wine Valley Road and the canal would be devalued by continuing to add retail developments to this area.* She also agreed with Mayor Pro-Tem Chase's comment about **Finding of Fact number 4** *and that a drive-through violates the existing character of other local businesses in Palisade and the Town's goal of getting visitors to come here.*

Mr. Austin answered the Board's and citizen's questions in his closing remarks. He stated that it is the applicant's intent to stay within the Code regarding signs and not ask for a variance. He also admitted that he is unsure if the applicant will move forward with building the restaurant if the CUP is denied, that at this time, the intent is to build a drive-through Subway restaurant. The location of this proposed project is next to a gas station, next to the interstate with a canal between the property and any residents. The plans for water and sewer lines will not negatively affect residents and will bring a fire hydrant closer to homes that would benefit from it if ever needed. Xeric landscaping is in line with their plans, and they will not deviate from the drainage and landscaping regulations outlined in the Palisade Land Development Code. Regarding the possibility of the exit of the drive-through going out to Wine Valley Road, Mr. Austin explained that most municipalities and traffic designers prefer one entry/exit point because it reduces the chances of an accident and increases safety. He concluded that a Subway restaurant would pull travelers from the interstate and possibly motivate them to check out Town.

*Motion #4* by Trustee L'Hommidieu, seconded by Trustee Turner to approve PRO 2020-34 – Subway CUP as applied for.

A roll call vote was requested.

Yes: Trustee L'Hommidieu, Mayor Mikolai, Trustee Turner

No: Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee Maxwell

Absent:

Motion failed.

Mayor Mikolai closed the public hearing at 7:40 PM.

### **OPEN DISCUSSION**

**Trustee Turner** asked to begin having work sessions or training in off weeks to better understand the processes and 'do's and don'ts of the Board. She also voiced her desire to have the Board and staff meet in person for meetings whenever physically possible. ***The consensus of the Board agreed to coming back to in-person meetings, health conditions permitting, and to begin having training/work sessions.***

**Trustee Carlson** announced that he and Parks, Recreation and Events Director Troy Ward pulled a very large stump from Riverbend Park and donated it to a children's art center in Grand Junction. He stated that the art center wanted to express their appreciation to the Town and that they will be using it for a future art project.

**Trustee Maxwell** echoed Trustee Turner's wish to go back to in-person meetings. She also requested to start scheduling more *Coffee with the Board* events.

**Mayor Pro-Tem Chase** followed up on a conversation from the last Board meeting regarding the Palisade Plunge parking lot and explained that she recently learned that paving the lot would cost

the Town approximately \$200,000.00 and that the pavement would create excessive heat in the summer, cause stormwater issues as well as, per a previous agreement for the sale of the lot, require the previous owner Sean O'Brien to share the cost. She stressed that the issue of parking should not be removed from the Boards attention but that they will need to look at alternate options for downtown parking.

**Mayor Mikolai** clarified that training and workshops have been difficult due to COVID-19, but with regulations easing, more should be easier to accommodate and plan.

### **COMMITTEE REPORTS**

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

### **ADJOURNMENT**

*Motion #5* by Trustee Somerville, seconded by Trustee Turner to adjourn the meeting at 7:56 PM.

A voice vote was requested.  
Motion carried unanimously.

X

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Greg Mikolai  
Mayor

X

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Keli L. Frasier  
Town Clerk





**MINUTES OF THE REGULAR MEETING OF THE  
PALISADE PLANNING COMMISSION  
120 W 8<sup>th</sup> Veteran's Memorial Community Center  
(Also Virtual Participation Via ZOOM)  
March 16, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:03 pm by Chairman Riley Parker with Commissioners present: Dave Hull, Charlotte Wheeler, Penny Prinster, Stan Harbaugh, and Andy Hamilton (via Zoom). Commissioner Chris Curry was absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Brian Rusche, and Planning Technician Lydia Reynolds(via Zoom).

**AGENDA ADOPTION**

*Motion #1* by Commissioner Prinster, seconded by Commissioner Harbaugh, to approve the Agenda as presented.

A voice vote was requested.  
Motion carried unanimously.

**ANNOUNCEMENTS and PRESENTATIONS**

Town Manager Janet Hawkinson announced that the Highway 6 project engineer plans are 30% complete and will be presented at an open house on Thurs, March 25,2021, from 2:00 pm - 8:00 pm. She also reported that \$50,000 was awarded to the Town through a Main Street grant. These funds were part of the COVID funding and will provide parklets for Pêche and Diorio's restaurants.

Town Manager Hawkinson asked for a moment of silence to honor Harry Talbott, who passed away on Sunday.

**MINUTES**

*Motion #2* by Commissioner Prinster, seconded by Commissioner Wheeler, to approve the Minutes of March 2, 2021.

A voice vote was requested.  
Motion carried unanimously.

**PUBLIC COMMENT**

None was offered.

## PUBLIC HEARING

### A. PRO 2021-3 – Colorado Weedery CUP (Conditional Use Permit)

#### STAFF PRESENTATION

Community Development Director Brian Rusche informed the Commission there have been two updates since he has submitted his staff report. The first change is that the applicant has requested that lot two of this proposal be removed from consideration as it will not be a part of the marijuana operation. The second change is the addition of a diagram for suggested traffic access that he will display during the presentation.

Community Development Director Rusche gave a brief background of the proposed relocation of the retail marijuana operation from 125 Peach Ave, Unit C, to the proposed location. There will be 22 parking spaces required at the new site. The proposed property is addressed as 787 37 3/10 Road (a.k.a. Elberta Avenue) but is not adjacent to the road. Rather, it is accessible by an access, utility, and irrigation easement (a.k.a. Grande River Drive). It was noted that Colorado Department of Transportation (CDOT) regulates Elberta Ave's access in that area and may require a traffic study and /or improvements that would be the applicant's responsibility. Mr. Rusche displayed an access/traffic flow map that was amended by the applicant. Mr. Rusche then gave an overview of the Conditional Use Permit (CUP) requirements for a marijuana dispensary that included hours of operation/deliveries and the use of an air filtration system to prevent odors. It was noted that this proposal does not include a marijuana cultivation operation.

Mr. Rusche concluded his presentation by informing the Commission of the code criteria and the four findings of fact to be considered in the approval of a CUP.

#### APPLICANT PRESENTATION

Jesse Loughman stated that he and his wife Desa Loughman have been running cannabis-related businesses in Palisade for over 11 years. This last year they have not only stayed open but were deemed critical/essential. Their business continues to grow; however, he noted the possibility of marijuana stores being allowed in Grand Junction in the near future. They would like to stay competitive and bring commerce to Palisade. Parking downtown has always been an issue, and this move should alleviate some of that. Mr. Loughman clarified that the medical marijuana operations would stay in the same location.

#### PUBLIC COMMENT

Juliann Adams, 3839 G Rd., noted that she submitted a letter that was included in the packet and highlighted three points: 1) possible negative impact to neighboring businesses such as the Wine Country Inn and Talon Winery 2) she would like the applicants to look at alternative sites such as the east side of Golden Gate Gas Station, the old bakery warehouse by the Brewery, and the Food Bank of the Rockies that will be leaving Palisade soon.

Mrs. Adams expressed concern regarding the traffic impact at that intersection and did not think it would be a good look for the gateway to Palisade. Ms. Adams questioned that there would be 2 locations for one owner. Ms. Adams concluded that she is not against the business, just the location.

Dan Bigelow, 1023 Grand River Dr. spoke at the podium, as did Ian Kelley, General Manager of the Wine Country Inn at 777 Grand River Dr. Due to audio issues, participants on Zoom indicated that they could not hear the testimony given [they were invited back to the podium later in the meeting].

Shelly Dackonish stated she was an attorney representing the owners of the Wine Country Inn at 777 Grande River Dr.,. She noted that she has submitted a letter for the record. A CUP is a zoning exception that allows a property owner to have a use on their property that is not normally permitted. Therefore, the use cannot be permitted unless the applicant can demonstrate that it will not negatively impact nearby properties. Ms. Dackonish did not feel there was enough evidence provided to the Commission to base their decision that the criteria has been met, such as how it will be free of odors. Ms. Dackonish pointed out that the relocation would adversely affect their business and the investment the Tally's have made to their property. Ms. Dackonish asked that if the CUP is approved, they would at least like the odor control to be part of the CUP and air filtration devices be installed to address the entire building.

Donaldson Lawry 3882 G Rd., read a letter into the record. (attached to these minutes)

Willie Millang 3728 G 7/10 Rd., stated her property borders south and west of the Grand River Winery. She did not have an objection to the marijuana business and expressed confidence that the owner will use proper odor controls. Ms. Millang stated she is more concerned about security for the business than about traffic, odor, or other things.

Brent Goff, 3873 Highway 6 & 24 asked for denial of the CUP as it would negatively affect neighboring property values. Mr. Goff stated he has 30 years experience as an appraiser and operates a small orchard and vineyard. Mr. Goff noted a 2020 study done by the National Association of Realtors called "Marijuana and Real Estate - A Budding Issue" that states: 1) in states where marijuana was legal the longest, 27% saw a decrease of residential property values near dispensaries, and 2) states that where both medical and recreational marijuana legal, crime increased 17%. Mr. Goff was concerned about the location of the proposed dispensary being at the highway exit.

Tammy Craig, 150 E 3<sup>rd</sup> St., stated she is the owner of Fruit and Wine Real Estate and noted that she is the realtor for the seller of this property which has been on the market for two years. She reported that this is the best offer he has had in the two years. Ms. Craig noted that the value of the two houses behind the current dispensary did not depreciate and were sold at premium prices. Ms. Craig asked the Commissioners to approve the proposal.

Stacey Libby, 1015 Grand River Dr., stated she is concerned about the traffic, and it is already a difficult turn to her property. She stated that they have had people walk down the road already and is concerned about more people walking down the road. She also expressed concern about the existing grapevines.

Curt Lincoln, 683 38 3/8 Rd., asked the Commissioners to deny the CUP. Mr. Lincoln stated that he feels [the LoughmansJesse and Dessa](#) are responsible business owners, and he hopes Steve gets a good price for his property. That being said, he feels the identity of Palisade is at stake. Mr. Lincoln did not feel a larger, more accessible marijuana store [at that location](#) was good for the entire community. He felt the Wine Country Inn is beneficial to the entire community and was concerned the dispensary would compromise their [business and](#) property value.

Steve Smith stated he was the founder and proprietor of the Grand River Winery. Mr. Smith stated he has been trying to sell his winery for two years. This is a private transaction, and he requested the Commissioners to approve the CUP.

Susan Barstow, 564 W 1<sup>st</sup> St., stated she understands the concerns about the entrance to Town. She reported that traffic on 1<sup>st</sup> Street has been an ongoing issue. Ms. Barstow noted that 1<sup>st</sup> Street is like a noisy highway.

Shannon and Crystal Day, 1019 Grand River Dr., stated her access road is currently quiet and feels the road cannot support the potential traffic. Ms. Day reported that people treat the stop sign coming off the highway like a yield sign. She noted the gates that were on the site plan and is concerned about the implications of those and that this CUP will negatively affect their property values.

Ryan McConnell, 126 Kluge Ave., stated he was a next-door neighbor of the current dispensary location and had no problems or concerns with this business. They have been very accommodating with addressing any parking concerns he had.

Megan Napoleon, 3722 G 7/10 Rd., asked that the first two speakers repeat their comments as they were not audible. The Commission agreed to allow the speakers to return to the podium.

Dan Bigelow, 1023 Grand River Dr. expressed concerns with traffic, especially after the increase in traffic that Golden Gate generated.

Ian Kelley stated he is the General Manager and Controller of the Wine Country Inn at 777 Grande River Dr., and expressed opposition to the application. The location of the Weedery at Exit 42, the gateway to the Town, does not present an image that is favorable for tourism. They did not feel the criteria for the CUP has been met. They were concerned about property values and odor.

### COMMISSIONER DISCUSSION

Commissioner Hull disclosed that he has a relationship with Steve Smith and the Grand River Vineyards, but he does not derive direct income from these relationships. He stated that he did not feel he needs to recuse himself from the discussion of this proposal.

Commissioner Hamilton suggested adding additional conditions regarding odors emitted from this business. Commissioner Hull added that he lives at 204 W 1<sup>st</sup> St. and is familiar with the odors, but after 11 years, he has become accustomed to the smell. He expressed concern regarding the moratorium on additional retail licenses within the Town. Community Development Director Rushe clarified that this is a CUP application and not a store license application. The license is addressed by the Board of Trustees.

Commissioner Wheeler stated her only concern is traffic.

Commissioner Prinster asked if the odor emitted is from growing marijuana. Mr. Loughman stated that the odor is generally from a grow operation and that the products he will have at the dispensary are generally prepackaged and leave the store in smell-proof containers. Mr. Loughman asked if the Town Manager has received complaints on odor issues associated with the business. Town Manager Hawkinson stated she ~~has is not aware of any~~ not recieved complaints directly, but she ~~will could~~ check with the Code Enforcement Officer. Mr. Loughman added that there are many Palisade citizens who grow their own marijuana, and that can contribute to an odor in Town.

Commissioner Harbaugh felt the application did not meet three of the four criteria of approval. Specifically, he cited Criteria 1, public health and safety, expressing concern over adding traffic to an already busy road. He thought this was not sound land planning, which is Criteria 2, for what the comprehensive plan indicated with the emphasis on fruit and wine. He did not feel the marijuana industry should be front and center. In addition, he felt this location could affect negatively the property value of the Wine Country Inn, which is Criteria 3.

Chairman Parker stated after reading all the letters submitted it appears the biggest opposition is the odor, citing two compelling letters from S. Dackonish (attorney for Wine Country Inn) and C. Sumnicht at 229 W. 1<sup>st</sup> St.. He suggested that there may need to be a reconsideration of the CUP that currently exists.

Commissioner Hamilton noted that the current visitors already pass through the intersection of I-70 and Elberta on the way to the current location. The winery location seems to alleviate some of the concerns of those neighboring the current location.

### APPLICANTS CLOSING REMARKS

Mr. Loughman stated that his business has not had a negative impact in the 11 years he has been in Palisade. Regarding the turn down Grand River Dr.. Mr. Loughman pointed out that an engineered traffic study will be conducted that can address the concerns that would happen to any growing business that locates there and that they would take care of any concerns to the best of their ability. Mr. Loughman stated that they have one retail marijuana license, separate from the medical license he owns, and he is just relocating it. Mr. Loughman pointed out that they are entitled to a beautiful location, just like any other business. He also stated that a lot of the guests of the Wine Country Inn are his customers as well. Mr. Loughman noted that property values have not decreased in the 11 years they have been there. Mr. Loughman added that the price he is paying would reflect positively to the neighboring property values and was excited to show the Town the plans for the design of the new location.. He plans upgrades to the landscaping and will have a robust security plan. He also noted that the road is private, meaning anyone loitering would be trespassing. Mr. Loughman stated that he realizes that the Wine Country Inn is great for Palisade, and he plans to respect that with his property. He added that Palisade is not only a wine town and that his business satisfies all three of the uses described in the zoning – hospitality, retail and ag. Mr. Loughman noted that this move would mitigate some of the traffic going down W 1<sup>st</sup> Street, which is not all a result of his business, and free some parking downtown. He further indicated that he would rather not have gates but that they are to help direct traffic.

Mr. Loughman reported that he would keep the second parcel [next to Wine Country](#) as a development property down the road, possibly for another hotel, but assured the Commission that the parcel would remain as agriculture, as it is a benefit for tax purposes, until it is time to develop the property. Mr. Loughman added that his present location is low key and they have a good business model.

[Ms. Hawkinson made a Point of Clarification that CDOT owns the portion of Elberta from I-70 to the canal, not the Town. The applicant will need to work with CDOT with a traffic study and the expensive of any possible upgrades to the intersection to the property and Elberta. The Town is not financially responsible for these improvements.](#)

Commissioner Prinster asked for clarification about growing marijuana or hemp on this parcel. Mr. Loughman replied that he wanted to be clear, they will not be growing marijuana or hemp there.

~~Ms. Hawkinson noted that CDOT is the one that will require a traffic study and possible upgrades, and that the Town will not be financially responsible for that.~~

**Motion #3** by Commissioner Prinster and seconded by Commission Wheeler to recommend approval to the Board of Trustees of item PRO-2021-3 with the conditions included in the packet.

A roll call vote was requested, and the vote on the motion was as follows:

**YES: Commissioners: Hamilton, Wheeler, and Prinster**

**NO: Commissioners: Hull, Harbaugh and Chairman Parker**

**ABSENT: Curry**

**The motion failed 3-3**

**UNFINISHED BUSINESS**

Discussion about Commissioner emails and IPADs was discussed.

**NEW BUSINESS**

None

**ADJOURNMENT**

Chairman Parker adjourned the meeting at 7:49 pm.

**X**

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Riley Parker  
Planning Commission Chairman

**X**

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Lydia Reynolds  
Planning Technician





## PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

**Meeting Date:** March 23, 2021  
**Presented By:** Brian Rusche, Community Development Director  
**Department:** Planning  
**Re:** PRO 2021-3 – Weedery CUP

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**SUBJECT:** PRO-2020-33 – A REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO RELOCATE AND OPERATE A RETAIL MARIJUANA STORE (COLORADO WEEDERY) ON THE PROPERTY LOCATED AT 787 37 3/10 ROAD – PARCEL # 2937-054-55-01 AND 2937-054-55-002

**SUMMARY:**

The Town of Palisade received an application for a conditional use permit (CUP) from Jesse and Desa Loughman to relocate a retail marijuana store (Colorado Weedery) to the property, currently known as Grande River Vineyards, located at 787 37 3/10 Road. The property consists of two (2) parcels (Parcel # 2937-054-55-01 and 2937-054-55-02) comprising approximately 10 acres west of Elberta Avenue, just south of I-70. The winery is currently open for business but is listed as for sale.

Prior to the Planning Commission hearing, the applicant requested a removal of Parcel # 2937-054-55-02 (Lot 2, Grande River Replat) and submitted a revised Traffic Flow diagram, which was provided to the Commission prior to the hearing and is included in this packet.

A retail marijuana store requires approval of a conditional use permit under the Palisade Land Development Code (LDC). The property is zoned Hospitality Retail (HR), which requires a retail marijuana store to be approved by a CUP.

**CONTENTS:** The Staff Report consists of the following sections:

1. Summary
2. Zoning History
3. Summary of Proposed Use
4. Land Development Code
  - a. Section 7.03.M – Retail Marijuana Establishment
  - b. Section 4.07.E – Conditional Use Permit Findings of Fact
5. Conditions
6. Attachments
  - a. Letter of Intent

- b. Application and Exhibits
- c. Grande River Replat
- d. Retail Marijuana Zoning Map
- e. Letters received as of 3/19/2021

**BOARD DIRECTION:**

**The Planning Commission held a Public Hearing on March 16, 2021. The Commission had a split vote (3-3) on whether the request met the CUP criteria (findings of fact):**

- 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;**
- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations;**
- 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;**
- 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.**

Concurrently with adopting, denying or remanding any conditional use permit, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest (LDC Section 4.07.D.7.b – Conditional Use -Town Board action).

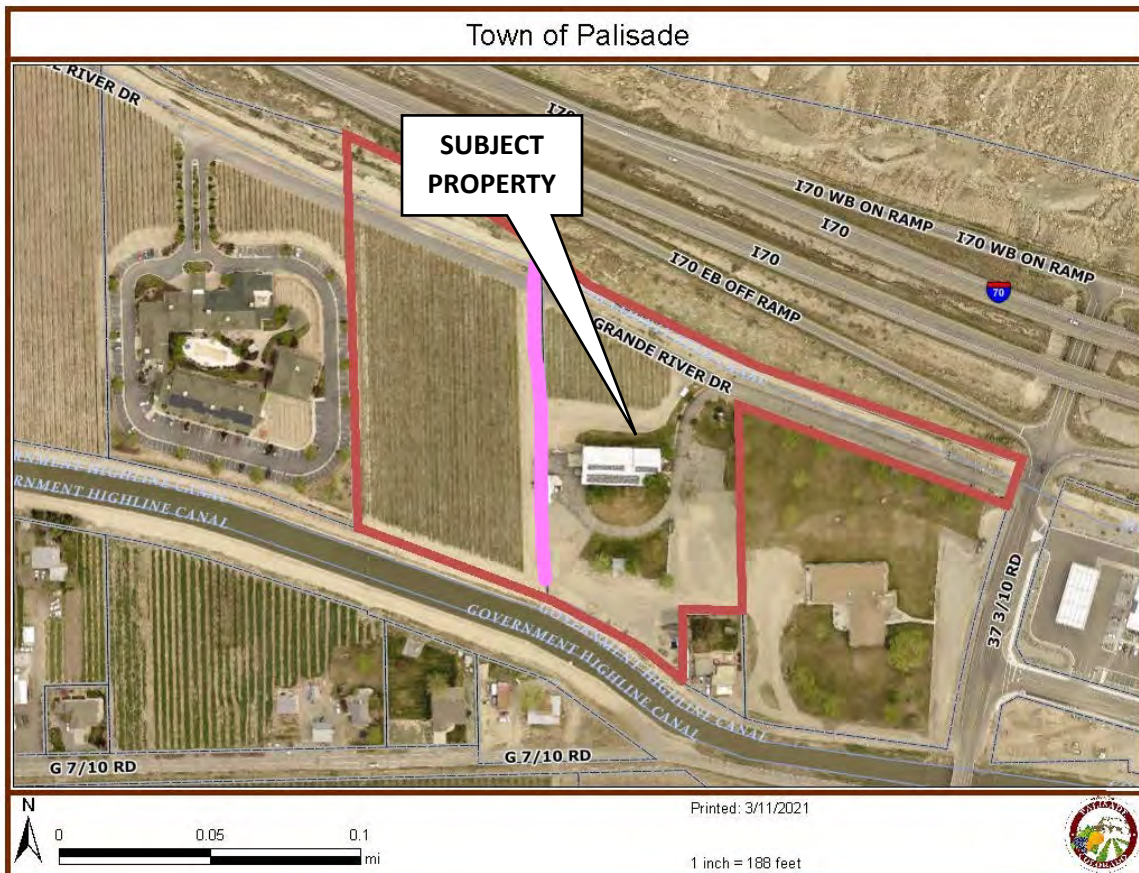


**PRO 2021-3: A REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO RELOCATE AND OPERATE A RETAIL MARIJUANA STORE (COLORADO WEEDERY) LOCATED AT 787 37 3/10 ROAD - PARCEL # 2937-054-55-01 AND 2937-054-55-02)**

**1. SUMMARY**

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Prior to the Planning Commission hearing, the applicant requested a removal of Parcel # 2937-054-55-02 (Lot 2, Grande River Replat) and submitted a revised Traffic Flow diagram, which was provided to the Commission prior to the hearing and is included in this packet.

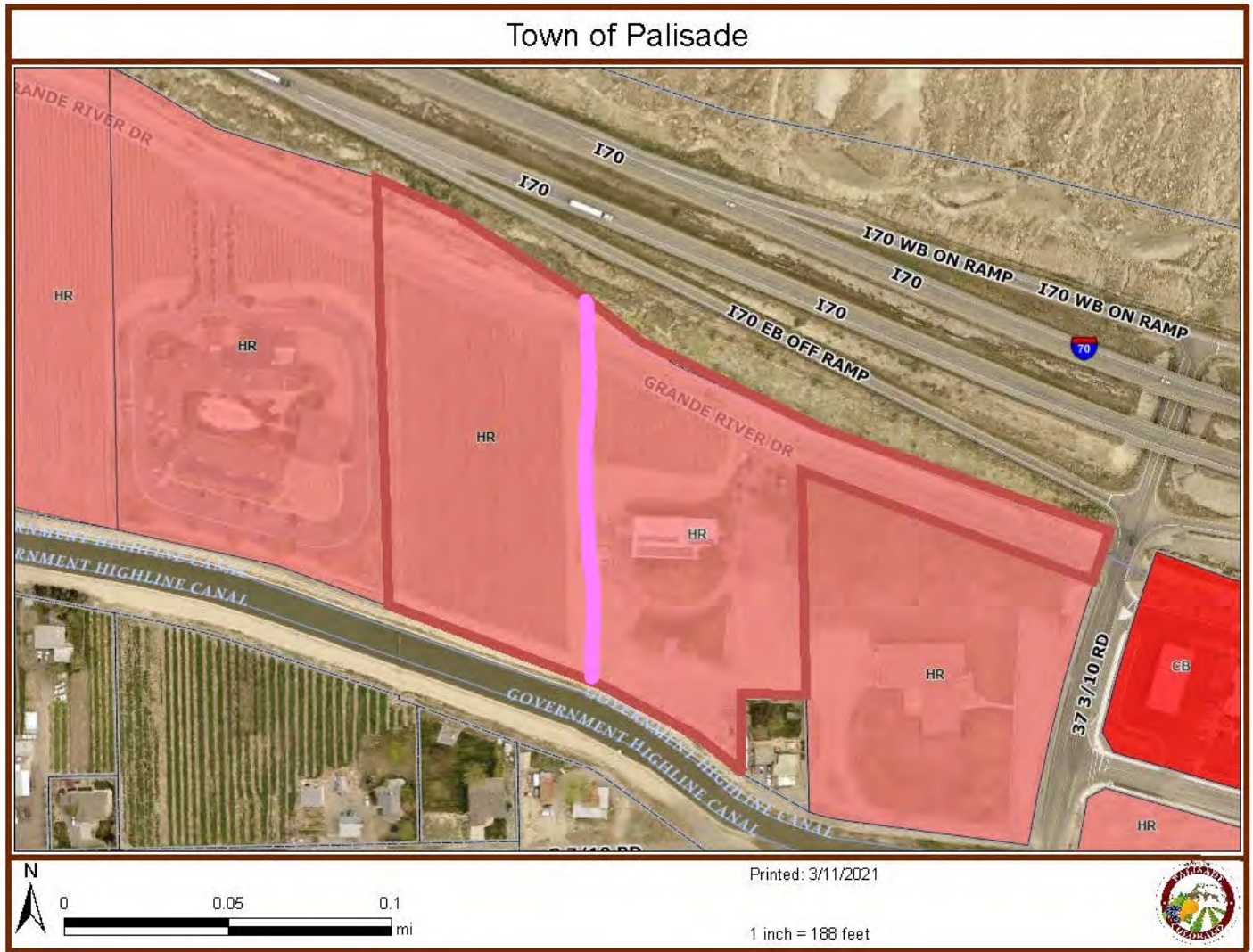




A retail marijuana store requires approval of a conditional use permit under the Palisade Land Development Code (LDC). The property is zoned Hospitality Retail (HR), which requires a retail marijuana store to be approved by a CUP.

## 2. ZONING HISTORY

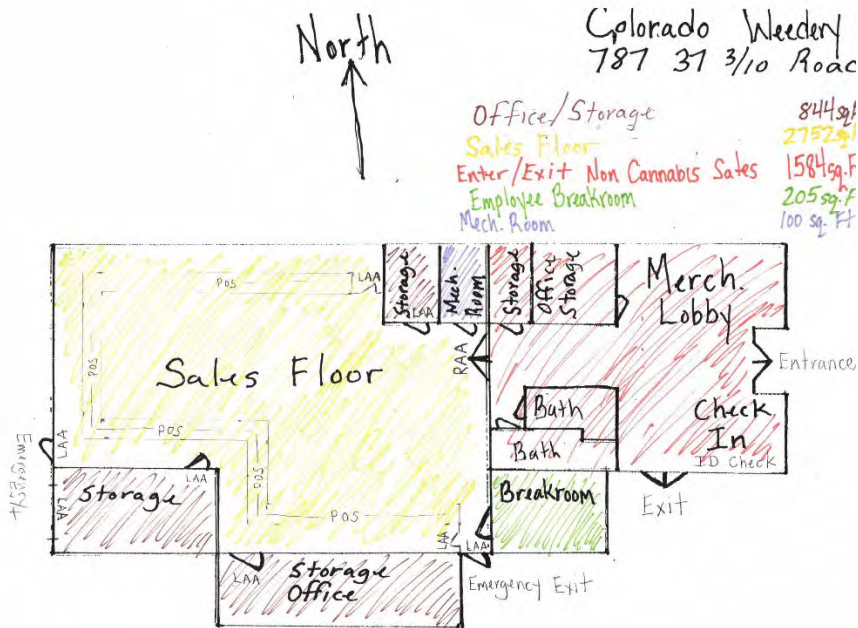
In May of 2017, the LDC was amended to include retail marijuana as a conditional use within certain zones (Ordinance 2017-7). The subject property was rezoned to HR – Hospitality Retail in July of 2017 (PRO2017-23), after it was determined that the zoning map of 2008 was in error.



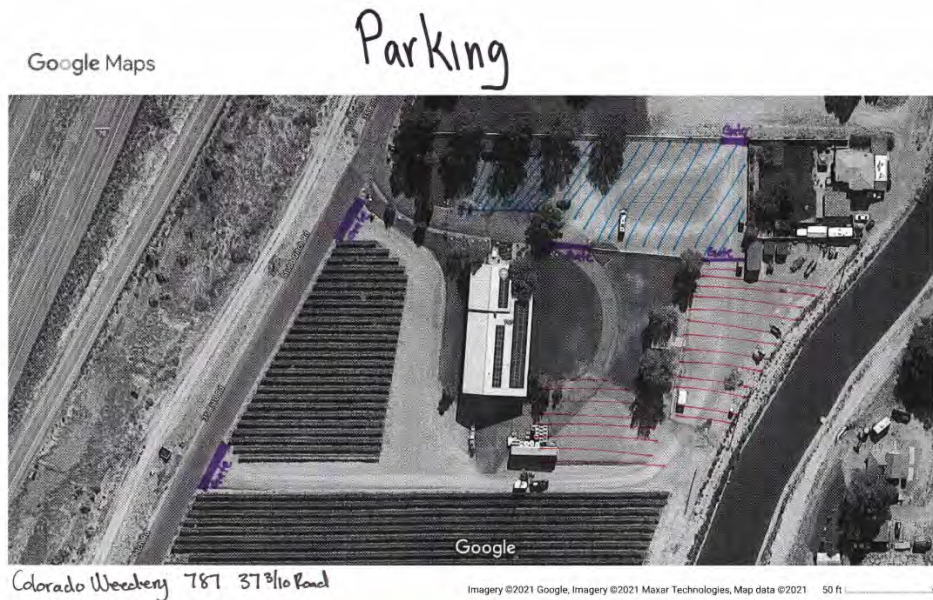
The Colorado Weedery was approved for a CUP at its current location of 125 Peach Avenue, Unit C in July of 2017 (PRO 2017-22).

### 3. SUMMARY OF PROPOSED USE

The proposed relocation of Colorado Weedery would allow the business to expand from its existing 1427 square foot, shared location at 125 Peach Ave, Unit C to an approximately 5485 square foot space, which includes 2752 square feet of sales area and 1584 square feet for interior circulation, restrooms, and non-cannabis merchandise.



A total of 22 parking spaces (1 per 250 gross square feet) are required under the LDC, based on the square footages proposed. There are currently 12 paved parking spaces (including 1 handicapped). Adjacent to these spaces is an “overflow area” that is gravel. According to the applicant, approximately 56 spaces are available; however, a formal parking design will need to be provided as part of the site plan, to ensure that this parking area will function properly with the required number of spaces under the code.

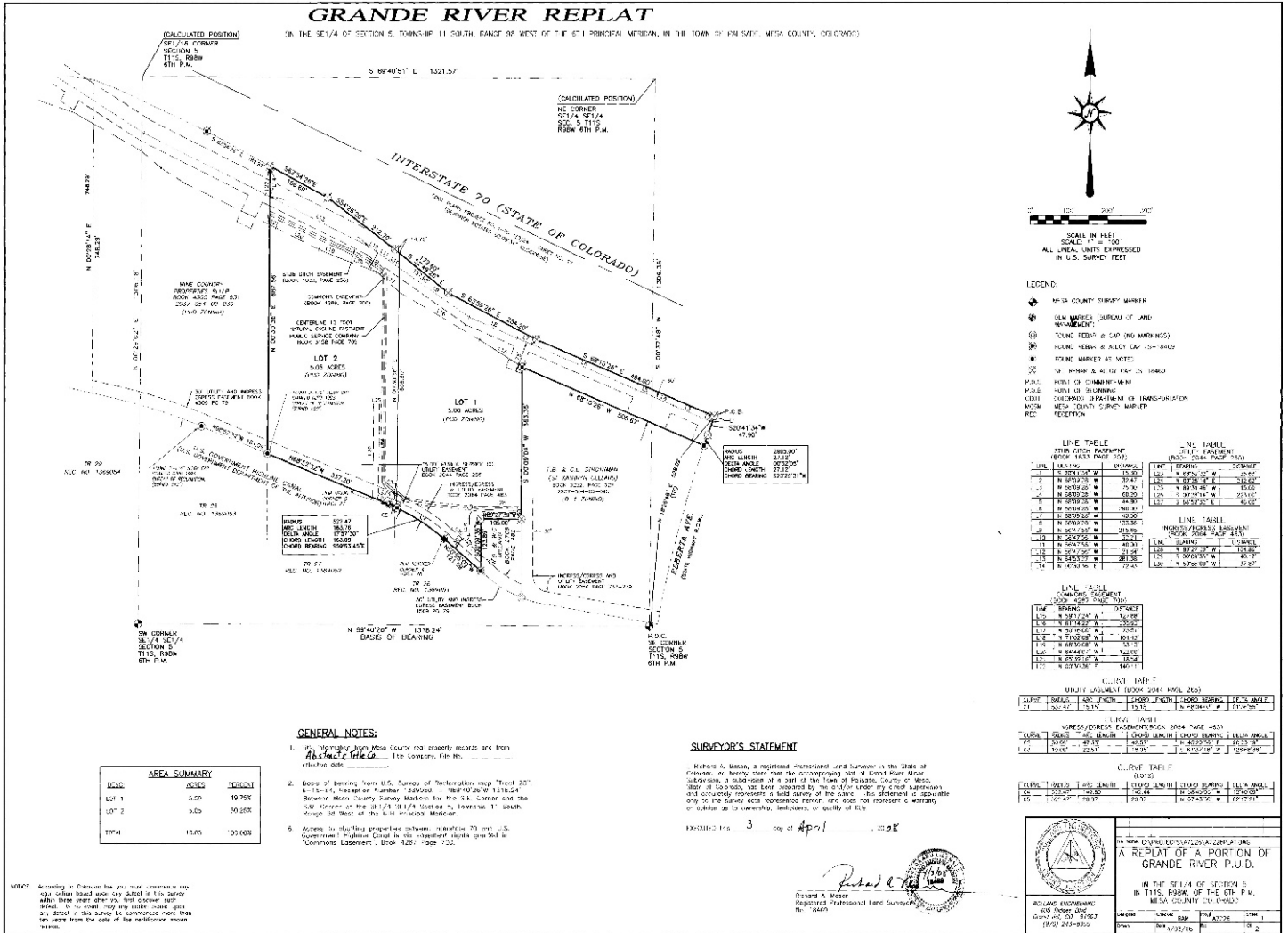


- |||| = Customer Parking  
12 paved parking spots with a handicap spot  
56 overflow parking spots
- ≡ = Employee Parking
- = Gates

The property is addressed as 787 37 3/10 Road (a.k.a. Elberta Avenue) but is not adjacent to the road. Rather, it is accessible by an Access, Utility, and Irrigation easement, (a.k.a. Grande River Drive). This easement was



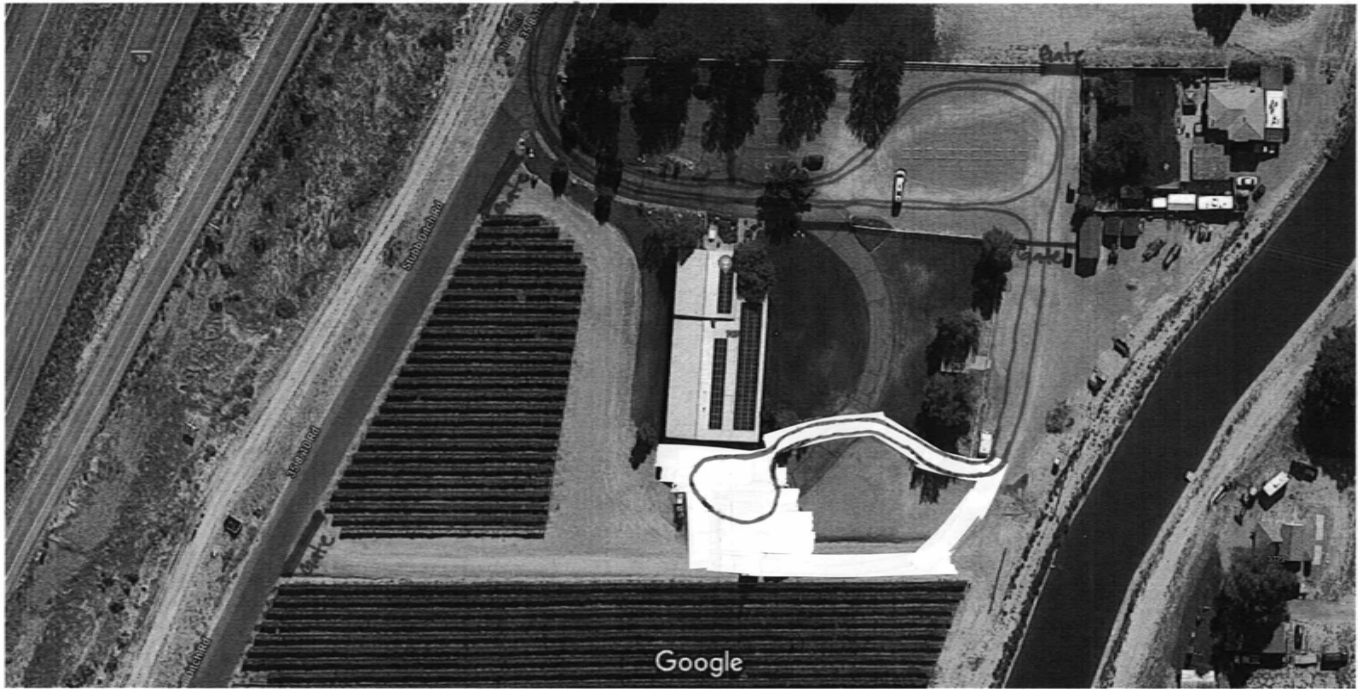
created in 2006 and recorded as part of the Declaration of Covenants, Conditions and Restrictions for Mt. Lincoln Properties (Reception # 2347840) and is reflected on the Grande River Replat (Reception # 2437911) of which both parcels are a part. These covenants are considered a private property matter – not enforced by the Town – that are to be enforced by the Mt. Lincoln Property Owners Association, Inc. which is registered with the Secretary of State.



Elberta Avenue (37 3/10 Road) is owned by the Colorado Department of Transportation and, as such, there may be improvements that would be necessary to accommodate the proposed use. A traffic study would demonstrate the level of anticipated impact upon this intersection. Any improvements that may be necessary would be the responsibility of the applicant and not the Town of Palisade.

Google Maps

# Traffic Flow



Colorado Weeberry 787 37<sup>3</sup>/<sub>10</sub> Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Existing traffic flow for customers  
Entrance and Exit with overflow parking lot

Deliveries and employee only traffic flow

— = Gate

The above drawing shows the revised traffic flow through the site from the shared access road (Grande River Drive). This traffic would remain within the boundaries of Lot 1 as shown on this revision. The building already has a loading dock on the west side (bottom of this picture) that is proposed for deliveries. Other access points to the adjacent vineyards would be gated to prevent customer access.

#### 4. LAND DEVELOPMENT CODE

On November 8<sup>th</sup>, 2016 the citizens of the Town of Palisade voted during the general election to authorize the establishment and operation of retail marijuana stores, retail cultivation facilities, retail marijuana manufacturing facilities and retail marijuana testing facilities. The Palisade Municipal Code and the Palisade Land Development Code (LDC) were amended in May of 2017 to establish the licensing and land use regulations for the approved businesses.

This application, if approved, would allow for the applicant to operate a retail marijuana store within the existing building at 787 37 3/10 Road. Under the Land Development Code, the application shall meet the standards of a retail marijuana establishment, which includes in its definition a retail marijuana store. **This report shall only cover the standards and approval criteria regarding the proposed land use as a retail marijuana store, which requires a Conditional Use Permit (CUP) within the HR (Hospitality Retail) zone district.**

The process for a retail marijuana license is an additional, separate process through the State of Colorado and the Town of Palisade. Retail marijuana businesses are licensed and regulated by the State of Colorado through the Marijuana Enforcement Division of the Colorado Department of Revenue. The Town of Palisade licensing regulations and requirements are found in Article V of Chapter 6 of the Palisade Municipal Code.

The following section, Section 7.03.M., for retail marijuana establishments details the standards required for approval to operate a retail marijuana store under the Palisade Land Development Code.

##### a. Section 7.03.M. Retail Marijuana Establishment:

A retail marijuana establishment is permitted subject to the following standards:

1. Regardless of zoning, no retail marijuana establishment shall be located in the designated Retail Marijuana Free Zone in the downtown core as identified by the Retail Marijuana Free Zone Map:



2. Regardless of zoning, no retail marijuana establishment, with the exception of the retail marijuana testing facilities, shall be established closer than a one thousand (1,000) foot distance from any school or preschool

as measured from the nearest property boundary of such school use to the boundaries of the proposed licensed premises.

*The proposed location is neither within the Retail Marijuana Free Zone area nor within 1000 feet of any school or preschool. The nearest preschools are over 3000 feet (as the crow flies) away.*

3. Retail marijuana stores may only be open to the public between the hours of 8:00 a.m. and 10:00 p.m. daily. A licensed cultivation facility or its contracted agent may deliver marijuana and marijuana products on any day of the week except between the hours of 9:00 p.m. and 7:00 a.m.

4. Shipping and receiving of products and supplies shall only occur between the hours of 4:00 a.m. and 10:00 p.m. daily for retail marijuana cultivation facilities, retail marijuana products manufacturing, and retail marijuana testing facilities.

*These standards must be followed during the duration of the use. Failure to do so may result in a revocation of the CUP.*

5. All retail marijuana businesses shall contain the best available filtration system, such as carbon air filter scrubbers or charcoal filtration systems.

6. For retail marijuana stores, the odor of marijuana must not be perceptible at the exterior of the building, the exterior of the licensed premises or at any adjoining use of the property.

7. Retail marijuana cultivation facilities shall be indoor only.

*The applicant would need to comply with these standards, which would be implemented at the time of a site plan, planning clearance, or building permit issued for the property, should the CUP be approved. No cultivation has been proposed at this location.*

#### **b. Section 4.07.E. Conditional Use Permit Findings of Fact:**

A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts on surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use permit is requested. Approval of a conditional use permit allows for flexibility and to help diversify uses within a zoning district.

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 proposed use would utilize an existing winery building that will no longer operate at this location. The property consists of a large building and associated parking area, along with vineyards and outdoor gathering spaces. The proposed use is limited to a retail marijuana store and does not include any growing of marijuana on site. Its location is served by a shared, private access road that is immediately accessible to I-70, as this type of use attracts visitors from out of town. The site includes parking areas that provide a greater amount than the required number of spaces under the Land Development Code. One of the proposed conditions would include the approval of a landscape design, including any changes to the existing vineyard areas on site.*

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 applicant shall comply with all required specifications and standards within the Land Development Code and Municipal Code. The retail marijuana store shall comply with the above required standards for a retail marijuana establishment. Additionally, the proposed use shall comply with parking, landscaping, trash containments, lighting, and all other required sections of the Land Development Code.*

*The application shall comply with all requirements of the Town of Palisade Marijuana Code and all applicable regulations of the State of Colorado.*

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 property is located near other businesses that cater to regional customers, including a hotel and another winery. The building is located within the center of the property and is buffered by vineyards. There will not be marijuana grown onsite. The LDC requires the property to remain free of odors. The proposed circulation will utilize the existing routes used to access the winery, with all parking happening onsite – no parking is permitted on the shared drive per the covenants.*

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 Future Land Use designation of this property is Commercial-Agricultural-Lodging. The duly adopted Hospitality Retail zone was established to provide hospitality and retail development along I-70 in the vicinity of Exit 42, compatible with the character of the adjacent historic neighborhoods and existing uses. A retail marijuana store may be considered via this conditional use permit process in this zone. All retail marijuana applications must comply with all necessary standards within the adopted Marijuana Code and Land Development Code. The proposed use will be located within an existing winery building, on the west side of Elberta, which will not increase in size but will be remodeled as necessary to accommodate the proposed store.*

*There are two distinct neighborhoods at Exit 42, with the west side of Elberta being more agricultural in look and feel (i.e., gravel roads, large acreage sizes, active agricultural uses) and the east side of Elberta being more highway convenience oriented (i.e., new road with sidewalk, ample paved parking, new buildings but with historical aesthetics).*

*Beyond this intersection are residential subdivisions (south of the canal) and a mix of uses continuing south on Elberta, with historical agriculture on the west and residential on the east giving way to a park and a commercial node at the intersection of Highway 6. Different parts of the Town exhibit different character, such as the original grid of streets south and west of downtown, exclusively residential subdivisions south of Highway 6 up to Riverbend Park, with commercial frontage along the highway itself.*



## 5. RECOMMENDATION

In granting a conditional use permit, the Board of Trustees may impose reasonable conditions which serve to assure that the required findings are upheld.

### **Staff recommends the following conditions be included in the recommendation on this application:**

1. The conditional use permit approval is based on the submitted plans, along with the supporting documents submitted with the application. No expansion of the area or use shall occur without the consideration and approval of the Board of Trustees. Development of any expansion shall be reviewed as an amendment to the approved conditional use permit and shall be subject to the notice and hearing procedures and standards which governed the initial approval, except that minor deviations may be approved by the Community Development Director pursuant to LDC Section 4.07.G.1.
2. The site plan for this use shall be reviewed by the Town administratively as per Section 4.06 of the Land Development Code. The applicant shall adequately address any comments that arise from this report or from the public hearing. Any improvements to the building (structural, electrical, fire suppression, plumbing, and building) associated with this use requires planning clearances and building permits before improvements commence; furthermore, a final occupancy shall not be issued until the applicant has demonstrated to the satisfaction of the Town this use will comply with all applicable building and fire codes.
3. No marijuana cultivation is permitted unless approved through a separate conditional use permit.
4. The existing “pole sign” that extends over the entrance to the property (the common access easement) is not to be used for the proposed use. Other signage, including wall and/or monument signs, shall meet the requirements of the LDC and Municipal Code. The term “weedery” may not be used for exterior signage as per Section 6-129(a) of the Palisade Municipal Code.
5. The Conditional Use Permit is subject to a one-year review by the Town Board of Trustees. However, 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.
6. The Conditional Use Permit shall only be valid in conjunction with a retail marijuana license issued by the Town of Palisade.
7. The Conditional Use Permit shall only be valid in conjunction with a Business License issued by the Town of Palisade.
8. The Conditional Use Permit shall become null and void if the use is discontinued for 12 consecutive months.
9. The owner or operator of the retail marijuana store shall adhere to the “Right to Farm” ordinance - specifically Section 7-173 of the Municipal Code.
10. A landscape design, including any changes to the existing vineyard areas on site, must be approved.
11. A traffic study must be conducted and reviewed by the Town Engineer and the Colorado Department of Transportation (CDOT) and any improvements at the intersection of Elberta Avenue (37 3/10 Road) required by either entity will be the responsibility of the applicant and not the Town of Palisade.

## **6. ATTACHMENTS**

- a. Letter of Intent
- b. Application and Exhibits
- c. Grande River Replat
- d. Retail Marijuana Zoning Map
- e. Letters received as of 3/19/2021

## Brian Rusche

---

**From:** Janet Hawkinson  
**Sent:** Monday, February 1, 2021 8:56 AM  
**To:** Brian Rusche  
**Subject:** FW: Letter of Intent and application

---

**From:** Desa Loughman [REDACTED]  
**Sent:** Friday, January 22, 2021 2:30 PM  
**To:** Janet Hawkinson <jhawkinson@townofpalisade.org>; Keli Frasier <kfrasier@townofpalisade.org>; [REDACTED]; Jesse Loughman [REDACTED]  
**Subject:** Letter of Intent and application

Thank you Town of Palisade and Board of Trustees for your time and consideration in regards to our intent to move Colorado Weedery to 787 37 3/10 Road in Palisade.

These last six months and several Board meetings have been a challenging for everyone involved. While we are proud of our accomplishments and success we never wanted to be a burden to our neighbors. We know we will never make everyone happy. But we can resolve the overflow of traffic and people standing outside by moving our recreational location. It's a beautiful building with easy access to I-70 and over 100 parking spots. This location gives us the opportunity to have ample spacing inside the building as well as plenty of parking. We believe we can make this location another place the citizens of Palisade can be proud of. We feel like this is our best solution for our current neighbors and for the future of our business.

We are anticipating that Grand Junction will open stores. We want a location that we believe will continue to be competitive for years to come. Many people have wanted us to open another store in Grand Junction. But Palisade is our home. We love it here and want to stay working in Palisade! We have always strived to be good Corporate Citizens holding ourselves to a high standard of professionalism with a great track record for over 11 years with the Town of Palisade and the Marijuana Enforcement Division. We will continue to do our best practices moving forward with your approvals.

We look forward to working with you and hope you approve of this move so we can open as soon as possible.

**Thank you for your time and consideration,**

**Desa Loughman & Jesse Loughman**

[REDACTED]

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# TOWN OF PALISADE COMMUNITY DEVELOPMENT DEPARTMENT

## PLANNING CLEARANCE: PUBLIC HEARING

PERMIT ADDRESS/PARCEL NO. 787 373/10 Rd

DATE: 2/1/2021

<b>OWNER INFORMATION:</b>	<b>APPLICANT/ CONTRACTOR INFORMATION:</b>
<input type="checkbox"/> Check box if owner/applicant are the same	
Name: <u>Steve Smith</u>	Name: <u>Jesse &amp; Aesa Loughman</u>
Address: <u>PO Box 1160</u>	Address: <u>378 W. 5th Street</u>
<u>Grand Junction, CO 81502</u>	<u>Palisade, CO 81526</u>
Phone Number: <u>[REDACTED]</u>	Phone Number: <u>[REDACTED]</u>
Email: <u>[REDACTED]</u>	Email: <u>[REDACTED]</u>

APPLICATION:	FEES:*
<input type="checkbox"/> Rezoning	\$250.00
<input checked="" type="checkbox"/> Conditional Use Permit	\$300.00
<input type="checkbox"/> Variance	\$250.00
<input type="checkbox"/> Text Amendment (Land Development Code)	\$250.00
<input type="checkbox"/> Short Term Vacation Rental (STVR)	\$50.00
<input type="checkbox"/> Public Right-of-Way/Easement Vacation	\$150.00
<input type="checkbox"/> Design Variance	\$75.00
<input type="checkbox"/> Administrative Appeal	\$250.00
<input type="checkbox"/> Annexation	\$150.00 (+\$600.00 Escrow)
<input type="checkbox"/> Performance Action	\$250.00

\*Listed fees do not include any additional charges for legal/engineering review, mailings, or recording costs.

ADDITIONAL FEES:	
Business License (if applicable, \$10/day, \$50/calendar year)	
Sewer Fees (Number needed _____, tap size _____)	
Water Fees (Number needed _____, tap size _____)	
School Land Dedication Fee	
Transportation Impact Fee	
Fee in Lieu of Open Space Requirement	

**TOTAL FEES DUE:**

**REQUIRED DOCUMENTS**

Rezoning:

- Site Map (*current and future zoning*)
- Letter of Intent (*include basis of request and approval criteria*)

- Letter of Intent (*include basis of request and approval criteria*)
- ROW Construction Permit (*if applicable*)

Short Term Vacation Rental:

- Site Plan (*show parking, rooms, layouts, ingress/egress, etc.*)
- Letter of Intent (*include basis of request and approval criteria*)
- Property Management Plan

Conditional Use Permit/ Variance/ Design Variance/ Annexation:

- Site Plan (*detailed site plan showing proposed project, setbacks, heights, etc.*)
- Letter of Intent (*include basis of request and approval criteria*)
- Plan View/ Elevation Drawings

ROW/ Public Easement Vacation:

- Site Plan (*detailed site plan showing proposed project, setbacks, heights, etc.*)

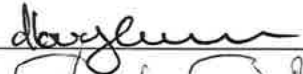

Text Amendment/ Administrative Appeal/ Performance Action:

- Letter of Intent (*include basis of request and approval criteria*)

---

**ACKNOWLEDGMENT**

I hereby acknowledge that I have read this application and the information is correct; I agree to comply with any and all codes, ordinances, laws, regulations, or restrictions which apply to the project. I understand that failure to comply may result in legal action, which may include, but is not limited to, non-use of the building(s). I acknowledge the accuracy of any plot plan provided and further acknowledge that the burden for the accurate placement of any structure is the applicant(s) sole responsibility.

Applicant Signature:  Date: 2/1/2021  
Owner Signature:  Date: 2/1/2021

Useful information for your project can be found within the Town of Palisade Land Development Code. The online version is available at:  
<http://townofpalisade.org/departments/community-development/land-development-code>

**STAFF NOTES:**

## Colorado Weedery Operating Plan Version: Palisade C.U.P. Move

Colorado Weedery a retail marijuana facility CO. Dept. of Rev. license #402R-00695 will move from 125 Peach Ave. to 787 37 3/10 Rd. in Palisade Colorado. Colorado Weedery will continue to operate in compliance with all applicable town ordinances and state laws. Colorado Weedery will offer products derived and themed from Cannabis.





Google

(39°07'01"N 108°21'41"W) 1 mi

**From:** [Desa Loughman](#)  
**To:** [Jesse Loughman](#); [Brian Rusche](#); [Janet Hawkinson](#); [Keli Frasier](#)  
**Subject:** overview update  
**Date:** Friday, March 19, 2021 2:03:25 PM

---

I realized when I sent the updated Traffic Flow I forgot to include the updated Overview. Will you please include this with our packet for the meeting?

**Thank you,**

**Desa Loughman**

Owner, Colorado Alternative Health Care  
(970) 424-5844 | [coloradoalternative.com](http://coloradoalternative.com)  
125 Peach Ave., Unit B, Palisade, CO 81526



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Google Maps

Overview



Colorado Winery 787 37 3/10 Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 100 ft

- Existing Traffic Flow
- Deliveries and Employee Traffic Flow
- Gate
- Customer Parking
- Employee Parking
- Lights

**From:** [Desa Loughman](#)  
**To:** [Brian Rusche](#); [Keli Frasier](#); [Jesse Loughman](#)  
**Subject:** Traffic Flow  
**Date:** Monday, March 15, 2021 6:56:43 PM

---

Hello Brian and Keli,

Per our conversation today Brian we have included the updated traffic flow with all cannabis business being conducted on the one parcel number 2937-054-55-001 as part of our original request in our letter of intent.

We are also requesting that parcel number 2937-054-55-002 be removed from the CUP since it is not being used for cannabis related business.

If possible, please forward this information to the Planning Commissioners & update the packet before the meeting tomorrow? Please let us know if you have any other questions.

**Thank you,**

**Desa & Jesse Loughman**

***Confidentiality Disclaimer:** The content of this email is confidential and intended for the recipient(s) specified in the message only. If you received this message by mistake, please reply to it so we might avoid similar mistakes in the future, and then delete all copies of this message immediately.*

# Traffic Flow

Google Maps



Colorado Weedery 787 37<sup>3</sup>/<sub>10</sub> Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Existing traffic flow for customers  
Entrance and Exit with overflow parking lot  
Deliveries and employee only traffic flow

— = Gate



# Parking

Google Maps



Colorado Weeberry 787 37<sup>3</sup>/<sub>10</sub> Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

- //// = Customer Parking
- 12 paved parking spots with a handicap spot
- 56 overflow parking spots
- == = Employee Parking
- = Gates



# Lighting Plan

Google Maps



Colorado Westbury 787 373110 Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Existing lights along fence, around building and doors.



Colorado Weedery  
787 37 3/10 Road

Office/Storage

Sales Floor

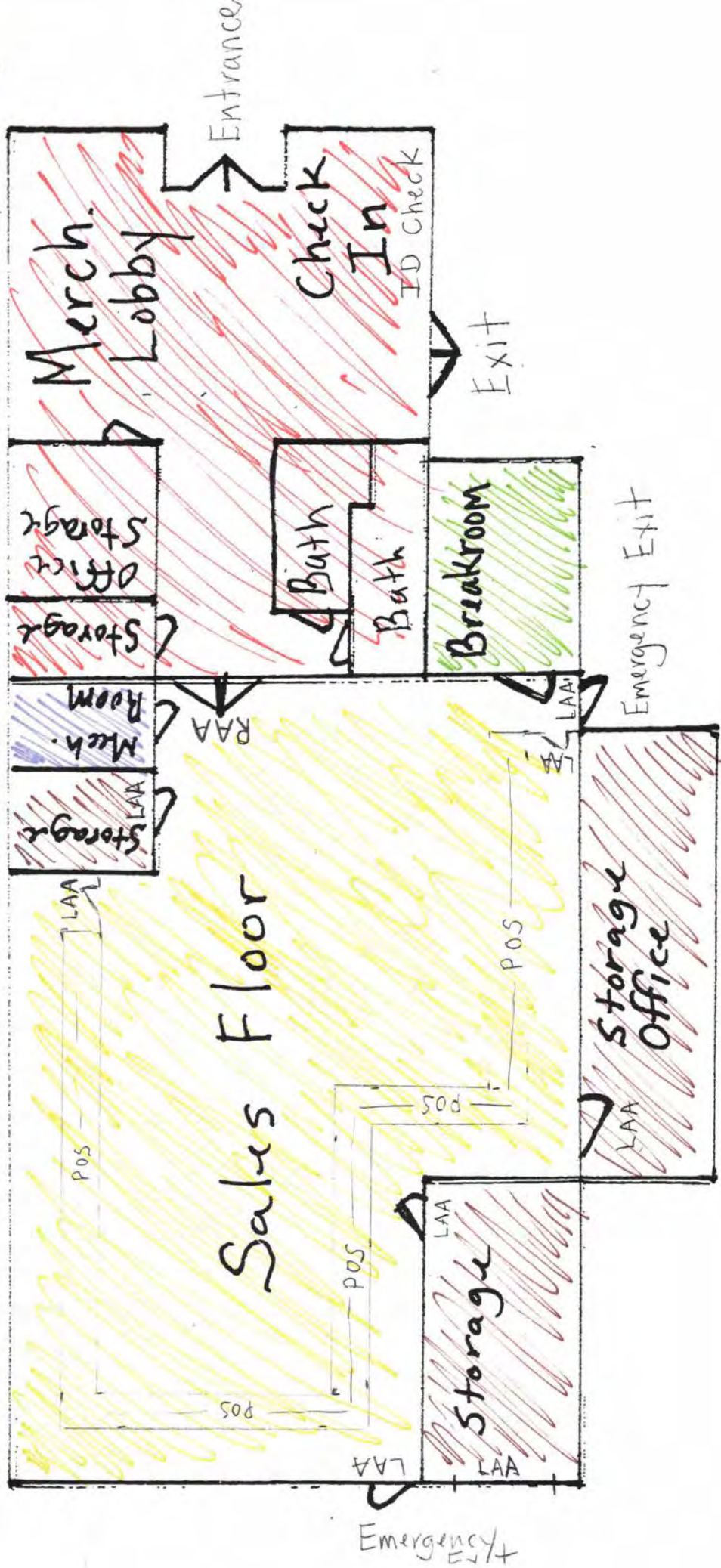
Enter/Exit Non Cannabis Sales

Employee Breakroom

Mech. Room

844 sq. ft.  
2752 sq. ft.  
1584 sq. ft.  
205 sq. ft.  
100 sq. ft.

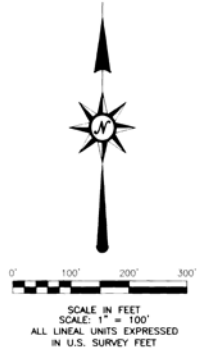
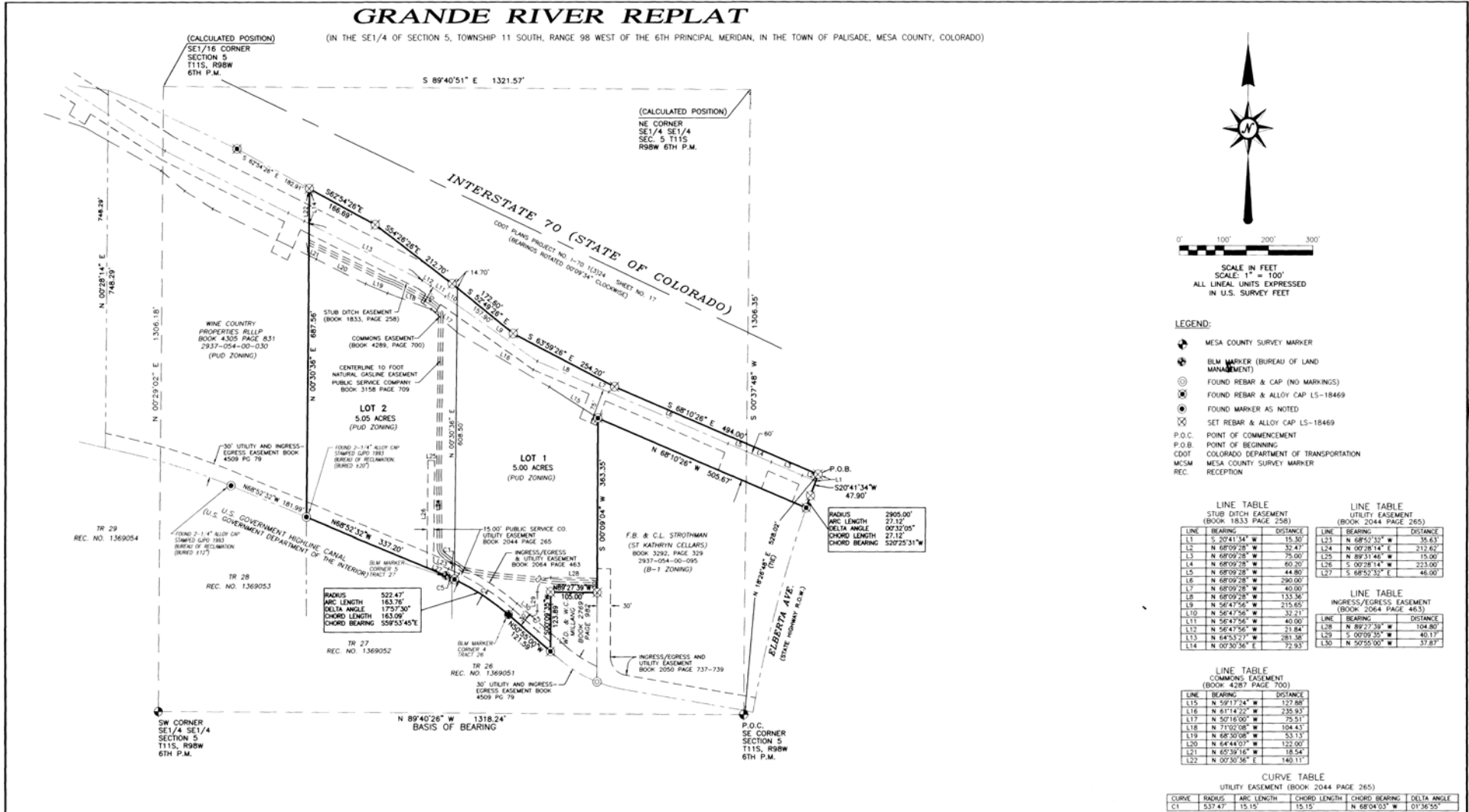
North



RECEPTION #: 2437911, BK 4608 PG 158 05/05/2008 at 12:34:02 PM, 2 OF 2, R 820.00 @ \$1.00 Doc Code: PLAT Janice Rich, Mesa County, CO CLERK AND RECORDER

# GRANDE RIVER REPLAT

(IN THE SE1/4 OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 98 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE TOWN OF PALISADE, MESA COUNTY, COLORADO)



- LEGEND:**
- ⊕ MESA COUNTY SURVEY MARKER
  - ⊙ BLM MARKER (BUREAU OF LAND MANAGEMENT)
  - ⊙ FOUND REBAR & CAP (NO MARKINGS)
  - ⊙ FOUND REBAR & ALLOY CAP LS-18469
  - ⊙ FOUND MARKER AS NOTED
  - ⊙ SET REBAR & ALLOY CAP LS-18469
  - P.O.B. POINT OF COMMENCEMENT
  - P.O.B. POINT OF BEGINNING
  - CDOT COLORADO DEPARTMENT OF TRANSPORTATION
  - MCSM MESA COUNTY SURVEY MARKER
  - REC. RECEPTION

LINE	BEARING	DISTANCE
L1	S 20°41'34" W	15.30
L2	N 68°09'28" W	32.47
L3	N 68°09'28" W	75.00
L4	N 68°09'28" W	60.20
L5	N 68°09'28" W	44.80
L6	N 68°09'28" W	250.00
L7	N 68°09'28" W	43.00
L8	N 68°09'28" W	133.36
L9	N 68°09'28" W	215.85
L10	N 56°47'56" W	32.21
L11	N 56°47'56" W	40.00
L12	N 56°47'56" W	71.84
L13	N 64°53'27" W	281.38
L14	N 00°30'36" E	72.93

LINE	BEARING	DISTANCE
L23	N 68°50'52" W	35.63
L24	N 00°28'14" E	212.62
L25	N 89°31'48" W	15.00
L26	N 00°28'14" E	223.00
L27	S 68°52'32" E	46.00

LINE	BEARING	DISTANCE
L28	N 89°27'59" W	104.80
L29	S 00°09'35" W	40.17
L30	N 50°55'00" W	37.87

LINE	BEARING	DISTANCE
L15	N 59°17'24" W	172.88
L16	N 61°14'22" W	235.93
L17	N 50°18'00" W	75.51
L18	N 71°02'08" W	104.43
L19	N 68°30'08" W	53.13
L20	N 64°44'07" W	122.00
L21	N 65°59'16" W	18.54
L22	N 00°50'56" E	140.11

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	537.47	15.15	15.15	N 68°04'03" W	01°36'55"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	30.00	47.33	42.57	N 45°20'58" E	90°23'19"
C3	10.00	22.51	18.05	S 64°37'18" W	128°58'38"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C4	522.47	142.89	142.44	N 58°45'05" W	15°40'09"
C5	522.47	20.87	20.87	N 67°43'50" W	02°17'21"

### GENERAL NOTES:

- Title information from Mesa County real property records and from Abstract title Co. Title Company, File No. \_\_\_\_\_ effective date \_\_\_\_\_
- Basis of bearing from U.S. Bureau of Reclamation map "Tract 25", 6-15-84, Reception Number 1369050, = N89°40'26"W 1318.24' Between Mesa County Survey Markers for the S.E. Corner and the S.W. Corner of the SE1/4 SE1/4 Section 5, Township 11 South, Range 98 West of the 6th Principal Meridian.
- Access to abutting properties between Interstate 70 and U.S. Government Highline Canal is via easement rights granted in "Commons Easement", Book 4287 Page 700.

DESC.	ACRES	PERCENT
LOT 1	5.00	49.75%
LOT 2	5.05	50.25%
TOTAL	10.05	100.00%

### SURVEYOR'S STATEMENT

I, Richard A. Mason, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the accompanying plat of Grand River Minor Subdivision, a subdivision of a part of the Town of Palisade, County of Mesa, State of Colorado, has been prepared by me and/or under my direct supervision and accurately represents a field survey of the same. This statement is applicable only to the survey data represented hereon, and does not represent a warranty or opinion as to ownership, liensholders, or quality of title.

EXECUTED this 3 day of April, 2008

Richard A. Mason  
Registered Professional Land Surveyor  
No. 18469

ROLLAND ENGINEERING  
405 Ridge Blvd  
Grand Jct. CO 81503  
(970) 243-8300

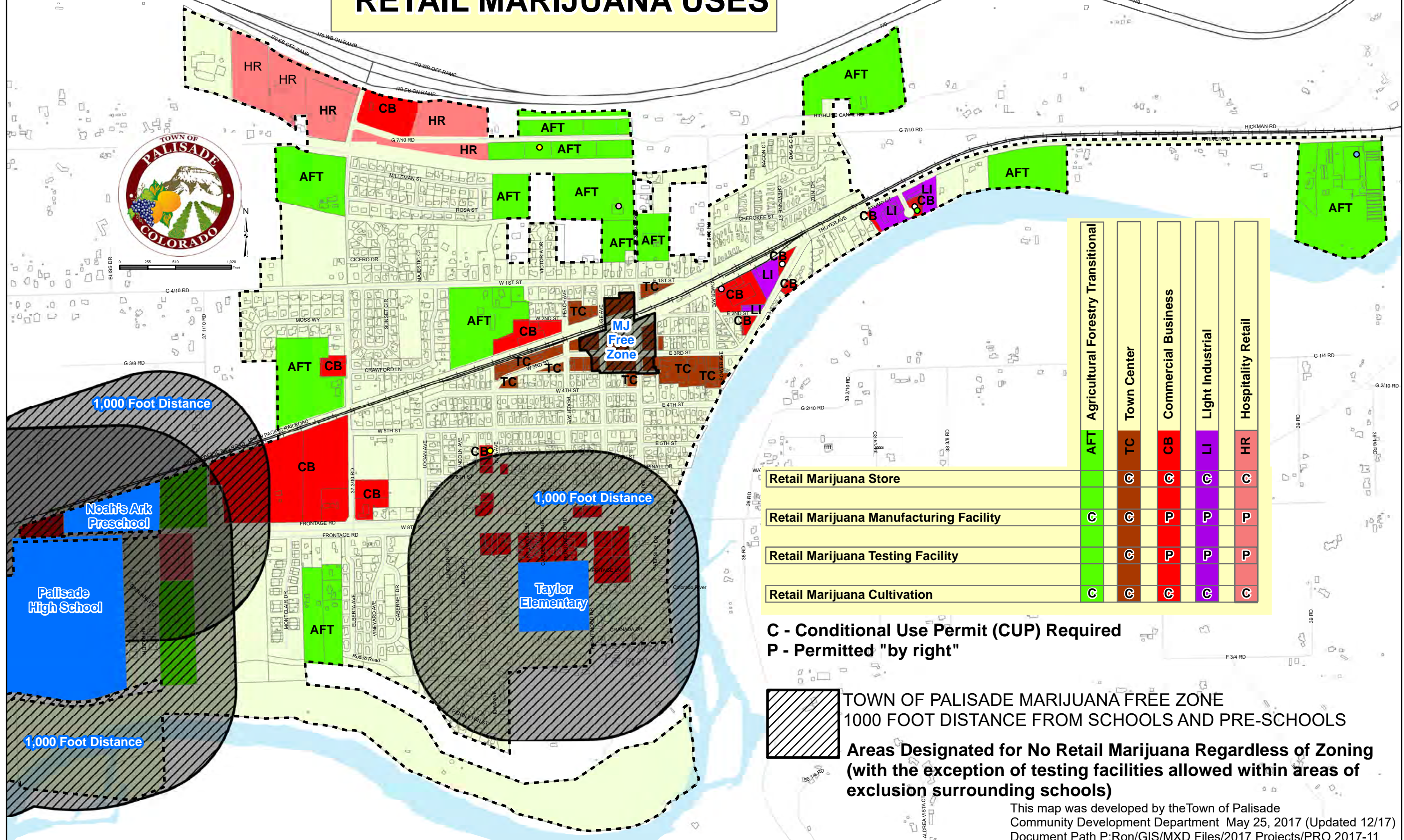
PROJECT: C:\PROJECTS\A7226\A7226PLAT.DWG  
A REPLAT OF A PORTION OF GRANDE RIVER P.U.D.  
IN THE SE1/4 OF SECTION 5  
IN T11S, R98W, OF THE 6TH P.M.  
MESA COUNTY COLORADO

Designed	Checked	RAM	Printed	A7226	Sheet	1
Drawn	Date	4/03/08	P.		of	2

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

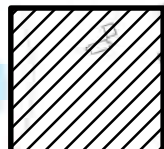


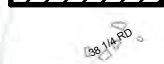
# DESIGNATED ZONING FOR RETAIL MARIJUANA USES



	AFT	TC	CB	LI	HR
<b>Retail Marijuana Store</b>	G	G	G	G	C
<b>Retail Marijuana Manufacturing Facility</b>	G	G	P	P	P
<b>Retail Marijuana Testing Facility</b>	G	G	P	P	P
<b>Retail Marijuana Cultivation</b>	G	G	G	G	C

**C - Conditional Use Permit (CUP) Required**  
**P - Permitted "by right"**

 **TOWN OF PALISADE MARIJUANA FREE ZONE**  
**1000 FOOT DISTANCE FROM SCHOOLS AND PRE-SCHOOLS**

 **Areas Designated for No Retail Marijuana Regardless of Zoning (with the exception of testing facilities allowed within areas of exclusion surrounding schools)**

This map was developed by the Town of Palisade Community Development Department May 25, 2017 (Updated 12/17)  
 Document Path P:\Ron\GIS\MXD Files\2017 Projects\PRO 2017-11



March 18, 2021

Partners

Barbara R. Butler  
William S. DeFord  
Nathan A. Keever  
Michael A. Kuzminski\*  
Christopher G. McAnany\*  
Annie D. Murphy\*~  
John R. Pierce+  
Sam D. Starritt◇

Palisade Board of Trustees  
c/o Janet Hawkinson, Town Manager  
P.O. Box 128  
Palisade, CO 81526

Of Counsel

Shelly S. Dackonish

via email to [jhawkinson@townofpalisade.org](mailto:jhawkinson@townofpalisade.org)

Associates

Jon T. Burtard  
Samuel H. Fresher  
Kate E. Jaquith  
Charlotte L. McEwen  
Lauren F. O'Dell\*  
Bruce C. Walters

RE: Loughman/Colorado Weedery Conditional Use Permit Application  
for a Retail Marijuana Store on the Grande River Vineyards  
Property

Dear Board of Trustees:

I attended a Planning Commission hearing on a CUP application of the Loughmans for the Grande River Vineyards property on behalf of Richard and Jean Tally who own the Wine Country Inn. At that hearing I heard several things which surprised me, and which I believe warrant cancellation of the Town Council's public hearing on the Loughman's CUP application for the Colorado Weedery, or at the very least, a postponement thereof until the applicant can provide sufficient information to allow the Board to find the approval criteria for a CUP are met.

**1. Colorado Weedery does not have a license for a new retail marijuana store.**

As stated in my letter to the Planning Commission and Board of Trustees, which is in the record for the Loughman's CUP application, I believe the granting of such a license would violate the Town of Palisade's Code. First, it violates the moratorium on new marijuana establishments. I think the plain language of the moratorium, and the public's expectation of what it means, prohibits Loughman from opening a new recreational marijuana store in Palisade. Second, the Town Code states that each owner is limited to only one store. Therefore, allowing Loughman to open up a second store, regardless of what "type" of license it is, violates that provision of the Town's code.

To grant a conditional use permit, the Board must find that the application meets all required specifications and conforms to the standards and practices of sound land use planning and **all other applicable regulations**. It is simply not

Retired Partners

William H.T. Frey  
Richard H. Krohn  
Laird T. Milburn

D. J. Dufford  
(1919-1998)

William G. Waldeck  
(1923-2009)

+ Also admitted in Oregon  
\* Also admitted in Utah  
~ Also admitted in Wisconsin  
◇ Also admitted in Wyoming

possible to make such a finding without a determination whether Loughman's new retail marijuana store can be licensed without violating the moratorium and the prohibition of an owner operating more than one store.

**2. A traffic study is required but none has been undertaken.**

Mr. Rusche's staff report states that a traffic study is required to demonstrate what impacts the proposed use will have on the Elberta Avenue intersection and whether improvements would be necessary to accommodate the proposed use. No traffic study was presented by the applicant with its application or at the Planning Commission hearing; no traffic study has been reviewed by the Town staff.

Issuance of a conditional use permit requires findings that (1) the application meets all required specifications, standards, and regulations of the Town, and (2) the use as proposed will not materially endanger the public health or safety, **according to the plans as submitted and approved.** Neither of these findings can be made without the benefit of the traffic study and input thereon from the Town and CDOT as to the impacts to Elberta Avenue and the I-70 interchange and recommended requirements for addressing those impacts.

Approval of a CUP also requires a finding that the proposed land use will not substantially injure the value of or be detrimental to neighborhood properties or their development or use. Without benefit of the required traffic study, such a finding cannot be made.

**3. Parking information is insufficient.**

Mr. Rusche's staff report stated that 22 parking spaces are required and that there are only 12 parking spaces shown in the application, including 1 handicapped space, but that a more detailed parking design needs to be provided.

Issuance of a conditional use permit requires findings that the parking requirement is met, **according to the plans as submitted and approved,** and that the application meets all applicable planning standards and Town regulations. The Board cannot make such findings unless the application demonstrates that the parking requirements are met, which is not the case here. Mr. Rusche's apparent assertion that these can be handled later is legally incorrect; the CUP criteria the Board has to consider necessitate that the application itself must demonstrate that the parking requirements are met.

Given the foregoing, the CUP application is not ripe for consideration by the Board of Trustees and will not be until the marijuana license can be issued, the traffic study is produced, and the on-site parking is detailed in the application materials. Therefore, Richard and Jean Tally request that the Board of Trustees table its consideration of the Loughman's CUP application until

Palisade Board of Trustees  
March 18, 2021  
Page 3

such time as (1) the application is complete (including a traffic study, planning staff and CDOT's comments thereon, and sufficient details of on-site parking to clearly demonstrate that the required number of parking spaces are available on-site and property improved), and (2) a license is granted for Loughman to open a second marijuana store in Palisade.

In addition, because the Planning Commission did not have benefit of the traffic study and made a recommendation based on insufficient on-site parking, its recommendation was not based on sufficient findings of fact. The spirit, if not the letter, of the Town's land use code requires a re-hearing by the Planning Commission as well once that further information becomes available.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Shelly S. Dackonish".

Shelly S. Dackonish

cc: Brian Rusche, Planning Director (by email)  
Client (by email)

February 25, 2021

Partners

Barbara R. Butler  
William S. DeFord  
Nathan A. Keever  
Michael A. Kuzminski\*  
Christopher G. McAnany\*  
Annie D. Murphy\*~  
John R. Pierce+  
Sam D. Starritt◇

Brian Rusche, Town Planner  
Town of Palisade Planning Commission  
Town of Palisade Board of Trustees  
175 East 3<sup>rd</sup> Street  
P.O. Box 128  
Palisade, CO 81526

Of Counsel

Shelly S. Dackonish

Via email to [brusche@townofpalisade.org](mailto:brusche@townofpalisade.org)

Associates

Jon T. Burtard  
Samuel H. Fresher  
Kate E. Jaquith  
Charlotte L. McEwen  
Lauren F. O'Dell\*  
Bruce C. Walters

Re: Conditional Use Permit Application for Marijuana  
Operations at 787 37 3/10 Road (Grande River Vineyards)  
Applicants: Colorado Weedery, Steve Smith, Jesse and Desa Loughman

Dear Mr. Rusche, Planning Commissioners, and Board of Trustees:

I represent Richard and Jean Tally who own the Wine Country Inn, which is located immediately to the west of Grande River Vineyards (the "GRV Property") in the Town of Palisade. My clients vigorously object to the proposed use of the GRV Property for any marijuana operations, and for the reasons stated in this letter request that the above-referenced application be denied.

Retired Partners

William H.T. Frey  
Richard H. Krohn  
Laird T. Milburn

I. **Noxious Odor.**

The Weedery on GRV Property will be detrimental to the Wine Country Inn due to the pungent, offensive odor emitted by the proposed marijuana operations, which is typically described as skunk-like, sewer-like, and a combination of skunk and sulfur. The offensive smell travels long distances – 1500 yards or more typically. The Wine Country Inn's outdoor event area, pool and spa area, and Vintner's House are a mere 500 feet from the GRV Property, and the whole Inn property is well within this typical odor radius. In case you are not familiar with the Inn, it has an outdoor event area where weddings, anniversary and retirement parties, and other similar major life events that are very important to people, are held. The odor will fully permeate our outdoor venue making it an extremely unpleasant experience for those folks. The odor will also infiltrate and permeate guest rooms, lobbies, dining areas, meeting rooms, and other indoor spaces through the air intakes. It will offend guests and deter bookings, making the loss of income and value of the property enormous. As news travels fast in this era of social media and online hotel review, my clients are frankly concerned that a marijuana operation next door would quickly run the Inn into the ground.

D. J. Dufford  
(1919-1998)

William G. Waldeck  
(1923-2009)

+ Also admitted in Oregon  
\* Also admitted in Utah  
~ Also admitted in Wisconsin  
◇ Also admitted in Wyoming

SHelly S. DACKONISH  
970-248-5863  
dackonish@dwmk.com

Brian Rusche, Town Planner  
Town of Palisade Planning Commission  
Town of Palisade Board of Trustees  
February 25, 2021  
Page 2

It is also possible that the lingering foul odor from marijuana plants will negatively affect our vineyards on Ten Acre Farm located just to the west of our Inn, although that potential effect is less certain. It is well known that grapes pick up odors and flavors from the air and soil; for example, oil from eucalyptus trees near vineyards attaches to the waxy surface of grapes, and persistent presence of wildfire smoke impacts the flavor and aroma of grapes.

In spite of this considerable risk to neighboring properties such as the Wine Country Inn, the Loughmans' CUP application does not mention a single odor mitigating proposal to protect neighboring businesses and land uses (no carbon filters, particle arrestance filters, scrubbers, or fog systems).

## II. Access and Traffic.

Additionally, the Weedery will negatively affect the traffic flow and access, inhibiting the flow of traffic to and from the Inn. The CUP application file indicates that traffic has been a problem at the Colorado Weedery's present location. The Weedery will bring all that traffic onto our very narrow access road and make it difficult for guests and employees to come and go. Many guests of the Wine Country Inn use the shared access for bicycle and pedestrian traffic to go into town and tour around the area; the increased traffic, which again is already problematic at the Weedery's present location, will put these guests in danger on the narrow access. In addition, the guests of the Inn frequently enjoy the horse-drawn carriage and pedicab businesses that pick them up for tours of Palisade; the narrow shared-access road is not suitable for the increased vehicular traffic in combination with the existing Inn traffic. Moreover, the access point at Elberta is already less than ideal, being too close to the I-70 off and on ramps and having no good left turn onto the access road for northbound traffic.

## III. Signage

Although the proposed signage for the Weedery is not described in the CUP application, the existing signage has created confusion that the Inn is part of Grande River Vineyards. It will be very damaging to the image of the Wine Country Inn if the Weedery uses the existing signage and gives the false impression that the Wine Country Inn is part of the Weedery, or vice versa. The Wine Country Inn is a smoke-free and illicit drug-free property, and the owners do not want any impression that it is a pot hotel, which is a very different image than the one the Inn has successfully cultivated.

## IV. CUP Criteria Are Not Met by the Application

The CUP criteria are not met by the application and we believe that they cannot be met for the proposed land use on GRV Property. Pursuant to the Town's Land Development Code (the

“Code”), Section 4.07 B., a conditional use may or may not be appropriate depending on the location and the conditions imposed. Conditions are to be imposed to “reasonably mitigate **any** adverse impacts upon surrounding properties.” (Code, Section 4.07 B.) None of the adverse impacts are mitigated by the application. The Code states that no conditional use permit shall be approved unless the applicant has shown (among other criteria, which are discussed farther below) that the use proposed in the application will **not**:

- a) substantially injure the value of adjoining or abutting properties;
- b) be detrimental to the use or development of adjacent properties or other neighborhood uses;
- c) adversely affect the adopted plans and policies of the Town;
- d) violate the character of existing standards for development of the adjacent properties.

(Code, Section 4.07 E. 3. and 4.) The foregoing criteria are not met, and cannot be met, by the application. Because the foul odor will sharply and quickly decrease bookings, events, visits and stays at the Inn, the proposed use of the GRV Property will substantially injure the value of the abutting and adjoining Wine Country Inn property and will be severely detrimental to the use and development and use of the Wine Country Inn. It is worth noting that the Tallys have invested \$11.1 million dollars in the Wine County Inn and stand to lose a significant portion of the value of that investment if the Town grants a CUP for the applicants’ proposed marijuana operations next door. That investment has likewise greatly benefited the local economy, and the deleterious effects of the Weedery on GRV Property will diminish those benefits as well.

The proposed marijuana operations on GRV Property will also adversely affect the adopted plans and policies of the Town, as follows:

Marketing Plan. The Town’s recently developed Marketing Plan emphasizes tourism and outdoor recreation and does not include the marijuana industry as an economic driver or as something to be capitalized upon for the growth and image of Palisade. Tourism and outdoor recreation will be adversely affected by a foul-smelling marijuana operation on the GRV Property, frustrating a key goal of the Marketing Plan. Also, the contribution of the Inn to the local economy has been significant and a concomitant loss in that contribution can also be expected if the Colorado Weedery goes in next door. In addition, the decrease in guests of the Inn will negatively affect these other businesses as well, such as the horse-drawn carriage and pedicab businesses that take Inn guests to tours of the Town and area.

Comprehensive Plan. The Town’s Comprehensive Plan’s vision for the Town of Palisade is to “**preserve and enhance the agricultural village atmosphere of Palisade**

Brian Rusche, Town Planner  
Town of Palisade Planning Commission  
Town of Palisade Board of Trustees  
February 25, 2021  
Page 4

**while fostering tourism, economic growth and prosperity to create an attractive and vibrant community for residents and visitors.”** The proposed Weedery operations on GRV Property will not further this vision; it will have a deleterious effect on tourism and the agricultural village atmosphere of Palisade. The odor will drive out both in this area of Palisade.

The HR district is intended to implement and correspond in part to the Comprehensive Plan’s “Commercial-Agricultural/Lodging” land use designation (Code, Section 5.04 D.), which is for “special types of commercial activity intended to be compatible with the Town’s rural and agricultural character while encouraging increased tourism.” (Comprehensive Plan, Ch. 3, p. 3-12). That designation encourages “similar uses” such as “a tastefully designed lodging establishment that would be compatible with agricultural surroundings.” The proposed Weedery on GRV Property completely frustrates these goals of the Town’s Comprehensive Plan.

The Weedery application will also violate the character of the standards for development of adjacent properties, violating criterion d), excerpted above. This includes but is not limited to the Wine Country Inn, which has adhered to a high standard of development, creating a lovely oasis for visitors to the area and a prime venue for major life events of locals and visitors. Moreover, the Hospitality Retail (HR) zone district is “[e]stablished to provide for **hospitality** and retail development along I-70 in the vicinity of Exits [sic] 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. Development within the HR district will exhibit a design continuity, compatible and complementary to the historic Town and to its existing wineries and agricultural uses.” (Code, Section 5.04 D., **emphasis added**). The Weedery operation on GRV Property will significantly impair the hospitality component of the HR zone district, including but not limited to that of the Wine Country Inn, all but ruining the primary purpose for the zone district. A malodorous land use such as the Weedery, together with the significant traffic impacts on the narrow shared-access road is simply not compatible with the HR zone district or the neighborhood in which the GRV Property is located.

#### V. Application and Site Plan are Deficient

The application and site plan provided by the applicants do not provide sufficient information for the findings of fact which must be made to approve a CUP. A CUP is a special type of land use permit which, because it relates to a use not allowed by right within a zone district, and once granted it runs with the land for the duration of the use, the Town Board must review it for compatibility with adjacent uses in a special, individual review. (Code, Section 4.07 2.) In addition to the criteria discussed above in Section IV of this letter, the Board must find all of the following:

1. The CUP is consistent with the adopted plans and policies of the Town (Code, Section 4.07 D.7.b.);
2. The CUP is reasonable and in the public interest (including stating the reasons why) (Code, Section 4.07 D.7.b.);
3. 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 (Code, Section 4.07 E.1., emphasis added); and
4. The application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations (Code, Section 4.07 E.2., emphasis added).

The application does not contain sufficient information for the Board to make the required findings.

The application does not demonstrate whether or how the CUP is consistent with the adopted plans and policies of the Town. The application and site plan do not show, as required by #4 above, that the Weedery will meet the minimum use-specific standards for retail marijuana establishments set forth in Code Section 7-12 M., which include the following:

- i. Minimum distance from schools;
- ii. Limited hours of operation;
- iii. Limited hours of delivery;
- iv. Limited shipping and receiving hours;
- v. Best available filtration system;
- vi. Boundaries of the odor, including that the odor of marijuana will not be perceptible at the exterior of the building, the exterior of the licensed premises or at any adjoining use of the property; and
- vii. Where cultivation will occur, including that any cultivation must be indoors.

The application does not describe any filtration system, odor containment or elimination, or the means thereof. It does not demonstrate that the odor will not be perceptible outside the building or on Wine Country Inn property.

The site plan does not show how the applicants propose to use the full site, including the band shell and several acres of vineyards. Even assuming the site can be “separated” for purposes of this CUP into two areas (the building site and the fields as an “outparcel”), the Code still requires that “the application shall describe the relationship of the outparcel to the remaining site.” (Code, Section 4.07 4.) The application does not describe how the vineyards will be used by the applicant at all, let alone the relationship of them to the building site. Therefore, the information in the



Brian Rusche, Town Planner  
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application is not sufficient at this time for a finding that the application meets the standards and practices of sound land use planning or that it is compatible with and will not harm surrounding land uses.

The application does not show whether and where grow operations will take place in the building or on the property. Is the applicant going to have outdoor music or other events in the band shell? If so, how many and how often? Will the Weedery be open for business during such events? Will the fields be cultivated, wasted, or converted, and if the latter, to what? In order to make a determination that the proposed use complies with the CUP criteria, which are set forth above, additional information is required. At a minimum, the matter should be remanded to the applicant for a more fully developed site plan showing the use of the full property and addressing fully all the CUP criteria.

#### VI. Moratorium

Because the Loughmans will continue to operate a marijuana grow and shop at their current location in Town in addition to the proposed new location, the Loughmans' application for a Weedery on GRV Property creates a new licensed facility within the Town and violates the spirit of the Town of Palisade's marijuana business moratorium (Ordinance No. 2021-2). It makes little sense to have a moratorium if existing licensees can simply move part of their operations to other locations within the Town, thereby effectively increasing number of marijuana locations, which is what the moratorium is intended to prevent. Therefore, the CUP application should be denied on that basis, as well as on the application's failure to meet the CUP criteria, and the Weedery's deleterious effect on neighboring businesses and property values.

#### VII. Hemp

Although not addressed in their current CUP application, my clients are concerned that the Loughmans intend to replace the five-plus acres of vineyards on the GRV Property with hemp. Conversion to hemp would significantly increase the already deleterious odor problems, permanently change the character of the area, stray far from the HR zone district standards, and ruin the hospitality component which is the primary reason for the zone district. As mentioned above, without a full picture of how the entire site will be used by the applicants, the Board cannot make the necessary findings to approve the CUP. It would also be impractical and foolish not to consider the applicants' overall plans for the property when considering allowing a use that is not allowed by right in the zone district. Moreover, "a development comprised of uses regulated by separate rows of the table shall be reviewed using *the most restrictive process* from among the proposed uses," (Code, Section 4.07 B.3.). A hemp grow requires a CUP (Ordinance No. 2021-3) and has its own restrictive use-specific criteria (Code, Section 7.03 F). Considering a CUP for

Brian Rusche, Town Planner  
Town of Palisade Planning Commission  
Town of Palisade Board of Trustees  
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only part of the GRV Property without considering the hemp fields does not employ the most restrictive process for the uses that the applicants will make of the Property.

VIII. **Conclusion and Relief Requested**

For the reasons stated in this letter, Richard and Jean Tally respectfully request that the Loughmans' CUP application for marijuana operations on GRV Property be denied.

Sincerely,



Shelly S. Dackonish

cc: Client



3839 G Road Palisade, CO 81526

March 9, 2021

Town of Palisade  
Attn: Board of Trustees  
PO Box 128  
Palisade, CO 81526

Dear Mayor and Fellow Trustees,

You are about to make a decision on an application for a CUP on property at 787 Elberta Avenue to allow a recreational marijuana store. Please accept this letter as strongly opposing this approval on the grounds that it does not comply with the standards as such.

Section 4.07 Conditional Use page 4-17

*E. Findings of Fact*

*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.*
- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.*
- 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.*
- 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.*

This is not to be misunderstood as an objection to retail marijuana but to the location as requested. We are not against a business wanting to expand. We are asking that the owners and the Planning Commissioners take into consideration the success and the impact on neighboring businesses. There are less impactful locations in Palisade to pursue. The Wine Country Inn and Talon Wine Brands are the most effected. It would have a negative appearance to the guests at both establishments. Weddings that take place outside would have a direct view of the Pot shop instead of a lovely winery and vines. Despite the comments in the Daily Sentinel there would be no advantage to keeping vines for a Marijuana facility. That entire area of Grande River drive emits a Wine theme that the hotel markets strongly.

The area of Exit 42 off I-70 has been identified as the gateway to Palisade, the first impression to our visitors will go from Fruit and Wine to Fruit and Weed. A great deal of money and effort over the last ten years has been spent to make Palisade a destination in its own right and not the shadow of Grand Junction. It has been a challenge but we have arrived and looking at the number of visitors we had in 2020 despite COVID proves that. Visitors love our small town and the agricultural surroundings. And yes, we have two retail marijuana shops, not in their face with loud colors and neon signs, but discreet and professional.

Mr Mayor and Trustees, I ask that you preserve our town character and culture and deny this application and to consider the impact of your decision on two other important businesses to the Town of Palisade and to the overall future of Palisade Tourism.

Respectfully,

Juliann Adams  
Owner, Vines 79 Wine Barn



March 9, 2021  
Town of Palisade  
Planning Commission

Commissioners:

You will be reviewing a request for a CUP for the relocation of the Colorado Weedery from its current location on Peach Ave. to a location at Grande River Vineyards. Granting this request is not in the best interest of the community, the wine industry in the area, nor the adjacent property owners.

Palisade and the surrounding area have consistently promoted itself as the Fruit and Wine area of Colorado. Even the name for the scenic byway around the community is the Fruit and Wine Byway. Grand River Vineyards is located at the gateway to the community on the Elberta and I-70 interchange at exit 42. It has been a landmark attraction at that gateway, one of the earliest Wineries in the state and a highly visible location for travelers on I-70. While there can be no guarantee that it will always be a winery, it is NOT the location for the proposed Weedery. The applicants have publicly stated that they do not plan to operate the winery that is currently at the location (per the Grand Junction Sentinel article on Feb 18<sup>th</sup>.) Allowing a recreational Marijuana dispensary to locate at that particular location will undoubtedly create issues for the surrounding property owners by causing increased traffic on the access road to the winery and the Wine Country Inn while diminishing the appeal of the Fruit and Wine Byway and the adjacent properties that the town and surrounding areas promote so heavily. In addition, by allowing the business to be relocated to that location there will be a detrimental impact on other businesses in the town. According to the applicant, "if the location is moved, that would mean his retail customers would not have to drive through downtown Palisade anymore to visit his store." (again, per the Grand Junction Sentinel article on Feb 18<sup>th</sup>.)

Per the Land Development Code for the Town of Palisade In the LDC Section 407 Part E: Dealing with the Findings of Fact:

Item 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"

Item 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."

Neither of these two "Findings of Fact" can be supported at this location.

While I applaud the business success that the applicant has enjoyed at the current location and would be supportive of relocating the business to a different location, the current application and location under consideration will do nothing to improve the overall image of the town, nor enhance the continued promotion of the things that the town is known for throughout the state.

I hope both the Planning Commission and the Board of Trustees agree, approving this CUP is not in the best interest of the community, and does not deserve approval.

Sincerely  
Donald Bosch  
515 Milleman Street  
Palisade, Colorado 81526

Planning Commission  
Town of Palisade  
175 East Third Street  
Palisade, CO 81526

Ladies and Gentlemen:

As the vineyard manager and potential wine maker for the proposed Ten Acre Farm winery, I would like to register my strong objections to any prospective variance or usage of Grande River Vineyards Winery and its land for the cultivation or sale of marijuana or hemp.

Such an approval would be extremely detrimental to not only the operations of Wine Country Inn and St. Kathryn's winery, but also to the residents who live adjacent to that property. Besides the increased transient traffic to a retail outlet, the stench of either growth would be overwhelming for the businesses and residents nearby.

Then the prospect of increased water consumption to grow such crops threatens the grapevines already under cultivation and the growers who share the irrigation system that serves GRV, Ten Acre Vineyards and the other owners beyond.

I have had a long association with Wine Country Inn as Vineyard Manager and as former winemaker for them and GRV. I can vouch for the fact that the Tally family routinely contributes to the local wine industry by showcasing the many products offered by local wineries and by promoting local businesses to their guests. They have invested and continue to invest in upgrades to their hotel and vineyards and continue to provide a positive introduction to the town of Palisade for the many visitors who stay with them or come to weddings and events at their hotel.

In short, any proposed variance to grow and sell marijuana and/or hemp nearby is a bad idea that will have a negative impact on adjacent businesses, neighbors and the town. Please reject the variance request.

Sincerely,

Rainer Thoma  
VENDANGE LLC.

To: Town of Palisade Board of Trustees

From: Lafe Wood (383 W First St)

RE: Conditional Use Permit - Colorado Weedery

Date: March 18<sup>th</sup>, 2021

I regret being unable to attend your meeting, but I am writing to express my opposition to the granting of a Conditional Use Permit to Colorado Weedery for the relocation of their recreational marijuana business to the Grande River Vineyards property at 787 N Elberta Ave.

I think that it is poor planning and land use to allow a retail marijuana business in between longstanding wine-based businesses. Allowing a marijuana dispensary to locate between St. Kathryn Cellars and Wine Country Inn would ruin our town's lovely "wine district" that draws visitors off the interstate. While I have no doubt that a marijuana establishment would also draw in traffic, these visitors would not be likely to spend a night or check out other local businesses in the same way that wine lovers do.

Per the Land Development Code, one of the findings of fact that must be satisfied for a CUP to be granted is 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." Allowing this use would absolutely be detrimental to the current use of the adjoining properties and could only negatively impact their value.

Imagine you are an out-of-state visitor and you are wine tasting at St. Kathryn Cellars. The sommelier has just handed you a glass and you are trying to appreciate and analyze the "bouquet" of a new wine, but all you can smell is an aroma that is reminiscent of cat urine. Welcome to Palisade! I live within a few blocks of Colorado Weedery's current location and I can tell you that the smell of marijuana is pervasive. The refrain we always hear with any new marijuana business is that there will be "no detectable odor." This is just not the case. That is why lawsuits are currently flying in the Sta. Rita Hills viticultural area near Santa Barbara where the county voted to allow marijuana operations to move in next to vineyards of wine grapes.

Grande River Vineyards has represented Colorado winemaking for over three decades and this iconic property is part of the gateway to our town, the face that we put forward to the world. I do not think we really want to be known for having the biggest pot shop around. Are we trying to be the next Debeque or Parachute? I think Palisade is so much more than this. Let's aim higher!

Respectfully,

Lafe Wood

To: Town of Palisade Planning Commission

From: Lafe Wood (383 W First St)

RE: Conditional Use Permit - Colorado Weedery

Date: March 9<sup>th</sup>, 2021

I am writing to express my opposition to the granting of a Conditional Use Permit to Colorado Weedery for the relocation of their recreational marijuana business to the Grande River Vineyards property at 787 N Elberta Ave.

I think that it is poor planning and land use to allow a retail marijuana business in between longstanding wine-based businesses. Allowing a marijuana dispensary to locate between St. Kathryn Cellars and Wine Country Inn would ruin our town's lovely "wine district" that draws visitors off the interstate.

While I have no doubt that a marijuana establishment would also draw in traffic, these visitors would not be likely to spend a night or check out other local businesses in the same way that wine lovers do.

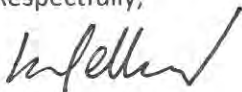
Per the Land Development Code, one of the findings of fact that must be satisfied for a CUP to be granted is that "the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses." Allowing this use would absolutely be detrimental to the current use of the adjoining properties and I think could only negatively impact their value.

Imagine you are an out-of-state visitor and you are wine tasting at St. Kathryn Cellars. The sommelier has just handed you a glass and you are trying to appreciate and analyze the "bouquet" of a new wine, but all you can smell is an aroma that is reminiscent of cat urine. Welcome to Palisade!

I live within a few blocks of Colorado Weedery's current location and I can tell you that the smell of marijuana is pervasive. The refrain we always hear with any new marijuana business is that there will be "no detectable odor." This is just not the case. My heart goes out to those who live even closer to the Weedery than I do.

Grande River Vineyards has represented Colorado winemaking for over three decades and this iconic property is part of the gateway to our town, the face that we put forward to the world. I do not think we really want to be known for having the biggest pot shop around. Are we trying to be the next Debeque or Parachute? I think Palisade is so much more than this. Let's aim higher!

Respectfully,



Lafe Wood

March 15, 2021  
Town of Palisade  
Planning Commission

Commissioners:

My name is Casey Sumnicht and I live at 229 W. 1<sup>st</sup> Street. I am writing to voice my support for the Colorado Weedery to relocate to 787 37 3/10 Road. As we are all aware the citizens of Palisade voted in favor of allowing marijuana dispensaries and grow operations in the Town of Palisade. These businesses provide a vital tax benefit to the town of Palisade, but understandably these are the kinds of businesses that citizens support as long as they're "not in my backyard." In my case, the Colorado Weedery is directly behind my house, so it literally is only a few feet from my backyard. When we bought our home a little over a year and a half ago, we realized that the dispensary was right behind the home we were purchasing, but we didn't realize all the traffic and parking issues that would come with it. We also didn't know how pervasive and constant the smell of marijuana would be from the grow operation even though the current CUP states that there should be "no detectable odor". It's a strange conversation to have with my 5-year-old daughter every time we play in the backyard and she asks, "what's that bad smell"?

Having lived in the front range and other mountain towns in Colorado for many years I can't for the life of me understand how the Town of Palisade ever allowed a dispensary and grow operation to be this close to a residential neighborhood? In my mind this shows poor planning and a clear lack of a comprehensive plan on behalf of the Town of Palisade. I'm hopeful that those wrongs can be righted with the new location.

During the last year, the traffic, parking, and safety issues that our neighborhood has experienced have been well document in meetings with the Town Manager and the Board of Trustees. One of our neighbors who has lived in the neighborhood for the past 8 years has said that prior to the opening of the Colorado Weedery in 2017 none of these issues existed. In all honesty, by working together we have improved some of the issues, but the traffic generated by the Weedery is still a problem. Simply put, the Weedery is too busy to continue in the current location and the traffic will only get worse as we welcome hundreds of new visitors into Palisade each week with the opening of the Plunge.

I'd also like to point out that from what I can tell the Weedery's customers are purely transactional, meaning they exit the highway into Palisade, make their purchase, and then leave town. The idea that the Weedery's customer will spend additional time and money in Palisade isn't happening. The only thing it's doing is bringing unnecessary traffic, parking, and safety issues into town and our neighborhood.

The other thing to keep in mind is that at some point in the near future, the town of Grand Junction will likely legalize the sale of recreational marijuana. Obviously, this will lead to a reduction in sales for the Weedery and less tax dollars for the Town of Palisade. Being proactive now and allowing the Weedery to move to the new location closer to the highway will help to mitigate the loss of sales.

Again, I understand that some businesses in Palisade do not want the Weedery to occupy the new location, but the new location will greatly improve our neighborhood and put the dispensary in a location close to the highway, where it should have been from the



beginning. The new location is larger in size to accommodate the Weedery's growing business, it has more parking spaces eliminating the parking issues, it's located next to the highway which will eliminate the unnecessary traffic into Palisade and position the Weedery in a better location should Grand Junction pass recreational marijuana laws, and finally its central location on the property places a large buffer from neighbors and businesses. If the Weedery was allowed to occupy its current location, why wouldn't it be allowed to occupy the new location?

I ask that the Planning Commissioners approve this CUP and allow the Colorado Weedery to move to the new location. Thank you for your time and consideration.

Sincerely,  
Casey Sumnicht  
229 W. 1<sup>st</sup> Street  
Palisade, CO 81526

March 16, 2021

Brian Rusche, Town Planner  
Town of Palisade Planning Commission  
Town of Palisade Board of Trustees  
145 East 3rd Street  
Palisade, CO 81526

VIA email: [kfraisier@townofpalisade.org](mailto:kfraisier@townofpalisade.org)

Re: PRO 2021-3, CUP for Marijuana Operations at Grand River Vineyards

Dear Mr. Rusche, Planning Commissioners, and Board of Trustees:

I am writing in opposition to the request for moving the Colorado Weedery from its current location to the Grande River Vineyards location.

I would like to echo and emphasize the sentiments listed in Lafe Wood's letter, and wanted to add my own personal feelings on the matter.

When I lived in Denver and drove home from Moab trips, I would always see Palisade from I-70. This view predominately featured the Marquis Grande River Vineyards and orchards. I always said to myself: "Wouldn't that be a nice place to live?" Twenty year later, my wife and I built our home here. We live in the Vinelands now and grow vines and make wine and jam from them as a hobby. We are a testament to the iconic draw Palisade has from the interstate. One of the least enjoyable aspects of life in Denver was the aromas of the weed shops, particularly near our home at the exit of 6<sup>th</sup> Avenue and I-25. I use the I-70 exit to Palisade daily and would hate to experience that again.

Palisade is known in the region for the fruit and wine. The first thing anyone mentions when they hear we live in Palisade is the peaches. A marijuana theme at the town entrance will detract from the pride of the agriculture in the area. Do we want the new image and impression of Palisade to be that of marijuana?

Allowing the Grande River Vineyards location to become a Weed Megastore would sully the image, smell, and allure of Palisade.

Respectfully,



Donelson and Melissa Lawry  
3882 G Road  
Palisade, CO 81526

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**From:** winevalleyinn@aol.com <winevalleyinn@aol.com>

**Sent:** Tuesday, March 16, 2021 2:30 PM

**To:** Lydia Reynolds <lreynolds@townofpalisade.org>; winevalleyinn@aol.com <winevalleyinn@aol.com>

**Subject:** Planning meeting 3/16/2021 // CUP for pot shop // public comment

Palisade Planning Commission  
3/16/21

Thank you for your service on behalf of Palisade residents.  
Please consider this input regarding the proposed CUP and relocation of one of our pot shops.

1. Since the start of recreational pot sales in Palisade, traffic in town has increased significantly. Nowhere is this more apparent than at the intersection of 1st & Elberta. We estimate an additional 400-500 vehicles per day use this intersection since the start of recreational sales. The impacts are tremendous, and our quality of life, as well as our business has been greatly affected. If the Weedery moves up to the exit 42 area, we believe some of this traffic problem will be removed.
2. We do not believe that the majority of the recreational pot customers, (from either location), spend money at other Palisade retailers, and so moving these transactions out of the town core will have little negative impacts on local business. This is not the desirable tourist traffic that would be diverted.
3. While we are very sad to loose a wonderful winery, and a good friend in Steve, we understand that the building has been for sale for some time, and that's not good for the town either. The possibility of other, more objectionable operations at that location may exist. In this scenario, we at least know that the prospective owners live in Palisade, and have shown a sincere interest in the future of the town.

**Michelle and Dave Walker**  
**588 West 1st**  
**Palisade, CO 81526**  
**[Palisade Wine Valley Inn](#)**  
**970-464-1498**

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**From:** Phillips Virginia <vmp\_77@yahoo.com>  
**Sent:** Tuesday, March 16, 2021 7:46 PM  
**To:** Lydia Reynolds <lreynolds@townofpalisade.org>  
**Subject:** Weedery CUP

Lydia,

I apologize if this email is coming in too late. I was planning on making a comment during tonight's meeting, but was unable to. So I wanted to quickly draft my comments.

My family and I live at 114 Kluge Avenue and are direct neighbor's of the Weedery at their current location. We also share the alleyway with them. We are in favor of the Weedery's recreational side of the business moving for several reasons.

For the most part the Weedery has been respectful neighbors. We have had issues with the increased traffic and parking issues; however, frequent discussions with the business and the town has improved the flow and the safety in the alleyway. Regardless of these changes, they have desperately outgrown their location and need the increased space. While traffic will likely decrease in town due to their move, I agree with the concerns others voiced of the increased traffic by Exit 42. This will have to be addressed.

On occasion we receive wafts of smells from the Weedery, but honestly, it is no worse than when the Distillery is fermenting peaches at the end of peach season or when the Brewery is actively boiling their hops. I do not agree with the written statement or with other public comments that the smell is overwhelming. It is not constant and it is not intrusive.

As long as the Weedery doesn't tear out all the vines and replace them with hemp plants, I'm all for the move. I do not feel moving their business right off the highway will detract from Palisade's facade or its ambience. Definitely not anymore than a giant truck stop. The Weedery is still a locally-owned business and that is what Palisade is about.

Thank you,

**Virginia Phillips**

3/16/21

Town of Palisade Planning Commission,

I have heard argument for and against the approval to move the Weedery from the alley by my house to the winery property near the interstate.

I live at 104 Kluge (1<sup>st</sup> and Kluge) and have shared the alley with the Weedery for 3.5 years, so I have the unique perspective as one of their closest neighbors.

The Weedery has been a responsible and friendly area business. The group of families that surround the business have convened a number of times regarding parking and ROW in the alley, but we have not had a complaint about noise, trouble, litter, or problems with the business or it's staff.

The Weedery seems to be well-run from the neighbor's standpoint and I think this move makes a lot of sense for their business growth. As our town's Plunge traffic begins to increase, the new location will alleviate much of the traffic congestion.

Good business. Good people.

Sincerely,

Jason Crowell

104 Kluge Ave.

(303) 916-0483

Town of Palisade  
Planning Commission

Agenda Item – Conditional Use Permit Application for 787 37 3/10 Road

Dear Sirs:

I am writing to the Palisade Planning Commission with the intent that this response and questions may be read into the public record. I assume that this application will garner significant discussion during the March 16<sup>th</sup>, 2021 meeting.

Name : Ron West – 405 W. First St., Palisade, CO 81526

Subject: Conditional use permit application PRO-2021-3- Colorado Weedery (CUP) conditional use permit.

History: The citizens of the Town of Palisade approved the motion for retail sales of recreational marijuana. This vote was approved by a very narrow margin and garnered much deliberation by the Town. It was concluded that the Town of Palisade would approve three (3) retail location sites within the jurisdiction of the Town. It was concluded during these deliberations that the location of the Grand River Vineyards location at 787 37 3/10 Road would NOT be considered for retail sales of marijuana.

Jesse and Desa Loughman (The Colorado Weedery) commenced business within their retail medical marijuana and grow operation in the town center location. It has been observed that they have done a tremendous amount of business through this location. This is evidenced by significant traffic along W. First St. and parking along Peach St. This success has logically created a situation where they need to expand. In addition, Grand River Vineyards has been for sale for a number of years. I understand the dynamics here. Eager buyer and really eager seller.

In addition to the Weedery, the Town approved the River Road location at the former green house operations (Happy Camper) as a retail marijuana sales and grow operation. It is my understanding that the third location has not been approved.

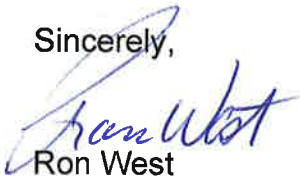
## Questions and Concerns:

1. It is my understanding that the Weedery expects to remain at their current location with a grow operation and medical marijuana sales. The Grand River location would be an expansion of their business.
  - a. Does this not constitute three (3) locations within the Town?
  - b. And is this approved under their State licensing?
  - c. If a second location is approved for the Weedery, then why not approve a second location for the Happy Camper location. And then when the third location is approved, what's to stop them from getting a second location? This is a slippery slope. Now we have SIX locations in the Town of Palisade! Exactly what we were told would NEVER happen.
  - d. Maybe the Weedery moves from their current location, and has only one (1) location as agreed in the original application.
  - e. The verbiage of "intent" is also a slippery slope. In regards to signage, the intent is not be emblazoned on the side of the building with signage. I don't know how that can legally be restricted, as signage for the Grand River Vineyards already exists. This will be just like the contentious issues with Golden Gate.
2. I am very concerned about the access to the site. Off of Exit 42, it is a very sharp turn into the drive area that serves not only Grand River, but also the Wine Country Inn, residences, and farm access.
  - a. Has a formal traffic study been completed?
  - b. Have the effected parties weighed in on this use. ie. CDOT and Talon?
  - c. We have seen a tremendous growth in foot traffic and bicycle traffic in Palisade in the past three (3) years. With the expansion of the Palisade Plunge, this is likely going to really expand.
  - d. What safety measures have been considered and put into place regarding bicycle and pedestrian safety?
3. With the development of the HR district at the intersection of Exit 42, I would expect a significant increase in traffic to retail sites within the area. To that end, it could be argued that at some point in the near future a stop light will be required. Is that what we want as the entrance to the Town? Do we want the entrance to Palisade to look like the entrance to say Clifton on I-70B?
4. A larger issue resides within the community. This is what appears to be the constant use of the conditional use permitting process to get what is not approved by specific zoning. I specifically spent four (4) years working with the Town to avoid any use of conditional use permits when we constructed Varaison. We did not ask for any special consideration, and instead worked within the zoning requirements for every aspect of the project. It has become routine that

people come to Palisade looking to do "something", knowing that what they propose is not within the proper zoning. The latest being the Subway fast food. Yes, the business is properly zoned within that location, except no drive-thru approved. So what, petition for conditional use..... When the representatives were repeatedly asked if they would build the Subway without the drive-thru, they simply would not answer a straight forward question. They merely stated what they wanted from the Town. Conditional use.

I thank you for your careful consideration of these issues. I understand where Steve Smith and the Jesse Loughman are at in their business models, and their specific needs and desires. I just don't know if this is in the best interest of the residents of the Town of Palisade. This will be a clear choice that the residents will have to make through their elected officials.

Sincerely,



Ron West  
405 W. First St.  
Palisade, CO 81526  
info@varisonvineyards.com



To: Town Of Palisade Planning Commission

From: Crystal Day (1019 Grande River Dr)

Re: Conditional Use Permit – Colorado Weedery

Date: March 18<sup>th</sup>, 2021

I greatly appreciate the opportunity to speak during the town meeting on March 16<sup>th</sup>. It may be too late to submit this letter. I would have done it sooner, I learned when attending the meeting that a letter is an option.

I have wanted to live in Palisade since I was a young girl. When I found my home it was a dream come true. I have been sure that this is my forever home. I live in the middle of a vineyard with horse drawn carriages and bicycles. It is wonderful! I have been trying to keep an open mind and think of what might be worse than a weedery moving in. I cannot think of anything worse. Because of the rural area, the thought of having iron gates and armed guards on my street is scary. Here is a picture of my house in relation to the proposed marijuana store.



I mentioned during the meeting that we currently have people walking on the private property. This is true; however, it is tourists walking/cycling and enjoying the scenery. I am not concerned about the visitors drinking or consuming marijuana. I am ignorant as to why the weedery needs armed guards and giant gates; they have a security concern that I do not understand. I would like to know what has happened in the past to justify the intense security so I can anticipate what to expect. It is obvious that there is a robbery concern. It is unclear if the robbery concern surrounds cash, product or both. I am aware that large amounts of cash must be onsite because the product is not federally legalized. Jesse suggested that our road is private property, we should just call the police if we have trespassers. After hearing him say that, I am aware that any problem coming down the road is our

responsibility. This makes us extremely vulnerable. My house will be targeted by any robber that is trying to escape as it is the closest in a foot chase. Currently, I run around with the doors unlocked, that will be a memory. I am saddened that I am considering calling the police regularly, but that is where we are. If the weedery moves in, these are my questions...

1) What are the things that have happened in the past to cause a need for armed guards and gates?

2) How will we know when to call 911?

Is it just a tourist walking from the Inn, or is it someone running from the armed guards? I would not want to start calling the police on the guests of the Wine Country Inn by mistake.

3) Who will respond to our 911 calls?

Will it be the Palisade Police Department or the Mesa County Sheriff's Department responding to our calls?

4) Can the responders find us?

Would you consider giving an officer our address without directions to see if they have trouble finding us? Please put my address into your map and try to find my house by following directions only.

5) Will pan handlers be removed?

The weedery will be a draw for hitchhikers asking to be dropped off and panhandle for enough cash to purchase their weed and move on down the highway. Will this be allowed?

I believe there is more of a safety concern in our area than downtown Palisade. The police are actively patrolling in town and it is not as easy for a criminal to hide. We are vulnerable with acres of hiding places for someone who is trying to get away and minimal places to go. With the grape vines and trees all around we do not have sight lines. I would not be aware of an intruder until the dogs bark or they appear in the darkness very close to me, as we are not prepared the way the weedery is with security lights and such.

I appreciate that the history of our town is prohibition. I do not remember ever seeing armed guards and security gates in any of the historical pictures while winemaking was up and coming.

I know traffic is a redundant topic, however Elberta has been the main point. I am speaking of Grande River Dr. I mentioned the problem when turning onto Elberta from Grande River Dr. due to the stop sign coming from I-70 being ignored. I wanted to clarify that it is only a small issue right now. I do not remember the last time I was behind someone on Grande River Dr. waiting at the stop sign to turn onto Elberta. Even though I am waiting for a steady flow of traffic yielding from I-70, I am never in line on Grande River Dr. At this point in time, the only small thing required would be a blinking stop sign at bottom of the East bound I-70 exit ramp. If the weed superstore moves in, there will always be a line at the stop sign from Grande River to Elberta.

Two vehicles can barely fit on the road at the same time. My little Jeep and the UPS truck can barely pass. During events at the hotel, patrons park on the street along the grape rows. This is not a problem now, because there is not much traffic. We do have to pull over when possible or back up when this happens which is no problem right now. There are 12 parking spots now with 250 proposed (48% increase). After the increase in traffic, how will we handle this?

There are horse drawn carriage rides for the guests at the Wine Country Inn. This is such an amazing experience for people visiting Palisade. Are the patrons who are from out of town who do not appreciate our town going to be patient to wait for these majestic creatures to trot by at their comfortable pace? Also, the cyclist who rent from the shop downtown and frequent our road...I doubt it.

It was mentioned that the traffic will possibly be the same as the current location, relieving the traffic going into town. Comparing the traffic at the current location to the new location is apples and oranges. Right now, most of the people passing by on I-70 have no idea there is a weedery in Palisade, therefore not exiting at all. There will indefinitely be more traffic with a location seen from I-70. This is the reason they want to be on the I-70 exit so badly. The Palisade exit is the most visible for businesses in the Grand Valley. I drive from Palisade to Fruita twice every week, I have not noticed any available locations that can be seen from the interstate. Interstate traffic is reason they will beat the Grand Junction competitors getting attention from anyone just driving by. This will attract an unknown number of travelers, who would not have exited before. I don't think it can be compared to DeBeque because that weedery is so far from town and does not get as many local patrons. A large Denver weedery might be a closer comparison to the amount of people instead of comparing the current location.

I am an entrepreneur myself. I do not want to hold anyone back. There are plenty of safer places to open this business that will not have such an impact. Please consider this is my home. I am asking that you deny the CUP and keep Palisade a safe place to live.

Sincerely,  
Crystal Day  
(970) 250-0977

**From:** [Tammy Craig](#)  
**To:** [Greg Mikolai](#); [Thea Chase](#); [Jamie Somerville](#); [slhommidieu@townofpalisade.org](mailto:slhommidieu@townofpalisade.org); [Bill Carlson](#); [etterner@townofpalisade.org](mailto:etterner@townofpalisade.org); [Nicole Maxwell](#); [Janet Hawkinson](#); [Brian Rusche](#)  
**Subject:** Letter of support to move Colorado Weedery to the Grande River location  
**Date:** Thursday, March 18, 2021 5:42:55 PM

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Dear Board of Trustees and Town of Palisade staff,

Thank you for your service and thank you for your time reviewing my letter of support to approve moving the Colorado Weedery to the Grande River location.

I include in this email my response to items of concern as I understand them.

**Regarding my motivation:** I will get paid, but after 2 ½ years the net income will not be anywhere near what you imagine. My motivation is in support of Steve Smith, a huge contributor to the Palisade Community, my friend, and he needs to sell.

**Regarding the general gateway look of Palisade:** People who use this product are mainstream people. They drive Volkswagens and Bentleys. The age group from 20 to 50 do not see this as demon weed nor do they put this business in the same category as an adult entertainment building. They see this as a legal product. Some use the product to relax and have fun, like a glass of wine or a martini. To them it is the same as a beer after work, a way to loosen up at parties and get together. This is not a new occurrence, nor is it due to this business owner. These people are the new Palisade visitors and residents, they are business owners and taxpayers, whether they use it or not, whether the older generation likes it or not. As wine was to the valley in the 1970's when Steve began his business, Cannabis sales are as legitimate as any business that would develop that property.

**Regarding Smell:** This location will not be a grow location, this is a retail location. Regardless, Cannabis agriculture grows smell, plain and simple. Be it a hemp field or an indoor controlled grow environment. So do bars when you open the door or smell smoke from outdoor smokers. So do restaurant trash bins. So does the distillery parking lot after people have had one too many, as does walking past the sewer ponds, which I do almost daily. Allowing this business to operate away from residential areas with some space around it seems like an easy decision and a desirable move for everyone concerned. Also, with the renovations the filtration requirements can again be addressed to assure the filtration system is working well. With regard to the current location smell complaints, there was hemp growing north of 1st street for some years, and some of the email complaints are from part time owners that would have this part time irritant removed by this move. Problem solved.

**Regarding increased traffic:** Traffic on 3 Street has increased exponentially from the business of Basecamp and Happy Camper. Traffic has become intense on 6&24 since the approval of 70 new roof tops in the CrestHaven Subdivision. Golden Gate has increased activity at the I-70 exit. This is the perfect triggering event to address the traffic issue that now exists at the I-70 location and make needed corrections.

**Regarding Private Property right to sell:** This is where I get emotional. This property has been offered across the country. It has been shown dozens of times. It has been personally marketed to every capable business, agent, and entrepreneur in the valley. We marketed to every farmer, vineyard owner, and motel we could find. We marketed to churches and event center owners. Every business now owning property along the I-70 corridor all the way to Loma has personally been asked if they would like to buy the property. I sought out promoters, producers, vanity vineyard owners, and racing promoters. I marketed the property nationally in person at the Realtors Land Institute yearly conference, which markets high end properties to high high end buyers nationwide. Of all this marketing we have had 4 serious lookers. Only one of the buyers that had the means to actually purchase and showed some interest was "Palisade Suitable". One buyer was a venture capital person who buys at a **serious discount**. A sale to this type of investor would have **actually de-valued** property values in Palisade for **every** property owner, and not hypothetically. I invite the Town to purchase the property should this CUP be denied. It is a great buy. But right now, Desa and Jesse are Steve's best actual buyer. Their offer is the best actual offer (holding property value high) and it is a Palisade local business, with an owner who loves the town. It is a HIGHLY regulated business type.

Regarding fall out for a Seller: You needed to sell your business and after 2 ½ years of being beat up and beat down on what you have to sell, a long standing respected local business wanted to expand to your location, and not only loves your property, but respects everything you built. Then, you were denied this sale due to outdated, preconceived notions around reefer madness. This is not a strip club. I love our community, but the toothpaste left the tube regarding the quaintness of Palisade the day Dollar General was allowed to build (which I did not protest when Walt wanted to sell because it was private property), and the Golden Gate (which I did not protest because it was private property). Remember, this is not demon weed removal you are considering. This is a legitimate, contributing business in this town. This is not a chain, or a fly by not operation. This is not an XXX establishment. This is a well-established, revenue generating, cooperative business owner. Like the business product, or not.

- **Regarding Comprehensive Plans:** These local resident surveys have included businesses not desired by the public, but we now have those businesses. Planning, voter majority rules, and this board have been the deciding factors. The complaints given now with this line item are disingenuous and sets a standard that the public

surveys must be used when deciding businesses from here on out. That may not be in the best interest of all residents and times change.

- **Regarding Conflicts of interest:** Enough said.
- **Regarding support of Local business:** This local business is a serious financial contributor to the further development of this town, regardless if you like the look of the place or how the revenue is generated.
- **Regarding job creation:** This business is a serious job creator.
- **Regarding legality of this business:** This is a legal business.
- **Regarding Community contributions:** The dollars made by this business owner actually stay and circulate in Palisade because this business owner actually lives and operates here.

Respectfully submitted,

Tammy Craig

Owner of Fruit and Wine Real Estate

In business in and fighting for Palisade since 2004



***Tammy Craig GRI, CRS, CNE, Ninja  
Broker/Owner***

***Fruit & Wine Real Estate***

***[www.fruitandwine.net](http://www.fruitandwine.net)***

***970-216-0213***

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**From:** [Keli Frasier](#)  
**To:** [Brian Rusche](#)  
**Subject:** FW: Weedery CUP  
**Date:** Friday, March 19, 2021 3:34:52 PM

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**From:** Jane Garfield <janeygarf@gmail.com>  
**Sent:** Friday, March 19, 2021 3:31 PM  
**To:** jawkinson@townofpalisade.org; Keli Frasier <kfrasier@townofpalisade.org>  
**Subject:** Weedery CUP

Dear Board of Trustees:

I'm writing this letter in opposition to the proposed Weedery CUP

What dispensary requires a 5,000+ square foot building to operate a retail store? So this is a good idea because their current location is creating more traffic in our town center than residents would like to see? That low volume traffic feeds the other business's located in the towns center that rely on this traffic. Sure not every Weedery customer stops at the Cafe or Distillery for lunch or a drink but some do, and that keeps these business's doors open. The only time I saw a traffic issue near the Weedery was day 1 of the Covid scare last year when everyone thought dispensaries may close with nonessential business's. There was a line of cars down the road, pretty sure the other place was the same way.

As far as a parking issue, I'm not aware of one. There was the dispute with the residents that share an alley with the Weedery last fall but it appears that was just the Weedery's owners not wanting to cooperate with those neighbors and abandon 3 customer parking spots in that same alley. The Weedery is currently in violation of their current CUP on Peach St. by refusing to abandon these parking spots that are not shown on their current CUP. And the town is actually considering allowing them a new CUP? Why is the town not enforcing their current CUP?

Odor complaints have happened at their current location. Again, why is the town of Palisade not enforcing the Weedery's current CUP?

Really there's no other commercial property available in Palisade that could support a marijuana dispensary? What about the large warehouse that's across the street from their current location right next to Palisade Brewing Company? Isn't there additional vacant commercial property to the east of the truck stop where Subway is going in? There's also a mixed use property directly across the street from the Weedery's Peach St. location that could be purchased by the owner and used for additional parking if they actually needed additional parking. Or how about the public parking that's available for anyone to the south and west of the Distillery. We don't need to forever change the optics of our town that is known for fruit and wine, just because residents don't like where the Weedery is currently located. Come on Palisade staff, enforce the current CUP that they're violating in 2 ways. There are not very many retail locations in Palisade, this move would make 1 less. I don't believe the Weedery intends on selling their current location to bring in more retail opportunities to



the town.

There's a place for the Weedery, it's just not at the gate of our town for all the tourists to see first thing that came to visit our town for fruit and wine. Marijuana is available all over our state in nearly every town. There's a reason our town is special, it's because of the fruit and wine, not the weed.

Sincerely,  
Jane Garfield  
526 Crawford Ln.  
Palisade, Co 81526

## Keli Frasier

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**From:** brad brophy <b2orchards@yahoo.com>  
**Sent:** Friday, March 19, 2021 4:18 PM  
**To:** jhawkins@townofpalisade.org; Keli Frasier  
**Subject:** The Colorado Weedery CUP

March 19, 2021  
Town of Palisade BOT  
Re: The Colorado Weedery CUP

Dear Town of Palisade Board of Trustees,

My name is Brad Brophy, and I am a resident and business owner in Palisade. I am submitting this letter in objection to The Colorado Weedery's application for a CUP to operate a retail marijuana business at the Grand River Vineyards property, located on Elberta Ave.

When the Town elected to issue The Colorado Weedery's initial retail license, everything indicated that the retail operation would be **co-located** with their Medical Marijuana business.

Section 1, of Ordinance 2017-34 states:

A maximum of two (2) retail marijuana store licenses **not including a co-located medical and retail marijuana business** shall be issued by the Local Licensing Authority.

It was never the towns intention to allow The Colorado Weedery to operate out of two separate locations.

In addition to completely changing the character of the town by replacing a longstanding winery with a marijuana store, approval of this application will double the number of storefronts The Colorado Weedery operates out of. It will also give The Colorado Weedery an unfair advantage over the other marijuana store in town, by doubling the locations they're allowed to operate out of.

Again, this was never the intention of the Town's marijuana ordinances, or the Board of Trustees vision for our town. Approval would increase the number of allowable marijuana storefronts in Palisade to 4, instead of the 3 as intended.

Fruit and wine are what make Palisade special, it's what sets us apart from the rest of Colorado. Marijuana stores are not what drives tourism to Palisade, so do we really want a marijuana supercenter at the gateway to our town? Do we really want 4 marijuana stores in our small town?

The answer is no. Approval would go against the ordinances already in place and the vision for Palisade that we've all built together as a community.

B2 Orchards  
Brad & Travis Brophy  
3916 Hickman Rd.  
Palisade, CO 81526  
970-260-2250



## PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

**Meeting Date:** 3.23.2021

**Presented By:** Troy Ward, Parks & Event Director - Janet Hawkinson, Town Manager

**Department:** Parks

**Re:** **Lifeguard Contract for Summer 2021**

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### **SUBJECT:**

The Town contracts with the City of Grand Junction to support the Palisade Pool program by managing the staffing of the pool in the summer. The staffing includes life guards at the pool and management of the life guards. This is beneficial in both cost savings, health & safety and training. The life guards are certified and qualified and by utilizing this IGA with the City of Grand Junction, the City manages schedules, call out and replacement for life guards, swim lessons and pool management. It has worked very well in the past years and Palisade is provided with qualified, certified, professional life guards and staff.

The cost of this agreement is \$106,184.31. This item has been placed in the 2021 Town of Palisade Budget. It is representative of past agreements with the City.

**BOARD DIRECTION:** Motion to approve the IGA between the Town of Palisade and the City of Grand Junction for the purpose that the City will provide all lifeguards, guest service representatives, swim instructors and pool managers at Palisade Swimming Pool for the 2021 summer swim season.

## INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this 16<sup>th</sup> day of February, 2021, by and between THE TOWN OF PALISADE, hereinafter called “Town” and THE CITY OF GRAND JUNCTION, a Colorado Home Rule City, hereinafter called “City,” collectively the “Parties.”

### RECITALS

The Town is the owner of real property situated at 571 West 5th Street, in Palisade, Colorado, known as Palisade Swimming Pool, hereinafter called “Pool”.

The City and the Town agree that the provision of recreation programs is important to the public in general and specifically to those persons utilizing Palisade Swimming Pool.

In support of the Pool, the City and Town agree that the City will provide all lifeguards, guest service representatives, swim instructors, and pool managers at Palisade Swimming Pool.

An intergovernmental agreement for such purpose is authorized pursuant to Section 18, Article XIV of the Colorado Constitution, Section 29-1-203, C.R.S., Section 22-32-110(1)(f), C.R.S., and other applicable laws.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein and other valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

1. The term of this Agreement will be for six months, commencing April 1, 2021 and ending September 31, 2021, and may be extended for an additional term upon mutual agreement.

2. The City agrees to provide all required labor for the Pool. Labor for purposes of this Agreement is lifeguards, swim instructors, swim coach, guest service representatives, and pool managers. The City will pay all wages, salaries, benefits, and workers’ compensation insurance premiums for the required labor for the Pool. The Town agrees that the standard and customary City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be applied to the Pool. City staff will provide basic daily maintenance including but not limited to lawn mowing, cleaning of facility, and pool vacuuming.

3. As owner of the Pool, Town agrees to be responsible for maintenance of the Pool. Without limiting the generality of that responsibility, the Town shall repair and/or replace all mechanical and chemical systems. The Town will also repair and/or replace all sprinklers, fences, lights, restrooms facilities, shelters, tables, benches, sign(s), trash receptacles and any other feature, facility or installation of the Pool. The cost to maintain the Pool, including repairs, upkeep and utilities shall be the sole expense and liability of the Town. All facility compliance as it refers to Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001) is the responsibility of the Town of Palisade, as well as all 2010 ADA requirements.

All supplies and equipment required by the City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be purchased by the Town. A detailed list of supplies and equipment is provided in Exhibit D of the Memorandum of Understanding, which is attached hereto as Exhibit 1 and incorporated herein by reference.

4. The Town and City agree to promptly notify each other should the physical condition of the Pool not be conducive to the safe conduct of any programmed activity in the Pool and/or if maintenance practices may impact in any way, the scheduling of activities in the Pool.

5. The City will register all swim lesson and special event participants as well as manage all public swim entries, swim lessons, and community swim team. The City staff will collect the revenues generated by public swim, swim lessons, private parties, and special events but the Town will retain all revenues.

The Town agrees to give management of all concession operations, including staff and supply expenses, to the City with all revenues being retained by the City.

6. The City and Town agree that for purposes of this Agreement the City's annual expenses to cover all public swim and swim lessons are estimated to be \$106,184. This includes all direct staff costs, indirect staff costs with a Recreation Supervisor and Recreation Coordinator, hiring costs incurred by the City, Ellis and Associates audit fees, mileage, special equipment, and uniform costs. The City shall bill the Town a lump sum of \$106,184 in September 2021. Direct labor costs for all mutually agreed upon special events and private parties shall be charged to the Town above and beyond the \$106,184.

In the event the City's annual expense exceeds the annual amount for some unforeseen circumstances, the City and Town may renegotiate the base amount based on the City's actual cost.

7. The Town understands and agrees that it will not reserve, schedule or hold any activity at the Pool, for itself or for any other person or entity, without first communicating and coordinating with the City's Parks and Recreation designee. The final determination regarding the scheduling of such activities at the pool will be made jointly by the Town and the City.

8. The Town will set the fees and charges for Pool usage and programming in accordance with the prevailing Town rates in effect as of the date of this Agreement. All fees collected by the City shall be retained by the Town per the provisions of Paragraph 5 herein. Exhibit C of the attached Memorandum of Understanding provides the fee schedule for the Palisade Pool. In addition, it is agreed that the Town and City will allow season pass holders of the respective swimming pool facilities to utilize the pool facilities of the other jurisdiction upon presentation of the other's season pass for an additional \$1.00 charge.

9. The Parties understand and agree that both the City and the Town may be protected by and will rely on and do not waive or intend to waive by any provision of this Agreement the monetary insurance limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, 24-1-101 et seq., 10 C.R.S., as from time to time amended, or otherwise available.

10. The Town agrees to indemnify and hold harmless the City and its officers and its employees, from and against all liability, claims, demands and expenses, including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the maintenance work to be performed by the Town under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission or other fault of the Town or any officer or employee of the Town.

The City agrees to indemnify and hold harmless the Town and its officers and its employees, from and against all liability, claims, demands and expenses including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the programming work to be performed by the City under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of the City or any officer or employee of the City.

11. Any persons employed by either the City or the Town for the performance of work hereunder shall be employees of the respective party and not agents or employees of the other.

12. Neither party may assign or delegate this Agreement or any portion thereof without the prior written consent of the other Party.

13. Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either Party should fail or refuse to perform according to the terms of this Agreement; such party may be declared in default.

14. This Agreement may be terminated by either party for material breach, default of the Agreement by the other party not caused by any action or omission of the other party, or for no reason, by giving the other party written notice of at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

15. The Parties shall reasonably comply with the applicable provisions of the American with Disabilities Act of 1990 and any and all other applicable federal, state or local laws and regulations.

16. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. Only an instrument in writing signed by the parties may amend this Agreement.



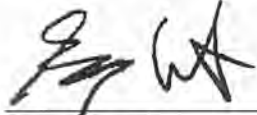
17. The traditional rule that ambiguities shall be construed against the drafter is waived.

18. Venue for any action arising out of or occurring under this Agreement shall be Palisade, Colorado. The agreement shall be controlled by, construed and interpreted in accordance with the law of Town of Palisade and State of Colorado.

**TOWN OF PALISADE, COLORADO      CITY OF GRAND JUNCTION, COLORADO**

\_\_\_\_\_  
Janet Hawkins  
Town Administrator

Date

 02/16/2021  
\_\_\_\_\_  
Greg Caton  
City Manager


Date

**RATIFIED**

**TOWN OF PALISADE, COLORADO  
BOARD OF TRUSTEES**

**CITY OF GRAND JUNCTION CITY  
COUNCIL**

\_\_\_\_\_  
Date

 02/16/2021  
\_\_\_\_\_  
Duke Wortman, Mayor

Date

**ATTEST:**

**ATTEST:**

\_\_\_\_\_

 02/16/2021  
\_\_\_\_\_  
Wanda Winkelmann, City Clerk





# EXHIBIT 1

MEMORANDUM OF UNDERSTANDING  
Regarding  
Cooperative Operation and Provision of Life Guards  
For the Palisade Swimming Pool  
2021

DATE: April 1, 2021

WHEREAS, City of Grand Junction (City) and Town of Palisade (Town) have a history of cooperation; and,

WHEREAS, there are opportunities for cooperation in the area of recreation services to the benefit of citizens of both jurisdictions and the Grand Valley; and,

WHEREAS, both municipalities are desirous of cooperating and contracting for certain services associated with the provision of life guards and operation of the Palisade Swimming Pool;

NOW THEREFORE BE IT AGREED as follows:

The City of Grand Junction will:


- 1) Hire, employ, supervise and provide Ellis and Associates trained and certified Life Guards for the Palisade Swimming Pool for the 2021 summer swimming season.
- 2) Pay all wages, benefits, pursuant to Grand Junction personnel policies and pay all workers' compensation insurance premiums for all Life Guards utilized at the Palisade Swimming Pool.
- 3) Provide uniforms for Palisade Swimming Pool staff pursuant to Exhibit A - Uniforms attached hereto.
- 4) Provide sufficient staffing to operate the Palisade Swimming Pool seven days per week from May 23, 2021 through and including September 7, 2021, with a minimum of one Pool Manager, one Guest Services Representative, and adequate number of Life Guards during agreed operating hours.
- 5) Provide, provision, open, and staff a concession located on site and keep and retain all revenues generated from the sale of concessions at the Palisade Pool.
- 6) Answer inquires and schedule lessons and special events utilizing employees at the Palisade Pool
- 7) Plan, staff, and manage special events and lessons at the Palisade Pool.
- 8) Collect all admission and fees for pool programs at the Palisade Swimming Pool pursuant to Exhibit C – Palisade Pool Fee Schedule.
- 9) Provide sufficient on and off-site supervision of the Palisade Swimming Pool operation and personnel by the Grand Junction Aquatics Coordinator, Recreation Supervision and other Grand Junction Recreation Office Management staff.

The Town of Palisade will:

- 1) Pay \$106,184.31 to the City of Grand Junction in September 2021 for direct and indirect staffing costs associated with regular pool operations.
- 2) Pay the additional costs of direct staffing associated with lessons and special events at the hourly rates specified in Exhibit B.
- 3) Equip the Palisade Pool with all supplies and equipment as specified in Exhibit D – Supplies attached hereto.
- 4) Provide space at the Palisade Pool for a concession operation to be operated by the City of Grand Junction.
- 5) Pay all costs of pool repairs, maintenance, and utilities.

IT IS FURTHER AGREED AS FOLLOWS:

- 1) All admission, lesson, special events, or other fees associated with use of the Palisade Swimming Pool will be retained by the Town of Palisade.
- 2) All revenues from concessions will be retained by the City of Grand Junction.
- 3) Grand Junction and Palisade will honor each other's season pass with a \$1 additional charge at their respective pools as follows:
  - Patrons of the Palisade pool with a Grand Junction pool season pass will be allowed admission to the Palisade Pool for \$1.
  - Patrons of the Orchard Mesa and Lincoln Park pools with a Palisade pool season pass will be allowed admission to the Orchard Mesa and Lincoln Park pools for \$1.

  
\_\_\_\_\_  
City of Grand Junction Authorized Signature

\_\_\_\_\_  
Town of Palisade Authorized Signature

Exhibit A – Uniforms

<b>Item</b>	<b>Cost</b>
Men's Shorts	\$26.50
Women's Shorts	\$19.00
*Women's Suits	\$30.00
T-shirts	\$7.50
Whistles	\$2.90
Lanyards	\$1.85
Fanny packs	\$6.75
Hats	\$ 12.00
Visors	\$10.00

Women purchase suits. Employees choose a hat or visor. Grand Junction Parks and Recreation purchases and provides all other uniforms.

## Exhibit B – Schedule & Budget

### Direct Staffing Costs

	Managers	Guards	Instructors	GSR	
Monday	13 hours	32 hours	26.75 hours	10.25 hours	
Tuesday	13 hours	32 hours	36.75 hours	10.25 hours	
Wednesday	12.28 hours	36.25 hours	26.75 hours	10.25 hours	
Thursday	13 hours	32 hours	36.75 hours	10.25 hours	
Friday	11 Hours	34.75 hours		9 hours	
Saturday	11 Hours	34.75 hours		7.25 hours	
Sunday	11 Hours	34.75 hours		7.25 hours	
Hours Per Week	84.25	236.5	127	64.25	
Rate	\$15.94	\$ 14.49	\$ 14.49	\$ 13.80	
Cost Per Week	\$ 1229.21	\$ 2913.68	\$ 1714.99	\$ 753.65	
Summer Cost for 15.5 Weeks	\$ 19052.76	\$ 45162.04	\$ 17149.87	\$ 11681.58	*Instructors only work 10 wee
<b>Personnel Costs Average Per Week</b>	\$ 7157.40				
<b>Total direct staffing Costs</b>	\$ 93046.25				*Does not include special events or private parties. Billed separately based on mutual agreement.

### Indirect Staffing Costs

Aquatics Coordinator Time	80 Hours @ \$33.25	\$ 2,660.00
Recreation Supervisor Time	25 Hours @ \$45.36	\$ 1,134.00
Management Staff preseason time	50 Hours @19.61	\$ 980.50
Administration Costs	5% of direct labor	\$ 4,652.31
Mileage		\$ 250.00
<b>Total Indirect Staff Costs</b>		\$ 9,676.81
<b>Direct Operational Cost</b>		
Uniform Cost	11 X \$53.75	\$ 591.25
Lifeguard Audit Fee	3 X \$315.00	\$ 945.00
Staff Hiring costs / Training	\$175.00 X 11	\$ 1925.00
<b>Total Direct Operating Costs</b>		\$ 3461.25

## Exhibit C – Palisade Pool Fee Schedule

### Daily Admission

Child (0-2 years):	Free with Paid Adult limit 2 per adult
Youth (3-17 years) & seniors (55+):	\$3
Adult (18-55):	\$4
Senior:	\$2.50
Wednesday all ages:	\$1
Twilight:	\$2.50
Sunday:	\$2.00

### Season Passes

Youth:	\$70
Adult:	\$80
Senior:	\$65
Family Pass (upto 6 members):	\$185

\*Pass are discounted 50% on July 1

### Punch Card

20 visits, all ages:	\$55
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### Group Admissions

10 or more by same group, single day: \$2.50 each

Daycare Swim	\$2.50
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### Special Events/Parties

0 – 20 people:	\$80
21 to 50 people:	\$180
51 to 100 people:	\$230
101 to 125 people	\$280

## Exhibit D – Required Equipment and Supplies

### Supply Needs

AED

AED Case

AED Rechargeable Battery

AED Trainer

AED Trainer Battery

AED Pads (Adult & Pediatric)x2

Scissors/Deodorant/Razors

Supplemental O2

Rescue Tubes

V-Vac suction

BVM (Adult/Child/Infant)x2

Chamois Cloth Towel

Non-rebreathers

Trauma Bag

Gloves Latex

Gloves Nitride

Bandages

Band-Aids

Gauze pads

Cotton Balls

Tape

Hydrogen Peroxide

CPR/AR Training Mannequins

Vigilance Training Manikin

Life Jackets

CJ Wood Backboard



## PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

**Meeting Date:** March 23, 2021  
**Presented By:** Matt Lemon  
**Department:** UTILITIES DEPARTMENT

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**SUBJECT:**

BLM, City of Grand Junction, Palisade Watershed Fire MOU.

**SUMMARY:**

April 2020 The Palisade Board of Trustees approved the wording of a joint Fire MOU. Other participants were concerned with changes made regarding perimeter fencing changes that were made in the 2020 MOU. The pandemic and other pressing needs forced this issue not to be addressed until Dec 2020.

In December 2020, all parties came together and decided on the following wording for fence replacement:

**Section: V.B.4. Roles and Responsibilities for the Town of Palisade.**

Enter Cost Share of 50% for property boundary fence if portions are damaged by the prescribed fire.

The rest of the document is the same as signed in April 2020.

**BOARD DIRECTION:**

Motion and approve Joint MOU between Department of Interior BLM, City of Grand Junction, and Town of Palisade.

**SUMMARY:**

BLM has started the planning process for a prescribed burn in Spring 2021. The burn is weather and condition-dependent; there are many parameters they use before ignition.

**ATTACHMENT(S):**

Fire MOU

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Upper Colorado River District  
AND  
Town of Palisade and City of Grand Junction  
  
FOR  
Palisade Watershed Prescribed Fire**

**I. Introduction**

This Memorandum of Understanding ("MOU") is between the United States Department of the Interior, Bureau of Land Management, Upper Colorado River District ("BLM"), and Town of Palisade ("Town") and City of Grand Junction ("City"); jointly referred to as the "Parties."

**II. Purpose(s)**

The purposes of this MOU are to:

Establish a framework of cooperation between the BLM, the Town, and the City to ensure protection of the quality and quantity of the Town's water supply through implementation of prescribed burns, vegetative treatments or other methods agreed upon to reduce the potential impacts of future wildfires. The treatments are intended to change fire behavior characteristics and to aid control efforts in the event of a wildfire; and,

Develop and implement a mechanism for continued communication and consultation between the parties in the processes and practices of making and implementing land use actions; and,

Ensure an appropriate level of involvement by each party in new and existing projects (see attached map A), planning and development within the "Area of Interest" (see attached map B) in accordance with the following provisions.

**III. Background**

The BLM, Town and City are committed to working as partners; the mutual benefits and interest of the partnership shall be: to increase cooperation on the development and implementation of vegetative treatments to lessen the impacts of a catastrophic wildfire; to help protect watershed infrastructure and reduce impacts to water treatment facilities from wildfire; to improve wildlife habitat and cattle grazing by creating a higher quality of vegetation for forage and browsing. The Identified Prescribed Fire burn units are located on Map A and in the Palisade Watershed Prescribed Fire Burn Plan, PMS 484.

The BLM, Town and City further recognize the need to notify and involve each other before, during and after action(s) concerning and involving the Area of Interest.

Nothing in this MOU alters or supersedes the authorities and responsibilities of any of the Parties on any matter under their respective jurisdictions.



**IV. Authorities**

- A. The authorities for BLM to enter into this agreement include, but are not limited to, the following:
1. Federal Land Policy and Management Act of 1976; Sec.202
  2. Secretarial Order #3372, Reducing Wildfire Risks on Department of the Interior Land Through Active Management.
  3. DOI Strategic Plan for Fiscal Years 2018-2022, Mission Area 5 Protecting our People and the Border, Goal #3: Manage wildland fire to reduce risk and improve ecosystem and community resilience, Goal #4: Provide science to safeguard communities from natural hazards.
- B. The authorities for *the Town* to enter into this agreement include, but are not limited to, the following:
1. Greg Mikolai- Mayor
- C. The authorities for *the City* to enter into this agreement include, but are not limited to, the following:
1. Greg Caton- City Manager

**V. Roles and Responsibilities**

- A. The *BLM's* roles and responsibilities include:
- (1) Assist the Town in planning and implementing existing projects as well as the planning, developing and implementation of future treatments within the Palisade Watershed.
  - (2) Complete the Palisade Watershed Prescribed burn plan document.
  - (3) Complete any necessary planning associated with NEPA for BLM lands located within the watershed.
  - (4) Complete the Colorado Air Pollution Control Division smoke permit application. Complete Environmental Assessment for BLM lands located within the watershed.
  - (5) Coordinate and develop locations of fuel control breaks throughout the Prescribed Fire Unit Boundaries to prevent to the extent possible and limit fire damage to infrastructure with minimizing risk to firefighters implementing the project. Coordinate and develop locations of fuel control breaks throughout the Prescribed Fire Unit Boundaries' to prevent and limit fire damage to infrastructure.

B. The *Town's* roles and responsibilities include:

- (1) Allow access to Area of Interest for cultural surveys, planning purposes and implementation of existing projects as well as the planning developing and implementation of future treatments within the Palisade Watershed.
- (2) Continue in the support of the Palisade Watershed Fire Mitigation Plan.
- (3) Provide funding for prescribed fire implementation for the currently identified prescribed fire burn units.
- (4) Enter Cost Share of 50% for property boundary fence if portions are damaged by the prescribed fire.

C. The *City's* role and responsibilities include:

- (1) Allow access to Area of Interest for planning purposes and implementation of existing projects as well as for the planning, developing and implementation of future treatments within the Palisade Watershed.
- (2) Acknowledge and grant approval of the possibility that City property will be involved in prescribed fire acreage.
- (3) Enter Cost Share of 50% for property boundary fence if portions are damaged by the prescribed fire.

D. The joint roles and responsibilities of the Parties include:

- (1) Any party may terminate this Memorandum in part or in whole by providing 30 days written notice to the other party whenever it is determined that the other parties have materially failed to comply with the conditions of this MOU.
- (2) This MOU will be reviewed annually and modified as determined by mutual agreement of all parties. An annual meeting will be held by and between the parties to discuss upcoming projects in both planning and implementation phases. This MOU, except for fiscal obligation of the Town or City which must be approved annually, will continue for 5 years from the date of the last signature. The MOU may be renewed prior to the termination date by mutual agreement of the parties.
- (3) This MOU may be revised as necessary by mutual written consent of all parties.
- (4) Each party shall identify a point of contact for coordination of this MOU.

**VI. Representatives**

<b>Contacts</b>	<b>Town of Palisade</b>	<b>City of Grand Junction</b>	<b>BLM</b>
Name:	Janet Hawkinson	Randi Kim	Lathan Johnson
Title:	Town Administrator	Utilities Director	UCR Fire Deputy FMO
Address:	175 E 3 <sup>rd</sup> Palisade 81526	333 West Ave, Bldg. E Grand Jct., CO 81501	2774 Landing View Ln Grand Jct, CO 81506
Phone:	970-464-5602	970-244-1429	970-257-4800
Email	jhawkinson@townofpalisade.org	randik@gjcity.org	lwjohnso@blm.gov

**VII. Funding**

- A. Subject to the availability of funds, the Parties agree to fund their own expenses associated with the implementation of this MOU.
- B. Nothing contained herein shall be construed as obligating BLM to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.

**VIII. Records**

Any records or documents generated as a result of this MOU shall become part of the official BLM record maintained in accordance with BLM record management policies.

The cooperating agencies will keep confidential and protect from public disclosure any and all documents related to or generated by this agreement. BLM will determine their suitability for public review or release under the provisions of the Freedom of Information Act (FOIA), Privacy Act, and in accordance with Department of Interior or BLM regulations.

**IX. Tribal Consultations (optional)**

A. Planning: The BLM shall engage in government-to-government consultation with affected Indian Tribe(s) during all phases of this process, in accordance with applicable Federal statutes, regulations, and other authorities, including the National Environmental Policy Act, the National Historic Preservation Act, the Federal Land Policy and Management Act, the American Indian Religious Freedom Act, and Executive Order 13007 on Indian Sacred Sites. This MOU in no way affects the responsibility of BLM and the authority of affected Tribe(s) to engage in these government-to-government consultations. To the extent BLM receives any Indian Trust data as a function of the requirement to conduct government-to-government consultations with

affected Indian Tribe(s), BLM certifies that it will accord such data all necessary protection and security pursuant to applicable statutes, regulations, and policies, including those set forth in the context of any applicable litigation.

B. Non-Planning: The BLM shall engage in government-to-government consultation with affected Indian Tribe(s) during all phases of this process, in accordance with applicable Federal statutes, regulations, and other authorities, including Executive Order 13175 on consultation with Indian Tribes and Executive Order 13007 on Indian Sacred Sites. This MOU in no way affects the responsibility of BLM and the authority of affected Tribe(s) to engage in these government-to-government consultations. To the extent BLM receives any Indian Trust data as a function of the requirement to conduct government-to-government consultations with affected Indian Tribe(s), BLM certifies it will accord such data all necessary protection and security pursuant to applicable statutes, regulations, and policies, including those set forth in the context of any applicable litigation.

**X. Compliance with Applicable Laws and Regulations; Severability Clause**

This MOU is subject to all applicable Federal laws, regulations, and rules, whether now in force or hereafter enacted or promulgated. Nothing in this MOU shall be construed as in any way impairing the general powers of the BLM under such applicable laws, regulations, and rules. If any term or provision of this MOU is held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions. Meeting the terms of this MOU shall not excuse any failure to comply with all applicable laws and regulations, whether or not these laws and regulations are specifically listed herein.

**XI. Term, Amendment, and Termination**

A. Term of MOU:

1. This MOU becomes effective upon the date last signed and executed by the duly authorized representative of the Parties to this MOU.
2. This MOU shall remain in effect for five (5) years from the execution date unless terminated or cancelled prior to the expiration date.

B. Amendments:

1. The Parties may request changes to this MOU, which shall be effective only upon the written agreement of all Parties.
2. Any changes, modification, revisions, or amendments to this MOU shall be incorporated by written instrument, executed, and signed by all Parties, and will be effective in accordance with the terms and conditions contained herein.

C. Termination:

1. This MOU may be terminated prior to the expiration date upon 30-day written notice and agreement between all parties to terminate this MOU.

**XII. Records Management**

Any records or documents generated as a result of this MOU shall become part of the official BLM record maintained in accordance with the BLM record management policies.

The cooperating agencies will keep confidential and protect from public disclosure any and all documents related to or generated by this agreement. The BLM will determine their suitability for public review or release under the provisions of the Freedom of Information Act (FOIA), Privacy Act, and in accordance with Department of Interior or the BLM regulations.

**XIII. Signatures** *(Ensure the individuals signing the MOU have the appropriate signatory authority. For BLM, review Colorado Supplement to BLM Manual 1203, Delegation of Authority.)*

- A. All signatories have the appropriate delegation of authority to sign this MOU.
- B. The Parties have executed this MOU on the dates shown below.

\_\_\_\_\_  
Greg Mikolai, Mayor of the Town of Palisade  
Town of Palisade, CO

Dated: \_\_\_\_\_

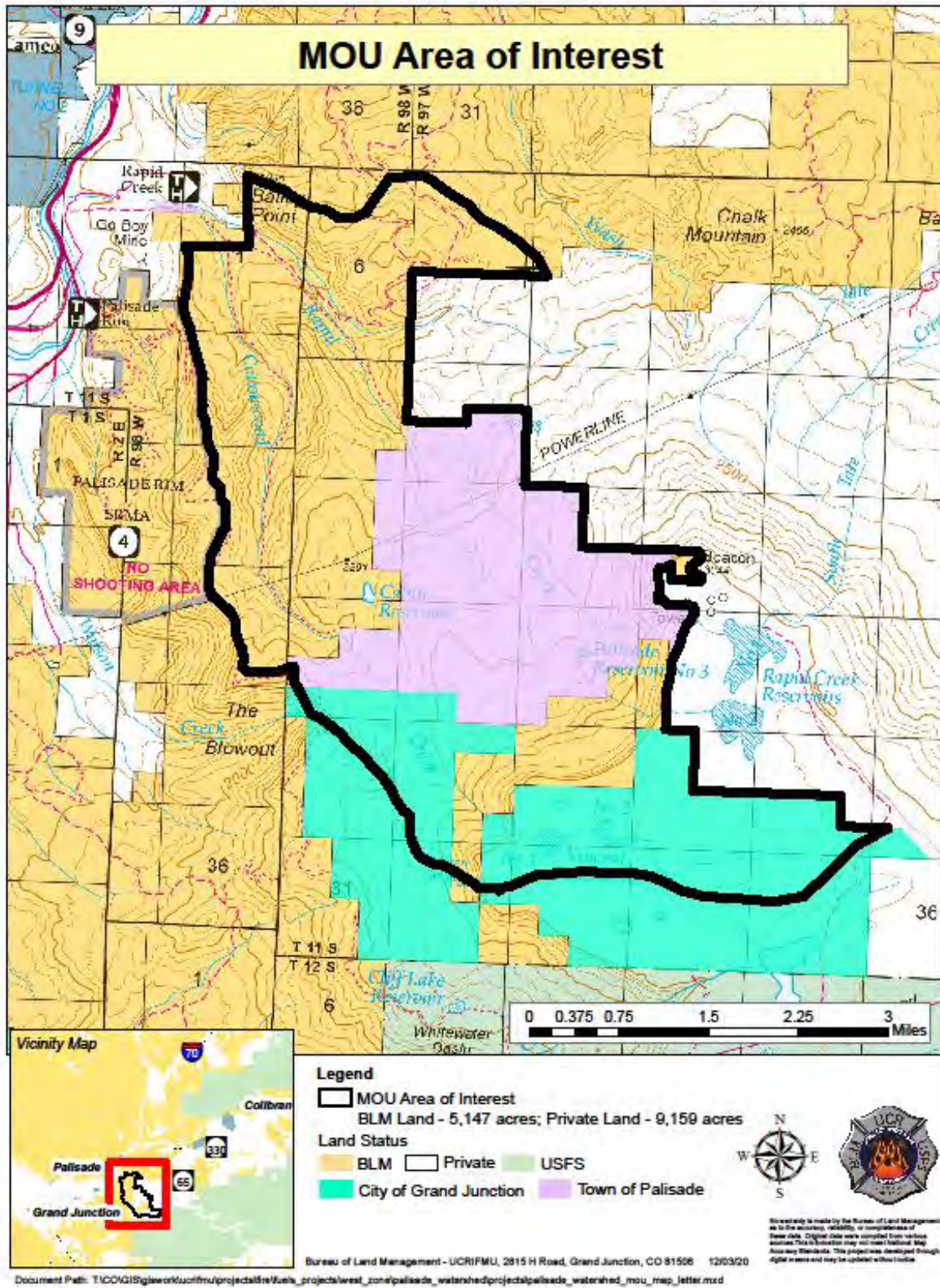
\_\_\_\_\_  
Greg Caton, Grand Junction City Manager  
City of Grand Junction, CO

Dated: \_\_\_\_\_

\_\_\_\_\_  
Greg Larson, Upper Colorado River District Manager  
Bureau of Land Management Colorado

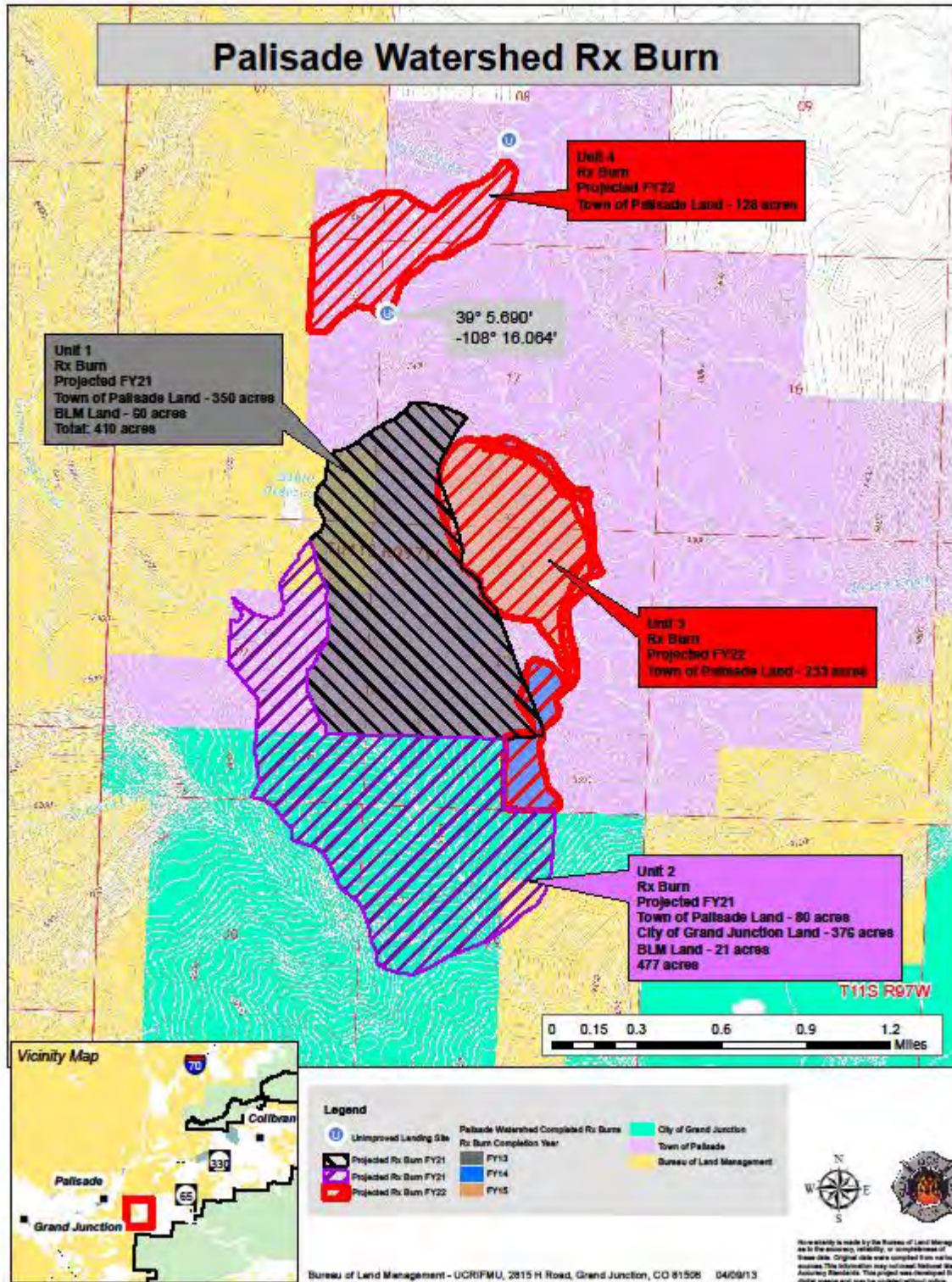
Dated: \_\_\_\_\_

Attachments: Map A



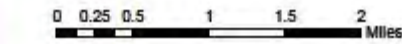
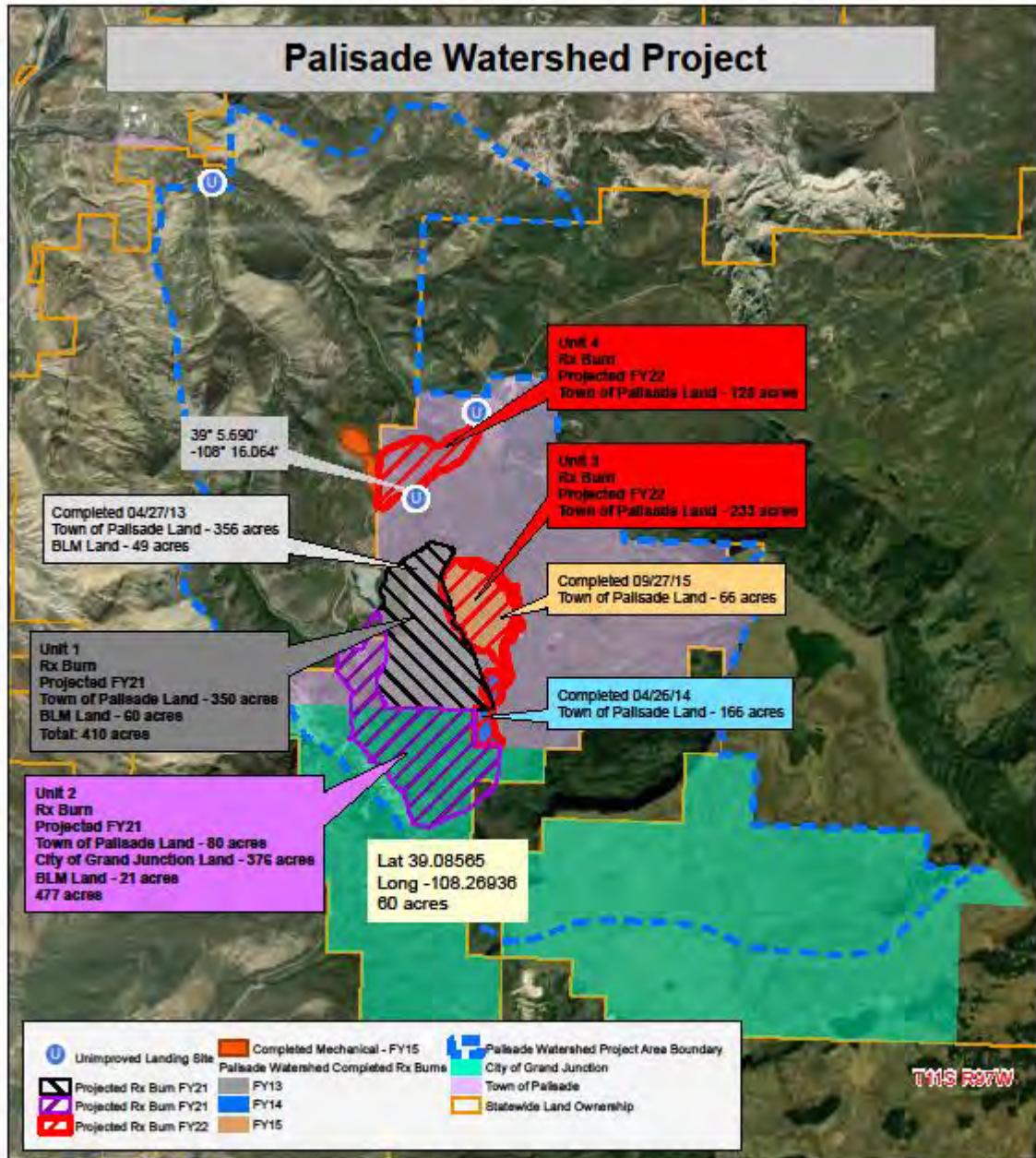


Map B





Map C



Bureau of Land Management - UCRIFMU, 2815 H Road, Grand Junction, CO 81508 12/03/20

Disclaimer is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This is intended for use as a general reference only. Accuracy of these data is not guaranteed. This project was developed through digital means and may be updated without notice.

Document Path: T:\CO\GIS\work\UCRIFMU\projects\fire\fuel\_projects\west\_zone\palisade\_watershed\projects\2020\Palisade\_Watershed\_Project\_Imagery\_2020.mxd