

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

**Monday, May 3<sup>rd</sup>, 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 Drumm  
Trustee Kaiser  
Trustee Plank  
Trustee Squires

**Absent:**

Trustee Dominguez  
Trustee Gingrich

**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	Jeff Hodsdon	John Nelson	Peter M. Susemihl
Gary Barber	Monica Harder	Tom Harder	Jerry Biggs
Victoria Chavez	Claudia Whitney	Ken Cecil	Dutch Van Kekerix
Lisa Collacoff			

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

**1. Approval of Minutes of April 19<sup>th</sup>, 2010 Regular meeting**

No changes were noted.

Trustee Plank made a motion to approve the minutes of April 19, 2010 for the Regular Meeting as presented. Trustee Kaiser seconded the motion. The motion passed 4-0-1 as Mayor Easton abstained.

**Public Comments**

None

### **MSG William J. Crawford Memorial Committee**

Mr. Ron Heard, representative for the committee, provided a presentation on the history of MSG Crawford and the current memorial. He provided brochures and explained the campaign to fund and create a new memorial. He explained the need for additional sponsors and need to identify Veterans in the Tri-lakes region. He asked the Board for a contribution towards the project. The Board agreed to examine making a contribution at the time of the mid-year projected re-statement.

### **El Paso County Major Transportation Corridor Plan**

Ms. Victoria Chavez, El Paso County Transportation Planner, discussed the Corridor Plan process and informed the Board and residents on how they may become involved in the process. She referred to the website ([www.2040MTCP.com](http://www.2040MTCP.com)) and handed out literature. She answered basic questions regarding how to get involved and what types of issues are considered in the plan. She urged everyone to complete a survey online or to mail in the card provided.

### **Ordinances:**

#### **2. Ordinance #14-2010, an ordinance approving a Major PD Amendment for the Village Center at Woodmoor**

Mr. Tom Kassawara, Director of Development Services provided a presentation on items #2, 3, and 4 simultaneously. He briefly highlighted each of the Staff reports for the items and provided a description of each. He emphasized the history and development of the "right-in and right-out" to the site on Highway 105 which provides improved access to the site. He explained in detail the Phasing Plan and referenced "Table 2" which lists the offsite traffic improvements and related requirements. The conditions were reviewed in detail followed by the applicant's presentation.

Mr. John Nelson, Nelson Associate Architects representing the applicant, provided a presentation to include sample boards with materials and design options. He discussed the "palette of color combinations which offer a range of flexibility" for various buildings which he explained will have "4-sided" architecture.

Mayor Easton opened the public hearing, seeing no comments the hearing was closed and the item(s) brought back before the Board for individual discussions and separate motions.

Trustee Squires made a motion to approve Ordinance #14-2010, an ordinance approving a Major PD Amendment for the Village Center at Woodmoor, seconded by Trustee Plank. Motion passed 4-0-1, Trustee Drumm abstained.

#### **3. Ordinance #15-2010, an ordinance approving a Preliminary/Final Plat for the Village Center at Woodmoor Filing 4**

(See item #2 for details)

Trustee Plank made a motion to approve Ordinance #15-2010, an ordinance approving a Preliminary/Final Plat for the Village Center at Woodmoor Filing 4, seconded by Trustee Squires. Motion passed 4-0-1, Trustee Drumm abstained.

**4. Ordinance #16-2010, an ordinance approving a Preliminary PD Site Plan for the Village Center at Woodmoor Filing 4**

(See item #2 for details)

Trustee Squires made a motion to approve Ordinance #16-2010, an ordinance approving a Preliminary PD Site Plan for the Village Center at Woodmoor Filing 4, seconded by Trustee Kaiser. Motion passed 4-0-1, Trustee Drumm abstained.

**Resolutions:**

**5. Resolution #19-2010, a resolution approving the 3/50 Campaign Project**

Mayor Easton and Trustee Plank updated the Board on the discussion from the previous meeting relating to this item for those who were not present. Following the update, Trustee Plank responded to Trustee Drumm's inquiry about how the program works and she explained the project summaries provided in the packet. It was explained that merchant's who are eligible are automatically part of the project and that there will be a link on the Town's Website to the HMMA website where details and a list of businesses will be available. The campaign begins on June 1<sup>st</sup> and the drawing for the \$500 cash prize will be conducted at the "Chili Cook-Off" event (September 18<sup>th</sup>).

Trustee Squires made a motion to approve Resolution #19-2010, a resolution approving the 3/50 Campaign Project, seconded by Trustee Plank. Motion passed 5-0.

**6. Resolution #20-2010, a resolution approving a Service Plan for the Proposed Lake of the Rockies Metropolitan District**

Mr. Tom Kassawara, Director of Development Services provided an overview of the proposed Service Plan. In order to have the ability to construct the public improvements and infrastructure for a proposed 152-lot single-family home development on a 70-acre site, the property owner is proposing to establish a Metropolitan District as a financing mechanism for the necessary improvements. He stated that upon acceptance by the Town, there are no maintenance responsibilities to the District such as those the Town has previously been dealing with in the past with our existing District (Triview). The Town will fully service water, street improvements, trails, street lighting, common area landscaping and drainage. All of these public improvements would be dedicated to the Town once completed, with maintenance and ownership being by the Town. Wastewater facilities are proposed to be owned and maintained by the Palmer Lake Sanitation District. He explained the taking over "upon completion of the warranty period" and the process entailed. He stated that there is no financial gain or loss to the Town relating to this.

Mr. Peter M. Susemihl, of Susemihl, McDermott & Cowan, P.C., representing the applicant, detailed the disclosure form (Exhibit D) and asked the Board if there were any questions. He explained that the bonds would likely be issued for 30 years.

Mr. Jerry Biggs, Applicant, stated that the intent is to phase the project and there is no set plan at this time. He is in the process of assessing the marketplace and is likely a few years out from actually commencing any building.

Trustee Plank made a motion to approve Resolution #20-2010, a resolution approving a Service Plan for the Proposed Lake of the Rockies Metropolitan District, seconded by Trustee Drumm. Motion passed 5-0.

**7. Resolution #21-2010, a resolution approving an agreement for purchase of Fountain Mutual Irrigation Company (FMIC) water shares**

Ms. Catherine Green, Town Manager reviewed the prior discussions and history on this item to date. She explained that a 20-year lease/purchase based upon a contract of six million dollars is possible, according to our financial consultant "Jim Maneer". An election would not be necessary as funds would come from the ASD fund, the payment would run approximately \$435k/year. He had indicated to Ms. Green that initially it would be "tight" until after the seventh year on the Town Hall lease/purchase is paid off. This annual payment would be buffered for the next several years by the \$150k lease payment that the Town would receive from the power company for the water use. Ms. Green provided three additional handouts ("Options for FMIC shares", "Due Diligence for FMIC shares", and "Financing for FMIC shares") following her discussion of the handouts she turned the presentation over to Mr. Gary Barber and Mr. Rich Landreth.

Mr. Rich Landreth, Public Works Director, and Mr. Gary Barber, Town's Water Broker, provided a Power Point presentation entitled "Comanche/Monument Transaction". The Big Johnson Reservoir, with 5,000 af of storage was decreed in 1910. The presentation highlighted "Why add this asset?", which detailed the transition of the Town's water supply from non-renewable well sources to renewable sources. Senior Water Rights on Fountain Creed which are decreed to municipal use and the Strategic Partnerships with other municipal owners. This purchase will secure a relationship between the Town of Monument and the City of Fountain; it creates "Reuse and storage of return flows with 100% efficiency within El Paso County". These rights create opportunities for collaboration on treatment and delivery infrastructure with Forest Lakes and Town of Palmer Lake. It is an Opportunity to be part of SDS by showing Colorado Springs Utilities that the Town is prepared to "bring its own water". As a shareholder, it allows the opportunity to work with other shareholders to maximize resources. The discussion turned towards why to act now; this is a limited time offer. Going under contract allows due diligence with a firm right to purchase. These assets have never declined in value, and the opportunities to secure strategic partnerships are time sensitive. Mr. Barber explained that a mutual execution of the sale document this evening allows the Board of Trustees twenty (20) days, so a formal Ordinance or Resolution to purchase would be necessary by May 24<sup>th</sup> (the next BOT meeting is scheduled for May 17), there will be ninety (90) days for Diligence giving until August 22<sup>nd</sup>, and then thirty (30) additional days for financing (September 21), which creates a closing of October 21, 2010.

Following general Board discussion on the item, Dr. Elizabeth "Betty" Konarski, Monument Resident and Monument Representative/Alternate for the Pikes Peak Regional Water Authority, provided input stating that these renewable water rights are "the best I have seen since being involved in the Monument Water issues since 1997". She encouraged the Board explaining that the competent Town Staff and Consultants can only do so much, it is the Board's decision on this alone and the leadership which faced with this tough question, which will get Monument the kind of renewable water resource we require for the future. She agrees that it is a difficult decision but one which needs to be made.

Trustee Squires made a motion to approve Resolution #21-2010, a resolution approving an agreement for purchase of Fountain Mutual Irrigation Company (FMIC) water shares, and authorizing the Mayor to sign the agreement, seconded by Trustee Plank. Motion passed 5-0.

**8. Resolution #22-2010, a resolution approving an extension to the Continuing Services Agreement- J3 Engineering Consultants, Inc.**

Mr. Tom Kassawara, Director of Development Services detailed the proposed extension agreement; he explained that J3's hourly rates from the 2009 agreement are remaining the same. He explained that although the Town has not had the opportunity to enter into any Standard Project Agreements or Task orders for engineering work during the initial contract period, Staff recommends extending the agreement for an additional year and perhaps we will have the opportunity to use them this year. He stated that Mr. Kenneth Cecil is here if the Board has any questions. None were asked.

Trustee Drumm made a motion to approve Resolution #22-2010, a resolution approving an extension to the Continuing Services Agreement-J3 Engineering Consultants, Inc., seconded by Trustee Plank. Motion passed 5-0.

**9. Resolution #23-2010, a resolution approving an extension to the Continuing Services Agreement- Matrix Design Group, Inc.**

Mr. Tom Kassawara, Director of Development Services stated that this item is identical to the previous item only that it is for Matrix Design Group, Inc. Staff recommends extending the agreement for an additional year.

Trustee Drumm made a motion to approve Resolution #23-2010, a resolution approving an extension to the Continuing Services Agreement- Matrix Design Group, Inc., seconded by Trustee Plank. Motion passed 5-0.

**10. Resolution #24-2010, a resolution revising the Town Fee Schedule (Dust Control Permit)**

Mr. Tom Kassawara, Director of Development Services explained that El Paso County has eliminated their "Fugitive Dust Control" permit requirements due to lack of staffing to monitor compliance. Staff has created a similar permit, which is proposed in order to compensate the Town for Staff time to process the permit application, inspect dust control measures, and monitor development activities for dust emissions. Staff proposes the fee for this permit to be \$50, the County had previously been charging a \$120 permit fee, and the Town will require the permit for all new development projects one acre in size or larger that involve the movement of soil and/or other activities that have the potential of dispersing particulate matter into the air. The permit form/application is enclosed in the packet.

Trustee Plank made a motion to approve Resolution #24-2010, a resolution revising the Town Fee Schedule (Dust Control Permit), seconded by Trustee Drumm. Motion passed 5-0.

**Financial Reports and Updates:**

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

Ms. Pamela Smith, Town Treasurer, detailed the one (1) disbursement request to Donala Water & Sanitation District in the amount of \$5,000 for dues for the Flaming Gorge Project Feasibility Study. She explained that there are no attachments for this disbursement, and that Mr. Rich Landreth (Public Works Director) is available to answer any questions regarding the item. No questions were asked.

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

**12. 1<sup>st</sup> Quarter 2010 Financials**

Ms. Pamela Smith, Town Treasurer, detailed the item background on the 1<sup>st</sup> Quarter 2010 Financial Statements. She stated that the General Fund was positive to Budget by 6.6% or \$230k. Development Service fees are 17% over budget, or \$26k due to increased development exceeding our expectations so far this year. The Water Fund was positive to Budget by 11.3% or \$140k. Water billing revenues are running about 24% below budget or (\$40k), which is "normal" for this time of year. Tap fees have already exceeded the 2010 Budget by \$18k due to more development than was expected. The Ancillary Funds are within budgeted ranges.

Trustee Kaiser made a motion to approve the 1st Quarter 2010 Financials, seconded by Trustee Plank. Motion passed 5-0.

**Reports and Updates:**

**Town Attorney**

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

**Public Comments**

None

**Adjournment**

Trustee Plank made a motion to adjourn at 9:17 pm, seconded by Trustee Kaiser. The motion passed 5-0.

Respectfully Submitted,

*Scott W. Meszaros, CMC*  
Town Clerk