

Monument Board of Trustees, July 20

Mayor responds to accusations about town government; 2014 audit accepted

By Lisa Hatfield

At the July 20 Monument Board of Trustees meeting, Mayor Rafael Dominguez responded to an editorial by the Colorado Springs Gazette and comments by some local residents about the town board and staff in regards to the methadone clinic approval procedure. The trustees also learned more about quasi-judicial proceedings, approved the 2014 audit, and agreed to contract with Forsgren Associates for a water rates study.

Dominguez announced that a candidate had been selected for the town manager position and that contract negotiations were under way.

Mayor Pro-Tem Jeff Kaiser was absent.

Quasi-judicial proceedings

Before the regular 6:30 p.m. board meeting, Tami Tanoue, general counsel/claims manager of Colorado Intergovernmental Risk Sharing Agency (CIRSA), conducted a one-hour session called "Do's & Don't's of Quasi-Judicial Proceedings" for the trustees, planning commissioners, board of adjustment members, other members of the town staff, and the public.

She explained the importance of following proper legal procedure and applying current legal standards such as ordinances. She said in quasi-judicial proceedings such as land use hearings or the upcoming Aug. 10 Board of Adjustment hearing, town representatives must act as judges, and the members of the public who speak should present factual testimony to provide the judges enough information to make their decision.

Response to comments about town government

"On behalf of the board of trustees and the town staff," Dominguez read a statement responding to "inaccurate, in ammatory, and disrespectful" comments made about the town government by some citizens at the July 13 public meeting about the methadone clinic and by the Gazette in an editorial on the same topic on July 19. See related article on page XX.

To read Dominguez' abridged Letter to the Editor see page XX. The full text can be provided by Pamela Smith, interim town manager, upon request.

Dominguez said that the Gazette editorial was "uninformed, inaccurate and irresponsible" and that the town could not arbitrarily violate its own laws and prohibit the property for a properly zoned use without making the town susceptible to lawsuits.

"Claiming that any elected officials have facilitated methadone operations due to graft or personal benefit in any way is not only irresponsible but also borderline libelous (slandorous in the case of the community meeting last week)," he wrote.

The next legal step in the process is the quasi-judicial hearing of the Monument Board of Adjustment scheduled for Monday, Aug. 10 at 6:30 p.m. at Big Red, the Lewis-Palmer Administration Building at 146 Jefferson St., Monument.

2014 audit accepted

Treasurer and Interim Town Manager Pamela Smith said that Kyle Logan of Kyle Logan Associates LLC had completed the final review of the 2014 audit. Logan is-

sued a clean or "unmodified" opinion of the town's 2014 financial statements.

No members of the public visited Town Hall to view the draft when it was posted there in July, Smith said.

In his management letter, one of Logan's suggestions to the board was to "keep an eye on the water fund," since it is in an ongoing declining cash position.

Another recommendation was to change the procedure in place now where the town treasurer reviews the town manager's purchasing card cash transactions. From a control standpoint, "this is like reviewing and approving your boss's transactions," Logan said. He said it would be better "checks and balances" if it were the trustees who would review and verify the appropriate documentation, such as receipts, for the town manager's transactions each month. Dominguez said he has checked some of them but is not up to date.

Smith has held the town manager position since Jan. 22, 2013. (ocn.me/v13n2.htm#bot0122) She has held the interim finance manager/town treasurer position for a second time since fall, 2014. (ocn.me/v14n11.htm#mbot1006)

The trustees unanimously accepted the 2014 audit as presented.

Water rates study approved

The trustees unanimously approved a resolution approving an agreement with Forsgren Associates Inc. to perform a detailed water rate and fee study to create a long-term blueprint on how the town would handle any future needed rate increases to support current water operations and the investment in planning for future water capital improvements that are currently listed in the water master plan that was updated in 2014.

In response to questions from Trustees Jeff Smith and Jeffery Bornstein, Public Works Director Tom Tharnish said this study did not go out for a bid, because it was not required, and Will Koger of Forsgren was also the engineer who developed the water master plan last year and is already familiar with the needs of the town, so "it's the most efficient way to handle this." See www.ocn.me/v14n10.htm#MBoT0902.

Smith said that since the water fund is an enterprise fund, it has to "run like a business," and it should be self-sustaining and support its own debt load. However, due to lower-than-expected water revenue and unexpected repairs, this has not been the case recently, she said.

"People will be shocked what needs to be done and be where we need to be to be self-sustaining as an enterprise fund," Tharnish said. Koger said one possibility that would be considered is some kind of automatic water rate updates each year that could be overridden if they are not needed.

Public comments

Michelle Glover suggested that the town add more criteria about evaluating drug dispensaries to its town code. She also recommended that the town learn more about the definition of "public nuisance" and how to develop a legally useful body of evidence about a business in case this would be needed to show grounds for revocation or

suspension of a business license in the future.

Myron "Red" Stephens asked the town to look into storm water damage that is occurring along Knollwood Drive and Villa Grove south of Highway 105. He said sinkholes have formed because storm water has been dealt with incorrectly. Principal Planner Mike Pesicka said he would investigate the situation and report back to the board.

Stephens also asked again for help from code enforcement officer Laura Hogan in dealing with tumbleweeds generated by knapweed, a noxious weed that breaks off when dry and blocks residents' doorways in Monument

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