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**TOWN COUNCIL SPECIAL MEETING MINUTES  
THURSDAY, MARCH 25, 2010  
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 Volger
- II. **LIQUOR LICENSES**
  1. **Special Events Permit – Colorado Housing, Inc. for Pagosa Mountain Morning Rotary, Rotary Follies at Liberty Theatre 418 Pagosa Street April 16<sup>th</sup> and 17<sup>th</sup> 2010** – Council Member Pierce moved to approve the special events permit for Colorado Housing Inc, Council Member Jackson seconded, unanimously approved.
- III. **DELEGATIONS**
- IV. **NEW BUSINESS**
  1. **Review of March 9<sup>th</sup> Planning Commission Meeting**
    - a. **Pradera Point, Phase One, Subdivision final plat extension requested** – The applicant, Gazunga, LLC and representative Mr. Bill Herebic, has submitted a request for a one year extension, due to financial reasons, of the final plat approval originally granted May 6, 2008 and extended in by Town Council in March 2009. This subdivision is 163 acres adjacent to Cemetery Road and Rainbow Drive consisting of 119 single family residential lots. The planning commission approved the one year extension at their March 9<sup>th</sup> meeting contingent upon several items. Council Member Jackson moved to approve a one year extension of the Pradera Point Subdivision, Phase One, Final Plat Approval, contingent on the inclusion of current plat language as required under the current LUDC, a current utilities checklist submitted prior to recordation of the final plat, signed developer improvement agreement, revised engineering plans, revised engineering cost estimates and to include street lighting as required by the planning commission, Council Member Holt seconded, unanimously approved.
  2. **Resolution No. 2010-04, Appointing Mr. William Rockensock as Chief of Police** – The Town Manager, David Mitchem, is recommending Mr. Rockensock as chief of police. Mr. Rockensock is currently serving the police department as the sergeant which he was promoted to in January 2008. Mr. Rockensock has worked with the Town of Pagosa Springs since 1997 and shows a dedication to the Town police department. Council Member Volger moved to approve Resolution 2010-04, appointing Mr. William Rockensock as the Town of Pagosa Springs Chief of Police, Council Member Holt seconded, unanimously approved.
  3. **Letter of Support for Increased 911 Fee** – Mr. Jay English, with Archuleta County Dispatch, presented an overview of the current system status and the need for additional funds. Archuleta County Combined Dispatch is seeking letters of support from each participating Municipality/Agency in regards to the proposed increase. The justification for this request is as follows: increase is required to ensure continued emergency communications and 911 services for all agencies in Archuleta County and replacement of current outdated equipment which have failed on a weekly basis. The increased revenue of

approximately \$100,000 which will offset the possibility of an increase of Town contributions to the combined dispatch contract. Cost of new equipment, systems and facility is approximately \$595,000. The increase charge would be \$.55 per line per month that will be used specifically for 911 system and Archuleta County Dispatch Center. The process has to go before the Public Utilities Commission and there are several steps that Mr. English needs to complete prior to bringing the forms to the PUC. Council Member Cotton is frustrated by the continued increased in costs to the public and feels that although the increase seems small, it is still another increase. Council Member Jackson echoed Council Member Cottons concerns. Council Member Holt moved to authorize the Mayor to sign the BOCC and the PUC letters of support in pursuing the increase of the 911 surcharge rate from \$0.70 per service per month to a rate of \$1.25 per service user per month effective January 1, 2011, Council Member Volger seconded, unanimously approved.

4. **Ordinance No. 753, Waste Management Franchise Agreement** – This item was continued for further legal issues.
5. **Facility and Maintenance Department – Facility and Maintenance Personnel** – The maintenance department janitor, Ernie Garcia, is retiring the end of March. After careful consideration for the cleaning and maintenance needs of the Town Hall and Community Center buildings, it was decided the best option at this time was to hire two part-time people to provide janitorial services. To efficiently utilized funds from both the maintenance budget and community center budget, several changes in the 2010 budget will be required. In the Community Center General Fund, both Janitorial of \$6,440 and Operation Cost of \$4,830 will be moved to the Capital Fund. The Facilities and Maintenance budget will include reductions in full-time personnel expenditures, but an increase of \$11,270 in part-time personnel. A mid-year budget amendment will reflect these proposed changes. Council Member Jackson moved to approve the addition of \$13,309 to the 2010 Facilities Maintenance budget, for the payoff and replacement of the janitorial position, and approve the transfer of \$4,830 from Community Center general fund expenditures to the Community Center capital fund expenditures, Council Member Volger seconded, unanimously approved.
6. **Arts Council use of Town Hall for Exhibits** – The Town has supported the Arts Council by allowing them to utilize the log building in Town Park; however it has deteriorated and is no longer available. They have asked to use the Town Hall to display their art. The potential of utilizing Town Hall has been well received with enthusiasm by artisans throughout our community. If approved, the artwork to be showcased in Town Hall will range from bronzes to beadwork to carvings to photography to paintings. The arts council will indemnify the Town from loss and will maintain insurance on the artwork displayed in Town Hall. The Town Hall will also be open for other artisans not associated with the Arts Council to display their work as well. Council Member Jackson asked about a contract and insurance, Town Manager Mitchem explained that a contract will be signed with the Arts Council and insurance will be the responsibility of the Arts Council. Council Member Cotton doesn't feel that selling items in Town Hall is appropriate and would rather not have a business card and sale of art through Town Hall. Mr. Mark Weiler says the Town has previously allowed the Arts Council to sell other pieces out of a Town owned building, and would like the Town Council to continue this practice to the Arts Council along with other artisans. Ms. Carol Schneider with the Pagosa Springs Arts Council says that the Arts Council is non-profit organizations and their purpose is to support budding artists and entrepreneurs in the community. The Arts Council supports their members financially with the ability to sell their pieces and is willing to compromise regarding the ability for potential buyers to contact the Arts Council. Mrs. Patsy Lindblad suggests the exhibits be displayed without a business card, and have a brochure available with the artists and artwork information along with the pricing and contact information. Council Member Cotton moved to authorize the Pagosa Springs Arts Council and other artisans' use of Town Hall for exhibits and allow only the artist name and artwork name on the piece of art, Council Member Pierce seconded, motion failed. Council Member Volger moved to authorize the Pagosa Springs Arts Council and other artisans' use of Town Hall for exhibits and allow contact information displayed on the artwork, Council Member Jackson seconded, motion carried with two nays (Council Members Cotton and Pierce).

7. **Resolution No. 2010-05, Town Council's Support of a Yes Vote on Referendum A** – Section 1-45-117(1)(b)(III)(A) of the Colorado Fair Campaign Practices Act authorizes the Town Council to pass a resolution of support regarding ballot issues. Given the Town Council's desire to express such support for Referendum A, Resolution No. 2010-05 was created detailing the positive economic impact the passing of Referendum A may create. Council Member Pierce does not support the resolution and feels the Town people already understand how the Council feels on this issue. Council Member Holt supports the resolution and feels this resolution will create a record confirming the Town Council's position. Council Member Holt moved to approve Resolution No. 2010-05, a resolution supporting approval of Referendum A, to repeal large retail development requirements, at the April 6, 2010 election, Council Member Volger seconded, motion carried with one nay (Council Member Pierce).
8. **Review of Joint Town/County worksession**
  - a. **Letter to Susan Kirkpatrick regarding Fiber Optics grant** – Council Member Pierce moved to direct staff to work with Archuleta County staff to draft a letter of thanks to Susan Kirkpatrick and Ken Charles for their assistance in acquiring the Fiber Optic grant, Council Member Holt seconded, unanimously approved.
  - b. **Implementation of Fiber Optics SB 232 grant**
  - c. **Increased 911 Fees**
  - d. **Skate Park Funding**

V. **OLD BUSINESS**

1. **Ordinance No. 752 (second reading) Continued Suspension of Applications for Medical Marijuana Dispensaries** – At the February 11, 2010 Medical Marijuana Committee meeting, the group determined an extension of the Emergency Ordinance No. 745, Temporarily suspending the processing of applications for medical marijuana dispensaries, would be appropriate as the Town waits to see what the State of Colorado's decision on the final bill expected to be approved in July. The first reading of this ordinance was approved at the February 18<sup>th</sup> Town Council meeting. Council Member Jackson moved to approve the second reading of Ordinance No. 752, continuing the temporary suspension of the processing of applications for medical marijuana dispensaries through August 31, 2010, Council Member Pierce seconded, unanimously approved.
2. **Ordinance No. 747 (second reading) Planning Commission Member Eligibility** – The planning commission has seen little interest for eligible applicants to serve on the Planning Commission. Currently the LUDC section 2.5.2.B.1 reads "All regular members shall be bona fide members of the Town". The Town Council passed Ordinance No. 747 on first reading on March 2, 2010 which changes the language in the LUDC section 2.5.2.B.1 to "The Planning Commission shall consist of five (5) regular members and two (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 upon which the business is operated, 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 the second reading of Ordinance No. 747, an ordinance of the Town of Pagosa Springs amending Section 2.5.2.B.1 of the Land Use and Development Code, Council Member Holt seconded, motion carried with two nays (Council Members Cotton and Pierce).
3. **January Sales Tax Brief** – The Town of Pagosa Springs' January 2010 sales tax revenue declined -12.83% (-\$30,340) compared to January 2009. The 2009 calendar year sales tax revenue was down -8.39% (-\$277,948), compared to 2008. The average sales tax collections over the past two months are negative -6.845% and over the last three months are -8.83%. Application of the Council's policy for reduction in expenditures calls for no change in budgeted expenditures at this time unless instructed otherwise by Council.

- VI. Approval of February Financial Statement and Accompanying Payments** – Council Member Pierce moved to approve February’s financial statement and accompanying payments, Council Member Jackson seconded, unanimously approved.
- VII. Next Town Council Meeting April 7<sup>th</sup>, 2010 at 5pm**
- VIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 1:10pm

**Ross Aragón  
Mayor**