

TOWN COUNCIL MEETING MINUTES
Wednesday January 2, 2008
5:00 p.m.

The Mayor called the regular meeting of the Town Council of the Incorporated Town of Pagosa Springs to order at 5:00 p.m. with the following answering roll call:

Mayor: Ross Aragon
Council Members: Atkinson, Middendorf, Holt, Steinert, Simmons and Cotton

The minutes of the December 4th and 12th meetings were approved as read.

Liquor Licenses:

1. Renewal – Copper Coin
2. Special Events – Hospice of Mercy
3. Special Events – NRA Banquet – Councilmember Middendorf moved to approve the (3) requests, Seconded by Councilmember Cotton, and with 6 ayes, and (1) abstention (Councilmember Simmons) motion carried.

Delegations: Michael Whitting thanked the Council for funding his organization in 2008. They have finished 7 projects this last year.

New Business:

1. Ordinance No. 702 (First Reading) Noticing Regular Meetings of the Town Council and Pagosa Springs Sanitation General Improvement District. Councilmember Holt moved to approve Ordinance No. 702, Seconded by Councilmember Middendorf and with 7 ayes motion carried. (Next meeting is set for January 15, 2008 at Noon.)
2. Collins Minor Subdivision Request – The Applicants submitted a request to subdivide a portion of Pagosa Development “B” Addition of 61 acres into two (2) parcels. The subject property is approximately 61 acres and upon subdivision the parcels would be defined as Tract one of 57.94 acres and Tract 2 of 3.06 acres. Planning Commission requests applicant submit revised survey plat per staff’s comments and submit a final plat for recording. Councilmember Simmons moved to approve request with these conditions, Seconded by Councilmember Holt and with 7 ayes motion carried.
3. Ordinance No. 703 (First Reading) Zoning tract two Collins second division – The Collins’ requested a designation of A-District, Single Family Residential zoning for Tract Two Collins Second Division of 3.06 acres, as a recommended condition of approval by the Planning Commission at their Dec.11 meeting. This property is currently unzoned.

The A-District allows a density of 5.8 dwelling units per acre or one (1) unit per lot with a minimum lot size of 7,500 sq.ft. Councilmember Steinert moved to approve Ordinance No. 703, Seconded Councilmember Simmons and with 7 ayes motion carried.

4. Resolution 2008-01, Comprehensive Plan Amendment 2008-01 (Blue Sky Village) – The Applicant, Prime Property Investment LLC represented by Russell Engineering has submitted a request to modify Figure 4-1 (Future Land Use Plan) within the 2006 adopted Comprehensive Plan for a portion of their property. The subject property is approximately 96 acres and is located on Highway 84 south of the County Extension Building and just North of the County Road and Bridge facilities. The applicant is requesting a modification of 48 of the acres to Mixed-Use Residential. This has been reviewed by the Planning Commission. A number of public comments were received both in support and against the proposed Future Land Use Plan amendment. Planning Commission motioned to recommend approval of the Plan Amendment changing 48 acres of the subject property from Rural Residential to Mixed-Use Residential with the condition that the applicant submit a revised land use map based on their findings that the plan amendment request was consistent with the criteria for granting a Minor Amendment as established in Appendix H of the Comprehensive Plan. The applicant has submitted a revised land use map. Councilmember Holt asked Nancy Lauro who is representing Blue Sky Village to tell us what has since changed from last year when this was first discussed. Lauro advised she would be happy to give another presentation if she was allowed to do so. Lauro advised she felt they were consistent with the Comprehensive Plan. Smart growth principles were a prime. Highway improvements, 2 story mixed use/1 story single family. A Plaza feel/Community gathering place. Lauro stated that the 48 acres identified as Mixed-Use Residential would be designed as a live/work and per the Comprehensive Plan 70% of this acreage would be residential. Lauro stated that the 30% commercial acreage was needed to make the project design feasible. The developer does not intent to maximize allowed densities. Lauro explained that the Town Residential-Low can provide transitions into adjacent residential property if units are clustered up against the Mixed-Use Residential category. The proposed small neighborhood commercial component is consistent with the existing/adjacent land uses and further stated that commercial structures will not orient towards Hwy 84. The property offered limited pedestrian connections to adjacent properties. Councilmember Holt asked Lauro how they plan to deal with the wetlands/Open Space? Lauro advised wetlands would be left alone. Councilmember Holt asked about PAWS requirements to service number of dwellings. Councilmember Simmons thanked Blue Sky for the update, but he felt that they “Cherry picked” items that work well for their plan. Councilmember Middendorf had questions on new zoning. Mixed-Use Residential guidance. Why 48

acres? Tamra Allen advised category contains summary of what primary uses are. Mixed-Use is in Comprehensive Plan, maybe too much density on residential side. There would still have to be annexation agreements, etc. Town still has authority to power the limit. Councilmember Atkinson advised that the Planning Commission spent several hours going over this, what is sprawl? Mixed-Use Residential/Moderate density/ they struggled with Eastern portion and part of South. Tracy Bunning from the Planning Commission advised there was a lot of give or take. The Commission talked to property owners at the last meeting to get general feelings of property owners and developers, and they all seem desirous to work with one another to make it work for all. Noting nothing is grandfathered in. Councilmember Holt asked again, what are you requesting? 48 acres from Rural/Mixed Residential. Councilmember Simmons asked what about in the future, are we going to keep changing and overlapping. We have worked on this plan for a year are we going to change it for the next persons request? Councilmember Atkinson said we have adopted the Plan, there's no guarantees. We had to weigh this specific proposal. These are guidelines to follow, a tool that serves us as a commission to use, Tracy Bunning said he agreed with Atkinson, these things are tools. Councilmember Atkinson said we can't draft something that is perfect. Councilmember Middendorf asked what about Rural Transition. Commercial on highway that much density with larger acres. Nancy Lauro advised they don't want gas stations and fast food, the concept was a neighborhood. Mixed-Use requires that. Description in Comp.Plan works fine, maybe more density then we need. Mayor Aragon opened the meeting up for public comment:

Teddy Herzog, felt maybe an outdated model, newer concept of mixed-uses as opposed, there creating a public space.

Kelly Fisher, mixed-use is any designated for low income or affordable housing? Certainly needs to be considered in the future. No being activity center or commercial use and not attracting people to come out, traffic. She bought there for Rural Residential opposed to Commercial they have that at Fairfield. What's going to stop it from continuing?

Bob Hart – Developer spent a lot of time with Planning Commission and feels this would be an asset to our community. Bring in jobs to our community. Hart feels the Planning Commission did a good job to approve this.

Todd Shelton, Community Center not possible there, land use tool to be used.

Mike Blum, advised he was at the meeting last year and called a country bumpkin and he agrees with Fisher. He feels they picked up this property for lesser dollar and he does not think it's the right place to do this.

Jerry Jackson asked is this a regulatory document? He thinks mixed-use is an excellent idea. He considers sprawl.

Ernie Amus, neighbor, Tierra Del Oro advised he has met with groups and he thinks everyone is willing to keep our concerns in mind (upset to

change) but has feeling thinks are going to happen to this property. Space is close to town, compromises we can live with.

Councilmember Cotton, sprawl/density, leave some open space. Is this a guideline? Nothing is casted in stone. It can't all come together/

Councilmember supports this plan. Councilmember Middendorf asked could there be a better plan, changes in the future for land use and comp.plan. Having designations more specific. We need more time to look at more precise zoning designations, etc. Councilmember Cotton moved to approve Resolution 2008-01 Comprehensive Plan Future Land Use Plan Minor Amendment, Seconded by Councilmember Atkinson, Councilmember Simmons advised he still has concerns that we are opening the door for this to keep happening in the future. Councilmember Steinert does not think contribution as much to sprawl as not having a plan. Development needs to happen and we need to look at that. With 5 ayes and 2 nays (Councilmember Simmons and Councilmember Middendorf) motion carried.

5. Ordinance No. 704 (Emergency) Temporary Moratorium on Buildings over 28 feet in height within residential zone districts. Councilmember Cotton advised he still has a real problem with Emergency Ordinances for something the Council has been going over. There is no danger to anybody. Councilmember Middendorf feels we need to decide what we believe height should be. We agree to revise them. Height went from 35' Max to 35 Mid Span. Councilmember Holt asked if staff had time to devote to this anytime soon? T.Allen advised she really did not have time right now, she will be out of town and has several things to take care of, Allen asked what council wants as priority. Councilmember Holt disagrees with Councilmember Middendorf that we have all the information we need. We need to work on it more and resolve issues. Do we approve moratorium up until we can come up with something concrete. Maybe we can continue to mid month meeting in Feb. Can we get it done in the next few weeks? Councilmember Atkinson advised Ord. is about to expire, we need flexibility to approve quality projects. Mr. Hart asked the Council not to extend, and encourage them not to. Todd Shelton also told Council that he was unhappy about his project, and why was he not notified about the emergency ordinance meeting, he was not invited to, nor knew nothing about. Shelton found our from his Accountant Mayor Aragon apologized to Mr. Shelton. Mr. Shelton asked who authorized this to happen and who asked for an emergency meeting. Mayor Aragon advised Shelton that it was Councilmember Simmons. Again, Mayor Aragon apologized to Mr. Shelton and said he was ashamed that he let it happen, he made a mistake. Mark Garcia, Town Administrator advised he felt the Ordinance was passed accordingly to Rules and Regulations. No need for exposure on previous actions. Councilmember Middendorf made a motion we need a special meeting to work on this issue on heights at the January 15, 2008 mid month meeting. Seconded by Councilmember Steinert, Councilmember Simmons said

- Shelton did not go thru process. Some people were very mad. Councilmember Atkinson we should not be forced to make a decision, not an emergency and don't use as a tool. Not fair to continue in state of in-decision. Councilmember Middendorf motioned that we will make a decision on residential heights on the Jan. 15th meeting before it expires we will make a decision. And with 7 ayes motion carried.
- Eleanor and Todd Shelton said they met every requirement and did go through everything, Todd even met with Simmons and Simmons said what does it do for me? Mayor Aragon then said come to the meeting. Mrs. Hart asked if limitation wasn't already in place, Council advised No, all agreed to look at height limits, but never did that. On going project.
- 6 Resolution 2008-03, Adopting the Downtown Master Plan. Staff has conducted a series of work sessions with the Town Council and Planning Commission to review the draft Downtown Master Plan. Based on feedback and comments received from members of the Town Council at the December 19, 2007 work session, staff has incorporated suggested revisions and has prepared a revised Downtown master plan. Staff has received additional direction from members of council to revise language on Page 5-1 in regards to eminent domain. Based on this direction staff has revised the language by reinstalling the previous language as provided by Winter & Co. Town Attorney Bob Cole has prepared a resolution for the adoption of this document. Councilmember Middendorf moved to approve Resolution 2008-03 Adopting the Downtown Master Plan, Seconded by Councilmember Steinert and with 7 ayes motion carried.
- 7 Resolution 2008-02, Appointing an Alternate Member to the Historic Preservation Board. The Historic Preservation Board is a 7 member board with 5 regular members and 2 alternate members. In October of 2007, Gary Fairchild resigned from an alternate position with this board. Town staff solicited new members through notices in the Sun and has received one letter of intent to fill this position from David Parker. Councilmember Cotton moved to approve Resolution 2008-02, appointing David Parker to the Historic Preservation Board, Seconded by Councilmember Holt and with 7 ayes motion carried.
- 8 Resolution 2008-04, Adoption of the Town Tourism Committee 2007 Budget. Staff stated projected revenues are \$410,000 and expenditures at \$496,387. Staff stated the reserve balance ending in 2008 is estimated at \$69,910. Bill Whittington questioned whether the TTC budget was only for advertising or if capital projects were included. According to Whittington, when the tax increase was approved it was only for advertising. TA Garcia stated the ballot language included tourism and tourism related improvements. Councilmember Steinert moved to approve Resolution 2008-04, adopting the TTC budget, Seconded by Councilmember Cotton and with 7 ayes the motion carried.
- 9 TA Garcia read the Proclamation that proclaimed starting January 2, 2008 will commence the year of "PICKUP PAGOSA".

- 10 Inter-governmental Agreement with Archuleta County to Share Sales Tax Information. Staff stated the original agreement between the Town and County was executed in 2004 and appointed Julie Jessen (Simmons) as the Town's recipient of this confidential data. Staff stated Ms. Jessen (Simmons) is no longer working for the Town and therefore the Town has revised the agreement designating Town Clerk, Deanna Jaramillo as the recipient. Councilmember Middendorf moved to approve the revised IGA with Archuleta County to Share Sales Tax Information, Seconded by Councilmember Simmons and with 7 ayes the motion carried.

Old Business:

1. Ordinance No. 700 (second reading) Rezoning Mountain View Estates Minor Subdivision. Staff stated the applicant has submitted a request to rezone Parcel 1, 2 & 3 Mountain View Estates Minor Subdivision from PE-MF (Piedra Estates Multi-Family) and a portion of the property currently unzoned to A-District (Single-Family Residential). Councilmember Cotton moved to approve the Rezoning of Mountain View Estates Minor Subdivision, Seconded by Middendorf and with 7 ayes the motion carried.
2. Ordinance No. 701 (second reading) Amending the Municipal Code Section 21.10.04 Regarding Loitering. Staff stated the Council completed the first reading of this ordinance at the December 4, 2007 meeting. Staff noted that ordinance was revised to remove the word 'sit' from the definition of 'loitering'. Councilmember Simmons moved to approve Ordinance No. 701 Amending the Municipal Code Regarding Loitering, Seconded by Cotton and with 7 ayes the motion carried.
3. Recreation Center Feasibility Study Discussion. TA Garcia provided a brief overview of the feasibility study for Council. Garcia noted there were numerous sales tax revenue options that could be considered. Garcia stated the current proposal included a 45,000 square foot complex that would cost approximately 16 million in 2010 dollars. Councilmember Holt stated a 1% sales tax is discriminatory and punitive towards commercial property owners within the Town limits. Councilmember Holt continued to explain Recreation Centers require a high subsidy and cited subsidies required to operate the Carbondale and Durango Recreation Centers. Councilmember Middendorf stated the Recreation Center is an attempt to plan for the future and attract families the Town would like to retain. Councilmember Middendorf stated the public input and feasibility study were positive and issue should be placed on the ballot for voters to decide. Councilmember Cotton stated G.K Baum would loan the funds to construct the Recreation Center but never stated it was a feasible idea. Shari Pierce questioned whether the Town can afford a large subsidy to maintain the Recreation Center. TA Garcia stated indirect revenues and programming could reduce the subsidy and reiterated that representatives from Greenways Incorporated (completed the Regional Parks, Recreation, Open Space and

Trails Master Plan) recommended constructing the Recreation Center from strictly an economic standpoint. Bill Whittington questioned where the subsidy would be implemented. Councilmember Atkinson stated the Town is not currently family friendly; however quality jobs and economic development were a higher priority. Councilmember Atkinson agreed programming was an option to reduce the subsidy such as including an outdoor amphitheater. Councilmember Atkinson stated she cannot support the Recreation Center at this time but would like to see the idea supported in the long term. Mayor Aragon stated the Town needs infrastructure improvements and cited roads as the highest priority. Mayor Aragon stated the Center does not make economic sense at this time. Councilmember Cotton stated the Town has seen negative tax growth in 2007 and cited the Cortez Recreation Center which currently subsidizes their center at \$453,000. Councilmember Cotton stated Cortez has 30,000 people to draw from compared to Archuleta County with a limited population base. Councilmember Simmons stated the Town currently subsidizes the Community Center at \$300,000 which was approved by Council. Councilmember Simmons stated a 16 million dollar facility may be too large and suggested the Town consider a smaller structure. Councilmember Simmons stated the structure could be modular to allow future expansions as revenues are accumulated. Councilmember Steinert stated capital improvements in the Downtown Core should be the highest priority and the Recreation Center should be reserved for a longer term project. Councilmember Steinert stated the project should include participation from Archuleta County as many of their residents will utilize the facility. Bill Whittington suggested that the Town solicit feedback from other communities to determine whether they would construct their Recreation Centers again, after the fact. Stuart Bellina suggested that the Town Council continue the discussion and allow County residents the opportunity to become involved. Chris Smith stated a 16 million facility may not be appropriate for Pagosa Springs but reiterated that the Town needs this type of amenity for families. Bobby Hart questioned the percentage of Town residents that utilized the Community Center. JoAnn Irons stated the Town needs more representation at the table. Councilmember Middendorf suggested that the Council place the item on the April ballot and if the motion failed the Council should then meet before the July meeting to decide whether the issue should be placed on the November ballot. Councilmember Steinert moved to continue discussion regarding the feasibility of the Recreation Center, consider a smaller facility and include representatives from other key organizations, Seconded by Middendorf. Councilmember Atkinson stated the Council needs to determine a priority list at the retreat. Jerry Jackson submitted that the motion on the table may require allocation of additional funds. With 6 ayes and 1 nays (Councilmember Cotton) motion carried. Councilmember Holt suggested that the Town form an ad-hoc committee to study the current situation.

Town Manager Report:

1. Sales Tax are down (\$360) for October sales receipts received in December of 2007.
2. Town Council Retreat. TA Garcia stated the retreat was tentatively scheduled for the 16th of January and confirmed Ken Charles will be available to assist with facilitation. Councilmember Atkinson stated Patty Shull would cost \$7,000 to facilitate a visioning session, work through organization issues and conduct a team building session. Councilmember Simmons stated the cost was a little too high and stated Ken Charles already knows the community, staff and council. TA Garcia stated the Council needs to grasp a vision and establish leadership for the community. Councilmember Holt suggested that a priority list is established to provide direction. Councilmember Middendorf stated the budget was already approved and staff should be able to move forward with their jobs. Councilmember Cotton stated it was important to establish the job responsibilities of staff and address capital improvements at the retreat. TA Garcia stated capital improvements were already finalized for 2008, but staff needs direction on the capital improvement plan and priorities for future years. TA Garcia stated it may be advantageous for the Town to hire a consultant to complete an actual capital improvement plan, as required in the Town Charter. Councilmember Middendorf stated the Council was looking backwards and the budget should not be discussed as it was already approved. Councilmember Cotton stated the organization structure should be understood by the councilors before its finalized and further stated it was the responsibility of Town Council to understand staff's responsibilities.

Planning Department Report:

1. Land Use and Development Code Update: Staff stated Clarion will be holding a series of work sessions with the committee on February 4th at noon and February 5th at 11 a.m. to discuss draft Module I. Staff stated a special interest group named 'Citizens for Sustainable and Intelligent Growth' submitted a request to include additional members on the advisory committee to address economic concerns. Councilmember Atkinson stated the committee should forward any contentious items to Council and suggested the Council should receive information to remain apprised of progress. Jerry Jackson stated Dean Schultz resigned from the committee and the Council should consider appointing three (3) additional members. The Council determined staff should solicit additional letters of interest prior to the January 15th meeting and up to three (3) appointments would be made depending on the response.

Approval of Bills:

1. Councilmember Simmons moved to pay the bills. Councilmember Cotton stated Barker, Rinker and Seacat should not be paid since they did not complete the financial and demographic analysis as included in the scope of work for the Recreation Center feasibility study. Councilmember Holt directed TA Garcia to hold the balance until they complete the work. Seconded by Councilmember Steinert and with 7 ayes the motion carried.

Councilmember Holt motioned to adjourn, Seconded by Middendorf. The meeting adjourned at 9:50 p.m.

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
MEETING MINUTES
Wednesday January 2, 2008
9:51 p.m.

The Director called the regular meeting of the PSSGID to order at 9:51 p.m. with the following answering roll call:

Mayor: Ross Aragon
Council Members: Atkinson, Middendorf, Holt, Steinert, Simmons and Cotton

The minutes of the December 4th meeting were approved as read.

Supervisors Report – There were no spills or clogs to report. We did have one ammonia violation, which we have been ongoing problems with.

Staff gave a quick update on the DOLA funding.

Councilmember Holt moved to pay the bills, seconded by Middendorf. The motion carried unanimously. On a motion duly made the meeting adjourned at 10:00 p.m.