

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

**Monday, June 21<sup>st</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 Dominguez  
Trustee Drumm  
Trustee Gingrich  
Trustee Plank  
Trustee Squires

**Absent:**

Trustee Kaiser

**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	Monica Harder	Tom Harder
Uli Keeley, CPA	Sergeant Mark Owens	Lieutenant Steve Burk
Officer Chad Haynes	Officer Joe Lundy	Detective Steve Lontz
Lieutenant Mike Keough	Firefighter Rudi Gillette	Firefighter Jason Kelsey
Firefighter Elliot Linke	Chaplain Angela Robbins	Officer Joe Lundy
Special Investigator Michael Slavick	Officer Kevin Swenson	
Battalion Chief Brian Jack	Rick Blevins	

Trustee Plank made a motion to approve the agenda, seconded by Trustee Gingrich. The motion passed unanimously 6-0.

**1. Approval of Minutes of June 7<sup>th</sup>, 2010 Regular meeting**

Trustee Plank requested two changes on Page 5. She stated that "appraised" should be changed to "**apprised**", and the disbursement should be clarified as to which item it is relating to. The sentence was amended to read "**Mr. Tom Kassawara explained how the Third Street Landscaping project is estimated to be 57% complete as the pay request to Landscape Endeavors within the packet details.**"

Trustee Plank made a motion to approve the minutes of June 7<sup>th</sup>, 2010 for the Regular Meeting with noted corrections. Trustee Dominguez seconded the motion. The motion passed 6-0.

### **Public Comments**

None

### **Police Department Promotion Ceremony**

Police Chief Jacob Shirk had Sergeant Steve Burk come forward and honored him for his accomplishments and for becoming the first Command Officer in the history of the Town of Monument other than the Chief position. He presented him with a promotional plaque to "Lieutenant" and pinned his rank bars upon his uniform.

### **Police Department Awards Ceremony**

Police Chief Jacob Shirk presented the "Chief's Commendation" to Ms. Angela Robbins, Police Chaplain and Officer Joseph Lundy for their actions regarding an April 7, 2010 Juvenile Male who was shot in the face. Officer Greg Fell was also presented the award but was not present for the meeting. Chief Shirk also presented the award to Special Investigator Michael Slavick, who is a civilian volunteer for the department; he detailed the computer forensic investigation and analysis services and case involvements during which the FBI utilized his talents to help resolve cases. He thanked all awardees for their dedication and services to the department and the citizen's of the Town of Monument.

Police Chief Jacob Shirk presented the "Unit Citation" for the "Dart Team" which Sergeant Mark Owens prompted the Chief to create. This team led to the creation of a Tactical Medic program as well. The Unit members were all individually recognized and presented with the "Unit Citation". The members awarded included; Team Leader Sergeant Mark Owens, Assistant Team Leader Officer Chad Haynes, Sergeant (now Lieutenant) Steve Burk, Detective Steve Lontz, Officer Joseph Lundy, Firefighter Lieutenant Mike Keough, Firefighter Rudi Gillette, Firefighter Jason Kelsey, and Firefighter Elliot Linke.

### **Presentation of 2009 Audit**

Ms. Uli Keeley, CPA, representing John Cutler & Associates, thanked Ms. Pam Smith and her staff for their assistance in the audit process which was issued an "Unqualified Opinion" for the year 2009. She detailed the letter to the Board of Trustees and Management of the Town of Monument which Mr. Cutler drafted that is the first page of the Audit report. The letter outlines their suggestions for improved financial management and reporting. She discussed pages 3 and 4 which identified the decrease in the General Fund balance and significant Cash decreases which were primarily due to the New Town Hall Building and 2009 construction projects which depleted the Cash balances. She stated that this is an area in which the Town has historically carried large balances for. Ms. Keeley answered several general questions about the audit process and inquiries regarding general accounting processes, which she explained are all within standard operating procedures.

## **Public Hearing**

### **Resolutions:**

#### **2. Resolution #27-2010, a resolution approving adoption of the 2009 Audit**

Ms. Pam Smith, Town Treasurer asked for the Board to approve the resolution to adopt the 2009 audit as presented (previous item).

Mayor Easton opened the public hearing, seeing no comments, the hearing was closed and the item brought back before the Board for discussion and a possible motion.

Trustee Plank made a motion to approve Resolution #27-2010, a resolution approving adoption of the 2009 Audit, seconded by Trustee Dominguez. Motion passed 6-0 by roll call vote.

### **Ordinances:**

#### **3. Ordinance #17-2010, an ordinance approving a Preliminary/Final Plat for Filing 19 of the Monument Marketplace**

Mr. Tom Kassawara, Director of Development Services provided a quick overview of the Preliminary/Final Plat for Monument Marketplace Filing 19 a proposed 0.92 acre parcel. He stated that there are no outstanding significant issues, and the submittal met all review criteria. At their May 12, 2010 meeting, the Planning Commission voted 7-0 to recommend approval with conditions. He stated that the first two conditions are the standard "necessary technical corrections shall be made by Staff" and "all referral agency comments shall be resolved prior to recordation of the plat". The third condition he read which states "3. Documentation shall be provided that there is an adequate supply of water and that adequate water rights have been dedicated to Triview by special warranty deed in conformance with the conditions contained in the Town Code Section 13.04.130. The conveyance shall be noted on the face of the plat. The form of the deed shall be approved by the Triview Metropolitan District's Attorney, the Town Attorney, and the Director of Development Services and shall be executed and recorded prior to recordation of the plat."

Trustee Drumm inquired if "purple pipe" shall or may be installed for this project. Staff explained that the "purple" system is not actively working and that installing it into the Marketplace would be an entire system project rather than going to each individual site.

Mayor Easton opened the public hearing, seeing no comments, the hearing was closed and the item brought back before the Board for discussion and a possible motion.

Mr. Rick Blevins, representing Monument Marketplace, came forward and objected to condition #3. He stated that there has been a twenty-year water issue ongoing. Attempts to convert to a purchase agreement and numerous other plats/permits have been issued historically; this is the first to require condition #3. He commented that there is ongoing debate and litigation over the lease/purchase of water and to date no payments have been made.

Mr. Gary Shupp, Town Attorney stated that the new Triview Water Attorneys recommend all future developments have this requirement. They (Triview and prior Town Staffs) should have been doing this all along.

Ms. Catherine Green, Town Manager stated to the Board that she and Town Staff are on opposite sides of this issue with Mr. Blevins, "we completely disagree". She explained that the original Annexation Agreement for Regency Park clearly stated that all land developed must dedicate via warranty deed water rights to the District. She explained that any financial hardship on behalf of the applicant or those he represents is not a cash issue to the applicant.

Mr. Shupp responded that had this issue come to light sooner, it would have been dealt with. He stated that because previous Triview Management neglected to obtain the required dedications, that does not mean that this Board and Staff does not have an obligation to properly do so.

Trustee Gingrich inquired if this sets "precedence" regarding the issue.

Mr. Shupp responded that this is not "precedence" rather proper obligation of properly doing it now. It should have been done this way all along.

Trustee Squires made a motion to approve Ordinance # 17-2010, an ordinance approving a Preliminary/Final Plat for Filing 19 of the Monument Marketplace with all three (3) noted conditions which were approved as presented, seconded by Trustee Dominguez. Motion passed 6-0 by roll call vote.

## **Liquor License**

### **4. Renewal Hearing for Gourmet Far East, Inc.**

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 Gourmet Far East, Inc., seconded by Trustee Gingrich. Motion passed 6-0.

## **Financial Reports and Updates:**

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

Ms. Pamela Smith, Town Treasurer, requested that the Board approve the three (3) disbursements detailed in the packet. The first (1) (Triview Metro District for \$101,145.01) was for Sales Tax Due for April, 2010, Motor Vehicle Tax for May, 2010, and Regional Building Sales Tax for May, 2010. The second (2) (Pioneer Sand Company, Inc. for \$26,380.00) is the final payment on the Third Street Construction Project. The Third (3) request (Landscape Endeavors, Inc. for \$26,742.60) is the final payment on the Third Street Landscaping Project (Mr. Kassawara pointed out it is the final payment except for retainage). Mr. Kassawara stated that Landscape Endeavors, Inc. performed very well and that it was a pleasure to work with them. A representative from the company commented that he enjoyed the project and during the project numerous citizens and passers by stopped to commend them on how nice the

streetscape and landscaping improved the downtown. He stated that he would be happy to do any future work if the Town has any.

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

#### **6. Tax Reports**

Ms. Pamela Smith, Town Treasurer, detailed her "Information of Sales Tax earnings, collections and trends. Through April 2010 Earned and June 2010 Collected". Following her review of the report as detailed on her Background Paper, she stated that "We are running about 9% below budget and over 3% behind collected so far this year. We will, as always, continue to watch the revenue trends to see if expenditure reductions will become necessary over the annual budget". She stated that the collections summary from 2004-2010, and the 2009 to 2010 General Fund Revenue Accrued is attached for the Board's information.

No action taken, informational item only.

#### **7. May 2010 Financial Reports**

Ms. Pamela Smith, Town Treasurer, provided the Financial Reports via e-mail on Thursday of the week prior to the meeting. She handed out a hard copy at the meeting and offered to answer any questions the Board may have. None were asked.

Trustee Dominguez made a motion to approve the May 2010 Financial Reports, seconded by Trustee Plank. Motion passed 7-0.

#### **Discussion Item:**

##### **Joining Colorado Rail Authority (Dues \$5k)**

Trustee Drumm provided a synopsis of the Town's involvement in creating and working through the Rocky Mountain Rail Authority (RMRA) which concluded its feasibility study. He explained that the Colorado Rail Authority (CRA) (in the initial creation phase) and Mr. Bob Briggs have requested that Monument become a founding member and provide dues in the amount of \$5k. The Board discussed how the RMRA study and process left Monument off of the direct line. Board members questioned Trustee Drumm about how Monument would represent El Paso County by becoming the first-in and some debate was initiated as to whether the Board would like to provide a letter of intent or not to join and pay dues to the CRA.

Ms. Catherine Green, Town Manager commented that she would like to do some additional research and present the Board with the "pros and cons" and find out more details which she could then present to the Board at a future meeting.

The Board agreed to have Ms. Green investigate and report back with more details.

#### **Reports and Updates:**

##### **Town Attorney**

Mr. Gary Shupp, Town Attorney, had no updates or information to share.

**8. Development Services Department**

Mr. Tom Kassawara, Director of Development Services, explained that his report is longer than usual due to being on vacation last month. He was asked about the Medical Marijuana Dispensary Meeting held on June 15, 2010. Mr. Kassawara responded that the potential applicant met with Staff and was requesting that the Town amend its minimum distance from residential from 1000 to 500 feet. He explained that this is an issue Staff would not attempt to amend (due to prior direction from the Board) so he does not expect the applicant to proceed.

**9. Public Works Department**

Mr. Landreth, Director of Public Works, stated that the new restroom building has been delivered to Limbach Park and that he is awaiting County Permits before hooking up the utilities. He anticipates this taking a few weeks. Water produced for Monument for May was 11,871,000 gallons, in Triview it was 20,693,000 gallons. A concrete contractor has been chosen for curb repairs, work should commence mid-June.

**Police Department**

Mr. Jacob Shirk, Chief of Police, provided his report which was handed out at the meeting. He discussed "Operation Overload" and the "Church Security Forum" items which were highly detailed in his report.

**Public Comments**

None

**Adjournment**

Trustee Plank made a motion to adjourn at 8:35 pm, seconded by Trustee Dominguez. The motion passed unanimously 6-0.

Respectfully Submitted,

*Scott W. Meszaros, CMC*  
Town Clerk