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TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY, OCTOBER 22, 2009
Town Hall Council Chambers
12:00 P.M.

I. CALL MEETING TO ORDER – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Jackson, Council Member Pierce, Council Member Weiler, Council Member Volger

II. LIQUOR LICENSES

III. DELEGATIONS

1. Clint Jones - Village at Wolf Creek - Mr. Clint Jones presented the Village at Wolf Creek proposal to Town Council. They have been working for an alternative plan for the property in Mineral County near the top of Wolf Creek pass. Due to thin wetlands in the Alberta Park Valley and ownership on Alberta Peak in conflict with the Pitcher's ski area. They would like to exchange this land with the Forest Service for a treed area higher on the ridge; this would mean having to replat the entire build out. The first phase has 492 units of hotel rooms, condo units, duplexes and single family lots. They are looking to grow compatibly with the Wolf Creek Ski area and have met with the Pitcher family to work in unison. During the land exchange process there will be public meetings with the forest service in Mineral and adjoining counties. Mr. Jones explained that if the land exchange is denied, the owners will go forward with the plan they have in place currently. He said the Pitcher family is in support of the land exchange. Full build out includes 3 hotels and a total of 1711 units. He mentioned a possible self-imposed tax to help the surrounding communities who are required to provide emergency services to this new community. Mr. Jeff Grier doesn't think the public is ready to give Mr. McCombs a bail-out of a land swap. He feels there will be an impact on sales and lodgers tax. Mr. Jones says they are proposing to bring in more new visitors that will spur economic development. Mr. Michael Whiting said the proposed project with a land swap is a much better plan than the previous one. An economic impact analysis should be requested from the Town Council and that per Resolution No. 2004-15 a procedure is in place to request this analysis. Mr. Jones says he will be completing the EIA when there is a plan in place. Ms. Janet Santopietro asked about the legislative process with the land swap. Mr. Jones said Representative Salazar has asked that the environmental impact study be done for the project to move forward in the legislature. Mr. Michael Little applauds Mr. Jones moving forward with the EIS and is for controlled growth. Mr. Bob Hart supports responsible developments and is in favor of plan number two, the plan that requires the land exchange. He recommends a letter of support from the Council be submitted for this land exchange. Mr. Larry Fischer believes the Town will not be hurt by the development on Wolf Creek, and believes that the owner of the property should have the control and make the decisions best for his own property. Mr. Ryan Bidwell, with Colorado Wild, says they are not against the proposal of the Village; they are against the circumventing of the project. He says Mr. Jones' approach and proposal is beneficial and is looking forward to the reports that the developer has promised to provide. Mr. Jones says he wants to be transparent and open in the process and continue to do the right thing for the public. Ms. Robbie Schwartz asked about the number of skiers at the ski area as its expanse. Mr. Jones says that phase one is based on Mr. Pitcher's ability to take on 2,000 new skiers as he has stated. He said future phases are based on the expansion of the ski area. Mrs. Windsor Chasey asked about water shed areas. Mr. Jones said the storage of water, from three intakes, will be necessary for water pressure. Mr. Matt

Meese asked about the legislative route guaranteeing the project being built, Mr. Jones said the project will be built if passed by the legislature land swap. Council Member Jackson said he is willing to give a letter of support after more discussion and information about the possible revenues for the Town.

IV. NEW BUSINESS

1. Review of Planning Commission Meeting October 13, 2009

- a. **Rezoning Request, 40 N. 15th Street** - The applicant, Diane Purdy, has requested a rezoning of her property at 40 N. 15th Street, Block 2, Lot 7, Pinecrest Subdivision, from mixed use residential to mixed use corridor. There are several businesses in this subdivision that would not be allowed as a new application, and would not be allowed to expand their current operations under the LUDC in the mixed use residential district. The planning commission unanimously approved the rezoning of 40 N. 15th Street, Block 2, Lot 7, Pinecrest Subdivision, at their October 12th, 2009 meeting. Staff was directed to look at the entire neighborhood for re-zoning issues. Council Member Jackson moved to approve the rezoning of 40 N. 15th Street, Block 2, Lot 7, Pinecrest Subdivision, Townsite of Pagosa Springs, from MU-R (mixed use residential) to MU-C (mixed use corridor), Council Member Volger seconded, unanimously approved.
- b. **Rezoning Request, 181 S. 7th Street** – At the same meeting, the planning commission approved the rezoning of 181 S. 7th Street, Block 39, Lot 12-13, from mixed use residential to mixed use town center. The applicant, John Middendorf, has requested a rezone of his property which had been zoned mixed use residential after the LUDC approval. Many lots in this block including the applicants property were previously zoned D-3 (corridor commercial) and include businesses as Lucero Tire and Davis Engineering. Mr. Middendorf is looking at located his business headquarters on this lot. Council Member Volger approved the rezoning of 181 S. 7th Street, Block 39, Lot 12-13, Townsite of Pagosa Springs, from MU-R (mixed-use residential) to MU-TC (mixed use town center), Council Member Jackson seconded, unanimously approved.
- c. **LUDC Delete remaining references to repealed LUDC Large Retail Development Permit section 2.4.5** – Ordinance No. 743 repealed the “Large Retail Development Permit” section 2.4.3 from the LUDC as well as section 2 “Large Retail Development Permit” from the LUDC Administrative Users Manual. The planning commission unanimously approved deletions from the LUDC, LUDC Administrative Users Manual and related Applications, referencing the repealed “Large Retail Development Permit” section 2.4.5 of the Land Use Development Code. Council Member Jackson moved to approve the deletions referencing the Repealed “Large Retail Development Permit” section 2.4.5 of the LUDC, with the Land Use Development Code (LUDC), LUDC Administrative Users Manual and related Applications, Council Member Holt seconded, motion carried with one nay (Council Member Pierce).
- d. **LUDC Administrative Users Manual adoption by resolution** – On February 10, 2009 the Town Planning Commission formally adopted by Resolution 2009-01 the “Land Use Development Code Administrative Users Manual, the Town Council has expressed interest to also adopt the Users Manual. Council Member Holt moved to adopt by Resolution 2009-23, the Land Use Development Code Administrative Users Manual, Council Member Volger seconded, unanimously approved.
- e. **LUDC language correction regarding planning director approval of minor subdivisions and plat amendments** – The LUDC adopted in April 2009 included a typo in section 2.4.3.A.5 regarding the approval process of Minor Subdivisions & Plat Amendments. The intent of the LUDC was to allow the planning director to approve Minor Subdivisions and Plat Amendments. According to LUDC table 2.2-1 and section 2.4.3.B.2.a the planning director is responsible for the final decision for minor subdivisions/plat amendments, and the planning commission is the authority to hear and decide on appeals. On October 12, the planning commission unanimously approved the added language correction to LUDC section 2.4.3.A.5, allowing planning director approval of minor subdivisions and plat amendments, as described in the LUDC table 2.2-1 and section 2.4.3.B.2.a. Council Member Holt would like

clarification on the planning director classification, and possibly change the words to make it more functional. Council Member Holt moved to approve the added language correction to LUDC section 2.4.3.A.5, allowing planning director approval of minor subdivisions and plat amendments, as described in the LUDC table 2.2-1 and section 2.4.3.B.2.a, with the Town Manager publishing by letter a planning director, Council Member Holt seconded, unanimously approved.

2. **August Sales Tax Brief** – August 2009 sales tax revenue declined -11.55% (-\$35,517) compared to August 2008. Year-to-date sales tax revenue is down -7.53% (-161,705), compared to 2008. August lodgers tax revenue shows a decrease of 1.20% (-\$515) over 2008. Unless instructed otherwise by the Council or until the formula triggers a higher reduction, Town staff will maintain the 15% expenditure reduction until September figures come in mid-November.
3. **Humane Society Request for Funds** - Since 2000 the Town has contributed to the Humane Society of Pagosa Springs which provides shelter for stray and abandoned animals. The 2009 budget reflected a significant decrease for the shelter, from a usual \$20,000 contribution to only \$10,000. With the declining economy, an additional 15% was reduced mid-year causing a 58% reduction from what the Humane Society had received from the Town in 2007 and 2008. Representatives from the organization have appealed for relief indicating a restoration of \$6,500 and bring the agencies funding level to \$15,000 for 2009. When this was presented at the mid-September meeting, the Council asked for financials from the Humane Society which has been provided. Mrs. Schwartz explained the Humane Society is having a tough time financially this year, but is still subject to providing care for the animals subject to increased State regulations. She said there are 15 employees but have reduced hourly wage and benefits, the shelter has seven full-time employees and the thrift store has eight employees and two administration personnel. Council Member Holt would like to know what the Town's fair-share for this service would represent. Mrs. Schwartz said she will have the breakdown for the Council at the budget meeting in November. Mayor Aragon declared the request denied for lack of activity.
4. **Brief on Geothermal Greenhouse Project** – The Geothermal Greenhouse Project will be a showcase for the alternative energy resources of our community and the viability of putting those resources to commercial use; provide a local source of fresh, organic produce to local businesses and residents; provide an educational resource for regional schools and adult groups on topics of alternative energy, renewable resources and organic permaculture; and serve as an economic driver for our rural community by being a tourist attraction and an attraction for other alternative energy and permaculture-related businesses. The mission statement; harnessing intrinsic renewable solar and geothermal energy to grow safe, sustainable, reliable and affordable food for local people, and provide an attraction for visitors, year round. In doing so, nurture local businesses, create jobs and educational opportunities, cultivating pride and economic vitality. Ms. Ilene Haykus provided samples of produce from her growing dome and details of the site plan for the geothermal growing domes. She explained the first large dome will be designated to education and interests have been positive from the local community school children, Fort Lewis and Fort Collins colleges, and the education center. The second large dome will be dedicated to commercial production to be sold to local businesses, residents, visitors and others. The third large dome will be designated as a community garden growing dome. There is also area for outdoor gardens and visitor center area. Rich Lindblad is an external consultant to help with the growth of the business of the greenhouse project. He is working with Michael Whiting to complete the infrastructure and secure the grants for the domes themselves. Scott Farnham presented the aesthetic view of the domes, saying the domes will be lower in the park so as not to distract the beauty of the river area viewed from Hwy 160; this will be done with a lot of the landscaping.
5. **AEDA plans for future growth** – To establish a pro-business/pro-development climate in the Town of Pagosa Springs and thereby promote economic growth and job creation, the Town Council deployed a portfolio of incentive to encourage public/private partnerships that advance economic development. In preparation of the November 3rd meeting, the Region 9 Economic Development District representative has request each organization answer three questions. 1. What are the Town Council's top five priorities for focusing economic development efforts over the next three years? 2. Does the Town Council support

AEDA leading the community's economic development efforts? If not, what entity do you propose? Does the Town council support AEDA board of directors, or should there be changes in the directors that are leading the organization? At the October 22nd joint Town/County meeting, the boards discussed the priorities for focusing economic development efforts during the next three years. Council Member Jackson believes his top ideas are economic gardening for business expansion, targeted marketing for business attraction, and the support of high-flyers and lone eagles. He would like to decide on our plan ahead of time that will enhance our quality of life to let new businesses know our plan. Council Member Volger would like to add the shared vision to energize the community to Council Member Jackson's list. Council Member Pierce would like to focus on a shared vision and a self-sustaining economy. Council Member Holt's top picks are enhancing a pro-business environment and targeted marketing for business attraction which go hand-in-hand. Council Member Weiler would like to focus on the lone eagles and high flyers, retail attraction and expansion, enhancing a pro-business environment, targeted marketing for business and a self sustaining vibrant economy rounds out his top five priorities. Council Member Cotton would like to recommend enhancing a pro-business environment, but cautions a shared vision. Mayor Aragon supports light/clean industry, lone eagles and high flyers, the marketing of our quality of life, and enhancing a pro-business environment. Mr. Rick Bellis believes the shared vision to energize the community is a focus to get everyone on the same table to move forward with economic development. Ms. Mary Joe Coulehan says it is encouraging to determine a shared vision to have all community entities work together for that same vision. Town Manager Mitchem says that there is still work to be done on enhancing a pro-business environment and believes we are heading in the right direction. Council Member Jackson hopes the council can learn from past mistakes, referring to Mr. David Brown's proposals years ago, and not miss out on the next movement forward. Council Member Weiler believes we have a great vision, economic vitality, he wants to focus on enhancing a pro-business environment and let the businesses come with their own visions of what they can bring to Pagosa Springs.

6. Review of October 22nd Town/County Work Session
Parks & Recreation Funding
AEDA Discussion

V. OLD BUSINESS

VI. Approve September Financial Statement and Accompanying September Payments –
Council Member Holt moved to approve the September financial statement and accompanying September payments, Council Member Cotton seconded, unanimously approved.

VII. Next Town Council Meeting November 3rd, 2009 at 5pm

VIII. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 3:15pm.

Ross Aragón
Mayor