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TOWN COUNCIL MEETING MINUTES
THURSDAY, JUNE 21, 2012
Multi-Purpose Room
Ross Aragón Community Center
451 Hot Springs Blvd.
12:00 P.M.

- I. **CALL MEETING TO ORDER** – Mayor Aragón, Council Member Alley, Council Member Bunning, Council Member Cotton, Council Member Lattin, Council Member Volger
- II. **APPROVAL of MEETING MINUTES FROM JUNE 5, 2012** – The minutes were approved as read.
- III. **PUBLIC COMMENT** – *Please sign in to make public comment* - No public comment.
- IV. **LIQUOR LICENSE**
 1. **New Hotel & Restaurant Liquor License – Pagosa Peak Partners LLC dba Higher Grounds Coffee, 189 Talisman Drive A, Pagosa Springs** (*Public Hearing*) – Council Member Volger moved to approve the Hotel & Restaurant Liquor Application for Pagosa Peak Partners LLC dba Higher Grounds Coffee, Council Member Bunning seconded, Council Member Alley recused himself from the vote, motion carried with one abstention, unanimously approved.
 2. **Liquor License Renewal – The Junction Restaurant at 401 E Pagosa Street**
 3. **Liquor License Renewal – Alley House Grille LLC at 214 Pagosa Street** – Council Member Lattin moved to approve the liquor license renewals for the Junction Restaurant and the Alley House Grille LLC, Council Member Bunning seconded, unanimously approved.
 4. **Special Events Liquor Permit – Pagosa Springs Rotary Club, San Juan River Music July 14 & 15, 2012 at Town Park**
 5. **Special Events Liquor Permit – Humane Society of Pagosa Springs Inc, fundraiser July 29, 2012 at Yamaguchi Park** – Council Member Lattin moved to approve the special events liquor permits for Pagosa Springs Rotary Club and Humane Society of Pagosa Springs Inc, Council Member Volger seconded, unanimously approved.
- V. **NEW BUSINESS**
 1. **Ordinance No. 773, First Reading, Vacation of Aspen Park Circle in Aspen Village Development** (*Quasi-Judicial-Public Hearing*) - The planning department received an application for Vacation of Public Right of Way and Public Utility Easements on April 05, 2012, from the applicant, Wal-Mart, for the vacation of the Aspen Park Circle cul-de-sac. The Aspen Park Circle cul-de-sac is located within the

Aspen Village Subdivision along Aspen Village Drive. Adjoining property zoning is MU-C (Mixed Use Corridor) and OS (Open Space). The adjoining properties are currently owned by Pagosa Partners, 1 Inc. and Echo Bay T-68, LLC. As defined in C.R.S. §43-2-302, the ROW vacation shall vest title of the subject property with these adjacent properties. This application was received in conjunction with applications for "Major Design Review" and "Lot Consolidation and Boundary Line Adjustment" for a proposed Wal-Mart store development located in Aspen Village Subdivision in Block 3, Lots 1-6 and the Open Space A Lot in AV Phase 2, Block 4. Per the Town's Land Use Development Code (LUDC) several criteria have to be met and approved by the council in order for the vacation to be accepted. The applicant has met the required criteria to vacate this public right-of-way. Planning Director Dickhoff explained lots 1-6 are not under one ownership, and Walmart is under contract with each owner and says they will proceed contingent upon permit approvals. He said the utilities are only for these specific lots and the costs of relocating utilities will be paid by the Walmart company. Mr. Mitchem said the plat for the consolidation of the lots will not be recorded until after final approval. Attorney Bob Cole explained the procedure for non-bias voting on this item, he believes the previous comments made by council have been procedural based and not biased based. Mayor Aragon opened this item for public hearing. Mr. Dan Park said his reasons for not wanting the Walmart is his belief that the Town can do it on its own. He owns property in the Aspen Village development and is not fearful of his business operation if Walmart comes into town, in fact he believes may see a profit. He believes the intention of a neighborhood meeting was not fulfilled with those neighbors that are physically in the Aspen Village development. Mrs. Juanalee Park said the approval of this ordinance will alter the original light commercial zoning in the development. She said there are approximately 450 empty Walmart stores around the country. She said a community benefits agreement with Walmart is needed so that if the store is abandoned it will be deeded over to the Town and the community for retail or public use. Ms. Muriel Eason said this item is putting the horse before the cart, the CDOT traffic study and the ownership of Alpha Drive, and Corps of Engineers needs to be decided first. Mr. Carl Schmidlein with Galloway said the items mentioned by Ms. Eason, CDOT traffic, Army Corps and environmental permits, are under review and he will be working with these entities to obtain those permits. Council Member Alley asked about the approval by Aspen Village Property Owners Association, Mr. Carl Schmidlein said they have received approval and that letter has been given to the Town planning department. Council Member Volger moved to approve the first reading of Ordinance No. 773, Vacating the Aspen Park Circle Public Right-of-Way and associated Public Utility Easements, contingent on an approved final plat for lot consolidation of Lots 1 through 6 of Block 3 in the Aspen Village Subdivision, approval of relocation of utilities by area utility providers and Vacation of Right Of Way Plat requirements, Council Member Cotton seconded, unanimously approved. Council Member Cotton addressed the audience saying he has been listening to the public and feels moving forward is the right action, Council Member Volger agreed that this is a step by step process and believes some of the opposition to this project is simply against the retailer and he wants to be fair to the applicant. He said there are items that are uncertain at this time and need to be addressed and believes they will in time.

2. **Resolution No. 2012-11, Appointing TTC Member** – Mr. RD Whittington has stepped down from his seat on the TTC, the TTC Board voted unanimously for Bob Hart to fill RD Whittington's at-large seat on the Town Tourism Committee. This resolution confirms the recommendation of the TTC for this appointment to a currently vacant seat. Council Member Cotton has reservations with the Builders Association Council Member Lattin moved to approve Resolution 2012-11,

appointing Bob Hart to the Town Tourism Committee for a two (2) year, at-large term, Council Member Bunning seconded, unanimously approved.

3. **Ordinance No. 774, First Reading, Amending Section 16.4.12(2)(a) Municipal Code Town Tourism Committee Members and Terms of Office** - The Town Tourism Committee has not updated its bylaws since November 2008. The seat allocations are outdated and the TTC determined it was time to review and update as necessary. The Builders Association is not active and no longer needs a seat on the Board and The Lodging Association has asked for increased representation on the Town Tourism Committee. At the June 13th meeting, the TTC voted unanimously to remove the Builders Association seat and add one seat for the Lodging Association, with the TTC seat allocations as follows: Lodging Association 3 seats, Realtors Association 1 seat, Chamber of Commerce 2 seats, and At-Large 5 seats. Council Member Bunning moved to approved Ordinance 774, first reading, amending section 16.4.12(2)(a) of the Town Municipal Code Town Tourism Committee Members and Terms of Office, Council Member Alley seconded, unanimously approved.
4. **Concessionaires in Yamaguchi Park** – Over the last few years, dozens of requests have been received from vendors interested in operating in the Town Parks. Two work sessions were held with members of Town Council, Planning Commission, and Parks and Recreation board. Their recommendation was to approve allowing the one food vendor who recently submitted a formal request, to operate in Yamaguchi Park with an administratively approved temporary use permit for the 2012 season. Allowing this vendor in 2012 will provide ample time to analyze and review the merits of continuing and/or expanding the park vendor program. The applicant has withdrawn their request for this season and staff proposes to look into this item further. Council Member Lattin said fix locations are best, also questions of when the vendors will operate in the park, the type of concessions sold and more. She suggests the new restrooms in Yamaguchi Park have an added concession stand that will have electric, water, trash, etc. available for the vendor. Council Member Lattin moved to not approve a food cart vendor to operate in Yamaguchi Park with a temporary use permit until more discussion with parks takes place, Council Member Alley seconded, Council Member Cotton said it is really hard to tell someone where they can be in business, unanimously approved.

VI. OLD BUSINESS

1. **Downtown Pedestrian Crosswalk Improvements** - Staff has been directed by the Mayor and Town Manager to look at possible improvements to the two downtown pedestrian crosswalks. Work sessions with CDOT, Town Council and Planning Commission participants determined the best affordable pedestrian crossing improvement for the Town's two mid-block crossings to be a recently CDOT approved Flashing LED lighted arm sign. Originally estimated at \$44,000, staff has worked with CDOT to ensure a more affordable project by utilizing current infrastructure at both mid-block crossing locations and has negotiated CDOT accepting the costs of the equipment installation (approximately \$8,000 each) and future maintenance expenses. The approximate cost to the Town for the new equipment will be \$10,000, approximate cost of the design and construction of ADA Ramps at the courthouse crossing is \$8,000, with \$2,000 in incidentals for a total Town expenses for both crossing improvements estimated at up to \$20,000. Originally budgeted in the 2011 capitol budget (51-77-475) at \$44,000, this amount was un-expended in 2011. Pinon Causeway and Piedra Road both have needs for crossing at Hwy 160, as well as 3rd, 2nd and 1st street crossings. The flag program will be put on hold until a later date. Council Member Volger said there will be traffic count at 1st and 2nd and 3rd street to determine the need for the lighted crosswalk. The Comprehensive and Master Plan shows a need for a sidewalk along the highway between 8th and 7th street, City Market has been contacted to provide an easement for those sidewalks. Council Member Lattin moved to approve amending the 2012 Capital Budget of up to \$44,000 from

reserves for the purchase of equipment and design & construction services to provide the proposed improvements to the two downtown mid-block pedestrian crossings and additional cross walk improvements to be determined, Council Member Bunning seconded, unanimously approved.

2. **Picnic Table, Park Bench and Trash Receptacle proposed purchase June** - Due to a significant increase in events and patrons in the Towns parks system and public spaces over the past few years, staff is seeking to increase the number of available picnic tables, benches and trash receptacles in order to offset the resulting impacts and accommodate higher usage. Council Member Alley would like to include bike racks to the improvements to the parks, staff agrees. Mrs. Juanalee Park suggests using the local beetle kill trees and local vendors for the tables. Council Member Lattin moved to approve an expenditure, not to exceed \$35,000, from the 2012 budget, line item 51-77-634, approve the sole-source purchases for the benefit of the Town park system of composite picnic tables from Pilot Rock and metal benches and metal trash receptacles from Victor Stanley Inc. and approve this sole-source authorization to continue as long as prices from these vendors remain competitive and are open to others, Council Member Alley seconded, unanimously approved.
3. **Sales Tax Brief** – Sales tax revenues collected in June for April sales increased by 15.47% compared to June 2011. That is an increase of \$28,600. Year-to-date sales tax revenues have increased 7.5% over 2011.

VII. DEPARTMENT HEAD REPORTS

1. **Parks and Recreation Department Report** – The recreation department is busy with tee-ball, youth baseball, youth tennis, and adult softball. The hooked on fishing not on drugs program will begin in late July. Skate park improvements have been proposed and fundraising by the skaters' coalition to begin in June. Yamaguchi Park irrigation system reconfiguration has begun for the areas around the Skate Park and restrooms. Recreation staff is in favor of including a concession stand and will look into funding for this proposal.
2. **Town Tourism Committee Report** – Lodgers tax were down .8% in April, a decrease of \$134 compared to 2011. Book direct is live on the website, facebook and mobile website. New content is being developed on the visit Pagosa springs web site to enhance visitors experience, this includes lists of family activities, free things to do that cost less than \$25, itineraries, and best of lists. The Red, White & Brews concert July 4th is a big event to raise funds for the fireworks funding.
3. **Planning Department Report** – The planning commission will hold a public hearing regarding the Walmart application on July 10th. The 100 block sidewalk should be complete by the end of June. The 100 block of Lewis Street should be paved by June 15 and the Lewis Street detour for the 4th of July parade will be ready for the event. Mr. Rod Proffitt representing CHI has requested the town receive a donation of property in exchange for the cost to subdivide the lot, approximately \$1,500. Additional parking for the 8th street park would be the only use for this property. Mayor Aragon said this property could be used for Seeds of Learning parking, and 8th Street, and spectator seating for the 8th street park use, he believes it would be advantageous to obtain the property. Council Member Bunning said originally the entire property was to be donated, he suggests waiting until the need arises for the property, Council Member Alley, Volger and Lattin agree with waiting until needed. Davis Engineering has been selected to complete the design and engineering of the 8th Street sidewalk project. A new culvert needs to be installed under Hwy 160 at McCabe Creek; CDOT will participate in the installation. CDOT has completed the McCabe Creek corridor report to size the culvert including downstream culvert. A worksession on the McCabe Creek will be held Friday June 22, with a 2013 fall construction timeframe.
4. **Town Manager Report** – Geothermal piping between the Town's well and the

Springs Resort & Spa was leaking and the town had to stop pumping water to the resort until the leak was repaired this week. A fire ban update includes additional tighter restrictions to the fire use outside. Fireworks are still scheduled for the 4th of July.

- VIII. APPROVAL OF MAY FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS –** Council Member Volger moved to approve the May financial statement and accompanying payments, Council Member Alley seconded, unanimously approved.
- IX. PUBLIC COMMENT – *Please sign in to make public comment*** – Mr. Dan Park said the town council needs to look into the details of the Walmart application. He is concerned about the proposed filtration treatment system of the water into the wetlands. Mrs. Juanalee Park said the property owner who approved the application was Mr. Dan Saunders and Mrs. Park's business is in the Aspen Village Plaza and they have not been asked about approval of the Walmart application.
- X. NEXT TOWN COUNCIL MEETING JULY 3, 2012 AT 5:00PM**
- XI. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 2:00pm.

**Ross Aragón
Mayor**