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**TOWN COUNCIL MEETING MINUTES  
THURSDAY, FEBRUARY 19, 2015  
Town Hall Council Chambers  
5:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker
  
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
  
- III. **PUBLIC COMMENT** – Mr. Morgan Murri said that Alco is moving out of the Country Center this month. They are looking aggressively for a renter to fill the space.
  
- IV. **PRESENTATION – River Feature Power Point Presentation** – Chris Pitcher – Riverbend Engineering has been working with the help of many volunteers to create interesting water features throughout the downtown area. They have assisted with fishing habitat, replacing the old Davey’s Wave and installing several more rafting, kayaking and tubing features. Because of the warm weather, they will delay finishing up the last feature at Cotton’s Hole area until the 2015/2016 winter season. Each feature takes approximately 21 days to complete and averages \$100,000 of direct costs to each of these habitat and recreational structures, the costs of which has been donated by the Pitcher family and several volunteers.
  
- V. **CONSENT AGENDA**
  1. **Approval of February 3, 2015 Meeting Minutes**
  2. **Approval of January Financial Statement and Accompanying Payments**
  3. **Liquor Licenses**
    - a. **Liquor License Transfer – H&R license transfer from El Carboncito Restaurant & Sports Bar LLC to Tavern Le Boeuf LLC at 27 B Talisman Drive #4**
    - b. **Special Events Liquor Permit – St. Patrick’s Episcopal Church, Parade, March 14 & 15, 2015 at 225 S Pagosa Blvd**
    - c. **Special Events Liquor Permit – Pagosa Mountain Morning Rotary Club, Relay for Life June 13, 2015 at the Town Park Athletic Field on Hermosa Street**
    - d. **Special Events Liquor Permit – Town of Pagosa Springs, Brew Fest, April 11, 2015 at the Ross Aragon Community Center**
  4. **Proclamation recognizing February 2015 as Teen Dating Violence Awareness and Prevention Month**
  5. **Letter of Support for Scenic Byway Designation**
  6. **Resolution 2015-04, Appointing Jon Johnson to the Town Tourism Committee** – Council Member Schanzenbaker asked about timing to appoint a new TTC member, Mayor Volger asked to put item V.6 to New Business VII.3 Council Member Egan moved to approve the consent agenda, Council Member Schanzenbaker seconded, unanimously approved. Mayor Volger read the proclamation recognizing February 2015 as Teen Dating Violence Awareness and Prevention Month.

## VI. REPORTS TO COUNCIL

### 1. Featured Department Head Reports

- a. **Community Center** – Staff is participating in several events during the month of February including the Chamber of Commerce Chilly Bowl, a dance fundraiser and work with middle school for youth prevention week. March will be holding a free music clinic. Staff has been looking at many floor options and will be coming to council to make a decision between a poured floor and a wood floor. On March 6<sup>th</sup> at 7:30am the Town Council will have a worksession and take a field trip to the middle school to look about the floor. Rentals of the center are up 50% compared to the same time in 2014. The Town recreation department is using the gymnasium four nights per week for youth basketball. A young chef cooking class for ages 8-14 is being held in cooperation with the Nurturing Center.
  - b. **Municipal Court** - The Court Administrator submitted an application to join the Core Services Therapeutic and Life Skills Committee. This committee reviews Core Services available within the Sixth Judicial District, identifies service gaps, provides information on local strengths, and approves the annual Core Services Plan. The Court Administrator has been appointed to the Core Services Committee. Court security, provided by PSPD Officers, is continuing. Judge Anderson and the court staff appreciate the availability of PSPD officers.
2. **Sales Tax Brief** - The December 2014 sales tax revenue received in February 2015 showed an increase of +12.85% compared to December 2013. Total sales revenue for December 2014 was \$353,558. For the calendar year 2014, the Town received a total of \$3,583,519. Compared to 2013, sales tax increased by 6.2% in 2014.
  3. **Lodgers Tax Brief** - December 2014 was down 6.39%, or \$2,806, over December 2013, with a few small payments still outstanding. 2014 ended with a 14.59% increase over 2013, or \$64,856. Go West Summit was held in Colorado Springs Feb 10th-13th. TTC Director and CK Patel had 60 pre-scheduled appointments. A new allure promotional piece will be completed soon and mailed to leads received by the Town.

## VII. NEW BUSINESS

1. **Resolution 2015-05, Amending the 2015 Town Fee Schedule to Include a Fee For Extension of Previously Approved Preliminary Subdivision Plan Applications** - The Planning Department receives annual requests for extensions of previously approved Preliminary Subdivision Plans, however, there was not an actual application process outlined in the LUDC for such a process before Ordinance 823 and fees associated with processing such requests. The process of researching the status of the project and preparing documents for Town Councils consideration can take a few hours. A small fee of \$300 will cover staff's time for processing such extension applications. Council Member Lattin moved to approve Resolution 2015-05, amending the Town's adopted 2015 fee schedule to include a \$300 application fee for processing requests for Preliminary Plan Extension applications, Council Member Egan seconded, unanimously approved.
2. **MOU between County and Town regarding Lodgers Tax** - Both the Town and County receive Lodgers Tax and in late summer and early fall of 2014, there were discussions about joining efforts for promotion of tourism. The idea was to join funding efforts, but to also invite the County to be part of the governance that has overseen the tourism promotional efforts for our community. The MOU outlines the new structure to oversee the tourism promotional efforts and details the transfer of Lodgers Tax funding from the County to the Town for the identified joint efforts. The MOU also specifies the safeguards and reporting requirements that is meant to ensure the County's Lodgers Tax is spent in a productive way. The Town is projected to receive approximately \$540,000 in Lodgers Tax and the County is estimated to receive about \$85,000 in Lodgers Tax for 2015. The County Commissioners approved the MOU with revisions to the Town Tourism bylaws. Commissioner Wadley was appointed as the County representative on a new joint County and Town Tourism board. Some of the changes to the bylaws might include specified number of board members and designated appointed seats as well as recruitment of the

seats. Staff will work with the town and county to make changes to the bylaws. Mr. Morgan Murri would like to see term limits on the TTC board to serve more of the county. Council Member Lattin suggests the council and public get involved in the meetings of the TTC and subcommittees, and be involved even if they don't sit on the board. Council Member Egan moved to approve the Memorandum of Understanding between Archuleta County and the Town regarding the administration of lodgers tax funding contingent upon successful revision of the bylaws, Council Member Alley seconded, unanimously approved.

3. **Resolution 2015-04, Appointing Jon Johnson to the Town Tourism Committee** - Council Member Schanzenbaker said that since there is a restructuring of the bylaws up and coming, including a reduction in board seats, and a lack of posting of the vacancy he doesn't think the council should approve another member to the committee at this time. Town Manager Schulte said an at-large vacancy came about recently and a previous member of the TTC board, Mr. Johnson, ask to serve again. The TTC board agreed that Mr. Johnson had been a great asset to the previous board and would be a welcome board member again. The seat was not advertised, the work that Mr. Johnson had performed prior was a huge recommendation for his re-appointment. The reduction of the board seats is suggested to be reduced through attrition rather than voting members off the board. Council Member Lattin moved to approve Resolution 2015-14, appointing Jon Johnson to the Town Tourism Committee for a two year term, Council Member Patel seconded, motion passed with one nay (Council Member Schanzenbaker).

## VIII. OLD BUSINESS

1. **Ordinance 822, Second Reading, Metal Siding Allowances** - The current prohibition of Metal Siding in all commercial and mixed-use districts has generally been questioned by developers, Town Council, Planning Commission and the Historic Preservation Board. All have generally supported the development of building design criteria instead of a general prohibition. There has been support to consider allowing the use of metal siding if the use of other siding materials are also incorporated into the building design. Other materials may include but are not limited to; wood, brick, stone, and stucco, as currently stated in LUDC section 6.7.3.B.2.a, which also encourages the use of materials derived from the local natural setting such as timbers and native stone. The original prohibition was to discourage metal industrial looking buildings along Hwy 160. Council Member Schanzenbaker said there are a lot of overall development standards in the LUDC but not a lot regarding architectural standards for commercial and no standards for residential architectural standards. He would like the Planning Commission to work for more overall strategies and regulations for architectural standards rather than one item changes. Council Member Schanzenbaker moved to approve second reading of Ordinance 822, an Ordinance of the Town of Pagosa Springs repealing and readopting section 6.7.3.b.2 of the Land Use Development Code to provide for allowances for metal siding commercial and mixed use zoned districts, Council Member Lattin seconded, unanimously approved.
2. **Ordinance 823, Second Reading, Preliminary Subdivision Plan Extension Application Process** - The Planning Department receives annual requests for extensions of previously approved Preliminary Subdivision Plans, however, there is not an actual application process outlined in the LUDC for such a process or fees associated with processing such requests. Council Member Egan moved to approve the second reading of Ordinance 823, an Ordinance of the Town of Pagosa Springs repealing and readopting section 2.4.3.C.4.b.(iv)(1) of the Land Use Development Code establishing a development application procedure for extending previously approved preliminary subdivision plans, Council Member Alley seconded, unanimously approved.
3. **Ordinance 824, Second Reading, Extending Ordinance 796 Marijuana Business Prohibition** - At the February 3, 2015 Town Council meeting, the Council approved extending Ordinance 796 until June 1, 2015 in order to give staff time to present options to the Town Council for licensing marijuana businesses in Town limits. The Town has received the template from the County in order to copy the regulations and make them appropriate for the Town. The information will be brought to Council on March 3<sup>rd</sup> and worksessions will be scheduled. Mr. Bill Hudson said several doctors and pharmacists have

agreed that the medical marijuana is helping people. He is volunteering his services to get the information to the public. Council Member Alley moved to approve the second reading of Ordinance 824, extending Ordinance 796 until June 1, 2015, Council Member Schanzenbaker seconded, unanimously approved. Mayor Volger would like monthly progress reports on the process of this ordinance.

- IX. PUBLIC COMMENT** - Mr. Mark Weiler complimented the Town Council and staff with the transfer of the community center ownership. He also said the goals and accomplishments adopted by the council is outstanding.
- X. Executive Session per C.R.S. 24-6-402(4)(b) for Conference with Town Attorney for Purposes of Receiving Legal Advice and C.R.S. 24-6-402(4)(e) to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy or Instructing Negotiators, Regarding an Application for Water Rights, Case Number: 14CW30 in District Court Water Division 7** – Council Member Lattin moved to enter executive session per C.R.S 24-6-402(4)(b) for conference with Town Attorney for purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy or instructing negotiators, regarding an application for water rights, Case Number: 14CW30 in District Court Water Division 7, Council Member Alley seconded, unanimously approved. The Mayor called the meeting back in regular session at 7:41pm.
- XI. COUNCIL IDEAS AND COMMENTS** – Council Member Egan said the car wash sign above the Mud Shaver Car Wash may be inappropriately installed. He said it would be great if the community had a greater awareness of itself. He suggests having a party for Pagosan’s and honor the exciting prospects, involving kids, athletes, street dance, and ask the Chamber to explore this idea with its members. Council Member Schanzenbaker asked about the ribbon cutting for the 6<sup>th</sup> Street pedestrian bridge, estimated for the end of March. The TTC is working on the 125<sup>th</sup> anniversary of the Town in 2016, events include the national fast draw competition that will be held in Pagosa in 2016. Council Member Schanzenbaker would like to extend the preliminary plan approval from one to two years, also direct staff and planning commission to create architectural design standards for façade, roofline, overhangs and not focus on material uses. Council Member Lattin would like to remind the public of the requirement to clear the sidewalks for use by pedestrians. Council Member Alley said the Chamber will be staying in the Visitor Center for a while longer at least until the end of the year and then reevaluate if they want to move.
- XII. NEXT TOWN COUNCIL MEETING MARCH 3, 2015 AT 5:00PM**
- XIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 7:45pm.

**Don Volger  
Mayor**