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

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Holt, Council Member James, Council Member Middendorf, and Council Member Whitbred were all present.
- II. **APPROVAL of MINUTES FROM DECEMBER 5<sup>TH</sup>, 28<sup>TH</sup>, 2006 MEETINGS** – Minutes were approved as read.
- III. **LIQUOR LICENSES**
  1. **Copper Coin Liquor – Liquor License Renewal** – Council Member Whitbred moved to approve the liquor license renewal, Council Member Whitbred seconded. The motion carried unanimously.
- IV. **DELEGATIONS: None**
- V. **NEW BUSINESS**
  1. **REVIEW OF BOARD OF ADJUSTMENTS AND PLANNING COMMISSION ACTIONS FROM DECEMBER 19<sup>TH</sup>, 2006 MEETING**
    - a. **Burnett Minor Subdivision No. 2** - This is to resolve a boundary line dispute. This legally divides the properties to show the land that is being deeded. The Planning Commission has reviewed this and recommends approval without any conditions. Council Member Holt moved to approve the subdivision, Council Member Whitbred seconded. The motion carried unanimously.
    - b. **Sunridge Villas Preliminary Plan PUD (Public Hearing)** - 38 Unit Town Home Project in Aspen Village. The Planning Commission reviewed this and recommends approval with 23 conditions. Alpha Rockridge Subdivision submitted the only letter of concern. Associate Planner Joe Nigg stated that most of the conditions are very minute in nature. Mayor Aragon opened this to public comment, there was not any. Council Member James moved to approve the preliminary plan as recommended by the Planning Commission with the 23 conditions. Council Member Holt seconded. The motion carried unanimously. Council Member Whitbred added to please make sure all 23 items are taken care of before brining back for final.
    - c. **EddieBCookin Conditional Use Permit** - Would like to operate outside Diamond Daves from February to September 2007. His trailer would kind of be an extension of Diamond Daves but not actually attached. The Planning Commission reviewed and recommended approval with 4 conditions. Mr. Villanueva would like to build something permanent there if they are successful this coming season. San Juan Basin Health inspects the trailer every couple of months. The trailer does have restrooms for clients also. Conditional Use Permits are only for 180 days so he is asking for a little leniency on that so that he can have time to put up a permanent structure. Mark thinks we can work with him to some extent but we don't want to have to log everyday that he is there or not there. The trailer will also be used for various festivals and to cater so it won't be there 100% of the time. The Building Code trumps the CUP on this so should hold up the 180 day time limit for a temporary structure. Council Member Middendorf moved to approve the CUP with the 4 conditions. Council Member Whitbred seconded, the motion carried unanimously.
  2. **Discussion on Annexation of Trujillo Heights Addition (12 Properties)** - Some residents have indicated that they would like to be annexed in to the town. They wanted to know if the town had any incentives to encourage them to annex, the town does not have any. For the most part the residents do want to be annexed but there is one guy in Mexico who won't be back until next spring. All we need though is 50% or greater of the land represented that wants to be annexed to do so. Currently we have about 93% of the land represented and it looks like we should be able to annex them. There is one property owner who is concerned with the length of sewer pipe they would have to run to tap in to our system.

Council Member Simmons showed up late (5:20 p.m.)

We can talk about this some more on the 17<sup>th</sup> when we have a similar case. Council Member Holt thinks majority rules and we should annex the properties. Mayor Aragon didn't want to cause any undo hardship on anyone and he would like to take them in without having to go to an election to save money.

3. **First Reading of Ordinance Number 686 Noticing Regular Meetings of the Town Council and Pagosa Springs Sanitation General Improvement District (Public Hearing)** - This is an annual Ordinance. Council Member Whitbred moved to approve 1<sup>st</sup> Reading, Council Member Holt seconded and the motion carried unanimously
4. **Adoption of the Town Tourism Committee 2007 Budget** - Resolution 2007-02. Will do an amended budget for the town budget to show the full 4.9% and bring it up to \$400,000 to match the TTC budget and Mark is comfortable with the \$400,000 collection number for revenue. Council Member Simmons moved to adopt Resolution 2007-02, Council Member Middendorf seconded and the motion carried unanimously.

## VI. OLD BUSINESS

1. **Second Reading of Ordinance Number 684 Allowing for Impact Fee Deferrals (Public Hearing)** - Council Member Simmons would like to see a better definition for what qualifies as a "good public service". That can be done in the resolution. Mayor Aragon opened this to public comment, there was not any. Council Member Whitbred moved to approve the second reading of 684, Council Member Simmons seconded and the motion carried unanimously.
2. **Resolution 2007-01 Establishing Impact Fee Deferral Policy** - This is will be tabled until our next regular meeting when we will have a better definition.

## VII. DEPARTMENT HEAD REPORTS

1. **Town Manager Report** - Sales tax finished at 12.35% up from 2006, only November Collections for Sept. Sales was down but just a little. River Restoration – there have been some minor grammatical changes made and is at the supervisor waiting for a signature so we should have a permit in the next couple of days. We still hope to get in to the river before spring run off. Sang Law suit we should be getting the judges finding soon. Lister – should have our brief by tomorrow on the EEOC charge and we are hoping the EEOC will dismiss this notice. 2007 Council Retreat – We have been doing this the last 2 years and they have been excellent. This year Mark would like to focus on a visioning process, especially for the downtown. Mark would like to bring in a consultant from RRC to help facilitate the meeting. Mark would like to do this sooner than later. Tentatively scheduled for January 19<sup>th</sup> 2007. Martin Luther King Holiday – last year we got it but haven't passed the new personnel policy yet that would include that. Can we recognize it again this year without our policy being adopted yet? By consensus we can recognize it. Mark would also like some more feed back on the problems with the change in the personal time off versus vacation and sick leave. Mark passed out a memo from our attorney on Amendment 41 and we can build this into our personnel handbook. Holt likes keeping vacation and sick separate, Whitbred disagrees and likes it the other way and think it should be left up to the employee. James agrees with Whitbred it is a good incentive. Simmons agrees with that too. So we will bring back the personnel policy with the PTO.
2. **Building and Planning Report** - The Planning Commission has moved to 2 meetings per month on a 6 month trial basis. DTMP is very near completion. The transportation study will be imbedded in the DTMP and the Comp Plan. HPB is continuing to work on Article 14 and are looking forward to meeting with Council on the 17<sup>th</sup> of January.

**VIII. APPROVAL OF BILLS** – Council Member James moved to approve the bills; Council Member Whitbred seconded the motion carried with one abstention (Simmons).

**IX. ADJOURNMENT** – On a motion duly made the meeting adjourned at 6:10 p.m.

**Ross Aragón**  
Mayor

**SANITATION DISTRICT MEETING MINUTES  
JANUARY 2, 2007 6:11 p.m.**

**CALL TO ORDER** - Mayor Aragon, Council Member Holt, Council Member James, Council Member Middendorf, Council Member Simmons, and Council Member Whitbred were all present.

**APPROVAL OF DECEMBER 5<sup>TH</sup> 2006 MEETING MINUTES** – Minutes were approved as read.

**SUPERVISORS REPORT** – We have a good removal rate on our BODs. Everything is operating sufficiently presently.

**COLORADO DEPT OF PUBLIC HEALTH AND ENVIRONMENT PERMIT** – Mark passed out 2 letters to the Council. One from our Engineer corresponding with Jenny Torres at the State listing our work to date. The State seems to be satisfied with our response so far. We are also going to do some work to help us out and get us out of the trigger threshold for this new permit and this should get us through until we get our new plant built, we hope to have it on line in 2008. The temporary fixes are going to cost us between \$7000 and \$10,000 and we may be able to recoup some of those costs when we are finished building the new plant.

**UPDATE ON NEW TREATMENT FACILITY** – Still looking at a grant and a loan to fund this and hope to break ground this year to have online by 2008. We will have to establish the new waste treatment as an enterprise for funding purposes; Bob Cole is working on this and will be here on the January 17<sup>th</sup> meeting.

CM Holt has some concerns with the East Hwy 160 Sewer line. He had talked to Phil and Phil wrote him a letter saying Larry Holthus was working on this. He would like to know the findings by the 17<sup>th</sup> meeting so we can discuss this, this could be a substantial loss of revenue to the Sewer District. Also there is a provision in our sanitation rules and regulations that state you can charge a service charge for giving service to someone who is not annexed into it and he would like to know what we can charge as a service charge by the 17<sup>th</sup> also so we can discuss this too. Mark said he would try to wrap up these two items for the packet that will go out for the 17<sup>th</sup> meeting.

**APPROVAL OF BILLS** – Whitbred moved to pay the bills; Simmons seconded the motion carried unanimously.

**ADJOURNMENT** – 6:30 p.m.