

**REGULAR MEETING
OF THE
PONCHA SPRINGS BOARD OF TRUSTEES**

330 BURNETT AVE., PONCHA SPRINGS, COLORADO

MONDAY, JUNE 14, 2010 - 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Mayor Thonhoff, who asked for a roll call.
Those present:

Mayor:	Mark Thonhoff
Mayor Pro-tem:	Aaron Kroschel
Trustees:	Galen Angelo, Ron Slaughter, Darrell Donahoo, Bret Collyer
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller
Visitors:	Amy Vaupel, Richard Furton, Roy Friend, Karen Peoples, Audrey Gilpin (Mtn. Mail)

ADDITIONS, DELETIONS, OR CORRECTION TO AGENDA:

Administrator L'Estrange stated he would have additional items in his report, Clerk Heeney stated the M&U meeting report and P&Z minutes were provided, as they were not in the packets.

APPROVAL OF MINUTES:

Motion: Mayor Pro-tem Kroschel made a motion to approve May 17, 2010 Special Board minutes; and the May 24, 2010 regular Board meeting minutes seconded by Trustee Slaughter. Motion carried unanimously.

OLD BUSINESS:

Medical Marijuana

The Board discussed the pros and cons of medical marijuana dispensaries and grow facilities. Points made: there are still unanswered questions to in regards to the use; that a process needs to be established, zoning needs to be addressed, and fees need to be set; enforcement will need to be established.

MOTION: Mayor Pro-tem Kroschel made a motion to continue the Medical Marijuana moratorium as recommended by the Planning Commission: the medical marijuana moratorium be continued for another year, to July 1, 2011, that the

Board follow up in six (6) months, acknowledging any new legislation and begin to set up zoning, regulations, licensing, and fees, etc., associated with dispensaries and grow facilities; and in six (6) months the Board will determine whether it should be put to a community vote, whether a special election should be held, or if it should go on the upcoming ballot; seconded by Trustee Donahoo. Motion carried 4-2, with Trustees Slaughter and Collyer dissenting.

The Board agreed staff should begin to look into setting up the process, zoning, licensing and establishing fees; and the possibility that a committee may need to be formed for this.

Cross Roads Retail Park Lot Pricing

Administrator L'Estrange stated information on the lot pricing was provided in the packets, noting it might be beneficial to hold a worksession for discussion of the item. The Board agreed a worksession would be beneficial, agreeing that the sewer tap should not be included with the lots at the current price. The Board agreed to hold a joint worksession with the Planning Commission, tentatively on July 6, 2010.

MOTION: Mayor Pro-tem Kroschel made a motion to remove the 1 EQR sewer tap from the current pricing of the Cross Roads Retail Park lots; seconded by Trustee Collyer. Motion carried unanimously.

NEW BUSINESS:

Vaupel Change of Use – 500 Angelo Lane

Administrator L'Estrange stated his understanding of the Vaupel property is that one big lot was subdivided, creating a residential lot, upon which a new residential structure was placed, with the instruction the old residence be removed from the property. He went on to say the old residential structure has historical features that the property owners would like to leave in place. L'Estrange stated the town's Land Use Code does address accessory building, but it does not address the allowed size of an accessory building that requires a building permit. He went on to say the sewer and water are no longer connected to the building in question, noting it is proposed with a "Change of Use" to remove the upper level of the building, leaving the lower level, therefore the building would in essence become an accessory/storage structure. subordinate to the dwelling unit, therefore it would be an accessory building. Attorney Redmiles referred to 2.5.5 of the LUC;

2.5.5 ONE PRINCIPAL BUILDING ON A LOT

In every zone except DIO (Ord #2004-6) and EHC (Ord #2004-14) only one principal building and its customary accessory buildings may hereafter be erected on any one lot without first obtaining a special review use permit or as may be permitted in a planned unit development. All parcels in the DIO and EHC (Ord #2004-14) zones are exempt from this regulation. (Ord. #2004-6).

Attorney Redmiles stated the building, as is, meets code. Mr. Richard Furton, resident, agreed the building, as is, meets town code as an accessory building, noting the building has historical and sentimental value to the family as the Grandfather built it. He went on to say with the utilities removed it is an accessory building. Administrator L'Estrange stated that other town

codes have a percentage of lot coverage that is allowed, noting this is a means to regulate accessory buildings as well. Planner Miller ask the Board for clarification on the town's code regarding accessory buildings, noting going forward it would be beneficial to add language defining accessory buildings. The Board agreed the Planning Commission should review the language and make a recommendation to the Board.

MOTION: Mayor Thonhoff made a motion to approve the Vaupel Change of Use at 500 Angelo Lane, with the requirement that the water and sewer utilities are disconnected from the building; seconded by Trustee Slaughter. Motion carried unanimously.

Mr. Richard Furton ask if the Board was requiring removal of the upper level of the building, noting the structure, as is, meets town code for accessory building. The Board agreed that the motion for approval was to remove the upper level, agreeing if the Vaupels want to keep the upper level, a change of use application reflecting this will need to be submitted.

Administrator L'Estrange stated the "Change of Use" is confusing at times, noting if the use is allowed, why a change of use required is. Mayor Pro-tem Kroschel stated that the county/municipal planners have established the change of use so properties are being monitored for use and if code is being met.

ADMINISTRATOR'S REPORT:

Bent Tree LLC Update

Administrator L'Estrange informed the Board that he will be meeting with Bent Tree on Wednesday, noting professionals will need to be in place for land and water items, going on to say Bent Tree is in the process and will be following up with the town on these items.

Hutchinson Homestead – explore grant opportunities

Administrator L'Estrange informed the Board the folks from the Hutchinson Homestead visited with the Mayor and I regarding the possibility of the Town sponsoring a DOLA grant to help them finish up the new parking lot and build a visitor information center. Like every cause it is certainly worthwhile and would be a great asset to our community. They were going to do some refinement on cost estimates so that we could firm up a specific grant amount. I contacted Debby from DOLA to run the preliminary idea by her for her comments. She cautioned me to be careful the Energy and Impact funds could be in short supply, they haven't funded for three cycles so all back applications will be looked at first. DOLA stays away from funding parking lots. Our cash match would have to exceed 25% because of the competition. We would be taking away from any future money for our Visitor Center because they would not fund two so close together and last do we want to use up all of our chips on this project. But she didn't say no, and to talk to her when I had more information. The Board agreed to stay in touch with the group on this proposition.

County-wide Sales Tax Question

Administrator L'Estrange informed the Board the various Staff people have been working behind the scenes to develop the presentation for the Public meetings to inform the citizens about this question. The meeting is June 22, 2010 at the Salida Steam Plant. That one will still go forward. However BV cannot attend and cannot even send a representative, so a second meeting is in the works for the North part of the County. It seems we are just on the verge of total consensus and somebody gets cold feet and the processes take a step backward. One good thing is the newspaper seems to understand and is giving us some good press so far. L'Estrange stated he will not be able to attend the June 22nd meeting, asking Board members to attend if possible.

Administrator Time Away

With the Board's consent I have planned to take a few days off to travel and see two grandchildren that I have not yet met, noting he will be away from June 21-25, which will pretty much clean up all comp time earned to date.

Request to Use Visitor's Center for EIS

Administrator L'Estrange informed the Board that Kathryn Wadsworth sent a letter requesting Board approval to use the Visitor's Center for "purposes of obtaining information for the Over the River Environmental Impact Statement". The Board discussed the proposal at length, agreeing they did not want to take a position for/against the Over the River Project, noting the proposed study should possible be conducted closer to the site of the proposed Over the River Project.

MOTION: Trustee Angelo made a motion to say no to the proposal to use the Visitor's Center for the Over the rover environmental Impact Statement study; seconded by Trustee Collyer. Motion carried unanimously.

ATTORNEY'S REPORT:

Attorney Redmiles stated he would report in executive session.

PLANNING & ZONING:

June 7, 2010 Minutes

June 7, 2010 minutes provided.

MAINTENANCE & UTILITIES:

June 3, 2010 Meeting Report

June 3, 2010 Meeting Report provided.

Water System/Supply

PW Director Smith stated the M&U committee discussed the town's water supply, noting it seems all is well with enough supply to meet summer demands, barring any unforeseen problems. Trustee Collyer ask if it would be beneficial to lift watering restrictions to increase revenues for the town. The board discussed the parameters of the watering restrictions, concluding it is best to keep them in place to assure a constant supply, especially when the ditch water is no longer available in late summer.

OTHER BUSINESS:

South Park Restroom Facilities

Mayor Thonhoff stated he had taken his family to South Park for an outing, noting the area needs a restroom facility of some type. The Board discussed the pros/cons, and cost of placing a portable restroom at the site. The Board agreed that a portable restroom should be placed at the site through the summer months. The Board directed staff to look into possible grant funding for some type of restroom facility at the site. The Board discussed picnic tables for the site, noting concrete picnic tables would be practical as they would not be stolen as might happen with other types of tables. Staff will follow-up on this as well.

Ed Baumdicker Passes

Mayor Thonhoff stated the town has lost a valued citizen, Mr. Ed Baumdicker, noting he served on the Board in years past and is a part of town history, he will be missed.

Speed on Hot Springs Road/CR 115

Administrator L'Estrange informed the Board he had a citizen complaint about the speeding on Hot Springs Road/CR 115. He went on to say the citizen will ask to come before the Board, noting the citizen was unable to make it to tonight's meeting. The Board suggested contacting the Sheriff's department regarding this matter.

FIBark Parade

Mayor Thonhoff and Attorney Redmiles and family will represent the town in the FIBark parade.

EXECUTIVE SESSION:

MOTION: Mayor Thonhoff made a motion to adjourn to executive session for a conference with the Town Attorney for the purpose of receiving legal advice on a civil rights matter under C.R.S. §24-6-402 (4) (b); to include the Town Attorney, Mayor, Mayor Pro-tem and Trustees; seconded by Trustee Slaughter. Motion carried unanimously.

With no further business the board meeting was adjourned at 8:22 p.m.

The Executive Session convened at 8:27 p.m.

The Executive Session adjourned at 9:04 p.m.

The Regular Board meeting reconvened at 9:04 p.m.

With no further business the regular board meeting was adjourned at 9:04 p.m.

Respectfully Submitted:

/s/ _____
Diana K. Heeney, CMC
Clerk/Treasurer

Approved As To Form and Content:

/s/ _____
Mark F. Thonhoff, Mayor

Attest:

/s/ _____
Jerry L'Estrange
Town Administrator