



551 Hot Springs Boulevard  
Post Office Box 1859  
Pagosa Springs, CO 81147  
Phone: 970.264.4151  
Fax: 970.264.4634

**TOWN COUNCIL SPECIAL MEETING MINUTES  
WEDNESDAY, NOVEMBER 3, 2010  
Town Hall Council Chambers  
5:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Lattin, Council Member Pierce, Council Member Volger
- II. **APPROVAL of MEETING MINUTES FROM OCTOBER 5<sup>th</sup>, 8<sup>th</sup> & 21<sup>st</sup>, 2010** – The minutes were approved as read.
- III. **LIQUOR LICENSES**
- IV. **DELEGATIONS**
  1. **Inez Lobato-Winter - Proclamation of Pancreatic Cancer Awareness Month** – Mrs. Inez Lobato’s father died of the pancreatic cancer. She says there are thousands of Americans who will die this year from the disease. This proclamation is the Town Council’s way of supporting the fight of this deadly cancer. Council Member Pierce moved to approve the mayor to sign the proclamation, Council Member Lattin seconded, unanimously approved.
- V. **NEW BUSINESS**
  1. **Ordinance No. 757, amending LUDC section 2.5.2.B.1 regarding Planning Commissioner eligibility requirements** - In March of 2010 the Town Council approved Ordinance No. 747, amending LUDC section 2.5.2.B.1 regarding Planning Commissioners eligibility to serve. Interest from business owners to serve on the board has not been as high as hoped and so the Planning Commission recommends the LUDC be changed again to include wording for any property owner. The proposed language change for LUDC section 2.5.2.B.1; “The Planning Commission shall consist of five (5) regular members and tow (2) alternate members, who shall be appointed by the Town Council by resolution. All members shall be either (a) a Town Resident; or (b) an owner of a business located within the Town which business or owner owns real property within the Town, and which owner is a resident of Archuleta County. An owner of a business includes a sole proprietor and the majority owner of a business entity such as a corporation, a limited liability company or a partnership. Non-Town residents shall be limited to two members at any one time”. Council Member Volger moved to approve Ordinance No. 757 (Series 2010), first reading, an ordinance of the Town of Pagosa Springs amending Section 2.5.2.B.1 of the Land Use and Development Code, Council Member Lattin seconded, unanimously approved.
- VI. **OLD BUSINESS**
  1. **Fire District MOU and Fire Code** – At the September 16, 2010 Town Council meeting, Mayor Aragon appointed a committee to study the merits of the MOU. After discussion with Council Member Cotton, Council Member Holt and Scott Pierce, Building Official, the committee decided approving the MOU was not a good option and would rather amend the current fire code as to retain control over the policies that are established for enforcing and interpreting the code. Staff held a conference with legal counsel and asked for review of drafted documents modifying the fire code language. At this time staff is awaiting a reply from legal counsel for this document. Council Member Holt explained the original MOU was between the Town, County and Fire District; however the Council has elected not to enter into

an MOU and wishes to allow each entity to go their own way with their codes.

2. **Impact fee and Building permit fee waivers** – Resolution 2009-19 Amendment, established development fee waivers from the date of approval until the end of the 2010 calendar year. Inquiries have been made as to the extension of this resolution waiving fees into 2011 including buildings that have begun but will not be completed before the end of 2010. EPS completed a new study and has presented new results which suggest an increase of approximately \$1,000 per residence to the current fees that the Town collects. Council Member Cotton does not agree to increase the fees at this time as EPS has suggested and recommends staying at the 50% fee reductions. Council Member Holt agrees with the current 50% waivers. Council Member Cotton moved to extend resolution 2009-19 Amendment, excluding section 3, through year 2011, Council Member Holt seconded, unanimously approved.

## VII. DEPARTMENT HEAD REPORTS

1. **Parks and Recreation Department Report** – Soccer season concluded October 14<sup>th</sup>, youth volleyball began October 18<sup>th</sup> and will run through mid-November. The volleyball program includes 89 participants, up from 2009's total of 76. Youth basketball will begin November 11<sup>th</sup> with 50 participants, up slightly from last year. The parks department continues to winterize summer equipment, blowing out irrigation systems and aerating and fertilizing along with over seeding some portions of Yamaguchi Park that did not germinate this spring. The river walk paving from 6<sup>th</sup> street all the way to the up river pedestrian bridge is complete along with gravel shoulders along both sides. Council Member Pierce asked about any reduction in the size of the skate park, Town Manager Mitchem said the Prost Committee will meet Monday evening to discuss the size or possible phasing of the park. Council Member Holt said that right by the Yamaguchi memorial plaque, a lot of work needs to be done and filled in around this area.
2. **Community Center Report** – Two display boards are available for advertising at the community center. The Colorado Fire Fighters Academy was a nice boost for the center and area businesses and has booked to come back again next year. The Halloween carnival held on October 30<sup>th</sup> was a big success with 1,130 people coming through the doors. The community donations along with the Kiwanis support were much appreciated. November 19<sup>th</sup> the Elation Center of the Arts along with the Community Center will be sponsoring another concert featuring Holy Water and Whiskey. Several capital improvements for the community center will be presented to council at the November 18<sup>th</sup> meeting.
3. **Planning Department Report** – The joint planning commission work sessions have continued with current agenda topics that include the Hwy 160 access control plan, the board chairs will be presenting their plan at the next joint Town/County Council meeting. Council Member Holt asked about the access of Trinity Drive which CDOT had requested closing. Town Planner, James Dickhoff, said they are working to keep that access open and that several areas on the plan have been identified as needing to be addressed. Teddy Herzog gave his letter of resignation to the Planning Commission. The Historic Preservation Board approved an alteration certificate for replacement of porch posts and exterior colors at 459 Lewis Street. A grant will be applied for with the help of the new CDC grant writer to the State Historic Society for signage and website assistance. A grant for signage to the TTC was denied. Neighborhood work sessions for the proposed San Juan Alley sidewalk began October 14<sup>th</sup>. The town has received \$200,000 in highway enhancement funds for this project. The Lewis Street neighborhood work sessions were completed mid September and are awaiting costs from Davis Engineering for the 2011 budget preparation. The sidewalk for this street will not be included in the reconstruction, but a 'safe routes to school' grant will be applied for to pay for the sidewalk on Lewis Street and the sidewalks between Hwy 160 and Lewis Street. A community open house will take place November 15<sup>th</sup> to discuss the Hwy 160 Access Control Plan. An MOU between the Town, County and CDOT will be adopted implementing the plan as developed.
4. **Town Tourism Committee Report** – Lodgers tax collections for September were up 9.86% over 2009 with one payment outstanding. The first 9 months of 2010 shows a 7.4% increase over the same period in 2009. The visitor center saw a minimal increase in fulfillment requests versus September 2009 and a slight increase in visitor center traffic. Requests are coming in from Texas, Colorado, Florida, California, and Oklahoma as the top five states in September.

Work on the reservoir hill sledding hill began October 16<sup>th</sup> with tree thinning and slash removal. Land contouring work begins in November, along with berm and erosion control development. The parking area is scheduled to begin when the Town Park river work begins. The events committee funded several events including the cruise-a-thon, arts alliance, music boosters, high school rodeos, fiber festival, murder mystery weekend, colorfest, renaissance & pirate festival, and many others totaling \$44,000. Council Member Pierce asked if capital improvements could be funded separate from the event funding, TTC Coordinator, Jennie Green, said that she will bring this to the board's attention at the next meeting. Council Member Holt asked about the need to continue funding the Folkwest events when they are doing so well, Ms. Green will bring this request to the board as well.

5. **Town Manager Report** – The Town Manager explained the sign at the Overlook Parking Area is sweating water inside and making the papers wrinkle. This is being addressed by Town staff. The streets department staff replaced sidewalk, curb and gutter at Hwy 160 and Hot Springs Blvd pocket park. SGM will be completing a sidewalk capital improvement plan to be presented to council upon completion. The next budget worksession will be November 12<sup>th</sup> at 10am at town hall to discuss capital improvements. Town departments heads presented the 2011 proposed department budgets on October 29<sup>th</sup>. Sales tax revenues in August were up 3.25% compared to August 2009. Year to date sales tax revenues are down -4.11% compared to 2009. Revenues are up from the budgeted 2010 amount. The municipal court received a \$4,345 invoice from the Archuleta County Sheriff's Department for the incarceration of Municipal inmates in the County jail. The budgeted line item for prisoner's costs in 2010 is \$2,000 and one of the inmates is required to reimburse the Town \$1,540 but it is doubtful the Town will receive the reimbursement. The Watters property purchase has been completed; additional expenses of a survey and phase 1 environmental study have been received and will be brought to council at the next meeting. The Corps of Engineers is requiring additional environmental assessments for the five river features the Town has proposed. The assessments will need to be done soon if the features are to be installed in 2011. Council Member Cotton is frustrated with the amount of studies the Corps of Engineers has required the Town to complete for these features. He feels there has been several analysis of the river and believes this money could be spent on other items. Council Member Holt asked if the past studies could be presented to the Corps instead of spending the money on another study. Perhaps the Town already has the information they require, or perhaps only a smaller portion of information will need to be obtained. Town Manager Mitchem said we are dealing with the same engineer who is aware of the past studies, but says that the Town will be changing the flow of the river and requires mitigation of the effects in other areas of the river. The consensus of Town Council is to move ahead with the required Corps of Engineers studies. The Town will be working with NREL and Colorado School of Mines to look into the Town's geothermal resource. We are hoping to refine our use of geothermal resources. A joint Town/County meeting is scheduled for Wednesday the 24<sup>th</sup> of November at 10am; Town Manager Mitchem said he will talk with the County regarding the time.

**VIII. Next Town Council Meeting November 18, 2010 at 12noon**

**IX. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:00pm

**Ross Aragón  
Mayor**