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## **TOWN COUNCIL MEETING MINUTES THURSDAY, MAY 17, 2007 12:00 P.M.**

**I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, and Council Member Simmons

**II. VARIOUS BUSINESS**

**1. Second Reading Ordinance No. 689 – Amending Historic District**

**Boundaries** We were waiting on updates on the sale contract of the Court House. Commissioner Moomaw stated that they held an executive session this week on this; they have amended the contract due to the counties financial condition. They are actively pursuing the contract and one of the conditions that remain the same is the removal of the Court House from the historic district. Negotiations are moving nicely and he feels that once the removal is complete the sale will go through. This sale will help the county in both the short term and the long term. They will make the contract public as soon as they see everything in writing. Which he believes will be soon. Their timeline for making a decision is June 19<sup>th</sup> so the county has time to see where they are financially. The county will vacate the building as soon as they can but they do have up to 6 years to vacate, and they first have to find somewhere to go. The sale will facilitate their moving forward with architects, purchase of property and that kind of thing. The money will not be used to help the overall county financial problem, the funds will not go into the general fund, and they will only be used to facilitate the new Court House. Shari Pierce asked again that they delay the 2<sup>nd</sup> reading until the sale is final and the deal goes through before taking this huge step. Maybe a statement saying upon the closing it will be removed. Commissioner Moomaw stated that this being in the district has always been a stumbling block and it will help the county with the sale of the building even if it doesn't go to the people we are currently under contract with. If this deal does fall through and someone who wants to purchase it and wants the historic designation it can always be put back in. Shari Pierce clarified that in order for a non profit to purchase it and have access to state historic funds it would have to remain in the district to do so and have access to those funds to purchase it. Council Member Middendorf is concerned with there being an empty abandoned building there for a long period of time. The county wouldn't have any control over this it would be in the hands of the purchaser. Right now the town doesn't have an rules or regulations that would preclude a vacant building for any length of time. John Hunley of Pagosa Holdings/Bootjack Management. Since there is no policy in shape for such a thing, in sense this would shape policy. It behooves them as developers to move forward as quick and financially feasible as possible. Time is money and they don't want to leave something vacant there for a long period of time either. Mark stated that abandoned policy is difficult to craft unless the building becomes a public hazard. We can look at it though and there are other vacant buildings in town so where do you start. Commissioner Moomaw

stated that when the deal is final the purchaser will take ownership of the property immediately and will be able to work on their redevelopment plan then and the only unknown will be knowing when the county will move out and the county will lease until they move out. Commissioner Moomaw stated that the county is asking for this to be removed so they can sale it, the buyer is irrelevant even though they are currently working with one. This would allow them to sale it to anyone whether that is Bootjack Management or not. The county needs to get rid of the building so they can move on and the removal of the building from the district will make it much more valuable for any developer no matter who it is. Council Member Cotton stated that we already determined that the Court House is not economically viable as a Court House or an office building so if we put a timeline on this and the current deal falls through then we will be right back here again with the next buyer. Council Member Holt stated that we are at a point where the county needs to sale it and move on, they have already said that they will no longer occupy eventually no matter what, so we need to step forward and show a little faith in all parties involved. Council Member Holt moved to approve the 2<sup>nd</sup> reading of 689. Council Member Cotton seconded, the motion carried unanimously

**2. Historic Business District and Local Landmark Design Guidelines AND**

**Revisions to Article 14 of the Municipal Code -** A revised, redlined version was emailed to Council earlier based on our last work session. Council Member Middendorf moved to approve the 1<sup>st</sup> reading of Ordinance 690 repealing and readopting the new article 14. Council Member Holt seconded, the motion carried unanimously.

**3. IGA on Housing Needs Assessment –** This is an IGA with the Town and the County. The County has signed the IGA and we are waiting to start a contract with EPS to do the Needs Assessment. Mark stated that depending on how the county fairs with their financial crisis we may need to carry their portion on this, but Mark believes that it is important that we continue with this as we need to get this done. This will probably be the first of many of these situations, but we know this going in to the agreement. Mayor Aragon stated that he believes that this comes at a critical time. Council Member Cotton moved to allow Mayor Aragon to sign the IGA. Council Member Simmons seconded and the motion carried unanimously.

**4. Economic Development Plan Discussion -** This is a proposal from Mark Purvis to consider an Economic Development Plan. He has approached us to consider a strategic plan to go out and attract new business. AEDA does work on this too so there would be a little over lapping. There are a lot of tools we can use to develop this further. The most exciting part will be the action plan. We can concentrate on one specific area or multiple. There is a timeline and some budgetary numbers in the proposal. It is anticipated to cost about \$58,000 and is willing to forgo about half of that. There may also be some grants we can try to get to help with this also. Council Member Simmons is in support of the concept; he asked why it didn't go through an RFP process. Mark stated he had approached us and we don't have to go through a RFP but can if we want to. Council Member Cotton asked what if we gave the same money to AEDA, what could they do? So he would like to see us at least involve them a little more before we sign another contract. Council Member Middendorf would like to see an actual presentation first. Council Member Holt asked is this something we want to do this as a town or is it something we would want AEDA to oversee so it is bigger than just the town. Bart Mitchell of AEDA stated that just this year they have formed a business attraction committee and if they had more funds they could take more on. Mayor Aragon stated the he feels like AEDA is promoting more for the county and local contractors rather than going outside the local region. Bart stated that he has been

spending a lot of timing getting resources and getting things up to date but they are working on being able to expand their abilities and resources. We have been doing a lot of preliminary planning work and are just now getting to a point where they can start doing these kinds of things. Mark Garcia stated that he has a lot of discontent on some of the direction of AEDA; some of them are against impact fees for example. There are a lot of other issues that leads him to wanting to do something different. He thinks AEDA is a valuable asset to our community but we need to bring jobs with economical wages here along with some industry and if we want to do something in particular we need to do it ourselves. John Hunley stated that as a developer in the community they have talked to Bart and AEDA and believe they are in impact fees but calibrated at different stages in growth of the community as they also agree with them. He would also like to see if the town is going to do this that they higher the best consultant possible and put out an RFP. Mark Weiler stated that his personal desire for Pagosa Springs he would like to see a robust economy, but in he experience what has been done in the past has not really had the desired out come. So he thinks we should put out a wide RFP and get new eyes and input on these things and review some new alternatives in a positive light. Council Member Middendorf moved that he would like to see Mr. Purvis's presentation and that we are willing to spend \$28,000 on a plan like this. Council Member Cotton stated we should open it up and see what else is out there. Council Member Holt stated that we need to put our money where our mouth is and this is important but he wants to make sure we are not duplicating efforts and that we are spending our money wisely. Council Member Cotton echoed Council Member Holt and make sure we get input from everyone so there is at least some coordination and the overlap is a positive overlap but he thinks this is something that needs funded. By general consensus they told Mark to move forward with the RFPs and to go ahead and appropriate the money.

- 5. Scanga Order and Appeal -** Council Member Holt removed himself from the conversation due to conflict of interest. Our attorney who is appointed by CIRSA believes that there is room to appeal this; if we decide to appeal we will have to pay for it as we have used all the money allowed from CIRSA. It just depends how far and how much more we want to do. We would have to file a motion of appeal by tomorrow. Mayor Aragon stated he is not ready to spend a lot more money on this; we have no idea what this could cost. He is ready to walk away from this. Mark stated that there have been previous law suits similar to this and all of them have been found in favor of the property owner so staff would recommend dropping it. Council Member Cotton moved to not file an appeal on this case. Council Member Middendorf seconded, the motion carried with 4 ayes and 1 abstention (Council Member Holt).

**III. ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL -**

Council Member Middendorf stated that they have had 11 members of the community submit letters to serve on the Pedestrian Safety Task Force and he would like to get them appointed so that they can start meeting and reporting back to the Council. Council Member Middendorf moved to appoint the 11 members. Council Member Holt seconded, the motion carried unanimously. The 11 members will be Ron Bubb, John Applegate, Margaret Burkesmith, Don Volger, Kathy Keyes, Jim Miller, Cappy White, Sean Curtis, A School Board Member, Shiela Berger, and Shari Pierce.

There will be a ribbon cutting ceremony for our fountain at Pinion Lake at 5:00 p.m. and we would like all to show up if possible.

Michael Whitting on behalf of Southwest Land Alliance thanked the Council for their help with the waving of the fees for there function at the community center and let them know it would be on Sept. 8, 2007

- IV. ADJOURNMENT** – Council Member Middendorf moved for adjournment. Council Member Cotton seconded, the motion carried unanimously and the meeting adjourned at 1:40 p.m.

**Ross Aragón**  
**Mayor**