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TOWN COUNCIL MEETING MINUTES

THURSDAY, APRIL 18, 2013

Town Hall Council Chambers

12:00 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 (1:02pm)
- II. APPROVAL of MEETING MINUTES FROM APRIL 1st & 2nd, 2013** – The minutes were approved as read.
- III. PUBLIC COMMENT** – none
- IV. LIQUOR LICENSE**
 - 1. Liquor License Renewal – Farrago Market Café & Back Room Wine Bar, 175 Pagosa Street, Pagosa Springs** – Council Member Lattin moved to approve the liquor license renewal for Farrago Market Cafe and Back Room Wine Bar, Council Member Bunning seconded, unanimously approved.
 - 2. Liquor License Transfer – From Pagosa Lodging LLC to The View at Pagosa Springs Inc, at Quality Resort 3505 W Hwy 160** – Council Member Bunning moved to approve the liquor license transfer from Pagosa Lodging LLC to The View at Pagosa Springs Inc, Council Member Alley seconded, unanimously approved.
 - 3. Special Events Liquor Permit – Folkwest Inc. Bluegrass Festival June 7, 8, & 9th 2013 at the Reservoir Hill Park**
 - 4. Special Events Liquor Permit – Pagosa Mountain Morning Rotary Club Earth Day Event April 20, 2013 at the Town Park**
 - 5. Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Car Show May 17, 2013 at Town Park Athletic Field**
 - 6. Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Car Show May 18, 2013 on Lewis Street between 4th and 5th Street** – Council Member Lattin moved to approve the special events permit for Folkwest Inc Bluegrass Festival June 7,8 & 9, Pagosa Mountain Morning Rotary Club Earth Day April 20, Pagosa Springs Chamber of Commerce Car Show May 17th and 18th, Council Member Bunning seconded, unanimously approved.
- V. NEW BUSINESS**
 - 1. Naming of Town Pocket Park Goodman Park** - During its meeting in April, the Parks and Recreation Commission was presented with a proposal to enhance the small “pocket park” at the southwest intersection of Highway 160 and Hot Springs Boulevard and name the tract “Goodman Park” in honor of the Goodman family. Mr. JR Ford has suggested this naming for a family that has contributed to the community for over 113 years. He said all construction and other initial capital costs associated with establishing this “new park” will be raised by the Downtown Task Force and contributions by contractors in town. He is willing to fund the electronic display, the TTC is willing to continue the update of the contents on the screen. Council Member Bunning moved to approve the

Goodman Park Proposal and authorize J.R. Ford and the Pagosa Springs Downtown Task Force to begin fundraising and construction efforts, Council Member Alley seconded, unanimously approved.

2. **Ordinance 788, First Reading, Prohibiting Marijuana Establishments** - Town Council approved the current Moratorium, Ordinance No. 779, on September 6, 2012, "An Ordinance Suspending the Processing of Applications for Medical Marijuana Centers, Medical Marijuana Optional Premises Cultivation Operations and Medical Marijuana Infused Product Manufacturing Businesses until July 30, 2013." Previous Moratoriums were passed on August 26, 2010 (Ordinance No 756) and June 7, 2011 (Ordinance No 762). On November 6, 2012, voters in Colorado passed Amendment 64, "Use and Regulation of Marijuana," which permits the use and sale of marijuana by and to adults over 21 years old and also permits the operation of certain recreational marijuana businesses. However, municipalities may prohibit the operation of marijuana establishment by ordinance or through an initiated or referred method. Prohibitions or local restrictions must be in place no later than October 1, 2013, which is when marijuana businesses may begin operating. This Ordinance adds two new Articles to Chapter 6 of the Town Code – Article 5 prohibiting the sale and cultivation of medical marijuana and Article 6 prohibiting the operation of marijuana establishments, including marijuana clubs, with the Town. Council Member Alley would like to look at other options to place these types of establishments rather than having to overturn the ordinance at a later date. Council Member Cotton said that prohibiting it until the State creates the rules and regulations is less expensive than creating our own regulations that may not match the State's requirements. Council Member Schanzenbaker suggests waiting until after the State gets their regulations together on July 1, 2013. Chief Rockensock said there are several items that need to be discussed between the State and Federal governments including sales and excise taxing and other financial issues. Town Manager Mitchem said a marijuana club is not addressed in Amendment 64 and if a club like this opens in town there may not be options able to close it later. Mayor Aragon said that marketing efforts are toward conservative states like Texas and Oklahoma and asked what kind of image will the town project if the Town allow a marijuana center. Council Member Lattin and Bunning are not in favor of marijuana centers in the Town of Pagosa Springs. Town Manager Mitchem said that should this ordinance pass now, a future council may amend this ordinance to change the regulations. Council Member Cotton moved to approve first reading of Ordinance No. 788, an ordinance of the Town of Pagosa Springs amending Chapter 6 of the Pagosa Springs Municipal Code Regarding Marijuana Establishments, Council Member Bunning seconded, motion carried with two nays (Council Members Alley and Schanzenbaker).
3. **Pradera Point Final Plat Extension Request** - Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of 119 single-family residential lots. The final plat for phase I includes twenty (20) lots. Town Council originally approved the phase I Final Plat on May 6, 2008, and has since approved one-year extensions due to the economic volatility. The planning commission approved the recommendation of extending the plat for another year. The developer is considering building two houses in the sub-division as model homes. The developer is current with the utility payments and bank loans, their 2012 property taxes are not due until the end of April. Mayor Aragon said that the number of extensions requested might cause the developer to lose credibility but he understands the need to delay because of the economy. Council Member Cotton moved to approve a one-year extension of the Pradera Point Subdivision, phase one, final plat approval, contingent on the inclusion of current plat language as required under the current LUDC, a current utilities checklist submitted prior to recordation of the final plat, signed developer improvement agreement, revised engineering plans, revised engineering cost estimates and to include street lighting as required by the Planning Commission, and 2012 property taxes paid in full, Council Member Alley seconded, unanimously approved.
4. **RAMP Funding** – CDOT has announced a new funding program, the "RAMP" program (Responsible Acceleration of Maintenance and Partnerships) to expedite the

implementation of projects and solicit partnerships in transportation solutions. A pre-application process deadline May 1, 2013, will be used to determine initial basic eligibility under the program. Final applications are due July 1, 2013 and will be awarded September 19, 2013. Town staff has been reviewing the most immediate needs that are within CDOT's approved application; McCabe Creek culvert, 8th Street sidewalk connections, drainage on Hwy 160 between 2nd and 3rd Street, Piedra and Hwy 160 pedestrian crossing, Pagosa Blvd and Hwy 160 pedestrian trail crossing, and Main Street lighting and sidewalk improvements. Planning Director Dickhoff said that CDOT has suggested the Town apply for the McCabe Creek culvert, however the application would require the town match not only the creek bed opening, but the under Hwy culvert as well, estimating the match at \$590,000. There may be GOCO grants available to help to obtain the creek bed opening without having to pay for the Hwy culvert with CDOT. An estimate of \$210,000 through a GOCO grant would be the town's cost if opening the creek bed, purchase of the property and demolishing the building currently on the property. The downstream property owner is not interested in applying for RAMP funding for his property. He may consider donating the property to the town for tax credits depending on the appraisal. Council's gave consensus to move forward with applying for all of the proposed project.

VI. OLD BUSINESS

- 1. Sales Tax Brief** - In April, the Town of Pagosa Springs' sales tax revenue increased by 14.28% or +\$28,784 compared to April, 2012 (base on February retail sales). If all sales tax revenue is included, year-to-date revenue is up +2.05% or +\$20,660.

VII. DEPARTMENT HEAD REPORTS

- 1. Community Center Report** – The High Rollers concert was a huge success netting the community center \$882. Upcoming concerts include Jeff Scroggins, Cinco De Mayo, and Hazel Miller. Summer programs have begun at the community center with excitement.
- 2. Parks and Recreation Department Report** – Adult basketball is ending and springs baseball begins with T-Ball. Two sets of large bleachers which will accommodate seating for over 80 people, a scoreboard and fence guards have been ordered for the Yamaguchi Park baseball/softball field. With the addition of these items, the field should be ready for official play in early summer. The cost of the new items (\$7,132.34) will be covered by a previously-approved appropriation from the Conservation Trust Fund.
- 3. Town Tourism Committee Report** – Lodgers tax for February is down 1.94% (\$504) compared to February 2012, with one hotel which recently changed hands yet to report, expectations of an increase in lodgers tax for February when their report arrives. Visitor Center traffic is down compared to 2012. The TTC Director traveled to New York City for a media reception to introduce the media to Pagosa Springs and asking them to travel to Pagosa for insertion in their media. The signage committee will schedule a public input session to begin working toward design following Reservoir Hill vote. The 2013 marking plan has been completed and implemented with all efforts tracked through Internet Honey to discover the plan's results. Town Manager Mitchem said he has a call into the Chamber president regarding a letter received by the Town and will let council know when a meeting will be scheduled with the Chamber board.
- 4. Planning Department Report** - The Planning Commission is seeking additional board members. Currently the PC has one open alternative board member position and is expecting Cameron Parker to move to that Alternate position from a regular position in May 2013. The Historic Preservation Board is seeking 2 additional Regular board members and 2 Alternate members. Staff will be presenting a request to the School Board on April 18th at 6pm, asking for permission to utilize a portion of the Elementary School property for the East Phase of the Town to Pagosa lakes Trail. The trail project has been delayed until 2014. The new 2nd Street intersection crosswalk equipment should arrive within the next two months for installation. We have been receiving good comments regarding our two recent mid-block pedestrian crossing improvements. Staff has received confirmation of award of the \$120,000 State Trails Grant for the river walk extension to the new 6th Street bridge location. Staff will work with State Trails to execute the grant

contract asap and proceed with drafting an RFP for construction of the trail project this year. Keely Whittington, Projects Manager, submitted a GOCO grant application requesting up to \$350,000 for the construction of the 6th Street pedestrian bridge. Award notifications are expected in early June 2013. Wal-Mart has sent in the fees for building permit and design review, the town has hired International Building Code out of Denver to review the design.

5. **Town Manager Report** - Two San Juan River projects have been completed recently: the fishing habitat improvements; and the kayaking/tubing feature adjacent to Town Hall. The two features remaining to be built, at the upper end of Yamaguchi Park and at Cotton's Hole, will also require the acquisition of additional rocks. Mr. Chris Pitcher reviewed the fish habitat and river recreation work completed at River Center, 6th Street Bend, Yamaguchi Park and Centennial Park. Town Manager Mitchem said the assistance from Davey Pitcher and the Wolf Creek ski area has been invaluable for the river projects. Mr. Peter Adams is concerned with safety in the river and suggests a volunteer lifeguard program.

VIII. APPROVAL OF MARCH FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS – Council Member Volger moved to approve the March financial statement and accompanying bills, Council Member Bunning seconded, unanimously approved.

IX. PUBLIC COMMENT – none

X. NEXT TOWN COUNCIL MEETING MAY 7, 2013 AT 5:00PM

XI. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 1:50pm.

**Ross Aragón
Mayor**