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**TOWN COUNCIL MEETING MINUTES
TUESDAY FEBRUARY 5, 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 Cotton, Council Member Lattin, Council Member Volger
- II. **APPROVAL of MEETING MINUTES FROM JANUARY 24, 2013** – The minutes were approved as read.
- III. **PUBLIC COMMENT** – Mrs. Christine Funk thanked Mr. Dickhoff for suggesting the Town boards get together for better communication. She is proposing an observation tower up on Reservoir Hill and would like to get on the Town Council agenda to present her plans. Mr. Mitchem will contact her regarding her request.
- IV. **LIQUOR LICENSE**
 1. **New Brew Pub Liquor License – Schnox Corporation dba Riff Raff Brewing Company located at 274 Pagosa Street, Pagosa Springs** – Mayor opened this item for public comment, none received. Council Member Alley recused himself from discussion and voting on the item. Council Member Volger moved to approve the brew pub license for Schnox Corporation dba Riff Raff Brewing Company at 274 Pagosa Street, Council Member Lattin seconded, unanimously approved (one abstention, Council Member Alley).
 2. **Liquor License Renewal – Rohrbacher Moore LLC dba Pagosa Springs Center for the Arts located at 2313 Eagle Drive, Pagosa Springs**
 3. **Liquor License Renewal – Marilyn K Dach dba Silver Dollar Liquor Store located at 204 E Pagosa Street, Pagosa Springs** – Council Member Lattin moved to approve the liquor license renewal for Rohrbacher Moore LLC dba Pagosa Springs Center for the Arts and Marilyn K Dach dba Silver Dollar Liquor Store, Council Member Alley seconded, unanimously approved.
- V. **NEW BUSINESS**
 1. **Resolution 2013-04, Setting Forth Findings and Conclusion Regarding the Alpha Drive Annexation** - On December 20, 2012, the Town Council approved Resolution No. 2012-22 intending to annex Alpha Drive, the planning commission approved recommendation to annex by passing Resolution 2013-01. Notice of the annexation hearing must be given pursuant to the requirements of §31-12-108, C.R.S. and Section 11.9 of the Land Use Development Code. The Council must find the annexation satisfies continuity, community interest, urban area, and integration and school district requirements before annexing the land. Wal-Mart is not the petitioner for this annexation the Town is the petitioner. As part of their Major Design Review approval, Wal-Mart is required to execute a Developers Improvement Agreement with the Town for the Alpha Drive improvements and the required Public Improvement Performance bond, improvements will include at least, installation of concrete sidewalk (6 foot wide), curb and gutter and street lights along the east side of Alpha Drive, road paving to include one north bound 11 foot drive lane, one south bound 11 foot drive lane and a 14 foot center shared turning lane. Staff

recommends that the installation of sidewalk curb and gutter along the west side to be accommodated by the future developer of the parcel along the west side at the time of that development. No public comment on this item. Council Member Lattin moved to approve Resolution 2013-04, a resolution setting forth findings of fact and conclusions regarding the Alpha Drive Annexation, Council Member Volger seconded, unanimously approved.

2. **Ordinance No. 784, Annexing Certain Lands Known as the Alpha Drive Annexation** - Following Town Council approval of Resolution 2013-04, the Council may approve the Alpha Drive Annexation by ordinance if it determines that the requirements of Section 11.5.8 of the LUDC have been met. This ordinance will go into effect upon the execution of a Developer Improvement Agreement for the improvement of Alpha Drive and the required financial security to ensure the improvement of Alpha Drive to Town standards. No public comment on this item. Council Member Alley likes the addition of the effective date, he would like to have a sidewalk on the west side of Alpha Drive as well as the east. Town Planner Dickhoff said the planning commission had agreed in the development agreement with Wal-Mart to require only the sidewalk adjacent to the property on the east side, and the property owner on the west side will be required to installed that sidewalk when development on his land begins. Council Member Volger moved to approve first reading Ordinance No. 784, an ordinance annexing certain real property known as the Alpha Drive annexation to the Town of Pagosa Springs, Colorado, with the change on #6 on page 2 on the effective date of the ordinance, Council Member Lattin seconded, unanimously approved.
3. **Resolution 2013-05, Setting Forth Findings and Conclusion Regarding the Sawmill Place Annexation** - On December 20, 2012, the Town Council approved 2012-23 intending to annex Sawmill Place, the planning commission approved recommendation to annex by passing Resolution 2013-02. Notice of the annexation hearing must be given pursuant to the requirements of §31-12-108, C.R.S. and Section 11.9 of the Land Use Development Code. The Council must find the annexation satisfies continuity, community interest, urban area, integration and school district requirements before annexing the land. This property is owned by the developer however is currently in the county. The property is a majority of wetlands and will be consolidated into the applicant's development. Ms. Deanna Myers lives adjacent to the property near Bass Drive. She said that Planning Commissioner Hart had asked about designating this piece property permanent open space and wetlands area. She asked if this can in fact be designated open space, she also asked if Bass Drive will go away if annexed into the Town. Planner Dickhoff said that Bass Drive will in fact go away. He said developers must provide open space as part of their development, and said this wetland area is a natural open space area for the project due to the high cost to mitigate the property. He said a new owner would also be required to submit a development plan to make any changes to the property and therefore the Town would then have the option to require it to stay a wetland, open space area. Council Member Lattin said that the likelihood of development of this site is extremely low and required open space for the development is required. Council Member Volger said this Town Council's opinion is that this property being annexed remain wetlands and open space. Council Member Lattin moved to approve Resolution 2013-05, a resolution setting forth findings of fact and conclusions regarding the Sawmill Place Annexation, Council Member Volger seconded, unanimously approved
4. **Ordinance No. 785, Annexing Certain Lands Known as the Sawmill Place Annexation** - Following Town Council approval of Resolution 2013-05, the Council may approve the Sawmill Place Annexation by ordinance if it determines that the requirements of Section 11.5.8 of the LUDC have been met. Town staff has related that the qualifications regarding this annexation are complete. Town Planner Dickhoff said that Bass Drive was mistakenly included in the county as public access, he said this drive is private property, the County agreed to have a crash gate for emergency access onto Rainbow Drive. Council Member Lattin asked about including in the ordinance to remove Bass Drive from the County records all together. Mrs. Courtney King representing the applicant said that once the annexation ordinance is approved, a replat and lot consolidation will remove any lot boundaries and will clean up the boundary lines. The ordinance shall be come effective and be in force upon recorded lot consolidation and removal of Bass Drive as a platted road. Mrs. Deanna Myers said that if there was a possibility of the property be public, how could the property owner have purchased it. Mr. Dickhoff said the property was never public and the county mistakenly plotted it as public. Council Member Lattin moved to approve first reading Ordinance No. 785, an ordinance annexing certain real property

known as the Sawmill Place annexation to the Town of Pagosa Springs, Colorado, with revision of item #6 of the ordinance, Council Member Alley seconded, unanimously approved

5. **Ordinance No. 786, Zoning for the Sawmill Place Annexation** - The Sawmill Place Annexation applicant has also applied for concurrent zoning. On January 29, 2013, The Town Planning Commission will hear the request for concurrent zoning of Sawmill Place Annexation for Mixed Use Residential (MU-R) and provide a recommendation to Town Council. Following Town Council approval of Ordinance No. 785, Town Council can consider Ordinance No. 786, an Ordinance amending the official zoning map regarding property known as the Sawmill Place Annexation, designating the sawmill Place Annexation as Mixed Use Residential (MU-R). No public comment on this item. Council Member Lattin moved to approve first reading of Ordinance No. 786, an ordinance of the Town Pagosa Springs amending the official zoning map regarding property known as the Sawmill Place Annexation, Council Member Volger seconded, unanimously approved.
6. **Overlook Parking Area Structure** - In an ongoing effort to implement the Pagosa Springs Streetscape Furnishings and Signage Plan, approved by Town Council in August 2008, the Wayfinding and Signage Subcommittee of the Town Tourism Committee has been working on permanent enhancements to the River Overlook area. The Signage Subcommittee worked with Courtney King of Reynold's & Associates in 2012 to create conceptual renderings for a permanent structure and enhancements to the deck area at the river overlook area. Phase I includes a permanent gazebo-type structure and larger deck area with Hwy 160 visibility to help encourage those passing-through to stop. Additional phase I benefits include a visible downtown area to enhance viewing of river activities and events, provide shaded picnic tables and seating, provide a location for a digital visitor information center / kiosk and the Tourism Ambassador Program (whose members requested permanent shade), and even another downtown location for events and / or existing event expansion. Enhancements are proposed to be around \$100,000, the TTC would like to engineer the structure if Council so desires. Council Member Alley asked about infrastructure for this site. Ms. Green said that the TTC members have talked with the owners of Tequillas and Jim Smith Realty. Mrs. Christine Funk likes the idea to give more space for people to overlook, she suggests bathrooms at the geothermal building. She asked about the timing of the project. Mrs. Shari Pierce is concerned about the noise levels on the highway and is concerned about the fill and engineering costs. She asked that the downtown development group be included in the development of this project. Council Member Volger asked that the TTC work with the downtown development group. Council Member Lattin moved to allow the TTC to move forward with looking at ideas and meeting with groups and businesses to come up with an idea for this project, Council Member Volger seconded, unanimously approved.
7. **Riverwalk Pedestrian Bridge GOCO Grant** – Town staff has identified a grant that can be used for the construction of the new 6th Street Riverwalk extension pedestrian bridge. GOCO increased funding up to \$350,000 for trails, the deadline is March 6, 2013. Preliminary design work has been completed and estimates the bridge, structure and abutments at \$650,000. If the town is awarded a GOCO grant and the County would participate using 1A funding of up to \$150,000 the town council would be asked to fund the other \$150,000 of the project. The town has applied for and is waiting to hear from State Trails regarding the grant submission for the trail from the end of the current paved trail to the proposed 6th Street bridge. Council Member Lattin moved to approve town staff to proceed with funding request of \$150,000 from the County Prost 1A funds and to proceed with drafting the GOCO grant application requesting the amount of \$350,000 for the 6th Street Pedestrian Bridge, Council Member Alley seconded, unanimously approved.
8. **Support for State House Bill regarding Geothermal Infrastructure Rebates** – Town staff has discovered a funding effort associated with a State House Bill that give rebates fro the installation of thermal heat transfer technologies, with rebates available for residential, commercial and municipality applications. Town staff will be bringing a resolution to council in support of the house bill. Ms. Keely Whittington said that grants for geothermal are a challenge to find and our support of this technology might assist the town in the future. Mr. Jerry Smith said the point is to provide public benefits to the community. He said Pagosa Verde is a sponsor of this bill and many ramifications of this bill will benefit the community.

VI. **PUBLIC COMMENT** – None. Planner Dickhoff said there is a public input meeting for the 8th Street

trail project and Town to Pagosa Lakes Trail.

VII. NEXT TOWN COUNCIL MEETING FEBRUARY 21, 2013 AT 12:00PM

VIII. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 6:15pm.

Ross Aragón
Mayor