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**TOWN COUNCIL MEETING AGENDA
TUESDAY JANUARY 2, 2007
5:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MINUTES FROM DECEMBER 5TH, 28TH, 2006 MEETINGS**
- III. LIQUOR LICENSES**
 - 1. Copper Coin Liquor – Liquor License Renewal**
- IV. DELEGATIONS: None**
- V. NEW BUSINESS**
 - 1. REVIEW OF BOARD OF ADJUSTMENTS AND PLANNING COMMISSION ACTIONS FROM DECEMBER 19TH, 2006 MEETING**
 - a. Burnett Minor Subdivision No. 2**
 - b. Sunridge Villas Preliminary Plan PUD (Public Hearing)**
 - c. EddieBCookin Conditional Use Permit**
 - 2. Discussion on Annexation of Trujillo Heights Addition (12 Properties)**
 - 3. First Reading of Ordinance Number 686 Noticing Regular Meetings of the Town Council and Pagosa Springs Sanitation General Improvement District (Public Hearing)**
 - 4. Adoption of the Town Tourism Committee 2007 Budget**
- VI. OLD BUSINESS**
 - 1. Second Reading of Ordinance Number 684 Allowing for Impact Fee Deferrals (Public Hearing)**
 - 2. Resolution 2007-01 Establishing Impact Fee Deferral Policy**
- VII. DEPARTMENT HEAD REPORTS**
 - 1. Town Manager Report**
 - 2. Building and Planning Report**
- VIII. APPROVAL OF BILLS**
- IX. ADJOURNMENT**

Ross Aragón
Mayor



AGENDA DOCUMENTATION

NEW BUSINESS: V.1.a.

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: BURNETT MINOR SUBDIVISION NO. 2

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This is a request from the property owners Burnett, Read and Maes to resolve boundary line discrepancies for their properties located on Trujillo Road. The legal descriptions for the properties and the established fence lines of each property were not correct. Since the discovery of the boundary line issue, the property owners have on their own resolved the boundary dispute. They have since recorded quit claim deeds conveying property from Burnett to Maes and Read and staff has recommended that they also file a plat to ensure that their distribution of property is a legal and correct subdivision.

The planning commission held a meeting on December 19, 2006 to discuss this issue and no public comment was received. The Planning Commission voted 2-0 to approve the Minor Subdivision upon the applicant submitting a final plat for recording.

ATTACHMENT(S):

Planning Commission minutes of December 19, 2006

Planning Commission staff report of December 19, 2006

FISCAL IMPACT

There is no fiscal impact associated with the approval of this Minor Subdivision

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

n/a

RECOMMENDATION

It is the recommendation of the Planning Commission, Town Manager and Director of Planning that the Town Council, by motion,

Approve the Burnett Minor Subdivision No. 2 creating Lots 2a, 2b and 2c, as recommended by the Planning Commission at its December 19, 2006 meeting.



AGENDA DOCUMENTATION

NEW BUSINESS: V.1.b.

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: SUNRIDGE VILLAS PRELIMINARY PLAN PUD

ACTION: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This is a request from the applicant Nick Richardson to create a 38 Unit townhome project on Lot 1, Block 2 Aspen Village PUD. The project has a density of 8.5 dwelling units per acre.

The Town Council reviewed the Sketch Plan of this project at its October 3, 2006 meeting and approved the sketch plan with 8 conditions, as recommended by the Planning Commission.

The planning commission held a public hearing on December 19, 2006 to review the preliminary plan and received one letter of concern from the Alpha Property Owners Association. The Planning Commission voted 2-0 to approve the preliminary plan with twenty three (23) conditions.

ATTACHMENT(S):

Planning Commission minutes of December 19, 2006

Planning Commission staff report of December 19, 2006

FISCAL IMPACT

There is no fiscal impact associated with the approval of this preliminary plan.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

The town's comprehensive plan dedicates this area as "Town Residential" up to 12 dwelling units per acre. This project conforms to the Comprehensive Plan.

RECOMMENDATION

It is the recommendation of the Planning Commission, Town Manager and Director of Planning that the Town Council, by motion,

Approve the preliminary plan of Sunridge Villas Planned Unit Development, as recommended by the Planning Commission at its December 19, 2006 meeting.



AGENDA DOCUMENTATION

NEW BUSINESS: V.1.C.

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: EDDIE B COOKIN' CONDITIONAL USE PERMIT

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This is a request from the applicant Ed Villanueva to operate a temporary food vending unit at 266 East Pagosa Street, a property owned by Teddy Herzog. The applicant has been operating at this site under a "peddling and vending" license from the Town and has been required to move his trailer from the site nightly. The applicant would like to operate is vending unit at this location from February 2007 to September 2007. He would also like to incorporate the mobile concession trailer with the existing structure (Diamond Dave's previous location) and utilize the structure for seating and a possible coffee bar.

The planning commission held a neighborhood compatibility meeting on December 19, 2006 and no public comments were received. The Planning Commission voted 2-0 to approve the conditional use permit contingent upon four (4) conditions.

ATTACHMENT(S):

Planning Commission minutes of December 19, 2006

Planning Commission staff report of December 19, 2006

FISCAL IMPACT

There is no fiscal impact associated with the approval of this Conditional Use Permit

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

n/a

RECOMMENDATION

It is the recommendation of the Planning Commission, Town Manager and Director of Planning that the Town Council, by motion,

Approve the Conditional Use Permit for Eddie B Cookin, as recommended by the Planning Commission at its December 19, 2006 meeting.



AGENDA DOCUMENTATION

NEW BUSINESS: V.2.

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: PUTNAM ANNEXATION DISCUSSION

ACTION: DISCUSSION

PURPOSE/BACKGROUND

Staff would like direction on how to handle a number of annexation requests from property owners located west of 10th street and north of Trujillo Road in the old Putnam Homestead area. Council has previously directed staff that all annexations should be voluntary, however, not all property owners have replied to inquiries for annexation in this area.

The total area being considered for annexation is 57.74 acres with 12 properties. To date, staff has received 4 annexation petitions that comprise 93% of the acreage considered in this proposed "Putnam" annexation. The town also owns 2 pieces of property within this annexation area (Pioneer Cemetery and Clifford Lucero Property) that comprises 7.45 acres, but is not required to submit a formal petition.

In preliminary discussion with the County, the County would like to see the town annex all of these properties in order to create cleaner jurisdictional boundaries. Staff has included a map of the proposed "Putnam" annexation territory and a list of property owners the annexation would include. Staff would like direction on how to proceed with the current annexation petition. State Statues allows the town to annex territory by ordinance (without an election) as long as consenting petitioners comprise more than fifty percent (50%) of the area.

ATTACHMENT(S):

Map of proposed "Putnam" annexation territory
List of property owners and petitions received

FISCAL IMPACT

There is no direct fiscal impact from this discussion. Direct fiscal impacts may be incurred for mapping and providing normal community services, if the Council decides to proceed with annexation of this territory.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

The proposed "Putnam" annexation area is included in the Town's planning area boundary, as set forth in the Comprehensive Plan.

RECOMMENDATION

It is the recommendation of the Town Manager and Director of Planning that the Town Council proceed with mapping and a Resolution to initiate annexing those properties with the proposed "Putnam" annexation territory.



AGENDA DOCUMENTATION

NEW BUSINESS: V.3

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: MARK GARCIA, TOWN MANAGER

PROJECT: ORDINANCE NUMBER 686 – MEETING NOTICE FOR TOWN COUNCIL AND PAGOSA SPRINGS

SANITATION GENERAL IMPROVEMENT DISTRICT MEETINGS

ACTION: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This ordinance is required annually by the Home Rule Charter and establishes the meeting dates, times and locations for the Town Council and Pagosa Springs Sanitation General Improvement District. The ordinance also identifies posting requirements for all meetings.

ATTACHMENT(S):

Ordinance Number 686

FISCAL IMPACT

N/A

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

N/A

RECOMMENDATION

It is the recommendation of the Town Manager that the Town Council, by motion:

Approve the First Reading of Ordinance No. 686 Noticing Town Council and Pagosa Springs Sanitation General Improvement District meeting dates, times and locations.



AGENDA DOCUMENTATION

NEW BUSINESS: V.4

PAGOSA SPRINGS TOWN COUNCIL

JANUARY 2, 2007

FROM: MARK GARCIA, TOWN MANAGER

PROJECT: RESOLUTION NUMBER 2007-02 – TOWN TOURISM COMMITTEE 2007 BUDGET

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This resolution formally approves the Town Tourism Committee Budget for 2007. Staff presented the budget to the Council during the Special Meeting on December 28, 2006 and discussed the various income and expenditure items within the budget.

Revenues are from collection of Lodgers Tax are estimated to generate approximately \$400,000 and an additional \$20,000 in revenue is expected from advertising sales.

Expenditures are for External Marketing (\$273,000), the Visitor Center (\$120,300), Special Events (\$29,250), Capital Improvements (\$30,000) and a Special Events Coordinator (\$25,000).

ATTACHMENT(S):

Resolution Number 2007-02

FISCAL IMPACT

This is the TTC Budget for 2007.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

N/A

RECOMMENDATION

It is the recommendation of the Town Manager that the Town Council, by motion:

Approve the Resolution Number 2007-02 approving the Town Tourism Committee budget for 2007.



AGENDA DOCUMENTATION

OLD BUSINESS: VI.1.

PAGOSA SPRINGS TOWN COUNCIL
JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: ORDINANCE NO. 684 (2ND READING) IMPACT FEE DEFERRALS
ACTION: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This is the 2nd reading of Ordinance No. 684, adopting amendments to the municipal code in regards to granting Impact Fee Deferrals. Previous language in the draft ordinance has been removed that allowed waivers of impact fees. The Ordinance establishes the ability of the town to defer fees for governmental agencies and non-governmental, non-profit organizations that provide valuable public functions, services, facilities or other public benefits to the residents of the town. The 1st reading of this ordinance was passed on December 5, 2006 with 4 aye votes.

ATTACHMENT(S):

Ordinance No. 684

FISCAL IMPACT

No fiscal impact is associated directly with the adoption of this policy. Indirect fiscal impact will be a loss of impact fee revenue from payments that have been deferred.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

n/a

RECOMMENDATION

It is the recommendation of the Town Manager and Director of Planning that the Town Council, by motion,

Approve the second reading of Ordinance No. 684 amending the Municipal Code in regards to granting Impact Fee Deferrals.



AGENDA DOCUMENTATION

OLD BUSINESS: VI.2.

PAGOSA SPRINGS TOWN COUNCIL
JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: RESOLUTION 2007-01 IMPACT FEE DEFERRAL POLICY
ACTION: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This is a review of Resolution 2007-01 that establishes policy for granting impact fee deferrals. The policy, in summary, allows for the Town Council to grant deferral requests if a governmental or non-governmental, non-profit supplies proof of their status and can demonstrate that (1) they provide public benefit and (2) demonstrate that the land development activity or other activities providing public benefit would have to be materially reduced in order to pay the impact fee. The draft of this resolution was presented at the December 5, 2006 and no comment was received by staff from either the public or council.

ATTACHMENT(S):

Resolution 2007-01

FISCAL IMPACT

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

n/a

RECOMMENDATION

It is the recommendation of the Town Manager and Director of Planning that the Town Council, by motion,

Approve Resolution 2007-01 setting policy for Impact Fee Deferrals.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VII.2

PAGOSA SPRINGS TOWN COUNCIL
JANUARY 2, 2007

FROM: TAMRA ALLEN, DIRECTOR OF PLANNING

PROJECT: PLANNING DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

PLANNING COMMISSION UPDATE

The Planning Commission has changed its meeting schedule to the 2nd and 4th Tuesdays at 5:00 p.m. The Commission will test this schedule for 6 months to see how it functions for applicants and volunteer commission members. Staff has attached a year-end report of the number of projects the Planning Commission/Design Review Board reviewed in 2006.

DOWNTOWN MASTER PLAN

Staff met with the DMP Steering Committee on December 13 and worked through a number of outstanding details on the project. Staff would like to set a work session with the Town Council and Planning Commission in January or early February to present and discuss the elements of the Master Plan.

TRANSPORTATION PLAN

Staff has been working with Brian Welch from Fehrs and Peers to complete the transportation plan that was initiated in 2006. Welch has been working with Winter and Company to incorporate his research and findings into the Downtown Master Plan as he did in the Comprehensive Plan. Staff feels that the transportation components in both of these plans have been nicely developed and does not feel that a separate document is needed.

LAND USE AND DEVELOPMENT CODE REVISIONS

The interview team comprised of Middendorf, Cotton, Holt, Conrad, Jessen, Nigg, Garcia and Allen has selected Clarion Associates to complete the town's land use and development code revisions. Staff has begun to work with Clarion to revise their proposal and commence the background component of the project.

HISTORIC PRESERVATION BOARD UPDATE

The Board continues to work on proposed revisions to Article 14 and would like to meet with the Town Council again in a workshop format to discuss the criteria for designating local landmarks. The Board is also working on reviewing/editing the Historic District Design Guidelines. A few members of the Board will be attending the Colorado Preservation Inc. Conference February 7-9 in Denver. Staff would encourage any interested council members to also consider attending. Please contact Tamra if you would like more information about this conference; The Nation's largest conference on historic preservation. Attached are minutes from the December 21, 2006 meeting.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORTS: VII.1

PAGOSA SPRINGS TOWN COUNCIL
JANUARY 2, 2007

FROM: MARK GARCIA, TOWN MANAGER
JULIE JESSEN, SPECIAL PROJECT COORDINATOR

PROJECT: TOWN MANAGER DEPARTMENT REPORT
ACTION: DISCUSSION AND POSSIBLE ACTION

SALES TAX UPDATE: The Town sales tax receipts are up (\$15,112) for October sales receipts (\$278,311) received in December of 2006. This is an increase of 5.74% when compared to the same month in 2005 and results in a 12.35% increase for the entire year. The year-end totals are detailed in the enclosed sales tax spreadsheets for 2003-2006.

RIVER RESTORATION UPDATE: The Army Corp of Engineers has completed minor changes to our permit and is scheduled to sign and forward our permit in early January. According to Kara Hellige, minor grammatical changes were required following review from her supervisor (Shaun Zindser) and that these corrections were completed and the final permit forwarded to him for signature, however it was not completed prior the holiday vacation. Staff has not received a copy of the final permit to see if the Corp included any of the changes that we requested and hopefully the resulting permit does reflect our requested modifications.

SCANGA SUIT: Enclosed are briefs filled by the firm representing us on this case and Scanga's attorney. Please review these and contact staff with any questions.

LISTER EEOC CHARGE: The Town and myself have been listed in an EEOC suite alleging discrimination by Joe Lister Jr. The case is covered by our insurance and a firm has been assigned to the case. The firm (Light, Harrington & Dawes) is preparing our response brief which is due on January 8th. Staff has been working with the firm and a draft brief will be available on or about January 4th and will be forwarded to you once received. Enclosed is the EEOC Notice provided for your review. Please contact me with any questions.

COUNCIL 2007 RETREAT: The Town has had an annual retreat for the past two (2) years and it is again time to schedule this year's retreat. The need for a "Vision" for our downtown is obvious with all the issues we have had to work on this past year. This year I would like to focus the retreat on creating a Vision for the downtown and test/prove the Downtown Master Plan (DMP) against these regulations prior to adoption. Also the economic work that Angela Atkinson is working on can also be tested/proved to ensure that the economics that result from the work that we are trying to complete do fulfill or coincide with the Vision. Staff would like to conduct the retreat in mid to late January (January 19th, 20th, 26th or 27th, 2007) and would like to discuss possible dates. Staff would like to discuss the feasibility of these dates with Council and begin planning for the retreat.

MARTIN LUTHER KING HOLIDAY: Last year the Town Council recognized Martin Luther Kings Birthday as a holiday based on draft changes that had been completed to the Personnel Handbook. Later in the year the updated handbook was presented to Council for adoption and did reflect the new holiday, however the updated handbook was not adopted due to concerns with the Personal Time Off changes. Staff is inquiring on whether the Town is recognizing MLKB as a holiday (January 15, 2007). Staff would also like to discuss Council views on current and proposed leave concerns in order to modify the handbook and present it for adoption.

WEB PAGE REPORT: The web page reports will be e-mailed to you on Tuesday January 2nd, 2007. Please contact Julie with any questions.