



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

**TOWN COUNCIL SPECIAL MEETING MINUTES  
THURSDAY, JANUARY 24, 2013  
Town Hall Council Chambers  
12:00 P.M.**

- I. CALL MEETING TO ORDER** – Mayor Aragon, Council Member Alley, Council Member Bunning, Council Member Cotton, Council Member Lattin, Council Member Schanzenbaker, Council Member Volger
- II. APPROVAL of MEETING MINUTES FROM JANUARY 8 & 14, 2013** – Minutes were approved as read
- III. PUBLIC COMMENT** – Mr. Matt Roane is representing the sponsors of Issue A on Ordinance 781. He said that he understands the wording for the ferris wheel, go-karts, and roller coasters is not agreed upon by the town council representatives, he said the language on the petition is set at this time and cannot change. He said the ballot language is not set and proposes to change the ballot language to get folks to focus on the rides considered. Add the phrase “such as chairlift, alpine coasters and zip lines” is agreeable by Issue A representatives if the election date is moved up to March 26<sup>th</sup>. He said the change of date is not in violation and would like to change the election date in exchange for changes to the ballot language. Council Member Volger likes the change in the ballot language, the date he is concerned about and asked why they want the change in the date. Mr. Roane said that April is a shoulder season and the business owners want to get the word out, he also said the vested rights for an entity that might sign a contract in February or March would not be affected by the election. He said an election to ask the constituents exactly what they want on the hill after the home rule charter election, if it is changed, is what the town council should want. He said the date change is not an issue legally in his opinion.
- IV. LIQUOR LICENSE**
  - 1. New Beer & Wine License – Fore Play at Bogey’s Inc dba Bogey’s Mini Golf located at 83 Pike Drive, Pagosa Springs** – Mayor Aragon opened this item up for public comment, none received. Council Member Volger moved to approve the new beer & wine license for Fore Play at Bogey’s Inc dba Bogey’s Mini Golf located at 83 Pike Dr., Council Member Lattin seconded, unanimously approved.
  - 2. Liquor License Renewal – Mark Leavitt dba Aspen Moose located at 2800 Cornerstone Dr. Bldg B2 Unit 4, Pagosa Springs** – Council Member Volger moved to approve the liquor license renewal for Mark Leavitt dba Aspen Moose located at 2800 Cornerstone Dr Bldg B2 Unit 4, Council Member Lattin seconded, unanimously approved.
  - 3. Special Events Liquor Permit – Buckwild Productions Inc, Outlaw Snowdown at Town Park February 8 and 9, 2013**
  - 4. Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition, Dance March 15, 2013 at the Ross Aragón Community Center**
  - 5. Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition, Dance April 5, 2013 at the Ross Aragón Community Center**

6. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition, Cinco de Mayo Festival May 3, 2013 at the Ross Aragón Community Center**
7. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition, Celebrate America Concert July 5, 2013 at the Ross Aragón Community Center**
8. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition, Festival of Trees December 6, 2013 at the Ross Aragón Community Center**
9. **Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Chilly Bowl February 7, 2013 at the Ross Aragón Community Center**
10. **Special Events Liquor Permit – Pagosa Springs Chamber of Commerce Hot Toddy Contest February 10, 2013 on the Riverwalk below the Overlook Parking Area –** Council Member Lattin moved to approve the special events permit for Buckwild Productions Inc Outlaw Snowdown February 8 & 9, Pagosa Springs Community Facilities Coalition Dance March 15, Dance April 5, Cinco de Mayo Festival May 3, Celebrate America Concert July 5, and Festival of Trees December 6, the Pagosa Springs Chamber of Commerce Chilly Bowl February 7 and Hot Toddy Contest February 10, Council Member Alley seconded, unanimously approved.

## V. NEW BUSINESS

1. **Resolution No. 2013-01, A Resolution Adopting a New Impact Fee Schedule** – The Town Council has been discussing amending the Town’s impact fee schedule in light of an expected large retail development building permit application. Current impact fee collections include collections for a new County Administration Building and a Recreation center, fees collected both of these items are unlikely to be expended prior to the ten year requirement. Town staff has suggested amending these use of the future fees to include collection for a town shop and park/recreation shop, and a recreation facilities/amenities fee for restrooms, picnic structure and alike. The road fee would be amended to include the 5<sup>th</sup> Street Bridge and road extension project and Hwy 160 corridor commuter routes (from elementary school to aspen village) as they relate to the town to Pagosa lakes trail. Staff has suggested four options for the council to consider which include options for use of funds for the reservoir hill project, general recreational, and a percentage of road attributions. Town Planner Dickhoff said there have been decreases in housing and industrial building, retail has been increasing. Council Member Cotton doesn’t want any impact fees, he would like to go with the least expensive option. Council Member Volger and Alley agree with option B or C, Council Member Volger said that impact fees are accepted revenues to be used for infrastructure due to growth. Council Member Bunning said the goal needs to be encouraging new business and believes this may have an impact, but is concerned with providing the infrastructure needed for new development. Council Member Lattin moved to approve Resolution 2013-01, adopting a new impact fee schedule Option B, Council Member Volger seconded, motion carried with on nay (Council Member Cotton).

## VI. OLD BUSINESS

1. **Ordinance 781, Second Reading, Setting Ballot Title and Calling a Special Election -** On October 26, 2012 the town clerk’s office received a statement of intent to circulate a petition to amend the Town’s Home Rule Charter regarding construction on Reservoir Hill Park. The petition form was approved for circulation on November 9<sup>th</sup>, 2012. On November 27, 2012 the petition was returned to the clerk’s office with 276 signatures. The town clerk has certified 212 of those signatures as registered town electors and determined the petition satisfactory. At the first reading of Ordinance 781, the Town Clerk asked that the election date be set to April 23, 2013 to accommodate a second petition circulation as well as assist with the Town Clerk’s completing several mandatory first of the year duties. Notice of Election on April 23, 2013 was published in the Sun Newspaper on December 27, 2012. A letter to withdraw the second petition was received in the clerk’s office on January 16, 2013. Although the 2<sup>nd</sup> petition has been withdrawn, the town clerk recommends the election be held on the 23<sup>rd</sup> of April as approved on 1<sup>st</sup> reading. Town Manager Mitchem said the posting requirement that occurred on December 27<sup>th</sup>, 2012 which complies with statutes and to change to another date will bring

the town out of compliance. Council Member Bunning said that ballot issue A is an amendment to the Charter and doesn't approve or disapprove the amenities that might be on Reservoir Hill. Council Member Alley asked to compromise to move the date up and accept the ballot language change. Council Member Volger supports the date and ballot language change as long as there is no challenge to the election. He would like to see the representative's work together to help each other to benefit the community. Council Member Cotton said the date should be set and not changed. Town Clerk Hessman said that the change in date is going to put a lot of pressure on her office to get the election completed on the earlier date. Mr. Roane said the original petition required the date set as close as possible to the date on the petition which was February 28<sup>th</sup>. Council Member Lattin said that the town residents she talked with said the representatives of Petition Issue A mis-represented the items the Town Council had been looking into putting on reservoir hill. She said it is the town council's responsibility to give the residents the correct information, and she wants the opportunity to talk to the residents and said she needs the time to make sure the residents understand what their voting for. Council Member Volger said the council's option would be to add another question to the ballot which will contradict the original ballot question and confuse the voters. Council Member Bunning referred to the trust issue regarding intent to enter into negotiations with anyone regarding reservoir hill. He suggests adding a motion not to enter into any negotiations prior to the election. Council Member Alley understands why the date is important and would like to consider change to March 26<sup>th</sup>. Town Manager said that town legal counsel advises the council not change the date to April 23<sup>rd</sup>. Council Member Volger moved to approve Ordinance 781, second reading, an ordinance of the Town of Pagosa Springs, Colorado, calling for a special election of the Town to be held April 23, 2013 as a polling place election and setting the ballot title for a proposed amendment to the home rule charter requiring voter approval prior to construction or operation of any amusement rides in the Reservoir Hill Recreation Area, Council Member Cotton seconded, motion carried with two nays (Council Members Schanzenbaker and Alley). Council Member Bunning moved that the Town Board of Pagosa Springs recognizes a ballot issue is to be place in front of the voters in April and the ballot issue is a change to the home rule charter regarding improvements on reservoir hill, and that the Town will not undertake any contractual or verbal agreement or steps to place anything in motion with regards to new recreation considerations on reservoir hill until after the election, Council Member Volger seconded, unanimously approved.

2. **Ordinance 782, Second Reading, Adopting Amendments to the Impact Fees** – Town Council approved first reading of ordinance 782 on January 8, 2013 adding section 10.2.7 to the LUDC adding language that “an impact fee may be used for the costs of any capital facilities within the same specific fee type or category for which the impact fee was originally collected, so long as the demand for such facilities is apportioned to the development activity in the same proportion as the original facility” and revising section 10.4.1 of the LUDC to read “a development application shall not be considered a complete application for purposes of determining impact fees if the specific impact fee amount is unable to be calculated for any reason. In such event, the impact fees may be imposed on any level of development approval that enables calculation of the impact fees”. Council Member Lattin moved to approve the second reading of Ordinance 782, an ordinance of the Town of Pagosa Springs revising Article 10 of the Land Use Development Code regarding impact fees, Council Member Alley seconded, motion carried with one nay (Council Member Cotton).
3. **Ordinance 783, Second Reading, Schedule Time, Date and Place of Regular Town Council Meetings** – The town charter requires the town council to annually approve by ordinance setting the date, time, and place of council meetings including posting of the notices. Ordinance 783 sets the dates the same as 2012, the first Tuesday at 5pm, the third Thursday at 12noon, to be held at the town hall and to be posted at town hall as well. Council Member Schanzenbaker again suggests more evening meetings and said this meeting counted as the fourth scheduled 12noon meeting so far in January. Council Member Alley suggests next year the evening meetings be scheduled for 6:00pm. Council Member Lattin moved to approve the second reading of Ordinance 783

identifying town council regular meeting dates, locations, times and agenda posting requirements, Council Member Volger seconded, motion carried with one nay (Council Member Schanzenbaker).

4. **Sales Tax Brief** – January sales tax receipts decreased by \$10,501 or -4.34% compared to January 2012. The economic outlook projects a positive increase in the economy during 2013.

## **VII. DEPARTMENT HEAD REPORTS**

1. **Community Center Report** – The classic Christmas concert included 17 performers, 133 attendees and made the community center \$1,003. Several events are planned for 2013. The community center will assist the parks department with reservations during the 2013 year.
2. **Parks and Recreation Department Report** – The recreation department is working with Lindsey Kurt-Mason and Katie Vincent from the school to introduce a gymnastic program for youths in grades 1-4. Youth basketball participation is down slightly from 129 to 114 participants. The recreation department is working with the community center to have some programs after school for ages 4-10. The parks crew are refurbishing picnic tables and maintaining the skate ponds. Christmas tree recycling is in full swing and will collect trees thru March. Construction of fish habitats in the San Juan River continue as well as dredging the ponds behind river center thru a “fishing is fun” grant.
3. **Town Tourism Committee Report** – Lodgers tax collections in November were down 19.46% compared to November 2011. The lack of snow in November assisted in the lower numbers. Year to date collections are up 2.42% over 2011. Visitor center traffic is down 1.86% compared to 2011. The uptown visitor center has been closed and the downtown visitor center will be revamped with new technology. The marketing committee is working to enhance the “refreshingly authentic” brand with a creative development in the 2013 campaigns. The TTC is committing funds to events in the community including the Farmers Market, Cruise A Thong, Center for the Arts, the Chamber’s winterfest, car show, colorfest and renaissance festival, Gecko and more.
4. **Planning Department Report** – The planning commission has two open seats, the HPB has three open seats and encourages a town council member to participate on the board. Staff recommends holding a frequent joint work session with all town boards and commissions to provide for better communication to better serve our community. Street lights have been installed in the 100 block of Pagosa St. The county would like to wait until the new administrator is on board before they discuss the town and county building department relationships. A town to Pagosa lakes east phase community outreach is scheduled for Wednesday February 5<sup>th</sup> at the community center.
5. **Town Manager Report** – The town manager reported on the annual Southwest Business Forum and the economic outlook for the economy. Dr. Richard Wobbekind’s presentation included projected growth in tourism, trade, transportation, and agriculture to name a few.

## **VIII. APPROVAL OF DECEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS** – Council Member Volger moved to approve the December financials and accompanying payments, Council Member Cotton seconded, unanimously approved.

**IX. PUBLIC COMMENT** – Council Member Lattin asked about cleaning snow from sidewalks so the town residents can use crosswalks and benches.

**X. NEXT TOWN COUNCIL MEETING FEBRUARY 5, 2013 AT 5:00PM**

**XI. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 2:03pm.

**Ross Aragón  
Mayor**