

Planning commissioners reappointed

The board unanimously approved a resolution reappointing Ed DeLaney, Kathy Spence, David Gwisdalla, and Jim Fitzpatrick to serve as planning commissioners for two-year terms ending Dec. 31, 2015.

Financial reports

The board unanimously approved three disbursements over \$5,000:

- \$16,703 to CIRSA Insurance for first-quarter workers' compensation coverage

- \$18,003 to CIRSA Insurance for first-quarter liability insurance coverage
- \$19,935 to Wells Fargo Brokerage Services for a lease payment on town administration equipment

The board also unanimously approved the November financial reports.

Staff reports

Shupp stated he emailed the attorney representing Monument Sanitation District for approval of the town-district intergovernmental agreement (IGA) for the Downtown Sidewalk Project. Shupp noted that the district had approved the town's amended IGA, according to the Dec. 19 Monument Sanitation District meeting article in OCN.

Kassawara said that he and Smith had talked about this issue that morning and did not know Monument Sanitation District had approved the amended IGA, but he had the engineers at Jacobs Engineering design the sidewalk on the west side of the district building to eliminate the district's parking on Washington Street.

Jim Kendrick of Monument Sanitation District operations stated that the district board approved the amended IGA on Dec. 19 and that the town should have already received it from the district's attorney. Kendrick said he would have the amended IGA sent to the town again in the morning.

Easton said "It looks like we're almost there."

Kassawara said the town was looking to ask for bids on the sidewalk project this winter with a start-up in construction in May.

New water rights issue raised

Smith said she had received an email from Krassa just before this board meeting in regard to Palmer Lake filing with the state for a change of one of its interests in the Anchor Ditch Case, which was filed with the Water

Court in December. The change could affect the yield to Monument's water rights in Monument Lake. This is a senior water right with an 1867 priority. There are two significant legal problems in this new case.

Under what is known as the Santa Fe Trail Ranch case, the Colorado Supreme Court ruled that in a change of water right, no credit will be given for use not within the decree. It appears from the application that this water right was decreed for railroad steam locomotive water supply, and has not been used for that purpose since about 1957. This means that the calculation of the transferable consumptive use would require a lot of historic data, probably all zeroes for a long time.

The railroad leased the steam locomotive water right to the Town of Palmer Lake in 1957, and the railroad company then sold this water right to Palmer Lake in 1982 with a bargain and sale deed. This type of deed does not include any type of warranty for water rights. There may be evidence that the railroad abandoned this and other steam locomotive water rights prior to this deed. Whether or not Palmer Lake's lease protected the water right from being a legal abandonment would be an open question.

Smith stated that Krassa recommended that Monument authorize him to file a statement of opposition in this case, which she did.

Smith also noted that in a previous board meeting, the county-proposed transfer of the Santa Fe Trail to the town was thought to include the section up to the area between Second Street and Highway 105. However, the county's proposed transfer only included the trail between Second and Third Streets. Kassawara is working with the county to possibly acquire the remainder of the trail.

The meeting was adjourned at 8:10 p.m.

Jim Kendrick can be reached at jimkendrick@ocn.me.

Monument Board of Trustees, Jan. 21

Water consultant contract approved

By Jim Kendrick

On Jan. 21, Public Works Director Tom Tharnish gave the Monument Board of Trustees an overview of five water studies the town will conduct in 2014. Then Arkansas River basin water consultant Gary Barber of WestWater Research LLC once again reviewed his yearlong preparation of a statement of work and letter of engagement for his proposed study to develop options for town purchase of renewable water rights as well as investment in reuse of the town's treated wastewater and the possible effects

of stormwater requirements.

Approval of Barber's Dec. 16 letter of engagement had been continued at the Jan. 6 board meeting, in part due to the absence of Trustee Jeff Bornstein. See the Monument article starting on page 6 for details.

Bornstein was absent from the meeting, as he had been on Jan. 6. However, Mayor Travis Easton stated that this time Bornstein had asked Easton to call him so that he could participate in the discussion of the Barber contract agenda item by phone from out of town. But



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