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TOWN COUNCIL MEETING MINUTES TUESDAY, SEPTEMBER 1, 2009 Town Hall Council Chambers 5:00 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. APPROVAL of MEETING MINUTES FROM August 4th and 20th, 2009 – Council Member Holt corrected the August 20th meeting minutes on the motion he made and later withdrew regarding the location of the skate park, it should read northeast corner instead of southeast. The minutes were approved with this correction.

III. LIQUOR LICENSES

- 1. Special Event Liquor Permit – FolkWest Inc. – Mountain Chile Cha-Cha at Town Park September 26th, 2009**
- 2. Special Event Liquor Permit – Archuleta County Democratic Party – Chile Dinner at Community Center October 10th, 2009**
- 3. Special Event Liquor Permit – Habitat for Humanity of Archuleta County – Fund Raiser Auction at Community Center September 19, 2009** – Council Member Volger moved to approve the special event permit for FolkWest Inc, Archuleta County Democratic Party, and Habitat for Humanity, Council Member Cotton seconded, unanimously approved.

IV. DELEGATIONS

V. NEW BUSINESS

- 1. Skate Park Location Decision** – In June of 2009 the Sanitation Board made a decision to re-evaluate the new sewer treatment plant, this put the potential site of the skate park out of the sanitation district lot on South 5th Street. A proposed site at the Town Park was discussed at previous Town Council meetings. The Parks and Recreation Director have investigated two additional alternatives for the potential construction of the new skate park. At this time the site behind the post office north of Springs Street is the most viable site. If the power easement is the traditional easement, the skate park will fit fine in that area. Mayor Aragon opened this item for public comment. Mr. Chris Rapp believes the Town Park location would be the best for ease of construction and overall site, the area behind the post office would require a lot of dirt work and would be a big set back for the skate park. Mr. Rapp referred to the Durango skate park being a part of the sidewalk system and an asset to the City of Durango. Mayor Aragon explained there has been a public outcry against the Town Park site and staff is directed by Council to look for other viable options. Mr. Buck Pruitt owns the Spa Motel and is in support of the skate park but is not in favor of putting it in Town Park. He believes the athletic activities and events held in the park would be hindered. Mr. Bruce Hoch believes the decision against the Town Park has already been made by the Council but hopes the voices of the audience members could be heard. He believes the site behind the post office would incur major construction expenses. Mary Jo Coulehan says the Chamber of Commerce has received calls and emails from many businesses, of the 18 downtown businesses who called, 4 wanted to put the skate park in Town Park, 14 businesses were against the Town Park site, all wanted a skate park in the Town somewhere. Mr. Bill Hudson voiced his opinion of putting the park

in Town Park, and the teens being included in the community by putting them right downtown. Mr. Sean Lee would like the skate park put in Town Park next to the Power House. Mr. John King thought the Council had decided at August 20th meeting that the Town Park was the best option and there is only a small amount of space required for the skate park. He believes the site behind the post office will be more expensive with engineering, has no restroom facilities and will segregate the skaters. Mayor Aragon closed this item to public comment. Mr. Chris Rapp expressed his opinion that closing the meeting to public comment is the wrong thing to do and that public comment should be open until everyone has a chance to talk. Council Member Volger asked for a show of hands of how many would support the Town Park site and how many were opposed. The show of hands of audience members revealed four against and over a dozen for the Town Park site. Mr. Heath Rivas says skate boarders have a hard time getting along with other kids who are in other sports and hopes that in Town Park they might interact. Mr. Zach Vaughn explained that skate boarding is a class taught in some California schools. Mrs. Karen Hoch suggests that by giving the public the information on the actual size the skate park might take up in Town Park would change the opinions of those opposed to this site. Mayor Aragon asked if there was any more public comment, with non, this item was closed to public comment. Council Member Weiler asked about parking and restroom facilities and why the Town Park site was taken off the table. Tom Carosello explained the Town has the infrastructure at Town Park but needs to create the infrastructure at the post office site. He explained that the footprint was estimated to be 10-15% of the Town Park but the is actually approximately 20-25%, he says that he has received a majority of calls against the use of Town Park. Council Member Jackson said by missing the August GOCO grant deadline, the Coalition for Concrete now has six months to educate the public regarding the Town Park site or other sites that might be available. Council Member Volger applauds the heart and soul of the skaters who have put so much into this project. He suggests the Council has time to make the decision regarding the placement of the skate park. Council Member Pierce would like a map of Town Park with the skate park laid out on it, and asked about the road behind the post office. Tom Carosello will have the map available as soon as possible, and is not sure about the road behind the post office but will have more information from the County on Wednesday. Council Member Holt reminded the Council about the Junior High's concerns about the schools use of the Town Park. He received emails sighting the noise and safety of putting the skate park in Town Park. Mr. Bruce Hoch would like a list of possible sites for the skate park that they can help Council to make a decision. Council Member Pierce says there are not a lot of properties the Town owns that would be viable for a skate park. Council Member Cotton believes the reservoir hill site behind the post office would be a good site. Mr. Bill Hudson doesn't want the Council to give more weight to the constituents who are not at the meeting taking part in the discussion. Mr. Bob Hart is in support of the skate park and has offered to donate excavation for the park, however feel the Town Park events are growing and the Town Park is not a good site and suggests the new Sports Complex as a possible site. Mr. Glenn Walsh believes the skaters are a very entrepreneurial group who have put a lot of effort into raising funds for their park and believes Yamaguchi Park would be a good site. Tom Carosello explained that he has talked with GOCO about putting the skate park in Yamaguchi Park and they explained to Tom the grant could be submitted for that sight, but obviously no guarantee of approval. Mr. John King says a decision on a sight is the most important issue right now and if the Council can decide on a site in the next month, it would give the Coalition time to write the grant and get new geotechnical and engineering for that site. Mr. Jim McQuiggin asked Chief Saunders about the law enforcements perspective, Chief Saunders replied with support for the skate park but would like the sight in view of the public to help police the area. Town Manager Mitchem explained the Capital Improvement Plan might include restrooms at the Yamaguchi Park sight. Mayor Aragon would like clarification on the amount of space the skate park would take up in Town Park. He believes the approach the skaters took at this meeting, the adversarial tone, is not bringing the Council together in a joint effort to work together with the skaters. He is striving for compassion with the skaters and is responsible to bring opinions from the taxpayers and work together for a good outcome for everyone. Council Member Weiler moved to having staff provide Council with the layout of Town Park, the post office and Yamaguchi Park sites and table this item until the September 17th meeting, Council Member Pierce seconded, unanimously approved.

2. Ordinance #744 Repeal and Re-Adoption of Section 6.2 Flood Damage Prevention Regulations of the Land Use and Development Code – This ordinance repeals and readopts

Section 6.2 Flood Damage Prevention Regulations along with associated additions and revisions to the definitions of the Land Use and Development Code. The Federal Emergency Management Agency (FEMA) has undertaken an initiative to modernize and update the National Flood Insurance Program maps which are used to regulate the flood plains. Recently FEMA updated the NFIP maps for Archuleta County and the Town of Pagosa Springs. These updates merely take all of the changes that have impacted the flood plain since the current maps were last revised in 1991 and include those changes in the “new” maps. Additionally these maps have been placed into a digital format for ease of use and future updating. AS a result of this project, FEMA requires that all NFIP participating jurisdictions, which the Town of Pagosa Springs is, update their Flood Damage and Prevention Regulations to reference these updated maps and meet the minimum regulation guidelines. Communities which do not update their Flood Damage Prevention Regulations will be suspended from the NFPI program which means that new flood insurance policies cannot be sold and existing ones renewed with that community. Mayor Aragon opened this item for public comment. Council Member Pierce moved to approve the first reading of Ordinance No. 744 to repeal and readopt Section 6.2 Flood Damage Prevention Regulations and the associated additions and revisions to the definitions of terms located in Article 12 of the Land Use Development Code, Council Member Holt seconded, unanimously approved.

VI. OLD BUSINESS

- 1. Resolution 2009-20 Economic Development Incentives** – To promote growth in our community’s economy, the Town of Pagosa Springs waived building, planning and impact fees through 2010 and implemented sales tax rebates of 25% on locally purchased construction and building materials and 25% for the hiring of local construction laborers. Resolution 2009-20 authorizes the Town Manager to partner with businesses by negotiating a package on economic development incentives that reward; downtown development; primary employment; job creation; increased retail sales; and increased tourist booking. Among other incentives the Resolution authorizes up to 50% rebates of sales tax, lodgers tax and property tax, utilizing the incremental increase in taxes to finance and incentive. The major categories are; expedited review, local business preference, existing business capacity building, tax rebate for effective business, downtown development, general development, and additional economic development incentives. The rebating of up to 50% of increased sales tax/lodgers tax/property tax receipts for a limited time period will result in a net increase to the Town’s revenues. Council Member Pierce asked for clarification in several sections which Town Manager Mitchem provided; she suggests Section 10 encourages not only local banking but the use of local businesses as well. She also has concerns about the claw-backs. Mr. Glenn Walsh applauds Town Manager Mitchem’s effort in this economic incentives program; he has concerns about the required education aspects of the incentive plan. Town Manager Mitchem believes the local economy has a better chance to flourish with these incentives and believes there will not be a downside to the Town and a relatively risk-free initiative. Council Member Jackson moved to approve Resolution 2009-20 a resolution providing economic development incentives by means authorizing the partial rebate of sales tax revenues and/or lodgers tax revenues and/or property tax revenues; and other incentives, Council Member Volger seconded, motion carried with one nay (Council Member Pierce)

VII. DEPARTMENT HEAD REPORTS

- 1. Parks and Recreation Department Report** – Adult Softball league ended August 16th and the youth soccer league begins September 2nd. The skater’s coalition for concrete assisted staff with the removal of deadfall and other fire-hazard brush on Reservoir Hill this past weekend. This week the parks crew is working in cooperation with personnel from FolkWest and the Town streets department to prepare for the annual Fold Festival on Reservoir Hill. The plaque for the Yamaguchi Park includes pictures of the four brothers and a touching dedication.
- 2. Planning Department Report** – Staff is working with the board to erect the Preserve America highway signs at the east and west entrances to Town along with the installation of ‘Historic Designation Plaques’ at historic designated properties through town. A public notice will continue to be in the Sun newspaper regarding the vacancy on the planning commission board.
- 3. Town Tourism Committee Report** – Lodger’s tax collections for July are up 12% compared to July 2008. Fulfillment requests at the visitors’ center were up 264% compared to July 2009. The requests come from California, Texas, Colorado, Arizona and Florida. The TTC was able to pay

the full amount owed for the visitor guide reprint without borrowing from the Town's general fund. The TTC plans to hold Tourism Marketing classes in September to review online and print advertising options for businesses to target tourists.

4. Town Manager Report – June sales tax has declined -8.23% compared to June 2008, without a dramatic increase, the Town will maintain the current 15% expenditure reduction. CDOT has over \$900,000 in enhancement grants that could be used for town to lakes trail and the river walk trail at an 80/20 split. The Capital Improvement consultants will be at Town Hall on Thursday the 3rd of September to get started on the CIP plan. The impact fee study conducted by EPS for the Town, County, school, water and fire protection district should be completed in eight weeks and will cost the Town \$4,856. The Village at Wolf Creek propionates has changed location and has asked to present the modified plan to council members which have been scheduled this week.

VIII. Next Town Council Meeting September 17th, 2009 at 12noon

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 7:25pm.

**Ross Aragón
Mayor**