

**TOWN OF MONUMENT**  
**MINUTES OF THE BOARD OF TRUSTEES**  
**REGULAR MEETING**

**Monday, March 16, 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  
Richard Landreth, Public Works  
Director  
Pamela Smith, Town Treasurer  
Tom Kassawara, Director of  
Development Services  
Scott Meszaros, Town Clerk

**Also present were:**

Jim Kendrick	Steve Meyer	Allison Kern	Jeff Hodsdon
Tom Harder	Monica Harder	Kandi Buckland	Marla Novak
Charlie Williams	John Savage		

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

**1. Approval of Minutes of March 2, 2009 Regular meeting**

No changes were noted.

Trustee Miller made a motion to approve the minutes of March 2, 2009 for the Regular Meeting as presented. Trustee Plank seconded the motion. Motion passed 5-0.

**Public Comments**

Mr. Steve Meyer, Homestead HOA, thanked the Monument Police Department, specifically Chief Shirk and Officer Swenson, for holding a community meeting at Creekside Middle School and Home Depot regarding home security and safety. The assurance that Monument is a safe community, and the excellent presentation from the Monument Police Department addressing two recent robberies in the Jackson Creek

area, addressed local resident concerns and was very responsive. He also discussed recent "PPACG" meetings and how stimulus funds Colorado Springs will be receiving will in essence move up other projects on the areas priority list.

**Guest: Ms. Kandi Buckland (El Paso County Department of Health and Environment)**

Ms. Kandi Buckland, Director of the El Paso County Department of Health and Environment, provided the Board with an overview on services and general information pertaining to their Board and organization. She provided a folder containing several handouts to each Board member and proceeded to walk them through pamphlets and information. She explained the 2009 budget reductions on the department and detailed services which they have to reduce. She specifically addressed Child Care Facility Inspections which should resume shortly with the supplemental funding recently obtained. She stated that food related outbreaks in El Paso County are the highest in the State and that this is one of the areas being targeted for increased attention during these economic times. She further discussed the department's role in communicable diseases, vital records, and the Health Services Division which includes the "WIC Program". She stated that for all births in El Paso County, 48% are eligible for WIC.

Trustee Easton inquired about the process the Department used in determining which programs they decided to cut.

Ms. Buckland responded that they first examined services which they were providing that could be taken on by others (those which made sense she explained). They progressively have lead to core basic programs which have been cut back or eliminated simply due to a lack of funding to support them. They examined the number of people and the highest risks for disease and focused on those which they could positively impact. One of the major transitions was to improve food safety. She stated that they have had to become "reactionary rather than preventative" on numerous issues. One such program was the teen suicide program and others such as the prairie dog monitoring relating to plague and other disease, and west Nile virus prevention activities.

Trustee Miller questioned the elimination of the Teen Suicide prevention programs and inquired who would take on these programs.

Ms. Buckland directed Trustee Miller to an organization which he may contact that is involved in continuing services relating to the teen suicide issue.

**Ordinances:**

**2. (Continued) An ordinance amending Chapter 16.40, Best Management Practices for stormwater discharge and erosion control**

Mr. Tom Kassawara, Director of Development Services provided an overview of items #2 and #3. As part of the requirements for the Town's National Pollution Discharge Elimination System (NPDES) permit from the State of Colorado for Maintenance and operations of the Town's municipal stormwater system, certain procedures must be established for stormwater discharge and erosion control. As such, the Town has enacted several new regulations, which have been made part of the Town Code, to conform to the Federal and State regulations. This latest proposed additional language strengthens the Town's regulations further by establishing a program for post-

construction inspections by the Town to insure proper maintenance of erosion control measures. It also includes new requirements for a maintenance agreement between developers and the Town that assures performance of Best Management Practices (BMP's) for erosion control for the life of the development. Town Staff has also developed a yearly inspection program to monitor existing sites for compliance with the proposed erosion control and stormwater discharge requirements. The companion ordinance to this proposed Code change (Item #3) strengthens the Town's current language regarding erosion control measures so that a clear understanding of these requirements is available for developers and engineers to include in their development plans (definitions, examples of infrastructure and designs). He credited the Town's Engineering Inspector (Mr. Greg Maggard) who has done an excellent job on assembling and working on these items.

Mayor Glenn opened the public hearing for comments.

Mr. Charlie Williams, Colorado Springs Home Builder's Association representative, asked for a continuation of the item so that their constituents may have adequate time to review and get questions addressed. He inquired as to when this would be implemented, how, and is the HOA responsible once they take over from the developer. He stated that some general issues are the Swamp Plan needs to be reviewed locally, and the 25-acre requirement.

Mayor Glenn responded to Mr. Williams that the Federal and State regulations regarding stormwater discharge and erosion control measures which Colorado Springs has had in effect, and where our regulations directly come from, are mandated down to us. He commented that "your constituents are currently and have been operating under these for some time". He did not see it that Monument adopting these standards was any sort of inconvenience or problem as the contractors and developers the CSHBA represents already adhere to and are familiar with them; this he felt would simplify it for them.

Mayor Glenn closed the public hearing and brought the items back to the Board for discussion and possible motion(s).

Mayor Glenn inquired about the surety bond requirement.

Mr. Kassawara responded that a policy on refunding and allocation will be further developed directly from this ordinance once approved. He stated that the surety amount is specified at 125% and for two (2) years. The required Town/developer agreement is "forever".

Trustee Easton commented that he likes the maximum discharge area and the limitation to 25 acres. He asked if they expect any grief with implementing this.

Mr. Kassawara responded they do anticipate some grief. He commented that prior to his tenure, some projects did not have a surety bond and historically those have been the ones that have been very difficult for Staff to get responses or action to issues on.

Trustee Miller made a motion to continue the ordinance amending Chapter 16.40, Best Management Practices for stormwater discharge and erosion control, seconded by Trustee Easton. Motion passed 5-0.

**3. (Continued) An ordinance approving modifications to Chapter 8.30, establishing inspection and monitoring programs for stormwater discharge and erosion control**

(See item #2 for discussion)

Trustee Miller made a motion to continue the ordinance approving modifications to Chapter 8.30, establishing inspection and monitoring programs for stormwater discharge and erosion control, seconded by Trustee Easton. Motion passed 5-0.

**4. Ordinance #08-2009, an ordinance authorizing the establishment of the "2A Water ASD Fund"**

Ms. Pamela Smith, Town Treasurer, stated that the auditor spotted that the Initiative 2A as passed by the electorate allows the 1% Sales Tax to go towards "water acquisition, storage and delivery" as originally stated in the 2005 ballot initiative. However, splitting the fund (portion to the Town Hall project, the other towards water projects) would be necessary. In order to accurately track the revenue and expenditures involved in this account, she proposed to set up a Major Fund to be known as the "2A Water ASD Fund". She explained that the Twin Lakes Water purchase earlier in the evening would be the first item processed through the account.

Trustee Easton made a motion to approve Ordinance #08-2009, an ordinance authorizing the establishment of the "2A Water ASD Fund", seconded by Trustee Plank. Motion passed 5-0.

**Resolutions:**

**5. Resolution #11-2009, a resolution authorizing Staff to negotiate contracts with Matrix Design Group, Inc., J3 Engineering Consultants, and Drexel Barrell & Co., for various engineering services**

Mr. Tom Kassawara, Director of Development Services stated that on January 9, 2009, requests for qualifications (RFQ) were sent to ten (10) engineering firms to solicit responses for the purpose of selecting additional firms to serve as the Town's general consulting engineers. Seven (7) responses were received. Staff reviewed the qualification statements and determined that it would be in the best interest of the Town to select the three (3) most qualified firms to be added onto the Town's on-call engineering consultants. This provides Staff with the flexibility to select different firms for the various types of projects or on call services. Authorization of this resolution allows Staff to negotiate contracts with the best engineering services at the most reasonable cost. He explained that this does not commit the Town to utilizing any of the firms; however it is very helpful if we need to. He explained that he will come back with contracts with each of the three selected firms at a future meeting.

Mayor Glenn commented to Mr. Kassawara that he knows how he feels about contracted engineering services. He stated that he trusts his recommendation but to be appraised that consultant are directed by Staff.

Trustee Miller made a motion to approve Resolution #11-2009, a resolution authorizing Staff to negotiate contracts with Matrix Design Group, Inc., J3 Engineering Consultants,

and Drexel Barrell & Co., for various engineering services, seconded by Trustee Easton. Motion passed 5-0.

**6. Resolution #12-2009, a resolution amending resolution #10-2009, 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 this amended resolution pertains to the discussion of the Third Street Improvements Project held at the Board of Trustees retreat. This amendment is a change in the scope of work previously approved and the revision does not change the amount (\$17,038). The Mayor and Staff met with Nolte and discussed other options for downtown storm drainage. As a result of this discussion, it was determined that a different approach to the routing of stormwater through the downtown area would be a better overall solution. It was suggested that Nolte could use the \$17,038 appropriated for the design work for the Front Street outfall option to perform tasks relating to re-routing a more significant amount of the stormwater runoff coming from the State Highway 105 corridor directly down Beacon Lite Road rather than allowing it to flow down Third Street. Coupled with this, Nolte would also determine the effects of having the Third Street drainage system discharge only the historic flow underneath the railroad tracks on an interim basis, until the Beacon Lite Road drainage improvements can be completed.

Trustee Miller made a motion to approve Resolution #12-2009, a resolution amending resolution #10-2009, change order #7 for the contract with Nolte Associates, Inc., for the Third Street Improvements Project, seconded by Trustee Dominguez. Motion passed 4-0-1, Trustee Easton abstained.

**7. Resolution #13-2009, a resolution approving the purchase of Twin Lakes Water shares**

Ms. Catherine Green, Town Manager stated that this item was discussed at the previous meeting. This is the finalized resolution which authorizes the purchase of four (4) shares of Twin Lakes Water. This water is of high quality and has the potential to be transported in more than one way. By owning shares of this water source, the Town will be seen as a more serious partner in acquiring and partnering with others for a renewable water resource.

The condition that the transaction is subject to approval of the Town's Water Attorney was presented by the Town Attorney.

Trustee Miller made a motion to approve Resolution #13-2009, a resolution approving the purchase of Twin Lakes Water shares, with condition that the transaction be subject to approval of the Town's Water Attorney, seconded by Trustee Plank. Motion passed 5-0.

**Discussion Item: Walgreen's @ SH 105 presentation on access and traffic**

Mr. Kassawara, Director of Development Services, stated that this item is a further explanation and discussion regarding the condition which the Board added to this item at

the February 17<sup>th</sup> meeting. He turned the presentation over to the applicant's Traffic Engineer for presentation.

Mr. Jeff Hodsdon, LSC Transportation Consultants, Inc., provided a lengthy Power Point presentation on the traffic flows, conditions, and recommended amendments to the existing conditions at Second Street and the alley way behind the Rocky Mountain Oil Change Center and Carwash. Following lengthy interactions and discussion, the Board desired to have a hybrid of the 35 foot radius and offset turn-out proposal. Additionally, the right-in/right-out at the 7-Eleven and Walgreens on State Highway 105 would have a one-way traffic flow west of the curbing at the 7-Eleven to minimize problems associated with the Walgreen's prescription pick-up lane. Mr. Hodsdon discussed numerous striping and also "candle stick" markers as one alternative for the left-in to the alley from Second Street. He addressed several issues relating to the existing 7-Eleven traffic conditions and access and discussed slides detailing the current (unrestricted) access to Highway 105.

Ms. Allison Kern, Net Lease Development (representing the applicant), commented that their traffic engineer preferred the 35 foot turn radius improvement over the extended right-in extension as the area would accumulate debris and dirt, and the longer turn-out would create a longer crossing for pedestrians which may be a concern.

Mr. John Savage, Rocky Mountain Oil Change Center and Carwash owner, commented that he prefers the 35 foot radius turn-in improvements to the alley coming off of Second Street. He stated that candle sticks would probably provide problems for snow plowing and maintenance.

Mr. Rich Landreth, Director of Public Works, responded that he also agreed that "candle sticks" are a maintenance and snow removal issue, and he would prefer that they proceed without them and if they are deemed necessary to add them later.

Mr. Kassawara stated that he understands all of the Boards comments presented during the one hour and fifteen minute discussion and he will ensure that they are addressed.

#### **Liquor License Hearings:**

##### **8. Renewal Hearing for Bayou Barbq**

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.

Trustee Plank made a motion to approve renewal of the liquor license for Bayou Barbq, seconded by Trustee Dominguez. Motion passed 5-0.

##### **9. Renewal Hearing for Diamond Shamrock #4136**

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. He explained that this license was held in the County although it should have been ours for several years. The State and the County discovered the error and simply handed it over to the Town. He stated that

our Finance Director confirmed that we have been receiving the tax revenues from this location.

Trustee Easton made a motion to approve renewal of the liquor license for Diamond Shamrock #4136, seconded by Trustee Plank. Motion passed 5-0.

**Financial Issues:**

**10. Disbursements over \$5,000**

Ms. Pamela Smith, Town Treasurer, provided an amended disbursement sheet at the meeting. She explained the additional disbursement of \$126,156.80 to purchase Twin Lakes Water Shares from Sugar City; this amount includes the brokerage fee to Mr. Gary Barber. She stated that these funds come out of the newly recognized 2A Water ASD Fund.

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

**11. January Financials**

Ms. Pamela Smith, Town Treasurer, reviewed the background information for the January 2009 financials. She stated that January Sales Tax Revenues were up by 7.2%.

Trustee Miller made a motion to approve the January Financials, seconded by Trustee Plank. Motion passed 5-0.

**12. Sales Tax Analysis**

Ms. Pamela Smith, Town Treasurer, presented the reports and charts to keep the Board apprised of Sales Tax earnings and collections. Our Annual budgeted collections are positive to Budget by \$12,576 for January. She explained that this first month reported for the year has no comparison to last month; we ended 2008 at 6.5% below budget. She detailed the additional spreadsheet which shows the Gross and Net Sales Tax. The Sales Tax collected through March of 2009 was ahead of 1<sup>st</sup> Quarter 2008 collections by 17.0% or \$148,889.

No action taken (informational only)

**Reports and Updates:**

**Town Attorney**

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

**13. Development Services Department**

Mr. Tom Kassawara, Director of Development Services, updated the Board on the status of the New Town Hall project. He commented that it is approximately 80% completed and the "C.O." date is still on schedule for April 29<sup>th</sup> and it appears to still be under budget. He stated that there were eight (8) new land use permits for single-family homes issued during January and February.

#### **14. Public Works Department**

Mr. Landreth, Director of Public Works, stated that outside of his report, he would be happy to answer any questions.

Mayor Glenn commented that he would like to see the Town work on a water plan.

Trustee Plank inquired about the status of the "Quiet Zone".

Ms. Catherine Green, Town Manager responded that engineering for the median has been completed and may be done at any time now. She stated that Mr. Ron Rathburn (Assistant Public Works Director) will be speaking to Mr. Si Sibel relating to the private drive issue. Once these two items are completed it should move along quickly.

#### **Police Department**

Mr. Jacob Shirk, Chief of Police, stated that the second "Citizens Police Academy" will be commencing this coming Thursday evening. Anyone with an interest, or if they know of anyone who is interested in participating should contact him. He discussed the meeting held at Creekside Middle School regarding concerns surrounding two recent robberies in Jackson Creek. He explained the participants and issues discussed and presented.

#### **Town Manager's Report**

Ms. Catherine Green, Town Manager, commented that she has handed out "minutes" she created from the recent Board Retreat. She discussed the upcoming "Town Forum" to be held on April 20<sup>th</sup> at Creekside Middle School and noted that Triview, Home Rule, Water Issues, and Ongoing Improvements will be the primary topics of discussion.

#### **Triview Metropolitan District**

Mayor Glenn stated that the first Triview Committee meeting went quite well, the "IGA" needs to be reworked. He stated that the backbone of the agreement will address five major items 1) Finance, 2) District Management, 3) Legal, 4) Public Works and 5) Water Resources. Finance will entail "Pam" (Town Treasurer) taking over and doing a cost share for the Triview portion of services. The District Management side will account for required meetings and preparation of written agreements for negotiations with future land owners and developers regarding cost of District infrastructure improvements and any type of rebate as approved by the Triview Board to offset these improvements. The District Management section shall also notify the Triview Board of necessary state and federal permits which must be in place including Stormwater, Water Augmentation Plans and the completion of the Mouse Mitigation plan. It will then be the responsibility of the Triview Board to determine the necessary means to accomplish the required permitting tasks and keep them up to date. Legal will outline the work required specifically for the Metro District. All costs for legal will be sent to the Triview Board along with a description of work and will then be paid for through the Triview Budget. Mr. Peter Susemihl will be available as needed as they transition away from his contract services. Public Works will continue the ongoing water operations which the Town is currently implementing. During discussions, there were concerns over capital costs for the Town to do landscaping and snow removal. Since the Town is not currently capable of taking these over, the Triview Board wishes for the Town to administer and manage the varying

contracts. They would also like the Town's Public Works Department to prepare a road maintenance plan with capitol costs for the District to include items such as crack sealing and overlays. The District Management team approach will include monthly reports similar to those provided currently by Town Directors to the Town's Board of Trustees.

**Public Comments**

None

**Adjournment**

Trustee Easton made a motion to adjourn at 9:15 pm, seconded by Trustee Miller. The motion passed unanimously 5-0.

Respectfully Submitted,

*Scott W. Meszaros, CMC*  
Town Clerk