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**TOWN COUNCIL MEETING MINUTES
TUESDAY, JANUARY 5, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker, School Representative Thompson

- II. **PUBLIC COMMENT** – Mr. Jason Werby owner of the new Green House marijuana retail store would like to get onto the town council agenda regarding appropriate signage request. He would like a green cross posted at his business. Town Manager Schulte asked Mr. Werby to bring the information to the council at the January 21st meeting.

- III. **CONSENT AGENDA**
 1. **Approval of the December 17, 2015 Meeting Minutes** – Council Member Lattin asked to remove the Walmart item 2 from the consent agenda. Council Member Bunning moved to approve the consent agenda excluding item 2, Council Member Egan seconded, unanimously approved.
 2. **Wal-Mart Exterior Lighting Appeals Hearing Extension Request** - Both parties of interest, Wal-Mart and the Planning Director, previously agreed to extend from the 60 day period to the 90 day period. Additionally, both parties of interest, Wal-Mart and the Planning Director, agreed to the previous 90 day extension and agreed to this current request to extend for an additional 90 days until April 21st. Council Member Lattin asked how the Town knows that Walmart is working on fixing the problem and the complainants have been kept up on the process. Town Manager Schulte said he believes Walmart is in good faith trying to comply with the regulations and he believes the neighboring complainants have been made aware of the process. Town Planner has indication from Walmart for a solution with the manufacturer. He said an appeal hearing has been noticed in the paper for the January 21st meeting depending on Town Council's decision tonight. Council Member Schanzenbaker moved to approve a 30 day extension for conducting an appeals hearing based in the Notice of Appeal submitted by Walmart Real Estate Business Trust, setting the hearing date for, Council Member Schanzenbaker withdrew his motion. Council Member Schanzenbaker moved to approve an extension for conducting an appeals hearing based in the Notice of Appeal submitted by Walmart Real Estate Business Trust, setting the hearing date for March 1st 2016 unless an extension approved, Council Member Egan seconded, motion carried with one nay (Council Member Patel).

- IV. **NEW BUSINESS**
 1. **Resolution 2016-01, A Policy to Enhance the Town's Financial Stability** - Beginning in 2009 the Town implemented a system of monitoring the Town's revenues on a monthly basis and reporting fluctuations from prior year's revenues to the Town Council. It is Town staff

recommendation that this policy continue to be in place for 2016. : Whenever the percentage of sales tax revenues collected falls more than five percent (5%) below the average revenues collected for the same period in the preceding two fiscal years and the percentage of sales tax revenues collected in the previous month (or previous two months) falls five percent (5%) below the average revenues collected for the same periods in the preceding two fiscal years, the Town manager shall implement an seven percent (7%) reduction in sales tax related expenditures. Utilizing this method, the Town will not delay its response to changes in the revenue stream. Council Member Schanzenbaker asked if the reductions include one time funds. Town Manager Schulte said the calculation during 2015 was used without the one time funds included. Council Member Alley would like to review the residential impact fees since the town continues to encourage new residential developers in town. Council Member Lattin moved to approve Resolution 2016-01, a policy to enhance the Town's financial stability, Council Member Bunning seconded, unanimously approved.

- 2. Resolution 2016-02, Setting 2016 Fee Schedule** – This annual approval keeps the fees fresh and up to date. Changes to the fee schedule include deletion of Large Retail Development permit. This entire LUDC section was deleted prior to the Walmart application; an increase of the Design Review (Major) from \$200 to \$300 due to the time required to review and prepare staff reports for the design review board; deletion of the \$10-\$50 deposit required for temporary signs, as this has never been an issue; and reduction of the Jury Fee for Criminal Matters from \$90 to \$25, based on Judge Anderson's new order. Council Member Schanzenbaker suggests reviewing the residential impact fees for the size of the house. Town Planner Dickhoff said the square foot might be discussed. Council Member Schanzenbaker suggests impact fee discussion at the next joint county meeting. Council Member Lattin moved to approve Resolution 2016-02 setting Town fees for 2016, Council Member Bunning seconded, unanimously approved.
- 3. Ordinance 836, First Reading, Schedule Time, Date, Location and Place of Posting of Regular Town Council Meetings** - Section 3.1 of the Town Charter requires the Town Council to hold regular meetings at least once a month and that the schedule for those meetings are made by ordinance, setting a time, date and place for the regular meetings. This ordinance sets regular meeting for the first Tuesday and third Thursday of each month at 5:00pm. It also sets the location of Town Hall where the agenda will be posted. Council Member Alley moved to approve first reading Ordinance 836, identifying Town Council regular meeting dates, locations, times and agenda posting requirements, Council Member Egan seconded, motion passed with one nay (Council Member Lattin).
- 4. Seeds of Learning Funding Request** - Council Members Alley and Patel recused themselves from this item due to having children who attend the center. Seeds of Learning submitted an application for \$10,000 for the breakfast/hot lunch/snack program it provides for the participants in their program. The hot lunches provided encourages the children to eat a variety of food that are prepared in the food pyramid. Children who eat healthy foods will be more likely to make better food and nutrition choices as adults and studies have shown that well-nourished children learn better than under nourished children. According to Seeds information, approximately 81% of their families are low to low-moderate income according to HUD standards. Apparently Seeds had received grant funding but has since lost this funding from the State. Council Member Schanzenbaker moved to authorize \$10,000 for Seeds of Learning for their breakfast/hot lunch/snack program for 2016 to be paid from the Early Childhood/Attainable Housing Council Initiatives line item of the Economic Development section of the 2016 Budget, Council Member Bunning seconded, unanimously approved.
- 5. Pawnbrokers Ordinance Revision** - In 2005 by Ordinance 648, the Town Council amended Article I, Section 6.2 of the Municipal Code regulating Pawnbrokers. Included in that section is a provision that regulates the fixed price a Pawnbroker may charge on a contract for service to 10% of purchase price over \$50 or 20% for under \$50. Colorado Revised Statutes (CRS 12-56-101) passed by the Legislature in 2012 regulates Pawnbrokers on a statewide basis defining fixed price and specifies that it is not to exceed 20% for any contract for service. Council Member Lattin moved to direct staff to bring back for Council's consideration an Ordinance to amend Article I, Section 6.2 of Municipal Code regarding Pawnbroker regulation changing the fixed price

limitation to be no more restrictive than state statute, Council Member Egan seconded, unanimously approved.

6. **Appointment to Southwest Basin Roundtable** - To facilitate discussions on water management issues and encourage locally driven collaborative solutions, nine basin roundtables were established by the Colorado Water for the 21st Century Act. These roundtables represent each of the state's eight major river basins and the Denver metropolitan area. The Southwest Basin Roundtable is located in the southwest corner of Colorado and covers an area of approximately 10,169 square miles and includes Archuleta, La Plata, Dolores, Hinsdale, Montezuma, San Juan, and San Miguel counties. Council Member Bunning moved to designate Council Member Alley as the Town of Pagosa Springs representative to Southwest Basin Roundtable, Council Member Patel Lattin seconded, unanimously approved.
7. **Mountain Crossing Preliminary Plan Extension Application** - On December 23, 2015, Alice Platt, the Mountain Crossing commercial subdivision representative and owner, submitted a complete application for Preliminary Subdivision Plan Extension, requesting a three year extension of the previously approved preliminary commercial subdivision plan. The Proposed Mountain Crossing Commercial Subdivision development is located on 70 acres at the SE corner of Hwy 160 and Hwy 84. As part of the required application submittal, the applicant has provided evidence that property taxes are paid to date with a zero (\$0) balance, ownership of the property is still under Mountain Crossing, LLC, and there are no mortgages or loans outstanding on the property. Council Member Bunning moved to approve a three (3) year extension of the Mountain Crossing Subdivision preliminary plan approval, in compliance with the contingencies set forth in the original approval and additionally included on December 2, 2014, Council Member Egan seconded, unanimously approved.

- V. **PUBLIC COMMENT** – Mr. Bill Hudson suggests requesting a budget from the applicants for the service organization and childcare funds. He said impact fees are associated with an impact. He said residential development is what causes the impact on the town. He suggests getting rid of impact fees.
- VI. **COUNCIL IDEAS AND COMMENTS** – Council Member Egan asked for the new rollers on the council chairs. This Friday at 6pm the Town Council will compete against the County in a pickle ball tournament. Deputy Town Clerk Rita Prokop is going to be retiring in February. There is a pot luck on the 4th of February to celebrate her 36 years of service to the Town.
- VII. **NEXT TOWN COUNCIL MEETING JANUARY 21, 2016 AT 5:00PM**
- VIII. **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:27pm.

Don Volger
Mayor