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**TOWN COUNCIL MEETING MINUTES
TUESDAY, JUNE 2, 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
- II. **PUBLIC COMMENT** – Bill Hudson brought a book called *the small town planning handbook*. He is proud of the Town for taking a concern in historic preservation. He said the county courthouse might be demolished but that the building is important historically and should be a priority for the town council.
- III. **CONSENT AGENDA**
 1. **Approval of the May 21 & 28, 2015 Meeting Minutes**
 2. **Liquor Licenses**
 - a. **Liquor License Renewal _ River Sports Bar & Grill at 358 E Hwy 160**
 3. **Request to Move the Town Council meeting of June 18th, 2015 to June 15th, 2015** – Council Member Bunning moved to approve the consent agenda, Council Member Lattin seconded, unanimously approved.
- IV. **NEW BUSINESS**
 1. **Request for Allowing Additional Tourist Oriented Directional Signs for Aspen Village** - The Town's LUDC prohibits off-site signage with the exception of three Tourist Oriented Directional Sign (TODS) at three specific locations in Town, the east approach to N. Pagosa Blvd and the east and west approaches to Piedra Road. CDOT administers TODS through a third party, with limitations to four signs per location, annual renewals and annual sign permit fees. A request from the Boulder Coffee Café was to install a TODS, however these signs are for those businesses off highway, whereas the Boulder Coffee Café can be easily viewed from the highway. Council Member Egan moved to deny the request for an additional TOD Sign location for the Aspen Village Commercial Subdivision, Council Member Bunning seconded, unanimously approved.
 2. **Recommended Electronic Message Center Sign Regulations** - Council Member Patel recused himself from this item and left the room. After the first EMC sign was installed at an uptown lodging establishment, it became apparent the Town may need to revise the LUDC to clarify and define the allowable operation of such EMC signs to ensure compliance with the intent of the existing LUDC sign regulations. The Town's sign code allows EMC as long as they are not "*Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations*" or that "*No sign shall have or contain blinking, flashing, fluttering or intermittent lights or other devices that create a change in color, brightness, direction or intensity of lighting*". The planning commission reviewed a

number of other Colorado Town's sign codes for EMC regulations as well as industry standards for EMC operation and came up with 19 proposed regulations for the EMC signs. Staff's research into this issue included regulations adopted by other communities and national electronic message center sign best practices. The planning commission also supported Town Council to consider special provisions for public service announcement EMC's, that may include for example; the School District, TTC and other community service organizations to notify the public of school and sporting events, special events in Town, and other community and civic notifications and alerts. Council Member Bunning would rather see these signs inside the windows instead of the sandwich boards on the sidewalk. Planning Director Dickhoff said the EMC inside the glass is allowed. Mayor Volger said the items unanimously supported by the planning commission, he suggests recommending those items, then discuss the handful not unanimously approved. Council Member Lattin moved to support the 14 items the planning commission unanimously recommended, Council Member Bunning seconded, unanimously approved. Council Member Schanzenbaker moved to direct staff to prohibit EMS in zone 1, Council Member Alley seconded, motion failed with three nays (Mayor Volger, Council Members Bunning and Lattin). Council Member Lattin moved to approve planning commission recommendation on item 2 allowing EMC in sign zone 1, Council Member Bunning seconded motion carried with two nays (Council Members Schanzenbaker and Alley). Council Member Lattin moved to approve item 4 limiting changes to one per 5 minute period, Council Member Egan seconded, motion carried with one nay (Council Member Schanzenbaker). Council Member Bunning moved to approve recommendation of number 14 limiting one EMC sign per property, Council Member Lattin seconded, unanimously approved. Mr. Andre Redstone said the historic district accepts more than one color to break up the monotone in the district. Ms. Laurie Williams said that other areas have embraced multi colors. Council Member Lattin moved to accept planning commission recommendation on item 15, Council Member Bunning seconded, motion carried with one nay (Council Member Schanzenbaker). Council Member Lattin moved that staff bring to planning commission item 19 restricting temporary signs for those with EMC's, Council Member Egan seconded, unanimously approved. Council Member Egan suggests limiting lighting to 50% during off hours while the business is closed to save and respect the use of electricity. Planner Dickhoff said the software will limit the brightness during the evening hours. Council Member Egan moved to direct staff to work with the planning commission to look into limiting the hours of operation of EMC's, Council Member Schanzenbaker seconded, unanimously approved.

- 3. Direction Regarding Vacating remaining Portion of Piedra Street Between 7th and 6/7th Alley -** During the consideration of vacating a portion of the 6th – 7th Alley between Piedra Street and Navajo Street, staff was directed to bring forward more information regarding the previous vacations of Piedra Street along Lot 6 of Block 43, for considering the vacation of the remaining southern portion of Piedra Street along Lot 6 of Block 50. The Town's Street's supervisor recommends the Town retain the Southern half of Piedra Street for maintenance operations for the storm drainage facilities that run under the Piedra Street ROW and then over the 6th Street cliff. In addition, the prospect of receiving a 6th Street ROW dedication as contemplated in Ordinance 814 that will vacate the 6th / 7th Alley between Navajo Street and Piedra Street once conditions of approval are satisfied, retaining the remaining Piedra Street ROW would provide the Town Streets department some access for maintaining a portion for the 6th Street cliff area. Council Member Lattin said the owner of the two lots on either side wants to be able to close the alley. She said the former town manager had told the owner the town would pay for the vacation of the alley. Council Member Alley moved to retain the remaining southern portion of Piedra Street as Town right-of-way, Council Member Schanzenbaker seconded, unanimously approved.
- 4. Pradera Pointe Preliminary Subdivision Plan Approval Extension Request Application -** Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of 119 single-family residential lots. The Applicant, Bill Herebic of Gazunga, LLC, is requesting a 3 year extension for their previously approved Phase One Preliminary Subdivision Plat/Plan. Staff has not identified any concerns or issues with the

extension request. Council Member Lattin moved to approve a three (3) year extension of the Pradera Point Subdivision, Phase One, Preliminary Plat Approval, contingent on the following: a) inclusion of current plat language as required under the current LUDC, b) a current utilities checklist submitted prior to recordation of the final plat, c) initiate a Development Improvement Agreement DIA, d) submit revised engineering plans compliant with the current Land Use Development Code, e) submit revised engineering cost estimates, f) provide street lighting consistent with the current Town regulations, g) final plans shall comply with the current LUDC provisions at the time of submittal, Council Member Alley seconded, unanimously approved.

5. **Ordinance 826, First Reading, Revising Tourism By-Laws** - Town Council approved the Memorandum of Understanding between Archuleta County and the Town regarding the administration of lodgers tax funding contingent upon successful revision of the bylaws. Changes to the bylaws include change name of the Board from Town Tourism Committee to the Pagosa Springs Area Tourism Board, which oversees Visit Pagosa Springs, annual budget to be approved by both Town Council and the Board of County Commissioners, reduce board members from 11 to 9 representing Town Council, BOCC, lodgers association, realtors association, and Chamber of Commerce with four at large seats. Council Member Egan moved to approve the first reading of Ordinance 826, Repealing and Readopting Section 16.4.12 of the Municipal Code, Council Member Bunning seconded, unanimously approved.
6. **Ordinance 828, First Reading, revising LUDC Regarding Use and Placement of Cargo Shipping Containers** – Town Council approved the recommendations presented by the Planning Commission with the exception of directing staff to consider the feasibility of a Conditional Use Permit process for the Mixed Use Corridor, Mixed Use Town Center and Commercial zone districts that would permit additional CSC's above the allowable limit. In essence, the approval included the following guidance for developing LUDC revisions: 1) require all permanent accessory structures to be consistent in design and appearance as the primary structure, 2) require a building permit for all permanent accessory structures, with no fee charged for structures under 120 sq ft., 3) allow the permanent placement of Cargo Shipping Containers in Light Industrial Zoned districts, 4) allow the temporary placement for up to two-180 day periods, with an administratively approved Temporary Use Permit (TUP), in all districts. Use must be associated with the primary structure of the property, 5) allow the temporary placement of CSC's relative to an active building permit, with an administratively approved TUP. Use must be associated with construction activities, 6) unless otherwise approved with a conditional use permit, allow the permanent placement and use within the Commercial (C), Mixed Use Corridor (MU-C) and Mixed Use Town Center (MU-TC) districts (with the overlay district exception in #7 below), limiting to no more than 25% of the primary structure square footage and no more than 320 square feet of Cargo Containers (two 8' x 20' containers or one 8' x 40' container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure, 7) within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, allow the permanent placement and use, limiting to no more than 25% of the primary structure square footage and no more than 160 square feet of Cargo Containers (one 8' x 20' container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure, 8) prohibit the permanent placement and use in the Open Space District (Parks), 9) allow the permanent placement and use within the Public/Quasi Public District, limiting to no more than 160 square feet. As in #1 above, the CSC shall be consistent in design and appearance as the primary structure, 10) allow in residential zone district of no more than 80 square feet consistent with design and appearance of the primary structure. Council Member Schanzenbaker suggests holding off allowing in residential district until design standards are set. Council Member Lattin said the current code doesn't require standards for other sheds and accessory structures, so why make restrictions for these containers. She does agree with moving forward with design standards. Mr. Andre Redstone said there should be specificity in design standards; he has six containers right now on his commercial property. He said his six containers look like his building and look better than the neighbor who doesn't use containers. Mr. Bill Hudson said requiring the container to be consistent with the current structure is too vague. Staff proposes, as time allows, to identify all CSC's, and to notify the property owners of any

violation that may exist, and possibly issuing them a temporary use permit for up to 1 year, in essence giving them one year to comply with the Town's requirements, by either submitting a building permit application or land use development permit. Council Member Lattin moved to approve the first reading of Ordinance 828, an ordinance of the Town of Pagosa Springs amending the Land Use Development Code, establishing regulations regarding the use and placement of cargo shipping containers, Council Member Patel seconded, motion failed with four nays (Council Members, Alley, Schanzenbaker, Bunning, Egan). Council Member Egan moved to table Ordinance 828 and send it back to planning commission for specificity on the ordinance to give public greater understanding of compliance, motion died for lack of a second. Council Member Bunning said this issue started with opposition to residential containers. He suggests two ordinances, one for residential and one for commercial containers. Staff does not want to put these regulations off; he said this ordinance addresses the concerns with flexibility in the different districts. Mayor Volger would like council members with nay votes to give their concerns to staff in preparation of a modified Ordinance 828 by the 15th June meeting.

- 7. Appointment to the Geothermal Greenhouse Partnership Board** – The Town received a grant to complete groundwork for the future geothermal greenhouses. Council suggests a representative sit on the board to become familiar and provide updates to the council regarding the project. Ms. Sally High said the board would like to have a council member serve on the board. Mr. Bill Hudson said the code of ethics prohibits a town council member to serve on a business board. Council Member Egan would like to volunteer to serve on the GGP board as an observer and as a representative of the Town Council.
- 8. Appointment to the Community Development Corporation Board** – The new CDC is working hard to provide for the business communities needs; they encourage a member of the Town Council to sit on the board. Council Member Patel volunteered to serve on the CDC board as a representative of the Town Council. Mayor Volger would like to table these items until legal counsel can advise the approval of the council sitting on these boards. Council Member Schanzenbaker made a point that having an attorney on staff would be preferred at times like this.

V. OLD BUSINESS

- 1. Ordinance 827, Second Reading, Vacating a portion of River's Edge Townhouses PUD** - On May 21, 2015, the Town Council Approved the First Reading of ordinance 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision. The original PUD included two - 4 unit townhome buildings, however, only one 4 unit building was constructed with no plans to complete the 2nd building. The applicant intends to subdivide off the undeveloped western portion of the previously platted PUD, and to consolidate the undeveloped townhome foot prints and associated common property into one vacant lot. The 8 foot wide easement for a future 5 foot wide pedestrian walkway along the river bank, that was established as part of the original PUD plat approval, will remain intact on both the developed and the undeveloped parcel of land, for future public improvements and use, and will be noted on the PUD vacation and plat amendment as an existing easement. Council Member Lattin moved to approve the second reading of Ordinance 827, an ordinance of the Town of Pagosa Springs vacating a portion of the Rivers Edge Townhouses Planned Unit Development Subdivision, Council Member Bunning seconded, motion carried (Council Member Alley absent).

VI. PUBLIC COMMENT – Mr. Bill Hudson said the town council members can serve as liaisons on the two boards. Ms. Laurie Williams suggests including flags for pedestrians to cross the downtown streets.

VII. COUNCIL IDEAS AND COMMENTS – Council Member Lattin said the advisory committee for the court house is working on costs to repair or build a new building. A justice center to house court, jail, admin staff is a possibility. The current building standing is to stay as is. Council Member Egan said the core area is not getting enough attention for the crossing pedestrians. He suggests an "X" be painted on 8th Street to discourage people from stopping in front of the entrance to Hometown Market. Council

Member Bunning is disappointed with the paint recently applied. The striping has worn off too quickly. Council Member Schanzenbaker said the historic value of the county courthouse structure is valuable and worth saving.

VIII. NEXT TOWN COUNCIL MEETING JUNE 15, 2015 AT 5:00 PM

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 7:59pm.

Don Volger
Mayor