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**TOWN COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 7, 2012  
Town Hall Council Chambers  
5:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Hart, Council Member Holt, Council Member Lattin, Council Member Volger **Mayor Aragon announced that public comment for the Walmart Store will be Thursday February 16<sup>th</sup> 5:00pm at the Community Center Senior Dining Hall**
  
- II. **APPROVAL of MEETING MINUTES FROM JANUARY 3 & 19, 2012** – Minutes were approved as read.
  
- III. **LIQUOR LICENSES**
  1. **Liquor License Renewal – Springs Resort & Spa, Bath House and Pools, 165 Hot Springs Blvd., Pagosa Springs**
  2. **Liquor License Renewal – Rohrbacher Moore LLC dba Pagosa Springs Center for the Arts, 2313 Eagle Drive, Pagosa Springs** – Council Member Volger moved to approve the liquor license renewal for Springs Resort & Spa, Bath House and Pools, and Rohrbacher Moore LLC dba Pagosa Springs Center for the Arts, Council Member Lattin seconded, unanimously approved.
  3. **Special Events Liquor Permit – Pagosa Springs Facilities Community Coalition, Dance/Concert at Ross Aragón Community Center on March 9, 2012** – Council Member Lattin moved to approve the special events liquor permit for the Pagosa Springs Facilities Community Coalition dance on March 9, Council Member Volger seconded, unanimously approved.
  
- IV. **NEW BUSINESS**
  1. **Resolution 2012-02, Re-Appointment of Municipal Judges** – Resolution 2012-02 re-appoints the current municipal court judge, William Anderson, to a four-year term as well as re-appointing the assistant judge, Diane Knutson, to a four-year term. Council Member Holt moved to approve Resolution 2012-02, re-appointing the presiding municipal court judge William Anderson and assistant municipal court judge Diane Knutson for the Town of Pagosa Springs, Council Member Hart seconded, unanimously approved.
  2. **Fireworks Fundraising** - In 2011, the Town Tourism Committee was directed to fund the annual fireworks. The TTC has formed a subcommittee to focus on fundraising efforts to raise revenue for future fireworks. The majority of fundraising will be handled by hosting new events in the community. Some of these events include concerts, circus, festivals, and donation jars. All of the events will be promoted through the TTC's marketing efforts. Town Manager Mitchem expressed his appreciation to the TTC for their hard work and effort toward this fundraising.
  3. **Resolution 2012-03, Appointing Andre Hubbard to the Historic Preservation Board** – The town council approved Ordinance No 766 amending the residential/ownership requirements for board members. Andre Hubbard submitted his letter of intent to serve on the HPB and the board unanimously approved recommending his appointment to the Town

Council. Resolution 2012-03 appoints Mr. Hubbard to a four year term. Council Member Volger moved to approve Resolution 2012-03, appointing Mr. Andre Hubbard to the Town Historic Preservation Board as a regular member, whose term expires on July 7, 2016, Council Member Hart seconded, unanimously approved. The historic preservation board has two open seats and meets monthly. The planning commission has two alternate seats open.

## V. OLD BUSINESS

1. **Ordinance No. 765, (second 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 5:00pm and third Thursday at 12noon of each month. It also sets the location of Town Hall where the agenda will be posted. Council Member Volger moved to approve Ordinance No 765 on second reading, identifying Town Council regular meeting dates, locations, times and agenda posting requirements, Council Member Holt seconded, unanimously approved.
2. **Ordinance No. 767, (second reading) Referring Charter Amendments to Voters** - The Home Rule Charter was approved in 2003, since this time several items in the charter have come to light regarding clarifications, and efficiency. Town Council approved first reading of ordinance 767 at the January 19<sup>th</sup> meeting. Since this approval, a few items have been added for clarification. They deal with the Regular and Special meetings procedures in Section 3.1 and 3.2. These items include the change to 3.2B in Organizational Meeting to reflect first regular or special meetings and regular or special elections, 3.1C in Meeting Protocol to reflect only regular meeting and the addition of this Meeting Protocol into section 3.2B referring to special meetings. Section 3.2 A(2) has been stricken through. Item 3.2 B has been changed to C and reflects only special meetings, this same section wording has been added to Section 3.1D referring to regular meetings. Lastly, for clarification to the change in Section 12.14 (page 4) the word LOANS has been double underlined. Council Member Lattin moved to approve Ordinance No. 767 as amended on second reading, An Ordinance Calling the Regular Election to be Held on April 3, 2012 as a Polling Place Election, Designating an Election Official and Submitting to the Registered Electors of the Town of Pagosa Springs the Questions of Amending Sections 2.1, 2.3, 2.8, 3.1, 3.2, 3.2.5, 3.9, 3.10, 4.1, 4.2, 4.6, 4.7, 4.8, 5.1, 5.2, 5.3, 5.4, 5.7, 5.9, 6.3, 6.5, 6.6, 7.1, 7.2, 7.7, 10.4, 10.5, 10.7, 11.1, 12.14 and 12.19 of the Home Rule Charter of 2003, Council Member Volger seconded. Mr. Morgan Murri would like to exclude section 12.19 regarding the change from an ordinance to a resolution to purchase, sell, exchange, receive by donation, etc. He believes that there needs to be time for due diligence to make sure the proper process is completed. Council Member Cotton explained a resolution is still open to the public and moves things along quicker than a two reading ordinance. Town Manager Mitchem explained that the Town's legal counsel had suggested this option as a way of expediting the exchange of real property. Mrs. Murial Eason said that an ordinance gives people the opportunity to present a referendum. Mr. David Schanzenbaker said that the town council should not be selling property without the public input and suggests a two reading process. He suggested the change to allow the town manager to live outside of town upsets many business owners in town who live in the county. Mrs. Teri Pritchard asked Town Manager Mitchem how long he had lived in Pagosa Springs. Town Manager Mitchem explained that he has lived in Pagosa Springs for three years and currently resides within the town limits. He is looking for a house to accommodate his family that includes his elderly parents. Ms. Nicole DeMarco suggests creating a unified government to include those who live out of town. Council Member Holt explained the State of Colorado Law does not allow for County residents to vote in Town elections. Mr. Kyle Frye asked about expanding boundaries to include the residential areas just outside the town limits. Council Member Cotton explained the town annexes properties who ask to be annexed; the town does not annex property without the owners' request. Mrs. Juana Lee Park understands the legality of the State law and asks for a liaison for the businesses that operate within town limits. Town Manager Mitchem explained that the

Town's subcommittees have been formed to include county residents, these include the planning commission, town tourism committee, parks and recreation commission, and historic preservation board. The town has attempted to encourage a downtown development authority but has been unsuccessful in finding those folks to serve on that group. Mr. Rick Bolhouse suggests the significant changes to the charter be voted on separately rather than lumped together. Council Member Holt explained that giving the town manager the power to hire and fire town department heads is needed in case of an insubordinate employee. Mr. Jim McQuiggin explained the point of his article was an attempt to separate the more controversial questions into a separate ballot question. Council Member Volger suggests waiting until the next meeting for second reading. Mr. Mark Weiler said withdrawing Section 12.19 related to the sale and purchase of land is a good idea by the council. He suggests discriminating against the town manager to require him only to live in town is not appropriate. Council Member Volger suggests removing 12.19 is good with him, but the rest should stay. Council Member Lattin rescinded her motion and Council Member Volger rescinded his second. Council Member Volger then moved to approve Ordinance No 767 as amended on second reading, An Ordinance Calling the Regular Election to be Held on April 3, 2012 as a Polling Place Election, Designating an Election Official and Submitting to the Registered Electors of the Town of Pagosa Springs the Questions of Amending Sections 2.1, 2.3, 2.8, 3.1, 3.2, 3.2.5, 3.9, 3.10, 4.1, 4.2, 4.6, 4.7, 4.8, 5.1, 5.2, 5.3, 5.4, 5.7, 5.9, 6.3, 6.5, 6.6, 7.1, 7.2, 7.7, 10.4, 10.5, 10.7, 11.1, and 12.14 of the Home Rule Charter of 2003, eliminating section 12.19, Council Member Lattin seconded, unanimously approved.

3. **Ordinance No. 766, (second reading) Amendment to Eligibility Requirements for Historic Preservation Board Members** – The current Land Use Development Code 2.5.5.C.1 requires two years prior residency or own property or business for two years, this is inconsistent with the other board eligibility requirements. Ordinance No. 766 changes the residency requirements to one year and the property or business ownership or work or conduct business to a one year requirement. Council Member Hart moved to approve Ordinance 766 as amended on second reading, an Ordinance of the Town of Pagosa Springs Amending Section 2.5.5.C.1 of the Land Use Development Code, Council Member Lattin seconded, unanimously approved.

**VI. Next Town Council Meeting February 23<sup>rd</sup> , 2012 at 12noon**

**VII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:25pm

**Ross Aragón  
Mayor**