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TOWN COUNCIL MEETING MINUTES TUESDAY, NOVEMBER 6, 2007 5:00 P.M.

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Steinert
- II. APPROVAL of MINUTES FROM OCTOBER 2 & OCTOBER 18, 2007** – The minutes were approved as read.
- III. LIQUOR LICENSES**
 - 1. The Plaza Grille – Liquor License Renewal**
 - 2. Victoria’s Parlor – Liquor License Renewal**
 - 3. Bear Creek Saloon – Liquor License Renewal** – Council Member Cotton moved to approve the license renewals. Council Member Steinert seconded, the motion carried with one abstention (Council Member Simmons)
- IV. DELEGATIONS**
 - 1. Mike Greene – Council Compensation Discussion** - He believes that members of the Town Council should be compensated for the work they do for the community day in and day out. Cities and towns all over the country do this and everyone gets compensated for work they do for you. He believes the only reason this hasn’t been done is because it is self serving. So he would like to know how to go about the matter to get this done for the Town Council and he would like to work on it. Mark stated that the Council can take action on this matter but it would not pertain until the next election and the next set of members come in. Mayor Aragon stated they could take it under advisement. Council Member Cotton stated that it would take a change to our Charter first. Mark stated that by ordinance we can make that change to the charter. Council Member Middendorf stated that he would rather see health insurance than compensation. Mr. Green will come back when we get specific information on the charter and the Council’s feelings. There are many forms of compensation that can be looked at.
- V. NEW BUSINESS**
 - 1. REVIEW OF PLANNING COMMISSION ACTIONS FROM OCT. 9 and 23, 2007**
 - a. Lewis Building Condo Conversion (continued)** - The Planning Commission reviewed this and recommended approval with 4 conditions. 1 condition has been the hold up, the bike rack or multi model parking. Staff has been working with the applicant to create a parking management agreement that will work well for the town and the applicant. Tamra gave Council a draft of the agreement. It establishes that the applicant will pay an in lieu fee for the 13 stall originally agreed upon at \$500 per stall. This will be triggered by the sell of one of the condos. Then if they do not sell they would have a specific time up to 12 years for payment in full of those fees. Staff does have some concern on the on going administration of this. The parking agreement they used to have with the Methodist Church is no longer valid. Council Member Holt moved to approve the Condo Conversion as recommended by the Planning Commission and authorizing the Mayor to sign the parking agreement as proposed. Council Member Middendorf seconded, the motion carried unanimously.

b. Village Apartments Condo Conversion - 158 Eaton Drive. The Planning Commission reviewed this originally in June and continued this. A building assessment was done to the buildings. The Planning Commission re-reviewed this after the building assessment was done and recommended approval with conditions. Council Member Holt would like to have verified that there are not any safety concerns. Building Inspector Scott Pierce stated that it appears that the building met the code at the time. So any new owners just need to be made aware they will be buying something that is compliant with the old code not the new one. Council Member Steinert moved to approve as recommended by the Planning Commission. Council Member Simmons seconded, the motion carried unanimously.

c. Eddie B Cookin Conditional Use Permit - 266 E. Pagosa St. The Planning Commission reviewed this and the applicant revised his request to 10 months. The applicant believes at the end of the 10 months he will be able to move into something more permanent. The Planning Commission recommended approval with conditions. Council Member Middendorf moved to approve the permit with the conditions recommended by the Planning Commission. Council Member Atkinson seconded the motion carried unanimously.

d. 3 Lanterns Inn and Spa Conditional Use Permit - Council Member Cotton did not participate in this discussion due to a conflict of interest. This is being brought forth by Bootjack Management. The Planning Commission reviewed this request. There were both public comments for and against the project. The Planning Commission recommended approval with 8 conditions and recommended that the council cost share some improvements to 2nd Street and the Hermosa Street Alley. The Planning Commission also reviewed a variance request on the height requirement of 4 feet and recommend approval based on our Downtown Master Plan. The town's portion would be about \$65,000 by our engineer's estimate. Mayor Aragon opened this up to public comment. Mamie Lynch – lives at 202 Pagosa Street, they are not opposed to the hotel but have grave concerns about the traffic in the alley. She also has questions about parking spaces, including not seeing handicap spaces. What about overflow at peak times, she doesn't want to see them parked in front of her house. Mr. Sterkle lives on the same alley and has no problem with the hotel either. The alley access is also a concern to him. Maybe possibly make the alley a one way for safety reasons. Also the snow removal needs to be addressed in some form, there is no place to put the snow off of the parking lot. Carlos with Fier & Pierce, they did the traffic study, they are many things to try and make sure not a lot of the traffic will be going through the alley. If you make the alley one way it would make more trips onto Hermosa Street, which we don't want to do. They did not count on street parking spaces in filling their requirement, so that could be used for overflow. Teddy Herzog stated that he would hate to see Council using the Land Use Code as a "Thou Shalt" this is why you have the variance process and this gives more aesthetics and looks better than forcing something to fit the height requirement. Public comment was closed. Council Member Middendorf moved to approve the permit as recommended by the Planning Commission and their conditions and with more specific cost sharing documents. Council Member Simmons seconded, the motion carried with 1 abstention (Council Member Cotton)

e. 232 Pagosa Street Conditional Use Permit - This is also brought forth by Bootjack Management. The Planning Commission reviewed this and recommends approval with 8 conditions. There are the same issues with this project as with the previous project. The town would also be doing some cost sharing on this project. Mayor Aragon opened this to public comment. There was not any. Council Member Cotton moved to approve the permit request with the conditions of the Planning Commission. Council Member Steinert seconded, the motion carried unanimously. John Hundley stated that they are considering 2 factors, the real estate market and lending market. Based on those two things they can't give specific times. They want to start with the 3 Lanterns property first then the other one and not do them at the same time. They will give updates to the town as they know what is happening.

2. Hospital District Deferral of Public Improvements Agreement - 95 South Pagosa Blvd. The project is almost complete. They had asked for a longer time to do the

pedestrian improvements. So since then staff has been working with them on a deferral of the public improvement agreement, this includes multiple triggers as to when they would have to put in the improvements. Staff believes this is a good agreement for the town. Council Member Simmons moved to approve the agreement as proposed. Council Member Holt seconded, the motion carried unanimously.

3. **Resolution 2007-21 Establishing member for the Board of Code Appeals -** This would appoint 5 members to a Board of Code Appeals. The Board will review the Building Inspectors decisions and how he interprets the code. We received applications from 5 highly qualified individuals; Rob Keeding, Robert Wyman, James Vanleer, Dan Namen, and Mark Bergraph. They all have a very broad spectrum of experience and are all highly qualified. Council Member Steinert moved to approve Resolution 2007-21. Council Member Simmons seconded, the motion carried unanimously.
4. **2008 Draft Budget -** Mark handed out the draft. Council can talk to Mark if they have questions. We will have budget hearings and workshop on November 19th at noon.
5. **Park and Recreation Commission Update -** They have been having some pretty lengthy discussions on the Greenways Parks and Trails Plan and also how the County was going to use the monies they are going to get from the 1A ballot question. They drafted a letter to the county asking them to recognize our Parks and Recreation Commission as the overseeing commission. The County was agreeable to an MOU that would identify some of this in more detail.

VI. OLD BUSINESS

1. Ordinance No. 698 (Second Reading) Parcel 1 and 2, Martinez Minor Subdivision

Rezone Request - Council Member Middendorf moved to approve the 2nd reading of Ordinance of 698. Council Member Holt seconded, the motion carried unanimously.

2. Ordinance No. 699 (Second Reading), Adopting Penalties for Violation of PSSGID

Regulations - Council Member Holt moved to approve the 2nd reading of Ordinance of 699. Council Member Middendorf seconded, the motion carried unanimously.

3. **Discussion on Old Seeds of Learning Building -** This was tabled to the November 19th meeting.

VII. DEPARTMENT HEAD REPORTS

1. **Town Manager Report -** Sales tax numbers were up slightly. CMAQ we are trying to abbreviate a part of the project but have not heard back from the state. Enhancement bridges are moving forward. Council Member Atkinson would like to hire a landscape architect to help with the landings. This may go hand in hand with our signage and way finding plan. The next recreation feasibility study meeting will be on November 15th at 6:00 p.m. at the Community Center. Mayor Aragon formed the Mayor's Blue Ribbon Panel on Litter and Control so you will see more coming on that. The next committee meeting will be on December 3rd. LPEA is doing an awareness campaign on florescent lighting, as part of that they are going to give us \$500 in Christmas lights.
2. **Planning Department Report -** Historic Preservation Board Member Gary Fairchild has resigned. They changed meeting schedule to every second Friday at 10:00 a.m. to help with attendance. Land Use and Development Code, we are looking at Module 1 completed by the end of this month and Module 2 hopefully will follow soon after. The Downtown Master Plan, we had to acquire software to make corrections to the document and we will hopefully have a draft by the end of the month. We are hoping to wrap up a number of large annexations here shortly. The Putnam Annexation being one of them, along with the Levine Annexation. By consensus of the Council they gave Tamra the go ahead to change the overlook parking to 8 hours in winter, keeping track of holiday usage and then back to 2 hours in the summer.

VII. APPROVAL OF BILLS – Council Member Holt moved to approve the bills. Council Member Simmons seconded, the motion carried unanimously.

VIII. ADJOURNMENT – On a motion duly made the meeting adjourned at 7:06 p.m.

**Ross Aragón
Mayor**

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT MINUTES
TUESDAY, NOVEMBER 6, 2007
7:07 P.M.**

- IX. CALL MEETING TO ORDER** - Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Steinert
- X. APPROVAL of MINUTES FROM OCTOBER 2 and OCTOBER 18, 2007 MEETING** – The minutes were approved as read.
- XI. DELEGATIONS: None**
- XII. NEW BUSINESS: None**
- XIII. OLD BUSINESS**
- 1. Update on New Treatment Facility Planning** - You will see in the proposed 2008 budget the financing for the base case that we talked about previously. We have been working with Ken Charles of DOLA on an additional loan for this. So it looks like we are going to process a \$1 million loan at 5% interest. This way we won't use all of our reserves and won't have to dip into the town's reserves either.
 - 2. Fred Schmidt Late Charges on Sanitation** - He wants to pull his request on the height issue until he can work more with Mark and Tamra. He also wants to sit down and spend more time on the easement process, he thinks it needs to be a win-win situation. He made a \$2500 payment yesterday and he would like to pay \$3000 per month until the fees are paid and he would also like us to pull the judgment against him as we had turned him over to our attorney for collections. He would also like the town to waive the penalties as he originally wanted to use his sewer fees as part of the easement negotiations, but at the last meeting the Council decided all issues needed to be handled separately. The way Mark sees Mr. Schmidt's letter there is nothing in it for the town, if we waive penalties and legal fees we need to get something. The Council is in favor of forgiving the sewer fees for the easement if he is open to that, but we would pay him for the easement then he would pay us for the sewer fees. By Consensus we will deny his request on sewer penalty waiving and payment plan and tell him we want to figure out the easement first.
- XIV. DEPARTMENT HEAD REPORT**
- 1. Supervisor Report** - The waste treatment system is working fine and there were no violations. Phil did locate and have a leak repaired. Phil attended a composting seminar, and he is working with the County and PAWS to do a biosolids recycling system instead of hauling to the landfill. This is a work in progress and hopefully we will be able to form and MOU with all interested parties.
- XV. APPROVAL OF BILLS** - Council Member Simmons moved to approve the bills. Council Member Steinert seconded, the motion carried unanimously.
- XVI. ADJOURNMENT** - On a motion duly made the meeting adjourned at 7:27 p.m.