

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

**MONDAY, AUGUST 27, 2012 - 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:	Aaron Kroschel, Galen Angelo, Ron Slaughter, Rebecca Massey, Darryl Wilson
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller - Absent
Visitors:	Robert Smith, Joann Johnson, Dana & Dee Nachtrieb, Vernie Martz, Cailey McDermott(Mtn. Mail)

**APPROVAL OF MINUTES:**

**MOTION: Trustee Wilson made a motion to approve August 13, 2012 Board meeting minutes; seconded by Trustee Slaughter. Motion carried unanimously.**

**OLD BUSINESS:**

**Ordinance #2012-3, Update Water System Draft Review/Comment**

Item will be addressed after 7:00 p.m. Public Hearing on same.

**Resolution #2012-4, Finalization of the Farrow Case**

**MOTION: Trustee Wilson made a motion to approve Resolution #2012-4, Accepting the Dedication of A Public Highway; seconded by Trustee Slaughter. Motion carried with Trustee Massey abstaining due to conflict of interest.**

**NEW BUSINESS:**

**Industrial Park Lot Tap Fee Clarification**

Information included in the packets. Mr. Robert Smith provided additional information to Board. Administrator L'Estrange informed the Board:

In July of 1999 the Town sold a lot in its Industrial Park. Some promotional literature advertised water and sewer tap was included in the price. The purchaser of the lot never built on the lot or ever activated the tap arrangements, thus never paying a monthly service charge to assure their place in the system. Mr. Robert Smith is seeking to sell the lot and wants to know if the Town is going to provide taps to a new owner. L'Estrange stated the Town's original file did not include a copy of the Real Estate contract or the advertisement speaking to the inclusion of tap fees, noting Mr. Smith provided a copy of both items which seem to bolster his position. L'Estrange

stated he contacted the Mayor at the time the lots were being sold and while she remembers the promotion as an incentive for lot sales she couldn't say how long it lasted or if there was a time limit to activate the taps. He went on to say continuing investigation seems to indicate that lots were to be developed within eighteen months of purchase date, noting this information was included in the packets. L'Estrange stated the eighteen month time frame was in the original brochure and in a memo written in 1998 by Lauri Dannemiller, Administrator/Clerk to the Board of Trustees. L'Estrange noted that Poncha Springs no longer owns the sewer utility. Mr. Robert Smith stated when the lot was purchased the Town was ok with the plan submitted at the time the lot was purchased. He went on to say stated use was for Mtn. High Septic Porta-potti's and Bob's Construction storage. Attorney Redmiles stated his interpretation was 18 months was allowed to have a business in place and operational, noting this as a use or lose condition. Trustee Kroschel stated he recalls the Board's intent was to get businesses up and running within 18 months, thus providing jobs, that the business would also receive credit for. Trustee Slaughter stated his interpretation was the Town provided the incentives with conditions that the buyer fulfilled the requirements. The Board and Mr. Smith discussed the issue at length, with the fact that the water/sewer taps were never made and no monthly service fee was paid for these utilities. Mr. Smith stated the Town had never notified them that a monthly service fee should be paid. Administrator L'Estrange stated in some cases he has seen a credit being given for the cost of a water tap at the time of purchase with the difference to be paid for the current rate of a tap fee, noting the sewer tap could not be included as the Town no longer owns this utility. Mr. Smith stated the owners of the lot are willing to compromise if the Town is willing to work with them. Administrator L'Estrange stated a Plot Plan was provided at the time the lot was purchased, noting the plan includes a building with water/sewer service shown.

The Board tabled the item to allow staff and legal council time to do research and bring back to the Board at the September 10<sup>th</sup> meeting.

**Mayor Furton adjourned the Board meeting and opened the Public Hearing at 7:08 p.m.**

Mayor Furton called for comment, there being none he closed the Public Hearing and reconvened the board meeting at 7:10 p.m.

**Ordinance #2012-3, Update Water System**

**MOTION: Mayor Pro-tem Scanga made a motion to approve Ordinance #2012-3, repealing and replacing Ordinance #1983-3, adopting rules and regulations concerning the operation of the water system of the Town of Poncha Springs, Colorado, and the obtaining of services therefrom, and fixing fees for connections to the water system and rates for obtaining service therefrom; seconded by Mayor Furton. Motion carried unanimously.**

The Board agreed to discuss the connection process at the Maintenance & Utilities meeting.

**ADMINISTRATOR'S REPORT:**

**CML District 13 Meeting, September 13, 2012**

Information provided in the packets. Administrator L'Estrange ask Board members to contact staff if they would like to attend.

### **Discussion with Upper Arkansas Water Conservancy District**

Information provided in the Administrator's memo. L'Estrange stated the Town's storage agreement is in the works, noting it will need to be completed by year end. He noted the meeting went well and options will be brought forward to look at cost savings for the town regarding Friend Ranch water rights and shares. L'Estrange stated he would keep the Board informed as the process moves forward.

### **Preliminary Budget Information**

Information included in the packets. Administrator L'Estrange stated the information provided was preliminary numbers, noting they will change by year end. He went on to say the Budget goes to the Board October 15<sup>th</sup>, and work session dates and times will be included.

### **Reminder of Rural Philanthropy Days, September 26-28, 2012**

Information provided in the packets. Administrator L'Estrange stated Planner Miller will attend to look for grant(s) to complete CR 120 Trail for the Town. Mayor Pro-tem Scanga ask how many grants have been received by the Town through Rural Philanthropy Days. L'Estrange stated he does not know. Mayor Pro-tem Scanga ask how many staff members will attend. L'Estrange stated one.

### **Land Use Code Update**

Administrator L'Estrange stated Planner Miller is working on the update of the Land Use Code, noting the Form Based Code will involve public meetings and a good deal of planning on staff's behalf. Mayor Furton suggested contacting the person(s) who did the Comprehensive Plan update and see if they have interest, noting it seems they have a good deal of the information that will be needed for the Land Use Code. L'Estrange stated that has been done and Planner Miller is waiting on a response. Trustee Kroschel stated there is a lot of preparatory work that needs to be done in preparation of the compilation of the document, noting this will move through the Planning Commission. The Board agreed the Planning Commission will do the "planning".

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

Attorney Redmiles gave follow up on the playground case law, noting negligence has to be shown. He stated some items have been dismissed in the TOMAR case, noting mediation will take place in October. Redmiles stated there is no set timeline for resolution to determine who owns and who owes whom in the case. He noted the Town will bear no cost for the mediation process.

### **PLANNING & ZONING:**

#### **Land Use Code Update**

Planning Commission Collyer stated at the last meeting the Commission talked about the steps for the process, noting he volunteered to go door to door with information/survey to involve as many citizens as possible in the planning process. Mayor Pro-tem Scanga ask for a timeline of the process. L'Estrange stated Planner Miller is working on that and will have it ready for the upcoming P&Z meeting.

**MAINTENANCE & UTILITIES:**

PW Director Smith stated the next meeting will be September 5<sup>th</sup> at 6 p.m. He stated he will set up a field trip for a tour of Friend Ranch to look at the ditches, reservoir and discussion of the water rights and what maintenance the Town will need to do in the following years.

Attorney Redmiles ask for an update on the CR 120 Trail project. Smith stated he is waiting for the completed numbers from SGM on the initial cost estimate to complete the entire project. Redmiles ask if there is a possibility the project will get underway next spring. Smith stated possibly next summer.

**VISITOR’S CENTER:**

PW Director Smith reported there is \$2,000 left in the budget with signage and benches being considered. Board discussion followed regarding types and costs of benches and a possible RV dump station. The Board agreed to a VC Committee meeting for September 5<sup>th</sup> to fully discuss/decide the next steps for the project.

**FINANCE:**

**MOTION: Trustee Kroschel made a motion to pay July bills; seconded by Trustee Wilson. Motion carried.**

**PERSONNEL:**

Mayor Pro-tem Scanga reported preliminary discussion was held at the committee meeting regarding job descriptions and rates of pay.

**OTHER:**

Mayor Pro-tem Scanga informed the Board that he had a citizen(s) request to lower the speed limit on Poncha Avenue East due to the number of children that are at play on this section of the street. Administrator L’Estrange stated some planning/study would need to be done to implement a speed limit change. Staff will follow up.

With no further business the regular Board meeting adjourned at 7:50p.m.

Respectfully Submitted:

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Diana K. Heeney  
Clerk/Treasurer

Approved As To Form and Content:

\_\_\_\_\_  
Richard Furton, Mayor

Attest:

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Jerry L’Estrange  
Town Administrator