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**TOWN COUNCIL MEETING MINUTES
TUESDAY DECEMBER 4, 2012
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 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
- II. **APPROVAL of MEETING MINUTES FROM NOVEMBER 21, 2012** – The minutes were approved as read.
- III. **PUBLIC COMMENT** – No Public Comment
- IV. **LIQUOR LICENSES**
 1. **Liquor License Renewal – Nello’s Bistro at 135 Country Center Drive Suite 5 Pagosa Springs** – Council Member Bunning moved to approve the liquor license renewal for Nello’s Bistro, Council Member Alley seconded, unanimously approved.
 2. **Special Events Liquor Permit –Pagosa Springs Rotary Club Inc., Casino Night February 2, 2013 at the Ross Aragón Community Center** – Council Member Volger moved to approve the special events permit for the Pagosa Springs Rotary Club, Council Member Lattin seconded, unanimously approved.
- V. **NEW BUSINESS**
 1. **Ordinance 780, First Reading, Vacation of Town Right of Way for Bryn Mawr St and Berwyn St** – The planning department received an application for the vacation of public right of way on September 26, 2012 from Mr. Bob Goodman. The roads are currently located in Mr. Goodman’s property and do not access any other lots. Mr. Goodman has expressed a desire to consolidate the lots for a residence and horse property. The Planning Commission approved the vacation contingent on an approved final plat for lot consolidation and Mr. Goodman agrees with the consolidation lot requirement. No public comment received. Council Member Volger moved to approve the first reading of Ordinance 780, vacating the portion of Bryn Mawr Street north of Berwyn Street and the portion of Berwyn Street east of Bryn Mawr Street, contingent on an approved final plat for lot consolidation of at least Lot 1 of Block 13, Lots 1-5 of Block 12 and Lot A of Block 11, Council Member Lattin seconded, unanimously approved.
 2. **Major Subdivision Preliminary Plan for Mountain Crossing** – The planning department received an application for preliminary major subdivision plan on October 5, 2012 for Mountain Crossing LLC. The application consists of 24 commercial lots on 75 acres located at the southeast corner of Hwy 160 and Hwy 84. Mountain Crossings was granted 20 year vested property rights in December 2008, and was recently granted approval of the sketch plan by the Planning Commission contingent on CDOT traffic study trail easements, potable water modeling analysis, and impact study. Mr. Keith Mendenhall explained the designs for the property including CDOT access, traffic calming effects with round-a-bouts, they are waiting to hear from CDOT. The property is currently for sale by the owner and Mr. Mendenhall was hired to complete the sketch plan for the property to facilitate sale or investors for the property. The

impact analysis of 2001 addressed the proposed residential component of this development and future development. Mr. Mendenhall said the 2001 analysis was based mostly on the commercial square footage and therefore shouldn't affect this sketch plan or CDOT's access reports. He said this project is 5-10 years out and the final plat may be developed in phases and the impact fees will be applied at the time of the phases, the sketch plan is strictly overall concept approval to get the ball rolling. Mr. Mendenhall said the lots incorporated into this sketch plan are both zoned commercial with the possibility of some residential within, the adjoining lots are residential but are not owned by the same owner as lots referred to and therefore not part of this sketch plan. Staff explained Mr. Jeff Knuckles owns 35 acres adjoining the site containing residential lots, he has no problem with the sketch plan of this commercial project. Mrs. Dawn Truax is the realtor representing the project and represents Mr. Knuckles lots as well. She said the proposed design can accommodate any way the developer wants to go, she said the vote tonight is critical to move forward to contact developers for purchasing the lots. No other public comment. Council Member Lattin moved to approve the Mountain Crossing Major Subdivision Preliminary Plat/Plan contingent on the following being completed within one year and incorporated into the Major Subdivision Final Plat/Plan application: 1) complete annexation and zoning process for Strohecker Minor Subdivision Lot IIB and combine this lot into the final MC Plat; 2) Provide a geotechnical report, wet stamped and signed by a Colorado licensed engineer; 3) Provide a drainage report, wet stamped and signed by a Colorado licensed engineer; 4) Provide proof of CDOT access permit approval; 5) Provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required; 6) Provide 20 foot wide utility easements as requested by and negotiated with utility providers; 7) Provide trail dedication language and all other corrections to the preliminary plat as directed by the planning director to be incorporated on the final plat; 8) the Town shall hire a third party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan sketch; 9) Mountain Crossings Codes, Covenants and Restriction (CC&R's) shall be recorded and provided to Town; 10) proceed with annexation petition of the first 1800 lineal feet of Mill Creek Road and provide engineering plans for required ROW improvements to both sides of the street; 11) submit proposed signage plan permit for review; 12) staff will work with applicant regarding if improvement are necessary on both side of Mill Creek Road and potential cost sharing opportunities, Council Member Volger seconded, unanimously approved.

3. **Public Hearing on 2013 Budget** – This item was opened for public hearing on the 2013 budget, none, public hearing continued to the 13th of December meeting at 12noon.
4. **Resolution 2012-19, 2013 Budget Policy** - Year-to-date (January through November 2012) Town sales tax revenue has increased by 2.79% or +\$79,952 (includes all revenue in 2011 and 2012). While the economic indicators are still mixed, the trend continues to be up. Beginning in 2009 the Town staff implemented a system of monitoring the Town's revenues on a monthly basis and is reporting fluctuations from prior year revenues to the Town Council, a similar financial stability plan to the one deployed in 2012 is recommended. Council Member Volger moved to approve Resolution 2012-19, a policy to enhance the town's financial stability, Council Member Lattin seconded, unanimously approved.
5. **Resolution 2012-20, 2013 Economic Development Incentives** - To promote growth in our community's economy and to establish a pro-business and pro-development climate in the Town of Pagosa Springs, in September of 2009, the Town Council implemented a portfolio of incentives to encourage public/private partnerships that advance economic development. Resolution 2012-20 authorized the Town manager to partner with businesses by negotiating a package on economic development incentives that reward: downtown development; primary employment; job creation; increased retail sales; and increased tourist bookings. Among other incentives the Resolution authorizes up to 50% rebates of sales tax, lodgers tax and property tax, utilizing the incremental increase in taxes to finance the incentive for those businesses less than 25,000 square feet. Rebates for local sales tax construction projects are not included in the incentives for 2012. The resolution refers to courses by the AEDA, now offered by the CDC, and this correction will be made in the resolution. Council Member Schanzenbaker asked about downtown rebates should a grocery store come into the downtown area. Council Member Lattin moved to approve Resolution 2012-20, a resolution providing economic development incentives by means authorizing the partial rebate of sales tax revenues and/or lodgers tax revenues and/or property tax revenues; and other incentives, with corrections to the AEDA reference, Council

Member Alley seconded, unanimously approved.

6. **Certify Charter Amendment Petition** - On October 26, 2012 the town clerk's office received a statement of intent to circulate a petition to amend the Town's Home Rule Charter regarding construction on Reservoir Hill Park. The petition form was approved for circulation on November 9th, 2012. The petition required 112 signatures, 10% of the number of town electors registered to vote on October 26th (1,123 voters). On November 27, 2012 the petition was returned to the clerk's office with 276 signatures. The town clerk has certified 212 of those signatures as registered town electors and determined the petition satisfactory. The process moving forward will include setting an election date during the December 20th, 2012 town council meeting. Staff will be working with Town legal counsel to determine a timeline and election requirements.

VI. OLD BUSINESS

1. **Southwest Land Alliance Release of Liability** - The Geothermal Greenhouse Partnership (GGP) has been sponsored by the Southwest Land Alliance (SLA). SLA's fiscal sponsorship was created by the Fiscal Sponsorship Agreement dated March 9, 2009 between the SLA and the GGP Committee. Under that agreement, SLA was to hold all assets, cash or otherwise, and incur all liabilities associated with the Project for as long as the agreement was in place. Over the past year, the GGP has been gradually transitioning to an independent status and has received a \$25,000 engineering grant award from the Laura Jane Musser Foundation. Based on a joint request from the GGP and SLA, on April 19, 2012, the Town Council approved transferring the ground lease and geothermal tap agreement to the GGP. As part of the GGP's transition to an independent status, the SLA has requested a letter from the Town of Pagosa Springs stating that there are no outstanding financial obligations with the Town. There are none. Council Member Volger moved to authorize the town manager to send a release of liability letter to the Southwest Land Alliance, Council Member Bunning seconded, unanimously approved.

VII. PUBLIC COMMENT – No Public Comment

VIII. NEXT TOWN COUNCIL MEETING DECEMBER 20, 2012 AT 12:00PM

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 5:47pm.

**Ross Aragón
Mayor**