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**TOWN COUNCIL MEETING MINUTES
TUESDAY, JANUARY 6, 2015
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, also in attendance Town Attorney Bob Cole
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM DECEMBER 18, 2014** – Council Member Egan moved to approve the meeting minutes, Council Member Lattin seconded, unanimously approved.
- IV. **PUBLIC COMMENT** – Mr. Les Bivens would like authority to speak with the town parks department to look into the possibility of building a small ice park on the river side of Reservoir Hill. The San Juan Search and Rescue would be doing the work. Town Manager Schulte explained that he and staff have met with Mr. Terry Baker and are happy to speak with the group and bring information back to the Town Council.
- V. **LIQUOR LICENSE**
 1. **New 3.2 Beer Off-Premise Liquor License – Wal-Mart Stores Inc. dba Walmart Supercenter #5003 at 211 Aspen Village Drive** – Mayor Volger opened this public hearing item asking for any public comment. Mr. Thomas Dunn, attorney representing Walmart, said that he as well as Mr. Max Scott with Oedipus Inc., were available for questions. Oedipus Inc. was the firm that conducted a petition of the surrounding area around the new Walmart store asking residents and business owners their opinion of the liquor permit. 188 people were contacted, 82 chose to participate, 69 signed in favor, 12 signed opposing the permit. No other comments, the Mayor closed to public comment. Council Member Lattin moved to approve the new liquor license for Wal-Mart Stores Inc. dba Walmart Supercenter #5003 at 211 Aspen Village Drive, Council Member Bunning seconded, unanimously approved.
 2. **Special Events Liquor Permit – Pagosa Springs Area Chamber of Commerce Annual Meeting January 24, 2015 at the Ross Aragon Community Center 451 Hot Springs Blvd** – Council Member Lattin moved to approve the Pagosa Springs Area Chamber of Commerce event January 24, 2015, Council Member Egan seconded, unanimously approved.
- VI. **NEW BUSINESS**
 1. **Resolution 2015-01, A Policy to Enhance the Town’s Financial Stability** – The town continues to see an overall increase in year to date 2014 sales tax revenue which is up 9.67% or \$239,384 compared to the same period in 2013. An analysis has been provided each month to estimate how sales tax collections are compared to the budgeted amount. The data points to an improved local economy and the general feeling is the local economy is in turning upward. However, there is a certain amount of uncertainty as we do have the new Wal-Mart that is scheduled to open on April 1st, 2015. In combination with an improved economic outlook, the addition of Walmart could prove to be a boon to Town revenues. 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. This resolution reduces the chances of the Town experiencing negative cash flows due to strict monitoring and resulting actions in the event of a consistent decrease in sales tax revenues. Council Member Schanzenbaker asked about unnatural spikes that may dictate an unnecessary reduction. Town Manager Schulte said that discretion and consideration can be given to each situation and the Town Council will be made aware of the situation before any reductions are made. Council Member Bunning moved to approve Resolution 2015-01, a policy to enhance the town's financial stability, Council Member Schanzenbaker seconded, unanimously approved.

2. **Resolution 2015-02, Setting 2015 Fee Schedule** - The Town Council establishes rules and regulations for operations of the Town and provides for the establishment of fees for various Town services. Resolution 2015-02 sets out all town fees for the Town Council's review and annual approval. The fees include charges for parks and recreation, municipal court, building department, town clerk, and police fees. Some fees that are not charged at this time include non-sufficient check return, use of credit card fees, and extensions to approved plan reviews. The planning department is working on changes to the LUDC that may include fee changes to major subdivision plan extensions. A public process to change some of the items on the schedule should come before council at another noticed meeting. The Friends of the Skate Pavilion asked to set up their rink in Town Park, this endeavor is a new action and a head tax is expected to be received, it does not fall into the fee schedule at this time. Council Member Lattin moved to approve Resolution 2015-02, setting town fees for town services for 2015, Council Member Alley seconded, unanimously approved.
3. **Ordinance 819, First Reading, Accepting a Pedestrian Easement at 703 San Juan Street** - The Planning Director has been working with the property owner of 703 San Juan Street, Citizens Bank President Kyle Cox, for the last year to establish a pedestrian path (sidewalk/trail) along the northern boundary of 703 San Juan Street. Staff has recently coordinated a plat dedicated pedestrian easement along the north 10 feet of the former City Market property at 755 San Juan Street. These two easements will allow for pedestrian path connectivity along the south side of Hwy 160 between S 8th St. and S 7th St. Staff will work to have a connection installed this summer with railing and parking blocks as well as striping in the affected parking areas. The property owner is responsible to maintain the sidewalk/path area. Signs will be added prohibiting overnight parking and solicitations at the fence. The Hwy side of the walkway is owned by CDOT and has been cleared of weeds by the Town parks department on a regular basis. Council Member Schanzenbaker moved to approve the first reading of Ordinance 819, an ordinance of the Town of Pagosa Springs, accepting an easement for real property known as the north 10 feet of a tract of land lying and being a portion of lots 1, 2 and 3 of block 39 and the portion of San Juan Street as vacated under Ordinance 244, including an enlarged easement area at the north/east corner of subject tract of land, within the Townsite of Pagosa Springs, Council Member Bunning seconded, unanimously approved.
4. **Ordinance 820, First Reading, Schedule Time, Date and Place 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. It also sets the location of Town Hall where the agenda will be posted. Council Member Bunning suggested having more evening meetings and have only one department head report in person each month. Council Member Alley said evening meetings are a better fit for his schedule. He suggests the work sessions be held the hour before the evening meetings. Council Member Schanzenbaker is an advocate for evening meetings. Council Member Bunning moved to approve first reading of Ordinance 820, identifying Town Council regular meeting dates, locations, times, and agenda posting requirements, to include that both regular monthly meetings be held at 5:00pm, Council Member Schanzenbaker seconded, unanimously approved.
5. **Ordinance 821, First Reading, Accept Conveyance of Interest in Community Center from the Community Facilities Coalition** - In May 2001, the Town and Coalition agreed to fund and construct the community center. Included in the agreement was the intent of the Coalition to operate the Community Center and the Town to financially participate in the construction in return for priority use rights to the center. Town staff and representatives of the Coalition began discussions about the operational structure and future of the Community Center with the goal of

revising the Coalition bylaws and agreement. It was indicated the desire to clarify the operational and fiscal relationship between the Town and the Coalition. The discussions resulted in the agreement to transition the fiscal agency of the Center from the Coalition to the Town effective January 1, 2015 and operational oversight of the Center by the Coalition. In mid-December 2014, the Board of Directors for the Coalition met and concluded it was in the best interests to dissolve and convey their 49% interest to the Town. The Coalition is having their legal counsel review the documents prior to signing the quitclaim deed and bill of sale. Council Member Egan moved to approve the first reading of Ordinance 821, an ordinance of the Town of Pagosa Springs accepting the quitclaim deed and bill of sale for real and personal property known as the Ross Aragon Community Center, subject to the signing of the quitclaim deed and bill of sale by the Coalition, Council Member Schanzenbaker seconded, unanimously approved.

- 6. Resolution 2015-03, A Resolution Appointing Members to the Code Board of Appeals –** Upon approval of Ordinance 818, Mayor Volger returned discussion to VI.6. Qualifications of the board of appeals shall consist of members who are qualified electors and residents of Archuleta County for a minimum of two (2) years prior to appointment. All members shall have experience in, and be knowledgeable about, the ICC Codes. All members shall hold current professional credential, certificates and/or license and have experience in construction, engineer or design and fire protection professional or fire experienced contractor or engineer. It is recommended that the Code Board of Appeals be a joint venture between the Town of Pagosa Springs and Pagosa Fire Protection District for hearing appeals to the adopted ICC Codes. The Fire District Board has approved the recommendation of these board members. Council Member Bunning moved to approve Resolution 2015-03, appointing regular members Jim Van Liere, Larry Ash, Vernon Leslie, Michael Davis and Ernest Karger; and Alternate Members Dennis Schick, Peter Adams and Robert Sparks to the Board of Appeals to hear appeal(s) under the International Code Council Codes as provided in Section 6.13 of the Land Use and Development Code, Council Member Lattin seconded, unanimously approved.

VII. OLD BUSINESS

- 1. Ordinance 818, Second Reading, Amending the LUDC to Provide for a Code Board of Appeals –** Mayor Volger skipped VI.6 until the final approval of Ordinance 818, second reading. The International Code Council Codes (ICC Codes), including both the Building and Fire Codes have both been adopted by the Town, including provisions regarding the Fire Code's own board of appeals and appeals process. Therefore, in order for the Town to establish the Board of Appeals with the Fire District, an ordinance is required to amend the Town Code. As recommended by legal counsel, the Town Council must also adopt a new Resolution appointing the member of the Board of Appeals (reference agenda item VI.6). It is proposed the Board is established to hear and decide on appeals of order, decisions, or determinations regarding building and fire code enforcement within the Town of Pagosa Springs and Archuleta County. The Appeal Board will hear witnesses, review evidence and interpret the International Code Council (ICC) building and fire codes as adopted and/or amended by each respective jurisdiction. Decisions of the Appeal Board are final and binding upon all parties involved in the hearing process. Council Member Schanzenbaker moved to approve Ordinance 818, second reading, amending Section 6.13 of the Land Use and Development Code to provide for a Code Board of Appeals with the amendment in Section G, line 10, to change "Town Council" to "Board", Council Member Alley seconded, unanimously approved.

- VIII. PUBLIC COMMENT –** Mr. Bill Hudson asked about financial matters. Town Attorney Cole said that the town is not bound by ordinance or resolution regarding financial matters. Mr. Hudson also asked about public comment on the ordinances. Town Attorney Cole said per town charter the council is not obligated to open ordinances for public comment.

- IX. COUNCIL IDEAS AND COMMENTS –** Council Member Egan is concerned the grass under the new skate pavilion in town park will be damaged. He would like a different location for the rink in the future. Town Manager Schulte said the cover of the rink may actually keep the grass warm and might bring the grass back better and that the rink in this location was a one-time experiment. Council Member Egan asked about sidewalk maintenance. Town Manager Schulte said the sidewalks are the responsibility of the property owner and the police department will be contacted to fine those that are not caring for their sidewalks. He said the Town of Leadville hires a contractor to clear sidewalks and

the property owner is given a time deadline and if not cleared the contractor will remove it and the property owner will be billed. Council Member Schanzenbaker would like to look at other options for sidewalk clearing, Council Member Lattin agrees but would like sidewalk clearing options for both the commercial and residential areas.

- X.** Mayor Volger recessed the regular meeting of the Town Council at 6:24pm to convene the Sanitation District meeting. Mayor Volger reconvened the regular meeting at 6:32pm and immediately recessed until 6:45. The meeting reconvened at 6:45pm.
- XI. EXECUTIVE SESSION**
- 1. Purchase of Real Property Lots 6 & 7 Block 33 with Possible Executive Session Pursuant to C.R.S. Section 24-6-402(4)(a) Concerning the Purchase, Acquisition, Lease, Transfer, or Sale of any Real, Personal, or other Property Interest and C.R.S Section 24-6-402(4)(e) Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators** – Council Member Lattin moved to enter executive session for the information regarding the purchase of real property lots 6 & 7 block 33 pursuant to C.R.S. Section 24-6-402(4)(a) concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest and C.R.S. Section 24-6-402 (4)(e) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, Council Member Egan seconded, unanimously approved at 6:49pm. Mayor Volger called the meeting back in regular session at 8:42pm.
- XII. NEXT TOWN COUNCIL MEETING JANUARY 22, 2015 AT 5:00PM**
- XIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 8:43pm.

Don Volger
Mayor