

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

330 BURNETT AVE., PONCHA SPRINGS, COLORADO

MONDAY, JULY 12, 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:	Roy Friend, Norma Friend, Jan & Chuck Azzopardi, Laura Schwartz, Harold G. Dooley, Tracy Timko, Jay DeMay, Keith Krebs, Alison Ramsey, Lou Kersting, Matt Jacobi, David Martin, John Diesslin, Bob Grether, Amy Vaupel, Audrey Gilpin (Mtn. Mail)

ADDITIONS, DELETIONS, OR CORRECTION TO AGENDA:

Mayor Thonhoff stated two items would be added to the agenda:

- 1-Rodeo Club Request for Water
- 2-Laura Schwartz Proposal to Establish Community Theatre

APPROVAL OF MINUTES:

**Motion: Trustee Angelo made a motion to approve June 14, 2010 Board minutes;
seconded by Trustee Slaughter. Motion carried unanimously.**

OLD BUSINESS:

Visitor's Center Design Drawings

PW Director Smith informed the Board that LM Kersting Construction Co, with Keith Krebs as architect and Deisslin Structures Inc. with Bob Grether as architect plans are available for Board review. He went on to say it will be a difficult choice as both plans are very well presented, meeting all guidelines that were set out. Ms. Alison Ramsey, Chaffee County Heritage Area, agreed with Smith, stating all the elements have been included in both submittals, noting ample interpretive space has been included. Mayor Thonhoff stated the Board needs time to look over

the proposals, stating by the next Board meeting a recommendation could be made. The contractors both stated they would be available to answer any questions that might come up.

Vaupel Change of Use – 500 Angelo Lane

Administrator L'Estrange stated the "Change of Use" came back to the Board due to Attorney Redmiles' reference 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).

L'Estrange noted Attorney Redmiles informed the Board the building, without water and sewer service meets accessory building guidelines.

MOTION: Trustee Collyer made a motion to approve the Vaupel Change of Use 2 at 500 Angelo Lane, leaving the old building intact as a storage facility, water and sewer utilities disconnected, the use to go with the property, requiring disclosure that the building remain a storage facility and not revert back to a dwelling unit, if the property should sell; seconded by Trustee Slaughter.

The "Findings and Record of Decision" read into the record:

- A. Whether the proposed use is consistent with the policies of the Comprehensive Plan – Yes**
- B. Whether the proposed use is consistent with the objectives of the applicable zoning district. -Yes**
- C. Whether the proposed use is designated to be compatible with surrounding land use. -Yes**
- D. Whether use causes undue traffic congestion, dangerous traffic conditions or incompatible service deliver, parking of loading problems. If so, what mitigating measures are proposed. -No**
- E. Whether the operating characteristics of the use creates a nuisance and if the impacts of the use on surrounding properties is minimized with respect to noise, odors, vibrations, glare, fire hazards, trash and similar conditions. -No**
- F. Whether there are adequate public facilities in place to serve the proposed use. -N/A**

G. Whether the Use causes significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features.

-N/A

Motion carried unanimously.

NEW BUSINESS:

AADA Special Event Permit Application

MOTION: Mayor Pro-tem Kroschel made a motion to approve the AADA Special Event Permit for August 29, 2010 in Chipeta Park; seconded by Trustee Slaughter. Motion carried unanimously.

OTHER BUSINESS:

Heart of the Rockies Roping Association – Request for Water

Letter of request provided to Board. Mr. Jay DeMay informed the Board that the fairgrounds roping arena that the Heart of the Rockies Roping Association uses needs water to be usable and safe for the roping club participants. He stated it will take approximately one water truck load a week to maintain the arena in usable order. Ms. Timko informed the Board most years the roping club does not need this much water, but due to the lack of rain, the arena is in need of additional water. The Board agreed to donate the water to the roping club, with the stipulation they keep track of how many gallons are used for the town's record keeping. Administrator L'Estrange suggested that the members of the roping club volunteer some service to the town to offset the donation of the water. Mr. DeMay stated that could be arranged, thanking the Board for their time and consideration.

Poncha Springs Theatre Proposal – Laura Schwartz

Ms. Laura Schwartz informed the Board that after seeing the upstairs stage, she is proposing to develop a Poncha Springs theatre group. She went on to say she will do the necessary organizing and advertising to promote the venue, if the Board is willing to let the group use the upstairs facility for rehearsals and presentations. The Board agreed the proposal would be beneficial to the town, agreeing to Ms. Schwartz's proposal of creating a Poncha Springs Community Theatre. Mayor Pro-tem Kroschel stated he would check with the county to see if a "Change of Use" is needed through the County Building Department and follow up with staff. Ms. Schwartz thanked the Board for their time and support.

ADMINISTRATOR'S REPORT:

CDOT Award of FY 2011 CR 120 Trail

Information provided in the packets. Ms. Dee Miller informed the Board that the CR 120 Trail from the Fairgrounds east to CR 145 was funded, for physical year 2011.

Federal Grant funds \$266,586
Local match \$66,646, which is the County match
Total project cost; \$333,570,
and the town will administer/oversee the grant as in-kind match.

CR 120 Trail grant from the Fairgrounds west to the Visitor's Center funded for physical year 2011.

Federal grant funds \$163,539
Local match \$40,885
Total project cost \$204,424

The two projects will be combined, the award is for the reimbursement of funds up to the available amount of \$430,125 in fiscal year 2011 (July 1, 2011 through June 30, 2011).

Ms. Miller stated the town has \$35,000 budgeted in 2010 for the town's portion of the trail grant match, noting approximately \$6,000 is needed to meet the \$40,885 projected match. The Board agreed the trail is a beneficial project and to look for additional dollars to cover the \$6,000 that is needed. Ms. Miller informed the Board that the County/Town must commit funds in the amount of \$537,994 (\$430,125 federal, \$107,531 local match, and \$338 local over match) at the time the Town signs the funding contract with CDOT. Ms. Miller informed the Board that she will be working with County staff to get the paper work in order to move forward with the grant.

CDOT Hwy 50/285 Access Category Change Update

Information included in the packets. Ms. Miller informed the Board that the access category change to NRA for US 50 and US 285 in Poncha Springs is final as of June 30, 2010. She went on to say that this is the first step in the process to get the speed reduced within town limits, noting the Highway Diet and Access Control Plan are next in line. PW Director Smith stated the traffic counts are underway, noting this will be part of the information to determine if the highway diet can be implemented. He went on to say the access control plan will re-evaluate all exiting and future accesses to establish lane requirements. Mayor Thonhoff stated this is a positive approach to the Little River Ranch access at Hwy 50 and Poncha Springs Lane, noting the highway diet would benefit the town as well as the developer in this scenario.

Planning and Service Area Map Revision

MOTION: Trustee Slaughter made a motion to approve the Poncha Springs Planning & Service Area map as presented; seconded by Trustee Collyer. Motion carried unanimously.

CCFPD Administrative Office Relocation

Information provided in the packets

Bresnan Communication sells to Cablevision Systems Corp.

Information provided in the packets. Administrator L'Estrange informed the Board that the Town will be getting the FCC form 394 seeking consent to the proposed transaction, noting a resolution will be needed to approve Bresnan transferring the cable system and franchise to Cablevision.

Finance Report

Information included in the packets. Administrator L'Estrange informed the Board that the auditor will be here on July 16th, noting it will allow time for questions and answers regarding the current and 2011 budget.

Update on USFS Planning

Administrator L'Estrange informed the Board that thirteen packets were sent out to various applicants, noting this means everyone who sent an original letter of interest got a packet in response. He went on to say that at least four land owners in and around Poncha seem to be in the mix promoting their site, stating he has told all the applicants who have contacted him, that if they are chosen the Town will get behind their efforts, but at this point we will not promote one site over any other. L'Estrange stated CDOT has been contacted on a "what if" basis and he has given out two annexation information packets. He went on to say the USFS packets are extremely rigorous and He does not expect all parties will return them for further consideration, but it would be good if someone in Poncha could land the facility.

UAWCD Storage Agreement Progress

L'Estrange stated the town is prompting the UAWCD to move forward with an extension of our storage agreement for 100 acre-feet of water to be stored in their upper reservoir systems. He stated there is a draft agreement in the works that was talked about at yesterday's UAWCD meeting, noting a Staff meeting was scheduled to work on details but it was cancelled due to illness of the Upper Ark's attorney. L'Estrange stated the Mayor, and Mayor Pro-tem, Commissioner Giese and I did have some informal conversation with UAWCD representatives on a different but related topic last Wednesday evening, noting it had to do with our opposition to one of their water cases, which after a frank discussion/information exchange we can make progress without incurring further expense. He went on to say he has been working with the town's Water Attorney towards resolution that will allow the Storage Agreement to progress.

Bent Tree Group –Ongoing Discussions

L'Estrange informed the Board that staff continues to work with the Bent tree Group to get everything lined up so that everyone can proceed with the project. He stated Mr. Findlay has told him that we will have a payment plan in place soon for the back money owed to the Town and the \$16,000 for the water shares is also in the works. He stated he and PW Director Smith met with their representatives at Steve Monson's office 7/7/10 and outlined what the water obligations would be for the Group, noting meeting is scheduled for 7/14/10 to continue

discussions. L'Estrange noted there is a lot to do before they can assume the existing agreements and they seem to have some delays associated to the manner in which they took over the project. L'Estrange informed the Board that staff would meet with Bent Tree on Wednesday, encouraging Board members to attend if possible. Mayo and Mayor Pro-tem will plan to attend.

Hutchinson Homestead- State Historical Fund Letter Agreement

Information included in the packets. L'Estrange stated the documents are for Board review at this time, noting the request will encumber the property but at the same time that was the intended use for the land in the first place, noting the language relates to preservation of the property that was rehabilitated.

ATTORNEY'S REPORT:

Attorney Redmiles stated he will go over the CML Report on all new laws passed at a future Board meeting.

PLANNING & ZONING:

July 6, 2010 Minutes

July 6, 2010 minutes included in the packets.

MAINTENANCE & UTILITIES:

July 7, 2010 Meeting Report

July 7, 2010 Meeting Report provided.

Little River Ranch I – Acceptance of Roadway

PW Director Smith informed the Board that LRR has requested the town to accept their road improvements, noting the road has been complete for almost two years with no warranty period begun because of delays on completing the intersection at Hwy 50 and Poncha Springs Lane. The Board discussed LRR's request, agreeing that the town should accept the road improvements without the Hwy 50 intersection complete, with the understanding that LRR will complete the intersection improvements to the prevailing standards, Mr. David Martin stated that he would like to stay apprised of the out come of the study, stating LRR agrees they will upgrade the intersection, but they have to consider their budget for the improvement, stating the developer would not be able to over extend on the budget. The Board understood LRR's budgetary concerns. The Board agreed to have staff develop a resolution for the acceptance of the road improvements and outlining the parameters of the intersection. PW director Smith stated he would refer to the SIA and follow up on the resolution.

Acequia Ditch Ordinance for Town Use

PW Director Smith stated the M&U committee discussed the possibility of implementing Acequia ditch rules by ordinance, noting at this time the town does not have adequate guidelines and no real means of enforcement with the current process. Mayor Thonhoff ask that information be put in the Poncha Press. Trustee Collyer noted the use of the ditch water is a privilege not a right and respect for other ditch users goes a long way. Smith will follow up, looking into what other town’s have in place for ditch use.

FINANCE:

MOTION: Mayor Pro-tem made a motion to pay May bills; seconded by Trustee Donahoo. Motion carried unanimously.

With no further business the board meeting was adjourned at 8:37 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