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## **TOWN COUNCIL MEETING MINUTES THURSDAY, FEBRUARY 21, 2008 12:00 P.M.**

**I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Steinert

**II. NEW BUSINESS**

- 1. San Juan Historical Society Museum Lease** - Town staff had been working with Fred Harman on potential relocation, Fred has since withdrawn this offer. Staff and the Museum Board have come up with a plan, the Board would like to do some minor modification of that site. There might be a potential to bring in another partner. We could go out for an RFP on that site and see if there are others interested in using that site. Or the Council can just renegotiate the current lease. Shari Pierce of the Historic Preservation Board stated that the lease has been in place back in the mid 70s. Recently they discovered an error in the lease agreement, it lists the wrong lots. They would like to keep the museum there but don't have the money to do what they would like to do there. So that is how they came up with the RFP idea or having another entity there. Fred Harman doesn't have the space that the museum would need to have their collection. Council Member Atkinson wants to know what the town's roll would be in this. Staff thinks that the town could design it however they want. Staff could draft an RFP and bring it back to Council for review. Mayor Aragon stated that site is due for some redevelopment. The Museum is fine with that they just want to be involved and be a part of it. By consensus Tamra will move forward with drafting an RFP and bring it back to the Council for review. The museum is doing a fund raiser, putting out a deck of cards and would like the Council to consider being involved for \$150.00
- 2. Discussion on Lewis Street Redesign and Engineering** - This is slated to happen this summer. Tamra would like to recommend having a meeting/discussion with property owners on what they want to see in the redevelopment. Staff is recommending going through a small modeling project for Lewis Street utilizing resources from Fort Lewis College Office of Community Development. This would probably take about 6 weeks. Then come up with final design and going out for an RFP. This will slow down the actual construction phase but staff feels this is an important part of the project. This would cost us about \$1600.00 and DOLA would also be covering a portion that equals about 25% of it. The scope of the project will remain the same and they will work/talk to Nunzer Kopat. We are hoping we can get this started March 1<sup>st</sup>. Mayor Aragon wanted to reiterate that this street is in bad shape so we don't want to prolong this any longer than we have to. Council Member Simmons asked about business interruption. Tamra stated that there will definitely be some and Mark will be bringing a recommendation on how to deal with this later. Council Member Cotton stated that we need to fast track this and make sure this gets done.

**III. OLD BUSINESS**

- 1. Ordinance No. 704 (Second Reading) – Residential Zone District Heights** - Council Member Steinert will not participate in the discussion due to a conflict of interest. Mayor

Aragon opened this for public comment. Brent Christians of Galles Properties wanted clarification on why Council Member Simmons doesn't also have a conflict of interest. Council Member Simmons stated that in the case of a legislative decision which is what we are doing now is not a conflict of interest. If he was involved in a specific project or if he had a financial stake in that property then it would be different. He has also double checked this with our attorney. Council Member Cotton doesn't agree with DOLA on how they determine what a conflict of interest is and a misinterpretation of our constitution. Council Member Atkinson believes there is also an ethical angle to this and perceptions are important. She personally feels that he should have excused himself from the discussion. Bob Hart – he agrees with Council Member Cotton. This matter was settled about a year ago and this came up again only after the building next to Council Member Simmons property and he thinks it is only fair that he is so close to the matter that he should excuse himself from it. Mayor Aragon is concerned that the Council needs to be on the up and up and doesn't want people thinking that we are doing inappropriate business but it is up to him if he feels he wants to act he can. Mayor Aragon stated he wouldn't act if it were him but that it is up to Council Member Simmons. Teddy Herzog – this is more than a height limit conversation. 8<sup>th</sup> Street is mixed use residential. He believes what this ordinance is proposing is that the only thing that will be able to built on that street will be million dollar homes there. This is a major pedestrian corridor. It is cheaper to build a duplex than a residential house. This creates both economic and social impacts. Sean Thompson – had a written statement read at the last meeting. This ordinance is written to preclude 3 story buildings and current densities. He thinks this was done too quickly and unfriendly. He made a 3-D model showing what the river walk could look like with 3 story buildings. Dusty Pierce – stated that the ordinance is stating that a building taller than 28' is a health hazard to the citizens so he questions the whole concept behind this. Due to this he thinks it should be reconsidered and the Council should not move forward. Council Member Holt stated that it says health, welfare and quality of life in the same paragraph. Clifford Lucero – he had a petition signed by 100 residents in town who were concerned with buildings on 8<sup>th</sup> Street over 28' and this is out of scale for the neighborhood. He is not opposed to buildings being built. Please make this decision on all the information not just that of a few people. Council Member Middendorf stated that the history of this that a year ago the height limit was 35 feet max. A year ago we changed it to a mid span definition and then also decided that we wanted different heights in different areas of town. The failing the Council has made is not making decisions earlier. With this ordinance we are trying to create smart planning. We can have this ordinance in place and rezone areas to different densities that can have taller buildings that will fit in and make sense. Therefore he supports the ordinance because it is a smart planning document. Council Member Cotton thought we were decisive in the beginning. We need to let the process work and get the Land Use Development Code finished. 8<sup>th</sup> Street is going to become a major thorough fair and there is eventually going to be some commercial buildings there. He thinks that this ordinance is a knee jerk reaction after having one problem with the height. We can't rewrite the rules every time someone is unhappy. Council Member Atkinson sat through the LUDC meeting yesterday and has complete trust and faith in that process. She would urge the Council to let the process work. Tamra stated we are expecting draft form of Module 2 to be out early summer which is where densities and height are discussed. Council Member Simmons almost every other place in Colorado is 35 feet to the max or lower. He has only been able to fine 1 town that is 41 feet. Council Member Holt stated that if we pass this ordinance it would be temporary at best until the LUDC is finished and adopted. So between that time do we want this ordinance or go back to the 41 feet, this is the issue before us. When he looks at the Comp Plan he has a hard time distinguishing between mixed used residential at 16 units per acre and mixed use residential at 18 units per acre. They are so close we don't need both of them. He is hoping that when we get to the LUDC we can do away with the 16 units per acre category. Tamra stated that any decision made her today would actually transfer over into the LUDC. Bob Hart – stated that it would be wise to hold this until the LUDC Committee can give the Council their recommendations. Sean Thompson – wanted to reiterate that the ordinance as it is put forth currently is not smart planning and is not in harmony with our current master plan and regulations. This would be second guessing efforts of other committees and groups that put

a lot of time into this. Chris Smith – is very concerned with this ordinance passing that the Town Council can so quickly change the economics and return on investment people can get on their property. When people buy property you know there is a possibility that your views can be blocked, if rules get changed after you buy it. That is an unfair way to play the game. Council Member Holt moved to table Ordinance 704 for the time being due to the legality of the vote with the possible conflict of interest and tasking Clarion and Associates and the LUDC to put zoning and height recommendations on the front burner and get those to us as soon as possible. Council Member Cotton seconded. Council Member Middendorf is still in favor of the ordinance. Council Member Simmons stated that by not doing anything we might see 41 foot buildings spring up randomly throughout town and in residential areas that goes directly against our Comp Plan. The motion carried with 2 nays (Council Members Simmons and Middendorf) and 1 abstention (Council Member Steinert)

2. **Discussion on Economic Development Staff Position** – This will be tabled until our next meeting.

John Middendorf stated that this is officially his last meeting as he will be moving to Australia.

Mr. Conrad has resigned from the Planning Commission and we will be looking to fill that seat.

We will be having a work shop with The Springs Resort here tomorrow at 12:00 p.m.

- IV. **ADJOURNMENT** – Council Member Cotton moved to adjourn. Council Member Atkinson seconded, the motion carried unanimously. The meeting adjourned at 1:20 p.m.

**Ross Aragón**  
**Mayor**