

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

MONDAY, JULY 25, 2011 - 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Mayor Thonhoff, who asked for a roll call. Those present:

Mayor:	Mark Thonhoff
Mayor Pro-tem:	Aaron Kroschel
Trustees:	Rick Roberts, Darrell Donahoo, Bret Collyer, Ron Slaughter
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller - Absent
Visitors:	Wendell Pryor, Carol Novak, Ken MacNicol, Dave Ward, Richard Furton, Rich Tyler, Sara Cothren-McCleary(Mtn. Mail)

ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA:

Trustee Collyer ask to add discuss the possibility of a long term lease for the Community Garden property. The Board agreed the item would be addressed under Other Business.

APPROVAL OF MINUTES:

MOTION: Trustee Slaughter made a motion to approve July 11, 2011 board meeting minutes; seconded by Trustee Donahoo. Motion carried unanimously.

NEW BUSINESS:

Change of Use Application – 116 Halley’s Avenue, Richard Tyler

Mayor Thonhoff stated 116 Halley’s Avenue is located in the Cross Roads Retail Park, noting the town is in the process of updating the Comprehensive Plan and this live/work request will be reflected in the comp plan survey results. He went on to say his recommendation is to table the request and wait until the information from the survey for the comp plan update is available and bring the item back to the Board at that time, adding the request is not being denied. Trustee Collyer ask to hear what the applicant, Richard Tyler, has to say. Tyler stated as he indicated in his narrative he thinks it would be a good use in this zone, noting he would think that it would possibly increase sales of the lots if buyers had the live/work option available. Tyler stated he would like to have the use for his property, noting he thinks there would be distinctive advantages for the town as well. He went on to say he thinks it is a trend that will continue to grow and be a workable advantageous situation. Trustee Slaughter ask why the Board has to bundle this change of use application with the comp plan update. Mayor Thonhoff stated at this time the use would have to be added to the Land Use Code, noting the Comp Plan survey responses did not necessarily reflect the citizens requested this use. He went on to say it would seem beneficial to use the survey results as a guideline, which is what it is, to make a determination on the live/work. Administrator L'Estrange stated there has been some confusion on what zones allow live work, noting this application for the change of use was discussed at the Planning Commission meeting, and live/work is not allowed in this zone at this time. He went on to say that the Land Use Code would need to be updated if the decision were to be made to allow live/work in this zone. L'Estrange stated he feels this is what the Mayor is

referencing, that the results from the comp plan survey be looked at and see if this is something that comes to the forefront, stating instead of denying the application, give time to see if the survey indicates this change in the zone. Mayor Pro-tem Kroschel stated the town has the Access Control Plan, the Comp Plan and Smart Growth in the works at this time, stating he thinks all this ties together, noting the comp plan survey will indicate if this is something the citizens want. He went on to say the town has a lot of work on the table noting it might be beneficial to schedule some Smart Growth work sessions as the process moves forward. L'Estrange stated he did not want to over burden the issue, noting it seems the item can't proceed much further at this time. Dave Ward, spoke in favor of live/work in this zone, stating he had visited Buena Vista's South Main subdivision with businesses that include living space, noting the living space is on the second floor and the overall look is very professional. He added that he feels the request for live/work for the art gallery would be compatible with the zone. Richard Tyler, applicant, stated he would like to see the live/work use allowed for his gallery, noting this would be financially beneficial in today's economic climate, but he understands the town's procedure to make this type of change. Richard Furton spoke in favor of live/work in this zone, noting it is an allowed use by special review in the EHC zone on the west side of Halley's Avenue across from the Cross Roads Retail Park, which is zoned DIR. Ken MacNicol stated the preliminary comp plan survey results seem to support live/work with the percentages being favorable for live/work. PW Director Smith stated the town had an issue with live/work on the west side of Halley's Avenue, noting for a time there was no business, only the residential. He went on to say at that point the tax base was not there and the town had to address the matter. Furton stated currently there is an active business at this location. Attorney Redmiles stated a Public Hearing needs to be scheduled and noticed to make changes to the Land Use Code, noting this has not been done. The Board agreed to table the item until further data is developed through the comprehensive plan process and then bring it back for consideration.

Ordinance #2011-5, Adoption of the 2008 Edition of the National Electric Code

MOTION: Mayor Pro-tem Kroschel made a motion to approve Ordinance #2011-5, Adopting the 2008 National Electric Code; seconded by Trustee Roberts. Motion carried unanimously.

Ordinance #2011-6, Amending the 2006 International Building Code

MOTION: Trustee Slaughter made a motion to approve Ordinance #2011-6, Amending the 2006 International Building Code per Chaffee County Resolution #2011-43, and Exhibits; seconded by Trustee Collyer. Motion carried unanimously.

Chaffee County Economic Development Corp. – Request for Investor/Member Contribution

MOTION: Mayor Thonhoff made a motion to become an Associate Member at \$500, the funds to come from the Economic Development Fund; seconded by Trustee Roberts. Motion carried unanimously.

ADMINISTRATOR'S REPORT:

Letter to Maintain a Spot on the Election Ballot

Information included in the packet. Administrator L'Estrange stated a letter was sent to the County Clerk to hold a spot on the ballot if the tax issue goes to a vote.

County Sales Tax Town Hall Meeting

Information included in the packet. Administrator L'Estrange stated there is a meeting on this at the fairgrounds tonight, and another at Buena Vista on the 26th, which he will attend and report back to the Board.

Progress at Friend Ranch/Bent Tree

Information included in the packet. Administrator L'Estrange stated First Citizens Bank has taken over and Mitch Bennett is the contact person, noting he walked the property with Mr. Bennett on Friday. He went on to say Bennett stated it is in a clean up stage and the process will take some time to make determinations on what will happen, noting the bank will secure a receiver. L'Estrange stated he had contacted Steve Monson, the town's water attorney, and gave him the contact information so he can be in the process as it moves forward. Mayor Thonhoff stated he met Mitch Bennett and L'Estrange at the site, noting Bennett stated the bank will be in contact with the town as the process moves forward.

Action22 Update

Information included in the packet.

Feasibility Assessment for County wide Emergency Fire and Medical Service Agencies

Administrator L'Estrange informed the Board that the County had received one proposal for the feasibility assessment from Emergency Services Consulting International, Wilsonville, Oregon.

ATTORNEY REPORT:

Attorney Redmiles reported no motions for a receiver have been filed in the Friend Ranch/TOMAR pleadings and no orders or motions filed.

FINANCE:

July 218 2011 meeting

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

COMMUNITY GARDEN:

Trustee Collyer stated he would like the Board to consider a long term lease on the community garden lots, noting Salida had lost out on funding due to a lack of a location for a community garden. He went on to say the current location provides for ditch water to be used, which is an asset, noting going forward there is the possibility of funding, but a year round water source will be needed for the proposed grow dome. Collyer stated the garden committee will take on the financial responsibility of getting a year round water source if a lease can be worked out. He added that LiveWell is very supportive of the Poncha Springs project and is willing to help with funding as they see well balanced activity at the site, community gardeners, educational, and social. Mayor Pro-tem Kroschel stated concern with the proposed master plan that was created using all four lots, noting if a financial benefiting opportunity comes up for use of the lots the town would need to make a decision at that time. Ken MacNicol stated the master plan was created to meet grant funding requirements, noting a ten year window will meet the requirements for potential funding sources, noting the grow dome will be the most expensive improvement, stating

improvements could be relocated if the town has a financially benefiting proposal for the lots in the future. Dave Ward spoke in favor of the town working out a lease with the community garden, noting it would benefit both the town and the garden club. MacNicol stated the proposed master plan developed with requests from citizens for the amenities shown in the plan. The Board requested the garden committee to work on a lease proposal and formally address the proposed master plan for the lots and bring the item back to the Board.

With no further business the Board meeting was adjourned at 7:30 p.m.

Respectfully Submitted:

/s/ _____
Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

/s/ _____
Mark F. Thonhoff, Mayor

Attest:

/s/ _____
Jerry L'Estrange
Town Administrator