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TOWN COUNCIL MEETING AGENDA TUESDAY, SEPTEMBER 4, 2007

5:00 P.M.

- I. CALL MEETING TO ORDER** -Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Atkinson, Council Member Steinert, and Council Member Simmons.
- II. APPROVAL of MINUTES FROM AUGUST 7 & AUGUST 8, 2007**-The minutes were approved as read.
- III. LIQUOR LICENSES**
 - 1. Gringo Grill, LLC – Liquor License Renewal**
 - 2. Pagosa Springs Area Association of Realtors - Special Event-** Council Member Cotton moved to approve the Liquor Licenses. Council Member Middendorf seconded and the motion carried unanimously.
Town Manager Mark Garcia introduced Diane Calderone who is the new Executive Director for the TTC.
- IV. DELEGATIONS: None**
- V. NEW BUSINESS**
 - 1. Lewis Building Condo Conversion (continued from August 7, 2007)** Tamra Allen gave an overview of this conversion. Would like to proceed as they continued to explore different parking options for this project and be continued at the October meeting. Council Member Holt asked how the documentation was going? Tamra advised they are working towards proceedings with the language in new code. Council Member Holt made a motion for them to continue working on conversion request, seconded by Council Member Simmons and with 7 ayes motion carried unanimously.
 - 2. Review of Resolution from Pedestrian Improvement and Safety Task Force** Joe Nigg gave brief overview – Asked Council to review and consider funding these improvements as determined necessary during the 2008 budget drafting and hearing. Council Member Simmons asked if material in crosswalks can be modified. Nigg advised they could take such recommendation. Council Member Simmons asked about school bus being advantageous.
First see if Council will support this. Petition property owners to help make connections. Number of different things to implement. Council Member Atkinson, how priorities transpire as to what areas get treatment. Joe Nigg, advised a feasibility of where development is located. Things that take more time, other areas where sidewalk connections could be made. Town has already looked into preliminaries. Council Member Atkinson asked about some treturist areas having first consideration. Nigg, advised it is not necessarily new construction. Council Member Middendorf said if there is a sidewalk in front of house, the owner is responsible for repairs. (Residential use/Tourism also. Town Manager Garcia advised that the costs associated with painting is much more. The Town Staff has painted some of the State Highways cross walks it is the responsibility of State but the town took care of these. Town Manager Garcia advised Council that there are challenges with CDOT in maintaining these sidewalks. Council Member Steinert – Have we come up with costs? Nigg 40,000 was a proposed grant and budgeting. Council Member Cotton moved to accept recommendation, seconded by Council Member Middendorf and with 7 ayes motion carried unanimously.

3. Ordinance No. 697 (emergency) Temporary Moratorium on buildings over 28 feet in height within residential zone districts- Tamra Allen advised concern expressed in south Pagosa area, concern to be pro-active, acceptable for height. Staff put together with assistance from our Attorney an Emergency ordinance suspending any structure. Extending until Jan. 2008 to modify heights within districts. There is a need for a sub-committee to work on heights. Allen advised Council to take into consideration Ordinance No. 697. Council Member Cotton asked what the current height is now and Tamra Allen said 35 ft. to mid span of bldg. 45 to origin. Council Member Holt asked if this takes effect in reality how will this effect building permits submitted before this date. What about permits requests prior to this. How will this be handled? Tamra Allen said if application is completely submitted and has received approval, construction will be based on these approvals. Council Member Cotton, felt this is the right thing to do, but if money is spent on Architects, how do we one day change the rules. How do we address that? Tamra Allen said she is not aware of projects as such, but don't know if there is one on the horizon. Council Member Cotton asked of special consideration. Council Member Middendorf asked if approved when will it go into effect. Allen said immediately, however if one is already submitted, we will take it into consideration. Council Member Steinert, Does this apply only to residential? T. Allen yes, this is true. Council Member Middendorf when dealt with height last year, mid span came in and became 45 ft. This brings to use to revise maximum heights for different regions. Re -creating code from last year. Council Member Simmons made motion to approve Ordinance # 697, seconded by Council Member Steinert, Council Member Middendorf added also to define this in the land use development code. Council Member Cotton, added and amend to allow special consideration for someone already in process? Council Member Simmons has problem with that because people will try to get in under the wire. Council Member Simmons has no problem with the land use code development. And with 6 ayes and 1 nay (Council Member Cotton.) Motion carried.

VI. OLD BUSINESS

- 1. Ordinance No. 696 (second reading) Schlaefli Annexation** Joe Nigg gave overview. No questions. Council Member Holt moved to approve second reading of the Pagosa Hills Subdivision No. 3 of 4.19 acres annexing Lots 81,82,83 and 84, seconded by Council Member Cotton. With 7 ayes motion carried unanimously.
- 2. Ordinance No. 693 (second reading) Schlaefli Annex Zoning-** Joe Nigg gave overview. Council Member Simmons asked Joe for brief clarification regarding D-3 VS B-1. Staff has re- reviewed this request for a D-3 zoning designation and believes that it is in the best interest of the town to consider of zoning designation of B-1, Multiple Use Residential . Council Member Cotton moved to approve second reading of Schlaefli Annex Zoning seconded by Council Member Holt. With 7 ayes motion carried unanimously.
- 3. Ordinance No. 694 (second reading) Amending Chapter 21.15, Adopting Appendix M** - T. Allen gave a brief revision. This adoption of this appendix brings in line the building code with Colorado state statutes. This will consists of 12 children in home family care instead of 5. Council Member Middendorf asked how many permits? Allen advised there is (1) with a location – N. 6th St. has worked with our bldg. official to bring this up to code. Who is going to enforce this? Human Service? Bldg Insp. Or who if passed? Tamra Allen –State enforces home licenses. Building Inspector does safety of building. And Business Licensing will do review of building and inspect it. State asks us to sign off. Fire extinguishers. etc. how about follow up? All thru state if change then Inspector will take a look at it. Don't know if there is a yearly license or not. Change in use we will certainly be in there. Council Member Middendorf motioned to approve Ordinance # 694 2nd reading, seconded by Councilmember Atkinson, and with 6 ayes motion carried. Let the record show that Council Member Cotton did not participate in discussion or vote. (1 abstention)
- 4. Ordinance No. 695 (second reading) Scanga Rezone of Tract D, Piedra Estates Subdivision** Request for rezoning has gone thru litigation suit. (Residential use.) Staff has recommended Council to rezone the property from OS (Open Space)to PE-R (Piedra Estates Residential.) Council Member Middendorf did not like threatening letter but is fine with rezoning, (no more threats.) Case closed. Council Member Holt moved to approve Ordinance #

695. 2nd reading Rezone of Tract D, Piedra Estates Subdivision. seconded by Council Member Middendorf. With 7 ayes motion carried unanimously.

VII. DEPARTMENT HEAD REPORTS

- 1. Town Manager Report-** Sales tax numbers are down. Not required any deferrals at this point. Council Member Simmons asked what was our goal? 7.6%. Council Member Cotton do we have a break down? Mark will check with Julie Simmons who has been working on that. Mark will try to spend time on this. Council Member Steinert 3.6 3 % increase over what? Last years, year to date advised Town Manager Garcia. Council Member Simmons if we don't reach our goal, do we have to make some budget cuts too? Mark I would say no, but it definitely becomes a challenge for us regarding 2008 budget. Strategic Planning session staff will follow up DDA stuff and other items. Date to come back together – September meeting jointly with Planning Commission on Sept. 18th. Mid month Garcia asked if ok Allen asked for evening meeting 5:30-8:30 on Sept. 18th. Council Member Middendorf asked if we have documents? Council Member Atkinson asked if another mid month meeting in addition to this Sept. 18th. Mayor Aragon said Mark and he will get back to them.

Update on CMAQ. The work on Greatwest Avenue has commenced and is planned to be completed this year but will depend on weather. Mark received a letter from a Piedra Estates resident. Mark will be meeting with him this week.

Enhancement Project – Davis Engineering is finalizing the designs for the pedestrian bridges. Railing details depict vertical and horizontal railing details as well different rail thickness. These rail details are custom fabricated and staff has asked Davis to research the availability of stock railing that would be less expensive.

Garcia asked if council wants to get with staff to discuss this further. Mark will get more details. How about first part of next week? OK

We will schedule meeting for next week some time.

Parks and Recreation report. Call Tom Carosello or Jim Miller. Mark put out agreement with concept design feasibility analysis to rec. ctr. 3 meeting schedule Sept. 19th or Sept. 26 as a public meeting. On this feasibility study. \$25,000 allocated at previous meeting. (1) item put us over \$1500 . Try to get these meeting times out to public, like to have this completed by Christmas time.

Web Page, Julie will get out to you.

TTC – Angela Atkinson, happy to have Diane on Board. They have been working on visitors guide. A \$30,000 investment for TTC. It is a big investment that we never had. They are also working on signage that was approved at strategic planning session. They have a new Board Member, Marcie Mitchell. And nothing further.

Mark one thing to report that he accepted position on CHI board.

Mark advised of one last thing on demolition on old Seeds site. Staff is waiting to get thru summer season. Staff will be working on demolishing.

- 2. Planning Department Report-** Tamra update on Historic Preservation board structures of merit list and are excited to present to board before Christmas. Board is also working with Clarion still. Waiting for color print outs to be completed. There is lots of information on these documents on DT master plan. Annexations – Continuing to move ahead w/Putnam Annex. About 50% of signatures. Voluntary VS Election. Still working on this. Yea, or Nay rather they want to get in on this inclusion or not. County Hot Springs Boulevard property. (In regards to a potential rezone request) To date no application has been submitted.

(CCRA) Com.Revital.Assoc. Downtown Design/Rehabilitation. If any one interested in going give Tamra a call. It is in Pueblo on Thursday. Scholarships are available. Mark said if anyone interested in going please call. If any questions call Mark.

RE: Hot Springs Property Council Member Holt, they said bring forward for re-zone, but financial situation felt they did not have to sell property. Does any body know where county is at? Council Member Middendorf said he talked to Campbell and he said County is doing well, but did express desire. Council Member Holt are we off hook, nobody seems

to know? Town Manager Garcia said probably out of contract, we had a closing date, rather we stick to that I'm not sure, but closing date has come and gone. Manager Garcia feels we are probably out of contract. And Mark can verify this for them. Mayor Aragon asked about our Attorney's bills for last month. Mark advised an added visit was on the bill. Mayor Aragon would like Mark to compare last years.

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

IX. ADJOURNMENT – On motion duly made the meeting adjourned at 6:07 p.m.

Ross Aragón

Mayor

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT AGENDA
TUESDAY, SEPTEMBER 4, 2007
5:00 P.M.**

- X. CALL MEETING TO ORDER** - Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Atkinson, Council Member Steinert, and Council Member Simmons.
- XI. APPROVAL of MINUTES FROM AUGUST 7th, 2007 MEETING** – The minutes were approved as read.
Michael Whitting – Thanked Council for doing a great job. Thanked Mayor for endorsing letter for a grant GOCO – Michael invited Council to “ saving the ranch” invitation. List of speakers are very impressive.
- XII. DELEGATIONS: None**
- XIII. NEW BUSINESS**
- 1. PSSGID Ordinance Number 04 (First Reading) Inclusion of 38 properties with an area of 372.91 acres into the Sanitation District-** Inclusion of 38 properties into the PSGID. Hwy 160 completed in 2004. All signatures on voluntary basis. First Reading for Council to review. Before annex sewer we want to see annex. To town asked Council Member Middendorf. Mark Garcia it does not. When we ran sewer line out the initial intent was to go thru inclusion/annexation process. Lengthy issue for Staff. More essential to get them into Dist. rather than annex. Catch up with at least inclusion into District. Council Member Middendorf asked if done for these people E.160, how about 84 properties? Manager Garcia said no. Council Member Holt moved to approve first reading of Ordinance #04 Inclusion of 38 properties with area of 372.91 acres into the Sanitation District, seconded Council Member Simmons. With 7 ayes motion carried unanimously.
 - 2. PSSGID Resolution Number 2007-05 Amending Sections 9.03 and 9.15 of the Pagosa Springs General Improvement District Rules and Regulations-** Manager Garcia provided memorandum from our Attorney. Prevision to. Experiencing a lot of illegal dumping and we have no ability under current rules and regulations. Attorney advised we make these changes to our rules and regulations. If approved, need to amend our Municipal Code at next meeting regarding Municipal Court. Council Member Simmons asked who follows up-Law Enforcements, Manager Garcia said a combination of them and staff. (Phil Starks and Law Enforcement.) Council Member Simmons moved to approve resol.2007-05 Amending Sections 9.03 and 9.15 of the PSGID Rules and Regulations, seconded by Council Member Steinert. With 7 ayes, Motion carried unanimously.
 - 3. Dach Request for Waiver of Fees and Charges-** Dach presented his case regarding buying property from a lady that was losing her home. Dach did not use a title company. There was no legal lien filed on this property. He did not know this bill was in existence. Nothing was filed in the courthouse, Dach was advised of this after the fact. \$920.95 is his bill. Attorney Larry Holthus thought I should pay original debt. Since I took over property payments have been up to date. I’m asking Town to forego the interest. I will pay the original debt. Manager Garcia said forego late charges. Dach asked the town be happy with \$920.95. (Waiver of \$473.00.) Council Member Cotton moved to accept Mr. Dach’s proposal. Seconded by Council Member Simmons. (Waive late charges and accept Mr.Dach's offer.) With 7 ayes motion carried unanimously.
 - 4. Collection of Delinquent Fees and Charges –** Town Manager Garcia gave overview. Would like Staff to go thru certification process. Applicant pays for everything. County collect monies thru treasure for collection. Council Member Holt asked what County charges? Garcia believes there is no charge. Council Member Cotton asked if it shows up in title search. Yes. Answered Garcia.

Council Member Cotton asked how we do this. Garcia, we need to get with Attorney and go thru certification process. Garcia will bring back to Council. Garcia will have Attorney finalize process and bring back to Council.

XIV. OLD BUSINESS

1. Update on New Treatment Facility Planning- Town Manager Garcia was unable to obtain staff report. Come back to finalize going over engine cost. Garcia wants to bring final financing option. We are waiting for Brilliam. 2 Mil. Over 3Mil. In actual cost estimated. As well as 20% contingency item. DOLA has a loan program. Garcia's recommendation is to apply for loan. In event get thru project, pay loan off or pay it down. Reduce debt load. Need to get estimate together from Brilliam. Engineering is underway. Council Member Middendorf asked if maintenance is going to be less. Garcia advised no. No Bond, purely on grants and loans. Do we expect it to pay for itself? We are working on new fee structure. Ideally, it should cover itself.

XV. DEPARTMENT HEAD REPORT

1. Supervisor Report- No violations. Through the summer Phil has been cleaning and videoing lines.

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

XVII. ADJOURNMENT – On a motion duly made the meeting adjourned at 6:42 p.m.