

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

MONDAY, OCTOBER 14, 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, Darryl Wilson
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Visitors:	Travis Clark, Rich Tyler, Chuck Azzopardi, Joe DeLuca, Brian McCabe(Mtn. Mail)

NEW BUSINESS:

Resolution #2013-6, Approving Entering Into Contracts with CDOT & Approving the Commitment of Funds

Attorney Redmiles informed the Board that he had requested changes to Section 11 Maintenance Obligations and changes to Exhibit A – Scope - Landscaping Section. Mayor Furton asked for clarification on the language in the document stating any work not included in the Contracts would not be done, noting the town plans on extending the water main across the highway. PW Director Smith stated the water main project will be in CDOT's contract with the contractor, noting Atmos will split costs with the town as they intend to take a line across the highway as well. Smith went on to say that the scope of work the Town will do is dependent on grant funding, noting the priority is to get the main across the highway. Trustee Kroschel asked for clarification on Attorney Redmiles changes. Redmiles stated he had emailed the changes to CDOT and is waiting for a clean copy with the changes before the contracts are signed.

MOTION: Trustee Kroschel made a motion to approve Resolution #2013-6, Approving Entering Into Contracts with CDOT & Approving the Commitment of Funds; and approving Administrator L'Estrange signing the Contracts with Attorney Redmiles changes; seconded by Trustee Slaughter. Motion carried unanimously.

2014 Proposed Budget to Board

Administrator L'Estrange stated the 2014 Proposed Budget was included in the Board Packets.

2014 Proposed Budget Calendar

Administrator L'Estrange stated the 2014 Proposed Budget Calendar was included in the packets. The Board approved the calendar, changing the start time of the October 21st work session to 6:00 p.m. Administrator L'Estrange asked if the Board would like to schedule a longer work session on a Saturday. The Board agreed to hold the 21st evening work session and make a determination if further work sessions would be needed.

Mayor Furton adjourned the Special Board meeting and opened the Public Hearing at 6:45 p.m.

245 Chipeta Avenue Variance Application Public Hearing

Mayor Furton called for public comment. Travis Clark, 245 Chipeta Avenue, stated letters of support for the variance had been received from adjacent property owners. With no further comment Mayor Furton closed the Public Hearing at 6:48 p.m.

NEW BUSINESS:

245 Chipeta Ave. Variance Application

Mayor Furton read through the Findings and Record of Decision.

FINDINGS AND RECORD OF DECISION

1. Public Hearing

Public hearing held (Date): OCTOBER 14, 2013 – 6:45 p.m.

Testimony given by (Names):

Written letters of support from adjacent property owners:

Darrel Donahoo – 235 Chipeta Ave.

Lillian Bender – 315 Chipeta Ave.

Josh Hadley – 248 Chipeta Ave.

Brian Brown – 305 Chipeta Ave.

Exhibits introduced (Describe): site plan showing setback

2. Conditions precedent do/do not exist:

(1) That there are exceptional or extraordinary circumstances or conditions applicable to the property:

Conditions do exist Conditions do not exist

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property or improvement in the vicinity:

Conditions do exist Conditions do not exist

(3) That the health, safety, and welfare of the community will be secured and that substantial justice will be done, not only to the applicant, but to the persons other than the applicant which might be affected by such variance:

Conditions do exist Conditions do not exist

(4) That the proposed variance is not a self-imposed hardship:

Is self-imposed Is not self-imposed

3. Additional criteria for applicants requesting variance from rear (alley) setback requirements:

(1) Conditions exist to ensure that a proper turning radius is available for ingress/egress into and from the structure:

Conditions do exist Conditions do not exist

(2) Will adjacent or adjoining property owners be negatively impacted by a setback of less than 15 feet?

yes no

(3) Applicant acknowledges that he/she will not park vehicles or place personal property upon the alley or other Town right-of-way:

yes no

(4) The requested modifications are for a setback distance of 10' or greater.

yes no

3. Decision: The requested Variance is:

approved

approved with the conditions listed below.

denied

4. Term

a. The term of this Variance, if granted, shall be:

In perpetuity

year(s)

month(s)

unless sooner terminated or revoked for failure of the Applicant to comply with any of the conditions hereof, or as a result of action to enforce the conditions of the Variance or the requirements of the code.

b. This Variance is issued to Applicant as an owner, lessee or sub-lessee of the Subject Property. Should Applicant's ownership, lease or sublease terminate or be transferred during the term of this Variance, the Variance shall likewise expire:

yes no

5. Additional Conditions of Approval

This Variance is granted subject to performance by the Applicant of the following additional conditions. Failure of the Applicant to perform or complete any of the conditions herein listed in the

manner and time required shall be grounds for immediate revocation of this Variance and/or issuance of a summons and complaint for the conduct of the use in violation of the terms of this Variance:

No additional conditions of approval.

MOTION: Trustee Wilson made a motion to approve the 245 Chipeta Ave., setback variance; seconded by Trustee Slaughter. Motion carried unanimously.

OTHER:

The Board asked for clarification on the proposed RV Dump Station in the 2014 Proposed Budget. PW Director Smith informed the Board that the intent is for the town to install the unit and the company will manage the unit for a fixed monthly fee, estimated \$175 @mo. The Board asked about repair and maintenance of the unit. Smith stated this would be in the contract, noting the unit would need to be under the town's insurance plan. Mayor Furton asked for the proposed contract. Administrator L'Estrange stated water issues would need to be discussed at the upcoming work session. Mayor Furton stated he would like to see the payment to Salida to finalize the sewer agreement made, suggesting the town offer the sewer camera. The Board agreed to further discussion and determinations at the October 21, 2013 budget work session.

With no further business the Board meeting adjourned at 7:00 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton
Mayor

Attest:

Jerry L'Estrange
Town Administrator