



**Above:** At the Sept. 16 Baptist Road Rural Transportation Authority board meeting, County Finance Manager Nikki Simmons, right, presented the first half 2016 financial briefing with, right to left, EPC Funding Optimization manager and BRRTA District Manager Elaine Johnsen to Monument Mayor Jeff Kaiser, County Assessor and BRRTA President Steve Schleiker, County Commissioner Dennis Hisey, Monument Mayor Pro Tem Don Wilson, Senior Assistant County Attorney Lori Seago, and Sales and Use Tax Manager Brian Olson. *Photo by Jim Kendrick.*

enue bonds were paid off through an extraordinary mandatory redemption as unanimously directed by the board on March 18. June 1, 2016, was the first eligible redemption date available in the bond covenants after BRRTA received a final state reimbursement through the Colorado Department of Revenue. The BRRTA sales tax, which was collected solely to pay for this bond debt, was subsequently terminated on June 30, the first semi-annual date eligible under state law after all the BRRTA bonds had been redeemed. All bills have been paid for the upgrade of Baptist Road west of I-25. (<http://www.ocn.me/v16n7.htm#brtta>)

Seago also informed the board on Sept. 16 that the other El Paso County staff members who have taken over BRRTA's operations must set up a new escrow account for each remaining final payment to cover three years of liability in case there is a lawsuit regarding payment. However, state law limits the total BRRTA liability to \$350,000 for this process, Seago said. She recommended that \$350,000 be kept in reserve for this three-year liability period that cannot be started until 2017.

Seago is still researching how to stop these seemingly never-ending new three-year liability cycles for BRRTA, yet still spend all the remaining total of about \$1.3 million in its BRRTA's cash accounts on close-out administrative expenses and useful projects solely within BRRTA's construction rights-of-way. Some precedents have been set by the shutdown of the county's Struthers Road Improvement District.

A citizen comment was made that the BRRTA board

create a grant for all its remaining funds at shutdown to be made by the county's BRRTA staff to a new county Baptist Road Improvement District.

**Some close-out steps approved**

The board unanimously approved a resolution that authorized:

- Closure of BRRTA's bond accounts with UMB bank.
- Moving the remaining UMB bank funds in these accounts to the BRRTA COLOTrust Plus General Fund account.
- An electronic deposit agreement for future deposits of still-unremitted as well as future BRRTA funds from the Colorado Department of Revenue to this BRRTA COLOTrust Plus General Fund account.

The board unanimously approved a BRRTA check to the Department of Revenue for creation of a \$25,000 department reserve fund to have cash on hand so that the department can pay potential refunds to commercial entities that have paid too much in BRRTA sales tax in error due to incorrect calculations or collections of sales tax after the June 30 termination date.

The board also unanimously approved an updated Memorandum of Understanding between BRRTA and the Department of Revenue that specifies the details of each of these new circumstances and the related new procedures that are now required for control of confidential vendor sales tax data.

County Engineer Irvine proposed three types of projects in the county's Baptist Road right-of-way that the county could perform using remainder of the BRRTA funds:

- Replace sections of the existing very eroded county gravel trail on the north side of Baptist Road with concrete sidewalks.
- Replace sections of the road base medians with sections of concrete medians.
- Construction of a cul-de-sac at the west end of the BRRTA frontage road from Leather Chaps Road to the Family of Christ Church for county snow plows and emergency vehicles.

The consensus was to draft an intergovernmental agreement (IGA) between BRRTA and El Paso County to give all future BRRTA spending responsibilities to the county in 2017 that would need to be approved by the Board of County Commissioners. A draft of this IGA will be an agenda item at the next BRRTA meeting on Oct. 14. Irvine said she would provide preliminary cost estimates for these three proposals by Sept. 30.

Monument Mayor Jeff Kaiser said he would schedule a Monument Board of Trustees agenda item in October for seeking citizen recommendations for any other projects that could be performed within the county's Baptist Road

right-of-way.

**Financial reports**

The board unanimously approved the second-quarter 2016 BRRTA financial reports as presented by Finance Manager Nikki Simmons of the county's finance division, and the second-quarter 2016 BRRTA sales and use tax collections report as presented by Elaine Johnsen, EPC Funding Optimization manager and district manager for BRRTA, and Sales and Use Tax Manager Brian Olson of the county finance division. Total first half 2016 and tax revenue was \$642,164 and total first half use tax revenue was \$69,260.

The board also ratified the following timely payments totaling \$19,114 that had already been made before this postponed meeting:

- \$3,500 toward the new Aspen Grove stainless steel tree structures installed by Tri-Lakes Views in BRRTA's new Baptist-Old Denver Road roundabout.
- \$8,500 to Biggs-Kofford CPA for the 2015 BRRTA audit.
- \$7,114 to T Charles Wilson Insurance for liability insurance for 2016-17.
- \$88 for printing of a sales tax termination notice postcards sent to BRRTA vendors.

The meeting was adjourned at 3:53 p.m.

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The next regular BRRTA board meeting is scheduled to be held on Oct. 14 at 2:30 p.m. in the Academy Conference Room of Citizen Service Center, 1675 W. Garden of the Gods Road, rather than Nov. 11 as previously planned. Meetings are normally held on the second Friday of the second month of the quarter. Information: 520-5547 or 520-6386.

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

*El Paso County Planning Commission, Sept. 6 and 20*

**Forest Lakes 2A final plat; variance of use for roofing company**

*By Lisa Hatfield*

The El Paso County Planning Commission considered two items relating to the Tri-Lakes area in September. The following items were both approved unanimously and are scheduled to be considered next by the Board of County Commissioners.

**Forest Lakes 2A final plat**

On Sept. 6, the final plat for Forest Lakes Filing 2A was unanimously approved with 11 conditions and 1 notation. Planner Raimere Fitzpatrick of the Planning and Community Development Department said five adjoining property owners had been notified of the application, but none submitted a response.

Forest Lakes Filing 2A is located within a portion of the Amended Forest Lakes Filing 2 Planned Unit Development (PUD), which was approved to authorize the development of 161 single-family residential lots. The development is located on the south side of Forest Lakes Drive, about two-thirds of a mile west of the intersection of Old Denver Road and West Baptist Road.

The owner, Forest Lakes Residential Development LLC, requested approval of a final plat to create 73 single-family lots, right-of-ways, and five open space tracts. This final plat area is within the Forest Lakes Metropolitan District, which will provide water and wastewater service and maintain landscaping, open space, and private drainage facilities within the development.

Other service providers will include Mountain View Electric Association, Black Hills Energy, and Tri-Lakes Monument Fire Protection District. A Parks Land Agree-

ment to construct a neighborhood park and trails within the development is in progress. A 9.89-acres school site was dedicated to Lewis-Palmer School District 38 in the Filing 1 Final Plat, according to the staff report.

The staff report noted that the State Engineer's Office says the proposed water supply can be provided without causing injury to decreed water rights, and the County Attorney's Office says the water supply is sufficient. See related Board of County Commissioners article on page 18.

**Variance of use for contractor equipment yard**

On Sept. 21, the commissioners unanimously approved a

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