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TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY, APRIL 23, 2009
Town Hall Council Chambers
12:00 P.M.

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Jackson, Council Member Pierce, Council Member Weiler, Council Member Volger
- II. **LIQUOR LICENSING**
 1. **New Art Gallery Permit – Pagosa Springs Arts Council 315 Hermosa Street** – Council Member Jackson moved to approve the Art Gallery Permit for the Pagosa Springs Arts Council, Council Member Weiler seconded, unanimously approved.
- III. **DELEGATIONS**
 1. **Mayors Clean-Up Week proclamation** – The Town will assist the residents with cleaning up their properties in town. The town clean-up week will be held Monday May 11th through Friday May 15th and will be designated Pagosa Springs Clean-Up Week. Mayor Aragon feels this is a high priority, but does take into consideration that the Town does not have the funds to pick up more than 6 junk vehicles. The clean-up will be in conjunction with those properties that are in violation of the nuisance ordinance.
- IV. **NEW BUSINESS**
 1. **Reservoir River Ranch Discussion** – On March 16, 2009 the Town received a letter on behalf of Fairway Land Trust (Levine Family) which withdrew the Reservoir River Ranch annexation petition and subdivision application from the Town's review process. Council requested the opportunity to discuss this project and staff has formulated a memo with the intent of establishing a factual summary of the entire process. Formal discussions between Town staff and Reservoir River Ranch representatives date back to May 23, 2006. At this time, an additional 105 acres owned by JEM Partners LLC (west of the San Juan River & adjacent to Reservoir River Ranch property) was included within the proposed annexation. Annexation petitions were signed by both parties in July of 2007; however the review process was never initiated. On August 19, 2008 Fairway Land Trust submitted an annexation petition (absent of JEM Partners LLC acreage). The annexation petition was accompanied by a letter of intent dated August 14, 2008, land use application, agreement for payment of fees, annexation plat, concept plan, title report, annexation assessment, annexation impact report, comprehensive plan compatibility analysis, annexation agreement and a sub-surface water rights report. On September 2, 2008 the applicant presented the annexation proposal and concept plan to council. During October legal council reviewed the annexation agreement and met with Fairway Land Trust representatives to discuss specific issues. October 28, 2008 the applicant proceeded with the concurrent sketch/preliminary plan process. On November 5th, 2008 approved the resolution initiating annexation proceedings. The planning commission reviewed the annexation and zoning request, and recommended approval with two conditions (1) revise annexation plat to include the entirety of Light Plant Road right-of-way to the intersection of Hwy 84; and (2) revise survey plat issues per staff's comments and County Surveyor comments. In January the applicant requested a subcommittee meeting to review and

negotiate certain items within the draft annexation/development agreement. A January 21, 2009 meeting concluded with visible frustration from both parties regarding certain discussion points. Another meeting held February 5, 2009 concluded with an understanding of the revisions that needed to occur and a defined course of direction with more clarity for both parties. After proceeding with the easement grants and associated legal description prepared by Davis Engineering in late February. At a meeting requested by Fairway Land Trust, the Town received the letter removing the project from the Town's review process. Council Member Volger would like to keep open the door for negotiations and keep a positive attitude toward the Reservoir River Ranch Development, the Council agrees.

2. **Ordinance No. 740 (first reading) Renewal of Cable Television Franchise Agreement** - Ordinance No. 521 granted a 10 year franchise agreement beginning May 4, 1999 to Pagosa Vision, Inc. to furnish cable television to all persons, businesses and industries within the town. Resolution No. 1999-27 assigned the franchise to ICE Cable Holding, LLC. Doing business as Rocky Mountain Cable. They have requested to extend the current franchise for an additional ten (10) year term. Mr. Wayne Vestal with Rocky Mountain Cable commented on the high speed internet provided to the community and their progress in this area. Council Member Pierce moved to approve the first reading of Ordinance No. 740, renewing the cable television franchise granted to ICE Cable Holdings, LLC, Council Member Holt seconded, unanimously approved.
3. **February Sales Tax Analysis** – This years volatile economy has kept the Town on its toes to continue to give the very best service with a reduced budget. The average sales tax collections over the past two months are negative 8.72%, with February's sales tax down 24.13% from the last two year average. The Town's staff is fully prepared for a 15% or even 20% expenditure reduction should March's sales tax come in lower than expected. With possible reductions in expenditures come reductions in services as well. Town Manager Mitchem will address the March sales tax results at the mid-May meeting and possible services that may be cut if the reduction anticipated comes to fruition.
4. **Resolution 2009-13, Assignment of Police Department Surplus Firearms** – The Town Police Department has a surplus of older firearms that are no longer issued or used for duty purposes. The department would like to assign the surplus weapons to a Federal Firearms Licensed dealer for disposition and receive credit to affect the upgrades or replacements needed without impacting the budget. These upgrades will include shotguns and rifles. Mayor Aragon opened this item to public comment. Council Member Volger moved to approve Resolution 2009-13, establishing assignment of unused/surplus firearms owned by the Town of Pagosa Springs Police Department, Council Member Jackson seconded, unanimously approved.
5. **TTC Visitor Guide** – Mr. Bob Hart presented the council the new Official Visitors Guide. The completed guide is over 150 pages and over 12,000 copies will be available to the Visitors Center to send out via mail and other distribution points. The TTC spent \$10,000 out of their budget for both the summer and winter guide. This was a joint effort between the TTC, Visitors Center, and Pagosa Springs Sun and the results are a quality product. Mr. Hart explained the March lodging tax is down 4.27%, he is hoping the new visitor guide will entice visitors to come to Pagosa Springs and the lodging tax will increase. Mr. Glenn Walsh said the visitors guide is the most handsome guide he has come across and compliments the local writers and photographers.
6. **Response to criticism of the Greenhouse Project** – Town Manager Mitchem stated that the Geothermal Greenhouse Project Team will have a public forum session to address public comments and questions. Town Manager Mitchem advised council to remove this item from the agenda in favor of the Geothermal Greenhouse Project Team's public forum. Council Member Cotton moved to take the managers suggest to remove this item from the agenda, Council Member Weiler seconded, unanimously approved.

V. OLD BUSINESS

- VI. APPROVE FINANCIAL STATEMENT** – Council Member Volger moved to approve the financial statement for March and the attached payments, Council Member Weiler seconded, motion approved with one abstention (Council Member Cotton).
- VII. ADJOURNMENT** – Upon motion duly made the meeting adjourned at 12:44pm.

Ross Aragón
Mayor