

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

MONDAY, OCTOBER 8, 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:

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| Mayor: | Richard Furton |
| Mayor Pro-tem: | Ben Scanga |
| Trustees: | Aaron Kroschel, Galen Angelo, Ron Slaughter, Darryl Wilson, Rebecca Massey |
| Town Attorney: | Brad Redmiles |
| Town Administrator: | Jerry L'Estrange |
| Public Works Director: | Greg Smith |
| Clerk/Treasurer: | Diana Heeney |
| Town Planner: | Dee Miller - Absent |
| Visitors: | Hayden Melsop, Dave Moore, Joe Stone(Mtn. Mail) |

APPROVAL OF MINUTES:

MOTION: Trustee Wilson made a motion to approve September 24, 2012 Board meeting minutes; seconded by Trustee Kroschel. Motion carried unanimously.

NEW BUSINESS:

2013 Budget to Board

Administrator L'Estrange informed the Board that the 2013 Proposed Budget was included in the packets. He stated the proposed budget does not have a lot of wiggle room, budgeting is proposed on the conservative side.

2013 Budget Work Session Calendar

The Board approved the proposed 2013 Budget Work Session Calendar.

Adopting Amendments to Chaffee county Building Code regarding Electrical, Plumbing, and Mechanical Fees

Administrator L'Estrange reported the Town needs to follow the County in adopting the updated codes as they are the Town's Building Official. Trustee Kroschel stated historically the Town mirrors the County with updating codes and fees. He went on to say the fee changes are needed at the County level. L'Estrange stated staff will prepare the Resolution and have Attorney Redmiles review for adoption at the next Board meeting.

Request for donation – Land Trust of the Upper Arkansas and the South Arkansas Watershed Coalition

Information provided in the packets. Dave Moore and Hayden Melsop informed the Board the South Arkansas Watershed Coalition (SAWC) was established to assist landowners along the South Arkansas improve their stretch of the river. Moore stated SAWC has been allotted a \$20,000 matching grant by the

Colorado Water Conservation Board for stream restoration projects. He went on to say an overall assessment is required for the South Arkansas River to move forward with stream-bank restoration, buffer enhancement, riparian enhancement, and water quality protection. Moore stated SAWC will work with public and private landowners throughout this project/process, noting participating in the endeavor is strictly voluntary for all landowners. The Board agreed to discuss the request for donation during the 2013 budget work sessions.

ADMINISTRATOR'S REPORT:

Report on Tomar vs Bent Tree

Administrator L'Estrange reported:

On Wednesday, October 3, 2012 Mayor Furton, Attorney Redmiles and myself attended a Court Ordered Mediation conference. All parties were placed in small conference rooms. Retired Judge Bob Kapelke was the mediator; he interviewed us as to what we wanted/expected from this conference. Then he left saying he would return when he had something to report. The sign in sheet indicated that Mr. Smith was there and representatives for Bent Tree other parties the Friends, Chick, etc were attending. About 1:30 in the afternoon the Judge Kapelke came back in to tell us no resolution was possible between Tomar and the Bank. Offers were made in the three to three point five million dollar range but not accepted. Trial is set for October of 2013; he (Judge Kapelke) suggested the Town contact the Bank to operate our obligations concerning the ditches and reservoir.

Mayor Furton stated Judge Kapelke noted the case could take up to four years. Trustee Wilson noted the trial date is not until October of 2013. Attorney Redmiles stated the case could go all the way to the Colorado Supreme Court due to an undecided point of Colorado law regarding settlement priority.

Auction Tent at 347 Chipeta

Administrator L'Estrange reported he had approved a request to allow High Country Auction to set up an auction tent at 347 Chipeta Avenue, on October 26th & 27th for the Marlyn Swift Estate Sale.

E-911 Budget

Information included in the packets. Administrator L'Estrange reported:

As your (the Town's) representative on the E-911 Board I have been dealing with the E-911 Budget development. That organization is facing similar concerns as the Town. Expecting a possible down turn in revenues I expressed we (E-911) needed to do a hold the line budget for 2013. L'Estrange stated the declining number of land lines is problematic as not all cell phone users are registering their phones for E-911.

Water Budget Concerns

Administrator L'Estrange reported Water Attorney, Steve Monson, called with an estimate of \$10,000 to \$15,000 for the town's exchange case in 2013.

Broadband Update

Information provided in the packets. Administrator L'Estrange reported interested parties regarding development of broadband service are coming into the valley from the south and west. L'Estrange stated Monarch and Chalk Creek have the greatest need for expanded broadband service. He went on to say Century Link is pursuing fiber from Leadville to Buena Vista. L'Estrange stated Salida is considering an upgrade to the Tender Foot Mountain tower for increased service.

ATTORNEY’S REPORT:

Attorney Redmiles stated he would give legal advice in the executive session.

PLANNING & ZONING:

October 15, 2012 – 6:30 p.m. meeting

MAINTENANCE & UTILITIES:

October 9, 2012 – 6:00 p.m. meeting with site visit to Friend Ranch.

EXECUTIVE SESSION:

MOTION: Mayor Pro-tem Scanga made a motion to adjourn to executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. §24-6-402(4)(b) regarding: Industrial Park Lot Tap Fee; to include the Mayor, Board of Trustees, with Trustee Massey recusing herself due to conflict of interest, and the Town Administrator; seconded by Trustee Slaughter. Motion carried unanimously.

The regular Board meeting adjourned at 7:21 p.m.
The Executive Session convened at 7:24 p.m.
The Executive Session adjourned at 7:40 p.m.
The regular Board meeting reconvened 7:40 p.m.

MOTION: Trustee Wilson made a motion directing Attorney Redmiles to send a letter to lot owners Robert Smith and John Bevan stating the Town will offer the water tap for their Industrial Park Lots with the condition the lots are developed and the water tap is put into service within 18 months from the date of the letter; seconded by Trustee Slaughter. Motion carried.

With no further business the regular Board meeting adjourned at 7:41 p.m.

Respectfully Submitted:

/s/ _____
Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

/s/ _____
Richard Furton, Mayor

Attest:

/s/ _____
Jerry L’Estrange
Town Administrator