

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

MONDAY, FEBRUARY 11, 2013 - 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
Trustees Present: Aaron Kroschel, Galen Angelo, Ron Slaughter,
Darryl Wilson
Rebecca Massey - Absent
Town Attorney: Brad Redmiles
Town Administrator: Jerry L'Estrange
Public Works Director: Greg Smith
Clerk/Treasurer: Diana Heeney
Town Planner: Dee Miller - Absent
Visitors: Kristina Babonas (AMEC), Dan Krueger(AMEC), Arthur
Miller(CDOT), Erwin Verhoeven, Teresa Dunlap, Rick Ediger, Dee & Dana Nachtrieb, Chuck Lemke,
Judy Kiehart, Eileen Heinen, Ken Teter, Jim Mundy, Ed & Mary Rogers, Joe Stone(Mtn Mail)

APPROVAL OF MINUTES:

MOTION: Trustee Slaughter made a motion to approve January 28, 2013 Board meeting minutes; seconded by Trustee Wilson. Motion carried.

OLD BUSINESS:

AMEC/CDOT Update on Intersection Design Median Discussion

Arthur Miller, CDOT, stated the last time CDOT and AMEC were here they met with staff, Mayor Furton and Trustee Angelo. He went on to say discussion points at the meeting were the Access Control Plan, plans for developing construction plans for the signalized intersection, and the possibility of acquiring additional funding to do the raised medians through town with the road diet. Dan Krueger, AMEC, informed the Board that the maps reflected the proposed plan noting six areas of change. He referred to the changes are noted on the map in white blocks:

1- INTERIM ACCESS: US 50 will have a striped median between Poncha Springs Lane and County Road 127. Allows full access to 60, 62, 63 & 64. Krueger stated the proposed raised median at Hwy 50/CR 127 was removed from the plans as this section of the highway is in the County and Dan Reimer, Chaffee County, indicated the County does not want the raised median, preferring the striped median. *The Board agreed with the Counties recommendation on this, striped median as depicted on the map.*

2- INTERIM ACCESS: US 50 from Tomichi Ave. to Poncha Lumber will be a striped median. Access 49, 51 & 53 remain full accesses with this project. Future access 52a will not be implemented with this project. Krueger stated this is due to existing access/property line for the businesses involved and would take some construction effort to remedy the matter. *The Board agreed to the recommendation on this, striped median as depicted on the map.*

3- INTERIM ACCESS: Access 40 will be closed per Access Plan. Addresses safety concern. Future connection to LaPlata Ave. will be built by others. Krueger stated the existing pull through access exits on the east at the Hwy 50/LaPlata Ave. intersection, stating the project change will define this intersection more. Krueger stated the west access will be a right in/right out access as depicted on the map.

4 – INTERIM CONDITION: Shavano Ave. will not be connected to old US 50 ramp with this project. Two residences will use old US 50 ramp in the interim. Kristina Babonas, AMEC, stated Shavano will connect to the remaining piece of the flyway, being a right in and right out access. Babonas stated this could change if there is future development.

5 – INTERIM CONDITION: Access plan will not be implemented fully south of True Ave. Will provide access to Access 11 since Access 10 will not be included with this project.

6 – INTERIM CONDITION: Access plan will not be implemented north of Mountain Sports Haus shop with this project. Accesses 26 & 27 stay as is in the interim.

Dan Krueger, AMEC, stated the Access Management Plan (ACP) shows medians all the way through on Hwy. 50 east, indicating raised medians. With the project right now we are laying out the medians as being raised, but there are some funding questions that CDOT is sorting out on whether the raised medians get installed or not in this project. He went on to say he thinks the ultimate goal is to put raised medians on Hwy 50 east, asking if this is correct.

PW Director Smith stated not necessarily, just stepping back the Trustees, when we all had the final approval on this, there were three parts of the project.

1 – the Hwy 50/285 intersection improvement

2 – the Highway Diet from Hwy 50/285 intersection east on Hwy 50

3 – raised medians as a consideration by the town and if funding would be available.

Smith stated the thought was to include the medians in the project design if the additional funding should come available. He stated the additional monies would be spent in a separate contract/construction project for the medians. Smith stated if additional was to come available it would be up to the Town Board to decide if they wanted medians and/or what medians they wanted, noting having the medians included in the project design would eliminate going back to the drawing board if/when additional funding might be available. Smith stated the whole issue of raised medians on Hwy. 50 was really something prompted by the possibility of additional funding that would pay for them. Smith stated he thinks there has been a good deal of thought regarding the medians, both pro and con. He stated a lot of the thought was we don't want medians right now that we would like to have striping and the medians painted into see how that goes, but it has always been up to the Board to make the decision. Arthur Miller, CDOT, stated if the additional funding was to come available it would be spent on this project, not the medians as a separate project, noting it would be in fact additional money to put towards this project. Trustee Angelo asked if the additional funding is still an unknown. Arthur Miller stated yes, at this time.

Smith stated the Town committed its Transportation Capital Improvements funds towards the Hwy. 50/285 intersection improvement and Little River Ranch Hwy. 50/Poncha Springs Lane escrow funds towards the Highway Diet on Hwy. 50.

Attorney Redmiles stated he had read on the internet that the Federal government has changed the way they define major arterial roads and that some roads that in the past were under local control were going to fall under federal control and have to follow federal regulations. He asked if this would have any effect on this project. Arthur Miller, CDOT, stated federal funds and following their regulations are already in place so there would not be any changes for this project. Trustee Kroschel stated his interest is in pedestrian safety when considering raised medians. He stated it seems a common sense thing would be to take raised medians a ways in each direction from the Hwy. 50/285 intersection. Kroschel asked where pedestrian crosswalks would be implemented. Krueger, AMEC, stated at Hwy. 50/285 intersection, Tomichi, and Sabeta. He stated it is clear from the Town's ACP that more defined crosswalks are desired,

noting this project will include approximately 80% of the planned crosswalks. Krueger stated two issues with crosswalks are safety for pedestrians and slowing traffic down enough so pedestrians have a good shot at a safe crossing. Krueger stated this is kind of tricky with the way this project is coming together without a whole lot of work on the edges of the road the edges are not being defined. He stated raised medians give a little more target value for drivers to see and also gives a location where pedestrians can stand to feel like they have some refuge. He went on to say looking at the project from his perspective a big challenge of what the town is trying to do with the Hwy. Diet/ACP is to change the character of the way the road is used within town limits. Krueger stated this will take multiple steps to get all the way there and in the interim it will be better, but it will not be the best for a while. Arthur Miller, CDOT, stated raised medians act as a traffic calming feature, noting when drivers see a raised median the tendency is to slow down. He went on to say obviously when you implement the shrinking down to one lane this limits the exposure distance for the pedestrians. He stated looking forward curb, gutter, and sidewalk on both sides of the road would further slow/calm traffic, which is the ultimate goal of the town. He went on to say this step (current project) helps provide locations for crossing and narrows the road way. Mayor Furton asked if CDOT has considered lighted crosswalks and if so what the cost is. Krueger asked if he meant yellow flashing lights. Furton stated yellow or red, noting most pedestrians are killed in crosswalks. Arthur Miller, CDT, agreed, noting the pedestrian does not realize that drivers are possibly looking back for a gap to enter traffic or change lanes. Miller went on to say a strobe light is being considered at Hwy. 50/285 intersection, stating the light is activated by the pedestrian when crossing, much safer than a continuously flashing light that drivers get used to. Mayor Furton asked if it would be a big problem to paint in the medians and hang on for funding for raised medians. Arthur Miller stated if CDOT were to get the funding for raised medians for the project and Poncha Springs does not want to implement raised medians the money would go to another CDOT project. He went on to say there is a decent shot that the funds will be available. Mayor Furton stated he likes the project plan as presented. Mayor Pro-tem Scanga stated changing setbacks with the Land Use Code update may be a problem with this plan, noting if the DeLuca Gas property would be developed into several lots/businesses there is no street access. Trustee Kroschel suggested it might be one access for the properties in this location. Scanga asked what would you do if with the Land Use Code update the buildings are pushed closer to the highway and just have a sidewalk. He went on to say without a frontage road access would be a concern. Arthur Miller suggested access could be established on the back side of the properties. Scanga stated there is no available access to the back of the properties. He went on to say he was bringing this concern forward as the planner is moving in the direction of this area becoming the downtown area with the Land Use Code update. Trustee Kroschel suggested getting the highway project done and move through the Land Use Code update with this scenario in mind. Scanga stated if we go with medians the setbacks will have to stay as they are today. Kroschel stated once the highway is fixed then the town can make plans. Trustee Angelo stated he believes it will be a good while before the town sees a downtown area along Hwy. 50. The Board agreed to revisit the topic at the February 25th Board meeting and hold the Special Board meeting/Public Hearing on March 1, 2013 at 6 p.m. at Chaffee County Fairgrounds.

Consideration of Approval of UAWCD Storage Contract

MOTION: Mayor Pro-tem Scanga made a motion approve Upper Arkansas Water Conservancy District Operating Policy for North Fork Reservoir, O'Haver Reservoir, and Boss Lake Reservoir for 50 af of storage for the Town of Poncha Springs as presented; seconded by Trustee Slaughter. Motion carried unanimously.

Henry Ditch Discussion

Administrator L'Estrange reported:

When I last discussed the Henry Ditch issue with you I issued an opinion based on my past experience. After discussing the matter with our Water Attorney he is recommending that we do in fact need to

abandon the Henry Ditch easement because we have no useful purpose for keeping it of record.
Mayor Furton stated there is no need for the Henry Ditch as there is nowhere to deliver water to. Trustee Slaughter stated the Henry ditch is/was predicated on the proposed Henry Reservoir.

MOTION: Trustee Kroschel made a motion to abandon the Town's Henry Ditch easement as advised by Town Water Attorney Steve Monson; seconded by Trustee Wilson. Motion carried unanimously.

Ed Rogers, 4500 CR 214, requested a copy of the abandonment when it is available. The Board agreed to provide a copy. Teresa Dunlap, Poncha Lodge owner, asked if this is the ditch that runs by her motel. PW Director Smith stated it is not.

Resolution #2013-2, Approval of Three Mile Plan

MOTION: Trustee Slaughter made a motion to adopt Resolution #2013-2 Adopting a Three Mile Plan; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

NEW BUSINESS:

Chaffee County Fairgrounds – Liquor License Renewal

MOTION: Trustee Wilson made a motion to approve renewal of Chaffee County Fairgrounds Optional Premises liquor license; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

ADMINISTRATOR'S REPORT:

Update on Xcel's Special Land Use Application

Administrator L'Estrange reported:

We had this item on our last agenda for review and comment and we did send a letter to the County with our recommendations. However at the County P&Z Public Hearing several of the Town's citizens expressed concerns that Staff had not entirely considered. Since that Public Hearing we've had several citizens come into Town Hall and voice what are legitimate concerns and even got a petition together to present at the 2/7/13 continuation of the Public Hearing. Some 54 names of residences' from the West side of Town, wanted me to help articulate their concerns to the Commissioners I have been in contact by phone with Xcel representative Cathy Worthington (Area Manager and Local Government Relations) who assured me they would try and reach-out to citizens who voiced concerns to see what could be done. At last night's meeting The Chaffee Planning Commission listened to the citizens issues and made a recommendation that addressed most of the citizens' concerns.

Erwin Verhoeven, 723 True Ave., stated a petition had been circulated with 54 signers in regards to the Xcel land use application. He went on to say concerns of town residents are the wastewater containment pond and possible pollution, flag pole annexation, with this property bordering town property, monetary loss of property values. Trustee Slaughter stated he has concern with possible pollution from the wastewater containment as well. Mayor Pro-tem Scanga stated he is not favorable having County land surrounded by Town land. L'Estrange stated Xcel stated they might look at annexation in the future. Rick Ediger, 700 Hoover Circle, stated he would like to see Administrator L'Estrange advocate for town residents, noting he did an excellent job at the last meeting. The Board agreed Administrator L'Estrange should attend the county meetings and advocate for citizens' concerns. Administrator L'Estrange stated the County will meet on this again tomorrow and he will attend.

Update on ESCI Oversight Committee Meeting

Administrator L'Estrange reported:

A little background to update you on what ESCI is all about. Poncha Springs contributed our share of funding to a study done by Emergency Service Consulting Incorporated to see if there was any viability to combining emergency services throughout the county. That was a look at Fire Departments, EMS and perhaps Dispatch covering all of Chaffee County and maybe western Fremont. ESCI produced a comprehensive report with lots of options for improvements as well as combinations of operations. That report has in the position of the various agencies for some time now for their review. As you can imagine getting four Fire Departments, county EMS and the Dispatch/Sheriff to agree on anything is a huge task. An Oversight Committee was convened to see which parts of the report could/should be implemented. Poncha Springs doesn't have a big part to play in this discussion because Chaffee Fire covers the Town but we still want to be involved. I attended the oversight meeting and got tasked to a couple of sub committees, and will do my best to fulfill my obligations. I will keep you updated as to progress made by this group.

SIPA Computer Grant

Administrator L'Estrange reported:

Dee through her ingenuity was able to get a Grant from the Colorado State Internet Portal Authority to obtain a computer to be used by the public at the counter. We will load it with the various Town forms, maps and hopefully allow building permits to be filled out electronically.

Broadband Update Meeting Regarding Eagle-Net

Administrator L'Estrange reported:

Staff attended a meeting set up by Senator Bennett's office regarding the progress of Eagle-Net's expansion of Broadband to our area. Dee's memo to P&Z does a good job of summarizing that meeting.

Update on Poncha Springs Industrial Park

Administrator L'Estrange reported:

You may remember that Kari Linker from the State's Office of Economic Development visited our Industrial/Business Parks a few weeks ago. We are enclosing an email that indicates they will be coming back to our area later this month or early March. This time we will have a total Staff presence available to meet with the group. As dates become available we will pass them on to you so that elected could also participate.

Discussion of Trail Easement on Poncha Estates Property

Administrator L'Estrange reported:

A few weeks ago Dee came to me with a question about the possibly of obtaining a grant that would allow us to commence starting the trail outlined for Poncha Estates property. I told her to go through the normal process in order to get the question in front of the Council. She presented the question to the P&Z commission at their February 5, 2013 meeting for discussion and recommendation. Unfortunately those members in attendance were not totally familiar with this project and questions arose. I was made aware of this trail when I first came to work for the Town in 2010 and that the subdivision was in foreclosure and we only had a bank to correspond with to answer questions. Later while working on another easement we had Town Attorney Redmiles review this easement as a template. When the current owners were contemplating purchase they came in and we discussed the trail easement at length. Again when the Anton's were seeking a change in their building envelope that would affect the trail alignment I told them we could work out the alignment around the new site. I was hesitant to put this item on the agenda due to the amount of items that needed to be dealt with, but Dee felt there was a directive to bring it to this meeting. I can re-refer the question to Brad at an additional expense.

Administrator L'Estrange stated he is bringing this item to the Board for a determination on whether or not the Board would like the Town to apply for the grant. He went on to say he has some concern with the Attorney looking at the easement language as an additional cost to the Town. L'Estrange stated an error had been made in the Poncha Press, noting the trail length was stated to be 1 mile and it is ¼ mile, noting the correction has been made. L'Estrange stated the Town will not be able to continue the trail until

development occurs. He went on to say River Trails are important, in other areas, when development happens. Ken Teter, 543 True Ave., asked where the trail is proposed to be located. L'Estrange stated the trail is proposed along the south side of the Little River on the Anton property, noting the trail easement was granted when the development was approved. Teter stated property owners own to the center of the river, noting a trail might be a trespass issue. L'Estrange stated this is the case in other areas of Colorado as well. Mayor Furton stated the grant is for \$60,000 with a \$6,000 cash match and \$20,000 in-kind match, noting the \$60,000 might not be adequate to design, engineer and build the trail due to the geological makeup of the land. Dana Nachtrieb suggested redwood as a construction material option. Mayor Furton stated it needs to be determined what the full cost of building the trail would be and also who/how the trail will be maintained after construction. Administrator L'Estrange stated the Trail Easement is follow-up work on staff's part, noting it is not determined if the grant would be the right fit. He stated staff is asking for Board direction. Mayor Pro-tem Scanga stated the Planning Commission discussed the trail, noting taking care and maintaining existing structures and trails was discussed and might better serve the Town better at this time. L'Estrange stated there is a ten year window for the trail, noting 2016 as deadline date. L'Estrange stated with development it is standard to ask for trail easements, noting full trails are a work in progress. He went on to say Boards and opinions change over time in regards to trails. Mayor Furton stated he does not know if the Town has adequate funding at this time. Trustee Angelo stated with the economy and revenue where it is he also does not know if the Town has adequate funding for a trail project of this type. Trustee Kroschel stated with development, historically the Town has asked for trail easements. L'Estrange stated the Board has some time to give the project some thought, agreeing with the Board on the funding. The Board agreed to hold off on applying for grant funds for the proposed Poncha Estates Trail at this time. Dale Anton stated the trail location is a unique due to geological make-up of the land.

Request for Support

Administrator L'Estrange stated a citizen had asked if the Town would have interest in supporting, through paid advertising, his daughter in Miss Colorado contest. The Board agreed the Town supports group efforts and individuals might be better served through support from individuals and businesses.

UAWCD Proposed Water Storage Authority

The Board agreed not to participate in the UAWCD Proposed Water Storage Authority.

ATTORNEY'S REPORT:

Attorney Redmiles reported there is some movement in the TOMAR case, noting several claims have been dismissed. He noted there is one more motion to dismiss and then the appeals will start. Attorney Redmiles stated the Cross Roads Retail Park quiet title publication and paper work is ready to go.

MAINTENANCE & UTILITIES:

February 6, 2013 meeting report

PW Director Smith reported there is some opportunity to lease some of the Town's water. Mayor Furton asked what the value is and for what term. Smith stated that is undermined at this time. Furton ask who has interest. Smith stated a consortium of farmers. Furton stated legality as a concern. Trustee Kroschel stated he would recommend the "leasee" should pay all associated costs if the Town should consider this. Smith stated he has let them know this already. Dana & Dee Nachtrieb asked for clarification on what water the Town would be considering leasing. Mayor Furton stated the Friend Ranch water, not water

from town wells. Staff will follow-up on the pros and cons of the proposal and report back to the Board for a determination.

EXECUTIVE SESSION:

MOTION: Trustee Wilson 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 C.R.S. §24-6-402(4)(b) regarding: land use; to include the Mayor & Board, Town Attorney and Town Administrator; seconded by Trustee Slaughter. Motion carried unanimously.

The regular Board meeting adjourned at 8:15 p.m.

The Executive Session convened at 8:18 p.m.

The Executive Session adjourned at 8:35 p.m.

The regular Board meeting reconvened 8:35 p.m.

With no further business the Board meeting adjourned at 8:35 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton, Mayor

Attest:

Jerry L'Estrange
Town Administrator