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**TOWN COUNCIL MEETING MINUTES  
TUESDAY, MARCH 1, 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. Mark Weiler thanked the Council for their service to the community. He is passionate about economic development and believes broadband services needs to be improved to 1 gigabit in order to compete for rising economic future. Mr. Mike Heraty thanked the Council for their service. He said because of the lack of reliable high speed internet services the realtors are missing out on high end second home owners and full time residents as well as incubated businesses in Pagosa. He asked the Council to look at the long term financial impact on the community if the 5<sup>th</sup> Street Bridge is built by the Town. Mr. John Thompson asked the Town Council to look into a feasibility study and traffic study for the 5<sup>th</sup> Street Bridge before moving ahead. Mr. Bill Hudson said the council could show some respect if they would include a podium for public use.
- III. **CONSENT AGENDA**
  1. **Approval of the February 18, 2016 Meeting Minutes**
  2. **Letter of Support for RREO Grant for Council of Governments**
  3. **Budget Amendment for Summer Youth Programming** - Darren Lewis, Parks and Recreation Director, and Traci Bishop, Program event coordinator, presented a proposal for a summer youth program. The 11 week program will be Monday thru Friday from 7:30 a.m. – 5:30 p.m. This program is being created to fill the need for our youth this summer. The closing of the Youth Center left a void in the community for our youth this summer. The expenditures of approximately \$73,500 will be offset by revenue of approximately the same amount.
  4. **Budget Amendment for Exercise Room at Community Center** - An exercise/health room at the Community Center using the east tile room that would be converted from public access to a dedicated exercise room. The need to help promote a healthy life style for the community is crucial. Numerous members of the community have asked if there was a fitness room at the Community Center. The expanded hours of being open on Saturday will only enhance the usage of the exercise room. The cost is approximately \$12,000.
  5. **Liquor License**
    - a. **Liquor License Renewal – Bogey’s Mini Golf at 83 Pike Drive**
    - b. **Special Events Permit – National Wild Turkey Federation San Juan Gobblers Turkey Banquet March 19, 2016 at the Ross Aragon Community Center**
    - c. **Special Events Permit – Pagosa Springs Chamber of Commerce Car Show June 10, 2016 at**

**the Town Park Athletic Field on Hermosa Street**

- 6. Approval to Draft and Resubmit SHF Grant Application for Restoration of Water Works Facility** - The purpose of the grant is to restore/repair/stabilize the Water Works building and tank walls located at 96 N 1<sup>st</sup> Street. It is currently estimated the new project cost estimate will be \$133,500, with a SHF grant request of up to \$100,000, and a Town 25% match of up to \$33,375. – Mayor Volger moved item #7 off the consent agenda for discussion. Council Member Lattin asked to remove item 3 and 4 for discussion. Council Member Egan moved to approve the consent agenda item 1, 2, 5 and 6, Council Member Schanzenbaker seconded, unanimously approved. Darren Lewis, Parks and Recreation Director, said the Town received \$2,250 from Gifts for the Heart and are working on a \$5,000 El Pomar grant request as well as an LPEA funding request. Staff will be meeting with the County to talk about County participation regarding the summer program and parks and recreation support. Council Member Lattin moved to approve budget amendments for summer youth program and exercise room, Council Member Alley seconded, unanimously approved.
- 7. Wal-Mart Appeals Hearing Request for Extension** – Wal-Mart is requesting an additional 90 day appeals hearing extension. Based on the recently received plan on February 3, 2016, the Planning Director has an indication that Wal-Mart is working on a solution to the identified exterior lighting code violation determination. The Planning Director has agreed to the previous extension requests and is not opposed to the current extension request. Mr. Joseph Lubinski with Ballard Spahr and Town Attorney Bob Cole were on the telephone line to discuss this item. Mr. Lubinski believed that Wal-Mart could reach a resolution by sometime in April. A revised submittal has been received and staff is working on review of the submittal. Mr. Lubinski affirmed that the reason for the extension request is because Wal-Mart is trying in earnest to come up with an approved solution and have that solution accepted sometime in early April. Council Member Egan moved to extend the Wal-Mart negotiations and hearing until April 14<sup>th</sup> at 6pm, Council Member Alley seconded, unanimously approved.

**IV. REPORTS**

- 1. Geothermal Greenhouse Partnership Update Report** – Ms. Courtney King and Sally High with the GGP presented an update to Town Council. They are updating the DOLA grant request and have submitted a grant reimbursement request. The concrete sidewalk was completed prior to winter. The contractor is gearing up for spring construction of the pump house and additional plaza area. Ms. High said fundraising is going well with several dozen volunteers raising funds to build the first greenhouse, with a goal of \$25,000 to add to present funds that have been raised. A special event on March 12<sup>th</sup> at the Liberty Theatre and Pagosa Baking Co to raise funds.

**V. NEW BUSINESS**

- 1. South 8th Street Design Concept Approval** - South 8<sup>th</sup> Street was originally to be resurfaced with asphalt in 2015, however, geo-technical testing results identified the base of the roadway was not sufficient to accommodate the life span of a new asphalt layer, 20 + years. The original project scope was the five block long section from the concrete section of the Apache Street intersection north to the concrete surfaced section of San Juan Alley adjacent to the library. Staff conducted a public input work session on January 19, 2016 in which approximately 20 8<sup>th</sup> Street residents and citizens attended. A preference for improvements that include a multi-use trail on the west side of the street, allowing parking on the east side of the 200 and 300 blocks only, maintaining the east side sidewalk/curb/gutter, completing the Piedra Street intersection connection, connecting the east side sidewalk to Hwy 160 and slowing traffic down. The costs depending on the alternative options can cost up to \$2.7 million. Some savings may be found in reducing street lights, asphalt trail, and deferring some sidewalk and corners to get the project down to approximately \$1.8 million. Council Member Egan would like availability to the sidewalk for Casa de Los Arcos. This project is budgeted at \$1.5 million with a possibility of using

\$500,000 from a budgeted payoff of the Lewis Street. There is funding in investment reserves of about \$1.2 million to use for this project if council desires. Council Member Egan left the meeting at 6:25pm. Council Member Alley moved to approve reconstruction of South 8<sup>th</sup> Street to include Sample Project C configuration and direct staff to go out to bid with all alternative options, Council Member Lattin seconded, unanimous approved.

- 2. Town/Fire District MOU Approval** - The purpose of the Intergovernmental Agreement between the Town of Pagosa Springs and the Pagosa Fire Protection District for Jurisdictional Fire Safety Services is to establish a joint undertaking to cooperatively provide fire safety services within the Town. The Agreement shall apply only to enforcement, implementation and administration of the International Fire Code (IFC) within the Town's jurisdictional boundaries. The Agreement clarifies the roles and responsibilities for fire inspections, plan review, and investigations and that clarification is best served by memorializing the mutual understanding into a written instrument and shall become effective upon execution by both parties. Jonathan Roberts will fulfill the Building/Fire Inspector position within the Town's Department of Building and Fire Safety. Assistant Fire Chief Randy Larson approves the MOU and will present it to the fire district on March 15<sup>th</sup>. Council Member Lattin moved to approve the Town/Fire MOU as presented, Council Member Alley seconded, unanimously approved.
- 3. Ordinance 843, Front End Loader Purchase** - The Streets Department currently owns and operates three front end loaders, which are mostly utilized for snow removal during winter months to ensure that snow build up on Town streets is effectively managed. Staff researched three models that would be suitable replacements for the current piece of equipment and they included the following make and models: CASE 721F, Caterpillar 930M, and John Deere 624K. The 2016 John Deere 624K model, the best choice, costs \$165,848. The original budgeted amount for 2016 of \$21,000 was based off a three-year lease. A seven-year lease is approximately \$21,000 per year, a five-year lease purchase agreement would require an annual payment of \$35,356.69, a difference of \$14,356. Mr. Bill Hudson said that any lease-purchase is subject to voter approval. He objects the constitution with clever financing schemes. Mr. John Thompson is in the equipment business, he said if put out to bid manufacturers can discount the price considerably. Council Member Alley moved to approve Ordinance 843 for purchasing of a front end loader, Council Member Bunning seconded, unanimously approved.
- 4. Sawmill Place Commercial Development Preliminary Subdivision Plan Extension Application** - The applicant, Andrew Schlaefli of the Sawmill Place Development, has submitted a "Preliminary Subdivision Plan Extension Application" requesting a three-year extension for the Preliminary PUD Subdivision Plan previously approved by Town Council on November 5, 2008. The extension will give the applicant time to allow us to re-plan the project as an all-residential project. With a re-plan of the project the applicant's hope is to have project, market demand and construction costs which will allow them to move forward with construction of the project. Town Planner Dickhoff said that if the new application resubmitted has a major change, the new design would start back to the beginning of the process. Council Member Alley moved to approve a three-year preliminary subdivision plan extension for the Sawmill Place Development, expiring on March 1, 2019, Council Member Patel seconded, motion passed with two nays (Council Members Schanzenbaker and Lattin).
- 5. Resolution 2016-06, A Resolution and Order Regarding Procedures Governing the Appeal by Wal-Mart Real Estate Business Trust, of the Administrative Decision of the Town Planning Director Regarding Parking Lot Lighting** - LUDC section 2.4.13.G.5 allows the establishment of procedural rules related to an Appeal Hearing. The Town Planning Director and the Wal-Mart legal counsel have agreed to the terms set forth in Resolution 2016-06. Adopting Resolution 2016-06 will ensure an orderly procedure is followed for the Appeals Hearing. Council Member Schanzenbaker moved to approve Resolution 2016-06, a resolution and order regarding procedures governing the appeal by Wal-Mart Real Estate Business Trust of the administrative

decision of the Town Planning Department Director regarding parking lot lighting, Council Member Alley seconded, unanimously approved.

6. **Appeals Hearing: Wal-Mart Real Estate Business Trust has Appealed the Town Planning Director's interpretation of Land Use Development Code section 6.11. Exterior Lighting, and his Final Determination regarding the non-complying nature of the parking lot lighting at the Wal-Mart development located at 211 Aspen Village Drive, with Possible Executive Session Pursuant to C.R.S. 24-6-402(4)(b) for the Purpose of Receiving Legal Advice regarding the Wal-Mart Appeal Hearing** – This item is tabled until the appeals hearing set for April 14<sup>th</sup> 2016.

## VI. OLD BUSINESS

1. **Ordinance 841, Second Reading, 1855 West U.S. Highway 160 Rezone** - On November 4, 2015, the Town received a complete application requesting the rezoning of 1855 West U.S. Highway 160, from Agricultural/Residential (RA) to Mixed Use Corridor (MU-C), from Kraig Lorenzen, of Sawmill Creek Ranch Timber and Cattle Company. The current zoning of the subject property is Agricultural/Residential (RA). The former zoning prior to 2009 was Corridor Business (D-3) along the Hwy Corridor and Mixed Use Development (C) on the southern 2/3rds of the lot. No negative impacts are anticipated on public health, safety or general welfare, the MU-C rezoning request is consistent with adjacent zoning to the east and on the north side of the Hwy, and no substantial impacts are identified at this time. Council Member Schanzenbaker asked the posting is set at the property access. He also said a rezoning without a development request doesn't show the impact in the criteria in the LUDC. Holly Hausenbuehler said the rezoning without the development design is putting the cart before the horse. Council Member Bunning moved to approve the second reading of Ordinance 841, an ordinance of the Town of Pagosa Springs amending the official zoning map regarding property known as 1855 West U.S. Highway 160 as Mixed Use Corridor zoning, Council Member Lattin seconded, unanimously approved.
2. **Ordinance 840, Second Reading, Dedicating Public Utility Easement in Hilltop Cemetery** - The Planning Department has received a request from La Plata Electric Association, Inc. to correct a previously recorded inaccurate easement for a utility line installation La Plata installed in 2014 to service the PAWSD water tank within the Hill Top Cemetery. The previous recorded easement contained an incorrect legal description for the easement and was specific to La Plata Electric instead of a general easement for use by all utility providers recognized by the Town. Council Member Alley moved to approve the second reading Ordinance 840, an ordinance of the Town of Pagosa Springs, dedicating a public utility easement within the Hill Top Cemetery within the corporate limits of the Town of Pagosa Springs, Council Member Bunning seconded, unanimously approved.

- VII. **PUBLIC COMMENT** – Mr. Bill Hudson asked if the Town has a plan to fix the roads as they fall apart. He suggests the council approves a plan for taking care of the roads near Goldmine Drive and near City Market area as well as downtown. He said a council can not obligate a future council to promise to install a bridge or financially obligate. He said the financial obligation should be set by the voters.

- VIII. **COUNCIL IDEAS AND COMMENTS** – Council Member Lattin would like staff to give information to council regarding the direction of the broadband. Town Manager Schulte said there is a challenge by location for our town with broadband. This is an important asset to the Town. The infrastructure is vital and opting out of HB 152 to allow the Town to use the fiber efficiently. The Town will need to partner with Skywerx and Centurytel and others to get fiber across the County. A regional broadband plan grant was approved by DOLA in order to assist the Town in qualifying for a \$2 million broadband grant for installation. Council Member Alley would like to educate the community on options to pay for infrastructure, and help people understand the process of developing and growing our community. Council Member Schanzenbaker asked about the heritage brochure. Town Manager Schulte said the Historic Preservation Board had arrived at an edited brochure. There may be

additional work by staff to verify the HPB's concerns and look to conclude the issues and how to resolve them.

- IX. NEXT TOWN COUNCIL MEETING MARCH 24, 2016 AT 5:00 PM** – A work session on March 17<sup>th</sup> will be held at the Community Center at 5:00pm to hear public comment regarding the 5<sup>th</sup> Street Bridge.
- X. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 7:45pm.

**Don Volger**  
**Mayor**