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## **TOWN COUNCIL MEETING MINUTES THURSDAY, FEBRUARY 15, 2007 12:00 P.M.**

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, and Council Member Whitbred were all present.
  
- II. NEW BUSINESS**
  - 1. Appointment of Members to the Land Use and Development Code Advisory Committee** - Council Member Cotton would like more time to review the letters of submittal. Council Member Cotton moved to table this until the next session. Council Member Whitbred seconded, the motion carried unanimously
  - 2. Resolution 2007-05 – Consideration of Schlaefli Annexation Petition (Public Hearing)** - We were hoping to have comments back on this from our attorney but have not. So staff would like to continue this also. Council Member Cotton moved to table this until we hear from our attorney. Council Member Whitbred seconded, the motion carried unanimously.
  - 3. Alpha Drive Memorandum of Understanding** – This is brought to Council from their recommendation in our Dec. 5, 2006 meeting. This MOU outlines the responsibilities of all entities involved. The improvements will be required to meet all of the town’s standards. Council Member Holt moved to approve the MOU and authorize the Town Manager to sign on behalf of the town. Council Member Whitbred seconded, the motion carried unanimously.
  - 4. First Reading of Ordinance No. 670 – Kinder Morgan Franchise Agreement (Public Hearing)** – We have been continuing this for several meeting based on some language within the agreement. We agree on this for the most part. We still haven’t heard back from our attorney on this so Mark recommends passing first reading contingent on his comments. Mayor Aragon opened this to public comment, there was not any. Council Member Cotton moved to approve the 1<sup>st</sup> reading of Ord. No. 670. Council Member Whitbred seconded, the motion carried unanimously.
  
- III. OLD BUSINESS**
  - 1. Second Reading of Ordinance No. 685 – Redevelopment Permit (Public Hearing)** – Mayor Aragon opened this to public comment. Dan Operly, President of Citizens Bank – They intend to build a bank on a parcel of land they have acquired on 7<sup>th</sup> Street and Hwy 160. He believes there is a basic infringement on property rights with this ordinance and there is no variance process to allow demolition unless there is a dedication of open space or a redevelopment plan approved and permitted. He also doesn’t like the bonding portion, what will the bonds be used for and how. It doesn’t address any issues if someone simply desires to back out of a project or wants to change their development plan, and there are

other areas that to him seem subjective, and the subjectivity causes some concern. He thinks this is unreasonable and may bring on some legal challenges at some time. Bob Campbell, Archuleta County Administrator – they have requested the County be excluded from this Ordinance. The County is going to be constructing a new building and plan on being in it by 2010. The current site isn't conducive to their long range plans. The building already has some serious structural issues and it is not economical to rebuild on the current site. They would like to demolish the building is appropriate and rebuild somewhere else without having to redevelop that property and thinks this would be for the greater public benefit to exclude the County from those requirements. They would like the exemption to be included into the Ordinance. Council Member Cotton asked why the County would want to tear down the building without a redevelopment plan. This Ordinance is trying to keep holes out of the landscape. Bob said that they can't make those decisions for a 3<sup>rd</sup> party that might be buying that property, and they strongly believe the building is not worth any value to anyone. Council Member Cotton said that demolition permits are only good for 180 days, if you don't demolish in that time then you start over and when it comes time to tear it down you should have a redevelopment plan. They will also be asking to be taken out of the historic district and out of that designation. Council Member Holt stated that his goal is to see that this property is redeveloped. If the town exempts the County they can tear the building down then sell the property then the town has no control over the redevelopment, so he can't support it and he agrees with Council Member Cotton. Bob believes that if they can't find a resolution to the Ordinance and the Historical Designation then he thinks the deal would fall through with Pagosa Holdings. If it falls through he wouldn't foresee the County putting the building back on the market until 2010 so then redevelopment probably wouldn't happen until 2012. They can discuss this more at the meeting the County invited the Council to next Tuesday. Council Member Middendorf agrees with Council Member Cotton and Holt. Noon on 2/20/07 in the County Commissioner Chambers. Mark stated that he doesn't think we have talked about situations like the one with the bank and we could go back and work on this section and talk about eye sores and the variance process also if Council would like to re-look at this. Mayor thinks that this Ordinance as written is too hard and fast and he doesn't want to expose the town to any liability. So we will look at this again. Mark asked for some direction from Council on what to add. We also need to rework the bonding portion of the Ordinance. Council Member Cotton moved to continue with the first reading on Ordinance 685 knowing that we will be adding some variance conditions and reworking some of the bonding issues. Council Member Whitbred seconded, the motion carried unanimously.

2. **Council Retreat Summary Worksheets** – These will be our meeting minutes and staff would like to move forward on some of these items as well. Council will get back to staff if there are any problems, questions, or additions.
3. **Discussion on Sidewalk plans near schools** – Council Member Middendorf had some dialogue with Superintendent Duane Noggle with students walking on 10<sup>th</sup> Street. There is no side walk; the roads get icy so it forces people and kids to walk in the street which an accident is waiting to happen. As we continue to grow we are becoming less and less adequate in pedestrian walk ways and being pedestrian friendly. Mark concurs that this is a problem. We do try to improve on pedestrian movements and sidewalk areas yearly, we can prioritize this and do more when we get our Public Works Director on board. Tamra had found a grant program called safe rides to school grant program and approached the school with it, at the time they were unwilling and not wanting to participate in applying for the grant to help with sidewalks at the school. Julie Jessen has been working with CDOT in a group who is reviewing these grants. This is a real valuable asset to have Julie involved in

this process. She is the only one in the Southwest portion of the state who volunteered, so we are going to try and get some help with offsetting her costs on that from our area. Her knowledge on this will help us in applying for grants and hopefully getting funding in the future. Sidewalks are not as easy to build as you think there are many issues that seem to come up and it usually ends up costing more money than we anticipate.

- IV. ADJOURNMENT** – Council Member Whitbred moved to adjourn the meeting. Council Member Holt seconded, the motion carried unanimously and the meeting adjourned at 1:25 p.m.

**Ross Aragón**  
**Mayor**