

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

MONDAY, MARCH 25, 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, 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:	

APPROVAL OF MINUTES:

MOTION: Trustee Slaughter made a motion to approve March 11, 2013 Board meeting minutes; seconded by Trustee Wilson. Motion carried unanimously.

OLD BUSINESS:

Leasing of Excess Water

PW Director Smith informed the Board Colorado Protective and Development Association and Arkansas Groundwater Users Association have interest in leasing excess water. He went on to say he provided a copy of the proposed leases in the packets for Board review. Smith stated the lease is dependent on the availability of the water, if there is available water the town will lease and if due to drought there is no water available the town will hold not liability. He stated the proposed leasing price is \$150 an acre foot. Trustee Angelo asked if the town had 150 af in 2012. Smith stated the Friend Ranch water case was completed in mid-2012 this being at the end of the water season. Smith stated the town needs to perfect the right and the use/lease of this water will aid in this effort. Mayor Furton stated exact legal language is needed in the lease agreement. Administrator L'Estrange stated with Board consensus the lease agreements will be sent to Water Attorney Monson for review/approval. Attorney Redmiles will look into TABOR requirements regarding the proposed lease of the water. Mayor Pro-tem Scanga asked what the revenue will be used for. L'Estrange stated it would be used to offset the cost of the UAWCD annual maintenance and storage fee for the 216 units. The Board consensus was to have staff follow up with Water Attorney Monson to review/approve the proposed leases and report back to the Board on the determination.

Update on DOLA Water Grant

Administrator L'Estrange reported:

The DOLA water improvement grant is due date is June 2013. He went on to say DOLA iterated unless the Town is able to have a project underway by June 2014, it would not be beneficial to renew the grant. He went on to say the grant is designed for water improvements at Friend Ranch development. L'Estrange stated if the existing grant is not used at Friend Ranch the balance needs to be turned back and if the town is interested in water improvements within town they will need to reapply for grant funding

for this. He went on to say it is understood if another grant is applied for it might not be awarded due to economic times and others seeking grant funding. Trustee Kroschel stated he feels it would be prudent to let things settle out before the town approaches another project. Administrator L'Estrange stated when considering a \$90,000 cash match would be needed, the enterprise fund balance would be negatively affected. The consensus of the Board was to turn the remaining monies on the grant back. Staff will follow up.

ADMINISTRATOR'S REPORT:

Invitation to CCEDC Investors/Members Breakfast

Administrator L'Estrange reported:

I know that morning meetings are difficult for most to attend but you have been invited to the CCEDC quarterly update at the Mt. Princeton Hot Springs Resort April 2, 2013 from 7:30 to 8:30am. If you can make the date just let Diana know as soon as possible.

Letter of Support Hutchinson Homestead Ranch and Learning Center

Administrator L'Estrange reported:

SPOT is seeking what they are describing as their last Educational Grant to develop interpretive materials for the new visitor center on the property. We are being asked to provide a letter of support for their efforts. The Town has in the past been very supportive of the efforts at the Hutchinson Homestead but I always like to pass these requests by the Council before a letter is prepared.

The Board agreed to send a letter of support. Staff will follow up.

National Forest Service Salida Land Exchange

Administrator L'Estrange reported:

This is for your information. We have been notified as an interested party about the Salida Ranger District considering a land exchange proposal between the Colorado State Land Board, several private parties and the U. S. Forest Service. We have been asked for comments if you should chose to do so. I know the last time this came up several years ago the Little Cochetopa State School Trust property generated some controversy. This appears to be a different proposition that could be a win-win for all parties. If you want Staff to comment just give us direction.

Mayor Pro-tem Scanga asked for clarification on how the parcels lay and how the exchange is setup. Administrator L'Estrange referred to the information in the packet:

Under the proposal, the public would acquire the 320-acre Little Cochetopa State School Trust property located southwest of Poncha Springs and 622 acres of privately-owned inholdings in the Collegiate Peaks Range.

In exchange, five National Forest parcels would be conveyed. These parcels include 14.10 acres adjacent to Elk Mountain Ranch near the Futurity Townsite east of the Browns Canyon, up to 522 acres northeast of Salida adjacent to the Treat Ranch, 311 acres located west of Mears Junction/Highway 285 to the south of Poncha Springs adjacent to the Smith Ranch, up to 399 acres at Trout Creek Pass on the west side of Highway 285 adjacent to State Land Board property, and a 0.37-acre parcel north of Maysville.

Each Federal parcel abuts private or State lands owned by an exchange proponent and will be assembled with the proponent's existing non-Federal lands. Some of the Federal parcels may be reduced in order to equalize values with the parcels being offered to the public.

Trustee Kroschel commented any potential development that might affect Town water rights should be monitored. Administrator L'Estrange stated staff will stay abreast of the proposal and report to the Board on any concerns.

Update on PDGA Disc Golf Tournament

Administrator L'Estrange reported:

Josh Weum followed up after our last meeting and sent us all the information we asked for and has no problem meeting our conditions. We look forward to working with his group to get this event up and running.

Attorney Redmiles asked if CDOT needed to be contacted regarding the parking, Trustee Massey asked if fire and smoking needed to be addressed in the plan. Administrator L'Estrange stated he would follow up with staff on these points.

ATTORNEY'S REPORT:

Attorney Redmiles reported

1 – TOMAR dropped all claims against FRIG, noting he does not have any details on this. He stated Friend Ranch family still has claims as far as he knows. Redmiles stated it doesn't seem likely that the October trial will be held.

Trustee Wilson stated it seems ownership needs to be defined first. Redmiles stated yes, noting the subrogation that occurred when Bent Tree took over is causing some confusion on who is in first position.

FINANCE:

March 25, 2013 meeting

MOTION: Trustee Wilson made a motion to pay February bills; seconded by Trustee Slaughter. Motion carried unanimously.

OTHER:

PW director Smith asked to move the M&U meeting up a week due to a scheduling conflict. He stated he would like to discuss the CR 120 Trail project in depth. The Board agreed to hold a worksession after the April 8th Board meeting to discuss the CR 120 Trail project.

With no further business the Board meeting adjourned at 7:25 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton, Mayor

Attest:

Jerry L'Estrange, Town Administrator