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## **TOWN COUNCIL MEETING MINUTES WEDNESDAY JANUARY 17, 2007 12:00 P.M.**

**I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, and Council Member Simmons were present. Bob Cole, our attorney was also present for this meeting.

**II. OLD BUSINESS PSSGID**

**1. Inclusion and Annexations Discussion (Blue Sky Village)** - This is a continuation from our December 2006 meeting. They would like to be included into our Sanitation District but do not want to annex into the town. Staff has done some research since our last meeting and Council has received a memo from Bob Cole on this. There were some agreements established when Archuleta water was dissolved and split up between PAWS and us. The agreements say that as water is provided by PAWS that we need to be annexing those properties as well, which we have not necessarily been doing so far, but can now that it has been brought to our attention. Blue Sky wants sewer for both the Ranch and the Village. PAWS currently has a moratorium on new inclusions into their district. We also need to work on the Highway 160 inclusions and annexations as well. Karl from Blue Sky stated that it is looking less and less like they will be included in the PAWS District because they can't handle the ranch. Blue Sky is going to start proceedings to form their own water district with the state, they are also going to file for a sewer district incase the town won't extend services. This can take a year to do with the state though. Holt doesn't have problems extending sewer to the ranch because we can charge service charges to properties not annexed, but he believes the village should have to be annexed into town before extending sewer. Bob Cole added that you can serve now without annexing but require that once it becomes able to annex they must do so. Our new facility will have capacity for increased development but we haven't seen all of their plans for development out there. We can also contractually extend services outside of the sanitation district also. Council Member Holt stated that extension of sewer lines also prompts high density development. Council Member Cotton asked do we or do we not want to service them, the annexations can be taken care of later if need be but thinks we need to include both projects into the sanitation district. Council Member Simmons mostly agrees with Council Member Cotton but also thinks we should use triggers as Council Member Holt recommends. Council Member Simmons also has concerns with capacity and projects coming on at the same time and the current plant versus what our new plant will be. Tamra stated that if you include a property in the sanitation district but do not require annexation we lose all ability to review it and will inherit whatever the county approved if and when they do annex into the town later. By Council direction staff is going to work on inclusion on the Hwy 160 project into the Sanitation District. Also work on requiring annexations at the same time. On Hwy 84 also work on the inclusions into the Sanitation District, what about annexations. Council Member Middendorf scared that we will end up annexing projects that we already know won't fit into our Comp Plan. Council Member Cotton not sure where balance is but need to be careful of our requirements. The Village and Ranch plans current densities fall outside our Comp Plan recommended densities. Council Member Middendorf thinks that we need to make things contingent upon fitting into our densities and our Comp Plan. Mark said we can do this within the annexation agreements and refer to densities and our Comp Plan. We will proceed with inclusion and annexation on both fronts and Mark will respond back to Karl in written form and then we can start the negotiations. Then we also need to work on an MOU or IGA with PAWS also.

**III. NEW BUSINESS**

**1. Kinder Morgan Franchise Agreement Review, First Reading of Ordinance 670**

**(Public Hearing)** - This is also a continuation from our December meeting. We are negotiating with Kinder Morgan on a new franchise agreement and wanted to further define some language that wasn't as clearly defined as we thought it should be in our previous agreement. Mark believes that in concept we do now agree on the language but it hasn't been put down in writing yet. We have come to an agreement on fees but will cap theirs as an acknowledgement that we are not going to get crazy with our fees. We are not looking as these fees as a source of revenue for us but to cover staff time to make sure things get done correctly. They will still be bonding as they have done before. The First Reading of Ordinance 670 will be

done at our February 2007 meeting. Mayor Aragon opened this to public comment, there was not any. Natalie stated that they have been working through the language and they appreciate the work and help of Bob and Mark.

#### **IV. OLD BUSINESS**

- 1. Land Use Development Code Update & Discussion -** We are finalizing the proposal and timeline of Clarion and Associates who were chosen to do this. Tamra wants direction on should they use citizens as a steering committee or should they use Town Council, the Planning Commission and staff for this committee. We did also wean down the budget to about \$85,000. Our time line is starting and they are looking at being here in Pagosa on the 7-9 of February. Council Member Middendorf likes the idea of using citizens, and Council Member Simmons agrees. By consensus Council said to use citizens and Council Member Middendorf and Council Member Cotton are also interested in being on the committee. Tamra will bring a list of names for solicitation and bracket that we are looking at too. Council Member Holt thinks they should be represented on the base of their business not necessarily town residents. John Henley would also like to participate as land owners in town that don't live within town. Holt make sure it is clearly stated that it is an advisory group of people.
  - 2. Any Other Business that May Come Before the Council -** IGA with County and School regarding and IGA that is part of the regional park, open space, recreational plan that is going on. This IGA details what responsibilities are of each entity. The County is and will be the lead on this. The County and the School Board has already approved it. Council Member Holt moved to approve but would like Bob to look at it before we sign it then we can approve it, Council Member Cotton seconded. The motion carried unanimously. Bob said he could look at it this afternoon. Council Retreat will start at 9 a.m. on Friday should be done by 4 p.m. and it will be at the springs in the same room as last years.
- V. ADJOURNMENT** – Council Member Cotton moved to adjourn, Council Member Simmons seconded. Motion carried unanimously. The meeting adjourned at 1:25 p.m.

**Ross Aragón  
Mayor**