

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

MONDAY, MAY 14, 2012 - 6:30 p.m.

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

Mayor:	Richard Furton
Mayor Pro-tem:	Ben Scanga – 7:20 p.m.
Trustees:	Aaron Kroschel, Galen Angelo, Ron Slaughter, Rebecca Massey, Darryl Wilson
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, Vernie Martz, Bret Collyer, Ann Thomas, Marlin Minor, JD Longwell, Joe Stone(Mtn. Mail)

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

Administrator L'Estrange stated he had additional items under his report.

APPROVAL OF MINUTES:

MOTION: Trustee Slaughter made a motion to approve April 23, 2012 Board meeting minutes; seconded by Trustee Wilson. Motion carried unanimously.

OLD BUSINESS:

Organizational Chart

MOTION: Trustee Kroschel made a motion to approve the organizational chart as presented; seconded by Trustee Slaughter. Motion carried.

Garden Club Request for Water Connection Services

Administrator L'Estrange informed the Board that the Garden Club has funding for equipment and installation but not enough for a system development (tap) fee. Bret Collyer (Garden Club) stated the plan is to get water to the garden plot, noting three options have been provided, noting the club prefers "Plan A". He went on to say the club is requesting a 1" line (tap), asking if the Board would consider waiving the fee, noting the garden area is a benefit to town's people. Trustee Kroschel ask if the monthly service fee would be paid for the service. Collyer stated yes, the monthly fee would be paid. Mayor Furton suggested a ¾" tap with a 1" line off the meter, noting this would be more affordable and provide the needed water supply. Collyer agreed this would be adequate. Administrator L'Estrange stated the question arose last year regarding use/operation, as related to insurance, noting the lot is currently zoned residential and has not been designated as a town park. L'Estrange stated if the town designates a permanent use for the lot, if the town would ever want to sell the lot it would have to go to a vote of the people. Attorney Redmiles stated insurance as a concern, noting ADA requirements could come into play. Collyer stated there are no improvements at this time. PW Director Smith stated a concern with the

proposal to tap the 2" service line on the east side of Palmer, noting this does/would not meet town standards. He went on to say a solution to the problem would be installing a 6" main from Hulbert along Palmer to W Poncha Avenue. He estimated the materials cost for this would be approximately \$3,000 to \$4,000. Discussion followed with the decision to fix the problem of the 2" service line along Palmer Ave., install a 6" main from Hulbert along Palmer Avenue to W Poncha Avenue. The Garden Club agreed to pay \$2,000 for a ¾" water tap for the Community Garden, the Garden Club is responsible for the costs to install the service line, meter pit and meter, and to pay a monthly service fee once the service is functional and the garden site to abide by town watering restrictions.

MOTION: Trustee Kroschel made a motion to approve the Town installing a 6" water main from Hulbert Ave. along Palmer Ave. to W Poncha Ave., creating a loop for this portion of water main; the Garden Club to pay \$2,000 for a ¾" water tap, pay for the installation of the service line, meter pit and meter for the Community Garden on Hulbert & Palmer, once the water tap is installed the Garden Club will pay a monthly service fee, abide by Town watering restrictions; with the Town continuing insurance coverage for the park like parcel maintained by the Garden Club; seconded by Trustee Slaughter. Motion carried unanimously.

NEW BUSINESS:

Arbor Day Proclamation

Mayor Furton proclaimed May 19, 2012 as the Town of Poncha Springs official Arbor Day.

Draft Letter to Real Estate Companies Regarding Interest in Our Lot Sales

Administrator L'Estrange stated he had included a draft letter regarding town lot sales. L'Estrange noted the 2012 Town Budget contains a line item regarding the sale or sales of lots in the Town of Poncha Springs Crossroads Retail Park. He added staff has been holding off on a marketing plan until after the New Board was established. L'Estrange stated the letter would be sent to all qualified Real Estate firms giving all interested parties a chance to participate. He went on to say the town would choose the strongest proposal and get on with trying to sell the property. The Board agreed to this approach for marketing the lots, directing staff to follow up.

Vernie Martz, citizen, stated live/work should be considered as a use for these lots. Mayor Furton stated the Town is in the process of updating the Land Use Code and this will be part of that process. Ms. Martz encouraged this item be expedited. JD Longwell, citizen, ask if there is a sale opportunity with live/work in mind what would the potential buyers options be. Administrator L'Estrange stated this could be addressed by the "Special Review Use" process. Trustee Massey stated it would be in the town's interest to accommodate potential buyers' interests so as not to lose a sale. The Board agreed the Land Use Code update should be done in a thorough timely manner.

Mayor Pro-tem arrived at 7:20 p.m.

ADMINISTRATOR'S REPORT:

May 7, 2012 Board/P&Z Joint Meeting Update

Information provided in the packets. Administrator L'Estrange stated Jed Selby, owner/developer of South Main in Buena Vista, gave a presentation on possible development ideas for the town's 6.8 acres.

Intergovernmental Joint Meeting – May 29, 2012 – 6:00 p.m.

The Board agreed to cancel the Town's regular Board meeting that would be held on Tuesday, May 29th to allow Board attendance at the Intergovernmental meeting in Buena Vista.

Intergovernmental Agreement for Cost Sharing of Chaffee County Communications Center

Administrator L'Estrange stated Chaffee County Commissioners are considering assessing back to the municipalities and Fire Districts, in the county, a portion of the operational cost of the Communication Center based on call volumes. He went on to say Staff from all the entities involved met on May 9th to work through the draft agreement. L'Estrange stated this topic will be on the Joint Meeting on May 29th in Buena Vista noting he feels it is very important for the Board to attend for discussion on this topic. L'Estrange stated the County Commissioners have discussed a possible ballot issue regarding the County retaining all the sales tax dollars and not sharing back to the municipalities, noting this will be a joint meeting agenda item as well.

Selective Service Board – Volunteers Needed

Information provided in the packets.

Thank You – Boy Scout C.A.M.P. Fundraiser

Information provided in the packets. Administrator L'Estrange stated this was a great event for a worthwhile cause, noting Representative Tom Massey was presented with an award.

CML Regional Outreach Meeting, May 17, 2012

Administrator L'Estrange reminded the Board of the CML Outreach meeting May 17th in Leadville, asking those that would like to attend to let staff know.

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

Administrator L'Estrange reminded the Board of the upcoming CIRSA New Board Training on June 4th at the joint P&Z/Board meeting.

Geothermal Update

Administrator L'Estrange informed the Board he attended a meeting on the results of the Geothermal study, noting the report is 600 pages, the executive summary 54 pages. He went on to say the report is available for anyone wanting to review it. L'Estrange stated there is potential for development, noting hot spots were found on the Town's and Farrow properties. He stated a consortium of property owners could be considered if/when development occurs. He added there is the potential to set up a public utility, details would need to be worked out.

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

Information provided in the packets. Administrator L'Estrange reminded the Board of the Town's Clean-up Day on Saturday starting at 8 a.m. with the Arbor Day tree planting to take place at 11 and lunch served from 11 – Noon.

Governor to Sign Bill at Elevation Beer Grand Opening – May 19, 2012

Administrator L'Estrange informed the Board the Governor will sign a bill at the Elevation Beer Grand Opening, encouraging Board members to attend if possible.

ATTORNEY REPORT:

Town Attorney Redmiles stated Town disclosures are in for the TOMAR case, noting June 10th a trial date will be set.

Update on Private Sale of Water Taps

Attorney Redmiles stated the question came up regarding a land owner (who is now Mayor) wanting to sell land and ask if a current water tap could be purchased from another land owner privately. Redmiles referred to Ordinance 1983-3, and the "Water Users Agreement/Permit". Redmiles stated the Ordinance speaks to having a permit to use town water, noting it does not say one way or another if a private sale of a water tap is allowed. He went on to say there is a lot more in the Ordinance if he would have to make an argument for/against the private sale of a water tap, noting it is a public utility that is being considered. Redmiles stated the Board needs to make a determination on whether to allow/disallow the private sale of a water tap, going on to say the Ordinance needs to be updated. He stated the permit outlines the terms of use with a property address for the use, noting there are certainly inferences that indicate the tap and use go with the property listed. Redmiles stated this is more of a legislative decision for the Board to make, noting he tends to give advice and not make the legislative decision. Mayor Furton stated he came to the Board before he was Mayor with this request, noting there is a person in town that owns a water tap that has never used it and does not intend to use it, and does not want to continue to pay the monthly service fee. He went on to say he has a piece of property on CR 120 that he would like to move the tap to, noting he would pay the tap owner if the town were to allow the request. Furton stated that the Ordinance that is in effect says the property owner owns the water tap, noting owner means legal possession, referring to the Ordinance stating the Town owns the main and the property owner owns all the rest of it. Attorney Redmiles stated the Ordinance states the Owner is defined as the person owning the real property served by the water. The Board discussed the issue at length, with Furton withdrawing his request. The Board directed staff to continue work on updating the Ordinance.

PLANNING & ZONING:

May 7, 2012 minutes

Provided in the packets. Planner Miller stated the Land Use Code update is in progress noting Chapter 1 revisions are ready and she needs comments on Chapter 2 for the May 21st meeting.

MAINTENANCE & UTILITIES:

PW Director Smith reported:

- the Friend Ranch water case is moving forward with most objectors satisfied, the trial date is early June.
- the CR 120 Trail project is under way, noting surveying has been done and NEPA requirements are being worked on.
- the chip seal project will begin the 3rd week of July.
- Well #5 testing is complete and the well is cleared and is classed ground water.
- testing may have to be done on Wells #1 & #2 to determine "ground water" or "under the influence of surface water".
- the Visitor's Center sign is complete and in place, the sidewalks and landscaping should be done by the end of the summer. He noted the VC will be staffed by volunteers through the summer.

Trustee Angelo ask if the Water Tap Ordinance is being updated. Smith stated he is working on the update. Trustees Kroschel and Massey spoke in favor of getting the update done in a timely manner.

With no further business the Board meeting adjourned at 8:30 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton, Mayor

Attest:

Jerry L'Estrange
Town Administrator