

**REGULAR MEETING  
PONCHA SPRINGS BOARD OF TRUSTEES  
330 BURNETT AVE., PONCHA SPRINGS, CO**

**MONDAY, APRIL 9, 2012 - 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, Darrell Donahoo, Ron Slaughter, Bret Collyer

Newly Elected:

Mayor: Richard Furton  
Trustees: Rebecca Massey  
Darryl Wilson  
Ben Scanga

Town Attorney: Brad Redmiles

Town Administrator: Jerry L'Estrange

Public Works Director: Greg Smith

Clerk/Treasurer: Diana Heeney

Town Planner: Dee Miller

Visitors: Ken MacNicol, Betty Furton, Janice Veltri, Vernie Martz,  
Joe Stone(Mtn. Mail)

**APPROVAL OF MINUTES:**

**MOTION: Trustee Collyer made a motion to approve March 26, 2012 Board meeting minutes; seconded by Trustee Slaughter. Motion carried unanimously.**

**OLD BUSINESS:**

**DOLA Water Improvement Grant Extension**

**MOTION: Mayor Thonhoff made a motion to request an extension for the DOLA Water Improvement Grant; seconded by Trustee Collyer. Motion carried unanimously.**

**Clarification on Water Tap Resale**

Administrator L'Estrange stated at the Board meeting a question was asked regarding the sale of an existing "water tap" systems improvement fee from one property to another. He added It was indicated the monthly service fee has/is being paid but the land owner is not intending to actually use the tap. L'Estrange stated staff research turned up indicators historically that type of transfer was not intended or allowed, but due to lack of specifics on the potential request we have no definitive answer. He stated guidance from the sitting Board as to their opinion on this matter is being requested. Mayor Thonhoff stated his understanding was what was provided in the packets:

- a water tap is purchased by a landowner to hold that water tap for a specific parcel,

- if a land owner stops paying the monthly bill for the water tap, a new water tap must be purchased by the landowner at the Town's current water tap rate,
- a water tap is part of the water system owned by the Town of Poncha Springs, making it a public utility. Therefore, it is non-transferable from one landowner to another.

Mayor Thonhoff stated in 1993 the Town increased the water tap fee from \$1,000 to \$2,000, noting he considered purchasing a water tap, noting some people did, he considered once the tap is purchased the monthly service fee has to be paid, noting when considering the monthly service fee and not having a plan in place he decided not to purchase at the lower rate. Mayor Thonhoff stated the Ordinance does not specifically state that you cannot transfer a tap from one customer to another, asking Furton if he wanted to speak to the matter.

Mayor Thonhoff stated the documentation is vague.

Richard Furton referred to the Ordinance #1983-3, noting:

- "Water Main" shall mean a Town-owned water pipeline, carrying potable water only and shall be installed in a public street or right-of-way
- "Water Service Line" shall mean the privately owned water line extending from the water main to the customer's building, and shall include the tap on the main, corporation cock, curb valve, and box and meter installation, but not the meter itself.

Mayor Thonhoff stated policy needs to be addressed, noting there is no clear documentation on the request to transfer a tap from one parcel of land to another. Furton stated the Ordinance speaks to "ownership", noting Webster defines ownership as the legal right to possession of a thing. Furton went on to say if the Town means a document to say something, it should be clear, if not it needs to be addressed. PW Director Smith referred to the Town's Standard Design Criteria, *Section 1.4 C. The property owner is responsible for installing the water service line from the meter box to the structure. (Figure 5). From the time of service activation, the homeowner will assume full responsibility for any repairs from the end of service line at curb stop to the structure and the Town will assume responsibility from the curb stop box including valve to the water main. (Figure 5) The meter will be purchased by the property owner from the town and will be maintained by the town.*

Administrator L'Estrange referred to "Water Users Agreement", dated 1981; *"the Town shall furnish, subject to the limitation set out in its Ordinances, Resolutions, and Rules and Regulations now in force or as here-after amended, such quantity of water as customer may desire in connection with customer's occupancy of the following described property: "address of property the water service is provided to".* Furton stated the Town's intent needs to be consistent and clear, and part of the "Ordinance". L'Estrange agreed the matter needs to be corrected, noting a Code Book would be beneficial in a situation like this. Attorney Redmiles stated he would research the matter and follow-up with the Board. The Board agreed to this course of action.

## **Hutchinson Ranch Homestead Site Agreement**

**MOTION: Trustee Slaughter made a motion to approve the 2012 Operating Agreement for the Hutchinson Ranch and Homestead Site between Salida Area Parks, Open Space and Trails (SPOT) and Guidestone and the Town of Poncha Springs; seconded by Trustee Roberts. Motion carried unanimously.**

Mayor Thonhoff recessed the Board meeting.

Mayor Pro-tem Kroschel presented outgoing Mayor Thonhoff with a plaque, thanking him for 20 years of service, Kroschel then presented Trustee Roberts with a plaque thanking him for 12 years of services and Trustees Donahoo and Collyer with appreciation certificates for their service. Cake and coffee was served.

## **NEW BUSINESS:**

### **2012 Election – Swear in Elected Officials**

Mayor Thonhoff called the meeting back to order and the newly elected Mayor Richard Furton and Trustees Rebecca Massey, Darryl Wilson, and Ben Scanga were sworn in by Town Clerk Heeney.

### **Appoint Mayor Pro-tem**

Mayor Furton appointed Trustee Ben Scanga as Mayor Pro-tem.

### **DOLA New Board Training – April 23, 2012**

Administrator L'Estrange reminded the Board of the DOLA training scheduled for the next Board meeting.

### **CIRSA – New Board Training – June 4, 2012, 6:30 p.m.**

Administrator L'Estrange informed the Board that CIRSA, Tami Tanoue, would provide new Board training at the June 4<sup>th</sup> joint Planning Commission/Board meeting.

## **ADMINISTRATOR'S REPORT:**

### **Water Case Update**

Administrator L'Estrange informed the Board progress is being made in getting objectors out of the Town's water case, noting Chaffee County and the City of Salida have requested for stipulation language, noting this looks favorable for the Town.

### **Broadband Use/Economic Development Update**

Administrator L'Estrange ask Planner Miller to provide an update for the Board. Miller provided an update on the Chaffee County Economic Development Corporation's efforts, referring to her memo included in the packets. Miller encouraged everyone to take the online survey relating to development of Broadband in Chaffee County. Planner Miller referred to her memo included in the packets regarding the Business Development Group that meets the last Tuesday of each month from 12-1 p.m. Miller stated Carlin Walsh, Elevation Beer Co., lead the group at the last meeting. Miller stated goals set were participation in Rural Philanthropy Days, promoting events at Chaffee County Fairgrounds, and having a plan in place for the Christo project. Trustee Slaughter spoke favorably about the group, noting good

goals have been established and a great local effort is moving the group forward. Planner Miller stated Kathryn Wadsworth is coordinating Over The River community planning meetings to assist with community readiness for the Christo project. Miller noted marketing will be an important aspect so communities benefit from the event.

#### **Communication from Union Pacific Railroad**

Administrator L'Estrange informed the Board after the donation of the 6.8 acres it was suggested the Town contact Union Pacific Railroad regarding their parcel of land adjacent to the 6.8 acres. He stated UP had been contacted and their response was included in the packets, noting they are willing to sell the parcel, but not donate. L'Estrange stated the asking price is beyond the Town's budget. The Board agreed that the Town should not pursue the effort any further considering UP wants to sell not donate the land, and the Town has no monies budgeted for this type of expenditure.

#### **Clean-up Day, Yard Sale, Arbor Day – May 19, 2012**

Administrator L'Estrange reminded the Board of the annual event encouraging participation if possible.

#### **Boy Scout Camp Update**

Administrator L'Estrange informed the Board that Salida Administrator McDonald contacted him and said Salida will look at alternatives for removal of the old buildings, as the plan to burn did not come to fruition and with dry conditions a burn is not feasible. L'Estrange stated McDonald will work out the details and keep Poncha in the loop.

#### **Scout C.A.M.P. Fund Raising**

Administrator L'Estrange stated he is asking for the Board's help to fill up the "Poncha Table" at the fundraiser on Saturday, April 21<sup>st</sup> from 8:00 to 9:00 a.m. He stated it is his understanding that Representative Tom Massey will be attending so it would be nice to have Poncha people in attendance also. He went on to say it is a worthwhile organization and the Town has some budgeted funds available if the Board were to choose to make a contribution.

**MOTION: Trustee Kroschel made a motion to donate \$50 to the Scout C.A.M.P. ; seconded by Trustee Massey. Motion carried unanimously.**

#### **ATTORNEY REPORT:**

Attorney Redmiles informed the Board he is working on the Friend Ranch disclosures and will submit them by the end of the week Redmiles stated he would research the water tap matter and have a response for the Board at the May 14<sup>th</sup> meeting. He added the intent of the executive session was to update the Board on the Friend Ranch and Farrow cases. Mayor Furton requested Attorney Redmiles follow up with the Farrow Attorney and report back to the Board when he has a response. Mayor Furton stated there would be no need for an executive session.

**MOTION: Trustee Wilson made a motion to cancel the executive session; seconded by Trustee Slaughter. Motion carried unanimously.**

**MAINTENANCE & UTILITIES:**

**April 4, 2012 meeting report**

Included in the packets.

PW Director Smith thanked the out going elected officials for serving on the M&U committee, stating the committee is in need of replacement members. He went on to say the committee meets the first Wednesday of each month at 6 p.m. Smith stated CR 120 Trail contract has been completed and surveying will begin, he is working on the chip seal project, goal is to get as much coverage for the budgeted money as possible, the South Park Bridge is complete and a CO has been issued. Smith stated Chaffee County would like to enter into an IGA with the Town for CR 210 repair and maintenance. The Board agreed to move forward with an IGA.

With no further business the Board meeting adjourned at 8:10 p.m.

Respectfully Submitted:

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Diana K. Heeney  
Clerk/Treasurer

Approved As To Form and Content:

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Richard Furton, Mayor

Attest:

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Jerry L'Estrange  
Town Administrator