
The next meeting will be on Aug. 8 at 6 p.m. in Town

Hall, 42 Valley Crescent. Meetings are normally held on the second Thursday of the month. Information: 481-2953.
Jim Adams can be reached at jimadams@ocn.me.

Palmer Lake debates recreational marijuana options

By Jim Adams

This spring, Palmer Lake Town Clerk Tara Berreth sent out a notice that volunteers were needed for a committee to look at the recreational marijuana choices that the town faces concerning whether or not to allow recreational marijuana retail sales. As of the July 2 Town Council meeting, there were only three applicants for the committee. At that meeting it was revealed that the town has until Oct. 1 to declare its intentions to the state to opt in or out, or to put a moratorium into place.

On July 22, Berreth emailed an announcement of a Marijuana Advisory Committee meeting scheduled for the next day.

More than 20 local residents and business persons attended the July 23 meeting. Mayor Nikki McDonald, Trustee Shana Ball, Trustee Michael Maddox, and Berreth were present representing Town Council and Town Hall staff. Berreth noted that she had recently attended a state roundtable and other functions intended to help local governing bodies deal with Amendment 64, which legalized recreational marijuana sales in the state. There were many verbal challenges from those in attendance during her presentation.

Berreth stated that Palmer Lake can opt out, like many surrounding areas already have. She said she preferred an immediate opt out. Barring that, the following options were presented as acceptable to Berreth. The town could place a moratorium on recreational sales for a year with one of three options. Option 1 is to let the Town Council decide whether or not to put it on the ballot in April 2014 and let voters decide if they want retail recreational sales. Option 2 would be to let the Town Council decide the issue directly. Option 3 would be to create a committee to advise the Town Council, provide for 30 days of public notice of the meeting time and date for the Town Council agenda item, and establish any separate forum for public commentary on the issue before the public hearing and vote by the Town Council.

The option to opt in on retail recreational marijuana sales was dismissed. Berreth stated that this choice would be “impossible” relative to state-required timelines, unreliable as to whether it would predictably generate any sales taxes revenue, and could possibly lead directly to having an unregulated and untaxed pot shop on every corner, near every school, and in neighborhoods.

Berreth stated she would force the various moratorium options so that the option to form a committee would be addressed by the council before the Oct. 1 deadline. Berreth also said that she would push to opt out on recreational marijuana sales if no action were taken by the council or a committee. She said medical marijuana dispensaries are difficult and time-consuming to monitor, and they have brought little to town coffers relative to the problems they cause Town Hall.

Berreth said that the town only receives a 1.5 percent sales tax from medical marijuana sales. A local medical marijuana dispensary owner stated that he was paying far more than 1.5 percent in taxes at his own dispensary, more than the town was receiving and more than the total revenue that the town claims to have received from the two existing medical marijuana dispensaries that are already licensed in Palmer Lake. Berreth said the town had received less than \$10,000 in medical marijuana sales tax revenue from these two separate businesses.

Some people signed up to join the committee. Berreth said she would select seven members from the list of volunteers based on geographical distribution and notify them of their selection.

The citizens’ arguments regarding whether the town should opt in or opt out were heated. Some wondered whether or not such a committee was actually needed, or even, by the end of the meeting, whether it would actually be assembled at all. Making the choice a ballot question appeared to be something many people had not considered as a possible option when Amendment 64 was approved.

Numerous issues were raised, including:

- That town citizens had spoken in November by voting for recreational marijuana possession, and that an opt-in was clearly mandated by the will of the voters.
- That even though the citizens voted for legalization, they possibly didn’t vote for recreational retail sales.
- That the town stands to reap a windfall profit from sales taxes as the only local town to allow retail sales.
- That the town would become the laughing stock for legalizing retail sales.
- That property values would fall.
- That recreational users should be content with asking their medical marijuana card holders to break the law and obtain marijuana for them.
- That it is hypocritical to sell large quantities of alcohol for profit tax revenues in public and not allow for recreational marijuana sales at the retail level.
- That surrounding areas had legislated-in the perpetuation of black-market marijuana sales by default, by opting out.
- That many areas in the South and in Texas have dry counties (counties without liquor sales), and it’s no big deal down there.
- That it is already OK to set up shop for retail sales and the town is not following Amendment 64.
- That the town should allow Palmer Lake Wellness Center to open as a retail vendor because it already has two separate store fronts for separate sales of medical and recreational marijuana, and easy access from I-25, which does not take traffic through town.
- That the Green Mountain Falls Town Council faces a possible recall election for opting out.

There was no announcement of further meetings of the committee.

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NEPCO, July 13

New laws expected to increase HOA costs

By Lisa Hatfield

At the July 13 meeting of the Northern El Paso County Coalition of Community Associations (NEPCO), homeowners association (HOA) attorney Lenard Rioth updated HOA representatives on current legislation that will add expenses to HOAs, and members discussed ways to collaborate in fuels mitigation against wildfires.

Rioth explained new laws that will increase costs for HOAs:

- Records Statute for Colorado Common Interest Ownership Act (CCIOA) HOAs (HB 12-1237) delineates what records and emails must be retained for possible inspection and what information cannot be disclosed by HOAs.
- Assessments Collection Statutes for CCIOA HOAs (HB13-1276) control what documentation and notices HOAs must provide residents during assessment collection.
- The new HOA information officer (HB13-1134)

will report to the state Legislature in December on what his own powers and fees will be. All HOAs not subject to CCIOA must register with this office. The officer will also hopefully be notifying HOAs and associations registered with him about the new laws and their ramifications for HOAs, but so far he has not done so.

- HOA managers now have to be licensed and fulfill other new requirements (HB13-1277).
- Many laws on the books regarding HOAs are being written with imprecise terminology, making it hard for HOAs to understand what is legally required by each law.
- Turf Grass/Landscaping Law for HOAs (SB13-183) prohibits HOAs from enforcing covenants which limit xeriscaping, but it is written in a way that is hard to enforce.
- Electric Vehicle Charging System (SB13-126) may not prohibit an owner from installing such a system.

Rioth said, “The road to doom is paved with good intentions.... It’s very likely that the next legislative session will be even more regulatory. Wildfire mitigation legislation will come along, probably.” He said there may be some legal issues raised by wildfire mitigation concerns, such as imposing state standards on materials used in rebuilding homes or on performing mitigation after wildfires.

The Council of Neighborhoods and Associations might represent HOAs in the state Legislature. “NEPCO could combine with that and help out. Get involved in the legislative process. It will affect your lives and your bottom line,” Rioth said.

Some of the comments by Woodmoor Improvement Association (WIA) President Jim Hale about wildfire mitigation were:

- It’s not in any of (WIA’s) governing documents to go in and tell people to clear their lots.
- It may have to move up to the county or state level to

come up with a requirement for mitigation.

- A lot of people are doing fuels mitigation, but it’s a problem to get rid of the slash piles.
- We need to get more people to understand how to do their own wildfire mitigation.
- We need to work as an entire Tri-Lakes community and do mitigation as a team.
- We need to engage the county. It cost about \$12 million to fight the Black Forest Fire. What if we could take a couple million and put it toward mitigation efforts before there’s another fire?
- Integrity Roofing is trying to organize volunteers through local churches to help people who can’t afford to do their own mitigation.
- Waste Management sells Bagsters at Home Depot that will hold several thousand pounds of slash, and it will haul it away for a fee.

Some audience comments about mitigation:

- Some people still think wildfire won’t happen to them.
- Do real estate companies encourage fuel mitigation on properties that are for sale?
- Property owners living in wildland-urban interface areas covered by a Community Wildfire Protection Plan (CWPP) can deduct 50 percent of the cost of wildfire fuels mitigation from their reported federal income up to an amount of \$2,500 (HB13-1012).
- For resources about defensible space, see www.ocn.me/ and search “wildfire,” or <http://www.tri-lakesfire.com/ReadySetGo.php> or <http://www.wescottfire.org/wildfire-ready-set-go>.

NEPCO’s mission is to promote communication and interaction among HOAs and residential areas in northern El Paso County. NEPCO currently has about 32 HOA members representing about 7,000 homes, and it hopes for more of the smaller HOAs to become members.

The next NEPCO meeting will be held at 10 a.m.

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