

TOWN OF MONUMENT
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING

Monday, March 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 Drumm
Trustee Miller
Trustee Easton
Trustee Samuels
Trustee Plank
Trustee Dominguez

TOWN STAFF:

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

Also present were:

Nicole Chillino	Jim Kendrick	Jerry Hannigan	Greg Wallace
Tim Irish	Tom Harder	Monica Harder	Larry McChesney
Marla Novak	Bonnie Morgan	Maxine Cordell	Della Gray
Carol Deblois	Chuck Roberts	Anne Krill	Myron "Red" Stephens

Trustee Miller made a motion to approve the agenda, seconded by Trustee Easton. The motion passed unanimously 7-0.

1. Approval of Minutes of February 17, 2009 Regular meeting

Trustee Miller asked to have the date of his quote from President Lincoln added to the minutes.

Trustee Miller made a motion to approve the minutes of February 17, 2009 for the Regular Meeting with noted correction. Trustee Easton seconded the motion. The motion passed 5-0-2 as Trustees Samuels and Drumm abstained.

Public Comments

None

2. Proclamation: 2009 Women in Construction Week (NAWIC)

Ms. Maxine Cordell and Ms. Bonnie Morgan of Access Construction, representing the National Association of Women in Construction Chapter 356 in Colorado Springs, came forward and discussed the mission and objectives of "Women in Construction Week". She stated that the NAWIC Colorado Springs Chapter #356 has been in existence for 12 years and has distinguished itself as the voice of women in construction in the area. They have unceasingly promoted the employment and advancement of women in the construction industry. She asked that the proclamation designating that the week of March 1-7, 2009 be observed as "Women in Construction Week" within the Town of Monument.

Trustee Drumm inquired if they have been staying busy with the slowdown in the economy.

Ms. Morgan responded that they are "staying busy at trying to keep busy".

Trustee Easton made a motion to approve the proclamation for Women in Construction Week, seconded by Trustee Miller. Motion passed 7-0.

Mayor Glenn read the proclamation in its entirety and presented a signed copy.

Discussion Item: Fireworks Committee Donation

Ms. Carol Deblois, Palmer Lake Fireworks Committee Chair, stated that she is here to request a donation from the Town of Monument for the annual Fireworks Show.

Ms. Catherine Green, Town Manager stated that the Board has been giving a \$5000 donation in recent years. She explained that the Town of Monument has also been providing police services for the event which is then paid back to the Town from the Fireworks Committee for services. She stated that Staff had discussed this in the Managers Meeting earlier in the day and Chief Shirk may have an alternative.

Police Chief Jacob Shirk stated that the Town of Monument provides overtime officers for the event which the department then receives payment for following the event. He stated that rather than the money changing hands back and forth, perhaps doing \$3000 in overtime (reallocated within the Town's own budget) and then providing a cash donation in the amount of \$2000, rather than providing the full \$5000 donation may make sense.

Trustee Miller inquired about possibly increasing the donation.

Ms. Pam Smith, Town Treasurer stated that there is \$5000 budgeted for this donation in 2009.

Ms. Della Gray, Palmer Lake Town Clerk came forward and commented that it is a donation, and the Town of Monument may do this however they choose. A handout was provided of the in-kind matches Palmer Lake contributes to the event which she explained.

The Board decided to provide the full \$5000 donation to the Committee this year, but to examine the overtime issue Chief Shirk discussed for next year as an in-kind donation.

Trustee Miller made a motion to provide a \$5000 donation to the Palmer Lake Fireworks Committee for 2009, seconded by Trustee Samuels. Motion passed 7-0.

Ordinances:

3. Ordinance #04-2009, an ordinance approving Village Center at Woodmoor Filing 3 (Arbor Mountain) Preliminary/Final PD Site Plan

Mr. Tom Kassawara, Director of Development Services, provided a brief introduction on the proposed senior apartments and a medical clinic for the Arbor Mountain Senior Living Facility. There are 57 proposed apartments and an attached 2400 square foot medical facility. He hopes to see an amended Plat submitted in the next month from the applicant. He turned the presentation over to the Town's Principal Planner for presentation.

Ms. Karen Griffith, Principal Planner, stated that this Preliminary/Final PD Site Plan proposes a 3-story, 100,500 square foot building with 57 apartments for senior living. There is adequate parking for residents, staff, and the clinic. She stated that 49% of the site is open space, which includes plans for walking paths, an outdoor patio, and several gardens and benches. She reviewed the Staff Report and stated that the project "does meet all approval criteria"; the density provides a variety of housing and fills a need to our seniors which has been long awaited and known. She explained the elements of the project and stated that there are "large set-backs". She detailed the nine (9) conditions and stated that #3 and #4 have already been met. The Planning Commission voted to recommend approval (4-0) at the February 11, 2009 meeting. She addressed comments including Woodmoor's concerns about lighting, traffic, and water which have all been addressed and satisfied in the conditions.

Mr. Kassawara commented that there are more conditions than usual on this project. First, staff and the applicant wanted to get this onto the agenda. Second, the Town having donated the land has a "stake" in this project and additional conditions to protect our interests have been drafted.

Mr. Tim Irish, Applicant and ownership partner thanked the Board, Staff, and Town for their efforts on this project. He discussed Mr. George Kruse's vision to have a project like this in Monument one day. He stated that a memorial garden named after him has been created and Mr. Kruse, not himself was the person who came up with the name "Arbor Mountain" which is going to be utilized for the project.

Mr. Larry McChesney, TSP Architects (applicant's consultant) pointed out the design and features of the project on renderings of the building and site plan. He discussed the 1-bedroom, 850 square foot and 2-bedroom, 1350 square foot apartment plans and features such as non-slip surfaces, washer/drier units, switch locations, and features of the units to accommodate seniors. He stated that 28% of the exterior will be done in a cultured stone and the colors and design features were worked out with Town Staff.

Mayor Glenn opened the public hearing for comments. He asked for anyone opposed to the project. There were none. He then asked for anyone in favor to please come forward.

Mr. Chuck Roberts, Director of the Tri-Lakes Senior Alliance, stated that he is an advocate of this project. He stated that they have lost track of the number of persons split up or removed from the area awaiting such a facility in our area. Several have passed away while waiting. He asked the Board to please recommend approval of the site plan.

Mr. Myron "Red" Stephens, Monument Resident, stated that seniors including him have been waiting for several years to get into this project. He thanked Ms. Karen Griffith for her work on the project. He voiced his support for the project.

Ms. Anne Krill, Monument Resident, (later in the hearing after the public hearing was closed) asked if there are activities and a stage or area where theatre may be conducted.

Mr. Greg Wallace, co-owner in the project, stated that there will be a theatre/chapel area where many activities are going to be taking place such as movies, dancing, and social events.

Mayor Glenn closed the public hearing and brought the item back before the Board for discussion and a possible motion.

Trustee Drumm commented on his personal experiences with Mr. George Kruse when he was first elected to the Board. He explained how Mr. Kruse was very vocal about senior needs and a place for them to live for later in life care. He discussed how Mr. Kruse touched his life.

Mayor Glenn also discussed meeting with Mr. Kruse and the vision and personality he possessed. Mayor Glenn then inquired about several items he desired clarification on. He asked the applicant to define "affordable".

Mr. Greg Wallace, co-owner in the project, stated that they will utilize the El Paso County Housing Authority's definition and create a formula for affordability.

Mayor Glenn asked about the medical center and "store" identified in the site plan.

Mr. Wallace stated that they have already contracted with "Peak Vista" which does accept both Medicare and Medicaid in addition to private insurance for the medical clinic. He explained that this medical center and the facility will be open to the public as well as residents who reside here. He stated that the concept of the facility is designed so that the seniors will not have to move to another place as their care needs progress. He said that many of the residents in their other facilities are cared for in their units all the way up until death. He explained that the store is a 10 X 12 room in which a "resident councilor" will meet with residents and provide goods and items which will be available on an "honor system". He stated that things such as fresh eggs and milk or food items would be available from the food service kitchen, but that the store would have items such as hats or ice cream bars for persons with visiting grandchildren or such items the councilor stocks for such purposes.

Trustee Samuels stated that the "labeled irrigation plan is not an irrigation plan" because it would not adequately support the initial growth of the proposed native grasses once they are seeded. He asked if they would provide irrigation.

Mr. Kassawara responded that they will have an actual irrigation plan provided prior to recordation.

Trustee Miller asked if all of the conditions and issues discussed by the applicants here this evening are going to be enforceable.

Mr. Gary Shupp, Town Attorney, assured Trustee Miller that all the necessary legal language to insure continuity of the board's desired results are included in the conditions of approval.

Trustee Drumm made a motion to approve Ordinance #04-2009, an ordinance approving Village Center at Woodmoor Filing 3 (Arbor Mountain) Preliminary/Final PD Site Plan, seconded by Trustee Easton. Motion passed 7-0.

4a. Ordinance #05-2009, an ordinance amending Town Code Chapters 17.16, 17.20, and 17.24- Residential District Zoning Regulations, Section 17.04.050 Definitions, & Section 17.48.180 Accessory Uses

Mr. Tom Kassawara, Director of Development Services, stated that at the November 3rd Board of Trustees meeting the Board directed Staff to create an "overlay zone" for the established single family neighborhoods. He explained the proposed updates to the existing residential zone districts and detailed the two additional single-family residential overlay zones, revisions to the Zoning Code definitions, and revisions to site development standards. He stated that the Board had also requested that the "white paper" which was approved at their November 3rd Board meeting, that Staff draft the design recommendations into an ordinance for inclusion into the General Business (B) District and General Commercial (C-1) District (Chapter 17.31 and 17.36).

Ms. Karen Griffith, Principal Planner, walked the Board through the overlay districts for the neighborhoods located closest to downtown that were originally platted with the smaller lot sizes. She explained the changes to the R-1 and R-2 neighborhood standards, including that accessory apartments will be allowed in these zone districts. She explained the new definition for accessory dwelling units (17.04.050) and the owner-occupancy and subordinate unit regulations (17.48.180). She explained how this allows for a "mother-in-law type unit half (1/2) the size of the original structure". She explained the reduction in the recommended minimum lot sizes for the R-1 and R-2 as prepared in the packet. She detailed the changes to the General Business (B) and General Commercial (C-1) Districts relating to the "white paper" and corresponding design guidelines.

Ms. Griffith detailed the "open house" and notification process which was utilized to advertise the proposed changes. She stated that on February 3rd, 10 people attended, most of which were residents of the neighborhoods where the new overlay zone is proposed. Everyone in attendance supported the changes. The housing and Building Association and several local builders and consultants have commented that they support the proposed regulations, with some minor revisions which Staff has made. One such item she discussed was the addition of "apartments" or living space being able to be constructed above an existing garage. She stated that the Planning Commission voted 4-1 to recommend approval of the proposed changes. Commissioner Gwisdalla was the dissenting vote; he agreed with the proposed changes for zone districts within

Monument's "downtown areas", he preferred that the more outlying R-2 areas stay more suburban with larger lot sizes, creating a more open feel in residential neighborhoods.

Mayor Glenn opened the public hearings for items #4a, 4b, and 5.

Mr. Jerry Hannigan, Hannigan Associates, stated that he is strongly in favor of the overlay as it solves problems. He stated that he has seen it work in other jurisdictions and it is a good zoning solution.

Mayor Glenn, seeing no further comments, closed the public hearings and brought the items back before the Board for discussion and possible motions.

Trustee Plank stated that since we already have some in the downtown area, she recommended adding "Stucco" to the allowable materials and types of walls (item #5, p. 6).

Trustee Samuels made a motion to approve Ordinance #05-2009, an ordinance amending Town Code Chapters 17.16, 17.20, and 17.24- Residential District Zoning Regulations, Section 17.04.050 Definitions, & Section 17.48.180 Accessory Uses, seconded by Trustee Easton. Motion passed 7-0.

4b. Ordinance #06-2009, an ordinance creating Town Code Chapters 17.18 and 17.22, established Neighborhood Single Family Low Density Residential Overlay Districts

(See item #4a for discussion and hearing)

Trustee Samuels made a motion to approve Ordinance #06-2009, an ordinance creating Town Code Chapters 17.18 and 17.22, established Neighborhood Single Family Low Density Residential Overlay Districts, seconded by Trustee Plank. Motion passed 7-0.

5. Ordinance #07-2009, an ordinance amending Town Code Chapter 17.32- General Business (B) District and Chapter 17.36- Commercial (C-1) District

(See item #4a for discussion and hearing)

Trustee Samuels made a motion to approve Ordinance #04-2009, an ordinance amending Town Code Chapter 17.32- General Business (B) District and Chapter 17.36- Commercial (C-1) District, with additional condition (page 6) that Stucco walls be permitted, seconded by Trustee Plank. Motion passed 7-0.

Resolutions:

6. Resolution #10-2009, a resolution approving change order #7 for the contract with Nolte Associates, Inc. for the Third Street Improvements Project

Mr. Tom Kassawara, Director of Development Services, stated that at the last Board of Trustees meeting, the Board concurred with Staff's recommendation to proceed with the design of an "upstream" detention and outfall approach to route a portion of the Third Street stormwater flows down Front Street instead of under the railroad tracks and across private property owners to Monument Lake. In order to accomplish this revised

outfall approach, Nolte Associates is required to perform additional design and surveying services. These services will include providing a design survey of Front Street from Third Street to Lincoln Avenue; locating any underground utilities that may conflict with the future stormwater piping on Front Street; and preparing construction drawings for the drainage piping, a detention pond in the south end of Limbach Park, and an outfall structure. The proposed fee for these services is \$24,958, in order to reduce the impact of the cost of these additional services, Staff also recommends amending the original contract by reducing the number of hours for on-site construction inspection by 50 percent. The proposed reduction in inspection hours by Nolte will be compensated by having the Town's in-house engineering inspector conduct more of the on-site inspection work on a daily basis which will result in a reduction of \$7,920. Therefore, the total additional funding required for this change order would be \$17,038. The design and revised outfall approach, and all documents required to put this project out to bid, are still projected to be completed within the original 45 days Nolte projected at the prior meeting. (A Nolte representative was present and confirmed that the timeline of 45 days was from the date of the previous meeting).

Trustee Miller made a motion to approve #10-2009, a resolution approving change order #7 for the contract with Nolte Associates, Inc. for the Third Street Improvements Project, seconded by Trustee Dominguez. Motion passed 4-2-1, Mayor Glenn and Trustee Drumm voted no, and Trustee Easton abstained.

Financial Issues:

7. December (pre-audit) Financials

Ms. Pamela Smith, Town Treasurer, detailed her December 2008 Financial Reports and 2008 Annual Summary. She stated that even with the 6.5% under Budgeted revenues, the General Fund ended up for 2008 being positive to budget by \$689,159. The ending fund balance was \$1,155,682. Much was the same in the Water Enterprise Fund as it was under budget on Revenues by almost 16%, but ended up being positive to budget by over \$313k. The ending fund balance was \$7,355,503. The Capital Project Building Fund was positive to budget by \$155,869. The Ancillary Funds were positive to budget by \$193,634.

Trustee Samuels made a motion to approve the December Financials and Annual Summary Report, seconded by Trustee Easton. Motion passed 7-0.

8. Sales Tax Analysis

Ms. Pamela Smith, Town Treasurer, stated that our Annual Budgeted Collections are negative to Budget by \$172,822 through December actual. This is a decrease of \$96,849 from last month. We ended the year 6.5% below Budget. The Sales Tax collected for 2008 was ahead of 2007 collections by 5.6% or \$194,804. Even though we did not meet our Budgeted Sales Tax earnings for 2008, the actual collected amount of tax increased by over \$194k, which is a positive trend. Our collected sales tax has increased every year since 2004. We collected \$2 million more in 2008 than in 2004. She stated that she was a little more conservative in budgeting the revenues during the economic crisis, which she did for 2009 by basing them off of 2008 actual tax revenues collected.

Informational item only, no action taken.

Discussion Item: Water

9. Water Contract

Mr. Gary L. Barber, Town's Broker for water acquisition (November 2008 resolution), stated that he has four (4) shares of Twin Lakes Reservoir and Canal System water which the Town may purchase through him. He said that this water has been through the Colorado Water Court system, it has a storage component, and it is fully useable. It is primarily for municipal use. These shares are owned by Sugar City; they wish to sell to balance their budget and are asking \$30k/share and will only accept sale of all four shares. He stated that his commission fee (5%) would be additional, and there will also be additional closing and entitlement related fees and such. Ownership of a water right which can be delivered via "CSU" through there system to Monument is an excellent investment; this is "gold standard" for water. He said if the Board wishes to proceed, he will tender an offer and there will be a short acceptance date.

Ms. Catherine Green, Town Manager, stated that if the Board approves moving forward with the purchase of these shares, a resolution will be brought forward to a future board meeting. She stated that Triview may wish to purchase 2 of our 4 shares, which would essentially give Monument an additional "seat at the table", however we need to buy all four of the shares at this point.

Ms. Pamela Smith, Town Treasurer stated that the "2A Water Fund" has cash currently available to do this.

Trustee Miller made a motion that the Town proceed with purchase of four (4) shares of "Twin Lakes" water utilizing Mr. Gary Barber as the Towns Broker, seconded by Trustee Plank. Motion passed 7-0.

Reports and Updates:

Town Attorney

Mr. Gary Shupp, Town Attorney, had no update information.

Town Manager's Report

Ms. Catherine Green, Town Manager, discussed the Board of Trustees retreat which is scheduled for the upcoming Saturday (March 7th) at the Navsys Corporation located on Woodcarvers Road south of Baptist Road on the west side of I-25. She handed out an agenda for the event which she stated will begin around 8:30 am.

Public Comments

None

Triview Metropolitan District

Mayor Glenn stated that negotiations for an intergovernmental agreement with the Triview Metropolitan District Board to have the Town take over operations of the district were moving very slowly. He stated that a Town Forum on April 20th will be held at Creekside Middle School. The Town will discuss potential savings and services and how these estimates of about \$500,000 were calculated, which the Triview board has yet to prove that this figure is incorrect.

“There are trust issues on both sides. If the two boards got together and had an honest conversation about everything I think it could be a good deal for everybody ... There’s a lot of history and a lot of problems in Triview and I’m tired of paying the taxes I’m paying and I haven’t seen any answers in the 10 years I’ve lived there.” He added, “The roads are falling apart, the curbs are crud, the sidewalks are sinking, they’re paying an inspector \$150,000 a year, and utilities are falling apart, and it’s a joke. It’s a very poorly managed district and I’m tired of paying for it. It’s time for change but it’s their board. They’re elected and they have to decide whether to work with us or not. If they don’t, it’s a shame.” He stated that there have been serious difficulties with Jackson Creek landowner Tim Phelan showing any ownership of sufficient quantities of water to allow any further development. No plats or site plans will receive town hearings until the water ownership issue is resolved.

Trustee Samuels stated that we are all in the same Town, eventually the Triview District issues will become ours. He believes that the Town overseeing operations makes sense especially if it saves the District significant money.

Trustee Drumm stated that his major concern is the extremely high Triview indebtedness for each household in the District.

Mayor Glenn asked Triview director Mr. Steve Cox if he had any comments to make in public before attending the executive session. Mr. Cox declined any public comments.

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

The Board entered executive session at 8:39 pm to discuss contract negotiations relating to a Memorandum of Understanding (MOU) regarding the Triview Metropolitan District with the Town Attorney. The Board came out of executive session at 9:00 pm.

Adjournment

Trustee Plank made a motion to adjourn at 9:00 pm, seconded by Trustee Miller. The motion passed 7-0.

Respectfully Submitted,

Scott W. Meszaros, CMC
Town Clerk