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TOWN COUNCIL MEETING MINUTES TUESDAY, MAY 1, 2007 5:00 P.M.

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Whitbred
- II. **APPROVAL of MINUTES FROM APRIL 3rd, APRIL 20th, AND APRIL 24th 2007** – The minutes were approved as read.
- III. **LIQUOR LICENSES**
 1. **Done Right, LLC dba La Tazza Espresso Bar and Café – New License Application (Public Hearing)** – Opened to public comment, there was not any. Council Member Middendorf moved to approve the new liquor license application. Council Member Cotton seconded and the motion carried with one abstention (Council Member Simmons).
 2. **Pagosa Bar – Liquor License Renewal** - Council Member Cotton moved to approve the new liquor license application. Council Member Whitbred seconded and the motion carried with one abstention (Council Member Simmons).
 3. **Friends of the Upper San Juan River – Special Events License (Fundraiser)**
 4. **Immaculate Heart Mary Catholic Church – Special Events License (Fundraiser)** - Council Member Whitbred moved to approve the new liquor license application. Council Member Middendorf seconded and the motion carried with one abstention (Council Member Simmons).
- IV. **DELEGATIONS**
 1. **Clean-Up Week 2007 Proclamation** - Town Clean up week will be May 14th -20th 2007. This will be the same as the years past. We have not had a chance to talk to the county yet regarding sharing some of these services, but we will be talking to them to if they can participate in this.
 2. **Greenways Incorporated – Regional Recreation, Parks, Trails, Open Space Master Plan Consultants (Chuck Flink & Bob Searns) will discuss joint Town/County plan** -
They have been retained jointly by the county and the town to do a regional master plan for parks, trails, and open space. They feel their job is to help preserve the parks, trails and open space and know that there isn't any real system in place. They have been doing a lot of data collection and getting familiar with all of the resources in the community. They are going to have their first open house meeting on May 14th and want to invite the council to attend. They have been talking with town and county staff and have also talked with the school board. They plan to have a final document by October of 2007. They do need to form a technical review committee. We have previously approved a task force to look at the Recreation Center and we are going to streamline these and try and do these at the same time. We need to build a recreation center from an economic standpoint, and we haven't looked at it this way before. Our industry is our tourists, so the economic view is that the recreation center can be way more than just a recreation center, it will help with economic growth and development while benefiting everyone locally also.
 3. Trustee James submitted her resignation as of May 1, 2007 due to medical reasons. We will put out notification that we will be looking to replace her position

V. NEW BUSINESS

1. Review of Planning Commission Actions from April 3rd, April 20th, April 26th, 2007

a. **Aspen Village PUD Phase I, Plat Amendment** – The Planning Commission has reviewed this request and recommends approval without any conditions. Council Member Holt moved to approve this request. Council Member Whitbred seconded, the motion carried unanimously.

b. **Harman Park Subdivision, Plat Amendment** - The Planning Commission has reviewed this and recommends approval with one condition. The one condition is to address survey plat issues per survey comments. Council Member Simmons moved to approve the replat. Council Member Holt seconded, the motion carried unanimously.

2. First Reading Ordinance No. 689 – Amending Historic District Boundaries -

There was a vote taken at the April 3rd meeting to change these boundaries but we must do it officially by ordinance. Shari Pierce is here personally not representing the HPB. As of noon today Pagosa Holdings is not in contract on the Court House. So she is asking that the Council delay approving this ordinance until there is a contract and it is finalized. She called the state historic funds and asked if there were funds available for acquisitions of this kind, they did say yes and that it could be funded up to 75% and she has asked the Historical Society if they would be interested in taking this on and they said they would discuss it. They will be talking about this in their next meeting. For those reasons she is asking for the delay of this approval until the property is closed on. Council Member Holt asked what if they are waiting on us before they close on the property. Mark reminded that this is a two reading process so this would only be the first reading and in between the readings we can try to find out more about the contract and if the property is going to close. Council Member Holt moved to approve the 1st reading of Ord. 689. Council Member Cotton seconded. John Hunley stated that they needed to get clarification on Council Member Holt's motion from the April 3rd meeting and they got a draft letter from town staff on that this week, so they are still working on it and are in good faith negotiations with the county, but they still do not have timelines and are still moving forward. Council Member Middendorf would like to amend the motion to add to review the status of the contract from the county before second reading, Council Member Holt was fine with that amendment to his motion, and Council Member Simmons was okay and let his second stand, the motion carried with 1 nay (Council Member Whitbred).

3. Resolution 2007-10 – Housing Solutions of the Southwest Impact Fee Exemption -

Kim Welty and Gene Crabtree asked for this waiver at our last meeting and we are bringing this back in resolution form. The resolution defines the waiver and the repayment if the facility no longer operates as a low to moderate income housing project. Council Member Whitbred moved to approve Resolution 2007-10. Council Member Simmons seconded, the motion carried unanimously.

4. Pregnancy Crisis Pregnancy Center Impact Fee Deferral Agreement -

This is a deferral of the impact fees. With the help of our attorney we have structured this agreement. There is a repayment plan of \$800 per year for 10 years. The pregnancy center is agreeable to these terms. Council Member Whitbred moved to approve the impact fee deferral agreement. Council Member Holt seconded, the motion carried unanimously.

5. Resolution 2007-11 Intent to Annex Block D, Lot 1 Rock Ridge Country Estates -

The submittal requirements that had not been met when we first seen this in 2006 have now been met and this is coming in front of us again. Council Member Simmons has concerns on improvements on that Great West Avenue Intersection. They did update their numbers and represent that the increase in traffic should be about 8.6%, which does not kick that into CDOT required improvements. However the impact fees the town collects will be able to help with this somewhat. Todd Shelton stated that they would be willing to pay for their impact on that intersection. Council Member Middendorf moved to approve Resolution 2007-11. Council Member Simmons seconded, the motion carried unanimously.

VI. OLD BUSINESS

1. Second Reading of Ordinance No. 688 – Adoption of Water Storage Impact Fee for

Non-Residential Construction - This is to add commercial construction to the water storage impact fees. Council Member Holt moved to approve 2nd reading of Ord. 688.

Council Member Whitbred seconded, the motion carried unanimously. There was no public comment. Mark stated that today the county was looking at adopting impact fees for county facilities and roads but Mark doesn't know how far they got on that. Bob Campbell had told Mark they would look at adding the water storage and recreation facilities at a later date. Staff also had some concerns with the amounts that the county was looking at as they didn't match our resolution numbers.

VII. DEPARTMENT HEAD REPORTS

- 1. Town Manager Report -** Sales tax collections were up 6.34% year to date. This is right in line with our budgeted amount so far. CMAQ projects – We hope to have Cemetery Road done in a couple of weeks. There has been an issue with Great West Avenue. There may need to be a water line extension as part of the Homes at Rock Ridge Development if this happens we want this to be done before we pave it, we should know shortly. Enhancement Projects – the Riverwalk project should be done in a matter of weeks and is on schedule and only a little bit over budget since we had to deal with some springs and ground water. We would like to retain the contractor to finish all the way to Apache Street if possible making the connectivity. Pedestrian Bridges – we are working on final design and hope to get a sketch plan to the council soon. Mark would like permission to sign a contract with La Plata Electric for about \$35,000.00 to get some of the 3 phase power underground. We will be doing all of the ground work ourselves with the Streets Dept. This will be a tremendous cost savings to us. We will hope increased sales tax dollars will be used to pay for this. By consensus the Council gave Mark permission to sign the contract. Will be starting the Sports Complex project again any day now, the contractor is in a very short window to get this thing completed. So we hope the Phase I element will be wrapped up here shortly. We do have Phase II grant requests in but haven't heard from GOCO yet. Sponsorship of events at the Community Center – in the past we have sponsored different events at the Community Center. We have been asked to sponsor an event that is a fund raiser whose proceeds will go to the hospital. Mark wants to know if they are comfortable doing this and if they are at what level. This will be an annual event that they will donate the profits to different organizations that need help. Council Member Simmons thinks that it is a really valuable program in our community and thinks it is a good idea. Mayor Aragon agrees with Council Member Simmons and supports this 100%. So does the rest of the Council so by consensus we will waive the Community Center fees. On May 9th we have a meeting with Communication Arts at 11:00 a.m. at the Community Center this is sponsored by Bootjack Management. Our mid month meeting will be on May 17th at noon, we will be working with the HPB to do more work on Article 14. We scheduled a luncheon with La Plata Electric on June 20th at the Community Center to discuss problems and issues we have with power supply in our area.
- 2. Planning Department Report -** HPB continues to work to update and revise Article 14 and are excited to wrap that up. May is Historic Preservation Month and we held a poster contest that you will see around town and the winning poster will be framed and hung here in town hall. The Land Use Development Code – there is a community meeting on the 15th of May at 5:30 p.m. Clarion will be giving us a diagnosis of our current code soon. Tamra handed out a draft letter to council that is also currently being reviewed by our attorney that is intended to clarify actions of the council on the 4/3/07 meeting in regards to the Court House discussion. Once finalized and signed it will be forwarded on to Bob Campbell and the Board of County Commissioners.

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

IX. ADJOURNMENT – On a motion duly made the meeting adjourned at 6:30 p.m.

**Ross Aragón
Mayor**

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT MINUTES
TUESDAY, MAY 1, 2007
6:31 P.M.**

X. CALL MEETING TO ORDER - Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Middendorf, Council Member Simmons, and Council Member Whitbred

XI. APPROVAL of MINUTES FROM APRIL 3, 2007 MEETINGS – The minutes were approved as read.

XII. DELEGATIONS: None

XIII. NEW BUSINESS

1. PSSGID Resolution 2007-03 Amending Section 4.04 of Rules and Regulations -

This gives us an allowance to waive impact fees for low to moderate income projects. Council Member Holt moved to approve Resolution 2007-03. Council Member Whitbred seconded, the motion carried unanimously.

2. PSSGID Resolution 2007-04 Exempting Housing Solutions of the Southwest from Payment of Plant Investment Fees - Council Member Simmons moved to approve Resolution 2007-04. Council Member Cotton seconded and the motion carried unanimously.

3. Levine/Catchpole Access Easements - There are a number of issues with the old access easements. In doing some research they found they still don't have access to their property. So they would essentially like to start all over and do this again and get their access easements. This will involve Levine/Catchpole, the Town of Pagosa Springs Sanitation General Improvement District, and the Archuleta County School District. There will be multiple documents that will require Mayor Aragon's signature in getting this all finalized. Council Member Holt moved to authorize Mayor Aragon to sign the access easement agreements. Council Member Middendorf seconded and the motion carried unanimously.

XIV. OLD BUSINESS

1. Update on New Treatment Facility Planning - We have forgone our loan approval so we could continue work on the south site for the new plant. We will reapply for the loan in July. This property is still scheduled to close in June. Levine as entered into another contract to sell the property west of the river and this will be the party that are now going to have to negotiate with. Mr. Levine and a representative from the Mask Ranch are due out in the end of May and Mark will be sitting down with them to discuss this. We will be looking at sewer credits and land swaps in trying to come to an agreement. The line extension costs were a sticking point earlier in our negotiations, so we will be looking at buy in agreement documents with our attorney so that anyone who hooks to that line will have to pay

their portion. The downside is we will have to get financing for that extension up front. We have submitted a letter to the state asking for permitting at that location and it is pretty straight forward. The loan request to the state will be basically the same with exception to the Environmental Assessment that work is currently under way on. We still hope to be online by December 2008.

- XV. DEPARTMENT HEAD REPORT** - There were some issues in March, we violated on our ammonias again and this is perplexing to us and we are still trying to understand this. We are in the process of installing some Ph monitors to help us get a better handle on what is coming into our plant that is causing these issues. We have completed our expansion per the agreement we had with the state. We are having some problems with the surface aerators clogging so we will have to work with those on a maintenance standpoint. Mark still hopes to get some numbers on green power but hasn't had a chance to that yet. Phil did pass his A Wastewater Certification Exam.
- XVI. APPROVAL OF BILLS** – Council Member Whitbred moved to pay the bills. Council Member Holt seconded and the motion carried unanimously.
- XVII. ADJOURNMENT** – On a motion duly made the meeting adjourned at 7:02 p.m.