

Monument Board of Trustees, May 6

Willow Springs/Monument Creek Ranch annexation approved

By Allison Robenstein

During its May 6 meeting, the Monument Board of Trustees (BOT) approved the annexation of 219-acre Willow Springs/Monument Creek Ranch, a new development in southwest Monument. Town Manager Mike Foreman was officially sworn into office, while a new finance director was introduced. The board also heard presentations concerning park bench replacements and the current state of Tri-Lakes Cares. It approved a change amending the qualifications for board members that had been requested at a previous meeting by Trustee Laurie Clark.

Willow Springs/Monument Creek Ranch annexation finalized

Willow Springs sits north of Forest Lakes Drive and south of Synthes and Mitchell Avenues on the west side of the railroad tracks. After an hour-long executive session to discuss the town's water portfolio and Forest Lakes' water-related lawsuit against the town, the board approved the Willow Springs land annexation by a vote of 6-1, with Trustee Greg Coopman voting no with no reason given. The two-part annexation took into account both parcels that will make up the development. A third proposal approved in a 6-1 vote allowed the zoning in the parcels as Planned Development (PD) for a single-family residential development of about 400 homes and a PD Sketch Plan known as Monument Creek Ranch showing residential densities from 3 to 10 dwelling units per acre.

The development will include attached and detached homes, five acres for a school, five acres for a park, a well site, a road connection between Synthes Avenue and Forest Lakes Drive, and 104 acres of open space that would contain a flood plain and protected mouse habitat. The Monument Planning Commission unanimously approved the application for annexation, zoning, and the sketch plan on Sept. 12. See www.ocn.me/v18n10.htm#mpc.

At the Oct. 15 BOT meeting, the board nixed the annexation of the same parcels because of concerns that the town could not guarantee enough water would be available. At that time, Coopman and Trustee Jeffrey Born-

stein were against the annexation because the town could produce only enough water for 335 homes. During that meeting, Public Works Director Tom Tharnish explained to the board that the town has enough water rights, it just doesn't currently have the capacity to meet the demands of all 396 houses expected to be built. He recommended that the town increase the necessary capacity by building either a new well with associated treatment facility modifications or a reuse station built in partnership with Woodmoor Water and Sanitation. "I've been telling you that this town needs to be investing in reuse water and renewable water, which is the future, not the wells. There are only so many more wells we can drill." See www.ocn.me/v18n11.htm#mbot1015.

Tonight's annexation agreement identified these water inequities but included verbiage requiring a solution to the issue at or around the fourth of the eight phases of development planned.

John Maynard of NES, representing developer Polo Brown, spoke in favor of the annexation. The five-acre parcel being donated to Lewis-Palmer School District 38 will not be part of the annexation but will remain part of unincorporated El Paso County at the request of the school district, adjacent to a 10-acre school site provided by the Forest Lakes development, so Forest Lakes Metropolitan District will be responsible for water and sewage there.

Traffic impact fees will be collected from the developer to extend Synthes Avenue to Forest Lakes Drive when the traffic at the intersection of Mitchell Avenue and Second Street warrants it. Manning said the town will contribute about \$250,000 to this cost.

The developer will build a "collector" road connecting Mitchell Avenue via Synthes Avenue and Forest Lakes Drive, including a bridge over Monument Creek designed for a 10-year stormwater event. Once the town approves of the bridge, all collected traffic impact fees will be given back to the developer.

The existing Willow Springs Ranch Metropolitan District was created in 2008 to finance road building, landscaping, lighting, drainage, water, and sanitary sewer building and to main-

tain private park spaces within the development. The currently approved 40 mill levy is necessary to repay the \$10 million loan the special district received, 5 mills of which will be used for operations. The maximum possible mill levy is 50 mills, according to the service plan.

Town manager takes oath; new finance director introduced

Mike Foreman took the oath of office, making him the official town manager. He was originally brought on in September as an interim town manager after town manager Chris Lowe was fired last June. See www.ocn.me/v18n7.htm#mbot, www.ocn.me/v18n10.htm#mbot.

Foreman introduced Bill Wengert, a CPA who worked for 10 years in Winter Park, as the new finance director for the town.

Trustee Clark's requests reviewed by attorney

At the March 4 meeting, Trustee Laurie Clark asked the board to approve several surprise motions she brought forth during board member comments. At the March 18 meeting, the board directed Town Attorney Joseph Rivera to review the legal implications for these requests. Tonight, Rivera told the board he reviewed two of her requests as follows:

- **Removal of board members by trustees:** Rivera was asked whether board members could vote to remove other sitting trustees. He said because Monument is a statutory town, Colorado statute 31-4-307 could be used with a majority vote to oust someone from their elected seat, however the more common way to remove a trustee has been through a voter recall. Rivera said the cause for removal would have to be "akin to a trial."

After a discussion about the meaning of valid cause for removal, the board asked Rivera to continue his research and write a draft code of conduct resolution for the board to vote on in the future.

- **Can candidates and members of BOT litigate against town?** Clark and the board directed Rivera to research whether an existing

town ordinance that prohibits board candidates or members from litigating against the town is legal. Rivera said the ordinance is not supported by statute.

Trustee Ron Stephens said a board member involved in litigation against the town would be party to both the plaintiff and the defendant, and so their privilege of taking part in an executive session should not be allowed. Rivera said his initial reaction, albeit without case law substantiating this claim, would be to disallow the trustee's participation in the session.

Clark's initial motion to remove or strike language from this ordinance, as well as any other Monument ordinance that doesn't follow state law, was reworded by Mayor Don Wilson to only approve the request in front of them. This was unanimously approved, allowing trustees to initiate legal action against the town for which they govern.

Tri-Lakes Cares annual presentation

Tri-Lakes Cares (TLC) Executive Director Haley Chapin told the board 13 percent of El Paso County residents live in poverty. Chapin said the nonprofit provided emergency, relief, and self-sufficiency services to hundreds of families in the northern parts of the county—Monument, Palmer Lake, the U.S. Air Force Academy and some of Black Forest—in 2018.

She noted medical services provided at their 235 Jefferson St. location by partner Penrose-St. Francis Neighborhood Nurse Center are available by appointment to anyone in the community, not just to those who are their clients.

Checks over \$5,000

The board approved the following checks over \$5,000:

- Triview Metropolitan District – February sales tax, March motor vehicle sales tax, March regional building tax, \$133,933
- CIRSA Insurance – Q2 2019 worker's compensation insurance, \$24,914
- CIRSA Insurance – Q2 2019 liability insurance, \$30,295
- Murray, Dahl, Beery and Renaud LLP – legal work, \$13,696
- Tri-Lakes Collision Autobody – hail damage repair, police car repairs, \$14,042
- AECOM – Beacon Lite Road sidewalk repairs, \$13,851
- O'Meara Ford Center – new Water Department vehicle, \$34,684
- Blue Earth Products – Wells 7 and 8 filter rehabilitation, \$14,186
- Tri-Lakes Chamber of Commerce – Q2 2019 support, \$5,000
- Tri-Lakes Views – annual support, \$5,000
- Bliss Studio and Gallery – deposit for bench replacements, \$7,500

The board heard a presentation by community relations specialist Madeline VanDenHoek showing them new metal benches to be created by local artist Jodie Bliss. The town budgeted for replacement benches in local parks and the town cemetery, and these represent a significant savings to the town compared to the previous out-of-state vendor. The benches will add artistic appeal to the parks in which they are installed, said VanDenHoek.

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