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TOWN COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 2, 2008
Town Hall Council Chambers
5:00 P.M.

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Pierce, Council Member Weiler
- II. **APPROVAL of MEETING MINUTES FROM NOVEMBER 5TH, 7TH, and 20TH, 2008** – The minutes were approved as read
- III. **LIQUOR LICENSES**
 1. **Renewal Liquor License – Victoria’s Parlor 274 Pagosa Street** – Council Member Pierce moved to approve the renewal liquor license, Council Member Holt seconded unanimously approved.
- IV. **DELEGATIONS**
 1. **Proclamation Recognizing 30 Years of Service for Police Chief Volger** – Mayor Aragon read the proclamation and presented Chief Volger with a plaque recognizing his years of service.
- V. **NEW BUSINESS**
 1. **REVIEW OF PLANNING COMMISSION ACTIONS FROM NOVEMBER 25, 2008**
 - a. **Plaza at Aspen Village Building B-2 Condominium Conversion** – The applicant represented by Aspen Partners Pagosa LLC is requesting the ability to complete a condominium conversion of Building B-2, located on Lot 1, Block 7, Aspen Village Phase II. The Planning Commission reviewed this request at a public hearing November 25th, 2008. They recommended approval with four (4) conditions; (1) revise survey plat per staff comments; (2) submit a copy of the recorded amendment to the Codes & Covenants outlining revised allocated interests; (3) provide proof of a temporary certificate of occupancy or certificate of occupancy has been issued for Building B-2 prior to plat recordation; and (4) submit final plat for recording. Ms. Tristan Nauman asked that item #3 be removed due to some items that will not be completed until the owner has occupancy. Staff does not have an issue granting this request. No public comment. Council Member Pierce moved to approve the request to convert The Plaza at Aspen Village, Building B-2, into five (5) commercial condominiums, as recommended by the Planning Commission with the exception of the third item; provide proof of a temporary certificate of occupancy or certificate of occupancy being issued, Council Member Cotton seconded, unanimously approved.
 - b. **266 East Pagosa Street Conditional Use Permit Request** – The applicant Mr. Omar Pereyra is requesting a conditional use permit to operate a “temporary” vending unit on the property located at 266 East Pagosa Street on a year round basis. The Planning Commission reviewed this request at a neighborhood compatibility meeting on November 25, 2008 and recommended approval upon five (5) items; (1) the permit being non-transferable; (2) removal of concession trailer within five days following closure or by July 31, 2009; (3) the unit being placed in the areas specified in the application; (4) the site to remain clean and orderly; and (5) the concession trailer shall not remain unused for a period exceeding two (2) weeks without removal from the subject property. Mr. Cappy White would like the businesses that occupy the main strip to be a type of operation that would give the appearance the community approves, not necessarily a temporary vending unit. He suggests a yearly business license fee of \$2,500 for this type of vending business to distract the part time owners who just want to make a buck, this might level the playing field for other full time businesses. Mr. Bobby Hart said the planning commission had the idea that perhaps this owner could use this time to establish his business and then move to a more permanent location as other businesses have done in the past. Council Member Holt moved to approve the Burrito Stand Conditional Use Permit, as recommended by the Planning Commission at the November 25, 2008 meeting, Council Member Cotton seconded, unanimously approved.
 - c. **Sawmill Place Preliminary Plan Access/Traffic Circulation Discussion** – At the November 5, 2008 meeting Council approved the Sawmill Place Preliminary Plan as submitted with a request that the applicant, Schlaefli Family Trust, revisit potential alternatives to address left hand turn movements into the development. Alternative A (as permitted) allows for right-in/right-out traffic. Alternative B (eagle drive extension) the extension between Sawmill Place and Pike Drive would be constructed and the Town

would need to commit in some form to the acquisition of Lot 85, Pagosa Hills No. 3 and lot 86 along with credit to Sawmill place for road impact fees as a regional road improvement. Alternative C (rainbow drive connection) is not acceptable due to the amount of roadway improvements that would be required by Archuleta County and neighborhood opposition. The Other Alternative is a ¾ traffic movement into Sawmill Place at the proposed access location. This option would invalidate the existing CDOT permit and force Pike Drive into a right-in/right-out only intersection. Mr. Andy Schlaefli would like the council to approve the current access into the 28 space RV Park and then work with the town to extend the Eagle Drive access. He advised that he received a letter from CDOT on this date with several restrictions to access to the property. He would like to work with the County and Town staff to get the right-of-way to extend Eagle Drive frontage road which requires design deviations and right-of-way issues. He would like credits for all fees, not just the road credit fees. Staff believes that most of CDOT's issues can be resolved and that moving forward with a right-in/right-out access as approved is the best option. Ms. Deanna Myers believes the amount of traffic will be much more than the current 28 space vehicle traffic. Ms. Dianne Killen says that there is quite a bit of traffic that currently goes in and out of the RV Park and there have never been any problems with access to the park. Council Member Holt stated that option A has already been approved and that Mr. Schlaefli is good to go. Council Member Holt believes they have satisfied the conditions and council's consensus is that the applicant can move forward.

2. **Resolution 2008-34, Verification of Eligibility to Annex 7 Acres of Goodman Property** – Staff has worked with Mr. Goodman over the past two months to initiate annexation of this seven acre tract located at 449 County Road 411. Council approved Resolution No. 2008-27 at the October 7, 2008 meeting. Pursuant to Section 31-12-109 CRS the Town Council must complete a formal public hearing on the proposed annexation. Mayor Aragon opened this item for public comment. Mayor Aragon closed to public comment. Council Member Cotton moved to approve Resolution 2008-34, setting forth findings of fact and conclusions in regards to the Goodman Annexation, Council Member Weiler seconded, unanimously approved.
3. **Resolution 2008-35, Verification of Eligibility to Annex 15 Acres of Goodman Family Trust Property** – Council approved Resolution No. 2008-28 initiating annexation proceeding in regards to the “Goodman Family Trust Annexation” at the October 7, 2008 meeting. Staff has worked to initiate annexation of this fifteen acre property located at 651 County Road 411. Pursuant to Section 31-12-109 CRS the Town Council must complete a formal public hearing on the proposed annexation. Mayor Aragon opened this item for public comment. Mayor Aragon closed to public comment. Council Member Holt moved to approve Resolution 2008-35, setting forth finding of fact and conclusions in regards to the Goodman Family Trust Annexation, Council Member Cotton seconded, unanimously approved.
4. **Ordinance No. 723 (first reading), Annex 7 Acres known as the Goodman Annexation** – This is a first reading of Ordinance No. 723 annexing property known as the ‘Goodman Annexation’. At the October 7, 2008 meeting council approved Resolution No. 2008-27 initiating annexation proceedings. Subsequently, Resolution No. 2008-34 verifying eligibility was reviewed by Council at the December 2, 2008 meeting and approved annexation of seven acres of property located at 449 County Road 411. Council Member Cotton moved to approve first reading of Ordinance No. 723, Annexing property known as the Goodman Annexation, Council Member Holt seconded, unanimously approved.
5. **Ordinance No. 724 (first reading), Zoning the 7 Acre Goodman Property** – This is a first reading of Ordinance No. 724 assigning a base zone district to the property known as the ‘Goodman Annexation’. The subject property will obtain an A-District, Single Family Residential classification upon completion of the annexation process. The planning commission reviewed this zoning designation at the November 25th meeting and unanimously approved. Council Member Cotton moved to approve the first reading of Ordinance No. 724, Zoning Property Known as the ‘Goodman Annexation’, Council Member Holt seconded, unanimously approved.
6. **Ordinance No. 725 (first reading), Annexing 15 Acres known as the Goodman Family Trust Annexation** – This is a first reading of Ordinance No. 725 annexing property known as the ‘Goodman Family Trust Annexation’. Council approved Resolution No. 2008-28 at the October 7, 2008 meeting, initiating annexation proceedings. Subsequently, Resolution No. 2008-35 verifying eligibility was approved by Council at the December 2, 2008 meeting. The proposed annexation includes fifteen acres of property located at 651 County Road 411. Council Member Cotton moved to approve first reading of Ordinance No. 725, annexing property known as the ‘Goodman Family Trust Annexation’, Council Member Holt seconded, unanimously approved.
7. **Ordinance No. 726 (first reading), Zoning the 15 Acre Goodman Family Trust Property** – This is a first reading of Ordinance No. 726 assigning a base zone district to the property known as the ‘Goodman Family Trust Annexation’. The subject property will obtain an A-District, Single Family Residential classification upon completion of the annexation process. The Planning Commission reviewed the zone district designation at the November 25th meeting and unanimously approved. Council Member Holt moved to approve the first reading of Ordinance No. 726, zoning property known as the ‘Goodman Family Trust Annexation’, Council Member Cotton seconded, unanimously approved.
8. **Resolution 2008-36, Appointing a Member and Reestablishing terms for All Members of the Town Tourism Committee** – Staff has worked with the executive committee of the TTC to reestablish all terms in a logical manner so that appointments happen every year at

the same time. Additionally, the board voted to recommend the appointment of Ms. Pam Shoemig to the TTC as a representative of the Lodgers' Association, replacing previous board member Fred Schmidt due to absences from attendance. Council Member Cotton moved to approve resolution 2008-36, appointing Ms. Pam Shoemig to the Town Tourism Committee and reestablishing terms for all members, Council Member Holt seconded, unanimously approved.

9. **Resolution 2008-37, Appointing Mr. Jim Saunders as Chief of Police** – Section 7.6 of the Town Charter provides the authority to the Town Manager to appoint or hire a Chief of Police with approval of Town Council. The Town Manager is recommending via this resolution the Council approve appointment of Mr. Jim Saunders, currently serving as Assistant Chief, as the new Chief of Police commencing January 1, 2009. Council Member Holt moved to approve resolution 2008-37, appointing Mr. Jim Saunders as the Town of Pagosa Springs Chief of Police, Council Member Cotton seconded, unanimously approved.
10. **Ordinance No. 727 (first reading), Allowing Town Council member participation through technological devices** – Ordinance No. 727 acknowledges the ability of Council and other Boards, Commissions and Committees to participate in meetings via telephone, video conferencing and other similar technological means as long as all persons participating in the meeting can hear each other at the same time. Such electronic participation will constitute presence at the meeting by the member for all purposes, including determining a quorum and voting on all matters before the council, commission or board. Council Member Cotton believes this could become a problem with members staying home and simply calling into the meeting and consequently no one being present at the Council Chambers. Ms. Dawn Truax believes there could be conditions in the ordinance to address issues. Council Member Cotton moved to approve first reading of Ordinance No. 727, an ordinance adding Section 2.2.5 to the Town of Pagosa Springs Municipal Code, authorizing Council Members and Members of Commissions, Boards and Committees to attend meetings by telephone and other similar technological means with provisions requiring physical attendance, Council Member Holt seconded, unanimously approved.
11. **Consideration for Adoption of an IGA between the Town and County for Conservation Trust Fund Monies** – The IGA is to formalize an ongoing payment by the County to the Town for monies from the CTF which the County has provided the Town with a payment of \$30,000 for previous years. Per CRS 29-21-101(4), CTF money can only be expended for the “acquisition, development and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site.” This IGA commits the County to payment of the \$30,000 for a term of five years, ending in 2013; a term which will be automatically renewed for additional one year terms unless terminated by written notice. Council Member Holt moved to approve the adopting of an intergovernmental agreement regarding conservation trust funds and authorize the Mayor to sign such agreement, Council Member Weiler seconded, unanimously approved.
12. **Consideration for Appointment of a New Council Member to Serve the Remaining Term of the Vacant District 2 Town Council Seat** - At this time, there have not been any applications for appointment to the board. Staff will re-open the application deadline.

VI. OLD BUSINESS

1. **Ordinance No. 722 (second reading) – Establishing Vested Rights on the Mountain Crossings Property and Consideration of Mountain Crossings Developer's Agreement** – At the November 5, 2008 meeting the Council approved the Mountain Crossing's Development Agreement and additionally completed first reading of Ordinance No. 722 establishing vested rights on the subject property. The development agreement as drafted sets forth vested rights for a period of twenty years in regards to permitted uses and residential/non-residential densities; under certain performance thresholds as established in Section 2.5. The first reading of Ordinance No. 722 was unanimously approved at the November 5, 2008 council meeting. Council Member Pierce moved to approve the second reading of Ordinance No. 722, establishing vested property rights on the Mountain Crossing Property, Council Member Cotton seconded, unanimously approved.
2. **Ordinance No. 720 (Second Reading) – Annex property known as 'Blue Sky Village'** – This is the second reading of Ordinance No. 720 annexing property known as the 'Blue Sky Village Annexation'. At the June 19, 2008 meeting the Council approved Resolution No. 2008-14 initiating proceedings for annexation. The proposed annexation includes seven tracts of property comprising six right-of-way tracts held under CDOT ownership and an approximate 96 acre tract known as Blue Sky Village. The Planning Commission reviewed this request for annexation at the August 12, 2008 meeting and unanimously recommended approval of the annexation. Staff will continue the second reading at the December 8th 2008 meeting. Mayor Aragon opened this issue to public comment. No public comment, Mayor Aragon closed to public comment. Council Member Pierce moved to conduct the public hearing as required under the Municipal Annexation Act, and continue review of Ordinance No. 720 (second reading) until the next regularly scheduled meeting at which time an annexation agreement in a acceptable form can be forwarded to Council for concurrent review, Council Member Holt seconded, unanimously approved.
3. **Ordinance No. 721 (Second Reading) – Zoning property known as 'Blue Sky Village'** - The first reading of this ordinance was unanimously approved at the September 2, 2008 council meeting. This ordinance assigns base zone district to the property known as the 'Blue Sky Village Annexation'. Mayor Aragon opened this issue to public comment, with no public comment, Mayor Aragon closed to public comment. Council Member Pierce moved

to continue review of Ordinance No. 721 (second reading) based on the continuation of Ordinance No. 720, Council Member Cotton seconded, unanimously approve.

VII. DEPARTMENT HEAD REPORTS

- 1. Municipal Court Department Report** – In October, Municipal Court received evaluation results from the OMNI Institute regarding testing of juveniles in the Courts Juvenile Services program. The data indicates a reduction in the use of tobacco, alcohol and illegal drugs of juveniles in the program.
- 2. Parks and Recreation Department Report** – Youth volleyball ended late November, youth basketball began with 60 participants. Tom Carosello has been asked to serve as an ex-officio member of the newly created Parks, Recreation, Open Space and Trails task force. The goal of the task force will be to spend the county's 1A Fund monies. Judging of the Mayor's Green Ribbon Panel Pick-up Pagosa Country poster and essay contest has begun with winners to be announced at the end of the year. Sports Complex is 100 percent complete and the town crew will now finish the in-kind portion.
- 3. Planning Department Report** – A public hearing on the land use code, user's manual and zoning map has been scheduled for December 5th at 12noon to include both the Council and Planning Commission. A number of annexation petitions are in various stages, Goodman, Blue Sky Village, Blue Sky Ranch, and Reservoir River Ranch.
- 4. Town Tourism Committee Report** – Lodging tax revenues are currently down 2.8% from 2007. Overall visits to the website and fulfillment packets were not as great as they should have been year to date due to website problems. Mrs. Marcy Mitchell explained the 2008 estimated budget was not calculated correctly and a revised 2008 budget was required, the 2009 budget is solid.
- 5. Town Manager Report** – Sales tax for September 2008 increased .14% from September 2007 collections. The town returned \$398,179 in CDOT Enhancement grant funds because the two projects for which they were allocated could not be completed in a timely fashion. The Town will be permitted to apply for supplemental funding for the Town Park Pedestrian Bridge project with final decision made March 18, 2009. Staff is directed to schedule a retreat in the 1st quarter of 2009. San Juan River Restoration Project update at the next meeting regarding options. An IGA will be presented to council at the December 18th meeting to combine the TTC and CTC.

VIII. APPROVAL OF BILLS – Council Member Holt moved to approve the bills, Council Member Pierce seconded, unanimously approved.

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 6:24pm

**Ross Aragón
Mayor**