

this ordinance with an additional change to the wording of section "6.04.090—Poisoning domesticated animals" on the poisoning of dogs. It would delete the words "dog or dogs" to ensure that the section applies to poisoning of any and all domesticated animals. Gingrich also included a reduction of the chicken fee to \$20 in his motion. Gingrich's motion was seconded by Trustee John Howe.

Kaiser offered a motion for another change that would allow the director of Development Services to administratively waive the fee for economic hardship. Gingrich expressed concern about the precedent for a total fee waiver without compensation for the time required for staff review. He also objected to the difficulties of having the director make administrative decisions that could be contentious. There was no second for Kaiser's motion.

Gingrich amended the motion by changing the proposed fee reduction from \$20 to \$15. Howe seconded that. The motion failed by a 2-2 roll call vote. Gingrich and Howe voted "yes," and Kaiser and Mayor Easton voted "no."

Gingrich then made a motion to approve the non-chicken sections of amendment ordinance. This passed 4-0.

However, due to the entire ordinance having failed in the previous roll call, Town Clerk Cynthia Sirochman later advised the board this motion could not be accepted. Sirochman recommended that the staff bring the matter back to the board at the next meeting by separating the chicken amendment from the other amendments in two separate ordinances. There was board consensus in favor of Sirochman's suggestion.

The board unanimously approved a resolution to reappoint John Dick as town representative to the county Community Advisory Committee for a second three-year term.

The board unanimously approved a resolution authorizing the town clerk to appoint election judges for the April 1, 2014, regular municipal election.

Financial reports

Town Treasurer Monica Harder presented the September financial report. Some of the items she noted were:

- General Fund revenues through September were \$142,000 or 4.25 percent more than budgeted.
- General Fund expenditures through September were \$163,000 or 4.99 percent less than budgeted.
- General Fund net revenues through September were \$305,000.
- Water Fund revenues through September were \$368,000 or 33.47 percent less than budgeted.
- Water Fund expenditures through September were \$21,000 or 2.19 percent less than budgeted.
- Water Fund net revenues through September were a loss of \$347,000.
- The total net cash available from all town funds increased by \$138,000 in September.
- The net total cash surplus through September rose to \$371,000 more than budgeted.

Staff reports

Shupp reminded the board of previous discussions in regards to the town logo. The board had agreed that the tagline would not be used on the logo. Shupp asked board members to decide if they

want the trademark to be statewide (\$300-\$500) or national (\$3,000). Easton suggested that a full board should be present for further discussion of this cost.

Smith stated that the county has asked the town to take over ownership of the downtown portions of the Santa Fe Trail from where it crosses Highway 105 south to First Street. There is a 25-foot-wide strip by the trail that would remain county property and restricted for trail use and maintenance only. The rest of the land, about 9 acres, on either side of the trail would be divested to the town for its use in return. The town would absorb the cost of mowing, maintenance, and erosion control for all of this land. The board advised Smith to go forward with negotiations with the county and inform the board of further restrictions and/or concerns.

Smith stated that town well 9 needs an estimated \$52,000 in repairs. Other water items can be postponed until 2014 to help pay for this repair.

Mayor Easton thanked Smith for purchasing the Christmas lights for the trees along Second Street at a much reduced cost compared with previous years. The cost was \$3,444, or \$82 per tree. The staff will place the lights on the trees. Leasing the lights would have cost about \$6,500 per year.

Mayor Easton and Howe agreed to attend the town Christmas tree lighting ceremony in Limbach Park on Dec. 7 at 5 p.m.

Trustees' comments

Mayor Easton said he had received a request from the Army to assist them in sharing "Hometown Heroes" postings on the town website. The Army link will be placed on the town's website.

The meeting was adjourned at 7:16 p.m. After a recess, the board met informally with the staff for a 2014 budget workshop.

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Monument Board of Trustees, Nov. 18

Code amendment on chickens deferred again

By Jim Kendrick

On Nov. 18, the Monument Board of Trustees agreed that the proposed ordinance regulating the keeping of chickens in town residential zones should be tabled again until the next board meeting so that other revisions to the animal code could be included.

Code amendment on chickens continued again

Tom Kassawara, director of Development Services, stated that the ordinance regarding chicken-keeping, a side yard definition, parking requirements for temporary uses, and repairs/improvements to grandfathered nonconforming buildings and structures that was continued on Nov. 4 had been split into two ordinances. One ordinance contains residential chicken regulations and the other ordinance includes the rest of the amendment items. See the Nov. 4 board article on page 16 for more details on the issues discussed at that meeting.

Kassawara stated that the second ordinance required another vote because it had initially been part of the originally proposed ordinance that the board did not approve on Nov. 4. There was no public comment on this ordinance, and the board unanimously approved the second ordinance with no discussion.

Kassawara repeated his presentation on the chicken-keeping regulation proposal for the three trustees who were absent on Nov. 4. Kassawara said he had brought back two options as directed by the board at the previous meeting. One option would reduce the fee to \$20 and allow the director of Development Services to waive the fee for hardships. The other option would reduce the fee to \$15 with no waivers.

Trustee Becki Tooley said that she rejected the idea of passing a chicken ordinance because other towns have passed such an ordinance. She said that having a coop was like having a garden, and chicken fee revenue would be negligible.

Trustee Jeff Bornstein asked how many complaints or issues have been reported regarding chickens. Town Clerk Cynthia Sirochman stated that there is nothing in the code that specifically prohibits chickens, and there can be no code enforcement officer action.

Smith said complaints about chickens seldom occur.

Kassawara asked Town Attorney Gary Shupp whether the town is legally obligated to approve an ordinance amendment regulating chicken-keeping when there is nothing in the zoning code regarding chickens at the present time. Must the code authorize chickens before they are actually allowed?

There was a very lengthy technical discussion about a number of issues, including concerns about creating needless regulations for a non-existent problem versus protecting the rights of neighbors against unsanitary situations.

Shupp said the board would need to specify a limit in the code to make any regulation of chickens possible. For example, the town code has to specifically prohibit junk automobiles to perform code enforcement that leads to removal of junk vehicles. Kassawara added that the board should say it is all right to have chickens at a minimum and perhaps make regulations later if a problem arises.

Sirochman said the town's code enforcement officer cannot do anything legally about chicken complaints unless there are written regulations that are being violated and a complaint has been forwarded by Development Services. She added that the town's animal code was now being rewritten to parallel the rules of the Humane Society, which enforces animal violations under an annual contract with the town. The Humane Society has a limit of four dogs in its rules for residential housing areas.

Kassawara had provided a spreadsheet in the staff report that listed limits in chicken regulations for similar size towns in Colorado, and most set a limit of four chickens. The town would administer the regulations on a complaint basis only and the town code enforcement officer would not go looking for violations.

After further contentious discussion, the chicken ordinance was continued again to the next regular board meeting. There was consensus to retain all the zoning code regulations in the original draft ordinance regarding chickens but eliminate the fee. The other wording to directly coincide with Humane Society rules will be added to the chicken ordinance to avoid having to pay fees for filing two separate ordinances.

Thank You

to the many businesses, organizations, and volunteers of the Tri-Lakes area who made possible the successful 2013 Community Coming Together event.

COMMUNITY COMING TOGETHER

Tri-Lakes Monument Fire Protection District
Palmer Lake Volunteer Fire Department
Frank Bittinger John Debonowski
Sue Extner Leonard Himes
Don and Robin Moconachy Pam Smith
Denny and Dorothy Myers Nikki McDonald
...and many anonymous donors and volunteers