



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
Phone: 970.264.4151
Fax: 970.264.4634

**TOWN COUNCIL SPECIAL MEETING MINUTES
TUESDAY JANUARY 8, 2013
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Alley, Council Member Bunning, Council Member Cotton, Council Member Lattin, Council Member Schanzenbaker, Council Member Volger
- II. **APPROVAL of MEETING MINUTES FROM DECEMBER 20, 2012** – The minutes were approved as read.
- III. **PUBLIC COMMENT-** Mr. Matt Roane addressed the Council regarding the Issue A petition and the new petition, Issue B, that has been submitted and is sponsored by five of the Town Council Members. He said that the Charter states the town council members shall not represent any person or interest before the town council, and the council representing this petition is not legal and advises the council not to submit this second petition. Mr. Mark Weiler said development including the Mountain Crossings project is coming to the east end of town and the CDC wants to be involved in infrastructure needs for the east side including water and sewer. He asks for a town representative to participate on a committee with PAWSD and the CDC to develop a plan to fund the infrastructure needed for the east side development. Other east end projects and properties include the Mountain Crossings, Levine, Gupta, Blue Sky Ranch and other properties on east Hwy 160 and Hwy 84. Town Manager Mitchem believes participating in the committee would be beneficial as does the council. The council will decide on a participant to join the committee.
- IV. **DELEGATIONS**
 1. **High School Science Study - JD Kurz** – Mr. Kurz and several of his students presented a research study they conducted to determine the health of the forest on Reservoir Hill. The students gave the presentation to council as part of their final term test. They said the trees are densely compact and the hill needs to be thinned to hinder the pine beetle from infestation. The students gave a history on the fires that came through in the 1800, as well as current growth, and fire protection applications to keep the hill from possible future fires or infestation.
- V. **NEW BUSINESS**
 1. **Ordinance No. 782, First Reading, Adopting Amendments to the Impact Fees** - Town Council has recently discussed amending the Town's Impact fee collection amounts as well as providing some flexibility for the expenditures of the Impact Fees. In general, staff proposes revisions to the regional Public Building Impact Fee, the Regional Recreation Facilities Impact Fee, the Road Impact Fee and the Trails Impact Fee. The Water Resource Fee has not been collected since 2009 and would be removed from the fee schedule. No changes are proposed for the Park Fee, School Fee or Emergency Service Provider Fee. Ordinance No. 782 proposes language amendments to the Land Use Development Code (LUDC) to include a new Section 10.2.6: An impact fee may be used for the costs of any capital facilities within the same specific fee type or category for which the impact fee was originally collected, so long as the demand for such facilities is apportioned to the development activity in the same proportion as the original facility, and Section 10.4.1: where development activities may result in multiple levels of

development approvals, such as annexation, zoning, subdivision and building permit approval, impact fees shall be paid upon the earliest development activity to occur for which amount of impact fees can be reasonably calculated. A development application shall not be considered a complete application for purposes of determining impact fees if the specific impact fee amount is unable to be calculated for any reason. In such event, the impact fees may be imposed on any level of development approval that enables calculation of the impact fees. Council Member Cotton doesn't agree with impact fees for development, thinks they are dangerous, and growth takes care of itself. He would like to consider not collecting impact fees at all. Planning Director Dickhoff said 10.2.6 should actually be 10.2.7 as it does not replace 10.2.6 in the LUDC. Mayor Aragon agrees with Council Member Cotton and doesn't agree with fees. Mr. Dickhoff said the town has used these fees for many street, trail, and park projects and has not received developer complaints due to the fees since he has been planner. Town Manager Mitchem said that impact fees have been used to maintain infrastructure, the modest mill levy the town has reserved helps the citizens where as the impact fees have been used to make up for the lower mill levy. Council Member Cotton said the impact fees are not fair and reasonable. Mr. Dickhoff said the impact fees allow the Town to step out and complete improvements as the need arises. Mr. Mitchem said that the Wal-Mart is aware of the impact fees and have not objected to them. Impact fees are only applied to new development, or significant remodels. Council Member Lattin moved to approve the first reading of Ordinance No. 782, an ordinance of the Town of Pagosa Springs revising Article 10 of the Land Use Development Code regarding impact fees with the change to add new section 10.2.7 not 10.2.6, Council Member Schanzenbaker seconded, motion carried with one nay (Council Member Cotton). Mr. Dickhoff referenced Resolution 2013-01 in the council's packet for discussion at the next town council meeting. He said the Regional Public Building fee will be applied to the Town Shop Building, the Recreation Center can be removed completely in Option #1 or kept in Option #2 and #3, and the Water Storage fee will be reduced to \$0. Council Member Alley believes most companies would agree to pay impact fees for their future benefit and the communities. Council Member Cotton asked how the fee amounts were determined, Mr. Dickhoff said the EPS study from 2006 is what is currently in place and is being currently used as the fee structure. The Council will discuss Resolution 2013-01 at the January 24th Town Council meeting.

2. **Ordinance No. 783, First Reading, Schedule Time, Date and Place of Regular Town Council Meetings** - Section 3.1 of the town charter requires the Town Council to hold regular meetings at least once a month and that the schedule for those meetings are made by ordinance, setting a time, date and place for the regular meetings. This ordinance sets regular meeting for the first Tuesday at 5pm and third Thursday and 12noon of each month. It also sets the location of Town Hall where the agenda will be posted 24 hours prior to the meeting. Council Member Schanzenbaker asked that more meetings be held at 5:00pm. Council Member Volger said the ordinance allows for a balance, but the special meetings and work session should be up for discussion to help out the council member's schedule. Council Member Schanzenbaker said he remembers a noon meeting held on the Village at Wolf Creek and after the meeting the majority of the people left to go back to work, he said the daytime meetings are harder for public to attend. Council Member Volger moved to approve first reading of Ordinance 783, identifying Town Council regular meeting dates, locations, times and agenda posting requirements, Council Member Bunning, unanimously approved.

- VI. **PUBLIC COMMENT** – Council Member Schanzenbaker asked about the documentation and conflicts Mr. Roane has brought to the Council's attention. Mr. Mitchem said he will consult with Attorney Cole regarding the conflict of interests, and the town council's representation of the petition. Council Member Alley asked about the petition drive sponsors, Mr. Mitchem said five council members as individuals have initiated the second petition.
- VII. **NEXT TOWN COUNCIL MEETING JANUARY 24, 2013 AT 12:00PM – A BOCC worksession is scheduled on January 17th at 12noon at town hall.**
- VIII. **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:35pm.

Ross Aragón
Mayor