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**TOWN COUNCIL MEETING MINUTES
THURSDAY, NOVEMBER 18, 2010
Town Hall Council Chambers
12:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Jackson, Council Member Lattin, Council Member Pierce, Council Member Volger
- II. **LIQUOR LICENSES**
 1. **Liquor License Renewal – Asset Management and Marketing dba Oakridge Lodge, 158 Hot Springs Blvd.**
 2. **Liquor License Renewal – DJ's Inc, 56 Talisman Dr** - Council Member Jackson moved to approve the liquor license renewal for Asset Management and Marketing dba Oakridge Lodge and DJ's Inc, Council Member Lattin seconded, unanimously approved.
 3. **Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Concert at Ross Aragon Community Center December 29th, 2010**
 4. **Special Events Liquor Permit – Pagosa Springs Public Facilities Coalition Concert at Ross Aragon Community Center December 17th 2010**
 5. **Special Events Liquor Permit – Catholic Health Initiatives Colorado Foundation dba Mercy Health Foundation Fundraiser at Ross Aragon Community Center February 17, 2011** – Council Member Pierce moved to approve special events liquor permits for Pagosa Springs Chamber of Commerce, Pagosa Springs Public Facilities Coalition and Catholic Health Initiatives Colorado Foundation dba Mercy Medical Health Foundation, Council Member Holt seconded, unanimously approved.
- III. **DELEGATIONS**
 1. **Pagosa Springs Arts Alliance – Laura Moore and Chrissy Karas** – The expected delegations did not attend the meeting.
- IV. **NEW BUSINESS**
 1. **"The Club" Final Plat approval extension request** – The applicant James Candy of C THREE LLC has requested a one year extension for recording the final plat and CC&R's for the 450 Lewis Building Condominium Conversion originally approved by town council at their November 6, 2007 meeting contingent upon completion of several items. The only item that is currently outstanding is 2) submitting final codes, covenants and restrictions, including language that requires owners to the park in off-street parking areas. The town council approved a one-year extension on December 1, 2009. Planning Department Head, James Dickhoff, explained several items have been completed, including parking. Item 4) addresses a parking management agreement for 13 off-site parking stalls, as of this date C Three has a parking agreement with the Methodist Church, if this agreement fails, a parking in lieu fee is required. The cost of recording the final plat at this time is \$100. Council Member Volger moved to approved a 6 month extension for C-Three LLC to complete the recordation of the final condominium conversion plat and CC&R's for 450 Lewis Street and that no further extension will be granted, Council Member Holt seconded, unanimously approved.

2. **Ordinance No. 757, (first reading) Amending LUDC Fire Code** – Town Manager Mitchem explained this Ordinance is very complex and more information is necessary. This item is tabled until the next town council meeting.
3. **Visitor Center Management Agreement** – The CTC and TTC have negotiated a contract with the Pagosa Springs Area Chamber regarding the management of the Pagosa Springs Visitor Center in 2011. The expected tasks and duties associated with the management of the visitor center are outlined in the contract. The TTC consider the Visitor Center to be a valuable aspect of the overall visitor experience. The committee looks forward to working with the parties involved to provide the Chamber of Commerce the tools they need to continue to provide exceptional services to the area visitors. TTC Coordinator, Jennifer Green, stated the agreement will be a living document. The County has already approved it and the Chamber will approve once the appendix is approved available. Council Member Pierce asked that the Council receives a copy of the appendix once it is finalized. Council Member Jackson moved to approve the Visitor Center Management Agreement for 2011, Council Member Volger seconded, unanimously approved.
4. **2010 Capital Improvement Budget Request – Watters Property, Community Center Improvements, Streets Department Vehicle Maintenance/Gravel & Asphalt, Parks Utilities** – Staff has been directed to complete some items that need councils approval along with other items that staff is asking council to approve. These items include the environmental assessment and survey for the Watters property purchase, improvements to the Community Center Multi-Purpose room, overages in the streets department maintenance/gravel and asphalt for 2010, and overages in the parks department utilities. Community Center Director, Cristin Robertson, said the changes to the gymnasium will create a more user-friendly room to have events, with upgraded lighting, sound and curtains. Council Member Holt moved to approve the use of Capital Fund reserves to the completion of capital projects; Environmental Assessment and Survey for Watters Property \$4,000, Improvements to the Community Center Gymnasium \$22,910, Vehicle Maintenance/Gravel & Asphalt Overages for Streets Department \$7,000 and Utilities overage for Parks Department \$1,500, for a total of \$35,410 in the 2010 budget, Council Member Volger seconded, unanimously approved.
5. **Rezoning of properties just east of Pike Drive along the north side of Hwy 160** – Staff has identified a mistake with the February 2009 adopted zoning map regarding the following properties, which were rezoned as R-6 (residential low density). These properties are 23 Pike Drive (rezone from R-6 to MU-C), XX W. Hwy 160 (rezone from R-6 to MU-C), 1623 & 1647 W Hwy 160 (rezone from R-6 to MU-C & MU-R), 1623A W Hwy 160 (rezone from R-6 to MU-C), and W Hwy 160 (rezone from R-6 to MU-C & MU-R). Town Staff has determined that due to the identified rezoning mistake in 2009, it is recommended that rezoning of the properties will be necessary. Council Member Pierce moved to approve the rezoning of 23 Pike Drive, XX W Hwy 160, 1623 & 1647 W Hwy 160, 1623 A W. Hwy 160, and 1551 W Hwy 160, from R-6 to MU-C and MU-R, Council Member Lattin seconded, unanimously approved.
6. **Rezoning of properties within the Harman Park Subdivision** – Staff has identified a mistake with the February 2009 adopted zoning map with regards to 13 properties within the Harman Park Subdivision. Prior to the adopted zoning map in February, the Town approved the Harman Park Commercial Subdivision and the R-6 designation in 2009 is contrary to the commercial intent of this development. MU-C (mixed use corridor) is the recommended zoning for this development. Council Member Lattin moved to approve the rezoning of Harman Park Subdivision Lot A-2, Lot A-1, Harman Park Subdivision Sec 15 for Slope Gas Company, Harman Park Subdivision Lot B, Lot D-1, Lot D-2, Lot D-3, Lot D-4, Lot D-5, Lot D-6, Lot D-7, Lot D-8, and Lot E from R-6 (Residential low density) to MU-C (Mixed Use Corridor), Council Member Pierce seconded, unanimously approved.
7. **Ordinance No. 758, (first reading) Adopting the Amended and Restated Rules and Regulations of the PSSGID** – The sanitation district amended three items in the PSSGID Rules and Regulations adopted May 14, 2007. To enforce these amendments the Town Council needs to adopt amending Section 19.4.2 under Chapter 19 Article IV – Utilities, as part of the Municipal Code. Council Member Jackson moved to approve Ordinance No.

758, first reading, an Ordinance of the Town of Pagosa Springs adopting by reference the amended and restated rules and regulations, November 2010, of the Town of Pagosa Springs Sanitation General Improvement District, Council Member Volger seconded, unanimously approved.

8. **Town Manager Performance Review** – Town Manager Mitchem has been employed with the Town for the last two year and the council has rated his performance. Council Member Lattin since being on the board since April doesn't have any outstanding problems to discuss. Council Member Holt has filled out the performance review and will give it to Town Manager Mitchem. Council Member Pierce says that communication continues to be a problem. She sited some examples with regards to lack of return phone calls. She feels trust is an issue. She explained an incident of incorrect information uploaded to the town website that she had brought to Town Manager Mitchem's attentions but he did not take appropriate action. She doesn't believe he listens to her concerns or responds to them efficiently. She has concerns with the Town's vehicle maintenance and doesn't feel that the answers he gave her were appropriate. Mayor Aragon believes communication is a two way street and would have liked Council Member Pierce to have contacted Town Manager Mitchem about these issues and not them to continue without resolution. Town Manager Mitchem explained the vehicle maintenance information was sent and felt this fulfilled her request. Council Member Pierce said it did not and would like a vehicle maintenance policy in place. Council Member Lattin agrees with Council Member Pierce's related to having a policy in place for the detailed vehicle maintenance naming who is responsible for each vehicle and keeping a log book in each vehicle. Mayor Aragon feels uncomfortable asking the staff to provide log books for each vehicle, he believes this would be considered micro-managing and he doesn't believe it is the council's functions. Council Member Pierce clarified she never requested a log book, but instead a vehicle maintenance plan. Council Member Cotton said he was not ready to make any comments and will get with Town Manager Mitchem. Council Member Jackson congratulates Town Manager Mitchem with doing a great job, he understands he is human and doesn't expect a perfect job but his heart is right place and a staff the is following him. He said the economic development is very good and feels he is doing a great job. He agrees with Mayor Aragon about the Council staying away from micro-managing. Council Member Volger said his evaluation is glowing and after working with several Town Managers over the years and in his opinion although not perfect is doing a great job. He believes communication is very important and he is sure Town Manager Mitchem will follow up with Council Member Pierce on her issues. He said policy is the Town Council's job and not day to day operations. He thinks is the best Town Manager in place who cares about the community. Mayor Aragon stated he gave Town Manager Mitchem a glowing evaluation. He said he meets with Town Manager Mitchem each morning to be briefed in full, and is made aware if there is anything going on so he is not blindsided. He says Town Manager Mitchem handles himself very well and professionally and says things have improved over the last year. Town Manager Mitchem said he is committed to improvement and will take all comments very seriously.

V. OLD BUSINESS

1. **September Sales Tax Brief** – September sales tax revenue shows a 1.18% increase over September 2009 sales tax. The year to date sales tax collection is up 6.4% over the 2010 budgeted amount, bringing the total -3.6% below 2009 sales tax revenues. Town Manger Mitchem believes the Town might end the year only -5% down compared to 2009 collections. Lodger's tax has also showed an increase of year to date of 8.18% over 2009 collections.

VI. APPROVAL OF OCTOBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS – Council Member Jackson moved to approve the October financial statement and accompanying payments, Council Member Volger seconded, Council Member Pierce asked about the overages on the Mural on Main Street line item, staff will work to answer her questions, motion passed with one nay (Council Member Pierce).

VII. Mr. Bob Hart said the work day on Saturday November 13th on Reservoir Hill was very

successful and the tubing and snowboard hill are cleared out and ready for use. A used ski lift was found in La Veta and the Town has an opportunity to get the lift for free, except for taking down, moving and putting it back up. Council Member Jackson says go forward on looking into the ski lift. The two seat chairlift comes with a rope tow. Council Member Volger said it sounds like a great deal. The very preliminary estimated for removal, transfer, and set up is \$250,000. Council Member Holt asked where the item would be stored. Town Manager Mitchem said there is a family who is willing to store the lift on their land. Council Member Pierce asked what is wrong with it and would like more information on costs and why they are taking the lift down. Mr. Bob Hart said the estimate to take it down and transport it to Pagosa is approximately \$40,000 and he explained La Veta is not providing a ski area any longer and would like to take it down immediately.

VIII. Discussion regarding the Town's group health insurance with possible executive session per C.R.S. Section 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators – Council Member Cotton moved to go into executive session for discussion regarding the Town's group health insurance under C.R.S. Section 24-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under , Council Member Volger seconded, unanimously approved. Mayor Aragon declared the meeting back in regular session at 1:55pm. The employees are directed to not make payment to providers on insurance balances and Town Manager Mitchem is to produce from a letter of explanation for the employees to alleviate the creditors. The letter from the Town should explain the Town is working on the situation, without exposing the Town to legal obligations.

IX. NEXT TOWN COUNCIL MEETING DECEMBER 7, 2010 AT 5:00PM

X. ADJOURNMENT – Upon motion duly made the meeting adjourned at 1:57pm
Ross Aragón
Mayor