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**TOWN COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 1, 2009
Town Hall Council Chambers
5:00 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. APPROVAL of MEETING MINUTES FROM November 3rd, 10th, and 19th, 2009 – Minutes were approved as read

III. LIQUOR LICENSES

1. New Hotel and Restaurant Liquor License – DJ’s Inc, 56 Talisman Drive Units 40, 50, 60 – Council Member Volger moved to approve the new hotel and restaurant liquor license for DJ’s Inc, Council Member Jackson seconded, unanimously approved.

IV. DELEGATIONS

V. NEW BUSINESS

1. REVIEW OF PLANNING COMMISSION ACTIONS FROM NOVEMBER 24, 09.

a. Rezone request for 702 S. 10th Street – The applicant, Will Spears of Wolf Creek Broadcasting, has requested a rezoning of the property from R-6 (residential low density) to D-3 (commercially zoned district). This property was rezoned during the new zoning map changes in February and the applicant does not recall receiving notice of the proposed zoning change. The new zoning would change a D-3 (commercially zoned district) to a MU-TC (mixed use town center) which is what the applicant is requesting the property be zoned. The planning commission approved the rezoning request at the November 24th meeting. Council Member Jackson moved to approve the rezoning of 702 South 10th Street from R-6 to MU-TC, Council Member Volger seconded, unanimously approved.

b. LUDC language to allow a non Resident/Town Business owner owning the property, to be eligible to serve on the Planning Commission – The planning commission has received little interest of eligible applicants to serve on the planning commission. Allowing business owners that own the associated property will enable a significant segment of town property owners to be eligible to participate in volunteering their time on the Planning Commission would increase the eligibility pool. Currently section 2.5.1.B.1 reads that all regular members shall be bona fide members of the town. The suggested language change for LUDC section 2.5.2.B.1 is as follows; “the planning commission shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Town Council by resolution. All regular members shall be Town Electors, Residents, Business Owners owning the associated property within the Town or a designated Nominee (being a resident of Archuleta County) of a business owning the associated property that is not a natural person.” The planning commission approved this recommendation at its November 24th meeting. Council Member Cotton believes it will be difficult to control who may be sitting on the planning commission. Council Member Volger supports allowing business owners to have a say on the board but would like to clarify the wording. Council Member Jackson suggest that at least three of the five members are required to be residents and two members could be residence of county and business owners or property owners. Council Member Pierce suggests all members fit the same criteria including the alternate members. Mr. Cappy White is a business and property owner and

would like to have the right to sit on the board as well as to vote in the Town elections. Mr. Bill Hudson appreciates what the council is trying to do, but says it would need to be opened to all county residents and therefore the council might get into sticky situation. Mayor Aragon tabled this item.

- 2. Lewis Building Condo Conversion recordation extension request** – The applicant, James Candy of C THREE, LLC., has requested a one year extension for recording the final plat, CC&R's and Parking Agreement for the Lewis Building Condominium Conversion at 450 Lewis Street. On July 10, 2007 the planning commission approved the conversion with conditions. On November 6, 2007 the Town Council reviewed and approved the request to convert the Lewis Building at 450 Lewis Street into nineteen (19) commercial condominium units, contingent upon the completion of several items. Due to the economic conditions the applicant is asking for a one year extension to complete the previously approved property. Town Planner, James Dickhoff, says the applicant has all of his paperwork in order with the exception of his parking agreement which he is working with his neighbor to complete. The planning commission preferred the applicant complete the paperwork by the end of this year. Council Member Holt agrees with the planning commission to have the applicant get it completed by the end of this year. Once recorded the applicant may have to come up with the parking in lieu fees of almost \$65,000, the applicant is asking for more time in an attempt to get some of the condos sold prior to the recording. However, a buyer may not complete the purchase of one of these condos if the documents are not recorded, but could go into a contract with a buyer with the intent to record. Council Member Jackson moved to approve the request by C THREE, LLC to extend the recordation of the previously approved Lewis Building Condominium Conversion Final Plat, CC&R's and Parking Agreement for a period of one year from today's date, Council Member Cotton seconded, motion carried with one nay (Council Member Holt).
- 3. Mesa Heights Subdivision final plat recordation extension request** – On August 5, 2008 the Town Council approved the replat and associated Developer Improvement Agreement (DIA) for Pagosa Mesa Heights, LLC for a portion of the Mesa Heights subdivision consisting of lots 1-7, block 4; lots 18-21, block 1. Due to the current national financial crisis and housing market, Pagosa Mesa Heights, LLC has requested an extension of at least one year for recordation of the final plat and DIA. All documents are ready to be recorded, however the developer will be required to begin the public and private improvements that are required and would like to wait for the housing market to improve. Council Member Cotton moved to approve the Mesa Heights Subdivision Replat & Development Improvement Agreement (DIA) recordation extension request for a period of one year from today's date, Council Member Jackson seconded, unanimously approved.
- 4. Resolution 2009-24 Set Mill Levy** – Each year the Town Clerk is required to certify the mill levy with Archuleta County. The deadline for certification is December 15th per C.R.S. 39-5-128(1). Resolution 2009-24 sets the mill levy at 1.573 for property tax inclusive of the mill levy for refunds and abatements based on the assessor's preliminary evaluation. Council Member Pierce moved to approve resolution 2009-24, setting the Town of Pagosa Springs Mill Levy for the budget year 2010, Council Member Holt seconded, unanimously approved.
- 5. Village at Wolf Creek** – At the November 19th meeting the Town Council discussed Resolution 2004-15 regarding the then council's concerns for the Village at Wolf Creek development. Council agrees that an economic impact analysis is important in order to understand the affects the Village will have on the Town, but that support of the land exchange doesn't require the impact analysis to be completed at this time. The Council agrees that both a legislative and administrative review process is necessary for the public to get involved and express their concerns. Council Member Cotton believes in supporting the land exchange and the new development plan which he feels is a better plan. Council Member Pierce explained she has talked with Clint Jones. She has also talked with Commissioner Moomaw who asked if the Council would meet with the County on December 10th to share the information and present a joint front. Council Member Holt suggests moving forward with support but express to the Village the Council's concerns and ask the Village to address the issues. Council Member Volger would like a letter stating the Councils support and their concerns. Mrs. Juanalee Park would support the administrative version of a land trade because it is much more transparent. Mr. Glenn Walsh is not necessarily concerned about the environmental impacts but the financial impact on the Town. He would like to see people move to Pagosa Springs rather than to the Village at the top of Wolf Creek. Council Member Cotton believes there will be a different

demographic and believes we can both prosper. Council Member Cotton moved to start the process of drafting a letter in support the dual process of the legislative as well as the administrative process which shall include a full environmental impact study and with the assurance that the environmental process is completed prior to the legislative process, motion withdrawn. Council Member Pierce would like the assurance that the impact study is completed as Mr. Jones has said can be done in twelve months. Council Member Cotton moved that Council initiate a letter of support for the Village of Wolf Creek land exchange to include support for the legislative and administrative review processes which shall include a full environmental impact study to be completed prior to the legislative action and that the letter be approved by council at a later date, Council Member Pierce seconded, motion carried with one nay (Council Member Holt). Ms. Jan Santopietro representing the Association of Realtors does support economic development, smart growth, as well as the legislative process including the environmental impact study prior to legislative action. Mrs. Patsy Lindblad suggests we are collaborative with the other communities. Mr. Michael Whiting supports economic development and the project, but believes the legislative process does not support the community. The Council will plan to meet with the County Commissioners on December 10th.

VI. OLD BUSINESS

VII. DEPARTMENT HEAD REPORTS

1. Parks and Recreation Department Report – Youth volleyball season ended November 18th and youth basketball is about half way through. The recreation department completed an evaluation of recreation program fees with compares similar towns and their fees. Based on the factors illustrated in the study and feedback from the parks and recreation commission, the recreation department does not believe a substantial fee increase would be prudent at this time. A small increase of \$5 per participant could be implemented without risking detrimental loss in program registration. Council Member Volger suggested including a late fee. The parks department continues to trap and relocate beavers from River Center Park (nine beavers have been relocated) and work with Riverbend Engineering on the design of two additional river features upstream from the Hot Springs Boulevard bridge continues. The costs to modify the design of the skate park to fit the Spring Street site will be \$4,000 to \$5,000 and will be covered by the Skater's Coalition for Concrete account.

2. Planning Department Report – The Historic Preservation Board is looking to develop a schedule of events to be included in the 2010 summer visitor's guide. The easements required for the Town to lakes trail system are coming along and the town and county staff continue working on securing the last two easement. The 1st phase of the trail will connect downtown Pagosa Springs with the Piedra Road and Hwy 160 intersection. The planning department is looking at a "safe route to school program grant" from CDOT. This grant would be helpful with South 8th Street, a route to the elementary school which would include sidewalk connection along the City Market property, retaining walls, and crosswalks. The maximum amount available is \$250,000 and is 100% with no matching requirements. The Town would be responsible for any project overruns. Design fees have been donated and will include neighborhood meetings. Council Member Holt moved to give the planning department the go ahead to apply for the safe route to school grant, Council Member Weiler seconded, unanimously approved.

3. Town Tourism Committee Report – Lodgers tax receipts as of this date are down slightly with two properties yet to report, but are expected to be above last year's collections when the Town receives the payment. Visitor center fulfillment requests are up compared to October 2008, with most requests from Texas, then Colorado, California, Arizona and finally Illinois.

4. Town Manager Report – A team for the development of economic advancement will meet on December 7th to outline a course of action. Council Member Weiler's idea of publishing a Doing Business in Paradise – a companion to the Pagosa Springs Official Visitor Guide has great potential and a team will need to look into deploying this guide before the spring distribution timeframe. The capital improvement plan presented by SGM Engineers reviews infrastructure information and prioritization of capital improvement projects. The impact fee study will be presented by Andy Knudtsen of Economic and Planning Systems Inc on December 16th at the County Commissioners meeting room at 11:30am. Sales tax revenues for September have decline -17.07% compared to September 2008. DOLA is putting up \$17 million dollars for a fiber optics system, Archuleta County and the Town is working to apply for a multiple jurisdiction grant worth \$4 million and is also looking for a federal grant to lower the match amount. The Southwest

Council of Governments is the applicant on the grant with the local jurisdictions providing the match.

VIII. Town Manager one-year review with possible Executive Session per C.R.S. Section 24-6-402(2)(f) for discussion of a personnel matter and not involving any specific employees who have requested discussion of the matter in open session – Mayor Aragon asked Town Manager David Mitchem if he would like his review to be in open session, his response was no he would like to discuss in executive session. Council Member Holt moved to go into executive session per C.R.S. Section 24-6-402(2)(f) for discussion of a personnel matter and not involving any specific employee who have requested discussion of the matter in open session, Council Member Jackson seconded, unanimously approved. Mayor Aragon declared the meeting back in session at 7:08pm.

IX. Next Town Council Meeting December 17, 2009 at 12noon – Council Member Weiler asked about changing the meeting on December 17th to December 15th at 5:00pm. It was consensus that a special meeting will be held on December 15th at 5:00pm. The regular meeting on the 17th will also be held as scheduled.

X. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 7:12pm

**Ross Aragón
Mayor**