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**TOWN COUNCIL MEETING MINUTES
THURSDAY, FEBRUARY 18, 2010
Town Hall Council Chambers
12:00 P.M.**

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Pierce, Council Member Volger
- II. LIQUOR LICENSES**
- 1. Liquor License Renewal – Marilyn Dach dba Silver Dollar Liquor Store 204 E Pagosa Street** – Council Member Pierce moved to approve the liquor license renewal for Marilyn Dach dba Silver Dollar Liquor, Council Member Cotton seconded, unanimously approved.
 - 2. Special Events Liquor License – Seeds of Learning Auction Dinner at the Ross Aragón Community Center March 6, 2010**
 - 3. Special Events Liquor License – Southwest Organization for Sustainability event at Liberty Theatre March 15, 2010** – Council Member Volger moved to approve the special events liquor licenses for Seeds of Learning and Southwest Organization for Sustainability, Council Member Cotton seconded, unanimously approved.
- III. DELEGATIONS**
- 1. Lynn Bridges with Seeds of Learning Update** - Mrs. Lynn Bridges updated that the Seeds of Learning Childcare Center is currently fully enrolled with 58 kids and a waiting list. She said they have applied for accreditation and hopes to have the decision in the next nine months. She presented information on the Archuleta County Profile that was worked on by several community organizations. This profile gives an accurate presentation of the County and what Archuleta County represents by its non-profit organizations. This information will be presented at a non-profit round table to ask for money for the community at the Philanthropy Days in June.
- IV. NEW BUSINESS**
- 1. 2009 Building Permits Year End Summary** – Mr. Scott Pierce with the Town building department presented the 2009 year end building permit summary. The Town issued 33 building permits in 2009 a -38.89% decrease compared to 54 permits issued in 2008. Two were for new residential, two new commercial construction, 8 residential remodels, eighteen commercial remodels, and three miscellaneous permits. Total valuation was over three million; permit fees of twenty five thousand, with eight thousand dollars of those permit fees waived.
 - 2. Ordinance No. 751 (first reading) Repeal Sections of the LUDC relating to Large Retail Development and referring Ordinance No. 751 to Electors** – In 2009 the Town Manager was contacted by representatives of a large retail development seeking locations to place a particular big box store in Colorado. Due to the large retail development process existing in Section 2.4.5 of the LUDC, the Town of Pagosa Springs is excluded from competing for the placement of this retailer. The message received by the developer is that our community is anti-business. The Town Council took action on August 20th by repealing Section 2.4.5 of the LUDC. Subsequently, a petition was filed and deemed sufficient to refer this repeal to the voters at the April 6th election. Upon further review, staff and legal counsel believe that the repeal of additional sections of the LUDC related to large format retail (including 100,000 square feet and large) should also be referred to the

electors on April 6th. Council Member Holt asked Town Manager Mitchem to find out if Ordinance 751 and 743 can be combined on the ballot as language for one vote on repeal of all large retail development restrictions. Council Member Holt moved to approve first reading of Ordinance No. 751, Series 2010, an Ordinance of the Town of Pagosa Springs repealing provisions of the Land Use and Development Code and Related Provisions of the Land Use and Development Code User's Manual regarding Large Retail Development which were not previously addressed by Ordinance No. 743, and Referring this Ordinance to the Registered Electors of the Town at the Regular Election to be Held on Tuesday, April 6, 2010, Council Member Cotton seconded, unanimously approved. A special meeting will be held on March 9th at 12noon to present second reading of Ordinance 751 to Council.

3. **Rezoning Request, 1100 CR 500, Burnett Subdivision 2, Lot 2** – The applicant, Diane Burnett, has requested a rezone of the property to a similar zone district prior to the zoning change that took place during the creation and adoption of the new zoning map in February 2009. The planning commission approved the recommendation at the February 9, 2010 meeting. The property location next to the High School will ensure pedestrian connections with future trails consistent with the Town Comprehensive Plan. Council Member Volger moved to approve the Rezoning of 1100 CR 500, also known as, Burnett Subdivision 2, Lot 2a, from Rural Transitional (R-T) to Residential Medium Density (R-12), Council Member Pierce seconded, unanimously approved.
4. **Letter of Support for Geothermal Greenhouse Federal Appropriations** – The Southwest Land Alliance is applying for Federal Appropriations for the Geothermal Greenhouse Project. In order to apply for the money, the SLA must have a signed letter of support from the Town of Pagosa Springs Town Council. Ultimately this project will support the goals and objectives of growth and development, community culture and arts, economic vitality and parks, open space, and recreation as described in the town's Comprehensive Plan. Council Member Pierce moved to authorize the Mayor to sign the Geothermal Greenhouse Project letter of support, Council Member Volger seconded, unanimously approved.
5. **Ordinance No. 752 (first reading) Continued Suspension of Applications for Medical Marijuana Dispensaries** – On October 15th the Town Council approved Emergency Ordinance No. 745 temporarily suspending the processing of applications for medical marijuana dispensaries through March 31, 2010. The State legislature will be considering numerous proposed bills refining State Constitutional Amendment 20 during the current State legislative session. The appointed "Medical Marijuana Committee" met on February 11, 2010 and determined an extension of the Emergency Ordinance would be appropriate. It is anticipated the State might approve a bill by July 1, 2010 which in turn may be signed by July 31, 2010. This ordinance extends the temporary suspension through August 31, 2010 to receive the States finding and create a procedure that will work for the Town. Council Member Holt moved to approve the first reading of Ordinance No. 752, continuing the temporary suspension of the processing of application for medical marijuana dispensaries through August 31, 2010, Council Member Volger seconded, unanimously approved.
6. **Review of Joint Town/County Work-Session**
 - a. **Skate Park** – The skate park re-design for the Springs Street/Post Office location was received and the requirement for a retaining wall has sent the costs up significantly. According to Parks & Rec director, Tom Carosello, the additional funds necessary to build on this lot would be in excess of \$150,000. Another option discussed by Council and Commissioners includes the newly built Yamaguchi Park which would give the skaters coalition a possible \$32,000 shortfall. Both locations will require a GOCO grant and with a March 2nd application deadline it may be difficult to make the timeline. Council Member Holt moved to relocate the proposed skate park to the Yamaguchi Park site contingent upon GOCO's approval of that site, Council Member Holt seconded, unanimously approved. Council Member Pierce would like Mr. Carosello to look into designing a 6,500 and an 8,500 square foot skate park, giving the Town some options for possible shortfalls when the grant is presented. County Project Manager, Karin Kohake, said the request for information received by the County, has given her a good estimate for the amount the skate park will cost. She feels a two phase park would cost more

and is confident there will not be a shortfall for the Yamaguchi site. Council Member Pierce moved to reimburse the skaters coalition \$11,000 jointly with the County for the engineering costs associated with the Springs Street site, Council Member Holt seconded, unanimously approved.

- b. **Wolf Creek Pass Closures** – The Colorado Department of Transportation, CDOT, clears the pass during snow storms. This year there have been frequent closures of the pass, trapping tourists at the ski area and forcing them to make accommodations in South Fork. The Town Manager will be in Durango on March 5th with the County Administrator and will plan to set a meeting with a CDOT representative to discuss these closures.
- c. **Town to Lakes Trail** – The first phase of the Town to Lakes trail will connect S. 10th St. from the Elementary School to Harman Park and the Hwy 160 & Piedra Rd. intersection.
- d. **Development Fee Program** – At this time the building and development fees for 2010 are discounted 50% by both the Town and the County, a request to continue the 2009 100% discount was addressed at the County meeting, but the County is unable to accommodate the request at this time. The Council agrees to remain consistent with the County and keep the current fees at a 50% reduction through 2010.
- e. **Community Development Corporation (Economic Development) Funding** – The County's 2010 budget for AEDA is \$10,000, however they are hoping to raise another \$20,000 and supply additional staff hours toward the CDC revenues. The Town has budgeted \$50,000 toward the AEDA/CDC support. Council Member Holt would like to keep the Town's portion equitable to the amount of support from the local businesses and the County, and would like to have the option to reconsider the funds for the CDC. Town Manager Mitchem will address the CDC on Friday February 19th; he will ask about the Town funds allocated, along with the CDC name to suggest the inclusion of "economic development" into the name. Mr. Michael Whiting explained the new CDC Plan outline has no new ideas or changes as to how the AEDA had previously been operating. He suggests the Council remold the scope of work performed by the CDC and not overlap community resources. Mrs. Patsy Lindblad, Vision of Archuleta County group, said the CDC is not including the community and believes the CDC should look into including the private citizens. Mr. Jerry Smith says it should be a priority to get behind economic development in the community.

V. OLD BUSINESS

1. **December Sales Tax Brief** – The sales tax receipts for December 2009 was -6.5% below December 2008's receipts. This reduction is less than what the 10% Council budgeted as receipts in the 2010 budget. Therefore, no change to the current expenditures needs to occur at this time. Lodger's tax continues to increase and is up 9.2% over 2008 receipts.

VI. Approval of January Financial Statement and Accompanying Payments – Council Member Pierce moved to approve the January Financial Statement and Accompanying Payments, Council Member Volger seconded, unanimously approved.

VII. Next Town Council Meeting March 2nd, 2010 at 5pm

VIII. ADJOURNMENT – Upon motion duly made the meeting adjourned at 1:17pm

**Ross Aragón
Mayor**