

TOWN OF MONUMENT
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING

Monday, February 1st, 2010

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

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

Mayor Easton 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 Easton led those assembled in the Pledge of Allegiance. The following Board members and Staff were present for the meeting:

BOARD OF TRUSTEES:

Present:

Mayor Easton
Trustee Dominguez
Trustee Drumm
Trustee Kaiser
Trustee Plank
Trustee Squires

Absent:

Trustee Gingrich

TOWN STAFF:

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

Also present were:

Jim Kendrick	Randy Estes	Steve Meyer	Henry Jankowski
Todd Welch	Marla Novak	John Psensky	James Keckerix
Jim Vernon	Jim Fitzpatrick	Mike Gartner	John Dick
Bob Stein (and family)		Cheryl Braunschweiger	

Members of the Colorado Springs Youth Symphony Orchestra:
(Bryant, Eli, Derrick, and Tracey)

Mayor Easton requested to add the swearing-in of Officer Bob Stein to the agenda following the Colorado Springs Youth Symphony presentation. Trustee Dominguez made a motion to approve the agenda as amended, seconded by Trustee Plank. The motion passed unanimously 6-0.

1. Approval of Minutes of January 19th, 2010 Regular meeting

Trustee Dominguez inquired about Page 2, Paragraph 3 regarding the \$153. Mr. Meszaros, Town Clerk responded that there should be a "k" symbolizing thousands of dollars. He will make the correction.

Trustee Plank made a motion to approve the minutes of January 19th, 2010 for the Regular Meeting with noted correction. Trustee Dominguez seconded the motion. The motion passed 5-0-1, as Trustee Drumm abstained.

(New Amendment) to January 19th, 2010 BOT Minutes:

Following Executive Session, the Board re-convened at 9:16 pm and Trustee Plank made a motion to approve an agreement concerning a personnel matter and authorize the Mayor to sign the agreement, seconded by Trustee Gingrich. Motion passed 7-0. The meeting was adjourned at 9:23 pm.

Public Comments

Mr. James Keckerix, R-Rockyard Owner, questioned the newly installed signs on Old Denver Highway denoting no trucks with a symbol and "Over 7000 lbs Empty Weight". He brought up zoning of his property and access issues which such a sign directly impact his business and zoning allowances.

Following discussion, Mr. Kassawara and Mr. Landreth responded that they will further investigate correcting the signage to denote the proper "no through trucks" and potentially either including "Commercial" or appropriate weight restrictions after consulting with the engineer who conducted the study and made the recommendation. The locations of the signs are appropriate to prohibit through truck traffic which is not going to businesses located between the two signs.

Mr. Randy Estes, Monument Resident, commented that most $\frac{3}{4}$ and 1-ton pickup trucks weigh more than 7000 pounds. He stated that the Town should do more research before passing such a restriction.

Colorado Springs Youth Symphony Orchestra (CSYSO) presentation, Resolution #07-2010

Ms. Catherine Green, Town Manager had the Youth Orchestra come forward and perform a song. She then introduced Ms. Cheryl Braunschweiger, Executive Director of the CSYSO. Ms. Braunschweiger explained that this is the 30th year honoring "Youth Symphony Celebration Year" recognizing the remarkable accomplishments of the association through its history. She urged the council members and fellow citizens to observe this celebration by attending the numerous musical and commemorative events scheduled between February and August of this year.

Mayor Easton read the resolution recognizing the Colorado Springs Youth Symphony which was followed by an additional performance. He thanked the members and Ms. Braunschweiger for their dedication, achievements, and performance for all present at the meeting.

Trustee Plank made a motion to approve Resolution #07-2010, a resolution recognizing the Colorado Springs Youth Symphony, seconded by Trustee Drumm. Motion passed 6-0.

Swearing-in of Officer Bob Stein

Police Chief Jacob Shirk directed the “pinning” of the badge ceremony upon newly hired police officer Mr. Bob Stein. Chief Shirk explained that he had previously worked with Mr. Stein as he was an attorney when the Chief was in Aurora. He encouraged him to attend an academy and pursue a career in law enforcement which Mr. Stein has done. Officer Stein’s family came forward and his wife placed the badge upon his uniform. Town Clerk Scott Meszaros swore in Officer Stein.

Ordinances:

2. Ordinance #04-2010, an ordinance approving updates to Chapter 16.32 “Dedications” and Ordinance #05-2010, an ordinance approving updates to Chapter 17.40 “Planned Development District”

Mr. Tom Kassawara, Director of Development Services provided a brief overview and explanation of the Staff Report. The proposed amendments include revisions to make the Code sections consistent with the Town’s adopted Comprehensive Plan and Parks, Trails, and Open Space Plan, to add consistency between sections of the Code, and to reflect current practices and procedures for development review, and to extend the time frame for recording approved site plans.

Mayor Easton opened the public hearing.

Ms. Marla Novak, Colorado Springs Home Builders Association representative, commented that they approve and support the proposed changes.

Mr. Steve Meyer, Monument Resident and VP of the Homestead at Jackson Creek HOA, commented that he and the “association” whole heartedly support the proposed amendments and the intent of having designated parks, pocket-parks and places for children are necessary in our community.

Mayor Easton closed the public hearing and brought the item back before the Board.

Trustee Drumm inquired about time limitations and extensions proposed.

Mr. Kassawara responded to Trustee Drumm detailing the time limitations, extensions, and related requirements and explained that after exceeding such limitations the Board would have to approve.

Trustee Squires made a motion to approve Ordinance #04-2010, an ordinance approving updates to Chapter 16.32 “Dedications”, seconded by Trustee Drumm. Motion passed 6-0.

Trustee Plank made a motion to approve Ordinance #05-2010, an ordinance approving updates to Chapter 17.40 “Planned Development District”, seconded by Trustee Kaiser. Motion passed 6-0.

3. Ordinance #06-2010, an ordinance approving amendments to the Regional Building Code

Mr. Tom Kassawara, Director of Development Services provided a brief introduction of the item stating that the two major additions are to 1) adopt by reference the entire 2008

edition of the National Electrical Code, and 2) to implement the State's current provisions for plumbing licenses to specifically include water heater installations, repairs, and replacements. He stated that Town Staff supports adoption of the amendment.

Mr. Todd Welch, Legal Council for PPRBD, explained that the purpose of this amendment is to bring the jurisdiction into compliance. All of the entities under PPRBD are being required to adopt the amendments.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board.

Trustee Plank made a motion to approve Ordinance #05-2010, an ordinance approving amendments to the Regional Building Code, seconded by Trustee Drumm. Motion passed 6-0.

Resolutions:

4. Resolution #08-2010, a resolution appointing one Planning Commissioner and Resolution #09-2010 a resolution appointing one Alternate to the Monument Planning Commission

Mr. Tom Kassawara, Director of Development Services stated that there are two very qualified candidates here this evening who have applied for the positions of Planning Commissioner and Alternate. He explained that should both be appointed this will be the first time that there is a full commission and that with the travel and such of some of the existing members, the alternate position will be utilized as well.

Both candidates provided an explanation of their previous work histories and desire to serve on the Planning Commission. Both candidates stated that they have recently retired and wish to be involved to give back to the community. Following Board interviews with the candidates, paper ballots were disseminated and given back to the Town Attorney.

Resolution #08-2010, a resolution appointing Mr. John Dick as Planning Commissioner and Resolution #09-2010 a resolution appointing Mr. Jim Fitzpatrick as Alternate to the Monument Planning Commission. Appointments were done via closed ballot tabulated by Mr. Gary Shupp, Town Attorney.

4a. Proposed resolution supporting e fairness legislation

Ms. Catherine Green, Town Manager

Trustee Plank provided a brief overview of the proposed "e-fairness Bill" (HB 1193). She commented that she has a clear side on the issue but would like to present both sides. She explained that small business people feel that to be fair, sales taxes should be collected "fairly". With current economic conditions, a large problem for municipalities is the dependency upon sales taxes. She believes that an even larger "leakage" is the problem relating to internet sales. She commented about how affiliates operate and that they fear many would close if such legislation is implemented.

Following discussions about taxation and the process of the application of taxes via internet and related mechanisms, the individual Board members provided opinions on

both sides of the issue. Mayor Easton asked for the opinion of each Trustee and the issue leaned towards not doing any action as a municipality.

Mr. Steve Meyer, Monument Resident and VP of the Homestead at Jackson Creek HOA, provided further details about e-commerce and related taxation through affiliates. He explained that a “clearing house” to apply various taxes should such legislation be enacted would benefit both the consumer and vendors. He explained how his business practices of selling software goods over the internet and delivering them electronically is also being adversely impacted should current House Bills be approved. Currently only “brick and mortar” products and businesses are taxed, however should some of the currently proposed bills take effect, he would likely re-locate as many others would to avoid the daunting task of determining all of the appropriate taxations for all of the different places his products may be delivered.

No action was taken on the resolution. Trustee Plank encouraged those supporting the bill to individually partake in writing or contacting their representatives.

Discussion Item:

5. Third Street Landscaping

Mr. Tom Kassawara, Director of Development Services, provided a history on the Board's direction from the December 7th BOT meeting which provided various ideas and opinions for the Third Street landscaping. In an effort to accommodate all of the diverse opinions, Staff has prepared colored plan view drawings and cost estimates for delivery of materials, and for delivery and installation by contractors. He explained the “diversity” theme of the proposal and how Staff walked the project to put rock, sod, plantings, etc. in areas that make logistical sense. At the suggestion of Trustee Squires, there mulch planters at intersections are tentatively designed for the planting of annuals “by others”. Staff has also modified the original landscape plan prepared by Nolte Associates by replacing most of the ground cover and perennials with additional shrubs and larger plantings that will have a better chance of surviving in a streetscape environment. The proposed schedule is for the installation of the improvements to be done in the spring, with a completion date well before the July 4th parade. He detailed the list of “pros and cons” regarding installation solely by Town Staff, and installation by contractors. The exception to the Town's installation would be the irrigation system, which requires a level of expertise that Town Staff currently does not possess. A contractor will be hired for this portion who can do a “design/build” type of installation.

Local vendors including Mr. James Kekerix and Mr. Randy Estes, voiced supporting local businesses. Mr. Kassawara explained the bid process and believes that local bids have an advantage due to decreased delivery and shipment costs, he provided his card to them and stated that they should contact him regarding the bids.

Following discussion of the “pros and cons”, the Board voted on either having Staff do the labor or putting the work out to bid for contractors. The vote was split.

Additional discussion and direction was provided regarding having Mr. Kassawara solicit community input in an attempt to find volunteers to sponsor installing and maintaining the annual flower beds. Direction was provided by Trustee Squires to design the bid to accommodate any “reductions” or offered donations of work or materials that may be

provided by those who bid. He would like to see offered alternatives with cost savings ideas as part of the evaluation.

The Board voted again upon the additional amended direction and approved (4-2) to have contractors bid the work rather than Town Staff completing the landscaping. Mr. Kassawara commented that he understands the Board's intent and direction and he will move forward. He obtained the business cards from members in the audience to ensure that they receive a copy of the bid specifications should they wish to provide a bid.

Financial Reports and Updates:

6. Disbursements over \$5,000

Ms. Catherine Green, Town Manager explained that Ms. Smith was unable to attend this evening. She provided the financial summary background (with accompanying letter) and stated that there is one disbursement which is the invoice for the "Snow Bars" on Town Hall to prevent sliding snow off of the roof for approval.

Trustee Plank made a motion to approve the disbursement over \$5,000, seconded by Trustee Dominguez. Motion passed 6-0.

Reports and Updates:

Town Attorney

Mr. Gary Shupp, Town Attorney, reported that today a bill was passed at the State House by a 34-1 vote proposing medical marijuana legislation that will require doctors to "examine" patients before prescribing to them.

7. Town Manager's Report

Ms. Catherine Green, Town Manager, asked the Board if they desired to return to the "Town/Triview Joint Sub-Committee" which had previously been in place. She explained that the Board's leadership and going back to such a committee may drastically aide in completing the IGA and working out many of the current issues with Triview. She explained that the two member committee from each Board allows for meeting without having to post each and every time (less than 3 members relating to Colorado Sunshine Laws). The Board agreed that they would desire to re-convene again and members will examine their schedules and let her know availability and who will participate. Ms. Green will inform the Triview Board about this Board's support to get things initiated. She stated that previously the sub-committee met twice a month.

Adjournment

Trustee Kaiser made a motion to adjourn at 9:20 pm, seconded by Trustee Drumm. The motion passed unanimously 6-0.

Respectfully Submitted,

Scott W. Meszaros, CMC
Town Clerk