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## **TOWN COUNCIL MEETING MINUTES TUESDAY, DECEMBER 4, 2007 5:00 P.M.**

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Steinert
- II. APPROVAL of MINUTES FROM NOVEMBER 6<sup>TH</sup>, & 19<sup>TH</sup>, 2007** – The minutes were approved as read.
- III. LIQUOR LICENSES**
  - 1. Special Event Liquor License – Dr. Mary Fisher Medical Foundation** – Council Member Cotton moved to approve the liquor license. Council Member Atkinson seconded, the motion carried with 1 abstention (Council Member Simmons)
  - 2. Transfer of Ownership – Hunan’s Restaurant, LLC To Shi Jian Luo** - Council Member Steinert moved to approve the liquor license transfer. Council Member Middendorf seconded, the motion carried with 1 abstention (Council Member Simmons)
- IV. DELEGATIONS**
- V. NEW BUSINESS**
  - 1. REVIEW OF BOARD OF ADJUSTMENTS ACTIONS FROM NOV 27<sup>th</sup>, 2007**
    - a. 307 3<sup>rd</sup> Street Side and Rear Setback Variance** - Richard Valdez is the applicant. This is for a storage shed. The BOA reviewed and recommended approval without any conditions. Mayor opened to public comment, there was not any. Council Member Holt moved to approve the request. Council Member Steinert seconded, the motion carried unanimously.
  - 2. REVIEW OF PLANNING COMMISSION ACTIONS FROM NOV 13<sup>TH</sup> AND 27<sup>TH</sup>**
    - a. Parcel 2, Fairway Land Trust Minor Subdivision Rezone** - Applicant is Archuleta County. The Planning Commission reviewed this and recommended a denial as it does not meet criteria, nor does it meet the Comp Plan or Downtown Master Plan. Bob Campbell stated that financial crisis is not over and will probably last 2-4 more years. The prospect of them developing that property any time in the near future is highly unlikely. They believe making this commercial would better allow it to be developed if they can’t use and we don’t want it. Rather than letting it sit vacant for the next 5-10 years which will benefit no one. The rezoning would better enable them to sell the property, but they would not take any immediate action to do so, but is an option they want to have as the property owner. They do not want to sell it and use it as operating money in the general fund. Mayor opened to public comment. Bob Moomaw, County Commissioner encouraged the Council to look at this favorably. With the present circumstances it does not look like they will be able to build anything there and at this present time there is no plan for the county to use it, but feel it is a major asset. Ronnie Zaday, County Commissioner stated that the original fund that was used to purchase that property from the general fund and were unrestricted. If they sell that it will not go back into the general fund but hopefully into a capital improvement fund. Public comment was closed. The property appraised at \$1.4 million. They would still consider a contract with the town. Council Member Simmons moved to deny the request as per the Planning Commission recommendation. Council

Member Middendorf seconded, the motion carried with 1 abstention (Mayor Aragon who did not participate in the discussion).

**b. The Plaza Building B Condominium Conversion** - The Planning Commission reviewed this and recommended approval with 3 conditions. The applicant has completed conditions 1 & 2 already. Council Member Simmons moved to approve the request as recommended by the Planning Commission. Council Member Cotton seconded, the motion carried unanimously.

**c. Piedra Business Park Minor Subdivision** - The Planning Commission reviewed this request and recommended approval with 3 conditions. The applicant has met condition #2. Council Member Holt moved to approve the request with the conditions as recommended by the Planning Commission. Council Member Cotton seconded, the motion carried unanimously.

**d. San Juan River Villas PUD Final Plat** - The Planning Commission reviewed this and recommends approval with 11 conditions. Council Member Holt would like to see condition #3 stricken for this approval as it will no longer be an issue. Opened to public comment, there was not any. Council Member Cotton moved to approve the request with the 10 conditions, striking #3. Council Member Holt seconded, the motion carried unanimously.

**e. Mountain View Estates Minor Subdivision** - The Planning Commission reviewed this request and recommends approval with 3 conditions. The applicant has completed #2. Council Member Simmons asked if there were any easement issues with the airport on Condor Drive. They have 3 accesses to this property. The new airport personnel fenced off Condor Drive without knowing that they had access, so they are working with the County to have more permanent access rights. They are looking at different options right now and the County is cooperating with them. They have requested the zoning to match what the Comp Plan recommends. If this action goes through tonight all of the property will end up being zoned. Opened to public comment, there was not any. Council Member Simmons moved to approve the request with the remaining conditions as per the Planning Commission. Council Member Holt seconded, the motion carried unanimously.

**3. Ordinance No. 700, (first reading) Rezoning Mountain View Estates Minor Sub. -**

This is to rezone the previous property. The Planning Commission reviewed this and recommends approval. Council Member Steinert moved to approve the 1<sup>st</sup> reading of Ordinance 700 with the condition that the applicant will pay all recording costs. Council Member Simmons seconded, the motion carried unanimously.

**4. Resolution 2007-20, Intent to Annex the Putnam Annexation of 140 Acres** - Tamra would like direction on rather she should go after real estate transfer fees, the money can be used for multiple different things. It is commonly seen that the fees be 1%. Council Member Middendorf wanted to know if they could look at easements at this point. Tamra believes that the Matthews will dedicate a trail easement at annexation and at sell of the property or development they would give right of ways and possibly another easement. Council Member Atkinson thinks the RETAs are a good idea, as there is no cost to the developer. It is when the property turns over. This could be a very worthy tool. Council Member Cotton doesn't like singling out areas even though it is voluntary. This can be done on a case by case basis, it doesn't have to be all or nothing. It is kind of like a lien and is usually taken care of at closing costs. Mayor Aragon thinks that if we are going to get our in fill then we need to do this annexation. Council Member Middendorf moved to approve Resolution 2007-20. Council Member Simmons seconded, the motion carried unanimously. They told Tamra to go ahead and try to get the RETAs.

**5. Resolution 2007-22, State Tax Credit Review** - We approve similar resolutions every year. Council Member Holt moved to approve Resolution 2007-22. Council Member Steinert seconded, the motion carried unanimously.

**6. Resolution 2007-23, Appointing Town Tourism Committee Members** - This would appoint West Davies, Marsha Mitchell, and Christa Munro to fill vacant seats for 2 year terms. Council Member Cotton moved to approve resolution 2007-23. Council Member Simmons seconded, the motion carried unanimously.

**7. Ordinance No. 701, (first reading) Amending Municipal Code Section 12.10.04**

**Regarding Loitering** - Mr. Cole has prepared this revised ordinance. He also recommends that we should add no over night camping language to all of our town parks. All but one bench has been put back and to date we have not heard anything on them. Council Member Middendorf moved to approve 1<sup>st</sup> reading of Ordinance No. 701, taking out sit on section 1(d). Council Member Atkinson seconded, the motion unanimously.

**VI. OLD BUSINESS**

- 1. Budget 2008** - We passed out draft 4 tonight taking previous changes and recommendations that the Council requested and also trying to make it easier to read. We will have another meeting on Dec. 12<sup>th</sup> noon to discuss this and certify our mill levy.

**VI. DEPARTMENT HEAD REPORTS**

- 1. Town Manager Report** - Sales tax was down for Sept. sales receipts collected in Nov. 2.75% increase YTD.

Council Member Atkinson left 6:20 p.m.

CMAQ, we got approval from the state to reduce the scope of the Greatwest Avenue project. The asphalt will be completed this spring. Enhancement projects, working on getting feed back on our pedestrian bridge ramps and hope to get those out to bid soon and have them done by spring before high water. We are going to enter into a contract with U Can Afford Landscaping for the Raw Water Irrigation on Reservoir Hill and hope to get that started soon. The final meeting on the Recreation Center will be on Dec. 12<sup>th</sup> at 6:00 p.m. Staff will be looking for direction from the Council after that meeting. We have not heard anything from Fred Schmidt since the last meeting with him, we think we have some easement stuff worked out with him but have a few more things to look at before we are for sure. We received a GOCO grant for \$200,000 for Phase II of the Sports Complex for the 2008 budget. We will no longer be serving bottled water. Our January meeting will be on Jan. 2, 2008.

- 2. Planning Department Report** - The LUDC, Tamra would like to schedule a work session sometime early February to discuss this. The Downtown Master Plan, staff hopes to have final revisions out to Council by Friday. Tamra would like to schedule a work session on this either Dec. 19<sup>th</sup> or 20<sup>th</sup> so we can try to wrap this up by the end of the year. The meeting will be the 19<sup>th</sup> at noon.

Mayor Aragon reported that at the next meeting he would like to see the Council adopt a Resolution addressing the anti-litter campaign. Mark stated that staff will bring one to the January 2008 meeting.

**VII. APPROVAL OF BILLS** – Council Member Simmons moved to pay the bills. Council Member Steinert seconded, the motion carried unanimously.

**VIII. ADJOURNMENT** – On a motion duly made the meeting adjourned at 7:03 p.m.

**Ross Aragón**

**Mayor**

**PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT MINUTES  
TUESDAY, DECEMBER 4, 2007  
7:04 P.M.**

**IX. CALL MEETING TO ORDER** - Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Steinert

**X. APPROVAL of MINUTES FROM SEPTEMBER 4<sup>th</sup>, 2007 MEETING** – The minutes were approved as read.

**XI. DELEGATIONS: None**

**XII. NEW BUSINESS**

1. **Rate Survey Information** - We didn't get this information for tonight so this will come back at our December 12<sup>th</sup> meeting. Mark will email this out as soon as he gets it.
2. **Hoch Plant Investment Fee Reduction Request** - Mr. Hoch owns the old CarQuest Building which is currently a T-shirt shop and he wants to turn it into a restaurant. He says that at the current rate for sewer it would shut down the project and there will be another empty building on Main Street. Mark would like to come to an agreement with Mr. Hoch for a total of 3 ERTs for the facility and then monitor it for 1 year and then come back and reassess and raise ERTs if necessary. This he believes would help with less vacancy of buildings in the down town area. Maybe we come up with a hardship approach to this so we don't open up a can of worms and everyone can ask for the same thing. Or maybe a "depressed district" approach. Mark will talk to our attorney and bring this back to the Council on December 12<sup>th</sup>.

**XIII. OLD BUSINESS**

1. **Update on New Treatment Facility Planning** - We submitted our last set of loan documents to DOLA and hope to have approval on this at the beginning of next year.

**XIV. DEPARTMENT HEAD REPORT**

1. **Supervisor Report** - We did have one ammonia violation. The state recognizes our difficulties during this period and will work with us until our new plant is online. Phil is recommending that we outfit our lift stations with SCATA which lets us know when lift stations fail. Phil will bring back cost estimates to us.

**XV. APPROVAL OF BILLS** - Council Member Simmons moved to pay the bills. Council Member Steinert seconded, the motion carried unanimously.

**XVI. ADJOURNMENT** - On a motion duly made the meeting adjourned at 7:43 p.m.