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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
SPECIAL MEETING MINUTES
TUESDAY, MAY 14, 2013
Town Hall Council Chambers
12:00 p.m.**

- I. CALL MEETING TO ORDER** – Board President Aragon, Board Member Bunning, Board Member Cotton, Board Member Lattin, Board Member Schanzenbaker, Board Member Volger

- II. NEW BUSINESS**
 - 1. Pipeline Easement Coordination** – The PAWSD pipeline crosses many private properties between the downtown sewer lagoons and the PAWSD Vista treatment. Mr. Gregg Mayo with PAWSD is the Construction Manager of this project. It was the understanding of the District that all easements for the project were acquired. It has come to the district's attention that not all were secured. Mr. and Mrs. Graham own property along the proposed Town section of pipeline on Trujillo Road. Mr. Mayo said the easement was signed by Mr. Graham but not by Mrs. Graham. The Graham's said they have never agreed to provide the easement without monetary settlement. They agree to provide the easement in exchange for six sewer taps for property owned by the Grahams, total of \$26,400. The .73 acres owned by the Grahams is property needed to cross with the pipeline, the estimated value of the property is \$4,099. Mr. Graham said he had discussion with Mr. Mayo and said that he was told the paper he signed was a rough draft and that the attorneys would refine before final approval. He said there were more benefits to his allowing an easement including a possibility of installing a lift station in his neighborhood to connect into the sewer system. He believed by signing the paper for Mr. Mayo it was necessary for federal funding to move along, but believed that additional discussion regarding the easement would be forthcoming. Board Member Volger said he is nervous about not having an easement secured and losing federal funding for another project. Mr. Graham said the timeline is closing rapidly, he said he had not heard from Mr. Mayo for six months regarding the easement or his concerns across his property. He said it is probably too late to have his ideas of new sewer lines or new lift station considered due to the project going to bid at this time. He would like to have six free taps for his six lots located above Hickory Ridge in exchange for his signature of the easement. Mr. Mitchem said there would be no out of pocket cost if the six tap option carried forward, however the risk is the perception of what is fair to the rest of the property owners who have signed the easement. Board Member Volger said the district does have the option for eminent domain, which Mr. Mitchem said would take 90-120 days. Mr. Mayo said the court option may put out the project 45-60 days. Mr. Mitchem said the construction could start on either side of the property until a judgment is made by the courts. Mr. Graham said the construction across his property will



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have a significant impact on his life and his property for years to come and he cannot speak of his neighbor's decision to sign the easements. Mr. Mayo said the original line was along the road but Mr. Graham asked to have it move into his property. Mr. Graham said that he had extensive discussion with neighbors regarding the project, and said Mr. Mayo said PAWSD may give the Town a new lift station in the area, but that his signature was never going to be a free easement. Board Member Volger said the options are agreeing to give six taps and not start construction before August 15th for a family reunion; however the other neighbors may come to the town for additional compensation. Board Member Bunning asked if the other neighbor's easement has been signed and recorded, Mr. Mayo confirmed all other easements have been signed and recorded. Board Member Volger said the 2nd option is to move forward with eminent domain and let the courts decide the amount of compensation of this process. He said that he doesn't believe there may not have been an agreement with the Grahams; he prefers to allow giving the Graham's six taps with an agreement for easements and move forward with the pipeline. Board Member Bunning suggests a third option to install a lift station in the Graham's area. Mr. Mayo said lift station #17 may be abandoned and could be used to provide service to the Graham's neighborhood. Piping would need to be installed to get the sewer to the Town's pipeline if this were an option. Mr. Mayo said the costs would be far above the six sewer taps Mr. Graham has requested; he said he was not aware in speaking with Mr. Graham that he expected compensation. Board President Aragon said this easement was handled very poorly, he said the board was led to believe by Mr. Mayo that the easements were complete. Board Member Cotton said compensating one and not the others will open a can of worms, but he doesn't think the district can move forward from here. Mr. Graham said the neighbors have signed without compensation and to come back asking for compensation now would be unfair to the District and Mr. Graham. Mr. Mitchem said the Town is in the process of getting easements for trails downtown and in the Pagosa Lakes area. He said easements have been received as a benefit to the town as a whole, but if the district agrees to pay for this easement, the future contracting of easements may not be so easy. Board President Aragon agrees with Mr. Mitchem about future trail system easements, he does not want to set a precedent by paying for easements. Board Member Lattin asked about the six taps and when the property would be developed. Mr. Graham said the lots should be built on or transferred in the next five years. He doesn't have any plans with the six lots at this time; his intended goal is increasing the value of the area. Board Member Volger moved to draw up an agreement based on discussion with Mr. Graham and move forward to get the easement across his property with compensation of six taps totaling of \$26,400 for six town lots Mr. Graham owns and change construction timeline in Mr. Grahams area after August 15th, 2013, Board Member Bunning seconded, motion carried with two nays (Board Member Cotton and Aragon). Board Member Schanzenbaker said he has worked for Mr. Graham and does not feel it is a conflict, he said the possible fees of \$4,100 plus court costs and attorney fees plus the 90-120 days of court time might be less than the \$26,400 requested by the Grahams. Board President Aragon said he is afraid to set a precedent by the decision to pay for this easement. Board Member Bunning said the courts decision could put the project out very far and the ultimate goal is the greater good for the Town and feels it is unfortunate with the misunderstanding between the district and the Graham's. Both Board Member Lattin and Cotton thanked Mr. Graham for his work in the Town.



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III. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 1:18 pm.