

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

**MONDAY, APRIL 8, 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:	Don & Cathy Dill, Joe Stone(Mtn Mail)

**ADDITIONS, DELETIONS, OR CORRECTIONS TO AGENDA:**

Administrator L'Estrange requested the work session be held before the Executive Session so those interested could attend. The Board approved moving the work session up.

**APPROVAL OF MINUTES:**

**MOTION: Trustee Wilson made a motion to approve March 25, 2013 Board meeting minutes; seconded by Trustee Slaughter. Motion carried unanimously.**

**OLD BUSINESS:**

**Request for a Board Review on a Building Code Section**

Administrator L'Estrange informed the Board a request for Board of Appeals review on a building permit issue has been requested. He went on to say in the past the entire Board has served as the Board of appeals in an instance like this. Attorney Redmiles stated he reviewed the code/IGA and it states the Board will serve as the Board of appeals. L'Estrange stated a meeting time needs to be set so Bill Paradise of the County Building Department can attend. The meeting was tentatively scheduled for April 16<sup>th</sup> at 5:30 p.m. Staff will follow up with Mr. Paradise to see if this works for him. Mayor Pro-tem Scanga asked if there was material/information for the Board on this matter. L'Estrange stated the material would be provided at the appeals meeting so the board could hear both sides and make their decision based on the information provided at that time.

**Discussion/Approval of Authorizing Retail Liquor Stores to Conduct Alcoholic Beverage Tastings**

Administrator L'Estrange reported:

*This could be a good tool to increase business at our local store. This type of operation is tightly controlled by the State, done in many other communities and I could not find any incidences of abuse. And while it may seem a little presumptuous of us to have a Resolution ready it is available if you choose to act.*

Attorney Redmiles stated staff had not sent the Resolution to him for review/comment. He stated the Resolution needed tidied up as the spacing made it hard to read. He stated he did not see any major content error(s) but would review it and send to staff. Mayor Furton asked for clarification on the Board serving in this capacity. L'Estrange stated in other communities there is an official Board of Appeals/Adjustments, noting the Board may want to look into making a change. Mayor Furton stated the County Building Department serves as the Town's Building Official, stating in his opinion it is not quite right for the Town Board to make determinations on building code matters.

**MOTION: Trustee Slaughter made a motion to approve Resolution #2013-4, Authorizing Retail Liquor Stores to Conduct Alcoholic Beverage Tastings, with Attorney Redmiles minor changes; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.**

#### **ADMINISTRATOR'S REPORT:**

##### **Modification of the LUC Section 2.8 Nonconforming Uses and Structures**

Administrator L'Estrange reported:

*P&Z has looked at some suggested language that would modify 2.8.1 section of the Land Use code that came under question as it pertained to the Mountain Valley Mobile Home Park. Staff was directed to correct the perceived confusion of the language regarding "conveyance of the property" as used in that section. The new language developed by Joe DeLuca, Crabtree Group, should satisfy the concerns of the current owner and gives a new owner the latitude to keep the property in its existing state. Because we will be doing this as a LUC amendment it will require a public hearing which will be scheduled on the April 22, 2013 meeting. I realize that Mr. DeLuca has been involved with many of our new issues however calling upon him for extra items is running up the bill against getting the new code in place. We need to be guarded when seeking him out for conversations on items Staff should be handling.*

The Board agreed on the modification provided for Section 2.8. Staff will draft an Ordinance for this change and forward it to Attorney Redmiles for review/approval.

##### **Request for Help with an Economic Development Endeavor**

Administrator L'Estrange reported:

*Late in March I met with a Representative of a Hotel Chain and a local commercial land owner about the possibility of a thirty five unit building in Poncha. The conversation went well and there appears to be some potential for the project. The property owner has come back to me asking if the Town could participate in the feasibility required as a first step in the process. I expressed the Town had no funds to put towards that type of project but I would talk to Wendell Pryor at the CCEDC to see if anything could help. My question to the Board is do we want to get involved with this project in any fashion i.e. Staff time etc. It could be a good opportunity but best left to the private sector.*

L'Estrange stated a study will be needed to see if the location can support the proposed development. He went on to say the Town does not have any incentives to offer due to size and limited budget. The Board agreed the Town did not have the means to offer any financial support in a feasibility study for the proposed development. Mayor Furton stated he feels this is a private sector endeavor.

##### **Update on CCEDC Meeting**

Administrator L'Estrange reported:

*The April 2, 2013 breakfast meeting was well attended and a lot of information was given out. I was able to give a short summary of things happening in Poncha.*

### **Chaffee County Public Hearing on Geothermal 1041 Regulations**

Administrator L'Estrange reported:

*The meeting was to determine if "Use of Geothermal Resources for the Commercial Production of Electricity" was an activity of State interest. I spoke at the hearing and expressed while we didn't want to be over regulated if they were going to have 1041 regulations to get them developed as quickly as possible. They determined that 1041 regulations would be appropriate and draft copies would be available soon. I got a set of boot-legged regulations and have been working on comments for the upcoming hearings.*

### **Reminder of Poncha Springs Water Restrictions**

Administrator L'Estrange reported:

*Although we have never lifted our watering restrictions I think we should do some sort of new campaign to get people's attention. I know some municipalities are sending out reminders with water bills. We would appreciate your ideas on this subject.*

The Board discussed options for reminding citizens of water restrictions. Mayor Pro-tem Scanga suggested the town's newsletter and an article in the Mountain Mail. Trustee Kroschel stated in past years the Public Works Crew would keep an eye on watering days and times and if the need be shut off the outside water spigot. Attorney Redmiles suggested a calendar showing watering days. Clerk Heeney suggested printing a reminder on the back of the billing cards. Staff will follow up and get reminders out.

### **CML Spring Outreach Meeting, Tuesday, May 21, 2013 Canon City**

Administrator L'Estrange informed the Board that CML Spring Outreach meeting will be held in Canon city this year asking anyone that would like to attend to let staff know.

### **Intergovernmental Meeting, Tuesday, April 30, 2013 Buena Vista**

Administrator L'Estrange informed the Board the quarterly Intergovernmental Meeting will be hosted by Buena Vista on Tuesday, April 30 at 6 p.m. He asked those that will attend to let staff know and asked for any agenda items they might have.

### **ATTORNEY'S REPORT:**

Attorney Redmiles reported:

1 – TOMAR case – several of the Friend Family claims against FRIG and the individual officers, have been dismissed, noting he does not have any details on this. Redmiles stated he has not seen anything about vacating the trial but it doesn't seem likely that the October trial will be held as claims continue to be dismissed.

### **MAINTENANCE & UTILITIES:**

PW Director Smith reported:

1 - Brian Martinez has passed his small systems water test and has his license now.

2 – he followed up on pricing for leased water as the Board directed and re-negotiated the price to \$300 af, noting the lessees have requested a three year period lease, with the option to renew annually. Mayor Furton asked if Town Water Attorney Monson has reviewed/approved the lease language. Smith replied yes.

With no further business the Board meeting adjourned at 7:10 p.m.

The Board conducted the work session for the CR 120 Trail Project.

At 8:15 p.m. the Board meeting was reconvened.

**EXECUTIVE SESSION:**

**MOTION: Mayor Furton made a motion to adjourn to executive session for a conference with the Town Attorney for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. §24-6-402(4)(e) regarding: sale of town property; to include the Mayor & Board, Town Attorney and Town Administrator; seconded by Trustee Slaughter. Motion carried unanimously.**

The regular Board meeting adjourned at 8:16 p.m.

The Executive Session convened at 8:16 p.m.

The Executive Session adjourned at 8:52 p.m.

The regular Board meeting reconvened 8:52 p.m.

**MOTION: Trustee Slaughter made a motion to decline the offer on the retail park lot and take the lot off the market until the Land Use Code update has been completed; seconded by Trustee Wilson; motion carried 6-1 with Mayor Pro-tem Scanga dissenting.**

Mayor Pro-tem Scanga stated he would prefer the town counter, if the party is ok with that they would not be obligated unless they were satisfied with the use developed for the lot through the land use code update. Trustee Kroschel stated the town has to be prudent in this matter as the Land Use Code update is in process and public input has to be taken for the Board to determine how the use language will read. He went on to say the land use language is undetermined at this time. Trustee Angelo stated the offer was made contingent on the outcome of the Land Use Code update. Attorney Redmiles stated you decline the offer, wait until the Land Use Code update is completed and not predetermine how the language will read without public input and after the code update a bid can be resubmitted. Mayor Pro-tem Scanga stated with this the town has nothing, stating if the offer were to be countered contingent on the outcome of the code the town would have the possibility of a sale. Administrator L'Estrange stated if the Board wants to make a change the motion needs to be rescinded and another made. There was no further Board action.

With no further business the Board meeting adjourned at 8:56 p.m.

Respectfully Submitted:

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Diana K. Heeney  
Clerk/Treasurer

Approved As To Form and Content:

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Richard Furton, Mayor

Attest:

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Jerry L'Estrange, Town Administrator