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Join via phone at 1-719-359-4580 **Meeting ID:** 844 1968 0943

Meeting Passcode: 472914

AGENDA

Call to Order/Roll Call

Agenda Consent

- A. Approval of Agenda

Public Comment

Public comments are limited to three (3) minutes. When you are recognized, please stand, state your name, and then address the Board in a professional manner.

The Board of Trustees may not respond to your comments during this meeting, rather they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up.

New Business

- A. Interview with Town of Kiowa Board Applicant
 - 1) Mona Schantz Oath of Office
- B. RESOLUTION NO. 9, SERIES 2025, TOWN OF KIOWA, ELECTION RESOLUTION FOR 2025 ELECTION BALLOT

Public Hearing

- A. **ORDINANCE AMENDING EMERGENCY MORATORIUM:**
 - 1) ORDINANCE 5, SERIES 2025, AN AMENDMENT OF THE EMERGENCY ORDINANCE NO. 4, SERIES 2025 ESTABLISHING A TEMPORARY MORATORIUM IN TOWN CENTER FOR ANY ADDITIONAL BUSINESSES, OFFICES OR OTHER NON-REVENUE PRODUCING ACTIVITIES; AND DECLARING AN EMERGENCY FOR THE TOWN OF KIOWA, COLORADO

Discussion/Communications

Adjourn

Agenda Approved By:

**Theresa “Terry” Howard
Mayor, Town of Kiowa**

Date Posted:

Date

Time Posted

**RESOLUTION NO. 9, SERIES 2025
TOWN OF KIOWA**

ELECTION RESOLUTION

WHEREAS, in accordance with the provisions of the Home Rule Charter of the Town of Kiowa (the “Town”), Colorado Municipal Election Act, C.R.S. 31-10-101, *et seq.*, as amended (the “Act”) and the Colorado Uniform Election Code of 1992, Article 1, Title 1, *et seq.*, C.R.S., as amended (the “Election Code”), the election must be conducted to amend the Town Charter and amend sales and use taxes and add a lodging tax; and

WHEREAS, the Town Board of Trustees desires to refer questions to the Town’s registered electors concerning changes, amendments or additions to the Town of Kiowa Home Rule Charter; and

WHEREAS, the election shall be conducted as a coordinated election in Elbert County in accordance with Articles 1 to 13 of Title 1, Colorado Revised Statutes, as amended (the “Uniform Election Code”); and

WHEREAS, the Town Home Rule Charter designates the Town Clerk, Sasha Davidson, as Designated Election Official (“DEO”) to work with and assist the Elbert County Clerk in providing necessary information and notices for the conduct of the coordinated election pursuant to the intergovernmental agreement, as well as conduct all other municipal election functions.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Kiowa in Elbert County, State of Colorado, that:

1. A coordinated mail-in ballot election shall be held and conducted on Tuesday, November 4, 2025 (the “Election Date”) at which there shall be submitted to the registered electors of the Town.

2. The Town Board has also determined to refer to the registered electors of the Town referred ballot questions relating to the Town Board of Trustees desire to refer questions to the Town’s registered electors concerning changes, amendments or additions to the Town of Kiowa Home Rule Charter.

3. For purposes of C.R.S. § 1-11-203.5, this Resolution shall serve to set the ballot title for referred ballot issues: ***“Shall the Home Rule Charter of the Town of Kiowa, Colorado, be changed, amended or added to in the following manner:”***

4. The election shall be conducted as a coordinated election with Elbert County in accordance with the Uniform Election Code and Intergovernmental Election Agreement (the “IGA”) between the Town and Elbert County. The Town Board hereby adopts said IGA with Elbert County. The Mayor and Town Clerk are authorized and directed to execute said IGA. The Town Clerk as DEO is hereby authorized and directed to proceed with any action necessary or

appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code and other applicable State laws and election rules.

5. Not later than 60 days before the Election Date (Thursday, September 4, 2025) the Designated Election Official shall certify a copy of the Ballot Questions referenced in Paragraph 3. above, to the County Clerk in accordance with C.R.S. § 1-5-203.

6. ***Nomination and Acceptance petitions*** will be available at the Town Clerk's/DEO's office at the Kiowa Town Hall, located at 404 Comanche Street, Kiowa, Colorado. All candidates must file such Nomination and Acceptance Petition with the Town Clerk/DEO not later than ***4:00 p.m., Monday, August 25, 2025***. Any person who misses such a deadline, but desires to become a write-in candidate for the office of Trustee or Mayor, shall file an Affidavit of Intent with the Town Clerk/DEO not later than ***4:00 p.m., Monday, September 1, 2025***.

7. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. The provisions of this Resolution shall take effect immediately.

ADOPTED AND APPROVED this 22nd day of July, 2025.

TOWN OF KIOWA, COLORADO

By: _____
Theresa Howard, Mayor

ATTEST:

By: _____
Sasha Davidson, Town Clerk

**EMERGENCY ORDINANCE NO. 5, SERIES 2025
TOWN OF KIOWA, COLORADO**

**AN AMENDMENT OF THE EMERGENCY ORDINANCE NO. 4, SERIES 2025
ESTABLISHING A TEMPORARY MORATORIUM IN TOWN CENTER FOR ANY
ADDITIONAL BUSINESSES, OFFICES OR OTHER NON-REVENUE PRODUCING
ACTIVITIES; AND DECLARING AN EMERGENCY FOR THE TOWN OF
KIOWA, COLORADO**

WHEREAS, the Town of Kiowa, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

WHEREAS, Article VI, Section 6.04 of the Kiowa Charter allows for the adoption of an emergency ordinance when the Town Board of Trustees determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and adopted by an unanimous affirmative vote of all the members of the Town Board of Trustees; and

WHEREAS, on May 21, 2025, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town, the Town Board of Trustees unanimously approved Emergency Ordinance No. 4, Series 2024 to provide for the safety, preserve the health, promote the prosperity, order, comfort, and convenience of its inhabitants; and

WHEREAS, since the adoption of Ordinance 4, Series 2025, the Town of Kiowa community has expressed concerns with the impact of limiting existing offices, tenants, owners, developers or purchasers in Town Center and local government, specifically Elbert County, seeking office space; and

WHEREAS, the Board of Trustees has unanimously voted to make the following exceptions to Ordinance 4, Series 2025, to address the concerns of the community and all other provisions of Ordinance 4, Series 2025 are incorporated herein and shall remain in force and effect.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES
OF THE TOWN OF KIOWA, COLORADO the following:**

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board of Trustees.

Section 2. Special Review Use Permit for Offices located in Town Center

A. Purpose:

1. The purpose of this provision is to provide for review and approval criteria of certain uses that are considered inconsistent with the goals and objectives of Ordinance No. 4, Series 2025, a Moratorium in Town Center.
2. The individual review of certain uses is intended to determine the appropriateness of use and the requirements necessary to ensure compatibility with the Town's land planning objectives.
3. It is the intent of the Town of Kiowa to promote the public health, general safety, and neighborhood character of Main Street and the larger community during the moratorium with the administration and implementation of these standards.
4. Offices shall be permitted only in areas containing existing commercial/office uses.
5. Construction and development of new office space and expansion of existing offices are prohibited.

B. Applicability:

1. Applications must be filed by the lessee, agent, purchaser or tenant, with legally binding and written permission of the owner.
2. All applications shall be submitted to the Town Clerk at least two (2) weeks prior to the regularly scheduled meeting of the Board of Trustees.

C. SRU Application Requirements:

1. A special use permit application form, including the name, address, and signature of the applicant, owner of record, and developer.
2. A description or narrative of all proposed uses and structures, including but not limited to hours of operation, number of employees, maximum seat capacity, and proposed number of off-street vehicle parking spaces.
3. An application fee in the amount of \$ 100.00.
4. A narrative report describing how the proposed use will satisfy the criteria for a new office, as well as any other applicable requirements relating to the specific use proposed in accordance with the Strategic Plan, Main Street Program, and Comprehensive Plan.

D. Special Review Use Review Procedures

1. If approved by the Board of Trustees, then the SRU approval is good for one year or when the moratorium is revoked, whichever occurs first.

Section 3. Local Government or Special District Office Use

1. All of the provisions in Section 2 above shall apply to an SRU application by a local government or special district.
2. The Board of Trustees reserves the right to extend the SRU beyond one (1) year if it is deemed in public interest.

This temporary moratorium and delay shall automatically terminate upon the adoption of an updated Chapter 4, 16 and 17 of the Town of Kiowa Municipal Code, or January 25, 2024, unless terminated earlier by the Town Board of Trustees or extended in its duration by enactment of another Ordinance by the Town Board of Trustees.

Section 4. Declaration of Emergency. In accordance with Article 6.04 of the Charter of the Town of Kiowa, the Town Board of Trustees finds and determines that this Ordinance is immediately necessary for the preservation of the public peace, health, or safety because the current development and subdivision regulations are outdated, and continued development can drastically impact the Town. Therefore, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of the Town Board of Trustees of the Town of Kiowa.

Section 5. Direction to Staff. Town staff is hereby directed to refuse to accept for filing, and not to process or review, any new applications for any zoning applications that require subdivision or subdivision under the Subdivision Regulations. Town staff are also hereby directed to refuse to accept the filing and not to process or review any application for new development as further outlined in this Ordinance.

Section 6. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes

any part, division, subdivision, section, subsection, sentence, clause, or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 7. Safety Clause and Authority. The Town Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Kiowa, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative sought to be obtained. The Town Board of Trustees further finds, determines and declares that it has the power to adopt this Ordinance pursuant to the Local Government Land Use Control Enabling Act, C.R.S. 29-20-101 et. seq.

Section 8. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 6 of the Kiowa Charter.

Passed unanimously and ordered published, said publication of the Ordinance in its entirety and published one time in a local newspaper of general circulation, with the entirety of the Ordinance also posted at Town Hall.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS AN EMERGENCY on July 22, 2025, at Kiowa Town Hall, located at 404 Comanche Street, Kiowa, Colorado.

BY:

Theresa Howard, Mayor

ATTEST:

Sasha Davidson, Town Clerk

APPROVED AS TO FORM:

/s/ Ruth Borne

Ruth Borne, Town Attorney