

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

330 BURNETT AVE., PONCHA SPRINGS, COLORADO

MONDAY, AUGUST 9, 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:	Rick Roberts, Galen Angelo, Darrell Donahoo, Bret Collyer
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Town Planner:	Absent
Visitors:	Audrey Gilpin (Mtn. Mail)

ADDITIONS, DELETIONS, OR CORRECTION TO AGENDA:

Administrator L'Estrange stated he had informational items that he would add to his report.

APPROVAL OF MINUTES:

**Motion: Trustee Roberts made a motion to approve July 26, 2010 Board minutes;
seconded by Trustee Donahoo. Motion carried unanimously.**

OLD BUSINESS:

Medical Marijuana

Mayor Thonhoff stated the reason for the item being on the agenda was that the Board needs direction on how to proceed. He noted that the town had implemented a moratorium and the State's one year moratorium is in place until July of 2011. The Board discussed options at length agreeing a public hearing should be held so the Board knows the desires of the citizens.
Public Hearing scheduled for September 13, 2010 at 7:00 p.m.

Mayor Review of OTR Presentation

Mayor Thonhoff informed the Board that he put the item on the agenda for discussion, asking if the Board had interest in having Ms. Kathryn Wadsworth present the OTR proposal for the

Visitor's Center. The Board agreed to have Ms. Wadsworth present the OTR proposal for the Visitor's Center at the August 23, 2010 meeting.

NEW BUSINESS:

Resolution #2010-8, Approving the Change of Control of the Franchise Under the Cable Television Franchise

MOTION: Mayor Pro-tem Kroschel made a motion to adopt Resolution #2010-8, Approving the Change of Control of the Franchise Under the Cable Television Franchise; seconded by Trustee Roberts. Motion carried unanimously.

David Schultz – Request for Extension of Building Permits, 6632/6634 Sage Court

MOTION: Trustee Roberts made a motion to extend the 6632/6634 Sage Court building permits for one year; seconded by Trustee Angelo. Motion carried unanimously.

ADMINISTRATOR'S REPORT:

Report on Water Issues

Information provided in the packets. Administrator L'Estrange stated meetings are being held to see if objectors can be worked out of the water case. He stated progress is being made.

Forest Service Update

Information provided in the packets.

Bent Tree Update

Information included in the packets.

Chaffee Housing Trust Update

Information provided in the packets.

Sewer Finalization

Information provided in the packets.

Geothermal Grant

Information provided in the packets.

UAWCD Storage Agreement

Administrator L'Estrange informed the Board that a meeting will be set, early to mid September for discussions on the town's storage agreement with UAWCD. He went on to say the town's share of rehab expenses needs to be defined.

Joint Meeting, August 31, 2010

Administrator L'Estrange informed the Board that it is Poncha's turn to host the joint meeting, noting Atmos is willing to put on the BBQ, as in the past. He stated they will need a head count of those that will attend, asking Board members to let the office know as soon as possible.

CML Policy Committee Opening

Administrator L'Estrange informed the Board that he would serve as the town's representative if Board members did not have interest. The Board agreed that L'Estrange should serve as the town's representative on the CML Policy Committee.

Comprehensive Plan Grant Application Update

Administrator L'Estrange informed the Board that the grant application was sent in and received by DOLA, noting further information will be provided when available.

CR 120 Grant Update

Administrator L'Estrange informed the Board that Planner Miller had provided the following information for Board review.

CDOT requires a Resolution (draft attached) from the Town committing all of the funding (\$537,994) before a grant award contract/agreement can be signed.

Jerry and I met with County staff and they explained that the agreement for the CR120 Trail grant was for the Town to oversee the grant which includes the Town committing the funds for the grant award, except for the County's local match portion which is \$66,646 and \$338 over-match.

Based on the conversation with the County, the Town is responsible to commit \$266,586 (80%) of the County's grant application and \$163,539 of the Town's application as well as \$40,885 local match, with CDOT's grant match the total commitment amount is \$537,994. The Town will be responsible to pay any costs incurred up front and then be reimbursed from CDOT. The County said if the Town gets in a bind to pay an item up front, they will assist us.

CDOT Correspondence (CDOT comments are in red):

David Valentinelli explained that the County already has their portion of the trail designed. Town still needs to get our portion of the the trail design completed (Our Consultant Engineer budgeted approx. \$23,000 of the grant toward design). David is checking with CDOT officials to see if we can use Crabtree since they designed the rest of the trail, or if we need to send out an RFP.

Staff needs Board direction for the following items:

1. The Town Board should determine whether to commit to the total project costs of \$725,780 or the awarded amount of \$537,657. *The estimated budget is for the entire length of project, if the budget is reduced, what should be the reduced scope of work?*

2. The Town Board should determine if an RFQ is required or if Crabtree can continue the trail project. *Namely, under the Town's procurement code, as mandated by the State Statues, is a sole source process allowable?*

3. *Federal Audit requirements are to have a professional audit for agencies that have received \$500,000, or more, in federal funds. Does the Town need a professional audit based upon this rule? Who can certify that this requirement has not be met?*

4. Since only a portion of the overall costs were awarded for the trail section from the Fairgrounds to the Visitors Center:

A. The Town Board should determine if this portion of the trail should be designed from the Fairgrounds to the Visitors Center or if only the portion that can be funded should be designed and have the unfunded portion be designed later with other funds?

Should the design scope of work be reduced?

B. CDOT has asked if the Town will be agreeable to having this portion of the trail completed in the CDOT Right of Way first since it is CDOT funding and to overcome CDOT obstacles while CDOT is involved. This would take the trail only as far as funds allow CDOT realizes this may leave a portion of the trail unfinished between Hwy 285/50 and the Fairgrounds. The Town would then need to acquire additional (perhaps GOCO) funding to connect the two trail portions. This would also the Town to acquire any Right of Way they are missing, and would provide safe bicycle/pedestrian travel from the Visitor's Center to CR120.

Where should the project be terminated to produce logical connectivity?

FYI, Regarding CR120 trail progress:

Also, I have found some Trail Easements that appear to have already been executed along CR120, in front of the Fairgrounds, the Industrial Park, and Poncha Mesa Business Park. There doesn't seem to be an easement in front of the Crossroads Retail Park, however there appears to be plenty of room. That leaves a portion of Timothy Dillon's property at 10525 Hwy 50 and Industrial Leasing at 10425 CR120 for the Town's portion of the Trail. The County instructed us that the Town needs to talk to Don Reimer and contact property owners along the portion of CR120 that their grant covers to acquire trail easements ASAP.

Friend Ranch Trail

Attached is an email from CDOT requesting a written status reply on the Poncha-Friend Ranch Trail project. The Town was awarded CDOT funding for the trail from Friend Ranch to the Visitors Center.

The Town only required an 8' wide trail from Friend Ranch, CDOT requires the trail to be 10' in width. After receiving the grant award, Friend Ranch was in the process of deciding whether it was cost effective to accept the grant since CDOT requires Davis Bacon wages. The grant application is to add 2 addition feet of width to the trail to make it a 10' wide trail.

The trail connection from the Visitors Center to Friend Ranch will be important for residents and tourists, to keep cyclists off the highway and, allow access to the CR120 trail.

The Town signed the grant application and /committed \$8,000 cash and \$20,000 administration as match toward the \$457,865 total project cost. Friend Ranch committed to \$66,600 cash match and \$40,000 project mgmt with \$10,800 fill dirt toward the project.

Since Friend Ranch is no longer in possession of the Friend Ranch subdivision and Benttree has taken over the project, staff is requesting Board clarification and direction as to how to proceed with this grant award:

1. Is Benttree responsible to build the trail required of Friend Ranch by the Town?
2. Considering the Town's current budget reserve amount at the end of this year will be approximately \$700,000:
 - a. Should an extension of time be requested from CDOT in order to determine whether Benttree will take over the grant/trail project?
 - b. Does the Town plan to follow through with the grant on its own?
 - c. Does the Town plan to turn down the grant award?
 - d. Other options?

The Board discussed the grants, asking if the funding/match could be discussed during the 2011 budget process. L'Estrange stated Ms. Miller had provided the information so the Board could review/take action at the August 23rd Board meeting, asking the Board to take time to review the information in preparation for the next Board meeting.

ATTORNEY'S REPORT:

Attorney Redmiles stated the Salida lawsuit needs signed to dismiss, noting he will follow up on this. He also noted the Cross Roads Retail Park deed does not reflect a deed restriction on alcohol sales/service, noting the property went through a tax sale and this provides a clear title moving forward. Redmiles stated he will follow up and get documentation on this.

MAINTENANCE & UTILITIES:

PW Director Smith stated information was provided in the meeting report. He went on to say that town staff will meet with the County Attorney and staff regarding the county being an objector in the town's water case. He also noted work continues on the LRRI acceptance of the roadways before the Hwy. 50/Poncha Springs Lane intersection matter is resolved with CDOT. Mayor Thonhoff ask about the RV at the Visitor's Center. Smith stated this is the camp host that will be at the VC for two weeks.

OTHER BUSINESS:

Jeep Parked on Burnett Avenue

Trustee Roberts ask who's jeep is parked on Burnett Avenue, noting it has been there going on two weeks. PW Director Smith will follow up on this.

Bridge on Poncha Springs Lane

Trustee Collyer stated the PS Lane bridge is in poor condition, asking what the trigger is to replace it. PW Director Smith stated at 30 houses LRR is required to replace the bridge, noting there are 26 houses in at this time.

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 regarding Bent Tree; under C.R.S. §24-6-402 (4) (b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiator, under C.R.S. §24-6-402 (4) (e), regarding Bent Tree; to include the Town Attorney, Mayor, Mayor Pro-tem and Trustees, Town Administrator and PW Director; seconded by Mayor Pro-tem Kroschel. Motion carried unanimously.

With no further business the board meeting was adjourned at 7:35 p.m.

The Executive Session convened at 7:40 p.m.

The Executive Session adjourned at 9:17 p.m.

The Regular Board meeting reconvened at 9:17 p.m.

With no further business the regular board meeting was adjourned at 9:17 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