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**TOWN COUNCIL MEETING MINUTES
TUESDAY, APRIL 2, 2013
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 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 MARCH 21, 2013** – The minutes were approved as read.
- III. **PUBLIC COMMENT** – None
- IV. **NEW BUSINESS**
 1. **New CDOT RAMP Funding Program and possible Eligible Town Projects** - CDOT has just recently announced a new funding program, the "RAMP" program (Responsible Acceleration of Maintenance and Partnerships) to expedite the implementation of projects and solicit partnerships in transportation solutions. Initial preliminary applications are due on May 1, 2013. Staff has been working with CDOT staff to determine which projects maybe eligible. Some of the possible projects include the McCabe Creek culvert downstream property, widening of S 8th Street entrance from Hwy 160, sidewalk connection at 8th Street, traffic circle at Country Center Drive/Navajo/N Pagosa intersection, downtown sidewalk and street lighting, Piedra Road and Hwy 160 crosswalk, trails at N. Pagosa and Hwy 160, resurfacing Talisman Dr., sidewalk and widening of San Juan Alley, painting 1st Street Hwy bridge, removal of drainage vault at 8th Street and Hwy 160. Town Manager Mitchem explained the downstream McCabe Creek property might not be an option for this funding due to CDOT initially saying the project would need to be shared with the Town, putting it over the Town's funding budget. Council Member Bunning suggests the downstream property owner seek RAMP funding on his own rather than include it in the Town's application. More information will be presented to the council at the mid-April meeting.
 2. **S. 8th Street and San Juan Street (Hwy 160) Sidewalk assessment consideration** - Town Staff has been identifying opportunity's to provide better pedestrian connectivity in Town. With the new installation of the 8th Street and Hwy 160 lighted intersection improvement that included push button pedestrian crossing facilities, there is a need to provide better sidewalk connectivity to this new pedestrian crossing. In addition to the 8th Street sidewalk extension project along the west side of 8th Street, staff has identified two sidewalk extensions that would provide additional connectivity. A sidewalk extension along the east side of S. 8th Street to the Hwy intersection (along the City Market Lot) and a sidewalk extension along the south side of San Juan Street (Hwy 160) in front of the City Market lot and Citizens Bank lot and along the former SW bank lot on the SE corner of 7th Street and Hwy 160. The town has the ability and the option of assessing the property owner for a portion of the sidewalk installation. Staff has contacted the property owners to discuss options. Council Member Bunning said a retaining wall along the highway

between 7th and 8th Street would be north facing and the sidewalk could become a winter time problem. Staff said the Town would pay for engineering and design, but the property owner would pay full costs of the sidewalk installation. Council Member Volger suggests partnering with the property owner for the costs rather than making them pay the full costs, in light of the recent upgrades to Lewis Street sidewalks where the property owners incurred no cost at all. Council Member Volger move to direct staff to pursue preparing a detailed engineering estimate for the proposed sidewalk and pedestrian access improvements and to develop an approximate assessment amount for the adjoining property owners based on town council's direction and Town's financial participation, Council Member Bunning seconded, unanimously approved. Planning Director Dickhoff updated the council on the 8th Street trail that runs along the elementary school property. A sidewalk extension at 10th Street is not part of the trail project, a cross guard could be located at this section to help kids cross to the school. Staff asked for consensus to apply approximately \$26,000 of the Town's sidewalk funds to install the extension to the crosswalk if the school board requests this as an approval of the trail project.

3. **Public Release of Legal Opinion** - On January 14th, the Town Council convened in executive session to receive legal counsel from Bob Cole regarding the allegation of conflict of interest. Because those alleging wrong doing were making their case to the public in the newspaper, Council members provided direction to release Bob Cole's opinion to the newspaper. On January 17th, the town manager delivered the memorandum to the editor of the newspaper. While direction regarding releasing the memorandum to the newspaper was executed at the request of a consensus of the majority of Town Council members, no formal vote was taken on the action at the close of the executive session. As a matter of good business practices, in the future, releases of confidential documents should result from a formal vote. On occasion, a Council member has requested to review the recording of an executive session. Currently, there is no Council policy regarding such requests. If the matter for review is important, the Council as a whole may want to review the matter. If the Council deems it appropriate to permit such reviews, it is the recommendation of staff that review executive session recordings be conducted in Town Hall. On several occasions, a Council member has requested to review the invoices from the town attorney. The invoices have sufficient detail as to disclose the direction the Town is taking on particular issues and contracts. Accordingly, Bob Cole believes that the invoices (all but the cover page) are confidential documents subject to the attorney/client privilege. It is the recommendation of Bob Cole that attorney invoices be formally designated by the Town Council as confidential documents subject to the attorney/client privilege. Council Member Alley said the Town Council is the representative of the Town and doesn't believe there needs to be an approval process, that council should be able to see all items. Council Member Volger moved to ratify the release to the public of Bob Cole's confidential attorney/client privileged memorandum dated January 10, 2013, Council Member Alley seconded, unanimously approved. Council Member Volger moved to designate town attorney invoice details, not coversheet, as confidential attorney/client privileged documents, Council Member Lattin seconded, unanimously approved. Council Member Bunning suggests if a person of the public would like to see a confidential document, they could ask the council about a specific item. Council Member Bunning said the information on executive sessions should be heard at the town hall and that the clerk should report to the council when and which council member requested and listened to any executive sessions. Council Member Alley would like to bring an executive session home and return it within a set period, by checking it in-and-out with the clerk. Council Member Volger agrees to check out an executive session disk. Council Member Cotton moved to table the executive session discussion until rules are put in place, Council Member Bunning seconded, motions withdrawn. Council Member Schanzenbaker moved that executive session recordings can be listened to by council members as long as they are listened to in town hall and a log is kept, Council Member Volger seconded, unanimously approved. Council Member Schanzenbaker moved to allow individual council member to view and have copies of attorney invoice details as well as confidential attorney/client privileged documents, Council Member Bunning seconded, unanimously approved.

V. OLD BUSINESS

1. **Ordinance 787, Second Reading, Repeal and Readopt Sections 12.3.1 and 12.3.2 of the Town Municipal Code Regarding Marijuana Offenses** - The first reading of Ordinance 787

was approved on March 5, 2013, a motion for second reading was proposed on March 21st and approved. Upon review by legal counsel of the original publication of first reading on the Town's website, additions regarding penalties of violation were added to the publication and first reading was republished on the Town's website March 22nd. Section 12.3.2 addresses drug paraphernalia and marijuana accessories. Due to the changes in Amendment 64, these sections should be amended for adult consumption and possession, prohibiting open and public consumption and displays, marijuana accessories and drug paraphernalia, as well as addressing offenses for possession of over one ounce. Council Member Volger moved to approve second reading of Ordinance 787, an ordinance of the Town of Pagosa Springs revising Sections 12.3.1 and 12.3.2 of the Pagosa Springs Municipal Code, Council Member Schanzenbaker seconded, unanimously approved.

VI. PUBLIC COMMENT – None

VII. NEXT TOWN COUNCIL MEETING APRIL 18, 2013 AT 12:00PM

VIII. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 6:32pm.

Ross Aragón
Mayor