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TOWN COUNCIL MEETING MINUTES TUESDAY, NOVEMBER 3, 2009 Town Hall Council Chambers 5:00 P.M.

I. CALL MEETING TO ORDER – Mayor Aragón, Council Member Cotton, Council Member Holt, Council Member Jackson, Council Member Pierce, Council Member Weiler, Council Member Volger

II. APPROVAL of MEETING MINUTES FROM October 6th, 15th and 22nd, 2009 – Minutes are approved as read.

III. LIQUOR LICENSES

- 1. Liquor License Renewal – Dorothy’s Restaurante & Lounge, 755 San Juan Street**
- 2. Liquor License Renewal – Bear Creek Saloon & Grill, LLC, 475 Lewis Street** – Council Member Jackson moved to approve the liquor license renewals for Dorothy’s Restaurante and Bear Creek Saloon & Grill, Council Member Pierce seconded, unanimously approved.
- 3. Special Events Permit – Mercy Heath Foundation dba Catholic Health Initiatives Colorado Foundation, “Soup for the Soul” February 11th, 2010 at the Community Center** – Council Member Jackson moved to approve the special events permit for Mercy Health Foundation, Council Member Pierce seconded, unanimously approved.

IV. DELEGATIONS

V. NEW BUSINESS

- 1. Posting of Town Council Gatherings** – Colorado Revised Statutes, Title 24, Article 6 – Colorado Sunshine Law requires the posting of meetings that are part of the Town’s policy-making process. In 2004, the Colorado Supreme Court determined that policy-making process occurs when the purpose of the meeting includes discussion of formal action of the Council. The requirements of the open meetings law do not apply to chance meetings or social gatherings at which discussion of public business is not the central purpose. The law does not require public notice and access to every meeting that is attended by a quorum of the Town Council, only meetings that are part of the policy-making process require public notice. Attorney Bob Cole suggested that meetings that are not specified for policy-making does not require notice, however if more than three members will be attending a meeting, even if called by another board, and discussion regarding policy making commences, then a 24 hour notice shall be posted. Attorney Cole cautioned that agenda items posted need to be specific to an issue, if an issue is reasonably contemplated and needs to be discussed and was not posted it may need to wait until the following meeting and most definitely postponed if it is an action item. Mr. Glenn Walsh asked about the posting of the Impact Fee Study council was invited to attend. Attorney Cole suggested that if the meeting was informational with a possible future action then it may not have needed to be posted. He suggests attempting to separate the meetings as an informational meeting or a meeting that an action is required. Mr. Bob Hart asked about the TTC’s sub-committees postings. Attorney Cole suggests sub-committees be limited to only two, if more then three are participating then the meetings needs to be posted.
- 2. Arts Council Building Condition** – On September 14th, 2009 the building inspector met with the Arts Council representative, Mr. Dennis Schick, to perform an inspection of the current overall building condition. The building has been exposed to several factors that have led to its current condition. First and foremost is the improper application of the non breathable

exterior paint. The wood shake roofing materials are weathered and need any type of preservation application. The structural integrity of the building is in question with regards to the east wall of the building. It is the recommendation of the building department that either immediate action to remedy the problems with east and north walls is completed, or the building be demolished. Estimated costs for paint repair is \$6,800 and wall repair rates are \$7,000 labor only. Town Manager Mitchem recommends razing the building. Council agrees that the building should be razed and consideration of building a new structure in the future. Council Member Holt moved that the Town demolish the arts council building located at the Town Park, Council Member Volger seconded, unanimously approved.

3. **DOLA Funded Town Intern** – The University of Colorado and the Colorado Department of Local Affairs (DOLA) have joined forces to deploy a municipal/county internship program. This initiative permits towns to select a full-time administrative intern for two years. The interns are all graduate students majoring in political science through CSU at Denver's Center for New Directions in Politics and Public Policy. The Town is eligible to receive a matching grant from DOLA to defray forty percent of the cost of hiring an intern to work in various departments on a variety of projects. The intern will benefit from working with a town manager and department heads that possess extensive experience in the fields of public administration. The annual salary for the intern position ranges from \$32,500 to \$35,000 plus benefits (health insurance, workers compensation, personal time off, etc). DOLA is prepared to pay \$17,500; annual cost to the Town will be \$23,095 and \$25,912. Mayor Aragón said that prior interns have been a plus for the Town in the past, for instance former Town Manager Jay Harrington was an intern. Council Member Pierce asked about an intern that could help in the financial director position. Town Manager Mitchem explained that the interns he has interviewed did not have the experience as a financial manager; these interns may have the ability to complete grants which could provide more money to the Town. He also explained that once an intern is accepted, then DOLA is required to fund their portion for the two years and the agreement with the intern will reflect this grant requirement. Council Member Pierce moved to approve the hiring of an intern in conjunction with the Department of Local Affairs grant and instruct staff to include this item in the 2010 budget, Council Member Volger seconded, unanimously approved.
4. **DOLA Funded Fiber Optics** – The Southwest Colorado Council of Governments (SWCCOG) has been recently formed and currently has twelve of fifteen local political subdivisions participating in the intergovernmental agreement. On behalf of the participating political subdivisions, SWCCOG has submitted a preliminary grant application for DOLA for a regional telecommunication and broadband infrastructure improvement project, known locally as Beanpole II. The project is being coordinated by Region 9 Economic Development District, who administered Beanpole I. If approved the Town and County will participate in the regional fiber optics initiative by connecting all locations of: 1) education institutions; 2) Pagosa Area Fire District; 3) Pagosa Mountain Hospital; 4) Pagosa Springs Emergency Medical Services; 5) Ross Aragón Community Center; 6) Town of Pagosa Springs and Archuleta County government offices; 7) Archuleta County Airport; 8) Ruby Sisson Library; 9) the Road and Bridge Department; 10) County Extension Building; and 11) Pagosa Area Water and Sanitation District and possibly more. In addition to extending the fiber network to these public facilities, our initiative will expand the fiber-optic and wi-fi networks in the community to facilitate high speed connectivity for businesses. Facilities will also be equipped for video conferencing for the Archuleta County Education Center to permit community college classes to be taught in Pagosa Springs. This is a targeted service required to advance the county's economic development initiatives. The estimated costs are approximately \$750,000; the grant with DOLA requires a 25% match, making the County and Town's contribution up to \$187,500. Council Member Weiler believes this is the future and is in full support of this project. Council Member Jackson asked about the service being Town provided internet, Town Manager Mitchem explained this still needs to be discussed with Centurylink. Additionally, he said that he needs to discuss with the County and the Special Districts regarding funds that they may be able to provide in participation. Council Member Weiler moved to authorize the application for the DOLA funded fiber optic program and provide full matching monies in the 2010 budget, Council Member Jackson seconded, motion carried with one nay (Council Member Pierce)

VI. OLD BUSINESS

VII. DEPARTMENT HEAD REPORTS

1. Parks and Recreation Department Report – Participation in volleyball is up from last year. Youth basketball is down a bit for the 7-8 year old league. The parks crew is preparing all snow-removal equipment for the winter season, has blown out all Town irrigation systems and shut down the pumps, and is continuing to trap and relocate beavers from River Center Park. Landscaping along Lewis Street has been completed. Jim Miller will continue to work with Riverbend Engineering regarding the potential construction of additional river features upstream from the Hot Springs Boulevard Bridge. The memorial plaque design for Yamaguchi Park has been completed and a formal dedication will take place on Veterans Day, Wednesday November 11th, after the Town Park pedestrian bridge dedication. Geotechnical tests on the skate park site have been completed and monies from the skater's coalition for concrete fund have been released to pay for these tests. Pillar Design Studios is in the process of using the tests to complete the design of the skate park. Council Member Weiler asked about the costs of park and recreation user fees. Recreation Director Tom Carosello said there is a study on Colorado communities and their fees and will give the Council the comparisons and recommendation of a fee structure.

2. Planning Department Report – Kathi Lattin has been appointed as the Planning Commission chair and Bobby Hart named co-chair. A vacancy still remains on the Planning Commission board. The historic preservation board is gearing up for Historic Preservation Month with activities in the community. The town has just finished hosting three public input meetings conducted by James Dietrich from the Community Services Department at Fort Lewis College. Mr. Dietrich has compiled information from residents attending these meetings in regards to possible South 8th Street improvements for addressing speeding, pedestrian safety and beautification. The final suggested improvements will be submitted for Town Councils consideration to include in the upcoming capital improvement budget.

3. Town Tourism Committee Report – Mr. Bob Hart provided a positive outlook in lodger's tax collected for September 2009 which is up 9.3% compared to September of 2008, with year-to-date collections up 7.37% over 2008. August was down 1.2% from August 2008 however this is understandable with Labor Day occurring entirely in September. Fulfillment requests at the visitor center were up bringing the year to date fulfillment requests up 135% over last year and relocation requests up 12%.

4. Town Manager Report – Town staff continues to work on acquisition of easements to facilitate expansion/connection of the Town's trail system in the downtown area and the Town to Lakes trail. Staff is working with the County to prepare for engineering and grant application submission for the Town to Lakes trail. Riverbend engineering is currently working on the design permits needed to construct two to three new river features to be located between Hot Springs Blvd. and the new pedestrian bridge. If the Town receives a timely response from the Army Corps of Engineers and the Colorado Division of Water Resources, the new river features will be constructed in the spring of 2010. On November 10th, SGM Engineers will present to the Council infrastructure information compiled over the past two months. SGM Engineers were employed to provide consulting services to the Town for the purpose of creating a five year capital improvement plan, in which projects are prioritized. The capital improvement plan will be utilized in the development of the plan. The Town has budgeted \$72,500 (including a \$36,250 grant from DOLA) to pay for consultant services to assist the Town Council in producing the plan. EPS continues to collect information from the Town, County, school district, water districts and fire protection district for producing an impact fee study that will recalibrate impact fees of each governmental entity. With the DOLA Energy and Mineral Impact Assistance Fund grant to off-set costs, the Town's share will be \$4,856. August sales tax declined -11.55% compared to August 2008. Year to date sales tax revenues are down -7.53% compared to 2008. Town staff will maintain the 15% expenditure reduction until we receive the September revenue figures in mid-November. If at this time revenues look positive, staff may begin purchasing delayed capital items.

VIII. Discussion of pending litigation, Roane et. al v. Town of Pagosa Springs, and possible executive session to confer with the Town Attorney and receive legal advice pursuant to Section 24-6-402(4)(b), C.R.S. – Council Member Pierce moved to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on the pending litigation, Roane et. al v. Town of Pagosa Springs under C.R.S. Section 24-6-402(4)(b), Council Member Holt seconded, unanimously approved. Mayor Aragón declared the meeting back session at 7:26pm. Council Member

Jackson moved to direct the Town Attorney to work with Mr. Roane to dismiss the litigation on the condition the Town allows the referendum petition on Ordinance No. 743 to proceed, Council Member Holt seconded, unanimously approved. Mayor Aragon explained that due to ongoing litigation, no public comment or questions would be answered.

IX. Next Town Council Meeting November 10th, 2009 at 12noon

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 7:35pm