

TOWN OF MONUMENT
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING

Monday, May 17th, 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

Absent:

Trustee Gingrich
Trustee Squires

TOWN STAFF:

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

Also present were:

Nicole Chillino	Jim Kendrick	Monica Harder	Vicki Mynhier
Chuck Roberts	Tom Harder	Bob Briggs	Italia Kaiser

Trustee Drumm stated that he would like to add Executive Session at the end of the meeting to discuss Water Contract "issues". Trustee Kaiser stated that he would like to switch items #3 and #2 to move up the liquor special event item so that the applicant can present without waiting through other items. Trustee Kaiser made a motion to approve the agenda as amended, seconded by Trustee Drumm. The motion passed 5-0.

1. Approval of Minutes of May 3rd, 2010 Regular meeting

No changes were noted.

Trustee Plank made a motion to approve the minutes of May 3rd, 2010 for the Regular Meeting as presented. Trustee Dominguez seconded the motion. Motion passed 5-0.

Public Comments

Mr. Chuck Roberts, advocate for Tri-Lakes Seniors, discussed the termination of the Arbor Mountain Senior Living facility by the developer. He explained that there is

interest by a “Jackson Creek Developer” in building a center, however it would be a minimum of four years before such a center would be an operating residence for the local seniors. He asked the Board for any ideas or help in expediting the problem.

Mr. Bob Briggs, Westminster City Councilman, discussed the Rail Feasibility Study recently completed by the Rocky Mountain Rail Authority (RMRA) and roadblocks. He discussed Monument being a “Bottleneck” in the project and detailed the newly forming “Colorado High Speed Rail Authority” requesting that the Town of Monument join as a member which requires a \$5k annual due. He discussed moving the rail cars out “east” and using existing railways in exchange for passenger and high speed rail. The Board asked several questions about the process and timeline for getting such a project underway and developed. Trustee Drumm provided input regarding the RMRA study and stated that he would ensure that Ms. Green receives the electronic version of the study to distribute to the Board members.

Ordinances:

2. An Ordinance approving the purchase of Fountain Mutual Irrigation Company (FMIC) Water Shares

Ms. Catherine Green, Town Manager provided a background on the action from the previous meeting in regard to potentially purchasing water shares from Comanche Resources. The contract which was signed at that meeting under Section 9, provides a timeline and long diligence period to the Town. She detailed a meeting held on Tuesday, May 4th with Staff, Trustee Drumm, Trustee Plank and Mr. Bob Krassa, the Town’s Water Attorney. Many concerns were raised. A phone conference call was conducted on Friday, May 14th with Mr. Krassa, Bruce Lytle, Gary Shupp, Trustee Drumm, Rich Landreth, and Ms. Green. Mr. Krassa explained the terms of the contract as he understood them. He expressed that the “devil was in the details” and he expressed numerous concerns point by point. Mr. Bruce Lytle agreed and added information from an engineer’s standpoint. All involved in the conference call agreed that it would not be prudent of the Town to continue in the diligence period and the opinion of the group was to recommend to the Board to cancel the contract at the Monday Board meeting. Ms. Green explained that there are numerous third party agreements and potentially many water court challenges which are likely beyond the Town’s resources to deal with, additionally problematic issues of storage in Big Johnson Reservoir and the obligation of the actual water to the power plant compound the challenges of utilizing any of the shares should we own them. She went on to state that we may be giving up excellent water rights with this deal, however we are early into the process of seeking out water and this may not be the right “fit” for the Town. She explained that Mr. Gary Barber did his job and is very creative in seeking out such shares as we have instructed him to do. She explained that the Town Attorney has drafted a letter to Comanche Resources, LLC if the Board agrees to, stating that pursuant to Paragraph 9(A), the Town is giving written termination notification to end the contract.

The Board inquired about several water related items, Staff and Mr. Gary Barber referred them to the “WIPS” Study which details their specific questions raised. Ms. Green commented with Mr. Landreth that they would revisit the Study information with the Board at a later date.

Trustee Plank made a motion to dissolve the water purchase contract with Comanche Resources as allowed under Section 9 (Due Diligence) in the purchase contract, and to allow the Mayor to sign the letter of termination, seconded by Trustee Drumm. Motion passed 5-0.

Liquor License Hearing:

3. Special Event Liquor Hearing for HMMA's "Chili Cook-Off"

Mr. Scott Meszaros, Town Clerk, stated that all fees, notices, and proper processing has been completed to conduct the Special Event Liquor hearing. The liquor event will be handled in the same manner as the event was last year; only the liquor area will be located within the roadway on Front Street as previously requested at a prior meeting.

Ms. Vicki Mynhier, representing HMMA as the applicant, introduced her summer intern (Italia Kaiser) and discussed the location and details outlined in the application for the special event. The Board inquired about having an extra-duty police officer at the event. Ms. Mynhier explained that HMMA will be paying the overtime for the service.

Trustee Dominguez made a motion to approve the Special Event Liquor Permit to HMMA and issuance of the Special Event Permit to conduct the "Chili Cook-Off", seconded by Trustee Drumm. Motion passed 5-0.

Financial Issues:

4. Disbursements over \$5,000

Ms. Pamela Smith, Town Treasurer, detailed the disbursement request to the Triview Metropolitan District for Sales Tax Due for March 2010, Motor Vehicle Tax for April 2010, and Regional Building Sales Tax for April 2010, the total amount of \$102,785.31.

Trustee Kaiser made a motion to approve the disbursement to Triview as presented, seconded by Trustee Dominguez. Motion passed 5-0.

5. Financial Report

Ms. Pamela Smith, Town Treasurer, apprised the Board of the Sales Tax earnings and collections. The Net Budgeted collections are negative to Budget by \$43,853 or (7.3%) through March 2010. The Sales Tax Collected is through May of 2010 is slightly under what was collected through May of 2009 by .2% or \$2,411. "We are running about 7% below budget and less than 1% behind collected so far this year".

Ms. Smith also explained the collections summary from 2004-2010 provided in the packet, giving perspective that we are collecting \$1,000,000 more now than we did "back then" in 2004.

Reports and Updates:

Town Attorney

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

6. Public Works Department

Mr. Landreth, Director of Public Works, stated that it is "Public Works Week" and there will be a Town Employee breakfast on Tuesday (next morning) at 7am to be held at the "Coffee Cup", all of the Board is invited to attend.

7. Town Manager's Report

Ms. Catherine Green, Town Manager, stated that the "3/50 Project" will begin June 1st. She stated that she has arranged for a workshop to be held at the Board's regularly scheduled meeting on August 2. The workshop will probably be held offsite and agenda items will be held until the August 16th meeting. She commented that it will be possible to video tape the session if any of the Board is unable to attend although it would be more beneficial to be there in person. She stated that "Monument Day" at the El Paso County Fair is Saturday, July 24th.

Public Comments

Ms. Nicole Chillino, Tri-Lakes Tribune Reporter, stated that this will be the final Monument meeting she will be covering as a reporter for the Tribune. She detailed the changes and improvements she has witnessed in the previous five-years covering the meetings and wished the Board continued successes into the future. She will be pursuing her teaching certificate. The Board thanked Ms. Chillino for her dedication and coverage for the past five-years, all wished her well.

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

The Board entered executive session at 7:40 pm following a brief break to obtain legal advice from the Town Attorney on specific legal questions concerning contracts. The Board came out of executive session at 8:34 pm.

Adjournment

Trustee Plank made a motion to adjourn the meeting at 8:34 pm, seconded by Trustee Dominguez. The motion passed 5-0.

Respectfully Submitted,

Scott W. Meszaros, CMC
Town Clerk