

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

MONDAY, SEPTEMBER 23, 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, Rebecca Massey, Darryl Wilson
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Visitors:	Deborah & Reginald Westphal, Dee & Dana Nachtrieb, Karen & Larry Irvin, Rick & Tracey Ormsby, Kevin Thonhoff, Brian Brown, Carol Novak, John Spezze, Lillian Bender, Fred Klein, Keith Kirchner, Susan Smith, Ruby Taylor, Robert Mishata, John Leck, James Traynor, Brian McCabe(Mtn. Mail)

APPROVAL OF MINUTES:

MOTION: Trustee Slaughter made a motion to approve August 26, 2013 Board meeting minutes; seconded by Mayor Pro-tem Scanga. Motion carried unanimously.

OLD BUSINESS:

Administrator L'Estrange requested this item be moved up on the agenda. The Board agreed.

Noise Complaint Follow-up

Reginald Westphal stated he sees an additional noise problem at Ouray and Shavano, noting there was a group of young people who have disturbed other people by playing loud music as well as the noise complaint about High Valley Pub & Grub. He stated he would like to see a noise ordinance adopted to define how to deal with noise complaints. Attorney Redmiles asked to hear from Under Sheriff Spezze on the noise complaint that is before the Board and the Sheriff's Department has received calls on. Spezze stated the Sheriff's Department cannot enforce Town ordinances, noting several calls for service have been received by their department regarding the noise(at High Valley Center Pub & Grub). Spezze went on to say the owner of High Valley Pub & Grub has lived up to the Sheriff's Department requests that were made when they responded to the complaint call(s). Spezze stated it is not the responsibility of the County Sheriff's Department to enforce, noting he would like to see an agreement between the residents and the bar owner before a citation is/has to be written. Bob Mishata, Pub & Grub owner, stated C.R.S outlines allowable decibels. Discussion on getting a decibel meter to bench mark the noise level was discussed, noted Salida has a meter. Dana Nachtrieb suggested getting a decibel meter and turning up the music to the acceptable C.R.S. level. Trustee Wilson asked if it is the noise level or the time of the noise was the complaint. The residents present stated both. Ruby Taylor stated she has no argument with state statue, suggesting the music be contained indoors instead of outdoors. James Traynor stated he lives 3 blocks away and the noise/music does not reach his area. Traynor went on to say the direction of the speakers probably has a lot to do with the level of sound/music. He asked how many residents are being

disturbed, noting if it is a majority, majority rules in democracy and if it is a minority the complaint(s) may not be valid. Mayor Furton asked for a show of hands of those present that the noise did disturb; 9 people raised their hands. Mishata stated he had held the karaoke night 5 times over the summer and only when it rains do the speakers need to be pointed east so they are in a covered area. Mayor Pro-tem Scanga asked how many different people are calling in complaining. Spezze stated several different people, the exact number he did not know. Westphal stated he had prepared a draft ordinance for Board review, stating it is a compilation of other cities and towns ordinances on noise. Mayor Furton requested Westphal give the draft to Administrator L'Estrange for staff review before it comes to the Board. Trustee Kroschel stated he thinks the residents and the business owner need to work together for a resolution, noting a business owner cannot reasonably conduct business if there is the possibility a call will be placed to the Sheriff's Department. Mayor Furton stated there needs to be an agreement between the residents and business owner regarding the noise, noting Mishata has agreed to cooperate by turning the speakers west. Spezze asked to be kept in the loop regarding the matter. The Board agreed to keep Spezze in the loop and have staff follow up on review of the noise ordinance proposed by resident Westphal.

John Leck, 304 Hot Springs Rd., requested Board consideration on the traffic and speeding on Hot Springs Rd., noting he has asked for some type of solution to the problem in the past. Leck stated he has been told not to call the Sheriff's office regarding this complaint anymore. He went on to say the traffic/speeding interfere with health, safety and welfare of those living on Hot Springs Rd. Dana Nachtrieb, 224 Pinyon Ln., stated he agrees there is a good deal of traffic/speeding on the road. Leck stated nothing is ever done to address the issue. Mishata suggested the town get the word out on the parking off Hwy. 285 with the new bridge for access to the disc golf course. Mayor Furton stated it seems to be a traffic control problem. Dee Nachtrieb stated there is not a speed limit sign on the road. The Board agreed to have staff check out the signage and follow up on the issue.

Keith Kirchner, 441 Chipeta Ave., stated the noise(Pub & Grub) has not disturbed him. He went on to say he works at Bensons in Salida and they have music venues, noting Salida has a decibel meter and the shut down time is 10 – 10:30 p.m. Kirchner stated he believes all establishments(Salida) have to comply with the noise ordinance. When asked what the allowable decibel range is he responded he thinks 65. Kirchner stated there are complaints, but does not know of any citations. He noted the situation is similar in both municipalities.

NEW BUSINESS:

10035 Hwy. 50 Business future Plans

Rick & Tracey Ormsby were present and Rick gave an overview from the materials provide in the packet of the future business plans for 10035 Hwy. 50.

Current

-working on getting the convenience store up and running, currently open and the trucker showers are functional

-cleaning up the exterior ie painting and general cleaning

Future

-use the existing gift shop area as a retail store to sell guns and sporting oods equipment

-use the North West corner of the property for two custom show homes, similar to what currently exists on the north side of the highway

-during the upcoming winter months use the a portion of the dining area in the restaurant for Great Western Homes sales office

- in the spring move the Great Western Homes sales office to one of the proposed model homes

-hopefully open the restaurant during the Memorial Day holiday

Tracey added the restaurant will focus on comfort food and use as much local product that is available for the menu items.

Rick also added the business will comply with the Town's Access Control Plan and modify the entrances and exits as called out in the plan. He stated the intent is to continue servicing trucks(trucker friendly), therefore the design and implementation will take this into consideration. Rick informed the Board that he has been working with Bill Paradise at Chaffee County Building Department to ensure that improvements fall into the code guidelines, also noting he has met with Chaffee County Fire Protection District, Bryan Welsch. Mayor Furton asked what the future plans are for the single wide house trailer is. Rick stated they (Ormsbys) are bound to the unit for one year contractually, noting the five year plan for the property includes development of the south side of the property with proposed live/work units. He went on to say the plan proposes outdoor dining for the restaurant with live entertainment and outdoor movies. Rick stated the prior discussion on noise would be taken into consideration in regards to this proposal. He stated the intent is to redevelop this property within all guidelines and codes. Trustee Kroschel stated he would look into guidelines for the proposed gun store to see if a firewall will be needed and provide the information to Rick. The Board thanked the Ormsbys for their update on the property and stated the proposed use will provide needed businesses for the town.

Rules & Regulations for Regulatory Floodplain Ordinance #2013-8

MOTION: Mayor Pro-tem Scanga made a motion to adopt Ordinance #2013-8, Rules & Regulations for Regulatory Floodplains; seconded by Trustee Slaughter. Motion carried unanimously.

Historical resources Survey and Support Letter for GARNA

The Board declined the offer to move forward with placing the old Fire House on the Historical Reregister.

The Board approved a letter of support for GARNA's grant effort to continue work on placing Chaffee County buildings on Historical Registers.

OLD BUSINESS:

Noise Complaint Follow-up

Moved to first item on agenda.

Continuation of Work on the LUC

Administrator L'Estrange informed the Board that Consultant DeLuca was unable to make the meeting. The Board scheduled a Land Use Code Update work session for October 7, 2013 at 6 p.m.

ADMINISTRATOR'S REPORT:

Emergency Services Oversight Committee Report

Administrator L'Estrange reported:

This group is continuing to work towards the goal of some type of combing the various Emergency Service organizations into a cohesive organization. We have included the minutes of the last available meeting to give you a better insight to the process.

The consensus of the Board was for the town to stay involved in this process and budget money in 2014 for the project.

Property Owner Thanks for Street Maintenance

Administrator L'Estrange reported:

Mr. Russ Colling came into the office to express his thanks to the Public Works Department for mowing back the street vegetation around Town. We often hear what people think the PW Crew isn't doing so it is nice when some positive comments go their way.

Rough Draft/First Cut Budget Numbers

Administrator L'Estrange reported:

What you have been given is the very first look at the 2014 budget numbers. This doesn't include any input from Greg on Public Works/Capital improvement. As always we have been very conservative in our projections which are open to change as we get into the budget discussions. The LUC work has, to a degree, overshadowed the budget development but you will get an official Draft Budget at your first meeting in October.

CDOT Update

Administrator L'Estrange reported:

It has been some time since we have heard from any C-DOT representative and now that the flooding has caused such a disruption in their budget we don't expect good news. C-DOT has put counting devices all around Town at key intersections and our project was scheduled to go out to bid December 19, 2013. I will certainly make the case that Poncha Springs has been counting on this project for economic development and delays could be costly.

ATTORNEY'S REPORT:

Attorney Redmiles provided information on the Sales & Use Tax Seminar. The Board approved \$349 payment for the tuition.

Attorney Redmiles reported on the Friend Ranch/TOMAR case

- agreement to dismiss all equitable claims
- only claims left in the trial court case will be the judicial foreclosure will be dismissed without prejudice with no statute of limitations
- the priority subrogation issue will go to the court of appeals

He went on to say the case is moving forward with the trial vacated which will mean a cost savings for the town.

MAINTENANCE & UTILITIES:

PW Director Smith reported:

- the water lease is complete with all the water in Pueblo Reservoir for lessees use, final payment will be made by lessees in December.
- discussion on 2014 water leasing will need to be included in the budget process, options will need to be looked into i.e. in lieu of leasing the water it could be stored in Pueblo Reservoir for future use/lease
- town water tanks have been cleaned and are in good shape

FINANCE:

Administrator L'Estrange informed the Board that finance reporting was included in their packets. He reported income is ahead of budget projections, with sales tax ahead of 2012 and expenses are lower than projected. Reporting is as of August 31, 2013.

MOTION: Trustee Kroschel made a motion to pay August bills; seconded by Trustee Massey. Motion carried unanimously.

OTHER:

Administrator L'Estrange reminded the Board of the CML Regional Meeting in Salida on September 26th.

With no further business the Board meeting adjourned at 8:12 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton
Mayor

Attest:

Jerry L'Estrange
Town Administrator