
The MA School Board meets at 6 p.m. on the second Thursday of

each month. The next regular board meeting will be on Thursday, March 9, at 6 p.m. at the East Campus. See

more information at see <https://bit.ly/ma-boe>.

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Palmer Lake Board of Trustees, Feb. 9 and 23

Board hears proposals for Elephant Rock property

By James Howald and
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In February, the Palmer Lake Board of Trustees (PLBOT) heard four proposals for how to use portions of the Elephant Rock property (ERP). The Board of Trustees, the Planning Commission and the Parks Commission all had new members appointed. The board considered two issues regarding the taxation of cannabis, heard questions from a resident on water fund accounting and municipal code changes, and continued to refine its policy on short-term rentals (STRs).

The board also considered two resolutions on behalf of the Fire Department. It granted a special-event permit and renewed a contract with a stormwater consultant. Chief of Police Jason Vanderpool told the board about a grant the Police Department had received. Finally, the board updated the town's zoning map.

The Feb. 9 and 23 meetings both ended with executive sessions.

Police and Fire Departments and Parks Commission present Elephant Rock plans

At the Feb. 9 meeting, Interim Fire Chief John Vincent and Vanderpool requested that a three-acre portion of the ERP be reserved as a location for a public safety building. They requested that the land adjacent to Highway 105 be reserved. Mayor Glant Havenar noted their request, but no action was taken at the meeting.

At the Feb. 23 meeting, the board heard three presentations from members of the Parks Commission about how to use a portion of the ERP as a public park.

Cindy Powell gave the first presentation. In her plan, which she described as "more involved," a trail would be built around the perimeter of the park, and the Creekside trail would be extended. The existing baseball field would be maintained and used for baseball and soccer. She proposed the land used for the park be placed in a trust specifying it could never be developed. She told the board she is working on grants to fund construction of the park and has met with the Mile High Youth Corps to seek their support, on a volunteer basis, to build the perimeter trail. She recommended keeping several of the existing buildings: the one with a basketball court, the dining hall, and the kitchen. She envisioned pop-up restaurants that would generate revenue for the town.

The next phase would be to fix up another building for the Palmer Lake Arts Committee to use for resident artists, art classes, and exhibitions. Powell proposed other existing buildings be rehabilitated in later phases of park development and said paid parking should be considered. She proposed a stage

similar to the one in Limbach Park in Monument for musical performances. Powell said, "I would love to have a mill levy or a bond, whichever is best, to put a public safety building" on the property.

Gene Kalesti presented what he called a basic plan for the proposed park. Kalesti proposed a first phase including a perimeter trail, an open-air pavilion, a dog park, community garden boxes, and two paid parking lots. A second phase would add a nature center, beaver ponds, and bridges that would be built by the Air Force Academy Engineering Department. Kalesti argued for opening the ERP to the public as soon as possible to let the town become familiar with it. Kalesti said five members of the Parks Commission voted in favor of his plan with the stipulation that a baseball field be added.

Reid Wiecks gave the final presentation. He pointed out that the mission of the Parks Commission was to develop and maintain parks and trails. He said the entire ERP should be put into a trust so that it never leaves town control. Wiecks' plan includes a perimeter trail. He envisioned a unique "signature park," different from anything in Larkspur or Castle Rock. Wiecks recommended demolishing most existing buildings, arguing they are a liability to the town, constantly vandalized, and 10 times more expensive to rehabilitate than to demolish. He wanted to keep the two cabins that are in the best shape. Wiecks pointed out not reserving all the ERP for use as a park risks seeing the land used for another housing development and that trying to fund any plan using grants, which are competitive, is a mistake. He felt ballfields are easily renovated and maintained.

Residents shared their thoughts after the presentations. Bob Parsons advised the board to go slowly, and he supported Kalesti's plan, which he felt had an appropriately slow start. He was also concerned about increased traffic on Epworth Highway and Shady Lane. Loren Burlage, owner of a property east of the ERP, expressed concern that park visitors would feed his miniature donkeys.

Residents spoke in favor of and in opposition to including a dog park in the plan.

Paul Olivier, who served previously as the mayor of Palmer Lake, reminded the board that money and work would be needed to maintain the park. He pointed out that there had been plans for Centennial Park that had never been realized due to lack of funding. He warned the proposed park might fall into the same trap.

New board and commission members appointed

At the Feb. 9 meeting, the board in-

terviewed Nick Ehrhardt and Rich Keuhster to fill the vacant seat on the board resulting from Karen Stuth's resignation. Ehrhardt told the board he grew up in Palmer Lake and had worked as an intensive-care nurse before joining his father Kurt Ehrhardt's contracting business. He said he wants to build a resilient community. Keuhster said he had served as the town's fire chief in the mid-90's and had also served two terms on the board, including serving as the mayor pro tem. Kuehster said he was concerned about water supply, fire exposure, and developments in the town.

Trustees Shana Ball, Kevin Dreher, Jessica Farr, Samantha Padgett, and Mayor Glant Havenar voted in favor of appointing Ehrhardt; Trustee Dennis Stern voted no.

At the Feb. 9 meeting the board voted unanimously to appoint Tim Caves and Lindsey Zapalac to the Planning Commission. Caves and Zapalac will serve two-year terms ending in January 2024.

At the Feb. 23 meeting, Samantha Deeder was appointed to a two-year term on the Parks Commission ending in January 2025.

Cannabis taxes clarified

At the Feb. 9 meeting, the board reviewed the issue of excise taxes on wholesale cannabis. Town Administrator Dawn Collins pointed out that the ballot question established the excise tax at 5% of the sales price of wholesale cannabis but also allowed that tax to increase as high as 10%. Collins asked the board to clearly establish the excise tax rate.

Two owners of cannabis businesses—Brenda Woodward and Dino Salvatori—spoke to the issue. Woodward said she was concerned the tax could rise to 10%. Salvatori agreed that a 10% excise tax left no room for profit, and pointed out that he could only find 16 municipalities that charged an excise tax.

Attorney Scott Krob, standing in for Town Attorney Matt Krob, told the board it could not change the ballot initiative that went before the voters.

Ball, Farr, and Havenar said they wanted more research done before voting on the issue.

At the Feb. 23 meeting, Krob gave the board his opinion that the state statute establishes an excise tax of 5% and the board could not raise it to 10%.

The board voted unanimously to set the excise tax at 5%.

At the Feb. 9 meeting, the board took up the issue of sales tax on retail cannabis by considering Ordinance 5-2022, which establishes a 5% tax on retail cannabis sales. The board asked that this ordinance be brought back in final form at the Feb. 23 meeting. At that meeting, a final draft of the ordinance that left the 5% rate in effect and corrected

a reference to state statutes in the previous draft was approved by a unanimous vote.

Resident questions water fund accounting and municipal code changes

At the Feb. 9 meeting, the board discussed how much time Collins should spend responding to requests for information, given the significant number she has been receiving. The board agreed to direct Collins to spend about two hours per week.

Later, during the Public Comment agenda item, resident Roger Mosely said he had done his own calculations on what the water billing rate should be and asked that the board provide them to its new rate consultant for his consideration, which it agreed to do.

Mosely noted that the municipal code that was in effect until the new code was adopted on Dec. 8 specified that the board shall have control and management over all things pertaining to the water works system unless it had formally appointed someone to do so. He said he did not know if they had appointed Collins, otherwise the board that was in place before Dec. 8 had had that responsibility.

Note: The current code at <http://bit.ly/pl-code-water> says the water supervisor shall have control and management of all things pertaining to the water works system. Both the current and previous codes say that the town Board of Trustees shall have the power to prescribe all rates, rules, and regulations as necessary.

Mosely said he had two questions about the water fund. Question A notes that the 2022 budget for operations and capital expenditures totals over \$800,000, but the actual expenditure was less than \$200,000 and raised concern about the budget being off by 300%, asking what had been planned for and not done with the \$600,000 differential.

In his second question, he noted that the 2023 budget for the water fund showed a 2022 balance of American Rescue Plan Act (ARPA) funds of \$248,000, which he found suspicious because it was a round number and that while ARPA money is restricted to infrastructure, it was placed in the general fund. He said the town had only spent \$83,661 in capital expenses and questioned if the difference was due to bad accounting or mismanagement of funds.

Collins agreed to provide a general response over the next couple of weeks.

At the Feb. 23 meeting, Mosely raised additional questions about the water fund accounting. He asked why the 2022 water month-over-month report showed that year-to-date operations and capi-