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TOWN COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 6, 2007 5:00 P.M.

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Holt, Council Member James, and Council Member Middendorf were present
- II. APPROVAL of MINUTES FROM JANUARY 3RD AND 17TH, 2007** – The minutes were approved as read.
- III. LIQUOR LICENSES**
 - 1. Shang Hai Restaurant – Liquor License Renewal**
 - 2. Dorothy’s Restaurant – Liquor License Renewal**
 - 3. Pagosa Lodge – Liquor License Renewal**
 - 4. Silver Dollar Liquor – Liquor License Renewal** – Council Member Holt moved to approve the liquor license renewals. Council Member James seconded, the motion carried unanimously.
 - 5. Pagosa Springs Public Facilities Coalition – Special Events License (Teen Center Fund Raiser)**
 - 6. Seeds of Learning – Special Events License (Fundraiser)** – Council Member James moved to approve the special events licenses. Council Member Middendorf seconded, the motion carried unanimously.
- IV. DELEGATIONS:**
- V. NEW BUSINESS**
 - 1. Review of Planning Commission Actions from January 9th and 23rd, 2007**
 - a. Jackson Lot Consolidation and Minor Subdivision** - Jackson is requesting the return of 15 feet of the original 30 feet that were donated and he would like to consolidate all of his lots. The Planning Commission has reviewed this and recommends approval of the consolidation and the minor subdivision with a few conditions. The zoning will stay intact in the subdivision. Council Member Middendorf moved to approve, Council Member Holt seconded. The motion carried unanimously.
 - b. Brown Replat (Public Hearing)** - There is currently a residence that sits on the property boundary, this will fix that. The Planning Commission has reviewed this and recommends approval with a few conditions. Council Member Holt moved to approve, Council Member James seconded. The motion carried unanimously.
 - 2. Resolution 2007-03 – Parks and Recreation Commission Appointments (Public Hearing)** - This is appointing various members to various terms. All are currently members and we are reappointing them to additional terms. Council Member James moved to approve Resolution 2007-03. Council Member Middendorf seconded, the motion carried unanimously.
 - 3. Resolution 2007-04 – Revised Fee Schedule for Building Permits (Public Hearing)** - This addresses both building permit and planning fees. The Planning Dept. has looked at current fees and they feel these should be increased to offset some of the cost of staff time involved. The Building Dept. is proposing eliminating the 30% discount that has been given historically. This will bring us inline with all surrounding counties and will help cover the costs the department has been incurring. We have not raised fees in over 9 years and even then it was very minor. They would also like to implement a plan review fee for commercial projects since they take considerably longer

for staff to review and staff believes this would help in getting less re reviews and make the developers proof read more. We have been struggling with poor submittals on numerous occasions and we believe this will help that. Council Member Holt believes the developers should pay for staff time that is spent on their plan reviews. We could also charge per hour spent by Scott in reviewing and give a refund or charge more depending on his time spent in the review. This might give the developers some incentive to submit good plans the first time. Council Member Holt would like to look at this again in a year or so if we decide to try to see if it is working out. Building Inspector Pierce agrees. Council Member Middendorf moved to approve Resolution 2007-04, Council Member Holt seconded, the motion carried unanimously.

4. Resolution 2007-05 – Schlaefli Annexation Petition and “Intent to Annex”

(Public Hearing) - Lot 81-84 of Pagosa Hills Subdivision. They have a project that has gone through a sketch plan review. The Planning Commission did approve the sketch plan review with a number of conditions. Staff believes it is suitable for annexations for a number of reasons. They meet all of the annexation criteria. Lucille Alley stated that those lots have not been determined to be out of Pagosa Hills 3 for sure and this is being litigated right now. Staff was advised by Bob Cole that we shouldn't get involved with the private litigation but could continue with the annexation. Deanna Myers lives in Pagosa Hills 3, is it true that Mr. Schlaefli would need a release from the home owners association to annex into the town. Tamra said she does not believe so. So then Mrs. Myers believes he should have to prove he is not part of Pagosa Hills 3. Pagosa Hills 3 has issues with the development density, traffic and among other things that will affect the subdivision. Tamra still believes that the property can be annexed. Deed restrictions run with the land so that won't matter even if annexed. So if found to be in Pagosa Hills 3 he would still have to abide by their CCnRs.

Council Member Simmons showed up (5:35 p.m.)

We will not get involved with deed restrictions and property owner vs. home owners associations litigations. Mayor Aragon doesn't feel comfortable considering this tonight and he would like this tabled until our February 15th meeting. Council Member Middendorf moved to table this until Feb 15, Council Member Simmons seconded, and the motion carried unanimously. We will talk to our attorney about the concerns before that meeting

5. Bargain and Sale Deed for Aspen Village Rights of Way - Our attorney has taken a look at this and doesn't feel that we need to record this, but the Assessor is saying we need to. So staff recommends proceeding with this. Holt would like to know that the roads are certified up to town standards before we take them over. Tamra said they have been inspected by Davis Engineering and do qualify. Upon re-inspection and release of the bonds they will be taken fully into the town. Council Member Holt moved to register the bargain and sale deed accepting public right of ways in Aspen Village Subdivision and authorizing the Mayor to sign the Deed. Council Member Simmons seconded, the motion carried unanimously.

6. First Reading of Ordinance No. 687 – Amending Impact Fee Deferral Policy

(Public Hearing) - This is amending Ordinance 684. This adds language for both affordable and attainable housing deferment and allows some deferral for public benefit. 21.12.12.(2) states this should not exceed 10 years but can be extended again past that and staff would like guidance on if this should be capped at 10 years or made to be extended so all of our language is consistent in the Ordinance and the Resolution. It will be the responsibility of the applicant to prove that they need the extension. Change language so that any organization can qualify for the deferral. Council Member Middendorf thinks we should add the extension language to the resolution. The rest of the Council agrees by consensus. Tamra suggests due to complexity with the Ordinance and the Resolution to just meld them together and only have an Ordinance to simplify things in the long run. Council Member Holt moved to approve 1st reading of Ordinance 687 with the above changes including the one recommended by Tamra. Council Member Middendorf seconded, the motion carried unanimously.

7. First Reading of Ordinance No. 670 – Kinder Morgan Franchise Agreement (Public Hearing) – Still haven't heard back from Kinder Morgan so continued until February 15th meeting.

8. Resolution 2007-06 – Town Tourism Committee Appointment

(Public Hearing) - This designates a new representative, Mr. Dick Fitz replacing Mr. Mark Weiler. Council Member Middendorf moved to approve Resolution 2007-06. Council Member James seconded, the motion carried unanimously.

VI. OLD BUSINESS

1. Resolution 2007-01 – Establishing Impact Fee Deferral Policy - This will be combined into Ordinance 687 and brought back for second reading.

2. Second Reading of Ordinance No. 685 – Redevelopment Permit (Public Hearing) -

Staff has received one request from Bob Campbell, County Administrator. Asking for any building owned by a political subdivision be exempted from this Ordinance. Mayor Aragon doesn't feel there has been enough time to analyze this and would like to table this too. Council Member Simmons moved to table this until the February 15th meeting. Council Member James seconded, the motion carried unanimously.

3. Second Reading of Ordinance No 686 – Meeting Notices (Public Hearing) -

Council Member James moved to approve 2nd reading of Ordinance 686, Council Member Simmons seconded the motion carried unanimously.

4. River Restoration Permit Approval - We finally have our U.S. Army Corps of Engineers permit and the language is a lot better than Mark thought it would be. Mark would like approval for himself or the Mayor to sign this so we can get things underway and try to get into the river before spring runoff. Wolf Creek Ski Area has pledged operators and equipment again. Council Member Middendorf moved to approve the signing of the permit. Council Member Holt seconded, the motion carried unanimously.

VII. DEPARTMENT HEAD REPORTS

1. Town Manager Report – Sales tax dropped significantly for receipts in January that were for November collections. Trend information will be coming to you soon. This years retreat was very successful and we will be getting you the notes from that at the February 15th meeting. The County declined CMAQ money we had for Rainbow Dr. that they would have to facilitate so we got permission from the state to use it in one of our already approved projects. It is about \$150,000.00 so that is good news. As soon as weather permits we will finish up Cemetery Rd and start on Greatwest Avenue. There is a regional housing authority meeting on March 12th. This will be our first brain storming session on what we need to start our housing authority.

2. Planning Report - We submitted all of our comments back to Winter and Company on the Down Town Master Plan. We should be able to start the public input process at the end of the month then adoption soon after.

3. Building Report - We have started our business license inspections and have been working closely with the fire department. We have found several non compliant life safety issues and are trying to work out some of the little bumps with the implementation. There are several building permits to note but one of the most notable is the Hospital, they have poured their foundation and are moving forward.

VIII. APPROVAL OF BILLS – Council Member Simmons moved to approve the bills. Council Member James seconded, the motion carried unanimously.

IX. ADJOURNMENT – On a motion duly made the meeting adjourned at 6:46 p.m.

**Ross Aragón
Mayor**

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT MINUTES
TUESDAY, FEBRUARY 6, 2007
6:47 P.M.**

X. CALL MEETING TO ORDER - Mayor Aragon, Council Member Holt, Council Member James, Council Member Middendorf, and Council Member Simmons were present

XI. APPROVAL of MINUTES FROM JANUARY 2ND AND 17TH 2007 MEETINGS – The minutes were approved as read.

XII. DELEGATIONS: None

XIII. NEW BUSINESS

Supervisors Report - Facilities are running well. Phil has been looking into running our facilities on green energy (probably wind). Mark thinks it is worth looking into. Council Member Simmons thinks this is a great idea, and Council Member Middendorf agrees. Mark will give a whole spreadsheet on it and bring it back before we move on this if there is interest by the Council. Phil is going to hand carry our inclusion agreements to properties on Hwy 160 and is becoming a notary so he can notarize signatures as he goes so we can get that taken care of. This will also be done with annexations.

PSSGID Resolution Number 2007-01 verifying User and Plant Investment Fees - Council Member Holt moved to approve Resolution 2007-01. Council Member James seconded, the motion carried unanimously.

First Reading of PSSGID Ordinance Number 2007-01 for Inclusion of Pradera Point

Subdivision (Pagosa Development Additions A & B) - This is the subdivision in Pagosa Hills, this is already annexed into the town but for whatever reason has not been included into our Sanitation District so we just want to execute this tonight. Council Member Middendorf moved to approve 1st reading of Ord. 2007-01. Council Member Simmons seconded the motion carried unanimously.

XIV. OLD BUSINESS

Second Reading of PSSGID Ordinance Number 2006-01 for Inclusion of AREI

property located on East Highway 160 - Our attorney confirmed we do not require contiguity in our Sanitation District. We would also like to include the annexation agreement with this. They are interested in annexing and will be willing to proceed when contiguity exists. Council Member Holt moved to approve the 2nd reading of Ord. 2006-01 and that the property owners agree to sign an annexation agreement saying they will annex into the Town of Pagosa Springs upon there being contiguity. Council Member Simmons seconded, the motion carried unanimously

Update on Colorado Department of Public Health and Environment Permit

Issues - We did receive plan approval from the state on plant improvements to get us through until we have our new facility on line. We have until April 15th to get the improvements completed. This will be done in house, other than some equipment refurbishing that needs to be done. We are hoping this increased aeration will also help us with some of our ammonia issues and we can kill two birds with one stone with these modifications.

Update on New Treatment Facility Planning - Our optional site is on the table again and is in negotiating stage. We submitted our application for a \$2 million loan and we should know by March 1st if we receive funding for that. Mark hopes to have negotiations completed by the end of this week or the beginning of next

week.

XV. APPROVAL OF BILLS – Council Member Simmons moved to pay the bills.
Council Member James seconded and the motion carried unanimously.

XVI. ADJOURNMENT – On a motion duly made the meeting adjourned at 7: 10 p.m.