

TOWN OF MONUMENT
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING

Monday, February 2, 2009

6:30 P.M. Board of Trustees Regular Meeting

Call to Order, Roll Call, Pledge of Allegiance, Approval of Agenda

Mayor Glenn called this Regular Meeting of the Board of Trustees of the Town of Monument, Colorado to order at 6:30 P.M., at Monument Town Hall. Mayor Glenn led those assembled in the Pledge of Allegiance. The following Board members and Staff were present for the meeting:

BOARD OF TRUSTEES:

Present:

Mayor Glenn
Trustee Miller
Trustee Easton
Trustee Plank
Trustee Dominguez

Absent:

Trustee Drumm
Trustee Samuels

TOWN STAFF:

Catherine Green, Town Manager
Gary Shupp, Town Attorney
Jacob Shirk, Police Chief
Pamela Smith, Town Treasurer
Tom Kassawara, Director of
Development Services
Scott Meszaros, Town Clerk

Also present were:

Jim Kendrick	Bob Torres	John Radcliff	Mark Ennis
Betty Konarski	Steve Meyer	John Dworak	

Trustee Easton made a motion to approve the agenda, seconded by Trustee Plank. The motion passed 5-0.

1. Approval of Minutes of January 5th, 2009 Regular meeting

No changes were noted.

Trustee Plank made a motion to approve the minutes of January 5, 2009 for the Regular Meeting as presented. Trustee Easton seconded the motion. Motion passed 5-0.

Public Comments

Mr. Mark Ennis, President, Tri-Lakes Health Advocacy Partnership (HAP), provided a handout and flyer on the services provided by HAP. He discussed the community blood drive event which they currently hold in the Monument Sanitation conference room every

eight weeks. He asked if they may be able to utilize "banner space" if the Town would approve hanging banners perhaps on the light poles to advertise the community effort. He discussed the possibility of holding the blood drive at the current Town Hall once the new facility and town staff have moved into the new facility.

Mr. Tom Kassawara, Director of Development Services, stated that if the Board agreed, he or Ms. Green would talk with the Public Works Director and Community Development Coordinator regarding the request.

Trustee Miller commented that the L.E.D. sign at Rocky Mountain Oil Change Center would be a great place to advertise such an event.

Mr. Kassawara responded that Mr. Savage (owner of the sign) had agreed to housing public information advertisements when his sign was approved, and he suggested that Mr. Ennis contact him with his request. He would assist if needed.

Trustee Plank asked Mr. Ennis if he would provide pamphlets on the event to her tomorrow. She offered to distribute them to the Monument Merchants on Wednesday of this week when they have their next meeting. She stated that they would be happy to get them out if she could obtain some.

Resolutions:

2. Resolution #03-2009, a resolution supporting the Fountain Creek IGA

Mayor Glenn stated that this resolution formally supports the Fountain Creek Watershed IGA between El Paso and Pueblo County. He urged support and stated that he would like to be Monument's representative to the Board.

Trustee Miller made a motion to approve Resolution #03-2009, a resolution supporting the Fountain Creek IGA, seconded by Trustee Plank. Motion passed 5-0.

3. Resolution #04-2009, a resolution approving a contract with the Humane Society of the Pikes Peak Region for Pet Animal Control and Licensing Services

Ms. Catherine Green, Town Manager stated that this item is the renewal of the contract for pet control and licensing services which has been renewed every year since 1997. She researched and could not find the last time the contract was increased, however this year they have proposed a rate increase from \$8500 to \$9500 annually. Upon the request of Trustee Drumm, she investigated other possible alternatives including a per animal basis agreement which they responded could not be done with them. She attempted to address alternatives with Douglas County; however they were not able to address the possibility of providing the Town services. She stated that although the County has reduced services, we will continue to receive the same service levels as previously due to our contract.

Ms. Pam Smith, Town Treasurer, stated that the increased rate was already budgeted for in the 2009 budget.

Trustee Plank made a motion to approve Resolution #04-2009, a resolution approving a contract with the Humane Society of the Pikes Peak Region for Pet Animal Control and

Licensing Services, with the condition that they provide a service log of calls for the next year to the Town, seconded by Trustee Miller. Motion passed 5-0.

4. Resolution #05-2009, a resolution extending Continuing Services Agreement with Nolte Associates, Inc.

Mr. Tom Kassawara, Director of Development Services detailed his background paper on the process of contracting engineering service agreements to include Nolte Associates, Inc. He stated that "Stantec" is no longer in Colorado. He stated that the Town would no longer be using "Ayres" and would send them notification.

Ms. Catherine Green, Town Manager, responded that she is currently using Ayres regarding the "Quiet Zone" on the railroad crossing at Second Street. She instructed Mr. Kassawara to hold off on any notification until after she has completed working with them.

Mr. Kassawara continued and stated that in addition to renewing the "Nolte" and "Jacobs" contracts this evening, he has sent out an RFQ to supplement these services if necessary with additional potential respondents. The Nolte rates are proposed to remain the same as provided in the contract from two years ago and they are "very" competitive. He provided a summary on the Third Street Project and status to date. He explained the difficulty he as well as his project manager with Nolte have encountered in dealing with "Ayres", however they have finally obtained all of the data. Nolte has examined and provided a technical memo on the project. He explained the option of the Third Street project flowing into pipes which would go down Front Street and then empty into a detention pond located on the south end of Limbach Park rather than previous alternatives examined. The outfall he said would then go into the creek (Dirty Woman Creek). He recommended extending the contract with Nolte Associates, Inc.

Mayor Glenn expressed his discontent with the management services and holdups on the Third Street project encountered with Nolte overseeing Ayres. He asked Mr. John Radcliff to please come forward.

Mr. John Radcliff, Nolte Associates, Inc., addressed Mayor Glenn's concerns stating that they have new leadership and he agrees that things were not handled well previously. He stated that now that he is in charge, from this point forward the Town will not encounter such issues.

Mr. Kassawara discussed a timeline of 45 to 60 days that are necessary to complete the issues and items necessary for this project to go out to bid. He stated that there is a shortfall between the projected costs to complete the project and the budget. He said that perhaps grant funds or completing the project in phases, without the landscaping or light poles until later may be options. If we put the project out to bid and it comes back in over budget, we may be able to work to eliminate pieces of the scope in order to get the project going. He commented that the technical engineering services from Nolte have been outstanding. The management of and handling the smaller projects they have done for us have been quite good. He explained several items that Nolte has provided for the Town outside of the scope or expense of the contract we have with them. He explained that they are very involved in the Triview Metropolitan District's inspection services and development of the Town/Triview Water Utility Policies and Standards. We may need their expertise in the future regarding Triview issues.

Trustee Miller made a motion to approve Resolution #05-2009, a resolution extending Continuing Services Agreement with Nolte Associates, Inc., seconded by Trustee Plank. Motion passed 3-1-1, Mayor Glenn voted no, and Trustee Easton abstained.

5. Resolution #06-2009, a resolution extending Continuing Services Agreement with Jacobs Engineering Group, Inc.

Mr. Tom Kassawara, Director of Development Services explained that during the term of the agreement, Carter and Burgess was acquired by Jacobs Engineering Group, Inc. The personnel assigned to Town projects remain unchanged. The Town has utilized traffic engineering services and has done a very good job. They have been extremely responsive and he has been happy with their work and responsiveness. With the exception of the hourly rate for Principal, Jacobs' proposed hourly rates are between \$1/hour and \$6/hour lower than the rates in the 2007 Carter and Burgess agreement with the Town, which were discounted rates at that time. The extension of the agreement is also accompanied by a "novation agreement", which transfers the rights under the existing Continuing Services Agreement from Carter and Burgess to Jacobs Engineering Group, Inc. He stated that they have worked on the extension of Mitchell Avenue to the north to Highway 105 for us recently.

Mr. Bob Torres, Jacobs Engineering Group, Inc., explained that Jacobs' has expanded their capabilities and they look forward to continuing the relationship with the Town.

Trustee Easton made a motion to approve Resolution #06-2009, a resolution extending Continuing Services Agreement with Jacobs Engineering Group, Inc., seconded by Trustee Plank. Motion passed 5-0.

6. Resolution #07-2009, a resolution ratifying execution of a quit claim deed for the Village at Monument Filing No.3 detention pond

Mr. Tom Kassawara, Director of Development Services stated that the plat for the Village at Monument Filing No. 3 project was approved by the Board of Trustees on July 21, 2008. The vacation of Tract B, which is a detention pond, was included as part of the plat approval. Subsequently, the developer of the project, Mr. Jack Wiepking, scheduled a closing on the transfer of the detention pond property in mid-January, prior to the next Board meeting. Since the title company handling the transaction needed a signed quit claim deed from the Town at the closing, they agreed to accept the Mayor's signature on the quit claim deed transferring the property prior to a formal resolution by the Board of Trustees. The Board, by passing this resolution, would merely be ratifying the Mayor's execution of the deed. The issue of ownership of the pond was approved with the plat in July 2008. Mr. Wiepking, as developer of the property, will own and maintain the pond until a homeowners association is established for the Village at Monument Phase 3 development, at which time the HOA will assume responsibility for the maintenance of the pond.

Trustee Miller asked the Town Attorney if he saw any issues with doing this.

Mr. Gary Shupp, Town Attorney, responded that he did not. This is a formality which the Town does not typically do, however the closing title company requested we do so.

Trustee Plank made a motion to approve Resolution #07-2009, a resolution ratifying execution of a quit claim deed for the Village at Monument Filing No.3 detention pond, seconded by Trustee Easton. Motion passed 5-0.

Liquor Licenses:

7. Renewal Hearing for Jasmine Garden Restaurant

Mr. Scott Meszaros, Town Clerk, stated that he recommends renewal of the liquor license. He stated that there have been no violations in the past 12 months, and that all fees and proper processing has been completed properly.

Trustee Plank made a motion to approve renewal of the liquor license for Jasmine Garden Restaurant, seconded by Trustee Easton. Motion passed 5-0.

8. Renewal Hearing for Casa Diego's Restaurant

Mr. Scott Meszaros, Town Clerk, stated that he recommends renewal of the liquor license. He stated that there have been no violations in the past 12 months, and that all fees and proper processing has been completed properly.

Trustee Plank made a motion to approve renewal of the liquor license for Casa Diego's Restaurant, seconded by Trustee Dominguez. Motion passed 5-0.

Financial Issues:

9. Disbursements over \$5,000

Ms. Pamela Smith, Town Treasurer, reviewed the eight (8) disbursements detailed in the packet. She pointed out that on disbursement #4 (Carter Burgess) for the amount of \$7,976.03, that \$4,586 is being paid out of a Retainer Account.

Trustee Plank made a motion to approve the disbursements over \$5,000, seconded by Trustee Dominguez. Motion passed 5-0.

Discussion Item(s):

Public Art for New Town Hall

Dr. Betty Konarski, Tri-Lakes Views, discussed the judging process and members who judged the entries for the public art display(s) at the New Town Hall. She provided a handout with accompanying biographies on three (3) pieces the judges selected as finalists. She asked the Board if they would proceed with creating pedestals and a designated place to display at least two of the pieces. She asked for the Board's opinions on the three pieces.

The Board agreed on the first two pieces to be displayed. The first, "Blade of Grass" by Louis DeAngelis of Fort Collins was a 7'9" Silverdale Limestone piece. The second, "Perception of Freedom" by Janet L. Sellers and Glenn A. Hayes of Monument was a concrete medium piece with seven dove shaped openings in the round piece. The Board stated that the third piece, "ODETTA" Queen of the Swans a Yule Marble piece in the shape of a human torso could possibly be displayed at Limbach Park or somewhere, but they did not desire to see it on the Town Hall site.

Home Rule Election

Ms. Catherine Green, Town Manager stated that the Board has requested to have the Home Rule Charter Election item discussed on the agenda this evening. The Board has voiced an interest in having a series of informal discussions with the public regarding the issue of Home Rule.

Mayor Glenn inquired as to how the Board seats people on the Charter Commission if the voters approve moving forward with the Charter process.

Mr. Scott Meszaros, Town Clerk, stated that the Board does not appoint persons unless there is less than the full number of persons voted onto the Charter Commission (usually 9). Any interested person who is a registered elector in the Town of Monument may complete the candidate petition which is identical to the process used to elect members on the Town Board. Those persons with the most votes are elected to the Charter Commission. (This is assuming that the Town Voters approve creating a Charter Commission and initiating the Home Rule process). If there are fewer members of the Commission than established, then following the election, the additional vacant seats may be filled by appointment by the Board of Trustees. He explained that the initial election asking the voters (yes or no) on conducting the Charter Commission and Home Rule election is also the same ballot on which persons are elected onto the Charter Commission. He stated that if the voters approve proceeding with Home Rule, the Charter Commission then has 120 days in which to convene and create the Home Rule Charter Document which is then presented and voted upon by the Town voters.

Mayor Glenn commented that 120 days after the November 3, 2009 election does not get the next election (possible approval of the Charter document) to our scheduled April 2010 Town Election.

Mr. Meszaros responded that indeed it does not. He stated that if the initial election asking the question of forming a Home Rule Charter is approved, we must then conduct a second Special Election 120 days after initiation and election of the Charter Commission. Then, a few weeks later the Town will conduct its Regular Election in April for the three (3) Trustees that are up for re-election and any other possible initiatives or referendum we may have on the ballot.

Mayor Glenn stated that he would like to see the Town Manager assemble the Pros and Cons and to create a presentation for the April 20th Special Town Meeting (to be conducted at Creekside Middle School). He stated that he would like to discuss both sides of the issue and to get input from residents regarding Home Rule.

Reports and Updates:

Town Attorney

Mr. Gary Shupp, Town Attorney, had no updates.

10. Town Manager's Report

Ms. Catherine Green, Town Manager, reviewed her Manager's Report in the packet. The Board retreat is scheduled for March 7 from 9am to 4pm at the NavSys conference room on Woodcarvers Road. The next Board meeting will be held on Tuesday February

17th in observance of the President's Day holiday on Monday. She discussed the Economic Development Commission and potential support of an electric car company here which is currently in Palmer Lake.

Discussion concerning the current Town Hall building uses ensued. Ms. Green stated that the Downtown Development Coordinator would likely retain an office, the Senior Lunches may be increased to three days per week, the Home Makers events will continue. She stated that Triview Metropolitan District has interest in possibly using some offices, Tri-Lakes Fire and Rescue voiced an interest and our Code Enforcement Officer (Donna Jack) is inquiring with them if they wish to provide a written request or proposal. No formal decision was made.

Public Comments

None

Executive Session: Contract Negotiations C.R.S. 24-6-402(4)(e)

The Board entered executive session to discuss contract negotiations with the Town Attorney. The Board came out of executive session at 8:00 pm.

Adjournment

Trustee Plank made a motion to adjourn at 8:45 pm, seconded by Trustee Easton. The motion passed 5-0.

Respectfully Submitted,

Scott W. Meszaros, CMC
Town Clerk