



AGENDA
for the Board of Trustees
of the Town of Palisade, Colorado
341 W 7th Street (Palisade Civic Center)

April 23, 2024

5:30 pm WORK SESSION

6:30 pm Regular Meeting

A live stream of the meeting may be viewed at:

<https://us06web.zoom.us/j/3320075780>

I. WORK SESSION TO BEGIN AT 5:30 pm

- A. Town Attorney Training – How the Board of Trustees interact with Town Officers and Staff

II. REGULAR MEETING CALLED TO ORDER AT 6:30 pm

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA ADOPTION

VI. 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 in person and make said statements to the Board directly.

B. GET INVOLVED WITH OUR COMMUNITY! UPCOMING PUBLIC MEETINGS (Palisade Civic Center 341 W 7th Street):

- 1. **Planning Commission** – Tuesday, May 7, 2024, at 6:00 pm
- 2. **Board of Trustees** – Tuesday, May 14, 2024, at 6:00 pm
- 3. **Tourism Advisory Board** – Thursday, May 16, 2024, at 11:00 am

- C. **OUTDOOR HERITAGE DAY** Saturday, April 27, 2024, from 10:00 am – 2:00 pm at Riverbend Park. *This event focuses on connecting people with the outdoor resources that our beautiful state has to offer.*

- D. **TOWN CLEAN-UP DAY** is Saturday, May 11, 2024, from 8:00 am – 12:00 pm (or until the dumpsters fill) at Riverbend Park. Please visit www.palisade.colorado.gov for more information.
- E. **CONGRATULATIONS!! CCCMA (Colorado City & County Managers Association) Awards Palisade’s Janet Hawkinson, Colorado Manager of the Year, out of 173 Colorado Town Managers.**

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 22, 2024 – April 19, 2024
- B. **Minutes**
 - Minutes from March 26, 2024, Regular Board of Trustees Meeting
- C. **Stipulation between Snowcap Coal Company, Inc. and the Town of Palisade** in Water Rights Case and Authorize Town’s Water Rights Attorney to Sign
- D. **Resolution 2024-10 Reappointing Town Officers**

VIII. COMMITTEE REPORTS

IX. PRESENTATION BY MAYOR FOR OUTGOING TRUSTEES THEA CHASE, ELLEN TURNER, AND BILL CARLSON

10-15 Minute Recess

X. WELCOME AND SWEAR IN NEWLY ELECTED BOARD MEMBERS

- A. MAYOR OATH OF OFFICE: Greg Mikolai
- B. TRUSTEE OATH OF OFFICE: Rick Fox, Jeff Snook, and Sarah Matchett

XI. ROLLCALL

XII. TOWN MANAGER REPORT

XIII. NEW BUSINESS

A. Appointment of Mayor Pro-Tem

The Board of Trustees will appoint a Mayor-Pro-Tem per Palisade Municipal Code Article II, Section 2-24.

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote to *appoint a sitting member of the Board of Trustees as Mayor Pro-Tem.*

B. 2024 Peach Festival Dates and Special Event Blackout Days

The Board of Trustees will review the proposed Palisade Peach Festival dates and consider amending the Town of Palisade special events blackout dates.

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until May 14, 2024) the proposed Palisade Peach Festival dates and amend the Town of Palisade special events blackout dates to accommodate the event.

C. Consider Conveying Easement to Public Service Company

Consider Conveying Easement to Public Service Company (Xcel Energy) at 470 W Fourth St.

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until May 14, 2024) Conveying Easement to Public Service Company (Xcel Energy) at 470 W Fourth St.

XIV. PUBLIC COMMENT

All those who wish to speak during public comment must sign up on the sheet provided outside the boardroom doors. Please keep comments to 3 MINUTES OR LESS and state your name and address. 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; however, the Board reserves the right to clarify information from comments that are factually incorrect.

XV. ADJOURNMENT



JANET HAWKINSON

2023

MANAGER OF THE YEAR



Presented by

**Colorado City & County
Management Association**



PALISADE BOARD OF TRUSTEES

Meeting Date: April 23, 2024

Re: Consent Agenda

The Consent Agenda has been attached as a separate document for ease of reading.

Included in the consent agenda are:

- A. **Expenditures**
 - Approval of Bills from Various Town Funds – March 22, 2024 – April 19, 2024
- B. **Minutes**
 - Minutes from March 26, 2024, Regular Board of Trustees Meeting
- C. **Stipulation between Snowcap Coal Company, Inc. and the Town of Palisade in Water Rights Case and Authorize Town's Water Rights Attorney to Sign**
- D. **Resolution 2024-10 Reappointing Town Officers**

TOWN OF PALISADE - MANAGER REPORT
APRIL 2024

TOWN OF PALISADE CAPITAL IMPROVEMENT PROJECTS

CDOT Roundabout Highway 6

Town involvement for landscaping, art work, multi-use path
Construction scheduled late fall 2025
CDOT openhouse presentation scheduled for June 2024 to show drawings to public

RIVERBEND PARK

Boat Ramp - working with landscape architect for drawings to present public for input
Demo of old restrooms east side - construct new restrooms in fall 2025
Cottonwood pruning - tree planting

FIBER

75% COMPLETE

50% Grant Funds - 50% General Fund

CNL Complete
Town moving its IT into new room
Fiber to Town facilities and parks still under construction
Last Mile Fiber under construction with private entity Clear Network

ELBERTA SIDEWALK IMPROVEMENTS

Construction - January - April 2025

80% Main St. Grant - 20% General Fund

\$1.8 million grant - \$200,000 general fund
RFQ posted for Design/Engineering - need interview panel

WASTEWATER CONSOLIDATION

Construction - Winter 2026

USDA Loan/Grant

\$24 million dollar project
Surveying & design has begun
Contacting land owners of project

TAP GRANT - SIDEWALKS

Construction - Spring 2024

80% Tap Grant - 20% General Fund

Design/Engineering complete
CDOT approvals complete
In land acquisition process - need land surveyed and complete purchase for sidewalk construction

LAND USE CODE UPDATE - CAPITAL PLANS

Starting in March with Planning Commission & CPS
Design Boards being created for Capital planning with the community

WATER METER REPLACEMENT

Complete - 2026

Purchased first set of new meters

OLD TOWN SIDEWALK CONSTRUCTION

Creating map of missing sidewalks



PALISADE BOARD OF TRUSTEES
Agenda Item Cover Sheet

Meeting Date: **April 23, 2024**

Presented By: **Keli L Frasier, Town Clerk**

Department: **Clerk**

Re: **Appointment of Mayor Pro-Tem**

SUBJECT:
Appoint a Mayor Pro-Tem for a term of two years

SUMMARY:
Per Palisade Municipal Code Article II, Section 2-24 “At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro-Tem. The Mayor Pro-Tem shall, in the absence of the Mayor from any meeting of the Board of Trustees or during the absence of the Mayor from the Town or his or her inability to act, perform the duties of the Mayor.”

BOARD DIRECTION:
Appoint a Mayor Pro-Tem for a term of two years.



PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

Meeting Date: 4.23.2024

Presented By: Troy Ward, Director of Parks, Facilities, Events; and Janet Hawkinson, Town Manager

Department: Events

Re: Celebrating the Peach and the Peach industry with Peach Days

SUBJECT:

Celebrating the Peach and the Peach Industry by bringing back Peach Days and spreading the associated events out over two weekends to better accommodate the increasing demand for participation.

SUMMARY:

The Palisade Peach Festival has achieved tremendous success and eclipsed expectations for all involved. Over the past few years, attendance at the Saturday festival and associated events has significantly strained the infrastructural resources within the Town. The Saturday of Peachfest has a series of long-standing scheduled fundraising events in addition to the festival in Riverbend Park. Those events are a 5K walk/run, Parade, Pancake Breakfast, Car Show, The Palisade Peach Festival, and a myriad of “pop-up” events that capitalize on the large numbers of visitors for the festival. Staff from the Palisade Government, the Palisade Chamber of Commerce, and the Peachfest planning committee have met regularly to discuss options to better accommodate the overwhelming Saturday attendance of events. The conclusion of these meetings is to return to the historic Peach Days celebration and separate the activities from a single weekend into a two-weekend span. This two-weekend span will still allow for participant quality to be maintained and should help to dissipate the infrastructural pressure from several thousands of additional people converging into the Town for only one day of activities.

See attached proposed schedule:

BOARD DIRECTION:

Approve amending the Town of Palisade blackout days to allow for the celebration of the Palisade Peach Festival to expand into a two-weekend Palisade Peach Days event to better alleviate the pressure that is put on Town infrastructure.

Palisade Peach Days



Thursday, August 8th to
Sunday, August 18th



2024

THU
8

- Town of Palisade Ice Cream Social @5:30PM
- Guns & Hoses Tug of War @6PM
- Street Dance @6:30PM

SAT
10

- Just PEACHY 5K Run @8:30AM
- Peach Days Parade @9:00AM
- Classic Car & Farm Equipment Show @10AM-2PM
- Ag Tours @10AM-5PM

SUN
11

- Town of Palisade Sunday Farmers Market @9AM-1PM

THU
15

- Feast in the Field Dinner @6PM

FRI
16

- Peach Festival @3PM-8PM
- Feast in the Field Dinner @6PM

SAT
17

- Lion's Club Pancake Breakfast @8AM-11AM
- Peach Festival @10AM-9PM
- Ag Tours @10AM-5PM
- Feast in the Field Dinner @6PM

SUN
18

- Town of Palisade Sunday Farmers Market @9AM-1PM

Palisade



Peach Festival



PALISADE BOARD OF TRUSTEES
Agenda Item Cover Sheet

Meeting Date: April 23, 2024

Presented By: James S. Neu, Town Attorney

Department: Legal

Re: Easement to Public Service Company (Xcel Energy) at 470 W Fourth St

SUBJECT:

Consider Conveying Easement to Public Service Company (Xcel Energy) at 470 W Fourth St

SUMMARY:

Xcel Energy approached the Town and requested that it convey a gas easement on 2,352 square feet of land that the Town owns at 470 West Fourth Street. Xcel owns property immediately adjacent to the Easement Area, and it is expanding the gas facilities located there (see the Exhibit to the enclosed Easement). Xcel initially offered the Town \$15,000 for the Easement, but upon researching current vacant property values in the area, staff countered at \$25,000 which was more in line with market rates. Xcel accepted our counteroffer. The Easement is non-exclusive and will not interfere with the Town's use of the property and the improvements being made by Xcel provide additional public safety and public benefit to the Town. Further, Xcel made the reasonable revisions to the Easement language from its standard form requested by the Town Attorney.

BOARD DIRECTION:

Approve Conveying Easement to Public Service Company (Xcel Energy) at 470 W Fourth St

STR : 9 - 11S - 98W	Grantor: Town of Palisade	Doc No.: 536424
County: Mesa	Address: 470 W 4 th St	Reception Number:
City/Town: Palisade	Dist./Tran.: Trans	Surveyor:
Division Agent: Keith Owens	Contract Agent/Co: LTE	Survey Company:
	LAT: 39°06'34"N	LONG: 108°21'28"W

PUBLIC SERVICE COMPANY OF COLORADO GAS EASEMENT

TOWN OF PALISADE, a political subdivision of the State of Colorado, acting through the BOARD OF TWON COMMSIONERS OF the TOWN OF PALISADE, acting through its CITY MANAGER, ("**Grantor**") for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, grants, bargains, sells, conveys and confirms to PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation, with an address of 1800 Larimer Street, Denver, CO 80202, Suite 1100 ("**Grantee**" or "**Company**"), its successors and assigns, a gas easement (the "**Easement**") more particularly described as follows:

A perpetual non-exclusive easement for the transmission or distribution, or both, of gas on, over, under, through and across the following described premises hereafter located in Lot 2 of Sowle Minor Subdivision situate in northwest quarter of Section 9, Township 11 South, Range 98 West of the 6th Principal Meridian, Town of Palisade, County of Mesa, State of Colorado, the easement being described as follows:

SEE EXHIBIT A FOR EASEMENT OF DESCRIPTION AND EXHIBIT B FOR EASEMENT SKETCH, BOTH ATTACHED HERETO AND MADE A PART HEREOF. (the "**Easement Area**").

Together with the full right and authority in Grantee, its successors, licensees, contractors, or assigns, and its and their agents and employees to (1) enter the Easement Area at all times to survey, mark and sign the Easement Area or the Facilities (as defined below); (2) access, construct, install, operate, repair, remove, replace, reconstruct, alter, relocate, patrol, inspect, improve, enlarge, and maintain gas pipelines, with necessary and proper valves, manholes, gas meter/regulator stations, guardrails, fences, and other appurtenances and devices used or useful in connection therewith (collectively the "**Facilities**"); (3) remove objects interfering with the Facilities or the exercise of Grantee's rights hereunder; and (4) use and have reasonable ingress and egress along and across the Easement Area for personnel, equipment and vehicles.

Grantor agrees to not perform any act that will impair the structural integrity of, interfere with, or endanger said Facilities. Without limiting the foregoing, Grantor shall not, without the prior written approval of Grantee, alter the existing ground elevations or change the compaction of the soil on the Easement Area. No temporary or permanent buildings, structures (including without limitation trailers or mobile homes), signs, or wells shall be placed or permitted to remain on, under, or over the Easement Area by Grantor. No other objects shall be erected, placed, or permitted to remain on, under, or over Easement Area by Grantor, which will or may interfere with the Facilities installed on the Easement Area or interfere with the exercise of any of the rights herein granted. Grantor shall not without the prior written approval of Grantee, build, create, construct, nor allow to be built, created, or constructed, any utilities, streets, curb and gutters, parking surfaces, trees, landscaping, fences, or similar improvements, permanent or temporary, nor allow the impoundment of water on the Easement Area. Any of the improvements or structures described in this paragraph may be hereinafter called "**Improvements**". No

failure by Grantee to remove or otherwise object to such Improvements shall be deemed to constitute consent on the part of Grantee to such Improvements. In addition, no such failure by Grantee to remove or otherwise object to such Improvements shall be deemed a waiver of Grantee's right to remove any such Improvements without further notice or compensation to Grantor. No waiver by Grantee of any provision hereof, nor any approval of Grantee required herein, shall be deemed to have been made unless made in writing and signed by an authorized representative of Grantee.

Grantor further agrees to contact the Utility Notification Center of Colorado (1-800-922-1987), or any similar one-call utility line locator system which may replace or supplement it, at least four business days (or such longer time if required by applicable law) prior to the commencement of construction or excavation on the Easement Area to arrange for field locating of Facilities.

Non-use or a limited use of the Easement Area shall not prevent Grantee from thereafter making use of the Easement Area to the full extent herein authorized. Following completion of construction or renovation of its Facilities on the Easement Area, Grantee shall restore the surface of the Easement Area to as near a condition as existed prior to such work as is reasonably practicable, taking into account, among other things, the existence of the Facilities and the restrictions stated herein, including prohibitions or limitations on structures, trees, shrubs, and other objects.

No failure by Grantee to remove any interference or otherwise object to any use by Grantor in violation of these terms shall be deemed to constitute consent on the part of Grantee to such interference nor shall it be deemed a waiver of Grantee's right to remove any such interference without further notice or compensation to Grantor. No waiver by Grantee of any provision hereof, nor any approval of Grantee required herein, shall be deemed to have been made unless made in writing and signed by an authorized representative of Grantee.

Grantor shall disclose to Grantee any waste materials that Grantor knows or reasonably suspects to be present in soils, water (surface or groundwater), vapors or air, whether on, in, above, migrating to, or under the Easement Area and any other information that would help Grantee assess the risks of working in the area. Grantee shall not assume, and Grantor shall retain its obligation to comply with all applicable environmental laws and regulations, including federal or state reporting requirements related to such waste materials.

No amendment, modification or supplement of this Easement shall be binding on Grantee unless made in writing and executed by an authorized representative of Grantee (or its successor or assign, if applicable). The provisions of this Easement shall run with the land and shall be binding on and burden the Easement Area and shall be binding on and shall inure to the benefit of all persons claiming an interest in the Easement Area, or any portion thereof, through the parties hereto, including the heirs, executors, administrators, personal representatives, successors, and assigns of Grantor and Grantee. "Grantor" shall include the singular, plural, feminine, masculine and neuter.

This grant is binding on Grantor, is not conditioned upon obtaining the consent of any third party, and is not subject to any mortgages or liens, except those for which Grantor has provided Grantee with a consent and subordination agreement, executed by such mortgagee or lienholder and attached hereto.

This Easement incorporates all agreements and stipulations between Grantor and Grantee as to the subject matter of this Easement and no prior representations or statements, verbal or written, shall modify, supplement or change the terms of this Easement. The title of this document is inserted for convenience only and does not define or limit the rights granted pursuant to this Easement. This Easement consists of the document entitled "Gas Easement" and an Exhibit containing a legal description and a sketch depicting the legal description if referenced above or attached hereto, and if attached hereto, a Consent

and Subordination. No other exhibit, addendum, schedule or other attachment (collectively “**Addendum**”) is authorized by Grantee, and no Addendum shall be effective and binding upon Grantee unless separately executed by an authorized representative of Grantee.

Executed and delivered this _____ day of _____ 2024.

GRANTOR: **TOWN OF PALISADE**

BY: _____

Greg Mikolai

ITS: Mayor

STATE OF COLORADO,)
)ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024
by [Grantor name(s) from above]:

Witness my hand and official seal.

My commission Expires _____

Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

UTILITY EASEMENT

A PROPOSED UTILITY EASEMENT BEING A PORTION OF LOT 2, SOWLE MINOR SUBDIVISION, RECORDED AT RECEPTION NO. 2067136 AND WARRANTY DEED RECORDED AT RECEPTION NO. 2067137 OF THE MESA COUNTY CLERK AND RECORDER OFFICE, AND SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 98 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PALISADE, COUNTY OF MESA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 98 WEST. MONUMENTED ON THE WEST END OF THE LINE BY A 3" BRASS CAP IN ASPHALT, 0.45' BELOW GRADE, BEING THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 98 WEST, AND ON THE EAST END OF THE LINE BY A 3-1/4" ALUMINUM CAP, STAMPED "ROLLAND CONSULTING ENGINEERS, T11S R98W C1/4 S9 2015 PLS 38428", BEING THE CENTER CORNER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 98 WEST AND IS CONSIDERED TO BEAR N88°01'12"W.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 9, N64°14'52"E, A DISTANCE OF 767.92 FEET TO NORTHWEST CORNER OF SAID LOT 2, AND BEING A POINT ON THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, AND BEING THE **POINT OF BEGINING**;

THENCE WITH THE NORTH LINE OF SAID LOT 2, AND BEING THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, N74°45'48"E, A DISTANCE OF 45.02 FEET;

THENCE S02°27'48"W, A DISTANCE OF 54.83 FEET TO THE SOUTH LINE OF SAID LOT 2, AND BEING THE NORTH RIGHT OF WAY LINE OF FOURTH STREET;

THENCE WITH THE SAID NORTH RIGHT OF WAY LINE S74°50'37"W, A DISTANCE OF 44.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE WITH THE WEST LINE OF SAID LOT 2, N02°26'36"E, A DISTANCE OF 54.76 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 AND BEING THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS 2,352 SQUARE FEET OR 0.054 ACRES.

ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

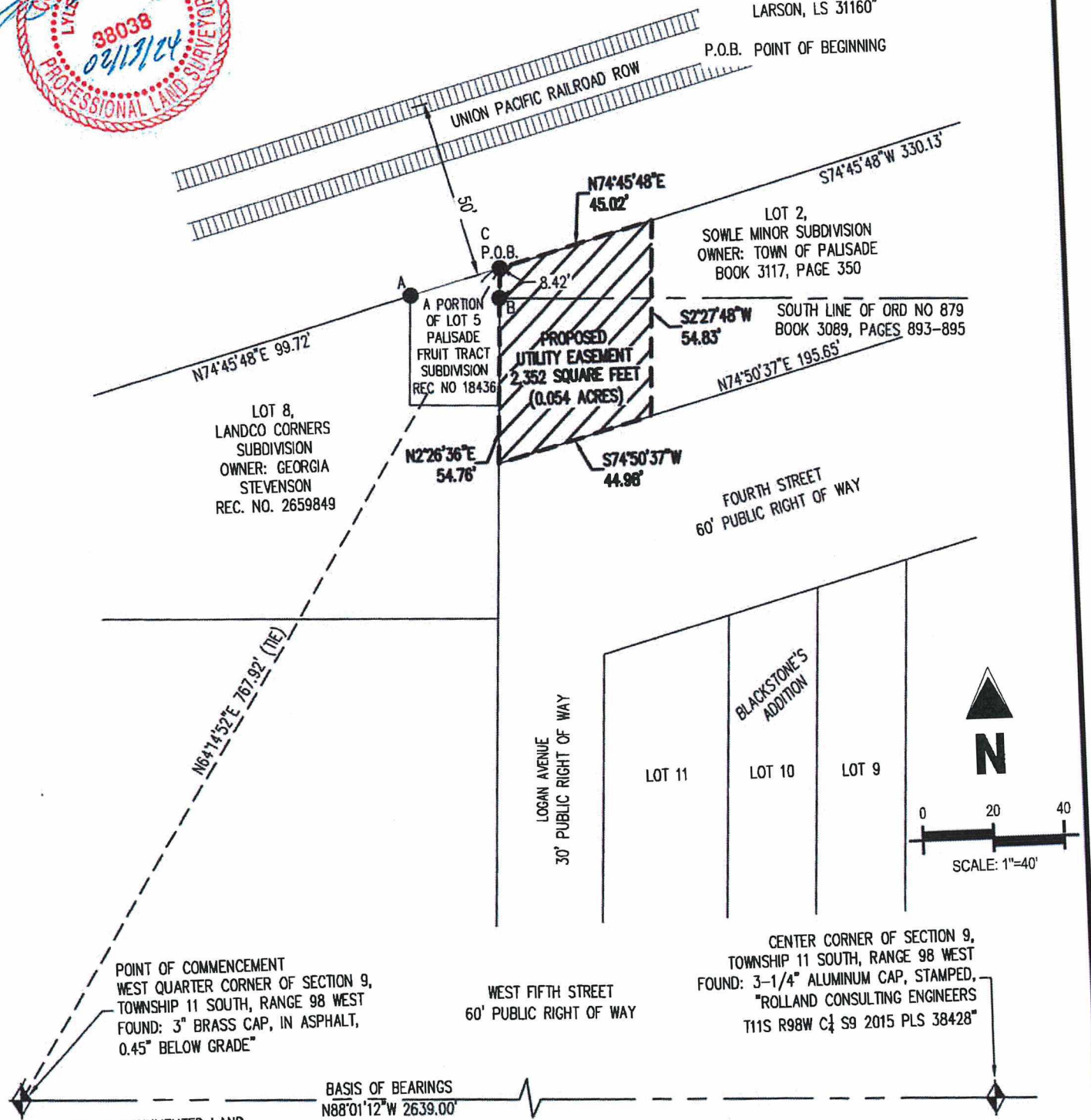
THE PURPOSE OF THIS LEGAL DESCRIPTION IS TO DESCRIBE A PROPOSED UTILITY EASEMENT.

LYLE G. BISSEGER, PLS 38038
PROJECT NO. KLF02.10
PREPARED FOR AND ON BEHALF OF GALLOWAY & COMPANY, INC
1155 KELLY JOHNSON BLVD, SUITE #305
COLORADO SPRINGS, COLORADO 80920





- A FOUND: REBAR WITH YELLOW PLASTIC CAP, "NHP LS 2082"
 - B FOUND: REBAR WITH 2.5" ALUMINUM CAP, STAMPED, "QED SURVEYING LS 30111"
 - C FOUND: REBAR WITH ALUMINUM CAP, "R.A. LARSON, LS 31160"
- P.O.B. POINT OF BEGINNING



NOTE: THIS IS NOT A MONUMENTED LAND SURVEY AND ONLY IS INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

EXHIBIT B
PROPOSED UTILITY EASEMENT
 LOT 2, SOWLE MINOR SUBDIVISION
 NORTHWEST QUARTER OF SECTION 9, T 11 S, R 98 W OF THE 6TH P.M.
 TOWN OF PALISADE, COUNTY OF MESA, STATE OF COLORADO

Project No:	KLF02
Drawn By:	AAY
Checked By:	LGB
Date:	02/12/2024

Galloway
 1155 Kelly Johnson Blvd, Suite #305
 Colorado Springs, CO 80920
 719-900-7220
 GallowayUS.com