

- Title 16 was updated to specify permanent storm water quality in subdivisions.
- Title 17 was exhaustively updated to provide construction criteria and align them with El Paso County's criteria.

Chavez said he drafted the PDD to meet the "bare bones requirements," but to avoid over-committing the town.

The PDD addresses the town's construction oversight program, post-construction and municipal operations, and record-keeping requirements for annual reporting, Chavez said. The PDD has eight chapters, one for each section of the MS4 permit, and 10 appendices that define the necessary processes. Operating procedures inspection forms, illicit discharge forms and reports are included in the PDD, Chavez said.

Chavez told the board the PDD has four pieces:

- The program requirements.
- The deadlines for compliance with the requirements.
- The necessary record-keeping for each requirement.
- What the town does for each requirement.

Chavez told the board he completed the PDD for less than half of the planned amount.

The PDD and a link to report a spill or dump are on the town's webpage at this URL: <https://www.townofpalmerlake.com/pw/page/stormwater>.

Following Chavez's presentation on the PDD, the board voted unanimously to approve Resolution 13-2021 to implement the MS4 PDD.

### Board struggles to manage unused water taps

At the Feb. 11 meeting, the board took up the issue of water taps that had been purchased but remained unused because no connection to the town's water distribution system had been made. Collins told the board that the current municipal code said any tap not used within 12 months of purchase was considered abandoned and asked the board for direction on how to handle these taps. She suggested notifying the owners of the unused taps and giving them a year to use the tap. She asked the board if it would authorize returning the tap fee to any owner who had not complied with the town's code. Collins pointed out that the taps were the town's property and had to be tied to a specific address.

Stuth said some taps had remained unused for two years and that was unfair to other people who wanted to build. She argued tap owners should be given a shorter time to make use of their tap.

Currier said everyone should comply with the current code and argued for taking unused taps back from their purchasers.

Town Attorney Mathew Krob said there was a possibility the town's code might not have been published at the time the unused taps were purchased, and this complicated the issue. He said that going forward, the policy should be applied uniformly and all unused taps should be addressed in a single vote, adding that obtaining a land use permit was the trigger indicating a tap was in use. Krob also said the town's position was that there should be no secondary market for taps and if taps were to be purchased back the compensation should be what was originally paid for the tap, not the current tap fee, which was raised in the last year.

Bass said he wanted to see the current ordinance enforced and favored giving owners of unused taps six months to comply. He said he favored buying back any unused taps and wanted to see consistent enforcement going forward.

John Cressman, who served as mayor before Bass's election, told the board this issue affected him personally because he had purchased three taps in the expectation of developing property he had already subdivided but not platted in Red Rocks Ranch and two more he planned to use for a development on Greeley Boulevard. He had paid the monthly water use fees while he had owned the taps and he asked the board to consider returning both the fees he paid for the taps, which totaled \$20,000, and the monthly fees he had paid for water use, which totaled \$4,000. Cressman said he wanted to retain two of his taps to develop property on Greeley Boulevard.

Padgett said she opposed returning the monthly fees to Cressman since the town would have received those fees if they could have sold the taps to someone who used them.

Nikki McDonald, who served as mayor before Cressman, told the board she also owned unused taps, which she planned to use to develop the property on Greeley Boulevard in partnership with Cressman. She had not paid monthly fees for water service since

purchasing the taps but was willing to do so, she said.

Bass, Currier, Dawson, Farr, and Padgett voted in favor of a motion specifying two things: First, that an owner of an unused tap would have six months to pay outstanding payments and to submit a land use permit to retain the tap, and second, if an owner of an unused tap wished to relinquish the tap, they would be reimbursed for what they paid for the tap but not for monthly water base fees paid. Havenar voted no.

### Policies on taps and well permits examined

At the Feb. 4 special meeting, the board voted unanimously to approve Resolution 12-2021, which allows for the sale of 10 water taps when administrative criteria are in place, thereby updating the town's moratorium on granting new water taps.

Frisch said he believed, based on previous studies, that the town could have a maximum of 1,060 taps based on surface water rights, and he recommended in the short-term new taps could be approved up to that number, but that no new taps be approved until building plans are in hand and ready for construction. Frisch said he would have a more complete study of the issue finished in 30 days but at present he believed the town had 37 taps available.

Collins said there were eight projects that had either applications or applications and plans, so those taps were encumbered already.

Collins suggested allowing for new taps and reporting to the board at each meeting how many had been requested.

In response to a comment from Currier that the town is not required to provide water, Havenar said the town was obligated to provide either a tap or a well permit.

Mark Schuler, who served on the previous board, pointed out that, although studies had shown the town could support 1,060 taps on its surface water rights, for each of the last 10 years the town had to augment available surface water with water from its wells.

Local developer Kurt Ehrhardt asked if some of the available taps could be reserved for commercial development.

A motion to table the discussion of taps for 60 days failed with only Currier voting in favor.

Dave Frisch of GMS Inc. Consulting Engineers gave the board a summary of the town's wells at the Feb. 11 meeting. The town has about 155 wells, some in the Dawson Aquifer and some in the Denver Aquifer. Sixty of those have a requirement to be metered and reported to the town annually and 10 metered and reported to the town upon request. An additional 15 wells are required to be metered and reported to the state, he said. None of the required reporting was being done, Frisch said.

Frisch advised the board to define the process for private residential wells as follows:

- All residential wells will be limited to the Dawson Aquifer; all other aquifers will be reserved for town use.
- Town staff with legal council should prepare a standard application that would require building plans to be included.
- The fee for a well permit should be \$20,000, the same as for a water tap, but \$15,000 should be waived because the town does not develop or process the water.
- Each well should be authorized to produce a maximum of one acre-foot per year, limited to 15 gallons per minute and should be metered. Existing wells should have meters installed by the end of 2021. There should be an additional charge for use over one acre-foot, and the charge should be enforced through a lien on the property.
- Water draw should be related to lot size.

Frisch confirmed that the town was obligated to provide a well permit if residents were unable to connect to the distribution system.

Following the discussion at the Feb. 11 meeting, the board voted on two motions and one resolution:

- The board voted to direct staff to amend the town's code for well permits based on Frisch's recommendations.
- The board voted to direct Frisch to proceed with his proposed study.
- The board voted on Resolution 16-2021 to approve a well permit for a property on Meadow Lane at the current fee.

The discussion of well permits ended at the Feb. 25 meeting with a discussion and vote on Ordinance 2-2021, which amends the town code based on Frisch's recommendations. The ordinance codifies the recommendations made by Frisch at the previous meeting, including the aquifer to be drilled, the fees established, the limit of water use, the installation of a meter, and annual reporting. The ordinance specifies the well permit fee will be set in the Master Fee Schedule. Collins said a goal of the ordinance was to align the processes for taps and for wells.

Stuth moved twice to table the ordinance until further study could be done, but the motions did not pass.

Collins clarified that the ordinance did not establish a fee for a well permit and that the fee would be set in the upcoming Master Fee Schedule. Krob confirmed that the ordinance aligned the process for well permits with the process for water taps and did not set a fee for well permits.

The board voted to approve the ordinance with only Stuth voting no.

### Long-delayed water rate increases coming in March

At the Feb. 25 meeting, Collins asked the board for direction regarding a 3% annual increase in all water rates—tap fees, monthly base rate, and monthly



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