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**TOWN COUNCIL MEETING MINUTES  
TUESDAY, APRIL 7, 2009  
Town Hall Council Chambers  
5:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Jackson (late), Council Member Pierce, Council Member Weiler, Council Member Volger
- II. **APPROVAL of MEETING MINUTES FROM MARCH 3<sup>RD</sup> AND 19<sup>TH</sup>, 2009** – Upon motion duly made, the minutes were approved as read.
- III. **LIQUOR LICENSES**
  1. **Liquor License Transfer – Libby’s LLC DBA Libby’s -456 Pagosa Street – transfer from Quaking Aspen Café and Gallery, LLC.** – A letter will be sent to the new owner regarding a delay at the State level until the disposition of the current license’s violation. Council Member Holt moved to approve the liquor license transfer with draft of letter to new owner regarding delay at State level, Council Member Pierce seconded, unanimously approved.
  2. **New Tavern License – Pagosa Resort & Spa Inc, DBA The Springs Hotel – 323 Hot Springs Blvd.** – Council Member Volger moved to approve the new tavern license, Council Member Weiler seconded, unanimously approved.
  3. **Special Events Liquor License – Pagosa Springs Public Facilities Coalition - Cinco de Mayo Celebration May 2, 2009 at Community Center 451 Hot Springs Blvd** - Council Member Pierce moved to approve the special events liquor license, Council Member Cotton seconded, unanimously approved.
  4. **Special Events Liquor License – Pagosa Springs Chamber of Commerce for the San Juan River Rod Car Show May 18<sup>th</sup>, 2009 – Lewis Street and Adobe Building Parking Lot** – Council Member Pierce moved to approve the special events liquor license, Council Member Holt seconded, unanimously approved.
- IV. **DELEGATIONS**
  1. **River Restoration appreciation presentation** – Mayor Aragon presented plaques to Wolf Creek Ski Area and Hart Construction for their volunteer work and equipment during the 2009 river restoration project. Letters of thanks went out to other volunteers, Mr. Anthony Doctor and Eric Deitemeyer.
- V. **NEW BUSINESS**
  1. **Ordinance No. 739 (First Reading), Vacating a Portion of South 5<sup>th</sup> Street, therewith, Reserving Utility Easements for their Continued Use** – The Council approved Resolution No, 2009-04 on January 15<sup>th</sup>, 2009 which reserved geothermal water from PS-3 and PS-5 and land within Centennial Park for the development of the Pagosa Springs Geothermal Greenhouse Project. The area planned for the greenhouses within Centennial Park includes property located within designated South 5<sup>th</sup> Street right-of-way. The subject property is currently considered a continuation of Centennial Park and the vacate ordinance will not affect access to any privately held parcels. Mayor Aragon opened the item for public comment. Council Member Cotton moved to approve first reading of Ordinance No. 739, vacating a portion of South 5<sup>th</sup> Street, Council Member Weiler seconded, unanimously approved.

2. **Town/County Planning/Building Urban Development area** – Over the past several months, representatives from the Town and County have been meeting to explore ways to improve coordination/integration of land use planning and building inspection functions. The Town’s goal is to improve service to land owners, developers and builders. The first draft of the Town/County Urban Services Area Intergovernmental Agreement was submitted to the County Commissioners on March 12<sup>th</sup> and the Town received their response March 25<sup>th</sup>. At the March 26<sup>th</sup> joint meeting, the Town Council and County Commissioners discussed the merits of taking steps to refine the draft IGA. Council Member Holt explained the Town’s IGA included three main issues that he feels were not addressed in the County’s response and then began negotiations with Reservoir River Ranch. Council Member Holt moved to cease and accept the County’s refusal of the IGA and not continue with an IGA regarding the urban service area at this point, Council Member Cotton seconded, Mayor Aragon opened for public comment, with no comment closed to public comment, the motion carried unanimously.

## VI. OLD BUSINESS

1. **Ordinance No. 737 (Second Reading) Adopting Fines, Surcharges, and Points for Municipal Traffic Violations** – This is the second reading of Ordinance No. 737 adopting a modified fine, surcharge, and point schedule consistent with Title 42 of the Colorado Revised Statutes. The assessed surcharges, when collected, would be tracked in a revenue account within the general fund to be expended on vehicle maintenance and gasoline costs incurred by the Police Department. Council Member Volger moved to approve second reading of Ordinance No. 737, adopting fines, surcharges, and points for Municipal Traffic Violations, Council Member Weiler seconded, unanimously approved.
2. **Ordinance No. 738 (Second Reading) Amending Certain Definitions in Regards to Residential Dwelling Units and Establishing Associated Use-Specific Regulations** – This is the second reading of Ordinance 738 amending certain definitions in regards to residential dwelling units and establishing associated use-specific regulations. The council adopted a new land use code in February of 2009. Since this time staff has identified an oversight in regards to residential dwelling unit definitions which requires immediate attention. The adopted codes include incorrect or misleading definitions for manufactures, mobile and single-family homes and are therefore incorrectly implemented into the permitted use chart. To establish consistency, staff has proposed definition changes to provide clarity between permitted uses and certain zone districts. Council member Holt received clarification from staff that there are no pending issues with this item. Council Member Pierce moved to approve second reading Ordinance No. 738 amending certain definitions in regards to residential dwelling units and establishing associated use-specific regulations, Council Member Weiler seconded, unanimously approved.

## VII. DEPARTMENT HEAD REPORTS

1. **Parks and Recreation Department Report** – Youth basketball concluded March 18<sup>th</sup> and tee-ball registration will begin. The new river features in the San Juan River are completed and outstanding. The parks department is also working on extending the raw water irrigation pipeline beneath the New Town Park pedestrian bridge to the old seeds of learning site. The Town received the final grant reimbursement of \$150,000 from GOCO for the sports complex project. Tom Carosello and Karin Kohake continue to work on a draft bid for the skate park. Jim Miller with the Parks Department explained that there are several volunteers who are willing and ready to plant new flowers and bushes on the new Lewis Street.
2. **Planning Department Report** – The mural on Main Street will be replaced by a design created by local high-school art students. The Town to Lakes trail has made no additional progress due to two trail easements necessary to completing the trail have been unattainable. One property that will not allow the easement, the Town might consider making an offer on that easement piece. Staff will develop some ideas and update council at the next meeting. The developer of Aspen Village has been contacted to continue required maintenance on Alpha drive per the MOU signed by the Town, County, Alpha-RockRidge Metro District and Pagosa Partners I, Inc. The Town has also asked CDOT to expand the non-attainment area to include Alpha Drive in order to be eligible for CMAQ

funding. Staff has worked with Archuleta County and CDOT to implement/adopt a comprehensive and mutually acceptable highway access management plan to regulate vehicular access to public highways. In the upcoming weeks staff will be working with representatives of the other jurisdictions to identify corrections/modifications that need to occur and a draft access management plan will be subsequently presented to the Council for consideration/adoption.

- 3. Town Tourism Committee Report** – The 2008-2009 Winter Season from November to February lodging was up 5% versus the same period the prior year. Lodging tax revenues were up 13% in February compared to 2008. The TTC is working with Gateway to launch the new central reservation system. Phil Keoghan ride across America came to Pagosa Springs April 6<sup>th</sup> and 7<sup>th</sup>. A fundraiser breakfast on April 7th at Town Park was a huge success raising \$2,000 for MS and the Town gave Phil a warm Pagosa send off.
- 4. Town Manager Report** – Sales tax revenue for January increased by 5.71% compared to January 2008. However, some of the local businesses are having a hard time and unfortunately having to close their doors. The County treasurer has refunded the fee charged earlier this year for the distribution of sales tax. An RFP was issued by the Town for contract services to produce a multi-year capital improvement plan, budgeted with the help of a DOLA grant. The Southwest Colorado Regional Transportation Planning Commission voted to award grants for CDOT enhancement projects which included an additional \$200,000 for completion of the Town Park pedestrian bridge. Town Manager Mitchem thanked Commissioner Moomaw for going above and beyond and overtly helped the Town with the additional funds for the footbridge. Mayor Aragon thanked Town Manager Mitchem for the outstanding job he is doing for the Town. The joint Town/County meeting scheduled for Thursday April 9<sup>th</sup> will be rescheduled.

**VIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:02pm

**Ross Aragón**  
**Mayor**