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**TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY, OCTOBER 25, 2012
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
- II. **APPROVAL of MEETING MINUTES FROM OCTOBER 9, 2012** – The minutes were approved as read.
- III. **PUBLIC COMMENT** – none
- IV. **LIQUOR LICENSE**
 1. **Liquor License Renewal – Bear Creek Saloon 475 Lewis Street Pagosa Springs** – Council Member Lattin moved to approve the liquor license renewal for Bear Creek Saloon, Council Member Alley seconded, unanimously approved.
 2. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Festival of Trees Celebration on November 30, 2012 at the Ross Aragon Community Center in Pagosa Springs** – Council Member Lattin moved to approve the special events liquor permit for Pagosa Springs Community Facilities Coalition Festival of Trees celebration on November 30, 2012, Council Member Bunning seconded, unanimously approved.
- V. **NEW BUSINESS**
 1. **Resolution No. 2012-16, Supporting the Submission of a Grant Funding Application for the Riverwalk Extension** – Town staff has identified a State Trails Grant of up to \$200,000, due November 01, 2012 with awards announced in March 2013, Town staff is requesting \$96,000 from the 2012 unexpended funds be applied toward this \$200,000 project to extend the trail from the termination point to the proposed pedestrian bridge. If approved staff requests the town council carry over the balance of approximately \$120,000 from the 2012 River walk line item into the 2013 budget to be applied toward a bridge grant. The Town has recently been awarded a \$200,000 trail grant for the West Phase of the Town to Pagosa Lakes Trail segment, and has been cautioned by the State that this may be taken into consideration during the application review process, therefore staff recommends a much larger than minimum cash match from the town to help secure a good application score for this competitive grant round. The trail extension project is proposed to be completed by the end of 2013 with state trail funding. Council Member Lattin moved to approve Resolution No. 2012-16, a resolution of the Town of Pagosa Springs, Colorado, supporting and authorizing the submittal of a Colorado Parks and Wildlife Non-Motorized recreational trails grant application for the construction of the extension of the river walk along the San Juan River Corridor in Downtown Pagosa Springs, Council Member Alley seconded, unanimously approved.

2. **Ordinance No 776, Amending the LUDC limiting the use of Cargo Shipping Containers for accessory uses** – Mayor Aragon tabled this item until a worksession can be held to discuss this matter.
3. **Resolution No. 2012-17, Decision of Appeal Regarding Design Review Board Resolution No. 2012-12** – On August 31st the Town Clerk received a notice of appeal from Steven and Vivian Rader regarding the Design Review Board's approval of Resolution No. 2012-12 approving the major design review application by Wal-Mart in the Aspen Village Development. The Town Council held an appeal hearing on Tuesday October 23rd, 2012 to make a decision regarding the appeal. The criteria set forth in the hearing allowed for additional documentation to be submitted and time for the appellants and town staff to make their case regarding the appeal, the town council unanimously affirmed the decision made by the design review board. Resolution 2012-17 ratifies this decision made by the town council on October 23, 2012. Council Member Schanzenbaker said he is uncomfortable approving the resolution today, since he received the resolution Wednesday evening he has not had time to review the document. Attorney Bob Cole said the resolution reviews the appeal made by the Rader's and reflects the finding and conclusions related to the other claims, even though they are outside of the criteria issues but within the notice of appeal. Council Member Schanzenbaker said he is uncomfortable with the information in the resolution related to the motion made at the appeal hearing. Council Member Cotton is comfortable with the resolution and believes the appeal relates to some items outside of the LUDC and this resolution addresses those items. Council Member Alley agrees with Council Member Cotton regarding the issues raised in the appeal by the appellants. Council Member Schanzenbaker said the resolution document reads that the DRB weighed the impacts and found them sufficient, sentence one in paragraph 19-c states that the town council discussed a positive impact of the development, he suggests the council support the development as net positive and not simply positive in this sentence. He would like to wait to vote on this resolution until he has had time to review the document. Mayor Aragon said he is comfortable with the document and does not want to stall moving forward with this project. Council Member Bunning moved to approve Resolution 2012-17, a resolution and order denying the appeal of Vivian and Steven Rader and affirming Resolution No 2012-12 of the Town of Pagosa Springs design review board with a change to paragraph 19-c to add net positive to the end of the first sentence, Council Member Cotton seconded, motion carried 5 to 1 in favor (Council Member Schanzenbaker nay).
4. **Discussion Regarding Rader et.al. v. Town of Pagosa Springs et.al. with Possible Executive Session to Receive Legal Advice per Section 24-6-402(4)(b)** – This item was moved to the end of the meeting.

VI. OLD BUSINESS

1. **Sales Tax Brief** – Sales tax revenue increase 11.48% in October (August sales tax receipts) compared to October 2011. Year to date sales tax revenues is up 3.72% over 2011.

VII. DEPARTMENT HEAD REPORTS

1. **Community Center Report** – The Festival of Trees celebration this year follows a week of the parade of stores. The Halloween carnival is asking for volunteers. Cheryl Bowdridge, Community Center director has been working to bring more events to the center.
2. **Parks and Recreation Department Report** – Youth volleyball and basketball has moved inside the community center. UCAL Inc has been selected to complete the Fishing is Fun project to begin in the next few weeks. The River Center ponds will be dredged as part of this project. Bike racks have been installed in the community. Ms. Keely Whittington was hired as the project manager for the Town out of 50 applicants. Signage, flatwork and donor walls have been added to the Yamaguchi Park skate park. Improvements for Yamaguchi Park baseball field will be requested using conservation trust funds for 2012. The park irrigation systems have been blown out and ready for winter.

3. **Town Tourism Committee Report** – Lodgers tax collection were up 10.88% in August 2012 as compared to August 2011, an increase of \$4,891. The visitor’s center traffic is down 11.7% overall, if combined with both visitor centers traffic is down just 1.37%. Facebook fans now surpass 5,747. The Book Direct application has been a tremendous improvement over the last application.
4. **Planning Department Report** – The historic preservation board approved two downtown redevelopment applications of two buildings on Lewis Street. The Lewis Street reconstruction project in the 100, 200, and 300 block should be complete at the end of October with minor items to complete by the end of the year. CDOT is planning to fund the replacement of the McCabe Creek culvert; staff will be requesting town council to discuss this item agenda at the next meeting. The two downtown pedestrian crosswalks are being finalized by staff, CDOT and Davis Engineering for an installation date sometime this year.
5. **Town Manager Report** – The Geothermal Greenhouse Partnership (GGP) has incorporated and applied for 501c3 status to remove them from under the Southwest Land Alliance (SLA). The SLA has requested a letter indicating there is no financial obligation to the Town from the SLA with regards to the GGP.

VIII. APPROVAL OF SEPTEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS – Council Member Lattin moved to approve the financial statement for September and accompanying payments, Council Member Alley seconded, unanimously approved.

IX. PUBLIC COMMENT – none

X. NEXT TOWN COUNCIL MEETING NOVEMBER 7, 2012 AT 5:00PM

RECESS – The meeting was recessed at 1:00pm for the Sanitation GID meeting. The meeting reconvened at 1:15pm.

ITEM V.4 - Council Member Lattin motioned the council go into executive session for discussion regarding Rader et.al. v. Town of Pagosa Springs et.al. to receive legal advice per section 24-6-402(4)(b), Council Member Bunning seconded, motion approved 6 – 0. Mayor Aragon called the meeting back in session at 2:25pm

XI. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 2:30pm.

**Ross Aragón
Mayor**