

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

MONDAY, DECEMBER 10, 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
Trustees Present:	Aaron Kroschel, Galen Angelo, Ron Slaughter, Rebecca Massey
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller
Visitors:	Joe DeLuca, Paul Crabtree, Dale & Susan Anton, Andrew Mackey, Joe Stone (Mtn Mail)

APPROVAL OF MINUTES:

MOTION: Mayor Pro-tem Scanga made a motion to approve November 5, 2012 Special Board meeting minutes and November 26, 2012 Regular Board meeting minutes ; seconded by Trustee Kroschel. Motion carried unanimously.

OLD BUSINESS:

Ordinance #2012-4 Adoption of 2011 National Electric Code

Administrator L'Estrange stated the adoption of the ordinance would come after the public hearing.

NEW BUSINESS:

Resolution #2012-6, 2012 Budget Amendment

MOTION: Trustee Kroschel made a motion to approve Resolution #2012-6, 2012 Budget Amendment, as provided; seconded by Trustee Slaughter. Motion carried.

OLD BUSINESS:

Crabtree Group Land Use Code Update Proposal

Joe DeLuca, Crabtree Group, updated the Board on the proposal and process for the Land Use Code update. Mayor Furton asked if the proposal included the completed document. DeLuca stated yes, Crabtree Group would take the Town through the process and complete the document as outlined in the proposal. He went on to say a digital copy would also be provided to ensure the Town could amend/update the document as needed in the future.

MOTION: Trustee Kroschel made a motion to approve the Crabtree Group Land Use Code Update Proposal; with Attorney Redmiles to contact DOLA to see if the soul source contract was acceptable; staff and Attorney Redmiles will perfect the contract with Crabtree Group for the Mayor to sign so the project can move forward; seconded by Trustee Slaughter. Motion carried unanimously.

NEW BUSINESS:

Resolution #2012-7, Adopt 2013 Budget

MOTION; Trustee Slaughter made a motion to approve Resolution #2012-7, Adapt 2013 Budget; seconded by Trustee Kroschel. Motion failed with Trustees Kroschel, Slaughter and Angelo voting yes and Mayor Furton, Mayor Pro-tem Scanga and Trustee Massey voting no.

Mayor Furton stated he would like to sort through the budget and see if any dollars could be found. Trustee Massey stated she has stood on her opinion of not spending reserve funds. Trustees Kroschel and Slaughter spoke in favor of the budget, noting it is balanced and work sessions were held to develop it. Trustee Angelo stated he thinks we(town) have a good budget, noting it is difficult to look into the future and know exactly what will develop. Mayor Furton stated there are areas that are not being funded, noting the chip seal will need redone in the future. Administrator L'Estrange stated the chip seal overlay done in 2012 should be a five year fix, noting the budget is very conservative. Mayor Pro-tem Scanga questioned if there was adequate funding in the public works department, noting a machinery (backhoe) break down could cost well over the budgeted \$5,000. PW Director Smith stated he is going off of history, noting over the past years the budgeted amounts have been adequate. Mayor Furton stated he is not in favor of spending reserve funds. Trustee Kroschel stated this discussion should have happened during the budget work sessions. Administrator L'Estrange stated the General fund has only one capital outlay using reserve funds, the Land Use Code Update. He went on to say the ACP/Hwy. Diet project is using funds that were/are appropriated for only this type of use. Trustee Slaughter spoke in favor of the 2013 Proposed Budget, noting work sessions were held and it seems the numbers were agreed upon. Administrator L'Estrange stated if the Board is giving staff direction to cut the budget by \$127,000 it is almost impossible. Mayor Furton stated if the 2013 Proposed Budget is approved he wants the Board to go to work and see what can be done to reduce the amount of reserves that will be spent. Mayor Furton and Mayor Pro-tem Scanga stated a good deal of ditch work will be needed on the Acequia with the increased amount of water that is available from the Friend Ranch right. Mayor Pro-tem Scanga stated he wants to focus on what the people of the town want, noting the ditch is a topic of concern he hears. Administrator L'Estrange stated the town has until December 31st to pass a budget. Trustee Kroschel stated at the time he was elected, some years ago, the town could not pay the light bill. He went on to say over the years reserves have been built up for the hard times. Administrator L'Estrange stated if the town does not adopt a budget the state puts the town back to the 2012 budget less 10%. Mayor Furton stated he wants the Board to work on cutting reserve spending. The Board agreed to monitor the financials on a quarterly basis looking at ways to reduce reserve spending.

MOTION: Trustee Slaughter made a motion to approve the 2013 Proposed Budget as presented; seconded by Trustee Angelo. Motion carried unanimously.

Resolution #2012-8, Appropriating 2013 Sums of Money

Attorney Redmiles stated he had added the appropriate CRS to the first whereas and edited the third whereas to read "it is necessary to appropriate....."

MOTION: Trustee Kroschel made a motion to Approve Resolution #2012-8, Appropriating 2013 sums of Money; as corrected by Attorney Redmiles; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

2013 Proposed Holiday Schedule

MOTION: Trustee Kroschel made a motion to approve the 2013 Proposed Holidays as presented; seconded by Trustee Slaughter. Motion carried unanimously.

2013 Meeting Schedule Approval

MOTION: Trustee Slaughter made a motion to approve 2013 meeting schedule as presented; seconded by Trustee Kroschel. Motion carried unanimously.

4 Alarm Liquor License Renewal:

MOTION: Mayor Pro-tem Scanga made a motion to approve 4 Alarm Liquors Retail Liquor Store license renewal; seconded by Trustee Slaughter. Motion carried unanimously.

Cancel December 26, 2012 Board Meeting

MOTION: Trustee Slaughter made a motion to cancel the December 26th Regular Board meeting; seconded by Trustee Kroschel. Motion carried unanimously.

Request by Dale & Susan Anton, 6120 US Hwy 285 – Poncha Estates

Dale (Susan) Anton stated their request is to move the building envelope on their property located at 6120 Hwy 285 from the North East corner for the North West corner. He stated the North East building envelope is located within wetlands and the North West building envelope is not, this meeting requirements of the Corps of Engineers and the nature conservancy. (not building within wetland areas) Anton stated they purchased the property in 2010 and over time the parcel has grown into the Town's new Comprehensive Plan directive which states Agriculture and non-reliant on city services. Andrew Mackey, former Conservancy District executive, informed the Board when the conservancy was setup the plat had two building envelopes, noting when the property owner selected one the other went away. He went on to say during the town approval process the town requested the one of the building envelopes be removed, and the North West envelope was removed. Mackey stated it is common practice for conservancy easements to provide two building envelopes, and as he stated before, when one is chosen then the other goes away. Mackey also noted the parcel will remain open space forever. Anton letter of request:

*Poncha Estates Narrative
6120 S. US. Highway 285
Poncha Springs, CO.*

Town Board meeting 12-10-12

Subject: Moving the existing building envelope Lot 1b from the existing NE corner to the NW corner of Lot

*Dale and Susan Anton owners of Poncha Estates request the Board to allow Administrative approval under Poncha Springs Land Use Code 3.2.3. We feel that this will be the most efficient way to resolve our concerns and allow us to move forward in a positive direction to construct our residence in the most practical way possible while keeping with the Towns Community Character & Growth policy CCG-9. This proposal actually will enhance the open space feel and view corridors and will mitigate obtrusions of buildings in the immediate site of commuters coming into town from the South. It is our intention to trade the NE envelope for the NW envelope and abandon any use in the NE corner of the property. We will actually remove the existing gravel roadbed that protrudes north westerly from the fence near the bridge for a couple hundred feet to nowhere and re seed the area to restore its natural beauty as well. The existing envelope was approved without an access granted. A letter from CDOT dated 11-7-06 stated that "The lot would have to be accessed from the current county road". That would be impossible as that access would have to come right through the main surface water flows and wetlands of the property. Access to the new envelope will be off of Mud Springs Road which is already an approved access to the highway. It will follow the western boundary of the property on an existing drive surface which will be improved to meet driveway standards. It is our intention to try and hook up to city water and sewer, to the extent economically possible. We have an existing water tap paid for and we are paying 30 dollars a month to keep it active. We also have an "approved" septic system design by an engineer that complies with all health and environmental standards as well as watershed protection standards. This design was accepted by Chaffee County in 2011 and was partially based on the fact that it was impractical to hook up to a service based on natural and manmade obstructions similar to the very recent granting to the Town of Poncha Springs of the septic system at the Hutchinson Ranch. In relation to the existing building envelope, this proposal has absolutely no negative but all positive attributes and will serve the community in the best ways possible. We intend to construct a nice Mountain style home, a rustic style barn and detached garage on the site and will keep to the rural nature of the area. This avenue also is in line with the new Comprehensive plan directive for our property which states Agricultural and non reliant on City services. We have included and wish this letter from our **Engineer Tom Hollingsworth** to be included as an attachment to this Narrative.(attachment to minutes)*

*Sincerely,
Dale and Susan Anton*

MOTION: Mayor Pro-tem made a motion to approve the building envelope change request, approving the North West building envelope, with the North East building envelope going away; seconded by Trustee Slaughter. Motion carried unanimously.

Planner Miller asked the Anton's if they have the intent to go around the Land Use Requirement for Administrative Approval. The Anton's stated they were willing to follow town requirements regarding moving the building envelope from the North East to the North West. Attorney Redmiles stated the Board has approved the request and if an Administrative process is needed staff can follow up with it. Administrator L'Estrange stated he would follow up with the Anton's.

ADMINISTRATOR'S REPORT:

Colorado Amendment 64 Update

Information provided in the packets. Administrator L'Estrange stated this paper talks about specific issues of employees, marijuana and workplace regulations. He went on to say while probably never being a problem with our current Staff I know it has come up in a Town in our surrounding area.

CIRSA Claim Update

Information provided in the packets. Administrator L'Estrange reported he is passing along our investigating decision from our CIRSA representative regarding the Century Link cable cut. He noted while it may not be the last word on this issue it seems to be in the Town's favor.

AT&T Announcement

Information provided in the packets..

Update on EagleNet Broadband Efforts

Information provided in the packets. Administrator L'Estrange reported: CCEDC's consultant Brian Wagner has been working carefully with us to get splice points established in the Poncha Springs area. The chart provided is a little hard to interpret but all of our locations are in the lighter shading referred to as pink in the text. We continue to make progress as these negotiations proceed.

CDOT FIR Meeting for US Hwy 50/285 Poncha Springs Intersection Project

Administrator L'Estrange reported:

We have sent you this notice and associated material by email but realize that sometimes that message gets overlooked. This meeting will be at 10:00 AM at the C-DOT Maintenance Conference Room on Fairgrounds Drive, December 12, 2012. This will be our first chance to review the proposed plans. C-DOT would like to have a Public input meeting as soon as possible, which looks like January 7, 2013 at this point.

PW Director Smith asked anyone wanting more information to contact him He stated CDOT wants to move forward with the project. Smith stated the agreement was to construct the intersection/light, the fourth leg (Poncha Ave.), and do the striping, to include striping in the medians. Mayor Furton stated the agreement was to bring the plan to the Board at 30% for a determination. Smith stated this was correct and a meeting with a public hearing will be scheduled sometime in January. Mayor Furton ask if the drawings would be large enough to see the proposed project. Smith stated they would be.

Update on P&Z Workings

Information included in the packets.

Administrator L'Estrange reported:

The Planning Commission has been working on their revisions to that body's makeup and should have results soon for the Board. We are including a list of suggested revisions to incorporate into the Land Use Code Revisions. Please make any suggestions you feel appropriate.

Geothermal Services from Colorado Geological Survey Cuts

Information included in the packets.

Administrator L'Estrange reported:

It appears that Colorado Geological Survey is headed towards being combined with the Colorado School of Mines as a part of budget consolidation. This move may impact some of the help we have gotten in the past towards developing geothermal projects. We are being asked for a support letter to keep this merger from happening. I would never issue such a commitment letter without getting Board approval. As a person who formulates and implements budgets I can understand their position but understand the State's needs to conserve. I will look for your direction on this

matter.

The Board agreed not to send a letter of support.

Reminder of CCEDC Meeting

Information included in the packets. Administrator L'Estrange asked anyone wanting to attend to let staff know.

OTHER:

December 18 , 2012 Open House

Staff reminded the Board of the upcoming Open House the Planning Commission is having. Staff stated this is a step for the Land Use Code update project.

Board/Planning Commission Retreat

Planner Miller informed the Board that the Retreat/Planning Session will be scheduled in January. The Board agreed to January 17th & 18th, providing the Fairgrounds meeting room is available. Staff will follow up.

MAINTENANCE & UTILITIES:

December 5, 2012 Meeting Report

Included in the packets.

Welcome Center Signage

PW Director Smith informed the Board Alison Ramsey, Director of GARNA, forwarded signage panels for the Welcome Center for their review. Smith provided a color copy for Board review and comment.

PERSONNEL:

December 10, 2012 meeting

Administrator L'Estrange stated he is working on employee reviews/evaluations.

With no further business the regular Board meeting adjourned at 9:10 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton, Mayor

Attest:

Jerry L'Estrange
Town Administrator