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TOWN COUNCIL MEETING MINUTES TUESDAY, OCTOBER 6, 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 September 1st and 17th, 2009 – The minutes were approved as read.

III. LIQUOR LICENSES

- 1. Liquor License Renewal – Bessie Montoya dba Elkhorn Café, 438 C Pagosa Street**
- 2. Liquor License Renewal – Ramons Restaurant, 56 Talisman Drive** – Council Member Jackson moved to approve the liquor license renewals for the Elkhorn Café and Ramons Restaurant, Council Member Volger seconded, unanimously approved.

IV. DELEGATIONS

V. NEW BUSINESS

- 1. Resolution No. 2009-22 Appointment of TTC Members** – The TTC board voted on September 15, 2009 to recommend the appointment of Larry Fisher and Keely Whittington to the Town Tourism Committee for two year, at-large terms. Council Member Volger moved to approve Resolution 2009-22, appointing Larry Fisher and Keely Whittington to the Town Tourism Committee for two (2) year, at large terms, Council Member Holt seconded, unanimously approved.
- 2. Emergency Ordinance No. 745 Medical Marijuana Dispensaries Moratorium** – At the September 17, 2009 joint Town & County meeting, a committee was appointed to consider the options available to the Town & County concerning the proliferation of business license inquiries for Medical Marijuana Dispensaries. The state constitutional initiative that authorized the medical use of marijuana makes no attempt to regulate the location or operation of medical marijuana dispensaries. Further, although regulatory authority over the medical use of marijuana is delegated to the CDPHE, that department has also made no apparent effort to regulate medical marijuana dispensaries. The committee meeting on September 25th resulted in the Town representatives deciding to recommend that the Town Council implement a moratorium on the issuance of businesses licenses for medical marijuana dispensaries to allow the Town to consider options. Section 3.10 of the Town Home Rule Charter allows the Town Council to enact an Emergency Ordinance for the preservation of public peace, health or safety, upon a single reading and a majority vote of the council members present. Planning department representative, James Dickhoff, read the title for the record. Council Member Pierce explained that the ninety day timeframe should give the Town plenty of time to look at what other municipalities are doing and if the Council decides to move forward staff can act earlier than the 90 days. Council Member Jackson asked the Council to decide if the Council is in agreement to either move forward or not with this item. Council Member Holt said that if the Council should decide to amend the code that is the first decision, the second decision is then how to change the code. Council Member Weiler suggests using the Town's resources to benefit the majority of the Town's residents and doesn't believe this ordinance would benefit

the residents at this time. He believes based on the current code, the Town should deny any marijuana dispensary business license application. Council Member Volger confirmed his understanding that unless the Council agrees to change the municipal code to allow the dispensaries, the Town's current code does not allow the issuance of a business license for a marijuana dispensary. Mayor Aragon opened this item to public comment. Mr. Larry Fisher asked about a possible change in administration at the state or federal level that may then change the way the Town would conduct its procedures, Council Member Pierce explained that should that happen, the Town would then not renew the stores business license. Morgan Murri asked the Council to at least decide how to handle the current applications the Town has received for the benefit of the applicants. Mr. Martin Woods has a pending application and would like the Council to think about the patients who need this medicine along with the medical professionals who have determined the needs for these patients. His business is concentrating on the wellness of the patients including the costs of medicine and other products available for the patient as a whole. Council Member Holt has looked up the number of patients in Archuleta County who have registered for a medical marijuana card and there are only 25 people. He doesn't believe there are enough County residents to support this business. Mayor Aragon called for a work session on October 15th at 12:00noon with Council and possibly the County to continue to discuss this item.

3. **2010 Preliminary Budget** – The draft 2010 budget proposal includes the 2009 estimate column, which reflects the budget policy Town Council put in place November 2008 with Resolution 2008-33, by deploying a financial stability plan, reducing the Town expenditures upon the advent of lower revenues over two consecutive months. In response to the volatile economy, the Town's current revenues and expenditures are at reduced levels (10% reduction in revenues and 15% reduction in expenditures). The draft budget projects a continued decrease in sales tax and has been organized with a 5% reduction in sales tax revenues based on the projected 2009 sales tax receipts. Included with the draft budget are funding requests from departments for items over and above the 2009 budget. The Town Council will be asked to act on these requests on a case by case basis during the mid-October work sessions. Council Member Weiler would like to continue to build the Town's reserve funds and praises the Town staff for their fiscal prudence in keeping within budget.
4. **Discussion of Service Organization Funding** – The 2010 draft budget includes funding requests from local service organizations. In the past the Town has asked for requests without including any specific guidelines or requirements, the Town Council asked to modify this practice. By requiring the service organizations who wish to appeal to the Council for donations to complete an application with specific answers to questions the Council has requested would expedite the service organization budgeting process. Council Member Holt suggests adopting a policy not to exceed 3% of the general fund estimated budget to give to the service organizations. Council Member Weiler would like to consider looking into the economic benefits of using the funds to improve the local economy.

VI. OLD BUSINESS

VII. DEPARTMENT HEAD REPORTS

1. **Parks and Recreation Department Report** – The soccer season ends next week and volleyball season begins. To dates, total program participation is up approximately 11 percent over last year. The parks crew recently assisted the streets crew with preparation of the section of the riverwalk between the Hot Springs Blvd Bridge and Tequilla's restaurant, which was repaved the week of September 21st. Budget permitting, the parks crew will also work on aerating, reseeding and fertilizing the Yamaguchi Park. The Council formed a committee to choose the layout and wording of the memorial plaque that is to be installed at Yamaguchi Park along with a dedication scheduled for later this month. With assistance from the Skaters' Coalition for Concrete, parks and recreation director, Tom Carosello, is working toward the completion of preliminary geotechnical tests and environmental review for the Spring Street skate park site. Council Member Holt asked about the possibility of the County increasing the funding for the Parks and Recreation departments. Council Member Volger said the committee formed to look into a possible recreation district has a five year plan and that the committee is working to get more funds to the Town. Council Member Weiler believes a five year plan is a good thing, but would like the

County to support the Town departments in the 2010 budget.

2. Planning Department Report – The Historic Preservation Board and staff would like to thank the streets department for erecting the “Preserve America” designations signs. Staff is working with Historic Designation Property owners to place the “Historic Designation Plaques” on their building or on their property. The last Planning Commission meeting was cancelled due to lack of quorum. A vacancy still exists on the Planning Commission and public notice will continue to be notices in the Sun newspaper along with a public service announcement to solicit potential new planning commission candidates.

3. Town Tourism Committee Report – Lodger’s tax collected for August 2009 was down 1.6%, however year to date represents a 15.76% increase over 2007 and a 7% increase over 2008. A new interactive media kit provided for press and media inquiries are being made available online.

4. Municipal Court Department Report – The Town of Pagosa Springs receives a grant from the Tony Grampas Youth Services program and with this grant the Juvenile Services Program receives program evaluations at no cost. The data indicates youth who participated in the Juvenile Services Program reduced their use of tobacco, alcohol, and illegal drugs, and reduced many of their delinquent behaviors. Court staff continues to administer pre-tests and post-tests on program youth as they enter and exit the program. Staff is also collecting recidivism data six and twelve months after youth exit the programs and expects to have a 12-month recidivism data set next year.

5. Town Manager Report – Sales tax receipts for July 2009 have declined 2.88% compared to July of 2008. Year to date sales tax receipts are down 6.84% compared to 2008. Town staff reinforced the river bank to provide greater stabilization for the preparation of the repaving of the riverwalk. The staff continues to work on acquisition of easements to facilitate the expansion and connection of Town trail systems. SGM Engineers have been working on the five-year Capital Improvement Plan scheduled to be completed in November. EPS has indicated the impact fee study results should be available in about four (4) weeks.

VIII. Next Town Council Meeting October 22nd, 2009 at 12noon

IX. ADJOURNMENT - Upon motion duly made, the meeting adjourned at 6:30pm

**Ross Aragón
Mayor**