



551 Hot Springs Boulevard  
Post Office Box 1859  
Pagosa Springs, CO 81147  
Phone: 970.264.4151  
Fax: 970.264.4634

## **TOWN COUNCIL MEETING MINUTES TUESDAY, MARCH 4, 2008 5:00 P.M.**

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Simmons, Council Member Steinert
- II. APPROVAL of MEETING MINUTES FROM FEBRUARY 5<sup>TH</sup> AND 21<sup>ST</sup>, 2008** – Minutes were approved as read.
- III. LIQUOR LICENSES**
  - 1. Liquor License Renewal – Los Bernal LLC dba Chato’s Restaurant**
  - 2. Liquor License Renewal – Los Garcia’s Inc dba Tequila’s Restaurant**
  - 3. Liquor License Renewal – Silver Dollar Liquor Store**
  - 4. Liquor License Renewal – Ho’s Shanghai Corp dba Shanghai Restaurant** – Council Member Steinert moved to approve the liquor license renewals, Council Member Cotton seconded. The motion carried with 1 abstention (Council Member Simmons)
  - 5. Special Event License – Humane Society (Fashion Show Brunch Fundraiser)** - Council Member Steinert moved to approve the special event liquor license, Council Member Cotton seconded. The motion carried with 1 abstention (Council Member Simmons)
- IV. DELEGATIONS**
- V. NEW BUSINESS**
  - 1. Appointment of District 1 Council Seat** - We had 2 applicants for this position Shari Pierce and Mark Weiler. Shari Pierce – Cares deeply about the town and its future and has done a lot of work with the special steering committees in the town over the last few years and has learned a lot and would like to continue that. She also has gone through the nomination petition process. Mark Weiler – He believes that this is an obligation and civic responsibility of those who have time and expertise. He believes he has expertise that would be highly valuable to the community. Council Member Simmons asked if he had any time concerns with all the meetings. He does have a board meeting that happens on the 2<sup>nd</sup> Tuesday of every month and this will not conflict with the Town Council meetings. He did not complete the nomination petition process. He would have an open afternoon where he would be available to constituents. By a vote of 4 to 2 Mark Weiler will fill this position and was sworn in.
  - 2. Review of Catholic Church Development Improvement Deferral Agreement** - The Design Review Board has reviewed this and required the church to build pedestrian improvements. The church has concerns with this and has asked that this be deferred until one of multiple things happen. Council Member Atkinson moved to approve the deferral agreement. Council Member Holt seconded, the motion carried unanimously
  - 3. Resolution Number 2008-07 – CDOT Enhancement Project Contract Approval** - This certifies that we will be committing funds for the East Hermosa Street Pedestrian Bridge. There are still some minor issues pending on this. Glenn Walsh – does the town have an idea how we are going to connect the 2 bridges. Mark said basically on Hermosa

Street. Council Member Simmons moved to approve Resolution 2008-07. Council Member Cotton seconded, the motion carried unanimously.

4. **Narcotics Officer IGA between the Town and County** - This IGA defines the different roles required by each entity for the Narcotics Officer. The County was supposed to participate in this last year and didn't hold up to their end. With this IGA they will be paying their fair share of this position. With this that will give the Sheriff's Office their part of the narcotics seizures. Council Member Cotton moved to approve the IGA. Council Member Simmons seconded, the motion carried unanimously.
5. **Hickory Ridge Housing Project Review** - Staff is looking for direction from council on the appropriate review of this project. This will be 40 unit apartments. Staff originally believed that a Conditional Use Permit would be the way to review this. The applicant is asking not to have to go through the CUP and only have to go through the Design Review Process. Staff still believes that the CUP process is the way to go. Brad Ash and Tracy Reynolds of Reynolds and Associates were here on behalf of the applicant. This is an affordable housing project faced with a CUP when the LUDC does not require it. This is in a B-1 Zoning which is defined as multi use residential. They believe that the apartment buildings are an allowed use with only applying for a building permit. So they are unclear as to why they are being asked to go through the CUP process. They had a meeting with their surveyor and town staff to discuss this. This project is being funded by federal funded and if it is not spent by a certain date the funding will be gone. Tracy Reynolds said that they have to work by the rules which is the LUDC, this says this use is allowed period. They were probably willing to go through a CUP until they found out they would have to do a traffic study. A traffic study would shut this project down period. If this project isn't built this summer it is questionable as to whether it will be built at all. He doesn't believe that the town can afford to lose another project. This is a challenging site but they think the issues can be worked through, but done through the Design Review process with the Planning Commission. Tamra stated that the CUP process was originally brought to the client and she still believes there has to be some degree of higher review. Tracy stated that they were ok with that at that time because they did not know any better and thought it was a requirement. Mark stated that the Council has already showed they are interested in this project as they have waived impact fees before they even seen any plans and we do need to work together on this. Council Member Cotton stated that he appreciates staff looking after the town but if it is not in the code or a requirement we have to go with what we have. Tamra read the portion of the code that she believes gives her the authority to determine her recommendation. The LUDC is 14 years old and has many problems with it, we are trying to get it updated. Council Member Atkinson thinks this can be win-win if we allow it to go to the Planning Commission and still deal with drainage and other issues with the LUDC. Council Member Cotton stated that since he is a neighbor to the property he retracts what he said and will not participate in the vote. Mayor Aragon stated if we don't work toward some kind of solution we are going backwards with affordable housing. Council Member Atkinson moved to approve going through the building permit along with the design review process. Council Member Weiler seconded, the motion carried with 1 abstention (Council Member Cotton).

## VI. OLD BUSINESS

1. **Ordinance No. 705 (Second Reading) – Pradera Pointe Rezone Request** - This would rezone this property to A which is single family residential. The Planning Commission has reviewed this and recommends approval with 2 conditions. Council Member Holt moved to approve the 2<sup>nd</sup> reading of Ordinance 705. Council Member Simmons seconded, the motion carried unanimously.
2. **Ordinance No. 706 (Second Reading) – Annex property known as Putnam Annexation'**  
- Kathy Young – disagrees with her 2 pieces of property being annexed into town. She doesn't think to neaten up the map is a good enough reason to bring someone into town that doesn't want to be brought into town right at this minute. She would like to stay out of the town at this time. She asked why she is being annexed at this time. Mayor Aragon stated it is an in fill and to make things more uniform. Mark also stated where there are in fill areas

there are major concerns especially at dispatch when the boundaries are convoluted. She uses her property for both residential and commercial right now and would like it to stay that way even if she sells the property. The proposal is to zone all the properties at residential. She does have an agreement that states she will be able to continue the use as long as it is continual. The zoning is recommended based on the Comp Plan. Council Member Atkinson moved to approve the 2<sup>nd</sup> reading of Ordinance 706. Council Member Simmons seconded, the motion carried with 1 nay (Council Member Cotton). Council Member Cotton moved to undo the second reading of 706. Council Member Weiler seconded, the motion carried unanimously. This is tabled and will be brought back.

**3. Ordinance No. 707 (Second Reading) – Zone property known as ‘Putnam Annexation’**

- This would assign an A District zoning to this property. The Planning Commission reviewed this and recommends approval. Kathy Young – they would like to see it zoned residential and/or commercial. They don’t know what their long term plans are right now. They currently run At Your Disposal from this property. Tamra stated that we can write a provision into the annexation agreement that lets them change the business on their property. In doing this we would know it doesn’t fit into the Comp Plan. Bob Hart – since these people have these rights now that shouldn’t be able to be taken away from them in the future. This was tabled and will be brought back.

**4. Ordinance No. 708 (Second Reading) – Landmark Designation for Pagosa Cemetery –** Council Member Simmons moved to approve 2<sup>nd</sup> reading of Ordinance 708. Council Member Holt seconded, the motion carried unanimously.

**VII. DEPARTMENT HEAD REPORTS**

- 1. Town Manager Report** – Sales tax is down for February, .8% for the year. The TTC is doing some research on some downtown WiFi. San Juan Basin Health did not get in their funding request in time for the 2008 budget and are asking for it now in the amount of \$3000. We do have about \$1400 left in the unbudgeted donation line in the service organization budget. Council Member Simmons believes that this is an essential service and assists health, safety and welfare of the community so he thinks we should find this money somewhere. By consensus fully fund them and pay them on an as needed basis. We will be scheduling a retreat in April sometime after the election. Council Member Simmons would like to see something done on the Economic Development Position in advance of our retreat so we have more to discuss when we get there. The Council Retreat will be on April 21<sup>st</sup>. Our mid month meeting for March will be on March 20<sup>th</sup> at 5:00 p.m. We will also have a public meeting with business owners prior to the retreat to discuss the Economic Development Position at the March 20<sup>th</sup> meeting. Mark got a call from the President of Rocky Mountain Cable stating that he would fulfill all of Mark’s requests on their default in their franchise agreement. Rural Health Plans Initiative is a self funded insurance that we are looking at going to in April due to better rates than our current plan with Rocky Mountain HMO. RHPI has given us 2 options 1 with an HSA possibility that is cheaper than the other plan. Mark would like to give employees and incentive to take the HSA plan by contributing half of the difference between the 2 plans into the HSA. By consensus Mark can offer the incentive to employees.
- 2. Planning Department Report** - LUDC Committee continues to meet and are a very good group. They are getting ready to begin work on Module 2 which is where the height issue will be discussed. The Committee wants to try to come up with a recommendation to Council on the heights before giving it to Clarion and Associates to do. Staff did issue a petition for annexation to Stanley Levine but have not seen it back yet. Tamra recommends having a meeting with DOLA or the Office of Community Development to discuss annexations as we are looking at some rather large ones coming into town.
- 3. Parks and Recreation Department Report** - We got bids back on Sports Complex Phase 2 and there are some that are really close that we are looking at. The bids did come in under our engineer’s estimate. We received 23 applications for the new Parks Maintenance Position we advertised for and will be doing interviews soon. Some of these applicants are County employees.

**VIII. APPROVAL OF BILLS** – Council Member Simmons moved to approve the bills, Council

Member Steinert seconded and the motion carried unanimously.

**IX. ADJOURNMENT** – On a motion duly made meeting adjourned at 7:14 pm.

**Ross Aragón**  
**Mayor**

**PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT MINUTES  
TUESDAY, MARCH 4, 2008  
7:15 P.M.**

- X. CALL MEETING TO ORDER** - Mayor Aragon, Council Member Atkinson, Council Member Cotton, Council Member Holt, Council Member Simmons, Council Member Steinert, and Council Member Weiler
- XI. APPROVAL of MINUTES FROM FEBRUARY 5<sup>th</sup>, 2008 MEETING** – The minutes were approved as read.
- XII. DELEGATIONS**
- XIII. NEW BUSINESS**
- 1. Rate Survey Information** - We are still trying to get this survey finished. We still have a few things we are trying to work through. As soon as it is available Mark will get it to Council. In our business licensing process we are doing more inspections and making sure people conform with our codes. We are starting to find people who are not paying adequate ERTs, one is Dorothy's Restaurant. They are currently only paying 1 ERT and should be assessed at 7 ERTs so there are going to be some questions coming. We need to figure out how we are going to work on these elements.
- XIV. OLD BUSINESS**
- 1. Update on New Treatment Facility Planning** - We have been debating with the state over some fees they are trying to charge us. We got a ruling in our favor that saved us about \$12,000. So now the permit process should move forward rather quickly. We are also wrapping up all our loan documents so we are ready to go with funding.
- XV. DEPARTMENT HEAD REPORT**
- 1. Supervisor Report** - Everything seems to be running fine.
- XVI. APPROVAL OF BILLS** - Council Member Cotton moved to approve the bills, Council Member Simmons seconded and the motion carried unanimously.
- XVII. ADJOURNMENT** - On a motion duly made meeting adjourned at 7:23 p.m.