

Monument Board of Trustees, July 5

Board approves “suggestion” that members state reason for votes

By David Futey

WE NEED YOUR HELP: Our Community News (OCN) is urgently seeking volunteers to cover the Monument Board of Trustees, which typically meets twice a month. Actions of the Monument Board of Trustees can have a profound effect on the Tri-Lakes area. The meetings can be covered by attending in person or watching the meetings online. Our volunteers will gladly help you learn how to write articles summarizing “what was discussed and what was decided.” It is a very effective way to become knowledgeable about what is happening in our area. If interested, please contact John Heiser, OCN Publisher, (719) 488-3455, johnheiser@ocn.me.

At the July 5 Monument Board of Trustees meeting, the board discussed a quasi-judicial resolution to suggest that members state the reason for their votes, affirmed other resolutions, discussed ordinances, and held public hearings on a variety of resolutions. Mayor Don Wilson requested to modify the agenda, moving the discussion item on the quasi-judicial resolution to first on the agenda. The board approved the agenda change with a 6-0 vote.

Quasi-judicial resolution suggests giving a reason for votes

Wilson led discussion of the quasi-judicial resolution and stated that it has been discussed by the board for a couple years, but it has never moved forward with it. The discussion centered on whether a board member should provide a reason for their vote, particularly if it is a denial. As a quasi-judicial entity, the board votes on whether presented applications meet or do not meet the town’s ordinances and zoning criteria listed in the project.

Monument Planning Director Nina Ruiz provided background. She said whenever boards are determining whether to approve or deny any type of request or application, it should be based on specific criteria that has been adopted as part of the board’s rules and regulations. Thus, if a board member is voting against an item, there needs to be a rationale and reasoning behind the denial. This protects the town from lawsuits stating the decision was arbitrary and capricious. The Monument Planning Commission does this by policy, and it is a common practice among commissions and boards to provide reasoning for votes and decisions.

Interim Town Attorney Joseph Rivera said it is a policy decision for the board as only the board can govern the board and create a procedural requirement. He suggested that any board vote that approves or denies a decision should follow the criteria of stating the reasoning. His concern is whether challenges to board decisions can withstand the differential standard applied by a judicial review of the board record. Rivera said the debates the board usually engages in are sufficient. He would raise a concern if he felt the board’s open discussion did not provide enough background to support a decision.

Wilson asked Home Rule Charter Chair Steve King of the Charter Commission to provide input given that commission’s discussion on this topic. King wanted to add providing a reason for transparency to the charter. However, he was advised by the Charter Commission attorney that it could be a violation of the First Amendment to compel a board member to state a reason regarding a vote. There is a requirement to vote but not for providing the reason.

Wilson suggested that the board move forward with a policy that it is a “suggestion” that a board member provide reasoning for their vote. This was agreed upon by other board members.

Resolutions approved

The board approved all the following resolutions by a vote of 6-0.

- The board approved Resolution No. 49-2022, a contract with Wagner Construction Inc. to install two 12-inch water lines to connect the new 2 million gallon water tank to the town’s water system. The town received four bids with Wagner Construction the “low responsive bidder.” The town staff recommended awarding Wagner the contract totaling \$7.25 million. This is budgeted in the Water Enterprise Fund through the COP Bond Funding.
- The board approved Resolution No. 52-2022, appointing Krista Cona as a member to the Board of Adjustment. Cona was the only submitted citizen applicant and will serve a two-year term until Dec. 31, 2023.
- The board approved Resolution No. 58-2022 authorizing the town manager to file the 2021 audit with the state auditor. Hinkle & Co. PC presented the audit to the board, which is required to submit the completed audit to the state auditor within 30 days of receipt.
- The board approved Resolution No. 59-2022, a contract with Kelanar Cos. for the roof replacement at

259 Beacon Lite Road. The town’s Facilities Department determined that the repair was needed due to wind damage. The contract is for \$159,115 and will be reimbursed by CIRSA except for the \$5,000 deductible. The deductible was budgeted in the 2022 Facilities budget.

Ordinances discussed and voted on

By a vote of 6-0, the board approved Ordinance No. 05-2022 that updates the Land Use Development Code Sections 18.03.380, 18.03.390, 18.03.420, 18.04.150, and 18.07.110 Revising the Industrial Use Tables, Supplemental Use Standards and Definitions. The board approved the ordinance as written after an overview and lengthy discussion regarding codification of industrial design standards and existing land development code. Acknowledging the ordinance is not perfect but protects the town, the board intends to draft modification(s) in the future that incorporate their agreed-upon changes and those of stakeholders, thus providing guidance and clarity to staff.

Former Monument Planning Director Meggan Herington provided background on this item including the Planning Commission hearing of May 11, where the commission voted 6-2 to recommend approval to the board. In her presentation, Herington provided definitions for facilities such as distribution facility, freight yard, fulfillment center, micro fulfillment center, and warehousing with distribution. Related to those facilities and suggested ordinance changes, she reviewed the Schedule of Standard Zoning District Uses, Commercial Uses, Planned Unit Developments—Scope and Intent, Supplemental Use Standards—Site Features among other items for the board.

By a vote of 4-2, the board approved Ordinance No. 09-2022, amending Section 12.28 (Monument Lake Rules and Regulations) and 18.03.350 (Temporary Uses) of the Monument Municipal Code. Madeline VanDenHoek, Monument’s director of Parks and Community Partnerships, provided the board with the staff-suggested amendments to lake use permits in the municipal code that were eventually approved by the board. These included increasing the permit fee from \$250 to \$350, removal of fee waiver for nonprofits that are conducting business at the lake, making permits first come-first serve, limiting the number of permits, and requiring use during non-peak hours. The permit could be revoked should the business operate during peak hours.

By a vote of 5-1, the board approved Ordinance No. 10-2022, the purchase of two easement interests for the construction and maintenance of subsurface wet and dry utilities. One easement is a construction easement and the other a permanent easement. This is an ordinance instead of resolution because it involves land and property.

By a vote of 6-0, the board tabled voting on Ordinance No. 11-2022, intended to update section 1.16.140 of the Municipal Code. Monument Planning Director Nina Ruiz presented the background and made a recommendation for an ordinance change regarding land use applications on an agenda. Within the code there is a limitation of no more than five land use applications on an agenda, with no more than two hearings for a planned unit development and two hearings for subdivisions of the five. The board regularly exceeds this ordinance as it did in this and the preceding two meetings. This also puts the Planning Department in a difficult decision process because they need to determine who they will allow to present and who to postpone until a subsequent meeting. Most applications the board presently reviews are for subdivisions. After discussing a few suggestions by board members and public input, the board voted to table the discussion.

Public hearing

By a vote of 6-0, the board approved Resolution No. 53-2022, where the Town of Monument approved the amendment and reinstatement to the Triview Metropolitan District No. 3 Service Plan. Russell Dykstra of Spencer Fane LLP presented background information and the restated service plan. The 428-acre district was formed in 2006, was slated for 800 residential units, and is presently still vacant. The plan has changed to 300 units, based on the housing market and input from town staff as to what is appropriate for the property. The same infrastructure is needed even with fewer residential units.

The presented service plan raises the authorization to issue bonds to pay for the infrastructure with an increased mill levy from 50 for debt service to 60, adding 10 mills for operations and maintenance, and a maximum debt of \$18 million. The overall improvement cost is \$35 million, with the developer obligated to provide the difference. In the plan, residents will receive additional amenities such as a community center, pool, spa, and outdoor recreation area. The mill levy will not be increased on current Monument residents but will be

placed on only those buying homes in this district, and they will be informed of the district’s debt obligations. The plan will also bring the area up to current town standards and provide for a Gleneagle Drive connection to Higby Road.

By a vote of 6-0, the board approved Resolution No. 54-2022: a Final Plat for Conexus Filing No. 2. The plat is located along the west side of I-25, east of Old Denver Road and north of Baptist Road. Triview Metropolitan District will provide both water and wastewater for all development within Conexus. This plat is within the previously approved Conexus Phase 2 and Phase 3 Prelimi-

Specializing in Residential Cleaning *A Gift of Time*

Overwhelmed?
Want your home spic and span?

Call Stacy today!
(719) 930-2178
www.agiftoftime.us

Weekly • Bi-weekly • Monthly • Move-outs • Move-ins.




ELIZABETH BRYSON
INSURANCE
GROUP

ELIZABETH BRYSON
325 2nd St. Ste. M, Monument, CO 80132
Office: (719) 418-9350
elizabeth@ebinsurancegroup.com
ebinsurancegroup.com

Replacement Windows



CLEARVIEW
DISTRIBUTORS
windows and doors

Colorado’s Premier
Window and Door Specialist

Call Zach for a quote
719.488.2236
www.clearview-windows.com



\$15 OFF \$150 Service*
for your Subaru, Honda, or Toyota

Call TODAY for an appointment.
We book up quickly.
Just moved to the Tri-Lakes area?
We will take care of ALL your
vehicle’s needs.

*Please mention ad when making your appointment. Good through 8/31/22.

QUALITY AUTO REPAIR
SUBARU • HONDA • TOYOTA
CALL TODAY 488-6729
706 Westward Lane
Palmer Lake

