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TOWN COUNCIL MEETING MINUTES TUESDAY, MARCH 6, 2007 5:00 P.M.

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, and Council Member Simmons were present.
- II. APPROVAL of MINUTES FROM JANUARY 19th, FEBRUARY 6th, 15th AND 22nd, 2007**
– The minutes were approved as read.
- III. LIQUOR LICENSES**
 - 1. Tequila’s Restaurant – Liquor License Renewal**
 - 2. Chato’s Restaurant – Liquor License Renewal** – Council Member Cotton moved to approve the license renewals. Council Member Holt seconded and with 4 ayes and 1 abstention (Council Member Simmons) the motion carried.
- IV. DELEGATIONS: Citizens for Smart Growth (Bill Hudson) -** He gave a copy of a resolution to the Council that they would like see passed regarding affordable housing. He knows that the Council and staff have been working hard on this and they are not criticizing their work but it is to buy some time so we can get some things accomplished. He then read their proposed resolution to the Council and the crowd. They would like to see an assessment of current and future affordable housing needs that would lead to an ordinance in the future. This resolution would put a temporary moratorium on all subdivision approvals. Mayor Aragon stated that we have been making assessments and the town itself has purchased property for affordable housing. This is a very sensitive situation to us and we will take this under advisement.
- V. NEW BUSINESS**
 - 1. Review of Planning Commission Actions from February 13th and 27th, 2007**
 - a. Sixth Street Townhome PUD Sketch Plan Review (Public Hearing) -** 242 N. 6th Street. Proposed by San Juan LLC this will be 6 town homes. The Planning Commission has reviewed this and heard a number of concerns from neighboring property owners. They did recommend approval with 9 conditions. Council Member Cotton excused himself from the discussion due to him living across the street. This does fall within our comp plan. Council Member Simmons would like to see more done to break up the roof line some more. Council Member Holt asked if street lighting would be looked at, and Courtney King representing the applicants said that would be looked at in the preliminary phase. Mayor Aragon opened this to public comment. There was a question from the crowd asking if there was a problem building there because of the flood plain. Tamra said that this is in the flood plain not the flood way and there are different development issues with each. Flood way is more restrictive than flood plain requirements. Council Member Holt moved to approve with the 9 conditions of the Planning Commission. Council Member Middendorf seconded, the motion carried with one abstention, Council Member Cotton.
 - b. Sunridge Villas PUD Final Plan Review (Public Hearing) -** Nick Richardson is the applicant. The Planning Commission reviewed this request. They heard a number of concerns from neighboring property owners; staff also received a few more in the last couple of days. The Planning Commission recommended approval with 5 conditions. Mayor Aragon opened this to public comment. Bev Worburton,

President from Alpha Subdivision Home Owners. They are concerned with the ground elevation and the vegetation barrier. They are asking for the landscaping to keep and protect the ponderosa in that area. They would also like to see dust control and dark skies. Closed to public comment. There are some trees on the east property line that are not going to be removed and they are also going to add some more. Council Member Simmons moved to approve with the Planning Commission conditions and to add some sort of tree protection for the ponderosas that currently exist. Council Member Middendorf seconded, the motion carried unanimously.

- c. **Pradera Pointe Subdivision Sketch Plan Review (Public Hearing)** - 119 lots with 50% of property preserved open space. Primary access is off of Cemetery Road and Rainbow Drive. The Planning Commission has heard and reviewed this project several times. Surrounding property owners sent in multiple concerns. The Planning Commission recommends approval with 7 conditions. Staff has reviewed and found the project to be compliant with the Comp Plan. Mike Davis of Davis Engineering is the consultant on the project. They have changed this project many times trying to achieve what the Planning Commission, staff and neighbors are asking for. They have reduced the number of lots and increased the amount of open space. There were some issues brought up with access to Rainbow Drive. They have been meeting with the County Engineer and Public Works Director to talk about these issues and trying to figure other ways to make access work. This property is currently not zoned so staff has used the Comp Plan for guidance on this development. Mayor Aragon opened this to public comment. John Collins – owns other half of pond, there is water in there seasonally. Lots of wildlife uses that pond. When he went to subdivide his ranch they were going to restrict him to 1 house per 3 acres so he believes this isn't fair and he is opposed to the density. He also thinks there are problems with Rainbow Drive, there are already issues now. This is too many houses in this area. Audie Bear – owns four lots on end of Fritz and Mable. Has animals in their backyard. He would like to see some kind of deed restrictions that they will abut agricultural property (lots 37-40) and they would like some sort of protection down the road. Ron Chacey – lives in Pagosa Development Unit 1 which is next to this development. What are the rights of the others who live in Pagosa Development B when part of their subdivision becomes part of another subdivision, what are their rights? Windsor Chacey – has 2 concerns, one is affordable/workforce housing. This development hasn't designed for this. Also what about the elk and the elk migration. Each of these houses requires services, who is going to provide them? The traffic will be a mess. Ken Hearing represents Pagosa Hills 3 and 4 property association. Problems with Rainbow, Brookehill and Pike Drives. These roads won't make it and these roads are in the county and they are not police patrolled. This would be adding to an existing problem. Mike Davis – the road impact is a big concern and it is difficult to work between the town and the county. The Comp Plan identifies this as an area that needs better east/west connectivity so there are some positive aspects as to what is being done to the roadways. The developer has agreed to improve Cemetery Road and all the roads in the subdivision will be paved. Mark stated that the town and county identified Rainbow Drive as a problem road and the county declined the money to do this project. Staff has approached Pagosa Hills 3 and 4 declined annexation discussions into the town which the town approached them on and they would then have better policing and better roads. Deanna Myers – asked to eliminate their Rainbow Drive access she can't imagine the construction traffic that will go in and out of there. Mike Davis – in talking to the DOW they do not define migration routes. They go by general direction. They have tried to provide good continuity with all their open space so as animals are traveling through they are not cut off by fences or other man made obstacles. Affordable housing in this type of development is difficult to obtain and the current land use code doesn't require affordable housing. Mayor asked if we were to offer incentives would it be considered. Bill Hurbick said yes they would consider it. Closed to public comment. Council Member Holt moved to approve the sketch plan with the conditions of the Planning Commission. Council Member Cotton seconded, the motion carried unanimously. Again with encouragement to discuss the affordable housing issue and

to try and work with the county to mitigate some of the road problems.

- d. **Dakota Springs Subdivision Preliminary Plan Review (Public Hearing)** - Applicant is Trujillo Partners LLC. 118 dwelling units located on 52 acres. This is compliant with the Comp Plan. The Planning Commission has reviewed this multiple times. They reviewed again and they recommend approval with 17 conditions. The applicant has committed to 10% of housing within the project to affordable housing. They are hoping that the entire development will be workforce housing and they want to keep it as affordable as possible. Tracy Reynolds believes they have a letter of intent from the school giving them an easement to run sewer across their property in turn for help with some paving. Trujillo Road will be improved to town standards, but it currently isn't in the town. Tamra said we will have an agreement with the developer and the county that after completion of the improvements the town will annex it and take over maintenance. Mayor Aragon opened this to public comment, there was not any. Council Member Simmons moved to approve the preliminary plan with the 17 conditions from the Planning Commission and direct staff to reopen conversation with the school district for potential trail connections. Council Member Cotton seconded and the motion carried unanimously.

Council Member Cotton left – 6:40 p.m.

2. **Resolution 2007-05 – Schlaefli Annexation Petition and “Intent to Annex” (Public Hearing)** - This was a continued item. Staff contacted our attorney to discuss this and he stated that the codes and covenants are a private contractual agreement and the town shouldn't get involved in that litigation but said the town has every right to annex the property if it is in the best interest of the town which staff believes that it is. Mayor Aragon opened this to public comment. There were a few questions from the crowd that staff clarified for them. Public comment was closed. Council Member Middendorf moved to approve Resolution 2007-05. Council Member Holt seconded, the motion carried unanimously.
3. **Commnet Four Corners, LLC Ground Lease Agreement** - This is a collocate agreement. This provides space on the ground for their equipment. This is the direction we want to move in more providers on one tower and help eliminate multiple towers. These guys will pay \$500.00 per month to the town. Council Member Middendorf moved to approve allowing staff to sign documents for this agreement. Council Member Simmons seconded, the motion carried unanimously.

VI. OLD BUSINESS

1. **Second Reading of Ordinance No. 685 – Redevelopment Permit (Public Hearing)** -

Staff has worked to revise this document after previous meetings. The bonding language has been removed. They added language to allow a building to be taken down if it is a visual blight (determined by the Planning Commission) even though there isn't a redevelopment plan yet. They also added the ability for Town Council to work with an applicant that may have extenuating circumstances. They also changed this to being reviewed by the Planning Commission rather than the Design Review Board. Mayor opened this to public comment, there was not any. Council Member Simmons moved to approve 2nd reading of Ord. 685 adding that the Town Council has final review and approval. Council Member Middendorf seconded, the motion carried unanimously.

2. **Second Reading of Ordinance No 687 – Impact Fee Deferrals (Public Hearing)** -

This combined the Ordinance and Resolution so there was not any duplicity. Staff worked on this with the attorney and believes all necessary language is now in this ordinance. Council Member Middendorf moved to approve the 2nd Reading of Ord. 687. Council Member Holt seconded, the motion carried unanimously.

VII. DEPARTMENT HEAD REPORTS

1. **Town Manager Report** – Sales tax numbers are back up again and we are finishing the month off with a 4.61% increase year to date. CMAQ funding the Rainbow Drive funds talked about earlier that the county declined, we are going to try and use those funds

on Greatwest Ave.

2. **Planning Department Report** - HPB is continuing to work on Article 14, Tamra has reviewed a preliminary draft and they are making revisions and would like to meet with the Council to go through the changes they are proposing. They will touch base tomorrow to get that scheduled. Land Use Development Code Committee had their first meeting last Thursday and it went well. Clarion will be coming back in mid April to do some more work before beginning the draft. Downtown Master Plan final draft has not been received to date but we hope to get it in the next day or so then it will be taken back to the public before adoption. They will meet at the 3/14/07 noon meeting with the HPB.

VIII. APPROVAL OF BILLS – Council Member Holt moved to pay the bills. Council Member Middendorf seconded and the motion carried unanimously.

IX. ADJOURNMENT – On a motion duly made the meeting adjourned at 7:29 p.m.

Ross Aragón
Mayor

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT MINUTES
TUESDAY, MARCH 6, 2007
7:30 P.M.**

CALL MEETING TO ORDER - Mayor Aragon, Council Member Holt, Council Member Middendorf, and Council Member Simmons were present.

- X. APPROVAL of MINUTES FROM FEBRUARY 6TH 2007 MEETINGS** – The minutes were approved as read.
- XI. DELEGATIONS: None**
- XII. NEW BUSINESS**
- 1. Supervisors Report** - Facilities are running as designed, there were no violations in January. He continues to work on aeration to increase this on our plant. Mark hasn't gotten a chance to do a break down on the green power he had promised, but he did find out that La Plata County and Durango are looking at going all green power.
 - 2. PSSGID Resolution Number 2007-02 Establishing a Wastewater Activity Enterprise** - We did receive our \$2 million loan but we have to establish this enterprise to get this and get the rest of the funding we need. The loan is coming from the Colorado Water and Power Authority. This will be tabled so the Council can review the memo from Bob Cole. We will bring this back on the 3/14/07 meeting too.
- XIII. OLD BUSINESS**
- 1. Second Reading of PSSGID Ordinance Number 2006-02 for Inclusion of Archuleta County Fairgrounds** - Council Member Simmons moved to approve the 2nd reading of Ordinance 2006-02. Council Member Middendorf seconded, the motion carried unanimously.
 - 2. Second Reading of PSSGID Ordinance Number 2007-01 for Inclusion of Pradera Pointe Subdivision (Pagosa Development Additions A & B)** -
 - 3. Update on New Treatment Facility Planning** - Council Member Holt moved to approve the 2nd reading of Ordinance 2007-01. Council Member Middendorf seconded, the motion carried unanimously.
 - 4. New Treatment Facility Update** – We will be submitting a grant to DOLA looking for a \$750,000 grant and a \$250,000 loan. Ken Charles told us to apply for this amount but they usually only give \$500,000 grants. The \$2 million loan from the Water and Power authority is at 1.8% interest. We hope to not need any of the contingency funding but in the event that we do we may need to go into the town reserves a little bit. We will get it back very quickly though through the plant investment fees and the district will be able to repay the town. In talking to Mr. Levine again on relocating the plant down south is looking very favorable. We need to find out if we need to do an Environmental Assessment on our current site or not and we need to find this out from the state.
- XIV. APPROVAL OF BILLS** – Council Member Simmons moved to pay the bills. Council Member Holt seconded and the motion carried unanimously.
- XV. ADJOURNMENT** – On a motion duly made the meeting adjourned at 8:00 p.m.