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**TOWN COUNCIL MEETING MINUTES
THURSDAY, APRIL 17, 2014
Town Hall Council Chambers
12:00 P.M.**

SWEARING IN OF MAYOR AND COUNCIL MEMBERS

- I. CALL MEETING TO ORDER** - Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. APPOINTING MAYOR PROTEM** – Council Member Lattin nominated Council Member Bunning to act as mayor protem, Council Member Alley seconded, unanimously approved.
- IV. APPROVAL of MEETING MINUTES FROM APRIL 1, 2014** – The minutes were approved as read.
- V. PUBLIC COMMENT** – Mrs. Nyla Eala representing Southwest Organization for Sustainable invited the council to events April 21st to the 26th. Mr. Mark Weiler asked the town council to allow citizens to petition for an item to be put on the next agenda. Mr. Weiler said that Ms. Lynne Bridges with Seeds of Learning would like to have dialog with the council at the May 6th meeting. Mayor Volger said the policy to get items onto the agenda will be reviewed during the retreat in May. Council Member Egan asked about items being placed on the agenda. Town Manager Mitchem said the typical way is to go through the mayor. Council Member Egan suggested that council members be able to ask openly at the meetings to put items on the agenda. Council Member Alley agreed with Council Member Egan about suggesting items be put on the next agenda, Council Members agree to bring issues to the council at meetings for future agendas. Mr. Lee Riley said he has met with the town manager, council members and chamber members to mediate the visitor center location options. He said the same representatives discussing this issue will come to the same conclusion. He said the Chamber and Visitor Center should share the space and come to a compromise to salvage the situation. Mr. Bill Hudson asked about posting the agenda and packets online. All thought that was a good suggestion.
- VI. LIQUOR LICENSE**
 - 1. Liquor License Transfer – From The View at Pagosa Springs Inc to Pagosa Lodging LLC dba The View at 3505 W Hwy 160 Pagosa Springs** – Council Member Patel recused himself from this item. Council Member Egan moved to approve the liquor license transfer from The View at Pagosa Springs Inc to Pagosa Lodging LLC dba The View, Council Member Lattin seconded, unanimously approved.
 - 2. Tastings Permit Application – Mountain Spirits Inc. dba Mountain Spirits Wine & Liquor at 135 Country Center Dr. Suite I**
 - 3. Tastings Permit Application – Shabri LLC dba Plaza Liquors at 511 San Juan St Suite A** – Council Member Lattin moved to approve the tasting permit applications for Mountain Spirits Inc. dba Mountain Spirits Wine & Liquor and Shabri LLC dba Plaza Liquors, Council Member Bunning seconded, unanimously approved.

4. **Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Car Show at Town Park May 16, 2014**
5. **Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Car Show on Lewis Street May 17, 2014**
6. **Special Events Liquor Permit – Habitat for Humanity of Archuleta County Recycled Art Show at 755 San Juan St Units C&D April 25, 2014** – Council Member Lattin moved to approve the special events liquor permit for Pagosa Area Chamber of Commerce Car Show at Town Park May 16th and Lewis Street May 17th, and the Habitat for Humanity Recycled Art Show April 25th, Council Member Egan seconded, unanimously approved.

VII. NEW BUSINESS

1. **Ordinance 809, First Reading, Franchise Agreement for Elite Recycling & Disposal LLC** – Per the applicants request, this item will be table until the May 22nd meeting.
2. **Allowing Concessionaires in Town Parks and along Riverwalk Trail** - The Town has received a request from Mr. Jerry Hilsabeck from the Boulder Coffee Cafe, to allow him to operate a vending cart in Town Parks and on the Riverwalk trail. Mr. Hilsabeck is proposing to operate a vending cart to sell snow-cones, ice cream, soft drinks and water. In 2013, Town Council allowed a vendor to operate in Yamaguchi Park after concerns from downtown businesses that the Town Park and riverwalk area would affect negatively on their business. If approved a Temporary Use Permit (TUP) would be issued for Vendors. The vendor is required to seek property owner permission to set up (on private property typically), vendors are limited to no more than 6 months per year, town staff reviews the proposal and attaches conditions of TUP approval specific to the site that typically includes trash and litter control, traffic access, and mitigation of any perceived negative impact to neighboring properties and a \$50/month fee is required. Conditions of approval must be maintained otherwise the vendor could lose the right to continue to operate. Council Member Egan suggests selecting the vendor for a particular location. Parks & Rec Director, Tom Carosello, said at this time there are no plans to open a concession stand at Yamaguchi Park. Mr. Morgan Murri with GECKO asked that council give consideration to the event promoters to include or not include the vendor. Council Member Egan moved to approve the request of the vendor with conditions from staff to be approved by council including potential sites, specific menu information, appearance of cart, the conditions that the vendor must vacate or pay fees to event organizers should they be contiguous to an event, Council Member Egan withdrew his motion. Council Member Bunning moved to approve the concept of mobile vendor carts to provide service to the patrons of town parks and riverwalks during a set season with set hours and that those permits are granted for six month period to evaluate each owner and operator and their compliance to the requirements, Council Member Egan seconded, unanimously approved. Staff will work with the business owner to set conditions the vendor will operate under and the same conditions for other concessionaires that would apply.
3. **Resolution 2014-05, Re-Appointing Natalie Woodruff to the Planning Commission** - On March 11, 2014 the Planning Commission unanimously approved a recommendation for Town Council to approve the re-appointment of Natalie Woodruff as an alternate member to the planning commission for another 4 year term. The planning commission currently has no open seats with five regular members and two alternate members. Two regular members are county residents that own real property and operate businesses in Town limits. Council Member Lattin moved to approve Resolution No. 2014-05, re-appointing Natalie Woodruff as an alternate member of the Planning Commission for a four (4) year term commencing on May 1, 2014 and concluding on July 1, 2018, Council Member Alley seconded, unanimously approved.
4. **Resolution 2014-06, Appointing Board of Appeals** - The current 2006 International Building Code and 2009 International Fire Code (IFC), as adopted by the Town of Pagosa Springs, include provisions for a Board of Appeals. The Building Department is requesting that the Town Council establish a Board of Appeals to hear and decide appeals of orders, decisions or decisions made by the building and fire code official relative to the application and interpretation of the code. The codes specify the limitations of authority and qualifications of the board of appeals. Council Member Alley moved to approve Resolution No. 2014-06, appointing Jim Van Liere, Larry Ash and Vernon Leslie to the Board of Appeals to hear appeal

under the International Fire Code, 2009 Edition, and the International Building Code, 2006 Edition commencing on April 17, 2014, Council Member Bunning seconded, unanimously approved. Mr. Mark Weiler commended the work done by this group of people. He said it cost him thousands of dollars for approval with the previous administration. He said there should be a time limit for the board to respond to items, he suggest seven days.

5. **Offer of Property Donation** - The Town has received an offer from the Pagosa Overlook Home Owners Association (POHOA) to donate to the Town a parcel of land west of their neighborhood. The parcel of land is approximately .58 acres and slopes to the west from S. 7th Street. The POHOA representative has expressed the HOA can not afford the annual property tax liability and does not want the property to be developed. In exchange for the donation, they would like trees to be planted on the property as a wind block. The lot is adjacent to South Park and may be used for diagonal parking along the 7th/8th Alley, a picnic shade area or more. Ms. Cathy Decory, representative of the HOA, said the owners would like to leave the property open space or parking. The HOA would like curb and gutter installed along 7th Street in exchange for the property. Council Member Egan asked about the liability of taking on this property. Council Member Bunning asked that a survey be completed before accepting the property. Council Member Egan asked to table this item until further information can be obtained, Council Member Alley seconded, unanimously approved.

VIII. OLD BUSINESS

1. **Ordinance 810, Second Reading, Rezoning 402 San Juan Street** - On February 27, 2014, the Town received an application requesting the re-zoning of 402 San Juan Street, aka the Chamber of Commerce, from Open Space (OS) to Mixed Use Town Center (MU-TC). The property is currently zoned Open Space (OS). On the previous adopted 2005 zoning map, the San Juan Street ROW still existed and no zoning was designated, except for the Town owned parking lot and small park north of the Chamber property. The ROW was vacated in Ordinance No. 421 dated January 2, 1990, with utility easements being retained. OS zoning does not allow for operating a business under that zoning classification. The LUDC does allow for continued use as a non-conforming use, unless the current use as an office discontinues for more than 6 months. Council Member Lattin said that several community members believe the open space zoning was the intent to leave it open space as a chamber and visitor center. Mr. Jeff Greer said Ordinance 810 and 808 are linked together and would appreciate council tabling the item. Ms. Mary Jo Coulehan said the Chamber has been conducting business and is paying taxes for the property to the county. Council Member Egan moved to table this item for further discussion, Council Member Patel seconded, unanimously approved.
2. **Ordinance 808, Second Reading, Visitor Center Lease Agreement** - Town Council is considering authorizing an agreement to utilize space adjacent to the old downtown City Market complex for the new visitor center. This was the recommendation of the Council's Visitor Center Task Force, made in consultation with County Commissioner Steve Wadley and members of the Town Tourism Committee. The space is approximately 1,500 square feet and the property owner has offered the town a monthly rental fee of \$1 per square foot. This item was tabled at the April 1st meeting with opposition from local business owners. Discussion with the Chamber has included a lease at \$1.15 per foot plus cost of taxes, insurance and maintenance bring the monthly cost over \$3,600 per month, twice as much as the proposed space on San Juan Street. Council Member Bunning said he contacted Mr. Mangurian by a suggestion from the VC task force to form an agreement with the understanding that the Chamber building was not an option. He and other members of the task force met with the Chamber representatives and came up with some issues of the Chamber building. The building does not lend itself to allow two workspaces to house the Chamber and VC. Remodeling the Chamber building will be necessary to bring up to code for ADA. The Chamber is not visible to folks traveling down Hwy 160. Council Member Lattin said a lot of business people would like to discuss an option to keep the VC at the Chamber river site. Mr. Bill Hudson asked about the budget item of \$135,000 for the Town to run the VC. He said the funds from the county should be considered in discussion. Ms. Lvonne Wilson said the business owners are not being advised on this subject, however they generate the sales tax. She said the VC current location invites walking and picnics along the river, and the strip mall is not a better location. Mrs. Stacy Kirby with the Chamber invited the Council to stop by the Chamber and asked to be given a chance to

work together. Mr. Jeff Greer said the business group could offer some suggestions to find a middle ground between the town and chamber. Amount of space, reconfiguration, lease terms, property tax waive. He asked Council to delay the decision so the business owners could work with the task force. Council Member Lattin moved to table the reading of Ordinance 808 until further discussion, Council Member Egan seconded, unanimously approved.

3. **Sales Tax Brief** - Sales tax revenue in April decreased by 6.97% or -\$16,058 compared to 2013 April receipts.

IX. DEPARTMENT HEAD REPORTS

1. **Community Center Report** – The community center staff is gearing up for several events including the High Rollers on April 25th. The summer kids programs will start their second year and they are expecting high turnout. They are working with the Town project manager to apply for grant funding for the kids programs. The center is working with the Wellness Center to bring a free cooking class to all residents.
2. **Town Tourism Committee Report** - February 2014 lodging tax reflected a 22% increase over 2013, or an increase of \$5,638. January 2014 was up 8.15% over 2013, or an increase of \$2,649. Year to date, tax collections are up 14.29% over the same period in 2013, or \$8,288. Facebook fans 8,785, Instagram followers 775, and Twitter followers 531. Pagosa Springs will be featured on cover of June Nexus Magazine. The TTC is working with Parks & Rec Commission and Historic Preservation Board to create trailhead signs for Reservoir Hill, using map developed in coordination with Parks & Rec and content provided by HPB. Three board seats are open and past applicants have been encouraged to reapply. The gateway signs have been installed and illuminated with solar power.
3. **Planning Department Report** - The 6th Street riverwalk project is underway with completion mid June. The GOCO grant for the 6th Street pedestrian bridge notification is expected in June. The 8th to 10th Street trail project is slated to begin in August. Staff secured an additional \$22,500 from CDOT for this project. Majestic Drive paving project is scheduled to be sent out to bid in June. The McCabe Creek bridge project is anticipated to start in fall 2015 and completed fall 2016. Council Member Egan said the businesses are concerned with the construction hurting their business. He would like to look at the pedestrian accessibility and under bridge walkway as well as the aesthetic appearance in the downtown area. Dialog regarding the large informational sign placement on Hwy 160 is underway with CDOT.
4. **Town Manager Report** – Town staff is preparing information for council to review during their May retreat. Attorney Bob Cole will be hosting a boards and commissions worksession on April 25th to update the boards of the changes to laws and procedures. A joint meeting with the County is scheduled on May 9th at 8am. Worksessions between town council and town commissions/boards will be scheduled as directed by council. Council Member Egan is open to discussing and reviewing finances, staff, and policies.

- X. **APPROVAL OF MARCH FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS** – Council Member Bunning moved to approve the March financial statement and accompanying payments, Council Member Lattin seconded, unanimously approved.

- XI. **PUBLIC COMMENT** – Mr. Bill Hudson asked that council to get Town email addresses for official town council business so that the media is able to look at those emails.

XII. NEXT TOWN COUNCIL MEETING MAY 6, 2014 AT 5:00PM

- XIII. **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 2:31pm.

Don Volger
Mayor