

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

MONDAY, MAY 28, 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, Rebecca Massey
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith - Absent
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller - Absent
Visitors:	Steve Rust, James Redmond(Mtn Mail)

APPROVAL OF MINUTES:

MOTION: Trustee Kroschel made a motion to approve May 13, 2013 Board meeting minutes; seconded by Trustee Massey. Motion carried unanimously.

NEW BUSINESS:

Ordinance #2013-2, An Ordinance Establishing Personnel of the Municipal Planning Commission

MOTION: Mayor Pro-tem Scanga made a motion to approve Ordinance #2013-2, Establishing Personnel of the Municipal Planning Commission; seconded by Trustee Kroschel. Motion carried unanimously.

Ordinance #2013-4, An Ordinance Establishing Duties and Compensation of Town Attorney

Mayor Furton asked for clarification on #2 – Town Attorney shall attend all meetings of the Board of Trustees. Attorney Redmiles stated this is outlined in C.R.S. 31-4-304. Mayor Pro-tem Scanga asked for clarification on #5 – Town Attorney shall draft or review and approve all contracts, resolutions, and ordinances. Scanga asked what if the Board approves one that the Town Attorney does not? Attorney Redmiles stated that is a non-issue. Trustee Kroschel asked for clarification on using an ordinance to establish duties and compensation of Town Attorney. Attorney Redmiles stated in C.R.S. it states when a new Board is elected an ordinance and swearing in of town officers is done, stating the Town has never done this in the past. Trustee Angelo asked for clarification on if the Town wants a different attorney. Redmiles stated the Board would give the serving Attorney written notice per C.R.S. 31-4-304. Trustee Angelo asked would it be the same if the serving attorney desired to leave. Attorney Redmiles stated yes, notice would be given to allow time to find a replacement. Trustee Massey asked when this was established in C.R.S. Attorney Redmiles stated in 1975.

MOTION: Trustee Kroschel made a motion to approve Ordinance #2013-4, Establishing Duties and Compensation of Town Attorney; seconded by Trustee Angelo. Motion carried unanimously.

Administrator L'Estrange stated typically a Municipal Code book would outline all this. Trustee Angelo asked if this is being worked on. Administrator L'Estrange stated yes as an aside to the Land Use Code update. L'Estrange stated in his years of service he has seen municipalities/towns not appoint officers after an election, meaning they were no longer employed by the municipality/town.

Ordinance #2013-5, An Ordinance Establishing Duties and Compensation of the Town Administrator

MOTION: Trustee Angelo made a motion to approve Ordinance #2013-5, Establishing Duties and Compensation of the Town Administrator; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

Ordinance #2013-6, An Ordinance Establishing Duties and Compensation of the Town Clerk and Treasurer

MOTION: Trustee Angelo made a motion to approve Ordinance #2013-6, Establishing Duties and Compensation of the Town Clerk and Treasurer; seconded by Trustee Massey. Motion carried unanimously.

Attorney Redmiles requested making the Ordinances retro-active to May 2012.

MOTION: Trustee Kroschel made a motion making Ordinance #2013-4, Ordinance #2013-5 and Ordinance #2013-6 retro-active to May 1, 2012; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

ADMINISTRATOR'S REPORT:

Water Exchange Case 09CW138 Update

Administrator L'Estrange reported:

By our meeting time I hope to be able to report that we have the County and Ranchers out of our water case. We have worked diligently with the County's Attorney to satisfy all his concerns, even the one where water runs uphill to a seep ditch. By making adjustments that won't substantially impair our ability to use our water and credits. Administrator L'Estrange stated there are still objectors in the case, noting the Water Attorney is working diligently to get the objectors to stipulate out so the case will not go to trial. He went on to say Attorney Monson thinks the objectors are all on the verge of stipulating out.

CML Outreach Meeting Update

Administrator L'Estrange reported:

I attended this meeting along with Steve Rusk representing the P&Z. There were over forty persons from numerous communities between us and Canon City area. We heard a presentation regarding bills from the last legislative session. Each community got to make a short presentation about their latest activities. We referenced everything going on in Poncha Land Use Code change, Highway Diet, economic issues and the stoplight. Several people remarked that we had a lot going on compared to other communities. And when you look back at our activity we really do have a lot of things in the works.

Update on Clean-up Day

Administrator L'Estrange reported:

We had good weather for our cleanup day maybe too nice and that cut down on people responding. Our dumpster

didn't get as full as past years but we got some unsightly materials out of the Town. We want to thank the Crossroads Church for the great lunch it was enjoyed by many citizens. The Community Garden folks also had a successful day generating their expansion plans.

Plat Amendment to Abandon a Roadway

Administrator L'Estrange reported:

I had an inquiry about the possibility of abandoning a prospective roadway in the very easterly portion of Little River Ranch. It would be an access to a portion of the Hutchinson Ranch property if it developed in the future. That portion of the ranch is soon to become part of a conservation easement thus prohibiting future residential development. We looked at a possible road vacation process but the Town doesn't own those roads yet. We were looking for a mechanism that could be as simple as possible to facilitate this change, thus seeking your guidance.

The Board discussed options for the pending request, agreeing a plat amendment would be the best approach. The Board agreed there should not be any costs incurred by the Town for this process, agreeing any and all costs shall be paid by the requester. The Board agreed to the following points:

- 1 – the Conservation Easement shall be in place first, with review and comments from the owners of the easement that no future connection is desired at this time
- 2 – a site inspection shall be done by the Town Board and staff
- 3 – a determination made on if the access is needed or will be needed in the future; with fire access a consideration
- 4 - no financial involvement by the Town

Disc Golf Tournament Update

Administrator L'Estrange reported:

It appears that the disk golf tournament was a success, everyone had a good time and I don't know of any problems. We got a nice write-up in the newspaper and I think it will be a go again next year.

Update on Chaffee County Fairgrounds Master Plan

Administrator L'Estrange reported:

We had another meeting at the Fairgrounds where the Consultant, Axel Bishop stated "We want to work toward creating a whole new social usage of the fairgrounds, creating an identity". We worked through an exercise of rearranging the existing grounds and discussed the pros and cons of each design. No general consensus was reached but we will continue to work on the project.

The Board was supportive of the effort and encouraged participation in the planning meetings.

Potential LiveWell Resolution/Presentation

Administrator L'Estrange reported:

We have been contacted by a representative of Live Well to have a presentation on a new program they have developed. Live Well has been a positive partner in our community garden development.

Administrator L'Estrange stated this would be a future agenda item.

2013 Operating Agreement for the Hutchinson Ranch and Homestead Site

Administrator L'Estrange informed the Board the agreement is very similar to the 2012 agreement, noting staff had made some changes and asked for Board input and Town Attorney review before the document is signed and returned. The Board agreed to have the Town Attorney review/approve the agreement before it is signed by the town. The Board discussed Town costs associated with the annual agreement, the consensus was to establish a standard agreement that would be put in place for renewal each year to eliminate Town Attorney fees for review and approval. Staff will follow up on working towards a standard agreement.

MOTION: Mayor Pro-tem Scanga made a motion to approve the 2013 Operating Agreement for the Hutchinson Ranch and Homestead Site pending Town Attorney review and approval; seconded by Trustee Massey. Motion carried unanimously.

ATTORNEY'S REPORT:

Attorney Redmiles reported in the TOMAR case an order to dismiss without prejudice the Friend Family pleadings against Bent Tree has been made.

Attorney Redmiles asked the Board about the logistics of the Board serving as the Planning Commission, asking if the Planning Commission meeting should be followed by a Board meeting due to the Planning Commission recommending and the final decision needing to be made by the Board of Trustees. Mayor Furton spoke in favor of one Planning Commission meeting on the second Monday of each month and one Board meeting on the fourth Monday of each month. He stated the purpose is to move the Land Use Code update forward in a timely manner. Trustee Angelo asked for clarification on the Planning Commission voting members. Attorney Redmiles stated voting members would be selected from those making up the Planning Commission. Trustee Kroschel stated the change in the Planning Commission should be short term, noting as soon as the Land Use Code update is completed the Board could work on getting back to the Planning Commission as it was, noting citizen involvement for the PC is needed. Attorney Redmiles stated he had seen a question on the Attorney Listserve regarding the change the Town has made in the composition of the Planning Commission. Mayor Pro-tem Scanga spoke in favor of one PC meeting and one Board meeting a month, noting this would allow time to digest and make decisions on topics of discussion.

Administrator L'Estrange asked Attorney Redmiles if he had done any research on a Municipal Judge and the costs. Attorney Redmiles stated he had talked to Larry Allan, Municipal Court Judge, regarding costs. Redmiles stated suggestions were an annual flat rate and/or per each court hearing. Attorney Redmiles stated he needs to look into it further and to look into the penalties associated with code violations. Mayor Furton asked why Attorney Redmiles was looking into this. Attorney Redmiles stated for code enforcement purposes. Administrator L'Estrange stated CML had published an article on code enforcement that would be beneficial to the Board. Mayor Pro-tem Scanga stated before the Town starts incurring costs the need for code enforcement has to be established. Trustee Kroschel stated in the past there have been a few times that the town has had to take a code violation to court. Trustee Kroschel stated with the Land Use Code update a mechanism could be put in place for code enforcement with the parameters if there is no need there are no costs. Attorney Redmiles suggested looking into an annual fee agreement. Trustee Kroschel stated the Board will need to look at associated costs. Mayor Furton spoke in favor of getting the Land Use Code update done first. Trustee Kroschel agreed. Administrator L'Estrange stated the Land Use Code will have enforcement and penalties in it. Attorney Redmiles stated without a means to enforce the Town will be right back to where it is. Administrator L'Estrange stated currently the Town deals with code enforcement on a complaint basis, noting some code violators comply and some don't. The Board agreed to continue working on moving the Land Use Code update forward with discussions to include code enforcement.

FINANCE:

MOTION: Trustee Kroschel made a motion to pay April bills; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

With no further business the Board meeting adjourned at 7:35 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton
Mayor

Attest:

Jerry L'Estrange
Town Administrator