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**TOWN COUNCIL MEETING AGENDA  
THURSDAY, MAY 19, 2016  
Town Hall Council Chambers  
551 Hot Springs Blvd  
5:00 p.m.**

- I. **CALL MEETING TO ORDER**
- II. **PUBLIC COMMENT** – *Please sign in to make public comment*
- III. **CONSENT AGENDA**
  - 1. **Approval of the May 3 & 10, 2016 Meeting Minutes**
  - 2. **Approval of April Financial Statement and Accompanying Payments**
  - 3. **San Juan Basin Health Adult Role Model Campaign Award**
  - 4. **Amended Jail Services Agreement**
  - 5. **Community Center Computer Room Remodel**
  - 6. **Liquor Licenses**
    - a. **Liquor License Renewal – The Lost Cajun Pagosa Springs at 438C Pagosa Street**
    - b. **Liquor License Renewal – The Junction Restaurant at 401 E Pagosa Street**
    - c. **Liquor License Renewal – Alley House Grille at 214 Pagosa Street**
    - d. **Liquor License Transfer – Farrago Market Café at 175 Pagosa Street from Beer and Wine License to Hotel & Restaurant License**
- IV. **REPORTS TO COUNCIL**
  - 1. **Featured Department Head Reports**
    - a. **Municipal Court**
    - b. **Town Clerk**
  - 2. **Sales Tax Brief**
  - 3. **Lodgers Tax Brief**
- V. **NEW BUSINESS**
  - 1. **Ordinance 845, First Reading, Granting Franchise Agreement to Kathryn Young dba At Your Disposal**
  - 2. **Ordinance 846, First Reading, Amending the LUDC regarding minimum lot size in R-12 District**
  - 3. **Ordinance 847, First Reading, Amending the LUDC regarding allowable density and minimum lot size in the R-18 Districts**
  - 4. **Yamaguchi Skate Park Phase Two Contractor Award**
  - 5. **Town Park Bouldering Area Approval**
  - 6. **Resolution 2016-07, Appointing Pagosa Springs Area Tourism Board Members**
- VI. **OLD BUSINESS**
  - 1. **Ordinance 842, Second Reading, Accepting Lands from PSSGID for South 5<sup>th</sup> Street Right of Way**

**2. Ordinance 844, Second Reading, Accepting Land from Archuleta School District for South 5<sup>th</sup> Street Right-of-Way**

**VII. PUBLIC COMMENT – *Please sign in to make public comment***

**VIII. COUNCIL IDEAS AND COMMENTS**

**IX. NEXT TOWN COUNCIL MEETING JUNE 7, 2016 AT 5:00 PM**

**X. ADJOURNMENT**

**Don Volger  
Mayor**



# AGENDA DOCUMENTATION

## CONSENT AGENDA: III.4

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

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**PROJECT: AMENDED JAIL SERVICES AGREEMENT**

**ACTION: UPDATE AND POSSIBLE ACTION**

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### PURPOSE / BACKGROUND

The Town of Pagosa Springs has historically housed its arrested and convicted individuals with the Archuleta County Jail operated by the County Sheriff. The Town agrees to pay its costs associated with housing Town inmates and that agreement is memorialized in a Municipal Jail Services Agreement dated May 2007. In April 2015, the Archuleta County Jail experienced flooding and, as a result, the Jail was no longer suitable housing inmates. Consequently, our Sheriff was forced to house all inmates at the La Plata County Jail.

This circumstance resulted in the need for both the Town and the County to revisit the Jail Services Agreement to properly and fairly allocate costs. The attached Jail Services Agreement reflects the changes as a result of the increased transport costs and the costs being charged by La Plata County for housing the charged and convicted individuals.

The term of the agreement is through December 31, 2016. The agreement provides for annual renewals unless terminated by either party.

The Board of County Commissioners will hear this item on May 17<sup>th</sup> and the results will be communicated to Town Council prior to its meeting on the 19<sup>th</sup>.

### ATTACHMENTS

- Revised Jail Services Agreement (Exhibit A)

### FISCAL IMPACT

The main financial agreement points are as follows:

#### 2004 Agreement

\$55/day housing charge

-\$0- Transport Charge

Town responsible for clearing arrestees medically prior to Jail acceptance.

#### 2016 Agreement

\$55/day housing charge

\$85 Round Trip Transportation Charge (actual=\$183.24)

Town responsible for clearing arrestees medically prior to Jail acceptance.

For 2016 the Town is budgeted \$8,000 for prisoner costs and as of this writing, we have spent approximately \$6,500. Prisoner costs are traditionally difficult to estimate as the Town's prisoner costs can vary widely. That said, we are going to exceed the budget for 2016 and the General Fund budget may need to be adjusted at year end.

### 2016 TOWN COUNCIL GOALS & OBJECTIVES

While not specifically addressed in the Council's adopted 2016 Goals & Objectives, it may be inferred this initiative is consistent with Goal #4 of "Improve communication, encourage public engagement, and pursue cooperative relationships" as well as Objective 4.3 stating to "Improve Intergovernmental Entity Communication."

**RECOMMENDATIONS**

Possible actions by the Town Council include:

- 1. Move to APPROVE the amended Jail Service Agreement with Archuleta County.**
- 2. Move to NOT APPROVE the amended Jail Services Agreement with Archuleta County.**
- 3. Direct staff otherwise.**

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN ARCHULETA  
COUNTY, COLORADO AND THE TOWN OF PAGOSA SPRINGS, COLORADO  
THE EFFECTS OF THE COUNTY JAIL BEING VACATED.**

**THIS AGREEMENT**, is made and entered into this \_\_\_\_ day of May, 2016, by and between The Board of County Commissioners of Archuleta County, Colorado, a political subdivision of the State of Colorado (hereinafter referred to as “County”) and the Town of Pagosa Springs, Colorado, a home rule town of the State of Colorado (hereinafter referred to as “Town”).

**WHEREAS**, The County and the Town have the authority to act cooperatively and also have the authority and capacity to enter into this Intergovernmental Agreement pursuant to C.R.S. §29-1-201, *et. seq.* Further, the Town pursuant to its Home Rule Charter of 2003, §12.14, permits execution of Intergovernmental Agreements with political subdivisions such as County; and

**WHEREAS**, the parties hereto are parties to an Agreement for Municipal Jail Services which is dated May 4, 2004 (Hereinafter the “2004 Jail Agreement”); and

**WHEREAS**, the Archuleta County Sheriff operates a jail within Pagosa Springs, Archuleta County, Colorado which jail was evacuated on or about April 24, 2015 in order to protect the health and safety of inmates, county employees and members of the general public; and,

**WHEREAS**, persons commanded to the custody of the Archuleta County Sheriff may be transported to and held in the La Plata County jail; and,

**WHEREAS**, this Agreement is necessary for the orderly administration of justice and to insure that the health, safety and welfare of the community is not jeopardized during this period of inconvenience.

**NOW THEREFORE**, in consideration of the joint and mutual promises contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto state and agree as follows:

**SECTION ONE - DEFINITIONS**

- A. The term “Jail” means the Archuleta County Sheriff’s Office Detention Facility or the La Plata County Sheriff’s Office Detention Facility.
  
- B. The term “book” means the act of registering, screening and examining inmates for confinement in the Jail; inventorying and safekeeping inmates' personal property; maintaining all computerized records of arrest; performing warrant checks; and all other activities associated with processing an inmate for confinement.
  
- C. The term “Town Inmate” means a person presented to the Archuleta County Sheriff’s Office or any of its employees to be booked or housed in the Jail as a result of being arrested for, or convicted of, violations of municipal ordinances.
  
- D. The term “Custody” means the point at which the County or its agents have taken physical possession of such Town Inmate for transportation to the jail facility.

**SECTION TWO - CONDITIONS OF ACCEPTANCE OF MUNICIPAL OFFENDERS**

Subject to the conditions stated herein, the County will accept Custody of persons arrested by Town law enforcement officers and delivered to the County for transport/transfer to Jail for confinement, including persons arrested for, or convicted of, violations of the Town Municipal Code, and will hold them until such time as they are lawfully discharged from custody pursuant to law, or returned to the custody of the Town.

- A. Town law enforcement personnel will follow all Archuleta County Sheriff's Office policies and procedures and La Plata County policies and procedures when presenting arrested persons for booking or transport/transfer by County to either Jail for booking.
- B. County will not receive a person into custody for transport/transfer to either Jail until the Town law enforcement officer having custody of the person provides Archuleta County with proper documentation of the legal basis to hold the person in custody. Proper documentation shall consist of i) the literal description of the alleged Municipal, State, or Federal violation; and either a) a mittimus order that sentences Town Inmate to consecutive days b) an arrest warrant; or c) an Affidavit for arrest without a warrant.
- C. A Town Inmate will not be accepted by Archuleta County for transport/transfer to either Jail unless such person is without serious medical and/or mental conditions, as determined by County. If the Town Inmate presents medical or mental health needs, the arresting officer will transport the subject to the hospital for medical clearance prior to being accepted by the County. If the County accepts a Town Inmate for transport/transfer to La Plata County and they refuse to accept the person for medical or mental reasons and said person is taken to a hospital or other facility in La Plata County for medical or mental care, the Town shall be responsible for all such costs incurred.
- D. If County accepts a person into custody who was charged under a state statute as opposed to a municipal offense by a Town police officer, the Town shall remain liable for all medical costs arising out of concerning or touching upon such a person from the time of arrest until the time such person is booked into either Jail, regardless of whether the costs related to medical or mental health or whether such person is treated in a facility in Archuleta County, La Plata County or elsewhere as deemed appropriate by the entity having Custody of the person.

### **SECTION THREE - COSTS AND REIMBURSEMENT**

- A. The La Plata County Detention Facility will bill Archuleta County for the housing of all Town Inmates, as well as for phone privileges, video conferencing, medical care, medications and mental health evaluations. The purpose of this agreement is to provide assistance to the Town in transporting Town Inmates to the La Plata County Jail, if deemed necessary by County Detention Deputies. Regardless of the location of housing said inmates, the Town agrees to pay Archuleta County the sum of \$55.00 per day for each such Town Inmate for which Archuleta County was billed, or has housed.
  
- B. All arrests made by Town law enforcement officers for municipal charges that result in transport by the County to the La Plata County Detention Facility will be billed a one-time transportation fee of \$85.00. In addition to the one-time transportation fee, if County incurs any costs for transporting Town Inmates back and forth for appearances at Municipal Court, such costs shall be the responsibility of Town which shall be billed monthly by the County at a fixed rate of 85.00 per round trip. (The total cost incurred by County is actually \$183.24.)
  
- C. County shall submit invoices to the Town on a monthly basis. All undisputed payments shall be made by Town to County within thirty (30) days of receipt of invoice. Both parties shall endeavor to resolve disputed charges within one billing cycle.

### **SECTION FOUR - TERM AND TERMINATION**

- A. This Agreement, which supersedes and terminates the 2004 Jail Agreement, shall continue through December 31, 2016 and shall be automatically renewable year to year unless sooner terminated by notice from either party.
  
- B. This Agreement may be unilaterally terminated, with or without cause by thirty (30) days written notice to the other party.

**SECTION FIVE - MISCELLANEOUS**

A. Notices. Any notices or communication required or permitted under this Agreement shall be given in writing and sent by personal service (including express or courier service), electronic communication, whether by facsimile or email, or by certified mail, postage prepaid, return receipt requested, as follows:

If to Town, to:           Town of Pagosa Springs  
                                  Attn: Administrator Greg Schulte  
                                  P.O. Box 1859  
                                  Pagosa Springs, Colorado 81147  
                                  Phone: 970-264-4151  
                                  Email: gschulte@pagosasprings.co.gov

With a copy to:           Court Administrator  
                                  Attn: Candace Dzielak  
                                  Town of Pagosa Springs  
                                  P.O. Box 1859  
                                  Pagosa Springs, CO 81147

If to County, to:        Archuleta County  
                                  Attn: Administrator  
                                  Bentley Henderson  
                                  398 Lewis Street  
                                  Pagosa Springs, Colorado 81147  
                                  Phone: 970-264-8300  
                                  Email: bhenderson@archuletacounty.org

With a copy to:        Archuleta County Sheriff  
                                  P.O. Box 638  
                                  Pagosa Springs, Colorado 81147  
                                  Phone: 970- 264-8430  
                                  Email: rvaldez@archuletacounty.org

- B. Governing Law. This Agreement shall be governed by the laws of the State of Colorado. If any provision of this Agreement shall be held or deemed to be or shall in fact be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all cases because it conflicts with any other provision or provisions hereof or any constitution, statute, ordinance, rule of law, or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstances, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or sections contained in this Agreement shall not affect the remaining portions of this Agreement or any part hereof.
- C. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.
- D. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and cannot be modified or amended except by mutual written agreement of the parties.
- E. Separate Entries. It is understood and agreed that nothing herein contained is intended or should be construed as in any way creating or establishing the relationship of co-partners or joint ventures' between the parties hereto, or as constituting Town or the County of as representatives of each other for any purpose.
- F. No Third Party Beneficiary. This Agreement shall be construed to benefit the Participants and their respective successors and assigns only, and shall not be construed to create third-party beneficiary rights in any other party, governmental agency or organization.

G. Attorney's Fees and Costs. The prevailing party in any dispute between the parties arising out of the interpretation, application or enforcement of any provision of this Agreement shall be entitled to recover all its costs and expenses, including reasonable attorneys' fees and court costs incurred in or related to the proceeding.

[Signature page follows]

Signed and executed this \_\_\_\_ day of May, 2016.

BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO

\_\_\_\_\_  
Michael Whiting, Chairman

ATTEST:

By: \_\_\_\_\_  
June Madrid, Archuleta County Clerk and Recorder

TOWN OF PAGOSA SPRINGS, COLORADO

\_\_\_\_\_  
Don Volger, Mayor

ATTEST:

\_\_\_\_\_  
April Hessman, Town Clerk



# AGENDA DOCUMENTATION

## CONSENT AGENDA:III.5

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: DARREN LEWIS , PARKS & RECREATION DIRECTOR

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**PROJECT: COMPUTER LAB REMODEL**

**ACTION: DISCUSSION AND POSSIBLE ACTION**

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### BACKGROUND

The Ross Aragon Community Center was first completed in 2002 and represented a wonderful addition to Pagosa Springs and Archuleta County. As the Council is aware, the Town took operational and ownership control of the facility in 2015. However, it may be said the Community Center was already in transition and as the community needs evolve, so must the Community Center.

When the Community Center was first built, a computer lab was created with the notion of providing access to computers and the internet. The world of technology is considerably different today compared to 2002 when the Community Center was first constructed. Back then computers were more expensive and access to the internet was not as pervasive as it is now and it made sense for the Community Center to have the dedicated computer lab to provide that access to its citizens. However, the price of computers has dropped considerably since then and many public buildings and businesses have free WI-FI access. In short, technology and the internet are more accessible than ever before.

The present computer lab has very few users of the lab's four computers. The annual pass for the computer lab is only \$5 and we have a total of 24 users to date. Based upon staff observations, there are usually only 1-2 daily users. Staff believes there is a better use of the space going forward.

It has become quite apparent there is not enough space storage to accommodate the growth of the different programs that occur in the Center. The current front office accommodates 4 full time staff members, but is also used as storage for the facility. This has become even more pronounced with the advent of the Summer Youth Program. Furthermore, the office space looks unprofessional and a need for more storage is essential to accommodate the growth of the new programs.

Staff recommends eliminating the computer lab and converting that area into storage and additional office space. While we recognize there are current users that would be displaced from the building, there are computers available to the public at Ruby Sisson Library for free and the Community Center does provide free WI-FI access. We are also willing to possibly donate 2 of the computers to the Senior Center for their use.

### Attachments

Proposed area for remodel

### FISCAL IMPACT

It is estimated the cost for the remodel will be \$12,000. If approved by Council, staff will solicit a minimum of three bids consistent with the Town's Procurement Policy to perform the remodel. The Community Center has a Trust Account dedicated to capital improvements with a present balance of \$84,600 (Funding Line 31-23-530).

**RECOMMENDATION**

Possible motions for the Town Council to consider are:

- 1. Move to approve the recommended remodel of the computer lab to be used as storage and office space not to exceed \$12,000 with funding coming from the Community Center Capital Trust Account**
- 2. Move to decline the proposal for remodeling of the computer lab.**
- 3. Direct Staff Otherwise**



# AGENDA DOCUMENTATION

## CONSENT AGENDA: III.6

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: **BILL ROCKENSOCK, POLICE CHIEF**

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**PROJECT: LIQUOR LICENSE RENEWALS**  
**ACTION: DISCUSSION AND POSSIBLE DECISION**

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### PURPOSE/BACKGROUND

Businesses granted liquor licenses by the State of Colorado and the Town of Pagosa Springs are required to renew their liquor license annually. The Town Council, as the Local Licensing Authority, has requested that the Police Department provide them with information on police contacts with these businesses in consideration of their renewal application.

Annually, the Police Department works with the Colorado Liquor Enforcement Division to conduct compliance checks on businesses within the Town of Pagosa Springs holding liquor licenses throughout the year, Officers do perform random checks/walk thru of businesses selling liquor in the town limits.

The vendors listed below have requested a renewal of their liquor license. Based upon a local records check, the Police Department has found the following:

**The Lost Cajun Pagosa Springs** – Since June 1, 2015, there were no documented liquor violations at The Lost Cajun Pagosa Springs, located at 438C Pagosa St.

**The Junction Restaurant** – Since June 1, 2015, there were no documented liquor violations at The Junction Restaurant, located at 401 E Pagosa St.

**The Alley House Grille** – Since June 1, 2015, there were no documented liquor violations at The Alley House Grille, located at 214 Pagosa St.

**Farrago Market Café** – Since June 1, 2015, there were no documented liquor violations at Farrago Market Café, located at 175 Pagosa St.

### ATTACHMENT(S)

None

### RECOMMENDATION

It is the recommendation of the Police Chief that the Town Council:

- **Consider the above information when determining approval of liquor license renewals**



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL:IV.1.A.

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

**PROJECT: MUNICIPAL COURT, DEPARTMENT REPORT**  
**ACTION: UPDATE**

**IN-COURT ACTIVITY UPDATE AND SUPERVISION CASELOAD UPDATE**

**COURT SESSIONS** ~ Three (3) court sessions were conducted in April 2016.

| Pagosa Springs Municipal Court<br>April 2016<br>Case Characteristics |    |    |  | Pagosa Springs Municipal Court<br>Current Supervision Caseload<br>April 29 , 2016 |               |                  |
|--|----|----|--|---|---------------|------------------|
| Total Cases Docketed   | 57 |    |  |   | Total         | % of<br>Caseload |
| Traffic  | 16 |    |  | Cases Under Supervision   | 79            | —                |
| Adults   |    | 16 |  | Juveniles   | 17            | 21.52%           |
| Juveniles  |    | 0  |  | Adults  | 62            | 78.48%           |
| Criminal   | 41 |    |  | Males   | 55            | 69.62%           |
| Adults   |    | 29 |  | Females   | 24            | 30.38%           |
| Juveniles  |    | 12 |  | <b>TOTAL WORKLOAD UNITS</b>   | <b>172.89</b> |                  |

**CONTINUING EDUCATION**

▪ **Deputy Court Clerk**

Deputy Court Clerk, Amber Johnson, successfully completed the Court Basics III course on May 6, 2016. The course, facilitated by the Colorado Association for Municipal Court Administration (CAMCA), familiarized students with the processes of caseload management, appeals, records management, and jury management.

Since her start date with the Municipal Court, Amber Johnson has completed three (3) essential trainings, and if funding allows, Amber’s training, to acquire her records certification through the Colorado Certified Records Network, will be expedited. In June 2016, Amber Johnson will be assuming the responsibility of collections investigator for all traffic and criminal matters.

▪ **Presiding Judge**

Judge William Anderson attended the Spring CMJA (Colorado Municipal Judge’s Association) Conference and Training from April 28<sup>th</sup> through April 30<sup>th</sup>. The conference allowed Judge Anderson to obtain required CLE credits. The focus of the conference was the effect of current legislation on Municipal Courts.

## **RECORDS RETENTION**

The Court Clerk and Deputy Court Clerk have completed the search of all court records. They documented all records due for destruction, and all marked records were destroyed through Colorado Document Security. Records retention was delayed by approximately three (3) years because court employees did not have adequate time to accomplish the project.

## **NEW LEGISLATION**

The 2016 Colorado Legislature proposed two bills with significant impacts on the operations of Municipal Courts. The following bills are expected to be signed by Governor Hickenlooper within the next few weeks.

- HB 16-1309 was introduced at the request of the American Civil Liberties Union (ACLU). HB 16-1309 requires any person, in custody, be provided with defense counsel at first appearance. This is an unfunded mandate. Once signed, the effective date of this legislation is May 1, 2017. If HB 16-1309 becomes effective, Municipal Court will be requesting, for FY 2017, an increase in line item 10-48-204 which encumbers funds for Court Appointed Counsel. On April 6, 2016, Council took a position of opposition to this bill.
- HB 16-1311 shifts the burden to the court to determine that a defendant is not indigent and has the ability to pay assessed monetary costs. The bill prohibits the use of bench warrants if a defendant fails to appear for a court hearing to pay a fine or explain why they cannot pay. The Deputy Court Clerk, the Court Administrator, and the Municipal Judge are investigating the possibility of executing contract with a collection agency to recover amounts of restitution, fees, and fines which can no longer be recovered by having an accountability system in which defendants report directly to the court. HB 16-1311 is effective, immediately, upon signing by the Governor.

Deputy Court Clerk Amber Johnson will be assuming the responsibility of collections investigator for all traffic and criminal matters; she will be the point of contact for all delinquent accounts and the collection agency.



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL:IV.1.B

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: APRIL HESSMAN, CMC, TOWN CLERK

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**PROJECT: TOWN CLERK DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### CLERK'S OFFICE UPDATE

**Election:** The Clerk has been working with Jeremy Nelson of REgeneration Development Strategies, Shari Pierce of the Downtown Task Force (DTF), and Town Manager Schulte to gather information about the possibility of a special Town election this November for the development of a Downtown Development Authority. Staff and Mr. Nelson have been contacting Colorado cities to discover their process for the election, establishing voter lists, and issues. The DTF group is planning a public presentation and community meeting in June.

**Audits:** Staff has been working diligently with Hinton Burdick's team of auditors to finalize the 2015 audit. One of the last items was reviewing and updating the Town, Sanitation District, and Geothermal capital assets. The list was created by our auditor in 2004 after the Governmental Account Standards Board (GASB) issued Statement 34 requiring the capitalizing of the Town's infrastructure. Prior to this statement, the Town was not required to put a value on roads, alleys, right-of-ways, buildings or major infrastructure. The Clerk's office staff worked meticulously to review the previous list and the updated list proposed by our new auditors for accuracy and clarity to complete a comprehensive list of the Town's current assets. The audit should be completed at the end of May and our new auditor, Chad Atkinson, from Hinton Burdick will be presenting the audit at the July 5<sup>th</sup> Town Council meeting. Staff is working independently to implement procedures and a mechanism for effectively tracking the Town's assets.

**Business:** The HR Clerk implemented and trained employees on the new online timekeeping module. This last pay period began the first "all electronic" timesheet submission. This process gives the employees and department heads control and accountability with an approval process for each step level prior to submission to the payroll system. Caselle has several upgrades to the functionality of the online timekeeping. The Town is scheduled to receive the upgrade the week of June 6<sup>th</sup>.

The Deputy Clerk has worked with staff in Building and Planning departments to upload the necessary documents to the Citizenserve program. All documents have been received by their programming support team. Regular scheduled meetings have been set up to communicate with our newly appointed Citizenserve representative, Mr. Sean Munroe, for Tuesdays at 10am in the downstairs conference room. These meetings will allow our team to voice any changes needed for the program's interface to better serve our Town's citizens and our employees. On Tuesday, May 24, 2016, at 10am, we will have the initial meeting with Mr. Munroe to get our first look at the program's user interface and make any necessary changes or to ask any questions we may have. We are excited to start the process of refining the program to Town's specifications and hope this will be a fairly smooth transition.

Staff is working with Public Surplus to set up our account so that the Town can use their site to sell surplus property and equipment. Public Surplus offers an online bidding site for government entities that works similar to eBay. There will be no costs incurred by the Town as the site's 7% upcharge will be paid by the buyer. Staff anticipates having the set up completed by the end of the week and will begin listing items by the end of the month. Any items to be listed must be approved by the Town Manager.

## **PERSONNEL**

The Town currently has one open position in the Police Department. The transition of officers off of field training will allow us to begin actively recruiting this position. Outreach has been made to Colorado POST Academies and staff will be adding online postings to the recruiting effort.

The Town received 17 applications for seasonal park labor. Interviews for staff were completed in April. As of May 16<sup>th</sup>, the Town has hired three (3) new seasonal employees and three (3) prior seasonal employees for parks maintenance to work between 20 and 40 hours per week. Each of these employees have completed a new employee and safety training regimen implemented this year that includes landscape safety, playground safety, back safety, hand and power tool safety; as well as, sexual harassment prevention training and driver safety through a combination of videos, online classes, and supervisor instruction.

Staff interviewed fifteen applicants for the Summer Youth Program. Offers have been extended and we have confirmed eight (8) new hires for the program; with two (2) offers outstanding. Backgrounds, pre-employment drug testing, and fingerprinting have been completed on the new hires and additional background has been completed on three (3) current Town employees to facilitate day care licensing and provide backup in the event it is needed. Summer Youth Camp Staff are scheduled to begin training on May 22<sup>nd</sup> with the camp starting June 6<sup>th</sup>. Training will include certification for First Aid, CPR, and Medical Administration; as well as, online training in aquatic safety, playground supervision, day camp supervision, bullying prevention, trip and transportation safety, and child abuse and prevention.



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV.2

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: MARCH 2016 SALES TAX REVENUE REPORT  
ACTION: DISCUSSION

### CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the information for March 2016 for sales tax and shows an impressive increase of **22.1%** compared to March 2015. Total sales tax revenue for March 2016 for the Town is \$387,893 with that divided equally between the General Fund and the Capital Improvement Fund (\$193,947 going to each). In March 2015, the total amount received was \$317,595. The sales tax received in March 2016 is \$70,298 higher than the same month in 2015.

March 2016 was the best March ever. However, as a reminder, Wal-Mart did not open until April 22nd, 2015 and it's been reported that \$20,000 of the revenue received was from 2015 and is believed to be of a one-time nature. If you subtract the \$20,000, then the increase from March 2015 to March 2016 is a 15.8% increase.

Even after subtracting the \$20,000, March 2016 was still the best March ever.

#### ***Compared to 2016 Budget***

The sales tax projection for the adopted 2016 budget is a total of \$4,352,566 or \$2,176,283 each for the General Fund and the Capital Improvement Fund representing a 7% increase over the estimated year end for 2015. The month of March 2016 yielded \$193,947 for the General Fund and exactly the same amount for the Capital Improvement Fund. Premised upon the 10 year monthly average, the expectation is the Town should have received in March for each Fund about \$161,045. The variance for March 2016 is \$32,902 or 20% more than budget. Year to date, we are ahead of budget by approximately \$55,631, or 12%. Please see Exhibit A.

#### **ANALYSIS**

Resolution 2016-01 mandates 2016 expenditure reductions if sales tax revenues decline from the average revenue of the past two years. The application of the Resolution requires a monthly analysis that averages several months/years of revenue, to smooth out the impact of significant swings in sales tax collections:

|          | <u>2104</u> | <u>2015</u> | <u>Avg.</u> | <u>2016</u> | <u>% Change</u> |
|----------|-------------|-------------|-------------|-------------|-----------------|
| January  | 247,995     | 310,175     | 279,085     | 315,221     | +12.9%          |
| February | 214,360     | 273,948     | 244,154     | 300,422     | +23.0%          |
| March    | 293,377     | 317,595     | 305,486     | 387,893     | +26.9%          |

Everything continues to be positive. Application of paragraphs 5 and 5(b) of the Council's policy calls for **NO** reduction of budgeted expenditures since the reduction is not more than 5%

**ATTACHMENT(S)**

Exhibit A

**RECOMMENDATION**

Informational, no action required.

**Town of Pagosa Springs  
2016 Sales Tax Estimate  
General Fund**

| <u>Month</u>                 | <u>2016<br/>Estimated</u> | <u>2016<br/>Actual</u> | <u>Variance</u> | <u>10 Year<br/>Ave. %<br/>Collection</u> | <u>Percent Above<br/>Budget</u> |
|------------------------------|---------------------------|------------------------|-----------------|--|---------------------------------|
| January                      | 145,811                   | 157,611                | 11,800          | 6.7%                                     | 8%                              |
| February                     | 139,282                   | 150,211                | 10,929          | 6.4%                                     | 8%                              |
| March                        | 161,045                   | 193,947                | 32,902          | 7.4%                                     | 20%                             |
| April                        | 134,930                   |                        |                 | 6.2%                                     |                                 |
| May                          | 158,869                   |                        |                 | 7.3%                                     |                                 |
| June                         | 204,571                   |                        |                 | 9.4%                                     |                                 |
| July                         | 265,507                   |                        |                 | 12.2%                                    |                                 |
| August                       | 204,571                   |                        |                 | 9.4%                                     |                                 |
| September                    | 206,747                   |                        |                 | 9.5%                                     |                                 |
| October                      | 178,455                   |                        |                 | 8.2%                                     |                                 |
| November                     | 161,045                   |                        |                 | 7.4%                                     |                                 |
| December                     | 215,452                   |                        |                 | 9.9%                                     |                                 |
| <b>TOTAL</b>                 | <b>2,176,283</b>          | <b>501,769</b>         | <b>55,631</b>   | <b>100.0%</b>                            |                                 |
| Percent Ahead<br>of Estimate | 12%                       |                        |                 |  |                                 |



# AGENDA DOCUMENTATION

MAY 19TH, 2016

JENNIFER GREEN

DIRECTOR, PAGOSA SPRINGS AREA TOURISM BOARD

**PROJECT: LODGING TAX UPDATE**  
**ACTION: UPDATE AND DISCUSSION**

## TOURISM BOARD MEETINGS

The most recent Tourism Board meeting was held on Tuesday, May 10th, 2016. The next Tourism Board meeting will be held on Tuesday, June 14th at 4pm at the Visitor Center. Multiple subcommittee meetings will be held in the next few weeks.

## LODGERS TAX FINANCIAL REPORT

The most recent lodging tax report has been included in the packet for review. March 2016 reflects a modest 1.82% growth over 2015. Additional payments were received for February, which now reflects a 16.95% increase over 2015 and for the 1st time in collection history, February was a stronger month in tax collections than January. The first quarter of 2016 shows an 8.41% increase over Q1 2015, or an increase of \$9,610. Additionally, for Town Collections, all lodging property segments have increased. Comparing Q1 2015 market share with Q1 2016, shows that hotel / motel grew at 7% and maintained 74% of all collections. Whereas property management and vacation rental segments both grew significantly, however, combined represented the same at 11% of collections.

## VISITOR CENTER UPDATE

Traffic to the visitor center during the month of April was slightly lower than 2015. It will be interesting to see how traffic patterns correlate with lodging tax collections. March 2016 traffic was slightly higher than 2015 and lodging tax was similarly up slightly.

The Visitor Center is beginning to place "information kiosks" in high traffic tourist areas and area businesses with significant traffic. The "kiosks" consists of brochure rack with all Visitor Center-produced Pagosa area brochures, signage to promote website, and a TV looping videos. The initial placement of the racks is Chimney Rock Visitor Cabin, Wyndham Resorts, Quality Inn (downtown) and hopefully Stevens Field / Archuleta Co Airport. There are 5 additional racks available. Distribution of materials will be closely tracked to showcase overall number of visitors we are reaching through Visitor Information Program. As we broaden locations visitors can get information (including window rack holders on exterior doors at visitor center for 24-7 access to information), it will be interesting to see if traffic to the visitor center changes.

## SOCIAL MEDIA UPDATE

- Facebook - [www.facebook.com/visitpagosasprings](http://www.facebook.com/visitpagosasprings) Facebook: 13,414 fans
- Instagram - [www.instagram.com/visitpagosa](http://www.instagram.com/visitpagosa): 1,707 followers
- Twitter - [www.twitter.com/visitpagosa](http://www.twitter.com/visitpagosa) - 1,114 followers

## SOCIAL MEDIA STRATEGY

There is a ton of content available on social media. Rather than relying on staff to be able to capture all of the possible photos for social media and advertising purposes, there is an online platform that can be licensed to provide advertising / creative development tools, usage rights, online plugins and visitor center display opportunities. The platform is based on an annual fee, with all components needed, it would cost \$15,000. By saving significant time and resources, this platform would allow existing staff to launch an aggressive social media campaign that would allow us to significantly increase fan base and available content using new Pagosa-branded hashtag. Staff would develop content schedule across all channels with schedule for paid campaigns (in conjunction with events / activity). Marketing Subcommittee meeting scheduled Tuesday, May 17th at 3pm to set goals for the project. <https://preview.crowdriff.com/destination/0245a21c0ee9>

## AIRPORT MARKETING

A portion of the 2016 marketing budget allocates funds towards specific advertising for the airport. A few areas that are currently being addressed:

- Updating Travel Planner to have page dedicated to airport / private pilots - Travel Planner is mailed to 40,000+ annually based on requests for more information; it is also available online and distributed at State Welcome Centers
- High Definition Video - Videographer is scheduled (tentatively) to shoot for a few days in early July; we would like to get footage of the airport, as well as from a plane filming take off and landing - we will be able to leverage video for additional promotions / future marketing
- Information Kiosk for airport - one of the new information kiosks will hopefully be placed at the airport; the visitor center will provide all brochures that we produce and Sun visitor guides to include. There would be room for the airport to place brochures they would like to display as well. The TV plays videos on a loop - we will provide video as well. When we get video footage in July, we can produce an airport specific video, as well as incorporate footage in our other videos.

## EVENT MARKETING - PAGOSA SPRINGS CENTER FOR THE ARTS

Director met with Laura Moore recently to do targeted marketing, as per the 2016 marketing grant and allocated funds. Initially, a paid Facebook ad will feature a video for a Few Good Men, targeting northern NM (weekend drive market). In early June, a broader Facebook ad will launch promoting Broadway in the Mountains. We will upload their email contact list into Facebook, so that FB can identify matching profiles to our existing fan base, allowing us to target a new audience, yet one with similar interests to our existing fanbase. Additionally, a new brochure for Arts & Theatre will be developed.

## HOT SPRINGS LOOP

The Hot Springs Loop project is going well. The landing page on [www.colorado.com](http://www.colorado.com) is in development, brochure has been drafted and video is in development. All collateral pieces will be completed by mid-June. Below is the map: There has been a lot of momentum from press & media with the Loop. Currently, the following writers are planning on writing about the Loop and visit at least 3 of the 5 participants (all participants will be mentioned in articles): Travel + Leisure Magazine, Dallas Morning News, USA Today, Denver Post, AAA Encompass Magazine, Leisure Group Travel: On the Water, Diana Rowe for various Motorcycle / Tour Magazines.

**Town of Pagosa Springs Monthly Lodgers Tax Collections**

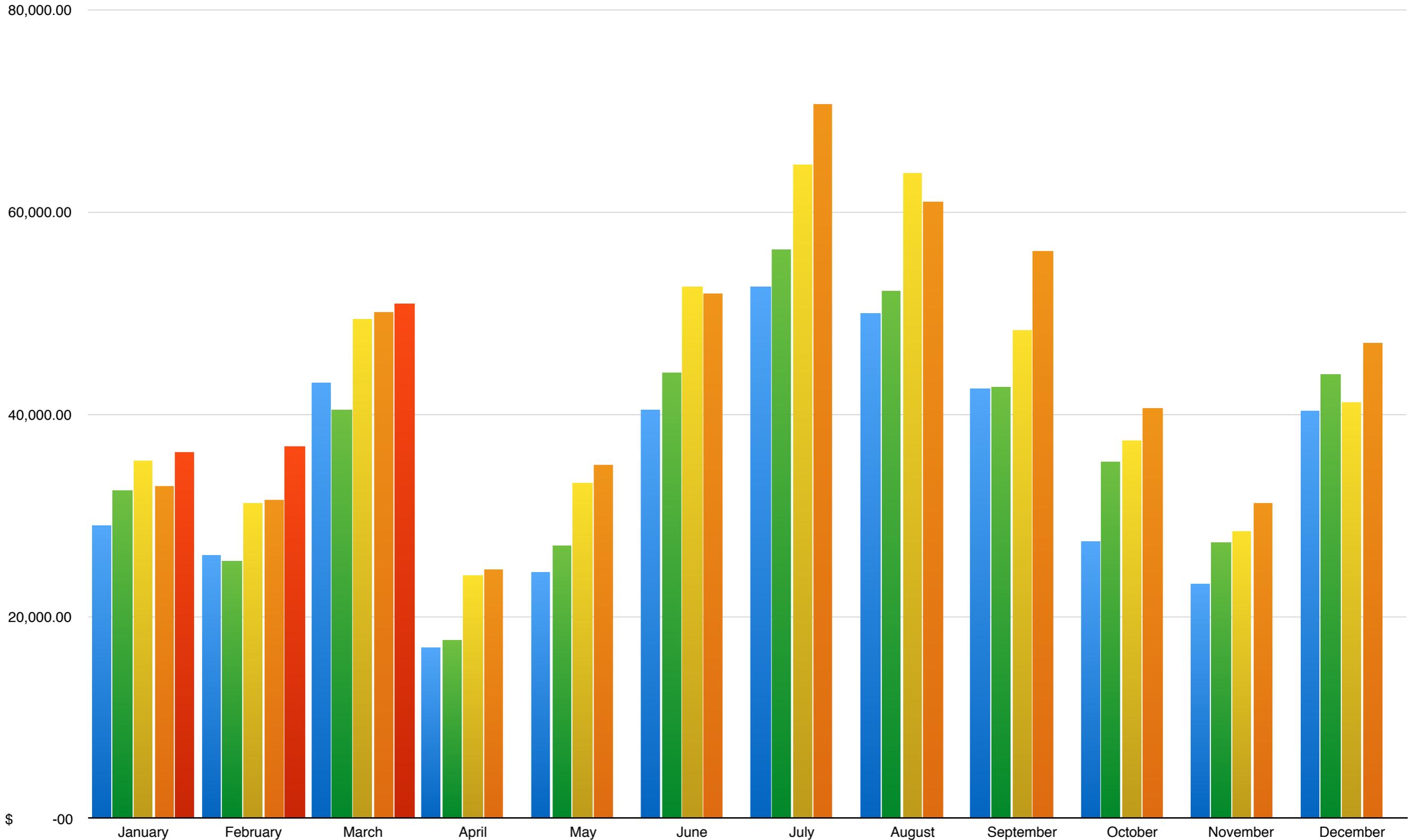
|   | 2007                | 2008                | 2009                | 2010                | 2011                | 2012                | 2013                | 2014                | 2015                | 2016                | % Change<br>2016 vs 2015 |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------------|
| <b>January</b>                              | \$ 22,904.43        | \$ 23,544.00        | \$ 24,228.00        | \$ 27,295.00        | \$ 26,943.65        | \$ 28,916.00        | \$32,499.75         | \$35,389.65         | \$32,822.00         | <b>\$36,191.00</b>  | 10.26%                   |
| <b>February</b>                             | \$ 20,543.13        | \$ 17,002.00        | \$ 19,360.78        | \$ 21,960.24        | \$ 21,824.65        | \$ 26,003.00        | \$25,510.87         | \$31,222.00         | \$31,453.00         | <b>\$36,785.00</b>  | 16.95%                   |
| <b>March</b>                                | \$ 33,516.00        | \$ 31,216.00        | \$ 29,925.00        | \$ 34,928.74        | \$ 37,350.40        | \$ 43,034.00        | \$40,383.00         | \$49,398.65         | \$50,036.00         | <b>\$50,945.00</b>  | 1.82%                    |
| <b>April</b>                                | \$ 15,879.04        | \$ 12,500.00        | \$ 15,186.00        | \$ 15,765.00        | \$ 16,830.71        | \$ 16,911.65        | \$17,607.00         | \$24,063.75         | <b>\$24,692.00</b>  |                     |                          |
| <b>May</b>                                  | \$ 20,590.00        | \$ 19,276.00        | \$ 21,949.00        | \$ 21,049.00        | \$ 21,758.00        | \$ 24,283.00        | \$26,942.73         | \$33,230.00         | <b>\$34,998.00</b>  |                     |                          |
| <b>June</b>                                 | \$ 31,803.61        | \$ 29,041.00        | \$ 32,622.11        | \$ 37,539.26        | \$ 36,091.00        | \$ 40,508.45        | \$44,148.14         | <b>\$52,611.00</b>  | \$51,874.00         |                     |                          |
| <b>July</b>                                 | \$ 43,728.00        | \$ 44,693.00        | \$ 50,124.71        | \$ 51,931.50        | \$ 57,316.65        | \$ 52,571.99        | \$56,190.71         | \$64,680.65         | <b>\$70,696.00</b>  |                     |                          |
| <b>August</b>                               | \$ 35,610.05        | \$ 38,092.00        | \$ 42,307.85        | \$ 41,714.00        | \$ 44,944.49        | \$ 49,948.65        | \$52,182.92         | <b>\$63,774.65</b>  | \$61,073.00         |                     |                          |
| <b>September</b>                            | \$ 36,500.00        | \$ 32,363.75        | \$ 35,610.05        | \$ 41,333.05        | \$ 44,019.85        | \$ 42,499.79        | \$42,615.00         | \$48,243.80         | <b>\$56,080.00</b>  |                     |                          |
| <b>October</b>                              | \$ 25,264.55        | \$ 22,041.46        | \$ 25,764.55        | \$ 28,857.93        | \$ 30,661.54        | \$ 27,482.50        | \$35,281.65         | \$37,303.65         | <b>\$44,219.00</b>  |                     |                          |
| <b>November</b>                             | \$ 14,866.00        | \$ 16,232.00        | \$ 19,815.65        | \$ 21,348.00        | \$ 27,542.05        | \$ 23,180.44        | \$27,340.00         | \$28,446.00         | <b>\$31,451.00</b>  |                     |                          |
| <b>December</b>                             | \$ 31,652.00        | \$ 31,934.69        | \$ 35,456.65        | \$ 40,197.65        | \$ 41,931.00        | \$ 40,345.00        | \$43,900.00         | \$41,094.00         | <b>\$47,075.00</b>  |                     |                          |
| <b>Total</b>                                | <b>\$332,856.81</b> | <b>\$317,935.90</b> | <b>\$352,350.35</b> | <b>\$383,919.37</b> | <b>\$407,213.99</b> | <b>\$415,684.47</b> | <b>\$444,601.77</b> | <b>\$509,457.80</b> | <b>\$536,469.00</b> | <b>\$123,921.00</b> |                          |
| <b>\$\$ Difference (over previous year)</b> |                     | \$(14,920.91)       | \$ 34,414.45        | \$ 31,569.02        | \$ 23,294.62        | \$ 8,470.48         | \$28,917.30         | \$64,856.03         | \$27,011.20         | \$9,610.00          |                          |
| <b>% Difference</b>                         |                     | -4.48%              | 10.82%              | 8.96%               | 6.07%               | 2.08%               | 6.96%               | 14.59%              | 5.30%               | 8.41%               |                          |

|          |          | 2007         | 2008         | 2009         | 2010         | 2011         | 2012         | 2013         | 2014                | 2015                | 2016 | % Change |
|----------|----------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------------|---------------------|------|----------|
| Q1       | Town     | \$76,963.56  | \$71,762.00  | \$73,513.78  | \$84,183.98  | \$86,118.70  | \$97,953.00  | \$98,393.62  | \$116,010.30        | \$114,311.00        |      |          |
|          | County   | NA           | NA           | NA           | NA           | NA           | \$16,245.23  | \$18,769.34  | \$22,116.79         | \$25,952.02         |      |          |
|          | Combined | NA           | NA           | NA           | NA           | NA           | \$114,198.23 | \$117,162.96 | \$138,127.09        | <b>\$140,263.02</b> |      |          |
| Q2       | Town     | \$68,272.65  | \$60,817.00  | \$69,757.11  | \$74,353.26  | \$74,679.71  | \$81,703.10  | \$88,697.87  | \$109,904.75        | \$111,564.00        |      |          |
|          | County   | NA           | NA           | NA           | NA           | NA           | \$19,925.20  | \$17,173.05  | \$18,623.89         | \$16,326.35         |      |          |
|          | Combined | NA           | NA           | NA           | NA           | NA           | \$101,628.30 | \$105,870.92 | <b>\$128,528.64</b> | <b>\$127,890.35</b> |      |          |
| Q3       | Town     | \$115,838.05 | \$115,148.75 | \$128,042.61 | \$134,978.55 | \$146,280.99 | \$145,020.43 | \$150,988.63 | \$176,699.10        | \$187,849.00        |      |          |
|          | County   | NA           | NA           | NA           | NA           | NA           | \$30,041.11  | \$23,760.77  | \$35,975.64         | \$47,764.82         |      |          |
|          | Combined | NA           | NA           | NA           | NA           | NA           | \$175,061.54 | \$174,749.40 | <b>\$212,674.74</b> | <b>\$235,613.82</b> |      |          |
| Q4       | Town     | \$71,782.55  | \$70,208.15  | \$81,036.85  | \$90,403.58  | \$100,134.59 | \$91,007.94  | \$106,521.65 | \$106,843.65        | \$122,745.00        |      |          |
|          | County   | NA           | NA           | NA           | NA           | NA           | \$19,761.88  | \$23,854.14  | \$26,407.32         | \$28,109.20         |      |          |
|          | Combined | NA           | NA           | NA           | NA           | NA           | \$110,769.82 | \$130,375.79 | <b>\$133,250.97</b> | <b>\$150,854.20</b> |      |          |
| Totals   | Town     | \$332,856.81 | \$317,935.90 | \$352,350.35 | \$383,919.37 | \$407,213.99 | \$415,684.47 | \$444,601.77 | \$509,457.80        | \$536,469.00        |      |          |
|          | County   | \$73,813.73  | \$75,544.09  | \$72,878.61  | \$72,890.39  | \$80,211.79  | \$85,973.42  | \$83,557.30  | \$103,123.64        | \$118,152.39        |      |          |
|          | Combined | \$406,670.54 | \$393,479.99 | \$425,228.96 | \$456,809.76 | \$487,425.78 | \$501,657.89 | \$528,159.07 | \$612,581.44        | \$654,621.39        |      |          |
| % Growth | Town     | NA           | -4.48%       | 10.82%       | 8.96%        | 6.07%        | 2.08%        | 6.96%        | 14.59%              | NA                  |      | NA       |
|          | County   | NA           | 2.34%        | -3.53%       | 0.02%        | 10.04%       | 7.18%        | -2.81%       | 23.42%              | NA                  |      | NA       |
|          | Combined | NA           | -3.24%       | 8.07%        | 7.43%        | 6.70%        | 2.92%        | 5.28%        | 15.98%              | NA                  |      | NA       |

# Town Collections by Month

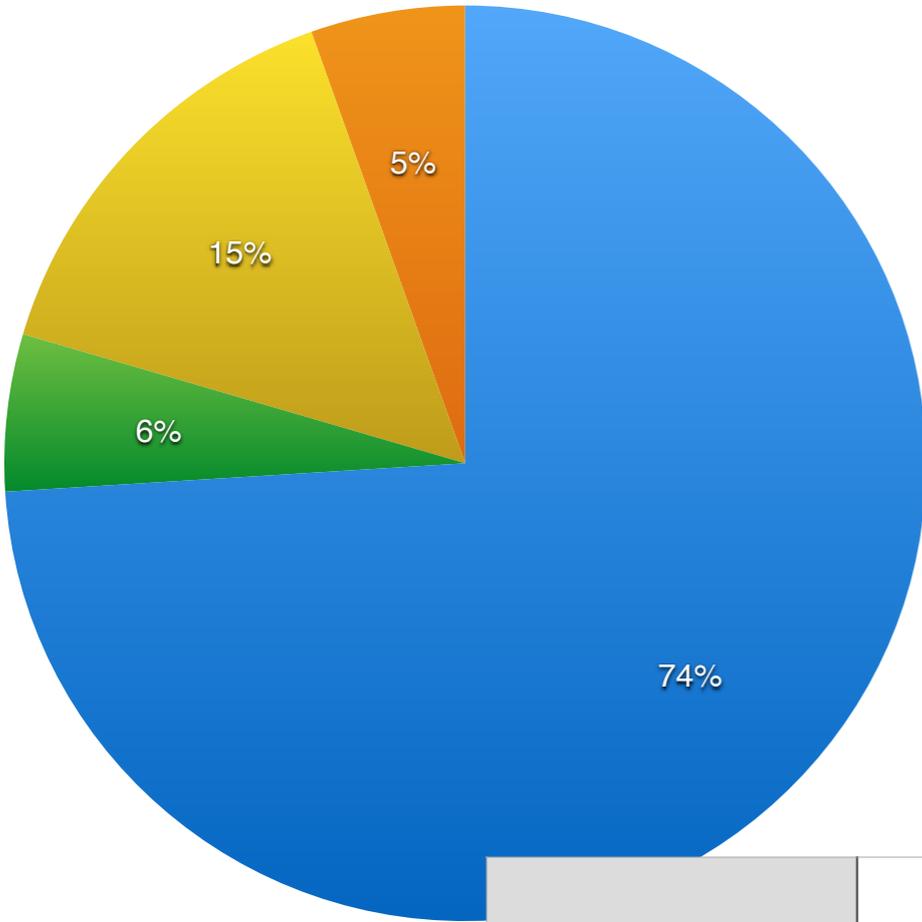
(2012 - 2016)

■ 2012 ■ 2013 ■ 2014 ■ 2015 ■ 2016

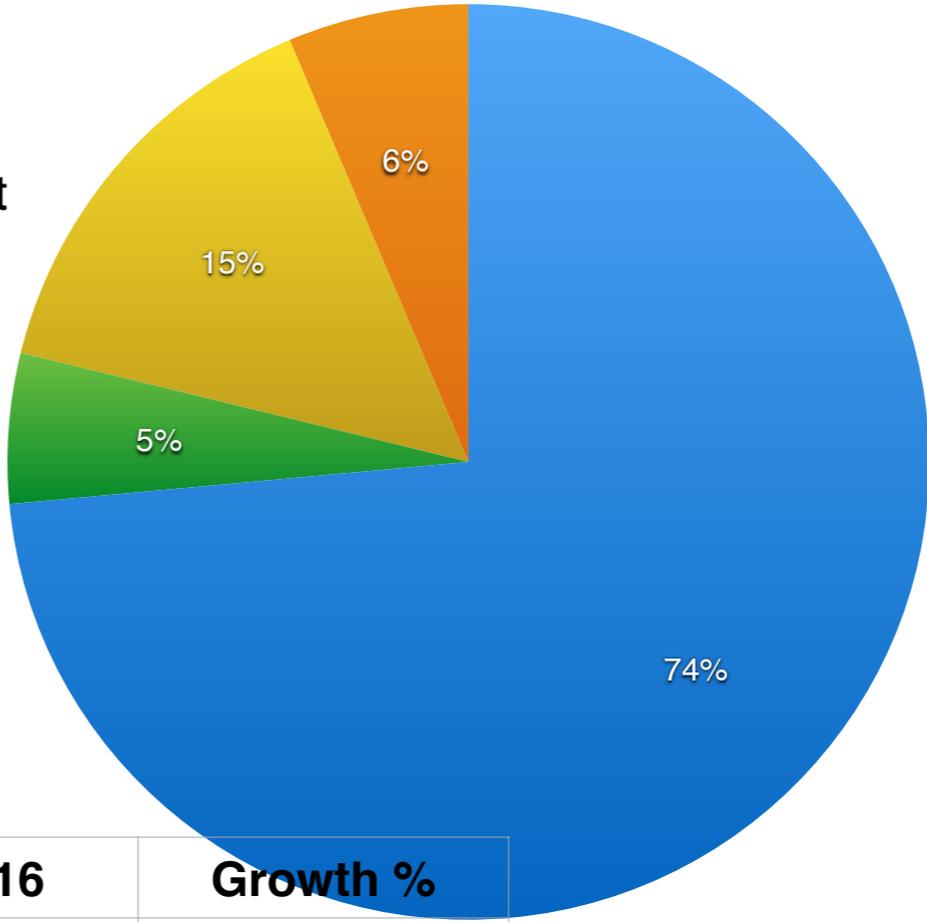


# Percentage of Collections by Property Type: 1st Quarter

Q1 2015



Q1 2016

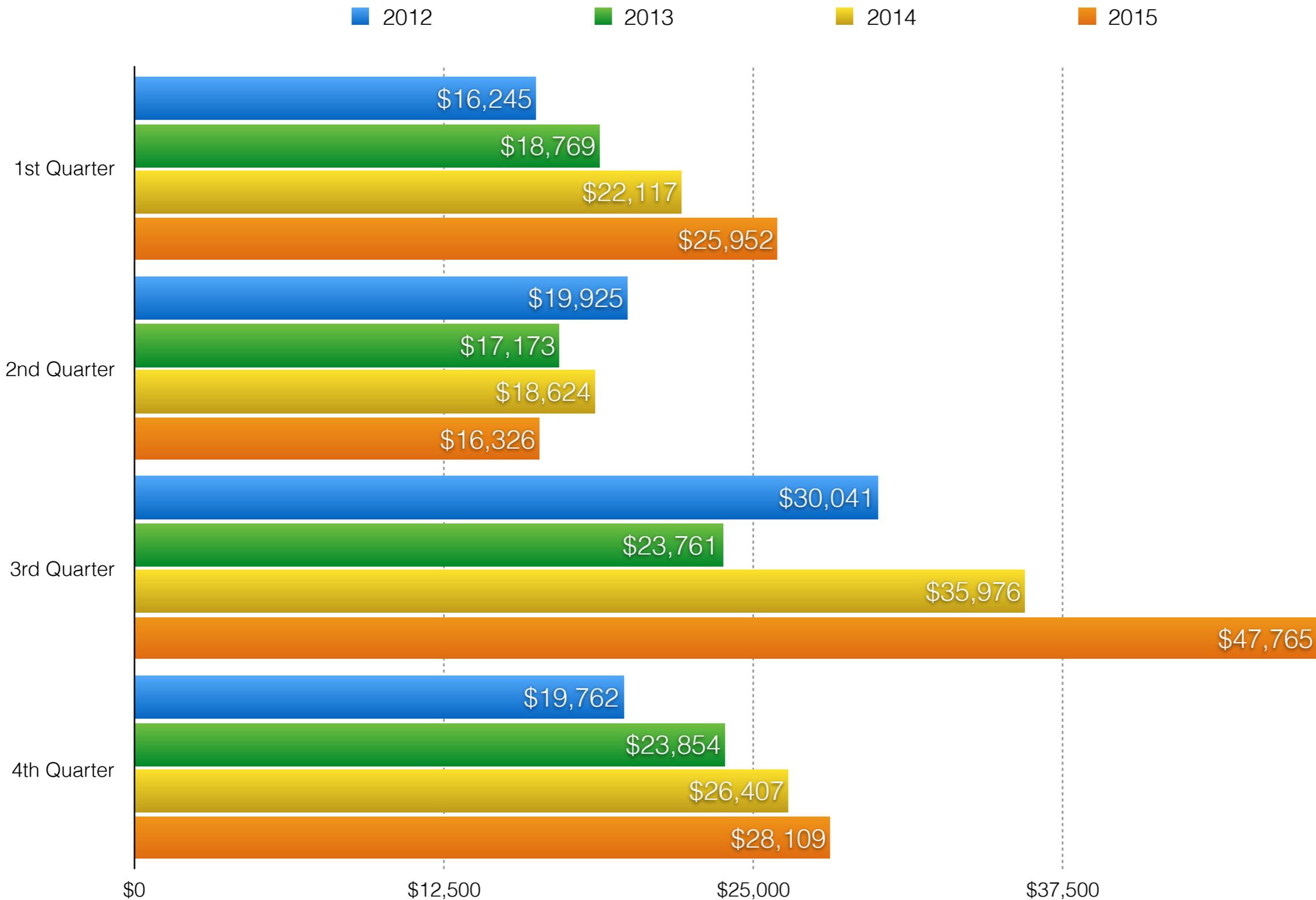


- Hotels / Motels
- Cabin / Campgrounds
- Property Management
- Vacation Rental

|                            | Q1 2015  | Q1 2016  | Growth % |
|----------------------------|----------|----------|----------|
| <b>Hotels</b>              | \$84,601 | \$91,123 | 7.71%    |
| <b>Cabin / Campgrounds</b> | \$6,333  | \$6,568  | 3.71%    |
| <b>Property Management</b> | \$17,184 | \$18,378 | 6.95%    |
| <b>Vacation Rental</b>     | \$6,192  | \$7,852  | 26.81%   |

# County Collections by Quarter

(2012 - 2015)

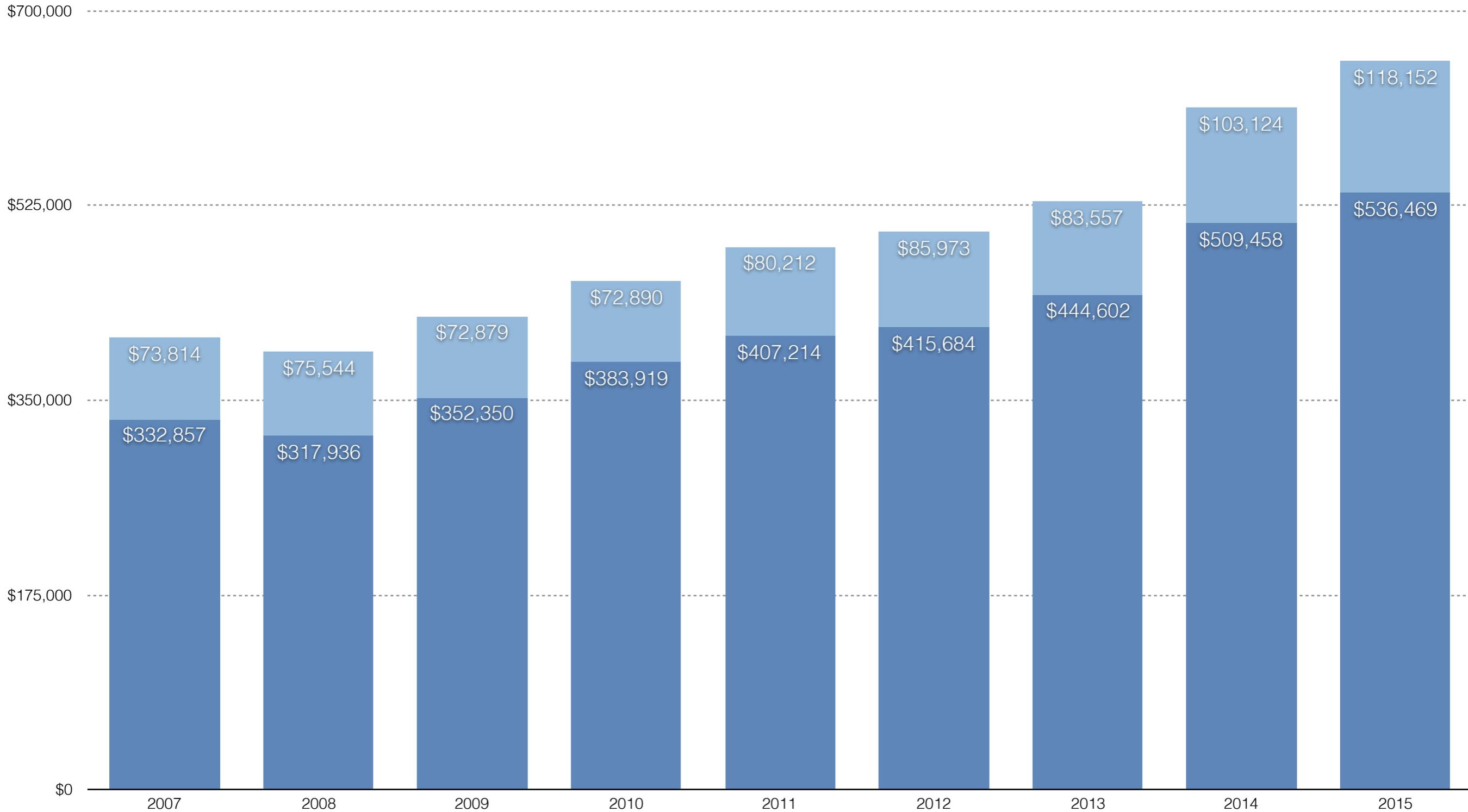


# Total Collections by Year

(2007 - 2015)

■ Town

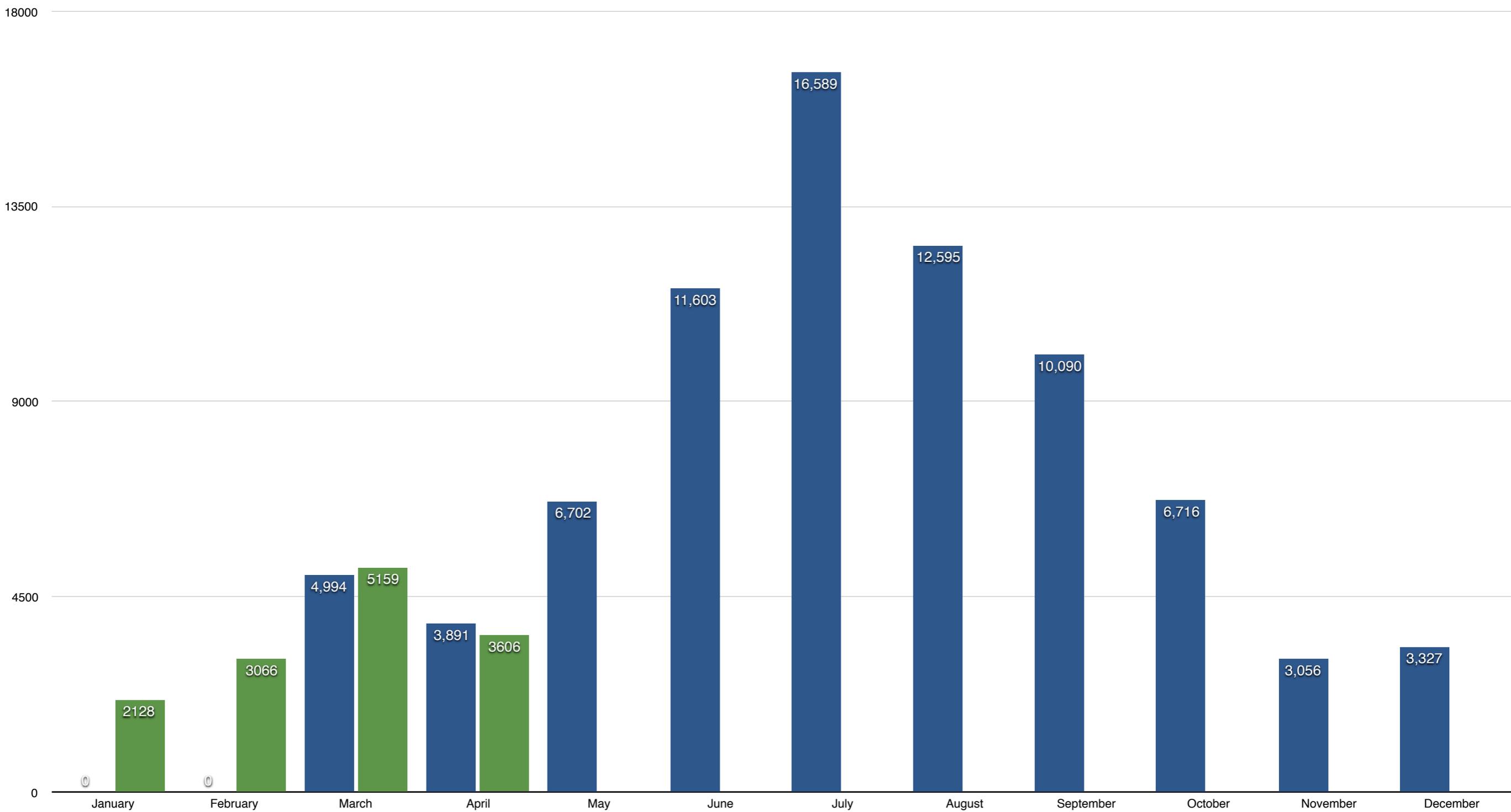
■ County



# Visitor Center Traffic

■ 2015 (Traffic less Chamber / Mtgs)

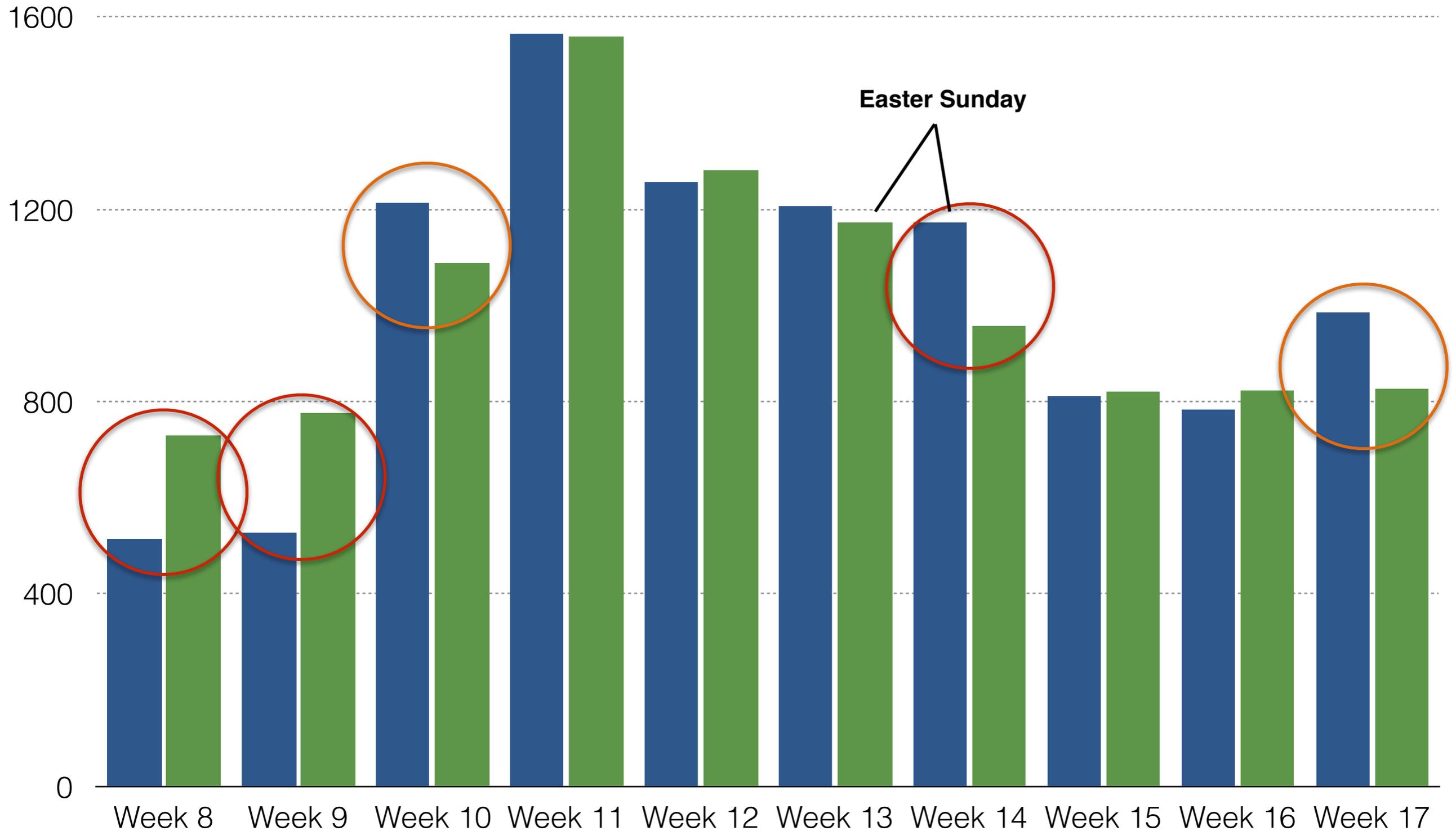
■ 2016 (Traffic less Chamber / Mtgs)



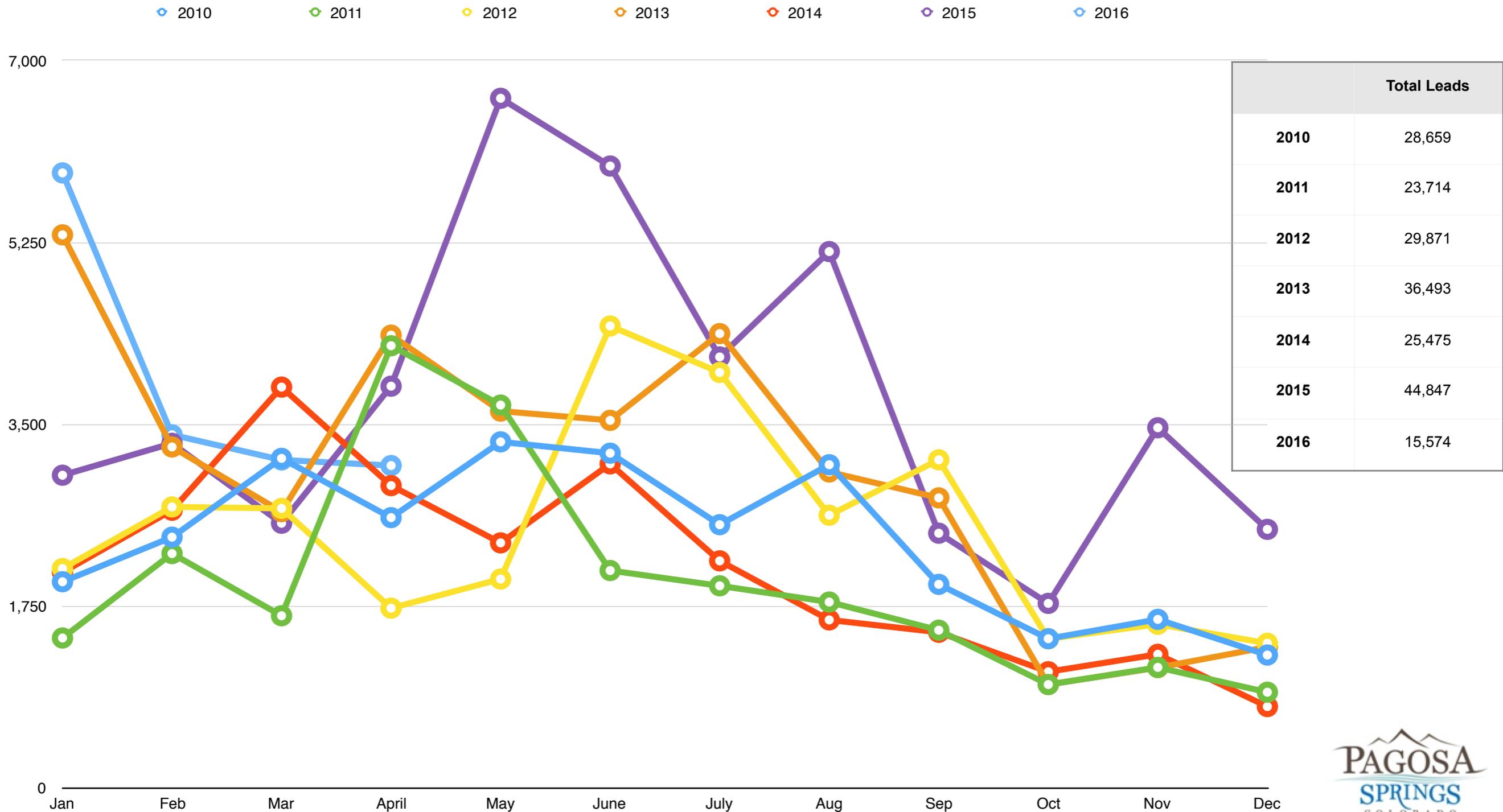
# 2015 - 2016 Week over Week Visitor Center Traffic

■ 2015

■ 2016



# Vacation Planner Requests by Month



# Total Lead Collection by Month

|             | Jan   | Feb   | Mar   | April | May   | June  | July  | Aug   | Sep   | Oct   | Nov   | Dec   | Total  |
|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| <b>2010</b> | 1984  | 2413  | 3171  | 2601  | 3330  | 3221  | 2533  | 3110  | 1959  | 1436  | 1622  | 1279  | 28,659 |
| <b>2011</b> | 1443  | 2255  | 1657  | 4255  | 3684  | 2092  | 1945  | 1789  | 1518  | 995   | 1160  | 921   | 23,714 |
| <b>2012</b> | 2111  | 2704  | 2690  | 1730  | 2010  | 4445  | 3998  | 2624  | 3157  | 1435  | 1575  | 1392  | 29,871 |
| <b>2013</b> | 5322  | 3281  | 2658  | 4357  | 3626  | 3537  | 4372  | 3040  | 2791  | 995   | 1158  | 1356  | 36,493 |
| <b>2014</b> | 2,074 | 2,672 | 3,857 | 2,909 | 2,358 | 3,118 | 2,185 | 1,617 | 1,498 | 1,118 | 1286  | 783   | 25,475 |
| <b>2015</b> | 3,009 | 3,316 | 2,547 | 3,866 | 6,636 | 5,984 | 4,147 | 5,161 | 2,451 | 1,776 | 3,466 | 2,488 | 44,847 |
| <b>2016</b> | 5,918 | 3,398 | 3,156 | 3,102 |       |       |       |       |       |       |       |       | 15,574 |



# DRAFT Minutes

## Pagosa Springs Area Tourism Board

Tuesday, May 10th, 2016

Pagosa Springs Visitor Center

4 pm

Meeting called by: CK Patel

Attendees: Voting Members; Larry Fisher, Nick Tallent, Steve McKain, Criselda Montoya, Jon Johnson

Absences: CK Patel, Steve Wadley, Stephen Durham

Non Voting Attendees; Jennifer Green

Please review: April Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
2. Determination Of Quorum (5)
3. Approval of Minutes - April
  - a. Nick Tallent motioned to approve April meeting minutes, Jon Johnson seconded, all approved
4. Chair Report
  - a. Board positions
    1. Lodging Seat
      - a. An email was sent over the weekend from Valerie Green regarding open Lodging Association seat. Both Tari Woods and Amanda Walters expressed interest.
      - b. Group discussed the organization of the current Lodging Association; Group discussed seeking change to the by-laws to change the designated Lodging Association seat to a designated lodging seat.
        - i. Larry Fisher asked how the seat would be filled

1. Director explained that notification to all Lodging properties, in addition to advertising open position in the newspaper; largely the seat would be treated as an at-large, but designated to a lodging representative
    - ii. Nick Tallent motioned to direct staff to work with Town Council and the Board of County Commissioners to change Lodging Association seat to a designated Lodging seat, Criselda Montoya seconded, all approved
  2. Chamber of Commerce Seat – Jon Johnson
  3. Board of Realtors Seat – Lee Riley
  4. Nick Tallent motioned to recommend Jon Johnson as the Chamber of Commerce seat and Lee Riley as the Board of Realtors appointment, Steve McKain seconded, all approved
  5. At Large (4) – Larry Fisher, Stephen Durham, Nick Tallent, Criselda Montoya, Steve McKain
5. Tourism Director Report – Jennie Green
  - b. SW Tourism Summit Recap
    1. Summit went extremely well; Feedback from attendees was overwhelmingly positive, with many commenting it was the Best Regional Tourism Summit yet. It will be interesting to see if the Summit impacted lodging tax collections in April.
  - c. Pagosa Springs History Museum
    1. Director explained that recent news about the future of the museum had resulted in numerous phone calls from area businesses, expressing their desire for the Tourism Board to solve the issue; group discussed briefly and determined this topic would continue
  - d. Schedule events and marketing subcommittee meetings
    1. With smaller attendance at meeting, group determined to schedule subcommittee meetings via email
6. Treasurers Report – Nick Tallent
  - a. Monthly Town Lodging Receipts report – Update
    1. March 2016 reflected a modest 1.82% growth over 2015. Additional payments were received for February, which now shows a 16.95% increase over 2015 and for the 1st time in collection history, February was a stronger month in tax collections than January. The first quarter of 2016 shows an 8.41% increase over Q1 2015, or an increase of \$9,610.

2. In review of the collections in the 1st quarter by property type, all segments have grown. Comparing Q1 2015 market share with Q1 2016, shows that hotel / motel grew at 7% and maintained 74% of all collections. Whereas property management and vacation rental segments both grew significantly, combined still represented the same at 11% of collections.

## 7. Subcommittee Reports

### a. Budget

1. No update

### b. Marketing

#### i. Crowd Riff – social media / content platform

- a. Director began with an overview of CrowdRiff, a vendor she met with during Mountain Travel Symposium. A challenge for the Director is to maintain all of the social media channels on a regular basis, given everything on the growing task list. For many destinations, social media is a full time position. There is a ton of content available on social media and it takes a lot of time to stay engaged with users and keep content fresh.
- b. CrowdRiff is an online platform that can be licensed to provide advertising / creative development tools, usage rights, online plugins and visitor center display opportunities. The platform is based on an annual fee, with all components needed, it would cost \$15,000. By saving significant time and resources, this platform would allow existing staff to launch an aggressive social media campaign that would allow us to significantly increase fan base and available content using new Pagosa-branded hashtag #PicturePagosa. Staff would develop content schedule across all channels with schedule for paid campaigns (in conjunction with events / activity). Goals would be set to measure success.
- c. <https://preview.crowdriff.com/destination/0245a21c0ee9>
- d. Group discussed platform and potential; Nick Tallent asked about the company and recent venture capital funding
- e. Director explained that one key element was that this is the platform used by the Colorado Tourism Office; they have used many and have selected CrowdRiff; their use of platform will provide Director resources to aid in utilizing tools

- f. Nick asked about measuring success; Director explained a marketing subcommittee meeting will be scheduled in near future to set goals and measurements
- g. Steve McKain motioned to approve one year test with CrowdRiff for \$15,000, Criselda Montoya seconded, all approved

ii. Hot Springs Loop

- a. All collateral pieces will be completed by mid-June. There has been a lot of momentum from press & media with the Loop. Currently, the following writers are planning on writing about the Loop and visit at least 3 of the 5 participants (all participants will be mentioned in articles): Travel + Leisure Magazine, Dallas Morning News, Denver Post, AAA Encompass Magazine, Leisure Group Travel: On the Water, Diana Rowe for various Motorcycle / Tour Magazines.

iii. Ski Clubs

- a. Ski Clubs have begun to inquire about trips to Pagosa and Wolf Creek; however, the groups require a lot of assistance with detailed requests – such as requesting staff price out round trip charter buses from their location to Pagosa.

c. Events & Infrastructure – Larry Fisher

i. Update on climbing / bouldering rocks in town parks

- a. Group discussed efforts to add climbing rocks in Town Parks; Director provided an update of types of rocks and pricing that the subcommittee had identified; group is pursuing a structure that would cost up to \$40k, with the hopes to approach PROST about providing 1/2 of the expenses
- b. Larry motioned to approve up to \$20k for Bouldering Rocks in Town Parks, Steve McKain seconded, all approved

ii. Infrastructure request – Wolf Creek Trailblazers

- a. Deferred until June meeting

iii. New Event Funding Request – Schutzenfest–Octoberfest

- a. David Blake provided overview of the event he is trying to organize; it would be a combination Octoberfest / beer celebration with shooting events – fast draw, etc.; the event would serve as a benefit for both Sheriff Dept and Fire Department

- i. Breweries interested; San Juan Shootists interested, however unavailable for one weekend of event, due to contest in Las Vegas
    - ii. Proposed Marketing plan consists of local advertising (Sun, KWUF, banners), paid placement with Durango Herald, Elevation Outdoors and various newspapers in NM, TX, CO
  - b. Steve McKain asked if the Tourism Board were not able to provide the full \$5k, would the event occur. David indicated the shooting festival would not occur
  - c. Group discussed the event and ability to organize new event and advertise it in the next 4 months in order for it to be successful; Steve McKain indicated it would be critical for the event to be successful in its first year; David agreed
  - d. Group encouraged David to continue to work through details for the event and to apply for 2017 funding; the Board felt given all of the details needed for the event, a longer planning cycle would aid in the success of the event
- d. Wayfinding and Signage – Steve McKain / Jon Johnson
  - i. Update on various projects
    - 1. Easements and various projects – Director explained that the Town was working through the process of formalizing an easement to install landscaping at the east Gateway sign; landscaping installation is on hold
    - 2. Director pointed out that the landscaping for the west gateway sign and proposed Piedra Rd sign would also require easements
- e. Visitor Center
  - 1. Information kiosks are being distributed to high traffic locations around town – Chimney Rock, Airport, Wyndham, etc
  - 2. There are 9 racks to distribute; staff is working with businesses
- f. Tax Compliance
  - i. Discuss plans for 2016
    - 1. Discussion to continue during June meeting

## 8. Old Business

- a. None

9. New Business

- b. Public Comment

- 1. No public comment

- b. Tourism Board Ideas and Comments

- 2. No public comment

10. Adjournment

- a. Jon Johnson motioned to adjourn, Larry Fisher seconded, all approved



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: ZACH RICHARDSON, DEPARTMENT OF BUILDING & FIRE SAFETY

**PROJECT: DEPARTMENT REPORT**  
**ACTION: UPDATE AND DISCUSSION**

### COMMERCIAL BUILDING ACTIVITY:

**Walmart** received an additional extension on its temporary Certificate of Occupancy (CO) for 60 days; expires 6/17/16. Prior to issuance of a final CO, the following issues shall be completed: landscaping and parking lot lighting.

Commercial building permits issued during April include the following:

- **Pagosa Baking Company** – mechanical permit for a kitchen hood and cabinet
- **Community Center** - wall addition to divide one room into two multipurpose rooms.
- **Sherpe Real Estate** – installation of ceiling lid

### BUILDING PROJECTS:

The Department issued the following building permits:

|                                  | MARCH 2016  | APRIL 2016 | YEAR TO DATE |
|----------------------------------|-------------|------------|--------------|
| <i>Commercial - Addition</i>     | 1           | 0          | 2            |
| <i>Commercial – Improvement</i>  | 1           | 2          | 6            |
| <i>Commercial – New</i>          | 0           | 0          | 0            |
| <i>Misc-Accessory Structures</i> | 0           | 0          | 0            |
| <i>Residential – Addition</i>    | 0           | 2          | 3            |
| <i>Residential – Improvement</i> | 0           | 0          | 0            |
| <i>Residential – New</i>         | 4           | 0          | 4            |
| <i>Permits Issued</i>            | 6           | 4          | 15           |
| <i>Total Project Valuation:</i>  | \$1,151,576 | \$123,160  | \$9,150,435  |

As of this report, the Department has 118 active building permits.

### BUILDING INFRACTIONS:

**Legal Issues:** The Department continues to work with legal counsel to follow-up on building code violations. Most recent issue was a report from neighboring business owners and tenants about odors emitting from a nail salon. The owner was provided with a final notice and are awaiting a response. Eleven nuisance letters were mailed inviting owners/tenants to participate in the Town clean-up week to be held from May 16-21.

**BUILDING COMMITTEE:**

The Building Committee and sub-committees continue to meet on a regular basis to review the significant changes between the current and 2015 building and fire codes. Local engineers and architects are voluntarily reviewing other related codes as well.

**BUILDING AND ZONING SOFTWARE:**

Implementation of the Town's permitting software - CitizenServe is in full swing.

Staff has been meeting weekly, since March 15, and has provided the following information to CitizenServe:

- General - logo & user listings
- Code Enforcement - violation listing and general form letters
- Licensing (business, contractor work permits, marijuana & liquor)- applications, form letters and fee structures
- Permitting - applications, fee structure, plan review process, form letters and inspection types
- Planning & Zoning - applications, fee structures, plan review process and form letters.

The final piece of the puzzle is the mapping of GIS parcel data and layers which is being coordinating with the County staff. The Town has been assigned a software technician and staff will continue to meet weekly for application training. Implementation of CitizenServe will be concurrent with the new program for annual fire/safety business inspections.



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

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**PROJECT: MAINTENANCE DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### MAINTENANCE UPDATE

#### **TOWN HALL AND COMMUNITY CENTER**

Staff attended a chemical and custodial product class in Farmington, New Mexico in April. Assisting administration department in obtaining signed agreement with At Your Disposal for an updated franchise agreement. Staff completed up to date vehicle maintenance on two of the department vehicles. Staff is working with PRC to replace the compressor in the Town Hall's air conditioning unit, the other compressor was replaced in 2015. This was a budgeted maintenance item in the 2016 budget.

Staff has been working on spring cleaning of the Visitor Center including washing the windows inside and out, cleaning screens, scrubbing tile, and shampooing the carpets.

Staff is in the process of completing the stripping and waxing all the floors of the Community Center building. Staff is taking Personal Time Off and reducing the Compensation Time liability.

Staff participated in the Special Olympics Parade held on May 12<sup>th</sup> in the Town Park helping with traffic control along the Highway.

Staff continues to complete daily tasks.

#### GEOTHERMAL

A group of students from Del Norte participated in a day long field trip of the geothermal system. Staff spent the day showing the kids the system explaining how the system works. Staff cleaned the geothermal building prior to the student's arrival including painting stripes on a drain for safety issue.

The geothermal system is being turned off on Monday May 16<sup>th</sup>. The current loss is 5 gallons per minute.



# AGENDA DOCUMENTATION

## REPORT TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL  
May 19, 2016

FROM: DARREN LEWIS, PARKS & RECREATION DIRECTOR

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**PROJECT: COMMUNITY CENTER AND PARKS AND RECREATION DEPARTMENT REPORT**

**ACTION: UPDATE**

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### PARKS AND RECREATION COMMISSION UPDATE

There was a meeting Tuesday, May 10, 2016. Minutes are attached.

### RECREATION PROGRAMS UPDATE

Tee-Ball games started and will end May 25th

Gymnastic session started May 11<sup>th</sup> end June 1st.

Gymnastic and Dance Camp is being offered June 13<sup>th</sup> thru June 17<sup>th</sup>. Currently accepting registration.

Baseball ages 6-13 practices start week of May 16<sup>th</sup>, games to begin week of June 6th.

Adult soccer started May 10th.

Currently accepting adult softball registrations for men and co-ed.

Recreation staff participated in Special Olympics Torch Run, May 12<sup>th</sup>.

### PARKS UPDATE

Yamaguchi skate park bowl construction should start after July 4<sup>th</sup>.

River walk project at River Center underway.

Parks crew has been working on placement of mulch around Town Hall and Lewis St. as well as general clean up.

New bike racks purchased by Pagosa Area Tourism will be installed by staff starting in May.

Park staff participated in earth day Friday, April 22, 10 a.m. by planting four trees in Yamaguchi Park with children of our community helping in the planting.

New shade cloth has been installed at South Park.

Reservoir Hill stump grinding started this week.

Approximately 100 Junior and Senior high school students volunteered their time on Reservoir Hill to help with clean up on May 12<sup>th</sup>.

### Community Center

The new fitness room opened May 9<sup>th</sup>, hours of operation Monday-Friday, 8 a.m. – 10 p.m. As of May 13<sup>th</sup>, four yearly memberships, 1 monthly membership, 1 signed up for three months and five daily passes have been purchased.

Community Center staff has acquired \$16,505 for the summer youth camp through grants and donations. Summer Youth Camp is on schedule to open June 6<sup>th</sup>. Child day care license should be in hand within two weeks. Staff has been hired for the Summer Youth Camp.

\*\* Extremely pleased with staff efforts in all three departments\*\*

## Parks and Recreation Commission Minutes

Date- May 10, 2016 Tuesday

Commission Members- - M. Musgrove, M. deGraff, , J. Highum, D. Pettus, S. Miller, S. High, A. Gadomski  
Staff- D. Lewis

Public-Tristan Richardson

Call to order-5:33 PM

Minutes from April were approved after correction from S. High from GGP-greenhouse to be "purchased" by June 22, not completed as stated in April minutes. Approved by D. Pettus, 2<sup>nd</sup> DeGraff

Department Head Reports

Rec Update:

- Adult softball registration is open
- Ongoing T-ball, baseball, gymnastics and soccer
- Possible Peewee and Tball this fall

Parks Update:

- South Park new shade installed
- 5 new part time employees have been hired
- East side sign maintenance and improvements on hold between town and property owner
- RFP for Town Park asphalt ramp
- Landscaping in Yamaguchi Park has started-new trees and tall grass along river by soccer fields
- Waiting on JR Ford to complete tree trunk grinding. Town will spend \$5K on additional work

Community Center Update:

- Summer Day Camp registration is open ,commencing June 6-August 19, 40 registered kids so far
- Fitness center is now open
- Plans to remove the existing computer room and expand Community Center storage

Other Reports

- Bike rack installation pushed to middle of June due to weather and concrete plans
- GGP Update by commissioner High: 1<sup>st</sup> greenhouse will be purchased at the next GGP meeting, expecting the order at least 6 wks after order is place, beginning installation in August. Needing to purchase a larger heat exchanger which will be an additional cost. GGP will host a Breakfast with the Balloons event during ColorFest weekend.
- Skate Park Update by commissioner Musgrove: donations from in-kind service are being coordinated to start work, once started projected to take 6-8 weeks for completion of Phase II.
- Comment from Commissioner DeGraff expressing his gratitude to everyone who has been involved in the entire process of the skate park project.

New Business (decision item w/vote)

- Climbing boulder in Town Park—M. DeGraff estimated a sum of \$40K (\$20k from County and \$20K from Town) for a climbing/bouldering installation in Town Park west of the pirate ship. Recommendation for council approval of this project made by D. Pettus with a 2<sup>nd</sup> from S. Miller. Darren will file PROST application for \$\$ from the county once project is approved by council.

Other business

- Tristan Richardson is requesting funds and town involvement for equipment rental to continue Reservoir Hill single track bike trails. He presented 2 new trails to be built in compliance with the profession training received last year. Commissioner Gadomski suggested Tristan contact Stacey Boone via Trails Council for support in addition to town involvement.

Adjournment by commissioner: S. Miller, 2<sup>nd</sup> by commissioner DeGraff @ 6:45pm



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

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**PROJECT: PLANNING DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### HISTORIC PRESERVATION BOARD (HPB) UPDATE

HPB meeting minutes from February 10, 2016, February 24, 2016, March 23, 2016, April 13, 2016, April 27, 2016 and May 11, 2016 and are **attached**.

- 1) The HPB has completed a Historic District Sandwich Board Sign survey, and will be reviewing the results for a presentation to Town Council.
- 2) The HPB has targeted the County Fair for combining 125<sup>th</sup> Anniversary celebrations, and is working with the fair board to define to scope of such celebrations and exhibits.
- 3) The Movie Series "Into the West" Begins this Thursday, May 19<sup>th</sup> at the liberty Theater. This is a 6-part series with each part running on consecutive Thursday's. The shows are free and begin at 5:30pm.
- 4) The HPB has expressed that the Town needs to be a larger part of the Courthouse Discussions.
- 5) The HPB held a Public Presentation on the benefits of Historic Preservation on May 12, 2016. Three presenters came up from Denver discussing SHF grants, State tax credits, and the Town's certified local government status. Though the crowd was light, the presentations were excellent. There is a lot of free money available for commercial and residential properties.

The next regular HPB meeting will be held on May 25, 2016 at 5:45 pm in Town Hall.

### PLANNING COMMISSION (PC) UPDATE

Meeting minutes from February 9, 2016, March 8, 2016, April 12, 2016 and April 26, 2016 are **attached**.

Conducted a regularly scheduled meeting on February 9, 2016 which include:

- 1) The PC will be discussing the Town's zoning map on May 24, and discuss some ideas for future consideration.
- 2) The PC will consider adopting a landscaping list that will contain plant species that do well in Pagosa Springs, for developments to refer to.
- 3) The PC would like to further discuss Vacation Rentals and appropriate zone districts.
- 4) Reminded all PC members to develop their thought's for projects for Town Council to consider adding to the 5-year capital improvement plan.

The Next Regularly scheduled PC meeting will be conducted on May 24 at 5:30pm in Town Hall.

### TWO RIVERS GRAVEL PIT

Archuleta County is considering an application for a proposed gravel pit operation 14 miles south on Trujillo Road. The Planning Director has identified a number of issues related to increased heavy truck traffic in residential districts, pedestrian safety and impacts to our Town road infrastructure. The County Planning Commission will reconsider the gravel Pit Application on June 8<sup>th</sup>.

### **SAFE ROUTES TO SCHOOL GRANT**

Our Safe Routes to School Infrastructure grant application was fully funded at \$346,500. The state received 21 applications with our application scored #4 out of the 7 projects awarded funding. The grant application proposes sidewalks connecting the North Pagosa Residential Neighborhood to the 8<sup>th</sup> Street lighted intersection and cross walk facility to the new east phase of the Town to Pagosa Lakes trail segment, thus providing connectivity to the elementary school. Staff will be working on an RFP for design services to develop engineering design plans ready for construction services RFP and construction in early 2017. Following are the financial contributions the Planning Director was able to secure for the project: SRTS approved \$346,500, The Town Council approved \$80,000, the BOCC \$10,000 and the School district \$3,500.

### **WATER WORKS FACILITY FUTURE REPURPOSING**

The HPB has expressed interest in conducting a public input work session to invite discussion regarding the future of the Water Works Facility, to ensure a full understanding on the site for the consideration of the Rumbaugh Creel Stone Arch Bridge railing and other improvements. The HPB has determined a small committee will work on the public presentation and bring back the info the HPB.

### **RUMBAUGH CREEK BRIDGE UPDATE**

The Collaborative is finalizing preliminary design work for the SHF staff review. Once that is approved, will incorporate a Creek scouring plan being drafted by Riverbend Engineering. We have solicited an RFP for metal railing options, due the first part of June. Once we have the approval from the SHF., we will solicit an RFP for construction services.



**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
Regularly Scheduled Meeting Agenda  
Wednesday, February 10, 2016 @ 5:45p.m.  
Town Hall, 551 Hot Springs Blvd.

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**I. Call to Order / Roll Call:**

Chair Peggy Bergon called the meeting to order at 5:49 PM. In attendance were regular members Chrissy Karas, Andre Redstone, and Judy James. Also in attendance was alternate member Lindsey Smith, Planning Director James Dickhoff, and Associate Planner Rachel Novak.

**II. Announcements:** New Associate Planner Rachel Novak has started work.

**III. Approval of Minutes:**

*Approval of the January 13, 2016 HPB Regularly Scheduled Meeting Minutes:* Chrissy Karas had a question on the minutes item D. Chrissy Karas moves to approve the minutes from last meeting in addition to the alteration to item D. Unanimously approved.

**IV. Public Comment:** None Received

**V. Decision Items:**

*A. Election of Vice-Chair Person for 2016:* The Town's Land Use Development Code section 2.5.6.A.1 Election of Chairman and Vice Chairman outlines that "Annually, at the first regular meeting of the year, each board and commission shall elect, by majority vote, from its membership a Chairman and Vice-Chairman, with each being eligible for re-election, and each serving a one- year term in such capacity. The Chairman of each board or commission shall preside at all meetings and public hearings of such board or commission and shall decide all points of order and procedure. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman and shall act in the capacity of Chairman of all special committees created by the board or commission. Should the Vice-Chairman and the Chairman be absent from a meeting or public hearing, the majority of the board or commission shall appoint a member to be the presiding officer. Any vacancy from the position of Chairman or Vice Chairman shall be filled in the same manner as such positions are established. The Chairman shall transmit reports and recommendations to the Town Council." The Historic Preservation Board Chair asked for discussion and nominations for the annually elected Chair and Vice Chair positions. Judy James nominates Lindsey Smith as vice chair. Council moved Lindsey Smith to a regular position and Brad Ash to an alternate position. Peggy moves to vote Lindsey Smith as vice chair. Unanimously approved.

*B. Sandwich Board Sign Survey:* There are no sandwich board signs permitted in other similar towns. Sandwich board signs are a safety hazard. Chrissy Karas states her concern for this signage as well. Planning Director James Dickhoff states that anything in the ROW needs a permit. Chrissy Karas states that this need to be done in a positive way. Andre Redstone states that it needs to be done in a constructive way. There needs to be in communication with the public. The town needs to direct this and make clear that there needs to be an end to the lack of enforcement. Within the survey there needs to be a clear objective of a safety issue. Peggy Bergon and Planning Director James Dickhoff states that there should be a newsletter, potentially monthly, to keep businesses up to date on upcoming events. Andre Redstone states that the board has not maintained these relationships with businesses. Peggy Bergon and Andre Redstone state that the questions should be worded as "how" can the board help

businesses succeed. Andre Redstone states that there is no current businesses association downtown. He also states what could be the best medium for helping advertise each business. Planning Director James Dickhoff suggests that this survey could go out with the first copy of a business downtown newsletter. Make sure to remind people of the upcoming anniversary for the town. Chrissy Karas suggests a spring cleaning for the downtown area. Andre Redstone suggests looking into grants for exterior improvements. Chrissy Karas suggests looking into Colorado tax credits for the owners of the buildings to clean up the downtown area. Andre Redstone suggests looking into sign alternatives for sandwich board signs on the survey. Peggy Bergon suggests displaying photographs for each option to choose from for businesses owners and simplify the survey.

*C. Projecting Sign Proposal for 480 Lewis Street:* Planning Director James Dickhoff displayed a projecting sign visual to the board. Previous boards have not allowed websites or phone numbers on signage. Andre Redstone discusses the vast array of colors that Pagosa Springs used to have early in its history and the expressed that the town should preserve this diversity. Andre Redstone suggest that the staff should look into sign content from similar towns.

## **VI. Discussion Items:**

- A. Saving Places Conference, February 3 – 6, 2016 recap from Attendees:* Lindsey Smith and Associate Planner Rachel Novak discuss their attendance to this conference. Lindsey Smith and Associate Planner Rachel Novak addressed the courthouse session from the conference in which the Archuleta County Courthouse was discussed. Michael Whiting, the Archuleta County Commissioner, addressed the session and the courthouse's issues. The discussion was focused on the costs of moving the courthouse and jail, along with restoring the old building for another use. Lindsey Smith and Associate Planner Rachel Novak stated they exchanged contact information with Commissioner Whiting and that they intend to continue these discussions in the future. Lindsey Smith and Associate Planner Rachel Novak stated that Commissioner Whiting estimated the restoration of the old building to be at \$3 million and for a new facility at roughly \$30 million. Lindsey Smith and Associate Planner Rachel Novak discussed various other sessions from this conference. Andre Redstone states that preservation is a very meaningful word that can mean different things depending on where in the world a project exists.
- B. Lake City Historic Commission Training Recap from Attendees:* Chrissy Karas discusses her attendance at this conference. The tax credit is dollar for dollar and there is both federal and state credits. Colorado goes up to \$50,000 and you can use it every year (commercial are \$5 million). These credits can also be sold to those who need them. You need to apply for these credits each year. She states that this could be useful information for the newsletter. These credits can be used to offset the cost of restoring historic buildings (must be at least 50 years old and at least on a local landmark register). Planning Director James Dickhoff suggest this would be valuable information to share with potential historic building owners. Peggy Bergon wants to emphasize what the story of Pagosa Springs is and share the community's history. The town is a CLG and there are grants available to the town. She states that the town can nominate buildings, districts, and landscape. The State Historic Fund has competitive grants with a 25% match or be a non-profit or be a public entity and the projects need to have a historic registration already. State Historic Fund gives precedent to Surveys, comprehensive preservation planning, and educational grants. Chrissy Karas states that if the court house was purchased and restored with the stucco removed, the building should be listed as section 106. Peggy Bergon states to try and create inclusive values. Planning Director James Dickhoff states that the town is seeking to become an affiliate. Judy James suggests that the tax credit forms be given to the council for their information. Planning Director James Dickhoff recommends that boards within the town all meet with the council for a work session. Andre Redstone addresses a need for better

communication between the board and the council. Planning Director James Dickhoff plans to address this issue at council's next meeting.

- C. *125<sup>th</sup> Anniversary celebrations and Historic Preservation Month activities:* Peggy Bergon states that Lindsey Smith put a student banner contest out for the celebration. Planning Director James Dickhoff says that the town has budgeted funds for an event like this. Andre Redstone feels that this will be a very worthwhile endeavor. He states that this will be a much better way to engage the community and kids. Andre Redstone suggests that there will be a much greater interest through marketing and advertising. Andre Redstone suggests a separate work session for this endeavor. Andre Redstone moves that the 2016 student poster contest event be explored in a work session at the next available time (Wednesday, February 17, 2016 at 5:45 PM). Unanimously approved work session. Planning Director James Dickhoff suggests inviting teachers that were involved in the poster contest last year. Staff will work with the board to create a flyer for the event. Lindsey Smith states that Chimney Rock would like to work with the town for preservation month. Chimney Rock would like to bring speakers in coordination with the full moon celebration and preservation month. Peggy Bergon suggests an all day Saturday event or fair in which people can talk about their stories relating to Pagosa Springs's history. Peggy Bergon suggests an expanding walking tour for this event. Judy James recommends the use of a sound system for the walking tour to ensure people can be heard over the traffic. Andre Redstone states that the event should really include an aspect of geology from the area, the river, and hot springs (natural resources).

#### **VII. Reports and Updates:**

- A. *Planning Department Director Update:* None. Updates will be provided once a month and not twice a month. The grant was not granted for the water works project. Andre Redstone would like to make the grant writing for the water works project an agenda item in the future.
- B. *Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration:* Andre Redstone would like to discuss, at future meetings, the work of Barbara cleaning and maintaining windows and concrete in the area. He would like to recognize her work as a benefit to the community. Andre Redstone would like an expanded discussion on how to engage with the community. Chrissy Karas would like motivation for the mural artwork downtown. Associate Planner Rachel Novak is currently working on formulating an RFP for this project. Andre Redstone says local artist would be giving their support if the board will support other mediums. Peggy Bergon would like to look into a planning grant. As CLG the town is eligible for this assistance. Peggy Bergon suggests listing the cemetery as historic and also recommends research on iron work and gravestone restoration. She also recommends looking into the old schoolhouse as historic. Andre Redstone would like to have a discussion and a proactive approach towards the historic courthouse.

#### **VIII. Public Comment:** None received

**IX. Adjournment:** Chrissy Karas moves to adjourn. Unanimously approved. The Historic Preservation Board meeting 02/10/16 adjourns at 7:59 PM.

#### **HPB Board Members**

**Peggy Bergon:** HPB Chairperson, **TBD:** HPB Vice-Chairperson

**Chrissy Karas:** HPB Regular Member, **Andre Redstone:** HPB Regular Member,

**Judy James:** HPB Regular Member, **Brad Ash:** HPB Regular Member, **Lindsey Smith:** Alternate Member

**HPB Mission Statement**

"Moving Forward While Preserving the Past

To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increase public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy *while* sharing the stories of our past with ideas for the future.

DRAFT



**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
Regularly Scheduled Meeting Agenda  
Wednesday, February 24, 2016 @ 5:45p.m.  
Town Hall, 551 Hot Springs Blvd.

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**I. Call to Order / Roll Call:**

Chair Peggy Bergon called the meeting to order at 5:48 PM. In attendance were vice chair Lindsey Smith, regular members Chrissy Karas, Judy James, and Andre Redstone. Also in attendance were Planning Director James Dickhoff and Associate Planner Rachel Novak.

**II. Announcements:**

**III. Approval of Minutes:**

*Approval of the February 10, 2016 HPB Regularly Scheduled Meeting Minutes:*  
Chair Peggy Bergon approves minutes as presented.

**IV. Public Comment:** None Received

**V. Decision Items:**

**A. 125<sup>th</sup> Anniversary celebrations and Historic Preservation Month activities:**

Chair Peggy Bergon moves to approve the movie "Into the West" as this year's movie to present. Judy James seconds this decision. Unanimously approved. Peggy Bergon moves to continue the walking tours this year, not only for the month of May, but other dates as well. Staff will look into communication devices for these tours as Main Street is very busy and can get quite loud. Peggy Bergon would like to move the rest of this discussion until the next meeting date. Judy James moves to approve the lecture series. Peggy Bergon suggests a logging lecture series as logging was a huge part of Pagosa's history. Peggy Bergon second's this and decides to table this discussion until next meeting. The Board suggests Riff Raff as a possible location for a lecture series. The Student Poster Contest will be contacted through the schools and Andre Redstone will talk to Principal's and art teachers. Peggy Bergon would like to discuss the idea of printing on banners. Staff has provided price quotes for printed banners. Staff will research local options for possible printing alternatives (Design a Sign and Trish Lash). Peggy Bergon moves to approve the contest question and statement. The Board moves to approve the combination question on the Banner Design Contest handout. Unanimously approved. Lindsey Smith suggests that 3 weeks may not be enough time for the contest and for the children to get their designs together. Chrissy Karas moves to approve the contest for March 28- April 22. Judy James second's. Unanimously approved. Chrissy Karas moves to discuss an adult poster contest. Judy James second's and the floor is open to discussion. Chrissy Karas suggests that the prize should be greater for an adult category. Peggy Bergon asks who will judge the artwork for this category: possibly local artists, the Board, or other sources. Chrissy Karas suggests other banner locations around Pagosa Springs. Peggy Bergon suggests tabling the discussion for the adult poster contest. Peggy Bergon asks for any more comments. Chrissy Karas amends the motion to discuss the adult banner contest until the next meeting. Judy James second's. Unanimously approved. Peggy Bergon asks for more comments. None received.

*B. Sandwich Board Sign Survey:*

Staff would like to have feedback provided over newsletter content. Chrissy Karas moves to discuss the content over email. Lindsey Smith second's. Unanimously approved. Peggy Bergon questions the tree planter beds on question 6 of the survey. Planning Director James Dickhoff says that there may be underground utilities underneath. Chrissy Karas states that there is a local group that plants flowers every year in the tree planters. Chrissy Karas also states that the sandwich board signs are getting busy and a larger problem. Planning Director James Dickhoff says that the district is interested in wider sidewalks and removing the planters would cause the trees to be planted deeper. However, wider sidewalks could open many possibilities. Judy James states that Durango has sandwich board signs in their storefronts, but on private property. Andre Redstone states that there should be an option to include: keeping trees or removing trees and get wider sidewalks on the survey. Chrissy Karas volunteers to hand deliver letters to tenants. Judy James also volunteers to hand deliver letters to tenant. Staff will get all letters and surveys prepared by the March 9<sup>th</sup> meeting. Lindsey Smith volunteers as an alternate to deliver letters. Judy James asks if the HPB should slow down on the survey and suggests allowing businesses more time to get feedback. Chrissy Karas moves to discuss the newsletter and survey over email and to make a motion at the next meeting March 9<sup>th</sup>. Lindsey Smith second's. Unanimously approved. Peggy Bergon asks for any more comments. None received.

*C. Projecting Sign Proposal for 480 Lewis Street:*

No updates.

**VI. Discussion Items:**

Chrissy Karas would like to table the 468 plaque as the building is not complete yet. Planning Director James Dickhoff would like to source old photographs of the building for the plaque.

**VII. Reports and Updates:**

*A. Planning Department Director Update:*

Planning Director James Dickhoff discussed the staff report from the Town Council meeting. James Dickhoff addresses that he presented the HPB letters and concerns over the Heritage Brochure, gave the Council the tax credit information, and requested an annual work session between the HPB and Town Council. He also briefly discussed the Court House plans with Town Council. The Planning Commission is looking to back fill their 5-year capital improvement plan with projects. Planning Director James Dickhoff discusses other projects currently happening in the Town. Chrissy Karas asks who built the bridge for the bridge replacement project. Planning Director James Dickhoff states that there are many issues contributing to the bridges failure and Big-R Bridge built the original project, but did not design it. Staff has completed an aerial survey to help with map creations.

*B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration:*

Andre Redstone would like to discuss the Heritage Brochure. Planning Director James Dickhoff states that the TTC would like to reprint the same brochure, but with edits. The HPB will have an opportunity to review the content. Chrissy Karas suggests to apply for a CLG grant to help with the creation of a new brochure. Chrissy Karas moves to get this topic on the agenda. Judy James second's. Andre Redstone would like to modify the motion to include the correspondents from today (02/24/16) between the Town Manger, the Mayor,

James Dickhoff, and Andre Redstone in regards to the Heritage Brochure edits. Judy James second's. Unanimously approved.

**VIII. Public Comment:** None Received

**IX. Adjournment:** Meeting was adjourned at 7:15 PM.

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By: Peggy Bergon  
Historic Preservation Board Chair

DRAFT



**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
Regularly Scheduled Meeting Agenda  
Wednesday, April 13, 2016 @ 5:45p.m.  
Town Hall, 551 Hot Springs Blvd.

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- I. **Call to Order / Roll Call:** Peggy Bergon called the meeting to order at 5:55 PM. Present were members Peggy Bergon, Judy James, Andre Redstone, and Lindsey Smith. Also present was Associate Planner Rachel Novak and members of the public Cookie and Jerry Venn and Larry Garcia.
  
- II. **Announcements:** NONE
  
- III. **Approval of Minutes:**  
*Approval of the March 23, 2016 HPB Regularly Scheduled Meeting Minutes:* Spelling error on page 4 with item A and include Greg Schulte in the members attending. Minutes will be accepted as amended.
  
- IV. **Public Comment:** None received.
  
- V. **Decision Items:**
  - A. Repurposing Rumbaugh Creek Stone Arch Bridge for Future Trail Use
    - a. Railing choices and update: Associate Planner Rachel Novak discusses the railing choices. Andre Redstone states that a railing discussion is too premature given the scope of work. It is premature given that there is no budget. Andre Redstone moves to defer a decision on the proposed railing until the board has been provided a budget scope and a greater understanding of the waterworks building and water tank wall. Judy James seconds. Andre Redstone states that there is a conceptual plan of this site and Brad Ash was to look into this and he suggests that staff look into this as well. Staff will check with Shari Price on this first. Peggy Bergon suggests to move this as a discussion item for next meeting. Unanimously approved.
  
  - B. Mural on Main Scope of Artwork and Student Revolving Public Artwork Site: Andre Redstone moves to postpone further discussion on this until the board has received feedback from Town Council. Lindsey Smith seconds. Unanimously approved.
  
- VI. **Discussion Items:**
  - A. Heritage Brochure Status: Associate Planner Rachel Novak updated the board on this matter. Peggy Bergon suggests moving into the 40's and 50's photos in terms of logging and railroad photos. Associate Planner Rachel Novak will assist with endeavor. Andre Redstone would like to see a draft of the brochure. Selecting photos for the brochure will be added to the agenda for the next meeting. Andre Redstone states that the brochure is in the hands of the Navajo Nation and the brochure is somewhere else that the Town is unaware of. He will help track this down and remove them. Associate Planner Rachel Novak discusses other heritage brochure examples from other communities. She also suggests a digital brochure and possibly a website or linked to another brochure. Andre Redstone suggests that staff assists with a board prepared brochure to include photos and a timeline. Lindsey Smith asks about the

- written history in the brochure. Andre Redstone states that there needs to be appropriate representation of past and present people of the area. He states that simple photographs would help to demonstrate the cultural overlap. He suggests a possible map to show the tribal lands. Lindsey Smith also suggests a Hispanic cultural reference as well. Larry Garcia agrees that all people of the past should be represented.
- B. Fort Lewis Cemetery Local Historical Designation: Staff provided a copy of the letter of support for everyone to have. Peggy Bergon is excited for this endeavor and states that the project needs to be flushed out more. Lindsey Smith asks about the budget for this project and asks if the project is above or below \$10,000. Peggy Bergon says that the project does not have a set budget yet. Andre Redstone says that the board is too busy to take this on alone and suggests a subcommittee. Peggy Bergon says that the board will submit this application on the October 1<sup>st</sup> deadline. Andre Redstone asks about seeking assistance in the grant writing. Lindsey Smith would like to move to table this until June. Andre Redstone seconds. Unanimously approved.
- C. Re-submission of Water Work Facility Restoration SHF Grant Application: Associate Planner Rachel Novak discusses the application submitted on April 1, 2016. Andre Redstone would like to have a couple of work sessions or a committee created on how best to utilize the site. Peggy Bergon agrees that a subcommittee should be created as soon as possible. Andre Redstone would like to see this property become an anchor for the Town as a significant site of interest. Andre Redstone and Lindsey Smith volunteer to have a meeting with Peggy Bergon to form a committee. Staff will include this on the next meeting agenda.
- D. Sandwich Board Sign Survey and Proposed April Newsletter: Judy James states that businesses are excited to host events, including the May 12<sup>th</sup> event. Andre Redstone would like to know if the space at the Two Old Crows is large enough. A possible option may be The Springs resort. Peggy Bergon wants to make sure that the space could accommodate a power point presentation. Andre Redstone states that the Community Center may be another option. He also would like to include local businesses in this event too. Associate Planner Rachel Novak discusses the surveys sent back for review. Andre Redstone would like the May 12<sup>th</sup> presenters to touch on subjects related to codes and how it constitutes this is what we want to preserve. He would like to have an open forum to discuss this with the public. Andre Redstone would like staff to check available dates to see what the options are for this date. Associate Planner Rachel Novak discusses the safety hazards of sandwich board signs and how best to help the downtown thrive. Andre Redstone suggests removing the street trees. He also wants to see the code changed as the town progresses. Andre Redstone would like to help educate the public on the value of evolving their signage. He states that there is a tremendous opportunity for additional signage if businesses could understand that sandwich board signs aren't the only option. He also comments that the main street sidewalk would like to see a decorative sidewalk in the downtown area. Judy James mentions Lewis Street and how beautiful it looks. Associate Planner Rachel Novak discusses the April newsletter on beautification. Judy James states that the businesses used to fund hanging baskets. Peggy Bergon wants some ownership from the businesses. Andre Redstone suggests that the board provide the hardware and the businesses could maintain them. Staff will research wall mounted brackets for hanging baskets. Larry Garcia says that the community would take pride in something like that. He suggests an award or prize for best basket or beautiful facade. Judy James recommends a "hanging basket day" on Memorial Day. Peggy Bergon asks about reaching out to the Chamber of Commerce. Andre Redstone would like to put this in the

newsletter and newspaper article. Andre Redstone then asks about the growing domes and how to include children and the schools. Judy James states that the first dome will be for education. Larry Garcia would like to see a horticulture program at the schools.

- E. Historic Preservation Month activities: The options are to either have a \$3/\$5 donation with a free popcorn and drink or market it as a free movie and then people could buy their own drinks and snacks. Andre Redstone would like to rewrite the movie narrative to include Plains American Indian instead of Native American. Andre Redstone moves to adopt to proposed theater dates of all 6 parts of the mini-series as outlined and to include a fee structure consistent with option two (free movie and people purchase snacks). Judy James seconds. Unanimously approved. Peggy Bergon discusses more walking tour dates. She asks about clustering them or possibly one in June, July, and so on. Judy James would like to see one each month. Peggy Bergon talks about a secondary walking tour down Hermosa Street that could possibly discuss the history of the Town. She would like to see an expanded tour option too.

**VII. Reports and Updates:**

- A. Planning Department Director Update.
- B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration.

**VIII. Public Comment:** Larry Garcia would like to be involved with the board in the future. Andre Redstone would like to invite Larry Garcia to become an alternate member. Staff will include this on the next meeting agenda for approval.

**IX. Adjournment:** Meeting adjourned at 8:15 PM.

**HPB Board Members**

**Peggy Bergon:** HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson  
**Chrissy Karas:** HPB Regular Member, **Andre Redstone:** HPB Regular Member,  
**Judy James:** HPB Regular Member, **Brad Ash:** Alternate Member

**HPB Mission Statement**

"Moving Forward While Preserving the Past"

To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increase public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy *while* sharing the stories of our past with ideas for the future.



**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
**Regularly Scheduled Meeting Agenda**  
**Wednesday, March 23, 2016 @ 5:45p.m.**  
Town Hall, 551 Hot Springs Blvd.

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**I. Call to Order / Roll Call:** Chair Peggy Bergon calls the meeting to order at 5:45 PM. In attendance were Vice Chair Lindsey Smith, members Andre Redstone, Judy James, Brad Ash, and Chrissy Karas. Planning Director James Dickhoff, and Associate Planner Rachel Novak were also in attendance. Also, present were researcher Anne Oldham and a representative from the SUN Newspaper. Town Manager Greg Schulte joined the meeting as well.

**II. Announcements:** NONE

**III. Approval of Minutes:**

Approval of the February 24, 2016 HPB Regularly Scheduled Meeting Minutes: Andre Redstone states that item 2 of the minutes should perhaps not be adopted or how the board should perceive this. Staff can certainly strike this from the minutes and from the record. Andre Redstone wants to clarify that the board is not adopting these rules if approving the minutes. If anyone has specifically invited someone to a meeting, Chair Peggy Bergon would like to know in advanced. Andre Redstone would like to approve the minutes as outlined, but confirm that in item 2 "Announcements" the board is not adopting Robert's Rules in the format described. Chrissy Karas seconds. Unanimously approved.

**IV. Public Comment:** NONE

**V. Decision Items:**

A. New Construction, 434 Pagosa Street, New Proposed Courtyard Privacy Wall: The applicant describes the project. He plans to remove a shed from the property to fit a new courtyard. This will provide privacy and a new aesthetic appeal for the area. Chair Peggy Bergon questions the galvanized steel addition. The applicant states that he chose that material because there is already a lot of it existing in the area. Andre Redstone asks if there will be any frontage changes. The applicant states that there are no current plans to alter the façade or the streetscape in any way. Judy James agrees that this would be an attractive addition to the alley. Andre Redstone asks how the galvanized steel will be treated. The applicant states that the steel addition to the top of the walls will be permanent. Andre Redstone likes this proposed addition and would like to see the iron work as an oxidation patina or black. Planning Director James Dickhoff states that the shed was not original to the property. Based on the HPB's decision tonight, the applicant could move forward with the demolition. Andre Redstone wants to know if there will be an update to the exposed wall as well. The applicant states yes and he intends to paint the exposed wall. Judy James moves to approve the proposed new construction of a privacy wall at 434 Pagosa Street, finding the application and proposed work is in substantial compliance with the Town's Land Use Development Code, the Town's Historic Business District and Local Landmark Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation with the following conditions: that the that the project falls within the demolition standards of the town and adheres to regulations enforced by the planning department staff. Andre Redstone adds an amendment to the motion: with suitable metal finishes as discussed. Andre Redstone seconds. Unanimously approved.

B. Historic Preservation Month activities: Associate Planner Rachel Novak states that she called the Theater personnel, but has not heard back. Staff will finalize these dates for the board. Andre Redstone asks about the costs of the movie. Planning Director James Dickhoff states that there is enough money to cover these costs. Chair Peggy Bergon states that the board could comfortably have 3 tours this year and suggests to hold one during the car show weekend on Sunday. Peggy Bergon and Judy James volunteer to present this first tour. She asks about the tours going into businesses. Planning Director

James Dickhoff states that this information is in the newsletter. The first tour will be set the Sunday for the car show at 1:00 PM. Peggy Bergon asks for updates on the lecture series. Chrissy Karas states that she intends to reach out to more people and follow up with others. Peggy Bergon updates the board with her contact information. Peggy Bergon will be holding an Arborglyphs walk and is willing to do another one. Peggy Bergon states that the lecture series isn't falling into place and suggests moving this to the fall. Peggy Bergon moves to the student poster contest. Chrissy Karas states that FroYo will give the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place winners in each category a \$5 gift card to their store. Staff will update the student poster contest handout. Andre Redstone updates the board with his reaching out to the schools. He also suggests that the prize values be greater to encourage participation. Brad Ash recommends the prizes be \$100, \$75, and \$50 for the high school level. Andre Redstone moves to make the prize money to include a \$100 for 1<sup>st</sup>, \$75 for 2<sup>nd</sup>, and \$50 for 3<sup>rd</sup> for the high school level, keep the prize values for the middle school levels, and \$30 for 1<sup>st</sup>, \$20 for 2<sup>nd</sup> and \$10 for 3<sup>rd</sup> for the Elementary school level. Lindsey Smith recommends that the elementary level only get FroYo gift cards. Judy James asks about how much money was given to the Elementary School. Planning Director James Dickhoff they were the same (\$50, \$30, \$20). Andre Redstone also suggest that this could also be a good avenue to gain support for the rest of the historic preservation month. Andre Redstone amends his motion to include \$200, \$100, and \$50 for the high school level. Judy James seconds the motion. Unanimously approved. Peggy Bergon brings up the discussion of displaying posters in windows or on banners. She suggests that when the surveys are handed out to ask businesses about displaying a few posters. The banners would have to be only winners. Staff could look into activity books for pre-k children (Seeds of Learning/Head Start). Peggy Bergon discusses the 125<sup>th</sup> committee selection and if the board may be too busy at this time. Andre Redstone asks Greg Schulte about the committee interest. Greg Schulte states there are a lot of ideas, but no one is stepping up to create the committee. This isn't a tourism event and it should be geared towards such. He feels that this falls more in the realm of the HPB instead of the Tourism sector. There may be a possibility to have extra fireworks on the 4<sup>th</sup> of July and more of a celebration. It may be possible to tie in the National Fast Draw completion as well and take advantage of already planned events. Peggy Bergon states that this will be a year round celebration and as of right now there is no large event planned, but rather many small events. Andre Redstone states that the bottom line is that community participation is low and no one is willing to step up. 486 Lewis Street has been decided that there aren't any issues with the wording of the text. Staff will secure the community center room for the presentation on May 12<sup>th</sup>. Chrissy Karas suggests holding this presentation in a historic building. Staff can look into this issue and inquire about the Liberty Theatre and the Springs Resort. Andre Redstone wants to look into a single venue that the board hosts. There is such a large pool of information that the board could host a presentation. Peggy Bergon agrees that the board should get out into the public more. She suggests two or three of the board members get together to prepare a presentation. Chrissy Karas suggests that the Greenhouse presentation be incorporated into the roadshow presentation. Andre Redstone asks about including into the survey portions about heritage and historic preservation month. Judy James states that they could get businesses involved and could have special hours for events. Peggy Bergon comments to refer those interested in the Arborglyphs to the Pagosa Ranger District.

- C. Sandwich Board Sign Survey and Newsletter: Peggy Bergon suggests some small edits to the survey. Chrissy Karas states that there should be a space for comments on beautification in the downtown. Planning Director James Dickhoff suggests to keep this topic for the next newsletter. Peggy Bergon says maybe the town could provide free flowers or discounted flowers for historic district businesses. Andre Redstone says that the board needs to remember that sandwich boards signs are permissible, but have gotten out of hand. The board needs to be prepared when hand delivering these surveys and newsletters. He also states that the survey should include a section on removing the trees and planters downtown. Planning Director James Dickhoff suggests that issue should be included in the next newsletter with a more open dialogue. Andre Redstone moves to adopt to sandwich board sign survey with spelling and grammar updates. Chrissy Karas seconds. Unanimously approved. Chrissy Karas, Judy James, and Andre Redstone volunteered to hand deliver to tenants.

- D. Repurposing Rumbaugh Creek Stone Arch Bridge for Future Trail Use: Planning Director James Dickhoff provided an update on this subject. He states that if the bridge was to be repurposed there would need to be guardrails for safety to visitors. He says that the railing could be time period correct or something that is clearly new, but still needs to meet the town's safety standards. It is suggested that the Riverwalk path could pass under the First Street Bridge and go across the Rumbaugh Creek Bridge and still be in ADA compliance. There is also a vision for a new pedestrian bridge across the river. Andre Redstone would like to have a consideration on putting more work into this project and the Waterworks project, as it has the potential to be very successful. He states that this will allow the board to have a better conceptualized idea of how the sites will all work together. Planning Director James Dickhoff suggests that this is a good idea. Andre Redstone recommends forming a subcommittee for this endeavor. Chrissy Karas feels that a period correct railing would be better than a modern one. Greg Schulte asks about the budget for the railing and does it limit the board's options. Planning Director James Dickhoff says he would have to look into it. Peggy Bergon would like to have this placed on the next agenda. Andre Redstone moves to table this discussion until the HPB's next meeting. Chrissy Karas seconds. Unanimously approved.
- E. Mural on Main RFP: Greg Schulte states he received many comments from the recent joint Board of Commissioners/council meeting this past week. He states that many comments were wanting to see the mural RFP only for high schoolers. Andre Redstone says that he is very supportive of this idea and is consistent with the feedback he received from the high school. Greg Schulte asks to possibly table this discussion until he has presented this to council on April 6<sup>th</sup>. In the interest of wanting high school participation, Andre Redstone moves to table this discussion until feedback has been provided from council. Judy James seconds. Unanimously approved. Greg Schulte recommends perhaps a partnership with a professional artist and a student artist. The budget is set for \$10,000 and the money could really help an aspiring artist.

## VI. Discussion Items:

- A. Greg Schulte to address the HPB regarding Heritage Brochure Status: Town Manager Greg Schulte addresses the board on this issue. He states that this issue has been going on for some time now. The brochures have been pulled from the visitor center at this time. The Town is currently in the process of a review and reprint. Greg Schulte has edited the brochure and intends to email it out to the board by the end of the week. He hopes that they can reach a reasonable agreement with this issue. If a decision cannot be reached, he suggests that this will be taken to the council. He acknowledges the board's concerns and is committed to updating it appropriately. Brad Ash states that he isn't against reviewing the brochure, but feels that this is a hot item at the visitor center and suggests that the council should get involved. Andre Redstone would like Lindsey Smith to provide a background on the subject matter. He states that there are two issues: the brochure is already in the public domain and that if the people who are editing the document are qualified enough. Lindsey Smith states that none of the board are experts on the subject matter. She states that she would like cultural input from experts and potentially put a brochure out that isn't accurate. Andre Redstone states that the board attempting to edit the brochure may not be the best choice as the subject matter may not be accurate. He supports the idea of the brochure, but he feels that the Town Manager and the council are not equipped to put out an appropriate brochure. Chrissy Karas feels that brochure doesn't flow as it should in terms of the physical layout. Greg Schulte appreciates the comments and says that this is truly a tourism brochure. It is meant to be interesting bits of information for those interested in the subject matter. He would like to hear the concerns about the historical accuracies and to make sure the time and effort is worthwhile to put into this brochure. Greg Schulte wants the board to use their time wisely and not focus on just one subject. Brad Ash states that maybe more pictures and some text is the easiest solution and he also states that the board is not an expert in the subject matter. Andre Redstone states that the board was not seeking to hire other people to write the brochure. He says that the board felt this was an important undertaking to share the story. He also states that there is nothing casual about putting a document into a public domain. Andre Redstone says that the board viewed this as an important undertaking and suggests that the subject matter needed to be

vague in terms of Native American history. Greg Schulte agrees with Andre Redstone's comments and suggests that is this really what the board wants to focus their energy. He says that when it comes to interpreting history, you will get a lot of different stories and perspectives. The audience for this brochure is the casual tourist. Brad Ash states that the brochure is a brief history of Pagosa and recommends contacting a local. He also states that this issue is frustrating and recommends this not be presented to the board anymore. If a subject matter is sensitive, then the brochure should just not include it. Andre Redstone says that the brochure is highly sought after by tourists and this would facilitate the need for an immediate reprint. Andre Redstone states that the board's main concern is that it's in the public domain, even though they have been pulled from the shelf. He says that there is misinformation that could come back as a lawsuit to the town as libel. Greg Schulte would like the board to point out the libelous sections of the brochure. Brad Ash states that the board has worked hard to work with people and not against them. He asks that if the board doesn't support the brochure, then why it has not gone in front of the council. Judy James states that she and Peggy Bergon put a lot of time into edits for the brochure. Andre Redstone emphasizes the town confirm or deny the libelous statements in the brochure. Brad Ash states that the board left out the libel and legal aspects of the brochure. He says that this is not within the board's domain and doesn't want it to come back to the board. Andre Redstone says that the brochure doesn't appropriately represent Pagosa's history and the board provided edits, but were not executed. Greg Schulte states that the board is not interested in making more edits. Andre Redstone says that the board should participate on this editing process. Greg Schulte says that the edits could move forward with photos and captions. These edits will be presented to the board.

- B. Fort Lewis Cemetery Local Historical Designation: Chair Peggy Bergon introduces researcher Anne Oldham. Peggy Bergon expresses that the board has discussed listing this cemetery in the past. Chair Peggy Bergon discusses the State Historic Fund key points for addressing an application for a project similar to this. These include documenting headstones, walking over the surface to get readings (GPR), documenting topography, GPS/mapped, compilation of records, etc. Member Chrissy Karas is excited to see this endeavor undertaken. Lindsey Smith asks how large the cemetery is. Anne Oldham states that the cemetery is 2 acres. Andre Redstone asks if the cemetery is under an immediate threat. Anne Oldham states that the mapping of this cemetery has been put off far too long. She states that there is vandalism on the property and incomplete records. Andre Redstone asks if there is specific order that this undertaking would need to be followed as per a religious entity. Anne Oldham states that the records are too incomplete to know. She states that it would be impossible to determine this. Andre Redstone suggests that the board look into this issue of incomplete records. Chair Peggy Bergon states that this will be a public process if awarded a grant for this project. Andre Redstone asks if there has been a consecrated or deconsecrated of the ground and he suggests that the board looks into this issue too.
- C. Re-submission of Water Work Facility Restoration SHF Grant Application: Staff is currently finalizing this application and will submit it on April 1<sup>st</sup>.

ADENDUM: Letter of Support for the documenting of cemeteries along the San Juan River.

Chrissy Karas moves to support Ruth Lambert in the documentation of cemeteries. Judy James seconds. Unanimously approved.

**VII. Reports and Updates:**

- A. Planning Department Director Update: Planning Director James Dickhoff briefly discusses planning department updates.
- B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration: NONE

**VIII. Public Comment: NONE**

IX. **Adjournment:** Andre Redstone moves to adjourn the meeting at 8:45 PM. Lindsey Smith seconds. Meeting adjourns at 8:45 PM.

**HPB Board Members**

**Peggy Bergon:** HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson  
**Chrissy Karas:** HPB Regular Member, **Andre Redstone:** HPB Regular Member,  
**Judy James:** HPB Regular Member, **Brad Ash:** Alternate Member

**HPB Mission Statement**

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**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
Regularly Scheduled Meeting Agenda  
Wednesday, April 27, 2016 @ 5:45p.m.  
Town Hall, 551 Hot Springs Blvd.

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**I. Call to Order / Roll Call:** Chair Peggy Bergon calls the meeting to order at 5:55 PM. Present were members Lindsey Smith, Judy James, Chrissy Karas, and Andre Redstone by phone. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak. Jeff Laydon owner of Pagosa Photography is also present.

**II. Announcements:** Judy James moves to allow Andre Redstone call into the meeting. Lindsey Smith seconds. Unanimously approved.

**III. Approval of Minutes:**

Approval of the April 13, 2016 HPB Regularly Scheduled Meeting Minutes: Minutes will be approved as presented.

**IV. Public Comment:** Jeff Laydon discusses his background in Pagosa Springs and his involvement with the Town. He is a member of the Spanish Fiesta Club and owns several businesses in Town. He has a passion for local Spanish heritage and is involved in many aspects of the community. He discusses the many contacts for Spanish bands and families in the area that he has acquired over the years. Mr. Laydon is wanting to bring photography and contacts for bands/Hispanic families/cowboys/Indian tribes to the HPB. Peggy Bergon says that this could be useful for the anniversary celebrations. There were discussions on other possible things to include in the 125<sup>th</sup> celebrations. The HPB would like to pursue a possible community cook book. Andre Redstone discusses an idea for a "Culture Fest." He hopes this would provide more inclusiveness for the entire community. The HPB has discussed a possible work session for this issue. The Board recommends a work session next Wednesday, May 4th at 5:45 PM to discuss the Spanish Fiesta for the fall. Chrissy Karas moves to meet next Wednesday for a work session on the Spanish Fiesta celebration. Judy James seconds. Unanimously approved.

**V. Decision Items:**

**A. Water Works Site Repurposing: Work Sessions or Committee Formation:** Andre Redstone has discussed creating a committee for this issue. He is wanting to move forward with this endeavor and create a working committee. Planning Director James Dickhoff says that there should be a larger conversation on this issue and invite all interested parties to present their ideas. Staff could help coordinate this effort and a public meeting. There could be a subcommittee created to facilitate these meetings. Chrissy Karas asks if Andre Redstone could facilitate this meeting. Andre Redstone state that yes, he will be an integral part of this. Chrissy Karas moves to nominate Andre Redstone to head the Water Works Committee. Judy James seconds. Unanimously approved.

**B. April Newsletter: Beautification:** Associate Planner Rachel Novak presents the beatification newsletter. It is suggested to change the phrase "higher standard" to possibly the "highest standard" or "a standard of excellence." This will help alleviate any alienation of community members. Lindsey Smith moves to approve the newsletter with the changes as discussed.

- Judy James seconds. Andre Redstone would like to see flowers or hanging baskets in the newsletter. This will be in a future newsletter. Unanimously approved.
- C. Heritage Brochure Photo Selection: Brochure Update: The selected photos could not be viewed due to a technical problem. This will be postponed until next meeting.
- D. 450 Pagosa Street: Sign Review: Planning Director James Dickhoff discusses the application. The applicant has provided the HPB with an example of the wall bracket, sign, and location of the new sign. The bottom of the sign will be 8.5 ft above the sidewalk and it will say Hippy Chick Message. Peggy Bergon states that this is a perfect opportunity for a projecting sign given the sandwich board survey. The applicant will also have a live flower planter box under the front window. Andre Redstone is worried about the color choices. Peggy Bergon and Judy James feel that these colors are appropriate as the HPB has done away with a set of colors to choose from. Judy James moves to approve the sign as presented with the name change to Hippy Chick Massage. Chrissy Karas seconds. Unanimously approved.
- E. Archuleta County Fair: Peggy Bergon presents her discussion of the fair. There are several display cases and they have offered the HPB a case for displaying items. She suggests asking the museum to contribute to the display. This would be excellent exposure since the Town is on the verge of losing the museum. Chrissy Karas suggests including the Fred Harman museum. Associate Planner Rachel Novak will ask the museum about displaying their artifacts. Andre Redstone says that this is an excellent opportunity for the Town to show a cross section of the community. He asks if there is a possibility for a live exhibit with a table and forum as a group to interact with the community. This may be possible within the education tent. This may be included for next week's work session. Peggy Bergon also says that another idea may be to ask the local breweries to brew a 125<sup>th</sup> tap. Andre Redstone suggests a formal invitation on this. Staff will assist with this. Chrissy Karas moves to have staff create an invitation for a 125<sup>th</sup> themed tap to all of the breweries in Town. Judy James seconds. Unanimously approved.
- F. 434 Pagosa Street: Demolition Permit: Jeff Greer was unable to be at the meeting. As of last Friday, he is now the official owner of 434 Pagosa Street. Chrissy Karas is confused because she thought it was the metal shed. Planning Director James Dickhoff says no. It is the wooden shed located directly on the property. The applicant would like to provide a passage between the buildings and include message rooms and bathing rooms. The HPB will be providing a recommendation to Town Council and not deciding on this tonight. Andre Redstone discusses Article 8.6.3.a, b, and c. of the Land Use Development Code. He states that the wooden shed is not a structural component of the original building. The demolition of this shed is not taking away anything of the true structure. Andre Redstone asks about recording the structure. Planning Director James Dickhoff says photographs and a brief description would be sufficient. Andre Redstone would move that the HPB offer a letter of recommendation to approve the application for demolition at 434 Pagosa Street. A recordation consisting of photographs, a brief description, and a narrative of its uses should be undertaken and submitted to the HPB prior to demolition. The HPB decision is underscored by items 8.6.3.a.b.c as the justification for the decision. Chrissy Karas seconds. Unanimously approved.
- G. Student Poster Contest: Associate Planner Rachel Novak gives the Board an update on the submissions. Staff has only received roughly 20 posters and staff recommends extending the deadline or selecting a single group winner from the submissions received. Andre

Redstone says that if the deadline is extended what is the cutoff point. Planning Director James Dickhoff recommends an additional 2 weeks. Staff can ask Margaret to reach out to Miss Tessi about letting students know about the extension. Staff recommends extending the contest to May 20th.

**VI. Discussion Items:**

- A. Repurposing Rumbaugh Creek Bridge for Future Trail Use: Railing Options: Peggy Bergon discusses the incorporation of the bridge into the Riverwalk. Planning Director James Dickhoff discusses the railing options and how the bridge will look. The bridge will be covered in concrete with metal plates for the welding of a metal railing. This could be anything from period correct to something more modern. Andre Redstone asks when the RFP will go out. The Collaborative is still finalizing their plans and Riverbend is refining their plans. The RFP is still in the draft phase. Planning Director James Dickhoff says the plans should be ready in about 2- 3 weeks. Andre Redstone asks when the railing option needs to be flushed out. He feels that the HPB still does not have enough information to make this decision. He would like this to be postponed as long as possible so the decision is more informed. Planning Director James Dickhoff says that premanufactured panels may be less expensive, but would need precise welding plate sizes and locations. Planning Director James Dickhoff says that the new proposed pedestrian bridge will need to match the selected railing. Andre Redstone would like to consider stone or wood options. Planning Director James Dickhoff says the largest issue is safety and there is a very limited budget. Chrissy Karas asks if they can apply for another grant. Planning Director James Dickhoff says that they can ask about this issue. Andre Redstone would like to postpone this discussion and have himself and staff research more options. Jeff Laydon suggests stone ends of the bridge and replicate the shape of the arch throughout the railings.
- B. Heritage Brochure Status and Updates: HPB Heritage Brochure: Peggy Bergon discusses an update. The next brochure was decided to be more photos and captions. Peggy Bergon has selected roughly 30 photographs for the HPB to consider to send to the Town Manager for approval for the new brochure. A separate HPB brochure was brought up at the last meeting. Peggy Bergon feels that this may be too large of an undertaking. Chrissy Karas would like to pursue a grant for this. Peggy Bergon would like to focus the HPB's efforts with updating the existing one.
- C. Sandwich Board Sign Survey: Response Updates: Associate Planner Rachel Novak updates the HPB with the results. She will provide a detailed breakdown of these results at the next meeting. The results will also be shared in next month's newsletter. Andre Redstone would like staff to send out a letter of compliance to business to conform to the code. He would also like to have the trees removed and backfilled. Chrissy Karas would like to word this letter in a positive way and agrees that the trees and magazine racks should be removed. Staff would need a recommendation to bring to Town Council before sending out this letter. Judy James recommends that all of the other stands should be removed. A possibility could be one or the other: either have a compliant sandwich board sign or a rack for brochures, but not both. Planning Director James Dickhoff says that maybe the Board's recommendations could provide alternatives. This discussion will be moved to next meeting.
- D. Historic Preservation Month Activities: Finalized Calendar: Associate Planner Rachel Novak discusses the finalized calendar. This will be sent to the Chamber, TTC, Council, the newspapers, and all relevant groups. Peggy Bergon will look into getting a historic photo for

the historic certificate. Peggy Bergon would like to recognize businesses in buildings that may not be in the historic district. It may be possible to recognize all businesses and welcome them to Town. Chrissy Karas feels that this is too large of an undertaking. Planning Director James Dickhoff recommends a simple packet for welcoming the businesses to the area or a letter welcoming them when they receive their business license. Staff will work on a draft for this. Chrissy Karas recommends a welcoming section in the newsletter.

- E. May 12<sup>th</sup> Community Presentation: Location Discussion: Peggy Bergon discusses the location and that Two Old Crows offered their space, but the Community Center was decided as the best option. She says that for future events the HPB would like to have events in the historic district. Planning Director James Dickhoff says that would work for other lectures, but this event needed good audio and visual options. Staff could ask the Mayor to be the host or an HPB member could volunteer. Andre Redstone would like the HPB to open and close this presentation. Mark Rodman will be at the May 11<sup>th</sup> HPB meeting to discuss the presentation. It is suggested that Andre Redstone could open and Peggy Bergon could close.

**VII. Reports and Updates:**

- A. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration

**VIII. Public Comment: NONE.**

**IX. Adjournment:** Chrissy Karas moves to adjourn. Judy James seconds. Unanimously approved. Meeting adjourns at 8:24 PM.

**HPB Board Members**

**Peggy Bergon:** HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson  
**Chrissy Karas:** HPB Regular Member, **Andre Redstone:** HPB Regular Member,  
**Judy James:** HPB Regular Member, **Brad Ash:** Alternate Member

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**TOWN OF PAGOSA SPRINGS**  
**Historic Preservation Board**  
Regularly Scheduled Meeting Agenda  
Wednesday, May 11, 2016 @ 5:45p.m.  
Town Hall, 551 Hot Springs Blvd.

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- I. **Call to Order / Roll Call:** Peggy Bergon calls the meeting to order at 5:45 PM. Present were members Lindsey Smith and Chrissy Karas. Also present were Loretta Ross from the public and museum volunteer, Jean and Jon Taylor from the San Juan Museum, Mark Rodman from History Colorado, Planning Director James Dickhoff, and Associate Planner Rachel Novak.
  
- II. **Announcements:**  
Mark Rodman, State Preservation Technical Services Manager, will be attending this evening's Meeting: Mark Rodman discusses the CLG necessities and how the HPB has been functioning. He addresses the musts of a CLG and their boards. There is a deadline of November 1<sup>st</sup> for CLG grants and funding. A property does not need to be locally listed in order to be listed nationally. He discusses the community presentation tomorrow that emphasizes tax credits available to the public. Mark Rodman would like the HPB to emphasize the use of these credits. He then discusses a guidebook for preservation organizations on how to operate and train new board members. This should be ready by fall 2016 with assistance from DOLA.
  
- III. **Approval of Minutes:**  
Approval of the April 27, 2016 HPB Regularly Scheduled Meeting Minutes: There is a typo on page four ("brought" in paragraph B) and on page five (planning director). Minutes are approved as amended.
  
- IV. **Public Comment:** Jean Taylor states that the Archuleta Fair is 65 years old this year and some centennial ranches. She has been in contact with Jeff Laydon on how to incorporate these 4 ranches into a celebration or recognizing them at the fair this year. She states that the museum will NOT be closing. She says that the opening will include a campfire cooking demonstration, lecture series, and many more events. Peggy Bergon is excited to help this endeavor. Planning Director James Dickhoff asks how exactly the HPB can help. Jean Taylor says helping to get the word out would be beneficial or perhaps a silent auction. Jean Taylor says that they were taken off of the exempt list for property tax list and needs to obtain those funds back. Jon Taylor says perhaps having personnel at the Tourism building to help guide tourists to the museum may be helpful.
  
- V. **Decision Items:**
  - A. *Heritage Brochure Photo Selection:* The HPB will provide the TTC with the photos as presented. Lindsey Smith moves to approve the photos as presented. Chrissy Karas seconds. Unanimously approved.
  
- VI. **Discussion Items:**
  - A. *May 12<sup>th</sup> Community Presentation Review:* Associate planner Rachel Novak provides an update on potential attendance for this event. She says that many people were interested in the presentation when she distributed the newsletters and tax credit information to the historic district this week. Planning Director James Dickhoff discusses how the presentation

will be run. Mark Rodman says that he will go first because his presentation will be the shortest, then Cynthia, and last would be Ken.

- B. *Sandwich Board Sign Survey Results:* Associate Planner Rachel Novak discusses the responses for this survey. These results will be made available to the public and with the next Historic District newsletter. Planning Director James Dickhoff says that these results would need to be presented to Town Council for their information.
- C. *Student Poster Contest: Updates:* Associate Planner Rachel Novak says she will reach out to the schools to ensure they are aware of the May 20<sup>th</sup> change.
- D. *Historic Preservation Month: Updates:* Associate Planner Rachel Novak has scheduled the movie, which is set to start next Thursday at 6:00 PM. It is a free movie and people can purchase snacks at the Theatre. Staff will forward the finalized calendar to the radio stations as well.
- E. *Waterworks Committee: Andre Redstone Update & Committee Selection:* Planning Director James Dickhoff provides a brief overview of this. He says that staff is in the process of obtaining original development plans of the priority for the committee to reference. James Dickhoff, Brad Ash, Andre Redstone, and David Shanzenbaker were suggested as committee members. He says that a public work session could be scheduled in 3-4 weeks. Peggy Bergon Asks what the original purpose of the bridge was? Planning Director James Dickhoff is unsure. Jean Taylor says it could have been used for horse and cart access because of how wide it is. Planning Director James Dickhoff discusses the stabilization plan of the bridge. He says the culvert will be extended, as well as the two storm pipes from Lewis Street, to help alleviate any future flooding. It is anticipated to have this completed by this fall. An SHF grant has funded this project. Planning Director James Dickhoff says the next step would be for the HPB to decide on a railing material. Chrissy Karas asks about any old railings that could be repurposed from the Springs Resort. Staff will look into this. Staff will also work with the designers on what type of railings would work best.
- F. *Archuleta County Fair: Display Case:* Peggy Bergon says that a fair board member has reached out to her and asked if the HPB would be interested in a display case at the fair. Jean Taylor asks about how large the display case is. Peggy Bergon will follow up with the fair staff to obtain these measurements. The case is roughly 3'X6'. Jean Taylor says they have put display items at the fair in years past. She is willing to put some items together for this. She says that they are already doing a 4H display with several large items. She also says that she will get back with the HPB when she has more information, but she wants to help the Board with their display. Peggy Bergon says that the display case will be under constant surveillance for the items selected for this display case. Peggy Bergon Discusses how to incorporate the 125<sup>th</sup> anniversary of Pagosa Springs, 100<sup>th</sup> anniversary of Wolf Creek, and the 65<sup>th</sup> anniversary of the Archuleta County Fair. She also discusses the possibility of having the local breweries in Town to have a specialty brew for the 125<sup>th</sup> anniversary. This could be at a tent in the fair. Peggy Bergon is in constant communication with Riff Raff and they are in charge of the beer tent and this could be the HPB's way in to the fair for this endeavor. Jon Taylor asks if the ski area is having an area at the fair for their 100<sup>th</sup> anniversary. Chrissy Karas says that they have a lecture planned at the fair. Jon Taylor says they have some historic skis in the museum that are about 9'longX5" wide. Planning

Director James Dickhoff would like to see the historic film of Wolf Creek be shown at the Liberty Theatre.

**VII. Reports and Updates:**

- A. Planning Department Report: Planning Director James Dickhoff discusses updates from staff. He says that the pedestrian bridge may be postponed until after tourism season. The Town was awarded a Safe Routes to School Grant to provide a sidewalk trail for elementary school children safely to school. This will be completed next year. Chrissy Karas asks how old a property has to be in order to qualify to be listed. Mark Rodman says that 50 years is typically the number to use. However, there are circumstances where property may be listed that is younger than 50 years old.
- B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration
- C. Upcoming Town Meeting Schedule

**VIII. Public Comment:**

- IX. **Adjournment:** Chrissy Karas moves to adjourn the meeting at 7:11 PM. Lindsey Smith seconds. Unanimously approved.

**HPB Board Members**

**Peggy Bergon:** HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson  
**Chrissy Karas:** HPB Regular Member, **Andre Redstone:** HPB Regular Member,  
**Judy James:** HPB Regular Member, **Brad Ash:** Alternate Member

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**Town of Pagosa Springs  
Planning Commission, Board of Adjustments &  
Design Review Board  
Regular Scheduled Meeting Minutes  
Tuesday, February 09, 2016 at 5:30 p.m.  
Town Hall, Council Chambers,  
551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147**

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- I. Call to order / Roll Call :** Commission Chair Maez called the meeting to order at 5:30 PM. Commissioners present were Commissioner Maez, Commissioner Giles, Commissioner Parker, and Commissioner Adams. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.
- II. Announcements:** - None
- III. Approval of Minutes:**
- A. *Approval of the December 8, 2015 Planning Commission meeting minutes:* Commissioner Parker moved to approve and Commissioner Adams second, unanimously approved.
- IV. Public Comment:**
- A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda* - None Received
- VI. Planning Commission:**
- A. *Re-Zoning Application for 1855 West U.S. Highway 160* - Dr. Kraig Lorenzen, the applicant, has proposed to change the zoning from R-A (residential agriculture) to Mixed-Use Corridor. The zone was rezoned from C district to R-A when the zoning was amended in 2009. Dr. Kraig Lorenzen does not want to develop the property and asks the commission to rezone the property. Dr. Kraig Lorenzen is in favor of a suggested pedestrian walkway. Commissioner Maez asked for public comment. Holly Hosselbueler: Has CDOT done a study to assess additional development access? Is this a contradiction to the town's vision to maintain the downtown? How many commercial developments already exist and are unoccupied or vacant? Has consideration been given to the canyon and animal access? Kathy Bute: Will there be legal access off Goldmine Drive? Concerns with canyon for drainage and wildlife access. There may be a spring in that area. She suggests area be a greenbelt area for preservation. What alterations are planned for the topography? If mixed use residential, suggests back end of property be low density. Doesn't want high density near single family homes. Planning Director James Dickhoff addresses land use code 2.4.2 approval criteria (6 criteria to meet). An access permit from CDOT would be dependent on the type of development, requires extension of Goldmine

Drive, build it, construct it, and deed it to the town. Town to Lakes plan also calls for a trail connection. Support for a secondary road network. The zoning proposal meets criteria number one. Canyon that sits on the southern portion of the property is a good location for open space. The zoning proposal does meet criteria number two at this time and is consistent with the Comprehensive Plan and Land Use code. The zoning proposal meets the third criteria. CDOT access permit does not guarantee direct access from the highway. One way in from Goldmine Drive may not be adequate access. All utilities are available to this property. The zoning proposal meets criteria number four. The entire town is within black bear territory. The town wants to ensure the canyon is preserved when a developer decides to come forward with a plan. Mitigation cannot occur until developer comes forward. The code supports saving trees and can offset additional requirements. The zoning proposal meets criteria number five. Planning Director James Dickhoff did not see any issues with the proposed rezoning. The town should protect existing uses from newer uses and Planning Director James Dickhoff did not identify any negative impacts of future development on this property. Planning Director James Dickhoff stated public notices were made 15 days prior to this meeting. Commissioner Maez asks if there was an actual development application. Planning Director James Dickhoff stated there are no current applications for development on the property, but this application is just for a request for rezoning. Commissioner Parker asks Planning Director James Dickhoff why the original property zoning was changed. Planning Director James Dickhoff could not find any historical information on this issue. Commissioner Adams asks about CDOT plans for a traffic light at the property. James Dickhoff stated CDOT plans are conceptual and this will depend on the type of development approved in the future. Commissioner Adams asks about easements on the property. Planning Director James Dickhoff stated this would happen during development and easements will be assessed during the Town to Lakes project. Commissioner Adams asks about high density and mixed uses development occurring on this property. Planning Director James Dickhoff addressed that this is a potential and so are single family homes. Commissioner Parker asked about runoff from the property currently. Planning Director James Dickhoff stated that there are some drainage issues on the property near the canyon. Holly Hosselbueler: asked about a continuation of downtown vitality. Planning Director James Dickhoff responded that this year was the highest year for sale tax. There is immense interest in local businesses, but there is still a lag from the 2007 economic downturn. Commissioner Maez asks does the property border with the county. Planning Director James Dickhoff responded yes it does. Dr. Kraig Lorenzen stated the property is currently underutilized. States that people want low income housing on the property for those working downtown. Holly Hosselbueler: wants to have the buffer expanded upon. States that this property currently has abandoned vehicles and fears it will become an eyesore. Dr. Kraig Lorenzen states that the property is in the process of being cleaned. Commissioner Parker asks what the lowest density currently in the commercial corridor is. Planning Director James Dickhoff says that it is 16 dwelling units per acre. Commissioner Maez states that the property owner's property taxes will increase significantly if rezoned. Kathy Bute: wants to address the strictness of the easement on the property. Commissioner Parker thanks the public for their input. Planning Director James Dickhoff states that buffers can include landscaping, trees, and the canyon can also provide a distance buffer. Other buffers include fencing, screening, etc. Commissioner Adams: would it be appropriate to include an easement on the Town

to Lakes project. Planning Director James Dickhoff supports this suggestion. Commissioner Maez moves to motion. Commissioner Adams moves to approve the rezoning of the property with the understanding that Dr. Kraig Lorenzen will provide an easement for the Town to Lakes project. Unanimously approved.

- B. *Conditional Use Permit Application for Paint Ball Park at Harman Park Drive* - The property currently is a mixed use corridor. Applicants (2.4.4 conditional use permit). Consider conditional use permit for proposed paintball park. If approved the project will need to submit for an extensive design review. Approval criteria in land use section 2.4.4 must all be met. Applicant Art Dilione states that the north side of the property will be roughly 1.25 acres in size for a playing field. The south side of the property will be a building for facilities, access off of Harman Park Drive, and a parking lot. There is a 15' buffer on all sides and 20' on the north side (where highway 160 is located). There is another 15' buffer on the inside of the net for a total of 30'. Suggested netting exceeds testing requirements for stopping paintball projectiles. Commissioner Adams: asks about hours of operations. Art Dilione states hours will vary and days of the week will be roughly 4-5 days. Bruce Kenning: President of Harman Park HOA, stated they would be happy to welcome a paintball park to the area. They are very concerned about the type of business that would be associated with this establishment. If this is approved they would like to sit down about noise control and how the netting will look. Overall, they want their place to look nice. Bruce Kenning also wants to ensure sufficient parking. The HOA is interested in working with the town on this type development. Kelley Dunn: Currently developing property across the street of this location. They have a need to tell appraisers about what type of development is happening across the street. Kelly Dunn likes the idea of attracting more people to the area. They have quite a bit of concern for this type of development. They are currently developing their lot to be a storage facility. He is concerned about the types of items the paintball field will bring in to use for targets and shields (old cars, junk, etc.). He wants to meet the high quality standards of the town and he wants to make sure everyone else maintains that as well. He is concerned of paintballs flying out of the field area and he wants to maintain the values of the subdivision. Mark Cariddy: He states that Harman Park is one of the original developments in the area. The original ideas for office space are no longer viable and the only way that the property will get built out is to change the zoning. The majority of the properties in this area are owned by one of two banks. He wants to protect the values of the community. Applicants agree to want to keep Harman Park a nice development. They are planning on spending \$400,000 on the facilities. Parking will be paved and the facilities will be of a first class facility. The fencing will be black and hidden within the trees. A large part of their business will be tourists and younger people. They will be bringing at least 6 jobs to the community. Rules and safety are a number one priority: there will be referees, strict rules, and guidelines. Art Dilione: When kids are in the area and shooting outside the netting, they will be ejected immediately. The building will be of the highest quality and materials. The facility will be field painting only. No one can bring outside paintballs into the facility. Commissioner Giles asks applicants to explain clients and paintballs. Art Dilione: the paint is food based, water soluble, and the case is gel based that breaks down. Both components are biodegradable and will break down in time. Commissioner Giles: where will clients come from? Art Dilione: Clients will be a mixture of young

people, tourists, and those wanting to experience paintball for the first time. Commissioner Giles: The monetary value is huge for a facility like this. Planning Director James Dickhoff states there is another meeting for this application. This needs to come back during a design review process. Commissioner Adams has concerns over the HOA because they don't have their rule and regulations formulated yet. It's important to understand one another. Mark Cariddy: Wants to have HOA rules and regulations expedited to ensure this project can be completed. Wants to see if there could be a fence that surrounds the park. Art Dilione: No. An interior fence must stay within the netting. Bruce Kenning: Concerned over lack of communication and effect of paint on the trees and vegetation. Applicant: They are more than happy to continue discussions on development with the HOA. They are hoping to open their paintball facilities June 1<sup>st</sup> and planning on being open 6 months every year. Commissioner Adams: is it appropriate to have a consideration put in place to have an agreement with the HOA upon an approval of the conditional use permit. Planning Director James Dickhoff suggests postponing a decision until the next meeting. Commissioner Parker: the facilities will be held to a high standard. Suggests more landscaping and planting more trees. Commissioner Parker: what power does the HOA have on design? Planning Director James Dickhoff stated the commission has the power only to delay their own decision and ask the applicant to work through some details with the HOA until the next meeting. Commissioner Giles: what will a delay in this project by two weeks do to the project? Art Dilione: the project might not even open until July. Commissioner Maez suggests the HOA and applicants work together. Planning Director James Dickhoff says the commission can approve the permit with contingencies attached and the design review process will be far more stringent. Bruce Kenning: the HOA is willing to work with the applicants on this project and report back to the commission in two weeks with an update. Commissioner Adams is concerned about the visual effect of the netting along highway 160. Applicants: the paint is washable and completely water soluble. The site is behind some trees and won't be completely exposed to highway 160. Commissioner Giles: understands the tourism window and need to pursue approval of this permit. Commissioner Parker moves to approve the permit with the following contingencies: that the applicants submit a major design review application, that the site noise and visuals of the site are monitored and regularly maintained in order prevent adverse impacts to surrounding properties, that the applicants have a mutual understanding with the Harman Park HOA and work out their concerns, and that the applicants look into the possibility of removing the netting during off-season times. Unanimously approved with the contingencies attached.

- C. *Additional recommendations for smaller single family dwelling lot sizes and density levels in the R-18 district and the allowance of short term rentals in the R-12 and R-18 districts* -Planning Director James Dickhoff stated that the town was very close to bumping up density from 3.4 dwellings to 3.5 dwellings. The motivation is to provide more affordable housing. 5.2.1 Provision under the density section about rounding up is located in subsection B. If the town was to allow 3.5 dwellings, that would round up to 4 dwellings for a 50' X 150' lot. This could be 2 duplexes instead of 4 single family units. Planning Director James Dickhoff suggests possibly bumping up the R-18 to an R-20. Commissioner Parker has concerns for parking. Planning Director James Dickhoff says a parking structure may be appropriate and recommends lot sizes be 2,100 sqft.

Commissioner Parker moves to approve changing the minimum lot size including town homes in the R-18 district to 2,100 sqft and increase the allowable density to 20 allowable dwelling units per acre, changing the R-18 district to an R-20 district. Unanimously approved.

Planning Director James Dickhoff addresses workforce housing shortage. He suggests that short term vacation rentals are a business and should not be located in a residential district. Commissioner Adams asks about existing structures within R-18 districts. Planning Director James Dickhoff says these can continue as a nonconforming use. A change of ownership is a mechanism to change the use. Short term rentals are a business and should maintain a proper business license and adhere to annual inspections. Commissioner Giles states that tourists spend a lot of money to stay in beautiful homes. They are not looking to stay in hotels or low income houses. Commissioner Parker suggests that the community needs places for young professions to live. Commissioner Maez suggests giving people adequate time to get in compliance with their short term rentals. Commissioner Giles asks how the town can plan for 5 years from now if properties are going to be built with low income housing. Commissioner Adams states that new businesses for short term rentals would require a conditional use permit in a residential district. Commissioner Parker states there is a problem with people opening unregistered businesses in their homes without business licenses. Planning Director James Dickhoff suggests limiting short term rentals in R-12 and R-18 to a certain number instead of prohibiting them. Commissioner Giles moves to approve short term vacation rentals in R-12 and R-18 districts with the approval of the council and in compliance with city, taxing, and licensing agreements including inspection by city officials. Commissioner Maez moves to table the discussions until the next meeting. Unanimously approved. The discussion in regards to short term rental properties in R-12 and R-18 districts was postponed until the next planning commission meeting.

**VIII. Public Comment**

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda* – None received

**IX. Reports and Comments**

A. *Staff Report\_ Projects, Updates and Upcoming Development Applications.*

B. *Planning Commission – Comments, Ideas and Discussion.*

C. *Upcoming Town Meetings Schedule:* The next Planning Commission meeting is set for February 23, 2016 and there is a work session on February 16, 2016 at 6:00pm

**X. Adjournment** – Upon motion duly made, the meeting adjourned at 8:34 PM.

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James Dickhoff, Planning Director



**Planning Commission, Board of Adjustments &  
Design Review Board**

**Regular Scheduled Meeting Agenda**

**Tuesday, March 08, 2016 at 5:30 p.m.**

Town Hall, Council Chambers, 551 Hot Springs Boulevard,

Pagosa Springs, Colorado 81147

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- I. **Call to order / Roll Call:** Commission Chair Maez called the meeting to order at 5:30 PM. Commissioners present were Commissioner Maez, Commissioner Martinez, Commissioner Parker, and Commissioner Giles. Also in attendance were Planning Director James Dickhoff and Associate Planner Rachel Novak.
- II. **Announcements:** None
- III. **Approval of Minutes**
  - A. *Approval of the February 9, 2016 Planning Commission meeting minutes:* Commissioner Giles moves to approve the minutes as they stand. Commissioner Martinez seconds. Unanimously approved.
- IV. **Public Comment**
  - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* None Received
- V. **Board of Adjustments**
  - A. *Application for Variance for Front Yard Set Back reduction, Mesa Heights West:* Planning Director James Dickhoff provided background on the project. The site is zoned as R-6 and the setbacks in this area have a 25ft minimum setback. The application is for a reduction in this setback to 15ft, a ten-foot reduction. As of today, staff has not received any public comments for this application. There are 10 criteria that variances must meet prior to approval. Applicant Brad Ash is working with the land owner on a variance for development. Brad Ash states that there is a 60ft ROW and the newer setback reduction of 10ft will greatly help with development. Lots 26 and 25 are not seeking a variance of these sites as they are not as challenging for development. Lots 27 and 28 could have development starting at 15-16ft above the roadway. Currently, the Mesa Heights West development does have variable setbacks as it is. Lots 30-27 the applicants are asking for a variance due to the steepness of the terrain. The building height could be extremely high and Brad Ash states that he is trying to keep the feeling of the neighborhood, 1500-1600sqft with a two car garage. Commissioner Parker asks if there are drawings of the properties yet. Brad Ash states that the drawings are complete. Commissioner Parker asks about the appearance of the driveways. Brad Ash states that all of the driveways will have a 12% grade and it's the garage that will be encroaching the most upon the setback. Planning Director James Dickhoff discusses the 10 criteria that must be met by the applicant to get approval for this variance. Planning Director James Dickhoff states that this is a unique circumstance, as most of the Mesa Heights West R-6 district is relatively flat. The requested setback option is a reasonable request for allowing the development to occur on the sites. Planning Director James Dickhoff states that the likelihood of needing to widen this road in the future is very low and the closeness of the lots to the street should not be a factor. He shows the commission photographs of the sites and property lines in relation to the ROW. The applicant is proposing single family homes. This request does fit with the existing development in the area. There currently no

other application on this issue and there are no attachments. Commissioner Maez asks about the height of the back of the structures. The midspan cannot exceed 28ft. Brad Ash states that none of the proposed development does not exceed that. Aaron Wamsley lives right next to lot 25 and is concerned about moving the variance. He states that everyone has a front yard and there is plenty of space. He wants Pagosa to be a pretty place and suggests widening the plots. He isn't sure what will actually be built there. States the developers knew the rules when they plotted the sites. Mr. Wamsley also states that the appearance of the neighborhood will change. Davilyn Valdez states that houses could potentially top out at 28ft, but is concerned with the height. The maximum height allowed is 32ft and Brad Ash states that most of the units will be 22-24ft. Ms. Valdez lives behind these sites and doesn't want to look at a 28ft wall. She wishes to have known about the platting in 2012. This is a very friendly neighborhood, but instantly traffic could change with these houses. She states that traffic on 3<sup>rd</sup> street is a concern. James Olson agrees with his neighbor Ms. Valdez. Mr. Wamsley is concerned with putting a lot of houses in a small space. With the proposed small driveways, he is concerned about the on-street parking, 28ft walls, and increased traffic. Ms. Valdez and Mr. Wamsley are concerned about what will be built and would like to be part of the review process. She would like a guarantee that the units will be single family homes. Brad Ash states that duplexes are permitted in an R-6 district. The developer decided to mesh with the current feel of the neighborhood and chose single family homes instead of duplexes. There will also be a double parking, 20ft driveway into each home. Mr. Wamsley comments that he respects the developer, but states that the platting is terrible. He also states that the developer platted the sites wrong and the laws shouldn't be bent for him to make his money back. Commissioner Maez states that the developer is within his bounds and they are trying to adhere to the Land Use Development Code. Mr. Wamsley states that it makes a lot more sense to build 8 houses instead of 10. Commissioner Martinez states that the houses will have about 23ft of front yard space. Could you build on Block 4 lot 17 without a variance? Brad Ash states yes, but the homes will appear taller, closer to neighbors, and potentially costlier. Commissioner Parker states that the developer is doing the best they can to make certain things work. He also states that we need to find a common ground. Commissioner Parker states that there is a great opportunity here and he hopes that the neighbors continue to communicate with the developer. Davilyn Valdez asks about how drainage will be addressed. Planning Director James Dickhoff states that drainage is a Town wide issue. He states that the developer has taken several provisions to redirect water. Commissioner Martinez asks about the size of lots behind the sites. Planning Director states that those lots are roughly .5 or .75 acres. Commissioner Giles states that these homes are reasonable and not luxury homes. The developers are meeting a shortage in the community. Brad Ash states that the R-6 district does allow duplexes and the developer also considered consolidating lots. If the developer was to consolidate lots, those homes would be over 3,000sqft. Aaron Wamsley is concerned that these houses will be too expensive because the one house that is already built there is well over 2,600sqft and \$400,000. Davilyn Valdez states that she recognizes that they are trying to build affordable homes, but the 1,500sqft home is still an eyesore because of the vertical distance. Commissioner Maez states that it is not our place to say what type of home they can build. Commissioner Parker states that there is still a landscape code that the developer must adhere. Mr. Wamsley asks if there is a back variance. Planning Director states that an R-6 district has a back setback of 10ft. Ms. Valdez states that there is still concern on the overall size of the homes and that working with the geography in this location is difficult. Commissioner Giles moves to approve the front yard setback variance application, allowing a reduction from 25ft to 15ft for lots 27-30 of block 1 and lots 15-19 of block 4 for the Town of Pagosa Springs, Mesa Heights West subdivision. Commissioner Parker seconds. Unanimously approved. Brad Ash states that neighbors can stop by his office for any further questions. Commissioner Maez states that he would like to have those homes further away from his backyard than the sidewalk.

**VI. Public Comment**

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* None Received

**VII. Reports and Comments**

A. Staff Report\_ Projects, Updates and Upcoming Development Applications: Historic Preservation Board meeting February 18, 2016 discussed sandwich board signs and a survey. Sandwich board signs are currently allowed with a permit. Staff is planning to reach out with businesses prior to amending the code to prohibit these signs from the ROW. Lindsey Smith was elected vice-chair and Peggy Bergon was elected as the chair. Planning Director James Dickhoff discusses various tax credit opportunities for businesses to take advantage of. The HPB is currently creating a themed calendar for historic preservation month activities. The Board is currently looking for speakers for presentations during historic preservation month.

B. Planning Commission – Comments, Ideas and Discussion: Two rivers gravel pit has a through town route. The Town wants to ensure deliveries don't come down 8<sup>th</sup> Street currently. The number of trips through the downtown will be minimized by thoroughly looking at other routes. The upcoming 8<sup>th</sup> Street project will need to accommodate these truck weights. The gravel pit will be a great benefit to our community. Commissioner Martinez asks about other pits in Archuleta County. There aren't really any full-scale operations. The Town Council moved the Wal-Mart hearing to an April 14 date at 6:00 PM. Public notification will be mailed at least 15 days prior to this meeting. This is an appeals hearing and the public will not be permitted to comment. This hearing is strictly for the interpretation of the Planning Director's interpretation of the code. If found that the Director's ruling was correct, Wal-Mart can appeal to a district court. The Planning Director has received two plans to modify the lights for some shielding. Waterworks Facility was not awarded and SHF grant in our last attempt. Associate Planner Rachel Novak is currently rewriting the application and will submit for a draft review prior to a final submittal on April 1, 2016. Rumbaugh Creek Bridge is currently undergoing an RFP to get out bidding for contractors. Commissioner Giles asks about the 5<sup>th</sup> Street Bridge. The Town Council is holding a work session next week at 5:00 PM, March 17<sup>th</sup>. Planning Director James Dickhoff states that the volume of traffic is an issue at this location and this bridge would a reasonable solution on 5<sup>th</sup> Street. If a bridge was to be built on 2<sup>nd</sup> Street instead, it would require a new traffic light and would cause traffic to be let out onto San Juan Street. If a bridge was to be built on 6<sup>th</sup> Street, we would be dealing with a flood plain issue and the cost would easily triple in scale. There are many future benefits to this bridge for the community. Commissioner Giles asks when the bridge could be built. Planning Director James Dickhoff states that it has to go through due process. The developer has the right to build or not build the bridge. It is more reasonable to work with the developer to ensure this project gets completed. The town has motivation to secure this property for the creation of the bridge because we will need a bridge in the future.

C. Upcoming Town Meetings Schedule

**VIII. Adjournment:** Commissioner Parker moves to adjourn. Commissioner Martinez seconds. Unanimously approved.



**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Agenda**  
**Tuesday, April 12, 2016 at 5:30 p.m.**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

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- I. **Call to order / Roll Call:** Commissioner Maez calls the meeting to order at 5:30 PM. Present were Commissioners Parker, Giles, Martinez, and Adams. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.
  
- II. **Announcements:** NONE
  
- III. **Approval of Minutes**
  - A. *Approval of the March 8, 2016 Planning Commission meeting minutes:*  
Commissioner Maez tables this until the next meeting.
  
- IV. **Public Comment**
  - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:*  
None received.
  
- V. **Design Review Board**
  - A. Application for Major Design Review for Pagosa 322 Harman Park Drive. (Public Hearing / Quasi-Judicial Matter): Planning Director James Dickhoff discusses the Pagosa Fun Park application. The conditional use permit was approved for this project. The majority of the properties are mixed use within the vicinity of the application site. The applicant changed the scope of their project from the cancelled March 23<sup>rd</sup> meeting. Staff received a revised permit application on March 17<sup>th</sup>. Today is for the Major Design Review of the application and the zoning does allow the uses suggested. The building cannot exceed 35ft to the mid-span and an additional 6ft for a maximum of 41ft overall. The proposed development suggests a maximum height of 36 ft and a 60ft setback off the road. The development meets all setback and height requirements. It is the Planning Director's opinion that the paintball netting does not obstruct the views nor does it pose a visual distraction to the development. Art Dilione and Bob Hart are the applicants and they present their major design review to the board. Art Dilione discusses the overall site design. He states that they have added a new sidewalk, a graded swale for better drainage and a retention pond that ties into the existing drainage. Commissioner Giles asks about parking and suggests that this development will be very successful. He asks if there will be emergency parking available? Art Dilione states that they are working on arrangements with a nearby church for overflow parking. Commissioner Giles asks how these discussions are going. Bob Hart states that they have contacted the church, but nothing has been finalized. Planning Director James Dickhoff states that it was reasonable for the applicants the start off with the suggested 25 number of spaces if they can arrange parking accommodations with the nearby church. He also states that this is appropriate because it is likely most people will be arriving in groups per vehicle or dropped off by parents and not individually. Commissioner Martinez raises concerns for snow storage. She states that they are supposed to have 1 sqft for every 2 sqft of parking. The applicants are in compliance for this with their revised plans. Commissioner Adams asks about discussion with the HOA. Art Dilione states that these discussions are going well and the applicants have attended a number of meetings. He states that the HOA is ready to approve their application. He also states that they will have a written agreement between them and the Harman Park HOA. Planning Director James Dickhoff addresses the site's drainage and that the

applicants will need to direct water, control erosion, and silt after development and during construction. After reviewing the drainage plan, Planning Director James Dickhoff addressed some drainage easements within the property. He suggests that this falls onto the HOA so that it corrected appropriately. Commissioner Parker asks about drainage to the retention pond. Art Dilione shows the board how the site will drain water. He states that it's a relatively small amount of drainage to accommodate. Commissioner Parker states that they are only at 40% of maximum capacity and states that this may be a problem once they max out. Planning Director James Dickhoff states that the retention pond was sized for maximum build out of these Harman Park lots, but is waiting on a confirmation of this. The pond is 43 cubic feet and Planning Director James Dickhoff is working with the engineer to verify this. Commissioner Adams asks about the size of the retention pond. Planning Director James Dickhoff states that the applicants are providing more than the minimum requirements for drainage with the retention ponds. Planning Director says that fire hydrants will be assessed based on the full build-out of the site. Bob Art states that the building will also have sprinklers inside for safety. He also states that there aren't any designated wetlands on the site. Planning Director James Dickhoff discusses access and traffic through the site. He says that the roadways and intersections were designed based on full build-out of Harman Park and there is potential to connect to downtown. Commissioner Parker states that the number of parking spots is still a concern. He suggests that people may park on the street. Planning Director James Dickhoff states that the applicants must show over-flow parkers where to park if the lot is full. The applicants are required to supply one tree for every eight parking spaces. Parking lot landscaping is meant to breakup the asphalt parking lot and could include landscaped spaces or bulb outs. Exterior lighting has not been suggested by the applicants as of yet, but Planning Director James Dickhoff will review these additions as they are presented to staff. Planning Director James Dickhoff states that the applicants are required to provide connectivity to their site and says this could tie into Piedra Road and Harman Park Hill phased trail segments. There is a pedestrian trail easement on the north side of the property as well. The building is fairly large and has 30% corrugated metal, in addition to siding and a stone base. As the building is large, Planning Director James Dickhoff suggests the applicants to off-set the roof. Commissioner Martinez states that the east facing wall is too plain. Planning Director James Dickhoff states that building designs need to be four sided. Commissioner Adams asks bottom line if it meets the Town's code. Planning Director James Dickhoff states no because of the roof line and the east facing wall. Commissioner Parker suggests that breaking up the roof line could prove to be beneficial to the laser tag area as visual interests. Art Dilione states that it would be easier to manipulate the interior than adjust the roof line. He says that they will work with staff on this issue. Commissioner Adams asks about adding hips to the roof to break up the roof line. Bob Hart states that it is a metal building and the snow coming off the roof was also taken into consideration. Commissioner Parker says the more trees the applicants can save, the better because the building is so large. Commissioner Martinez asks about the difference between a hip and a dormer. Commissioner Adams demonstrates the difference. Commissioner Giles suggests a hip or dormer with fake windows. Bob Hart states that they would need to look at the costs. Commissioner Giles states that the building is crisp and clean, but rules are rules and they must adhere to the code. Commissioner Parker asks about a minimum for the number of trees on the property. Planning Director James Dickhoff states that he has met with arborist professionals on how best to preserve the trees from paintballs. The applicants state that they are going to wash the impacts trees once a week. Planning Director James Dickhoff states that the arborist professional recommended 4-6 inches of mulch around the impacted trees to dissipate the paint into the ground. He also suggested some sort of possible screening for maximum protection around the base. Bob Hart states that there are already a lot of pine needles there, but will look to include more as needed. Art Dilione states that he doesn't want to be held to a weekly requirement if the natural weather can take care of this issue. Bob Hart states that they intend to repurpose the trees taken down during the construction process as blinds in the paintball arena. Commissioner Adams asks about the possibility of a group sign instead of just a sign for this business. Planning Director James Dickhoff says that he will mention this to the HOA. Commissioner Parker asks about the positive drainage in the parking lot and freezing in winter. Planning Director James Dickhoff suggests a raised sidewalk and will work with the applicants on this. Commissioner Adams asks about the washing of the trees trunks and striking this from the recommendations. Planning Director James Dickhoff says yes, this

item can be removed. Commissioner Adams asks about the agreement with the HOA and shared parking. Art Dilione says that the approval of the conditional use permit was to include communication with the Harman Park HOA. Planning Director James Dickhoff states that the board cannot direct the HOA rules or direct them how to govern. Commissioner Parker asks about removal of the paintball netting during winter. Art Dilione states that all of the netting will come down during the winter months. Commissioner Adams asks about having the 4-6 inches of mulch reach the drip line. Planning Director James Dickhoff states yes, this would be to the drip line. Commissioner Parker is concerned about the number of trees on the property and wants to make sure as many are saved as possible. The applicants state that they have positioned the development in such a way that a minimal numbers of overall trees will be removed. Planning Director James Dickhoff states that trees do not qualify to break up the roof line. Commissioner Martinez asks about continuing this until next meeting. Commissioner Parker has three main concerns parking lot, sidewalks, and the roof line. Commissioner Parker moves to continue this public hearing for 322 Harman Park Drive until April 26, 2016. Commissioner Martinez seconds. Unanimously approved.

**VI. Public Comment**

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:*

None received.

**VII. Reports and Comments**

- A. Staff Report\_ Projects, Updates and Upcoming Development Applications.
- B. Planning Commission – Comments, Ideas and Discussion.
- C. Upcoming Town Meetings Schedule

**VIII. Adjournment:** Commissioner Parker moves to adjourn. Commissioner Martinez seconds. Meeting adjourns at 7:00 PM.

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Commission Chair, Ron Maez



**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Agenda**  
**Tuesday, April 26, 2016 at 5:30 p.m.**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

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- I. **Call to order / Roll Call:** Commissioner Maez calls the meeting to order at 5:30 PM. Present were Commissioners Maez, Martinez, Adams, and Giles. Also present were Planning Director James Dickhoff, Associate Planner Rachel Novak, and applicants Bob Hart and Art Delione.
  
- II. **Announcements:** NONE
  
- III. **Approval of Minutes**
  - A. *Approval of the March 8, 2016 and April 12, 2016 Planning Commission meeting minutes:* Commissioner Martinez moves to approve the March 8<sup>th</sup> Minutes. Commissioner Giles seconds. Unanimously approved. Commissioner Martinez moves to approve the April 12<sup>th</sup> minutes. Commissioner Giles seconds. Unanimously approved.
  
- IV. **Public Comment**
  - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* NONE
  
- V. **Design Review Board**
  - A. *Continued Public Hearing, Application for Major Design Review for Pagosa 322 Harman Park Drive. (Public Hearing / Quasi-Judicial Matter):* Planning Director James Dickhoff discusses any changes with the application. There is roughly 175 ft difference between the original termination point of the sidewalk location and the new proposed sidewalk location. He also discusses the shared parking agreement. The applicant provides the Commissioners with copies of a shared parking agreement with the church. As the parking is 40% less than what would normally be required for a building of this size, a shared parking arrangement is a necessity. Applicant Bob Hart addresses the parking agreement with the neighboring church. He states that if the church has an event they will be permitted to use the applicant's parking lot as well. The paintball park staff will inspect the parking lots on a daily basis for trash. Commissioner Martinez states that the address is wrong on the agreement. She states that the parking requirements are technically not met as they are 40% below what the Town normally requires. Planning Director James Dickhoff says that based on the modified calculations of this property the Commission can approve this agreement based upon the understanding the calculations are based on alternative situations. Planning Director James Dickhoff would like to see a long term parking agreement of at least 5 years, while the code states 20 years. He also recommends a 2-3-year analysis or monitoring of the parking situation to see if this arrangement is working. Commissioner Maez asks if this falls within the CUP. Planning Director James Dickhoff says no because that has already been approved. He states that they really need to monitor this issue for at least a few seasons to see if the arrangement is working or not. Planning Director James Dickhoff states that there is no pedestrian connectivity within the lot or to the lot. The applicants have discussed using a woodchip path, but this does not meet ADA standards. If the applicant does not agree with this decision, they can appeal this decision to Town Council. Commissioner Maez asks about the ADA requirement for handicap parking spaces for the building.

Planning Director James Dickhoff states that they meet the parking requirements, but do not meet this requirement for connectivity or sidewalks. This means that all of the sidewalks need to be smooth surfaces and not woodchips. Planning Director James Dickhoff states that there may be HOA funds for sidewalk connectivity within the development. Applicant Bob Hart states that the land between the church and their lot is Town property. Commissioner Adams asks about the sidewalk entering the ROW. Planning Director James Dickhoff states that an easement may need to be addressed for the public to legally use this sidewalk. Applicant Bob Hart feels that they should not be responsible for paying for these improvements. Commissioner Giles states that the proposed overflow parking situation may not even need to be utilized. He states that they are dealing with three people for this sidewalk: the applicants, the Town, and the HOA. He asks if there is a way for all three parties to work together. Commissioner Maez asks about the number of handicap spaces. Planning Director James Dickhoff states that there is a requirement of 1 space for every 25 spaces required for the building. He also states that for the sidewalk the main reason for its construction is for connectivity to the site and not just from the parking lot. Planning Director James Dickhoff states that staff could look into the impact fees associated with sidewalks as these are different than trails. Applicant Art Delione states that they are willing to add an additional handicap parking space for a total of 2. Commissioner Martinez moves for a quick break so that the Planning Director James Dickhoff can look into this impact fee for sidewalks. Commissioner Giles seconds. Unanimously approved. Commissioner Martinez moves to continue the meeting. Commissioner Giles seconds. Unanimously approved. Planning Director James Dickhoff states that the impact fees don't include sidewalks. Commissioner Martinez asks about what surface dictates a trail. Planning Director James Dickhoff states that the impact fees directly relate to the Pagosa Trails project. Commissioner Giles states that there they still don't know if the shared parking will be necessary. Planning Director James Dickhoff states that the Town Council may want to participate in this discussion. He also states that the addition of sidewalks does benefit the overall development and not just this single project. Commissioner Maez states that a working relationship will be important. He also asks if the additional handicap space enough to help with this ADA requirement. Planning Director James Dickhoff says no. One additional space is not enough and connectivity is needed. Commissioner Maez suggests a working relationship with the applicants, the Town, and the HOA. Commissioner Adams asks about the recommendations listed in the staff report. Commissioner Martinez states that Planning Director James Dickhoff's main concern is connectivity and safety for children wanting to access the site. Applicant Bob Hart says that the road is currently a dead end and not a traffic issue for safety and states that he does not know how busy it is going to be. He says that once development takes off, the road will most likely be expanded and the sidewalk can be addressed then. Commissioner Giles states that he understands that there is a crucial window for development. Commissioner Adams states that if the development takes off, the parking can be reassessed at that time. Commissioner Martinez asks how this will be assessed. Planning Director James Dickhoff states this will be through a visual inspection. He states that the site needs to be fully accessible for everyone, including to the paintball arena. This is a family environment in which families can participate and watch. Commissioner Adams states that since there is a shared parking agreement that the two handicap spots should be a requirement. Commissioner Maez asks about ADA grants available for funding. Planning Director James Dickhoff says that there are some grants available for this, but not currently for new businesses. Applicant Bob Hart asks Planning Director James Dickhoff how the existing businesses handle ADA requirements. He says that staff can look into this and work with the applicants during the building permit stage. Commissioner Giles asks about other materials available beside pavement. He states that a possibility could be crushed or fine rock. Planning Director James Dickhoff discusses the sidewalks around the parking lot. He says that a small buffer would be beneficial between the cars and the sidewalk so the car overhang does not interfere with people

walking. Applicant Bob Hart says that they are willing to work with the Town on this. Planning Director James Dickhoff states that this would be mainly for the public sidewalks as this is a larger area for concern, but is relevant for both the public sidewalks and private sidewalks. The applicants say that they can move the sidewalk out to not lose any parking. Planning Director James Dickhoff discusses the building designs. The applicants have altered their original roof to break it up more. They are using a gabled roof to break up the facade, false windows to break up the east façade, and 4 smaller shed features on the main roof. The applicants hand out a photograph of an example from Walmart on another alternative to breakup the east facing façade. Planning Director James Dickhoff says that the face needs modulation to be appropriate. Commissioner Martinez asks about the modulation in the Walmart example. The applicants say that they would add just the trellis and not the modulation. Applicant Art Delione says that they are really trying to make the site blend with the environment. Planning Director James Dickhoff asks about the proposed windows. The applicants state that the windows will be a white, glass panel. Commissioner Adams states that this is a poor decision as it will not look good. Applicant Bob Hart says that there will be a dark film over the windows. Commissioner Adams asks if this would count as modulation. Planning Director James Dickhoff says no. Commissioner Adams shows the applicant a possible example for modulation. Planning Director James Dickhoff says that it gives the appearance of modulation. Commissioner Maez asks about possibly continuing the rock feature up to the windows. This may be too expensive. The applicants suggest a different siding color and have this placed into the building two inches. Planning Director James Dickhoff states that this may be an appropriate option, but he will need further clarification in this design. Commissioner Martinez asks if this will be with no windows and the same material as the roof. The applicants say it would be without the windows and possibly the same material as the rest of the siding, but just a different color. Planning Director James Dickhoff discusses the roof line. Staggering the roof line vertically or horizontally is important. The applicants have included a modulation of the roof to break up the roof line. Commissioner Martinez asks if this idea was discussed in the last meeting. Commissioner Maez says that this was an idea presented at the last meeting. Commissioner Martinez asks what these are made of. The applicant states that these would be made of a vinyl composite material. The main reason for this is for as little maintenance as possible. Planning Director James Dickhoff says that because the entire building isn't in this material and it is a composite material, it could be appropriate. Commissioner Adams has a concern for the compatibility in color with the rest of the building. The applicants say that it will match the color of the siding. Commissioner Martinez asks if this puts them over the height requirement. Planning Director James Dickhoff says no. Planning Director James Dickhoff discusses the architectural style and four sided design of the building. The applicant has addressed the issues with the east facing facade. He also recommends that as a contingency the Commissioners require the netting be removed during the winter months. Planning Director James Dickhoff addresses the updates the applicants have provided staff. Commissioner Adams asks if in a major design review the materials need to be identified. Planning Director James Dickhoff states yes, they need to be identified. The floor is open to public comment. Penny Hart appreciates the Commissioners hard work. This development will provide an excellent opportunity for young people to play and work. Planning Director James Dickhoff reads through the motion entirely. Contingencies that apply to the Commission's approval: A) Applicant shall provide a note on the site plans indicating the removal of the arena netting in winter months. B) Provide an offsite parking agreement in conformance with the section 6.9.5.B for a minimum of 12 additional parking spaces. After each of the first three seasons of operation, the applicant shall provide the Town with an assessment of the results of the alternative parking calculation and shall provide additional parking lot area if determined to be needed by the planning director at such time. Compliance with these terms shall be required for renewal of a business license. If parking along the street becomes an issue, the applicant shall pay

for no parking signs approved by the Town for installation by the Town along the roadway. Signage indicating the location of overflow parking shall be provided. C) Direct staff to work with the Harman Park HOA and the applicant for future public sidewalk connectivity. After 12 months, the planning director will provide a determination of the requirement for the applicant to provide such sidewalk connectivity and/or collaboration of funding contributions for such sidewalks. D) Provide ADA access to the arena viewing area. An analysis will be completed at the time of the building permit application. E) Provide note on landscape plans indicating tree washing as needed to ensure preservation of trees indicated to be protected and saved, and provide protection to trees identified to be preserved during construction and in perpetuity. F) Define or indicate the required 10% parking lot landscaping inclusion on revised parking lot and landscape plans. G) Provide a note of materials proposed in the roof drip line for erosion protection. H) Provide storm water runoff protection during construction. I) Provide a 2.5 ft separation between the public sidewalks and the parking lot curbs. J) Provide on the east side façade illustration showing the 2 inch siding modulation details for administrative approval. Commissioner Martinez asks if the applicants could be responsible for the entire sidewalk after 12 months. Planning Director James Dickhoff says yes, it is a possibility, but the really should participate with this. The general rules of subdivisions are paved roads and sidewalks on both sides of the street. Applicant Bob Hart asks if the Town would hold any responsibility. Planning Director James Dickhoff says that it would be up to Town Council. The sidewalk in front of the applicant's property would be 295 ft long that will be an easement to the Town. The applicant would be responsible for snow removal and maintenance. Applicant Bob Hart states that there are several trees lose to the road, but appear to be dying. Staff will work with the applicant with the landscaping requirements. Commissioner Giles moves to approve the Pagosa Fun Zone major design review application submitted by Pagosa Paintball, LLC, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items to be included as read by staff on April 26, 2016. Commissioner Martinez seconds. Unanimously approved.

**VI. Public Comment**

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.* NONE

**VII. Reports and Comments**

A. *Staff Report\_ Projects, Updates and Upcoming Development Applications:* The Historic Preservation Board has finalized the schedule of events for historic preservation month. It's the 125<sup>th</sup> anniversary of the Town, 100<sup>th</sup> anniversary of Wolf Creek Pass, and 65<sup>th</sup> anniversary of the Archuleta County Fair. The Board is working on railing option for the Rumbaugh Creek Bridge restoration. Staff has reapplied for an SHF grant for the rehabilitation of the Water Treatment Plant. The Town was awarded a SRTS Grant for connectivity to the elementary school which will include a new sidewalk and crosswalk. The design work will be this year and the construction will be next year. Commissioner Martinez asks if some flooding will be helped on N 7<sup>th</sup> Street. Planning Director James Dickhoff will look into this issue. Planning Director James Dickhoff says that the final east phase of the Town to Lakes Trail will be completed this year. The final easement was acquired. The west phase of the trail is also in the process of acquiring the final easements necessary. It appears this trails segment will also be completed this year as well. The next phase will be the Harman Hill phase. This phase will be a bit more complicated due to the elevation change and \$1.1 million is needed. This provided much needed connectivity. The Town completed the aerial survey last year, which will significantly help in long range planning efforts. These surveys will significantly help with grant submissions. Staff is going forward with the RFP for sidewalk improvements in front of the bakery. Commissioner Adams asks

for a cross walk there. Planning Director James Dickhoff says CDOT is looking into a crossing there that would not have a push button. The Town will move forward with newer sidewalks in the 200 block. Planning Director James Dickhoff attended a CDOT meeting today for the McCabe Creek reconstruction. This will most likely happen early next year. Overall, the project will be three box culverts. Planning Director James Dickhoff discusses the 8<sup>th</sup> Street project. The bid for this project has been put into the public and these will be presented at the next Town Council meeting on May 19<sup>th</sup>. Commissioner Adams asks if just the re-milling and repaving could bring in new bidders. Planning Director James Dickhoff says that this would most likely turn away most bidders. The Springs Pedestrian Bridge was not awarded to the Town. Commissioner Adams asks if the bridge could be just repaired instead of replaced. Planning Director James Dickhoff says that it would be better to replace it because it is in a corrosive environment, it is already 20 years old, and there is a bidder to purchase the bridge for their own private use. Commissioner Maez asks if the new bridge will have a protective coating it. Planning Director James Dickhoff says that the core tin is a good material for holding up to the corrosive environment. The Walmart appeals hearing has been rescheduled for May 10<sup>th</sup> which will cancel the Planning Commission meeting that day. The gravel pit meeting has been deferred until June.

- B. *Planning Commission – Comments, Ideas and Discussion:* Commissioner Adams would like the Commission to look at the Town zoning map. Planning Director James Dickhoff states that the zoning map will be reviewed during the Comprehensive Plan update, which will go out to bid soon. Commissioner Maez would like to have zoning on the next meeting agenda. Planning Director James Dickhoff recommends the Commission bring their maps and review Article 2 and 4. Planning Director James Dickhoff would like to start bringing vacation rentals to the Commission for approval. MU-C and MU-TC are the only areas where vacation rentals are allowed by right. This process would allow for neighbors to comment for the application considerations. There is a large problem with renters turning the property they are currently renting into a vacation rental without the actual owner's knowledge.
- C. *Upcoming Town Meetings Schedule:* May 10<sup>th</sup> meeting is cancelled for the Walmart Appeal hearing.

VIII. **Adjournment:** Commissioner Adams moves to adjourn. Commissioner Giles seconds. Unanimously approved. The meeting adjourned at 8:19 PM.

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Commission Chair, Ron Maez



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: **WILLIAM ROCKENSOCK, CHIEF OF POLICE**

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**PROJECT: POLICE DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### POLICE DEPARTMENT INCIDENT REPORTING

The Pagosa Springs Police Department Statistics for April, 2016

Officers responded to 296 calls for service.  
Officers responded to 19 agency assist calls  
Officers completed 66 incident / offense reports  
Officers completed 13 accident investigation reports.

### OFFICER TRAINING UPDATE

Training for April 2016

Daily training bulletins are administered to each officer by Lexipol to keep current on Police Department Policy and Procedure.

Lt. Fitzwater completed legal and liability in schools Training

Officer Spangler and Jenkins completed 40 Hours of Crisis Intervention Training.

### RECRUITING UPDATE

The police department, currently, has one full time opening for a patrol officer.

The department is continuing recruiting efforts to create an eligibility list for future hiring.

### COMMUNITY EVENTS UPDATE

The police department has started enforcement for law Enforcement Assistance Funding (LEAF) grant from CDOT and High Visibility Enforcement (HVE) for the first six months of 2016.

The Police department is participating in the Retro-Metro bicycle program with the schools.

### CAPITAL IMPROVEMENTS UPDATE

The Police Department is has purchased and received the traffic data module and software for use with the speed trailer.

Four new Taser body video cameras have been received and place into service.

The new vehicle for the animal control officer has shipped and should be in service soon.



# AGENDA DOCUMENTATION

## REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

**FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR**

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**PROJECT: PUBLIC WORKS DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### STREETS UPDATE

Streets crew worked on signage and pot holes. Blading alleys in preparation of mag chloride. Oren and Majestic Drive also were prepped for mag chloride. Gravel was added to the alley at Casa de los Arcos. Graveled Reservoir Hill also added drainage culverts for better drainage.



# AGENDA DOCUMENTATION

## REPORT TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

**FROM: GREGORY J. SCHULTE, TOWN MANAGER**

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**PROJECT: TOWN MANAGER'S REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### **Geothermal Greenhouse Update**

The Geothermal Greenhouse project has restarted construction for the season and according to the contract, it should be completed by the end of June. The GGP has also been successful in raising the funding to place the first dome. The Board of the GGP is now discussing the timing for the purchase of the dome but the intent is to have it placed by the end of the year at the latest.

We are also working to place the bathrooms in Centennial Park and Council approved using the Change Order methodology to do the construction. There has been final resolution on where to actually place the restrooms as there were some issues as to proximity to the sewer line and the leased premises for the GGP.

The next order of business for the GGP and Town is to solidify an Operating Agreement between both parties for roles and responsibilities moving forward and clarifying ownership issues in light of the DOLA funding grant.

### **Personnel Updates**

See report from Town Clerk Department, but we've hired the Operator I for Streets and are continuing to recruit for Police Officer. We have been doing a lot of work hiring for the Parks seasonal and the Summer Youth seasonal.

### **Reservoir Hill Thinning**

We are working with JR Ford to do stump grinding and to pick up the slash but have been having trouble with equipment operation. However, we will be cleaning up the site in advance of the first Folkwest festival. On May 7<sup>th</sup>, there was an informational tour conducted by the Mountain Studies Institute that was attended by about 25 people and the thinning was very well received. Further on May 12<sup>th</sup>, we have dozens of school children up on Reservoir Hill picking up sticks and slash, under the supervision of the Parks staff and their teachers.

### **Geothermal Well Drilling**

DOLA has granted the extension to November 2017 and the PAGWAPA Board at the May 9<sup>th</sup> meeting approved the change in the match requirement from 60 / 40 to 50 / 50. The match requirement will necessitate a 2<sup>nd</sup> amendment.

### **Downtown Task Force**

The DTF continue to work with the selected consultant (Jeremy Nelson) to gather data and explore the feasibility of forming a Downtown Development Authority (DDA) for the downtown area. We have been recently focusing on refining the subject area, preparing planning-level revenue projections, and exploring the process and logistical details of conducting the election. If the idea is to go forward with the proposed election, that will need to come to Town Council for approval. There is presently planned a Public Forum on June 9<sup>th</sup>.



# AGENDA DOCUMENTATION

## NEW BUSINESS: V.1

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

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**PROJECT: ORDINANCE 845 (FIRST READING), KATHY YOUNG DBA AT YOUR DISPOSAL FRANCHISE AGREEMENT**

**ACTION: DISCUSSION AND POSSIBLE ACTION**

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### PURPOSE / BACKGROUND

In November of 1999, the Town Council passed Ordinance 536 granting a franchise agreement to Kathy Young to furnish collection and disposal of refuse with the Town of Pagosa Springs under a non-exclusive franchise agreement. This franchise agreement with Kathy Young has automatically renewed for successive five year periods in 2004, 2009, and 2014. The original Ordinance section 3.g refers to assistance during clean up and section 3.h refers to a dumpster at the Town shop on an annual basis.

Since the approval of Ordinance 536 in 1999, franchise agreements with other refuse companies have been updated and altered according to Home Rule Charter requirements and needs of the Town. The 2010 franchise agreement with Waste Management requires Waste Management to provide the Town with three 30-yard dumpsters during clean up week as well as two 6-yard dumpsters at the Town shop with weekly service. During negotiations with Kathy Young in 2009, it was agreed that Kathy Young, dba At Your Disposal, would provide three 30-yard dumpsters with two pulls each during clean-up week, and provide one 3-yard dumpster at Town Hall with weekly service and one 4-yard dumpster at the Community Center with service two times per week.

Although not formally adopted by ordinance, Kathy Young, dba At Your Disposal, has honored the agreement made with Town staff in 2009. Ordinance 845 formalizes the agreement made in 2009 and provides for a five year franchise agreement with one automatic five year renewal as provided in section 10.8.a of the Town Home Rule Charter.

### ATTACHMENTS

- Proposed Ordinance 845

### FISCAL IMPACT

In lieu of monetary franchise fee, the proposed franchise renewal agreement will continue a practice of waste/refuse pickup at the Town Hall and Community Center thereby saving the Town money.

### RECOMMENDATIONS

Possible actions by the Town Council include:

1. **Move to approve the First Reading of Ordinance 845 granting a franchise to Kathryn Young, dba At Your Disposal, to operate a refuse collection service in the Town of Pagosa Springs**
2. **Move to NOT approve the First Reading of Ordinance 845**
3. **Direct staff.**

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 845  
(Series 2016)**

**AN ORDINANCE GRANTING A FRANCHISE TO KATHRYN YOUNG DBA AT YOUR DISPOSAL TO OPERATE A REFUSE COLLECTION SERVICE IN THE TOWN OF PAGOSA SPRINGS, COLORADO, AND TO USE THE STREETS AND ALLEYS OF THE TOWN FOR SUCH PURPOSE AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF THIS FRANCHISE.**

**WHEREAS**, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 (“Charter”); and

**WHEREAS**, pursuant to Article 10 of the Charter the Town Council has the power to grant franchises for the right to use or occupy streets, alleys and property of the Town; and

**WHEREAS**, the Town wishes to authorize the services of a qualified private refuse company and to have some control over the operation of such refuse company; and

**WHEREAS**, Kathryn Young dba At Your Disposal (“At Your Disposal”) wishes to collect and dispose of refuse within the Town under a non-exclusive franchise agreement with the Town; and

**WHEREAS**, At Your Disposal has provided refuse collection and disposal service to residential and commercial customers in Pagosa Springs and surrounding area for the past sixteen years; and

**WHEREAS**, the Town Council hereby finds and determines that continuing the services of At Your Disposal for refuse collection and disposal is appropriate and necessary to the function and operation of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:**

**Section 1. Term.**

Subject to terminations herein provided, the term of this non-exclusive Franchise Agreement and Ordinance shall be for five (5) years with services of At Your Disposal to commence upon the effective date of this Ordinance and to terminate five (5) years from that date unless sooner terminated. This Franchise Agreement and Ordinance shall be automatically renewed for one (1)

additional five (5) year term unless notice of non-renewal is provided by either party in writing at least thirty (30) days prior to the expiration of the initial five year term.

## **Section 2. Independent Contractor.**

At Your Disposal shall carry out all the terms of this Franchise Agreement and Ordinance as an independent contractor, and not as an agent, servant, employee, or partner of the Town.

## **Section 3. Service.**

At Your Disposal shall:

- (a) Provide regularly scheduled refuse collection service to residential areas not less than once per week.
- (b) Provide scheduled refuse collection service to commercial and industrial areas, and establish frequency of collection and container capacity with the customers as are necessary to adequately service the customer.
- (c) Not litter any street or premises in the process of providing refuse collection service and shall promptly remove and clean up any spillage.
- (d) Subject to reasonable modifications which the Town may require, commence residential refuse collection service no earlier than 6:00 a.m. and terminate such service no later than 8:00 p.m.
- (e) Without delay, after removing refuse from any container, cause such container to be replaced at its designated position with lid or cover on and in place.
- (f) Require its employees and personnel to avoid crossing private or public planted and landscaped area and to avoid climbing or jumping over hedges, fences or shrubbery.
- (g) Upon three weeks' notice, annually provide the Town for a minimum of one week with three, 30-yard capacity, roll-off dumpsters with two pulls on each dumpster, if required, for a total of six (6) dumpsters at no cost to the Town. Any landfill disposal fee shall be paid by the Town.
- (h) Provide to the Town on a continual basis one 3-yard dumpster with weekly collection at the Town Hall and one 4-yard dumpster with collection two times per week at the Community Center at no cost to the Town.

## **Section 4. Collection Equipment.**

- (a) At Your Disposal shall use only industry standard, serviceable collection equipment that meets all federal, state, and local requirements and is modern, sanitary, and motor-propelled, for collection from commercial and residential units, and shall provide to all residential units at least one 96-gallon wheeled plastic cart with attached lid for curbside collection from each residential unit.
- (b) All trucks or other equipment used in collecting refuse shall be maintained in proper working condition and thoroughly cleaned at least once a week and deodorized or disinfected when necessary to maintain such equipment in a sanitary and non-offensive condition. No refuse material shall be allowed to remain in a truck or other collection equipment while parked overnight.

- (c) All trucks and collection equipment shall be clearly identified with the At Your Disposal name or comparable corporate entity and telephone number affixed thereto. Collection trucks shall be painted uniform colors. All vehicles shall be equipped with a fire extinguisher, first-aid kit, broom, shovel, and spill clean-up kit.
- (d) At Your Disposal shall provide adequate vehicles and back-up equipment to complete routes and service customers on schedule.

### **Section 5. Maintenance of Containers.**

At Your Disposal shall:

- (a) Perform all maintenance, repairs and replacement of refuse bins and containers, and all residential carts and commercial dumpsters as necessary to maintain them in proper operating order.
- (b) Be entitled to seek restitution from the responsible third parties for all maintenance, repair and replacement occasioned by the negligent or intentional acts of such third parties.

### **Section 6. Personnel.**

At Your Disposal shall:

- (a) Employ and retain supervisors and employees who are experienced and qualified to assure performance of this Franchise Agreement and Ordinance.
- (b) Provide adequate operating and safety training for all its employees and personnel.
- (c) Require route employees to wear a clean uniform bearing At Your Disposal's name and the employee's name.
- (d) Encourage that at least one employee on each collection crew be trained in first-aid.
- (e) Assure that each employee who drives or operates vehicles or equipment is properly trained in the operation thereof and that each such employee shall be in possession of any appropriate vehicle or equipment license required for the operation thereof.
- (f) Subject all At Your Disposal employees to random drug and alcohol screening pursuant to At Your Disposal's policies. All At Your Disposal employees, regardless of position, are required to take a drug test prior to employment.
- (g) Exonerate, indemnify and hold harmless, the Town from and against, and assume all responsibility for payment of wages or salary and all federal, state and local taxes or contributions imposed or required under unemployment insurance, social security, income tax, worker's compensation and any other applicable wage, hour, and personnel laws, and compliance with the same, with respect to At Your Disposal's employees.
- (h) Not discriminate against any customer, employee, or applicant for employment because of race, creed, color, sex, national origin, age or handicap.
- (i) Illegal Aliens. At Your Disposal certifies that At Your Disposal shall comply with the provisions of Section 8-17.5-101 *et seq.*, C.R.S. At Your Disposal shall not knowingly employ or contract with an illegal alien to perform work contemplated by this Franchise Agreement and Ordinance or enter into an agreement with a subcontractor that knowingly employs or contracts with an illegal alien. At Your Disposal represents, warrants, and agrees that it has confirmed the employment eligibility of all employees who are newly hired for

employment to perform work contemplated by this Franchise Agreement and Ordinance through participation in either the E-Verify Program or the Department Program described in Section 8-17.5-101 *et seq.*, C.R.S. At Your Disposal shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed. If At Your Disposal obtains actual knowledge that a subcontractor performing work contemplated by this Franchise Agreement and Ordinance knowingly employs or contracts with an illegal alien, At Your Disposal shall: (i) notify the subcontractor and the Town within three days that At Your Disposal has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (ii) terminate the subcontract with the subcontractor if within three days of receiving such notice, the subcontractor does not stop employing or contracting with the illegal alien, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien. At Your Disposal shall comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If At Your Disposal fails to comply with any requirement of Section 8-17.5-102(2), C.R.S., the Town may terminate this Franchise Agreement and Ordinance for breach and At Your Disposal shall be liable for actual and consequential damages to the Town. If At Your Disposal participates in the Department Program, At Your Disposal shall provide the affirmation required under Section 8-17.5-102(5)(c)(II), C.R.S., to the Town.

### **Section 7. Complaint Procedure.**

(a) At Your Disposal shall provide a fully staffed customer service center (“Call Center”) with customer service representatives who can process and resolve customers’ complaints, requests and concerns, answer billing questions, start new service or cancel service, and process applications for residential, commercial and special services.

(b) At Your Disposal shall employ a sufficient number of personnel to answer all inquiries and complaints from the public concerning service of At Your Disposal. Call Center hours of operation shall be Monday-Friday 8:00 a.m. to 5:00 p.m. At Your Disposal shall equip the Call Center with a telephone system, which shall include an automatic telephone answering device or answering service for processing inquiries and complaints from the public during non-business hours. At Your Disposal shall also keep a telephone listing in the Pagosa Springs telephone directory.

(c) All complaints shall be promptly investigated as soon as possible and resolved as quickly as feasible and practicable. At Your Disposal shall have available at all times competent personnel who shall have authority to represent At Your Disposal and its relations with the Town and the public.

### **Section 8. Permits and Licenses.**

At Your Disposal has and shall maintain at its own expense all permits and licenses required by law or ordinance to effect the performance of this Franchise Agreement and Ordinance.

**Section 9. Disposal of Refuse.**

At Your Disposal shall deliver all refuse collected by it to an approved sanitary landfill and properly dispose of it in accordance with the regulations of the Colorado Department of Health.

**Section 10. Compliance with Law.**

In its performance of the terms and conditions of this Franchise Agreement and Ordinance, At Your Disposal shall comply with all Town, County, State and Federal laws, ordinances and regulations now in effect or which may be hereafter enacted to regulate all activities which are the subject of this Franchise Agreement and Ordinance. At Your Disposal shall keep informed of all existing and future local, state and federal laws and Municipal ordinances and regulations which in any manner affect those engaged or employed in the work or which in any way affect the conduct of the work, and of all such orders and decrees of bodies or tribunals having any jurisdiction of the same. At Your Disposal shall cause all their agents and employees to observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees and shall protect and indemnify the Town and all its officers and agents and servants against any claim or liability arising from or based upon the violation of any such law, ordinance, order and decree whether by itself or its employees.

**Section 11. Indemnification; Minimum Insurance Requirements.**

At Your Disposal assumes all risk of loss or injury to property or persons arising from any negligent acts or omissions while performing its operations under this Franchise Agreement and Ordinance and agrees to indemnify and hold harmless the Town from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury. It is expressly understood that the foregoing provisions shall not in any way limit the liability of At Your Disposal. At Your Disposal agrees to carry insurance in the minimum amounts as follows:

(a) At Your Disposal's Comprehensive All-Risk Insurance, and Liability Insurance policies, shall name the Town as an additional insured;

(b) At Your Disposal's Comprehensive, General and Automobile Liability Insurance shall be maintained with the following coverage: General Liability of \$5,000,000 and General Aggregate of \$6,000,000; Automobile Liability - Combined Single Limit of \$1,000,000; Excess/ Umbrella Liability of \$15,000,000; and Workers Compensation Liability of \$3,000,000, or such greater amounts as may be set forth as the limits of the Town's liability under the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S. ("CGIA").

(c) Prior to the commencement of any work hereunder, At Your Disposal shall furnish to the Town Certificates of Insurance as evidence that such insurance is in full force and effect and shall, before employing any subcontractor who may be approved under this contract, require said subcontractor to furnish such Certificates of Insurance; and

(d) The policies referred to in paragraph 11(b) shall be issued by companies authorized to conduct business in the State of Colorado and shall name the Town as an additional insured and

shall insure the Town on the same general terms and to the same general effect as the foregoing agreement of Contactor to indemnify and hold harmless the Town. The policy must contain a provision requiring the insurer to notify the Town at least thirty (30) days prior to cancellation of the policy;

(e) At Your Disposal hereby authorizes its insurers during the term of this Agreement to provide to the Town confirmation of At Your Disposal's insurance coverage and copies of insurance policies.

**Section 12. Lawsuits.**

At Your Disposal shall pay any judgment which may be obtained against the Town, either alone or jointly with At Your Disposal or injury or damage to person or property by reason of the performance or non-performance by At Your Disposal of the terms of this Franchise Agreement and Ordinance or in connection with the infringement by At Your Disposal of any patents, provided that if the Town alone is sued for such injury or damage, immediate notice in writing shall be given to At Your Disposal to appear and defend such action. At Your Disposal's obligation under this Section shall be limited to exclude the portion, if any, of such judgment which results from or arises from negligent acts or omissions, or willful misconduct of Town. Nothing herein shall constitute a waiver by the Town of the requirements, protections or limitations of the CGIA.

**Section 13. Commercial and Residential Rates.**

At Your Disposal shall establish and maintain a fair and equitable schedule of costs and charges to customers.

**Section 14. Delinquent Accounts.**

At Your Disposal may discontinue services to delinquent accounts as required by prudent business practices, after providing notice to the responsible party and an opportunity to appear and be heard as to why the account is delinquent.

**Section 15. Assignment.**

The rights authorized by this Franchise Agreement and Ordinance are not assignable either voluntarily or by operation of law without the consent of the Town. In the event At Your Disposal becomes insolvent or files for bankruptcy, then the rights authorized hereby shall be immediately canceled.

**Section 16. Subcontractors.**

At Your Disposal shall not subcontract work or business contracted under this Franchise Agreement and Ordinance without the prior written consent of the Town.

**Section 17. Default and Termination.**

In the event At Your Disposal fails to perform any of the provisions hereof, the Town Manager (or his designee) shall give At Your Disposal written notice specifying the provisions hereof that have been breached or defaulted, and shall so notify the Town Council. At Your Disposal shall have thirty (30) days from receipt of such notice from the Town in which to correct any such breach or default. In the event At Your Disposal does not make such correction within said thirty (30) days period as hereinabove provided, then the Town Council may order the termination of the Franchise Agreement and Ordinance after public hearing upon the matter of At Your Disposal's default before the Town Council following not less than ten (10) days notice of such hearing to At Your Disposal.

**Section 18. Reservation.**

This Franchise Agreement and Ordinance is subject to the provisions of the Constitution and laws of the State of Colorado and all ordinances enacted by the Town Council.

**Section 19. Illegal Provisions.**

If any provision of the Franchise Agreement and Ordinance shall be declared illegal, void, or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

**Section 20. Notice.**

A letter addressed and sent by certified United States First Class Mail to either party at its business address shall be sufficient notice whenever required for any purpose in this Franchise Agreement and Ordinance.

The address of the Town for the purpose of this Franchise Agreement and Ordinance is: Town of Pagosa Springs, Post Office Box 1859, Pagosa Springs, Colorado, 81147.

The address of At Your Disposal for the purpose of this Franchise Agreement and Ordinance is: At Your Disposal, Post Office Box 5907, Pagosa Springs, Colorado 81147.

**Section 21. Law to Govern: Venue.**

This Franchise Agreement and Ordinance shall be governed by the laws of the State of Colorado, both as to interpretation and performance, and any judicial action to interpret or enforce it shall be brought in the Archuleta County, Colorado, District Court.

**Section 22. Modification.**

This Franchise Agreement and Ordinance constitutes the entire agreement and understanding between the parties hereto, and it shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto.

**Section 23. Right to Require Performance.**

The failure of the Town at any time to require performance by At Your Disposal of any provisions hereto shall in no way affect the right of the Town thereafter to enforce the same. Nor shall waiver by the Town of any breach or any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

**Section 24. Force Majeure.**

At Your Disposal's performance may be temporarily suspended in the event of Force Majeure. For purposes hereof, "Force Majeure" shall mean acts of God, including landslides, lightning, forest fires, storms, floods, freezing and earthquakes, civil disturbances, strikes, lockouts or other industrial disturbances, acts of the public enemy, wars, blockades, public riots, breakage, explosions, accident to machinery, equipment or materials, unavailability of required materials or disposal site, governmental restraint or other causes, whether of the kind enumerated or otherwise, which are not reasonably within the control of the party affected by the Force Majeure event. At Your Disposal shall not be deemed to be in default and shall not be liable for failure to perform under this Agreement if At Your Disposal's performance is prevented or delayed by Force Majeure. Notwithstanding anything to the contrary herein, the parties agree that the settlement of strikes, lockouts or other industrial disturbances, and litigation, including appeals, shall be entirely within the discretion of At Your Disposal, and At Your Disposal may make settlement thereof at such time and on any such terms and conditions as it may deem to be advisable, and no delay in making such settlement shall deprive At Your Disposal of the benefit of this Section.

**Section 25. Other Contractors.**

This franchise granted to At Your Disposal is a non-exclusive franchise to allow collection of refuse from the streets in the Town and permission is hereby granted to franchise to allow containers to be placed upon portions of the streets of Pagosa Springs for the purpose of facilitating refuse collection, the same to be removed by the customers as soon as the collection is completed. The Town reserves the right to grant other franchise agreements, but no such franchise agreement shall be granted to any other person, company or corporation unless the above minimum requirements have been met and after a vote of the Town Council. Before any other franchise agreement for refuse collection might be granted by the Town Council, proper application for the granting of such franchise shall be made to the Town Council.

**Section 26. Attorneys Fees.**

At Your Disposal agrees to pay within thirty (30) days of billings, all legal fees and costs associated with the preparation of this Franchise Ordinance.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

ATTEST:

\_\_\_\_\_  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 845 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, including violations of this ordinance and a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on \_\_\_\_\_, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 845 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

ACCEPTANCE OF TERMS OF ORDINANCE

COMES, NOW, Kathryn Young dba At Your Disposal, and hereby agrees to carry out the terms of the above and foregoing Franchise Agreement and Ordinance granting a franchise to Kathryn Young dba At Your Disposal and allowing it to collect refuse in the Town of Pagosa Springs, Colorado, and agrees to abide by all terms of said Franchise Agreement and Ordinance.

KATHRYN YOUNG.

Date 5/5, 2016

By: Kathryn Young

Name: Kathryn Young

Title: Owner At Your Disposal

STATE OF Colorado )

COUNTY OF Archuleta)

The foregoing Acceptance of Terms of Ordinance was acknowledged before me this 5 day of May 2016, by Kathryn Young as Owner of Kathryn Young dba At Your Disposal.

Witness my hand and official seal.

[Signature]  
Notary Public



My commission expires: 4/30/19



# AGENDA DOCUMENTATION

## NEW BUSINESS: V.2

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

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**PROJECT: ORDINANCE 846, FIRST READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS, AMENDING THE LAND USE DEVELOPMENT CODE REGARDING MINIMUM LOTS SIZE IN THE RESIDENTIAL MEDIUM DENSITY (R-12) ZONE DISTRICT**

**ACTION: DISCUSSION AND DECISION**

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### PURPOSE/BACKGROUND

Ordinance 846 has been drafted to address a recommendation by the Planning Commission, regarding allowing smaller minimum lots sizes in the Residential Medium Density (R-12) District.

**On October 6, 2015**, The Planning Commission approved the following recommendations for Town Council's consideration *"Motion by Commissioner Adams, seconded by Commissioner Giles, and motion carried, with Commissioner Lattin opposed, to approve a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single-family dwellings within the R-12 and the R-18 residential zone districts, if the applicant can provide adequate access and infrastructure."*

**On October 22, 2015**, Town Council was apprised of the Planning Commission's recommendation in preparation of an ordinance to come before them.

**On November 24, 2015**, the Planning Commission further considered their previous recommendation and discussed the matter further. The PC approved the following recommendation:

*"APPROVED a recommendation for Town Council to Approve Amending the Land Use Development Code, Allowing a 3,630 square feet Minimum Lot Size for Single Family Dwellings in the R-12 District."*

### ANALYSIS

Nationally there is a trend to allow smaller lot sizes in higher density residential districts, to promote density. Staff and the Planning Commission reviewed numerous regulations from communities in Colorado and outside of Colorado in their consideration of their recommendations. Most all of those communities allow much smaller lots in their downtown medium density residential districts. They also looked at the TOPS LUDC density allowances in relationship to the allowable minimum lot sizes, and found the current allowance for minimum lot sizes in the Residential Medium Density (R-12) zone district is not consistent with the allowable density in the R-12 district.

Pursuant to Article 5 of the LUDC, the current minimum lot size in the R-12 district is 7500 square feet, the equivalent of a typical 50'x150' town lot. The R-12 district also allows a 3000 square feet minimum lots size for Townhomes. The current allowable density in the R-12 district is 12 dwelling units per acre.

Lot Size:

When using the allowable density of 12 dwelling units per acre (43,560 square feet), a minimum lot size of 3630 square feet, equates to 12 dwelling units per acre, thus supporting and is in compliance with the Town's adopted density allowances.

Density:

At 3630 minimum lot size, two dwelling units would be allowed on a single 50' x 150' lot.

Yard Setbacks:

Yard Setbacks would still be relative in the R-12 district: 15-foot front, 5-foot side and 10-foot rear.

Workforce Housing and Vacation Rental consideration:

The PC also discussed the effects of Vacation Rentals on workforce housing and If allowing smaller lots in the R-12 district would result in more Vacation Rentals versus more available Work Force Housing units. The PC was divided on the issue, and has determined they would address this issue further in preparation for a potential recommendation to Town Council. The PC recognizes that Vacation Rentals are important to our community and visitors, as are other lodging businesses, however, there may be considerations for allowing or restricting such business activity in dedicated residential zoned districts, as are Bed and Breakfasts, which are not allowed in residential districts.

**ATTACHMENTS:**

**Ordinance 846**, an Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code regarding minimum lot size in the Residential Medium Density District.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Following are alternative actions for consideration.

The recommendation of the Planning Commission and Planning Director is #2.

- 1) Approve the First Reading of Ordinance 846, an Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code regarding minimum lot size in the Residential Medium Density District.
- 2) **Approve the First Reading of Ordinance 846, an Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code regarding minimum lot size in the Residential Medium Density District, with direction to the Planning Commission to bring back a recommendation Regarding Vacation Rentals in residential Districts.**
- 3) Deny the First Reading of Ordinance 846, an Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code regarding minimum lot size in the Residential Medium Density District.

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 846  
(SERIES 2016)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
AMENDING THE LAND USE DEVELOPMENT CODE  
REGARDING MINIMUM LOT SIZE IN THE  
RESIDENTIAL MEDIUM DENSITY DISTRICT**

**WHEREAS**, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

**WHEREAS**, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

**WHEREAS**, pursuant to Article XX, Section 6 of the Colorado Constitution and Section 11.2 of the Charter the Town has the power to adopt and amend land use and development ordinances; and

**WHEREAS**, the Town Council has, by Ordinance 745, adopted the Pagosa Springs Land Use and Development Code, including Article 4 regarding “Use Regulations”, and section 4.1.4 “Table of Allowable Uses”; and

**WHEREAS**, the Town Council hereby finds and determines that amending the Land Use Development Code to allow minimum lot sizes in relation to the allowable density within the town residential medium density district (R-12), is appropriate, necessary and in the best interest of the residents and visitors of the Town for the protection of the health, safety and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:**

Section 1. Repeal and Readoption of Chapter 21, Article 5, Section 5.1, Table 5.1.1. Residential Districts: Chapter 21, Article 5, Section 5.1, Table 5.1.1. Residential Districts of the Pagosa Springs Municipal Code is hereby repealed and readopted to read in full as follows:

**TABLE 5.1-1: DIMENSIONAL STANDARDS – RESIDENTIAL DISTRICTS**  
*[Bracketed numbers refer to notes at the bottom of the table.]*

| District   |  | R-A     | R-T     | R-6   | R-12  | R-18  |
|--|--|---------|---------|-------|---|---|
| Density  | Maximum without clustering (DU/gross acre) | 0.2 [1] | 0.5 [1] | 6.0   | 12.0  | 18.0  |
|  | Maximum with clustering (DU/gross acre)    | 1.0     | 2.0     |       |   |   |
|  | Minimum                                    | -       | -       | -     | -   | 12.1  |
| Lot Size, minimum (sq.ft.)   |  | 20,000  | 10,000  | 7,500 | Townhouse:<br>3,000;<br><b>All other:<br/>3630</b>  | Townhouse:<br>3,000;<br>All other:<br>7,500 |
| Setbacks, minimum  | Front (ft)                                 | 25      | 25      | 25    | 15  | 15  |
|  | Side (ft) [2]                              | 10      | 5       | 5     | 5   | 5   |
|  | Rear(ft)                                   | 10      | 10      | 10    | 10  | 10  |
| Dwelling Unit Size, minimum (sq.ft.)   |  | 400     | 400     | 400   | 400   | 400   |
| Building Height, maximum(ft)   |  | 28      | 28      | 28    | 24 single-family detached<br>35 any other structure | 35  |
| Landscaping (%)  |  | -       | -       | 15    | 15  | 15  |
| <p>[1] Density will vary depending on how much land is set aside for conservation purposes. See Section 7.6, <i>Conservation Subdivisions</i>.</p> <p>[2] Corner lots shall have a minimum 10-foot side setback on the street sides.</p> |  |         |         |       |   |   |

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 846 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically, Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 846 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)



# AGENDA DOCUMENTATION

## NEW BUSINESS: V.3

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19, 2016

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

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**PROJECT: ORDINANCE 847, FIRST READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS, AMENDING THE LAND USE DEVELOPMENT CODE REGARDING ALLOWABLE DENSITY AND MINIMUM LOT SIZE IN THE RESIDENTIAL HIGH DENSITY DISTRICT**

**ACTION: DISCUSSION AND DECISION**

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### PURPOSE/BACKGROUND

Ordinance 847 has been drafted to address a recommendation by the Planning Commission, regarding increasing the allowable density and allowing smaller minimum lots sizes in the Residential High Density District.

**On October 6, 2015**, The Planning Commission approved the following recommendations for Town Council's consideration *"Motion by Commissioner Adams, seconded by Commissioner Giles, and motion carried, with Commissioner Lattin opposed, to approve a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single-family dwellings within the R-12 and the R-18 residential zone districts, if the applicant can provide adequate access and infrastructure."*

**On October 22, 2015**, Town Council was apprised of the Planning Commission recommendation in preparation of an ordinance to come before them.

**On November 24, 2015**, the Planning Commission further considered their previous recommendation and discussed the matter further. The PC approved the following recommendation:

*"APPROVED a recommendation for Town Council to Approve Amending the Land Use Development Code, Allowing a 2,420 square feet Minimum Lot Size for Single Family Dwellings in the R-18 District."*

**On February 09, 2016**, The Planning Commission again further considered the matter and revised their previous recommendation, unanimously approving:

*"A recommendation for the Town Council to approve amending the LUDC to change the minimum lot size, including town homes, in the R-18 district to 2,100 sqft and increase the allowable density to 20 allowable dwelling units per acre, changing the R-18 district to an R-20 district."*

### ANALYSIS

Nationally there is a trend to allow smaller lot sizes in higher density residential districts, to promote density in Downtown districts. Staff and the Planning Commission reviewed numerous regulations from communities in Colorado and outside of Colorado in their consideration of their recommendations. Most all of those communities allow much smaller lots in their high density residential districts, and allowed higher densities. They also looked at the TOPS LUDC density allowances in relationship to the allowable minimum lot sizes, and found the current allowance for minimum lot sizes in the Residential High Density (R-18) zone district is not consistent with the allowable density in the R-18 district.

Pursuant to Article 5 of the LUDC, the current minimum lot size in the R-18 district is 7500 square feet, the equivalent of a typical 50'x150' town lot. The R-18 district also allows a 3000 square foot minimum lot size for Townhomes. The current allowable density in the R-18 district is 18 dwelling units per acre.

**Lot Size:**

When using an allowable density of 20 dwelling units per acre (43,560 square feet), a minimum lot size of 2100 square feet, equates to 20 dwelling units per acre.

**Density:**

Increasing the density in the High Density district, by allowing two more dwelling units per acre (R-20), would allow four dwelling units on a typical town lot (50' x 150'). The four dwelling units could be configured as:

- 1) One four-plex, under single ownership for rentals OR built as a townhome for individual ownership. There is an example of a rental four-plex at 311 South 7<sup>th</sup> Street, although this is in the R-12, it functions very well with two accessed from the alley and two from the street.
- 2) Two (2) duplexes under single ownership for rentals OR built as townhomes for individual ownership.
- 3) Four (4) small single family residences under single ownership for rentals or for individual single family ownership.

**Yard Setbacks:**

Would remain the same: 15-foot front, 5-foot side and 10-foot rear.

**Workforce Housing and Vacation Rental consideration:**

The PC also discussed the effects of Vacation Rentals on workforce housing and if allowing smaller lots in the R-12 district would result in more Vacation Rentals versus more available Work Force Housing units. The PC was divided on the issue, and has determined they would to address this issue further in preparation for a potential recommendation to Town Council. The PC recognizes that Vacation Rentals are important to our community and visitors, as are other lodging businesses, however, there may be considerations for allowing or restricting such business activity in dedicated residential zoned districts, as are Bed and Breakfasts, which are not allowed in residential districts.

**ATTACHMENTS:**

**Ordinance 847**, An Ordinance of the Town of Pagosa Springs, Amending the Land Use Development Code Regarding Allowable Density and Minimum Lot Size in the Residential High Density District.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Following are alternative actions for consideration.

The recommendation of the Planning Commission and Planning Director is #2.

- 1) Approve the First Reading of Ordinance 847, An Ordinance of the Town of Pagosa Springs, Amending the Land Use Development Code Regarding Allowable Density and Minimum Lot Size in the Residential High Density District.
- 2) **Approve the First Reading of Ordinance 847, An Ordinance of the Town of Pagosa Springs, Amending the Land Use Development Code Regarding Allowable Density and Minimum Lot Size in the Residential High Density District, with direction to the Planning Commission to bring back a recommendation Regarding Vacation Rentals in residential Districts.**
- 3) Deny the First Reading of Ordinance 847, An Ordinance of the Town of Pagosa Springs, Amending the Land Use Development Code Regarding Allowable Density and Minimum Lot Size in the Residential High Density District.

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 847  
(SERIES 2016)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
AMENDING THE LAND USE DEVELOPMENT CODE  
REGARDING ALLOWABLE DENSITY AND MINIMUM LOT SIZE  
IN THE RESIDENTIAL HIGH DENSITY DISTRICT**

**WHEREAS**, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

**WHEREAS**, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

**WHEREAS**, pursuant to Article XX, Section 6 of the Colorado Constitution and Section 11.2 of the Charter the Town has the power to adopt and amend land use and development ordinances; and

**WHEREAS**, the Town Council has, by Ordinance 745, adopted the Pagosa Springs Land Use and Development Code, including Article 4 regarding “Use Regulations”, and section 4.1.4 “Table of Allowable Uses”; and

**WHEREAS**, the Town Council hereby finds and determines that amending the Land Use Development Code to allow 20 dwelling units per acre and allocating minimum lot sizes in relation to the allowable density within the town residential high density district and re-designating the district as R-20, is appropriate, necessary and in the best interest of the residents and visitors of the Town for the protection of the health, safety and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:**

Section 1. Repeal and Readoption of Chapter 21, Article 3, Section 3.2.6, Town Residential High Density definition: Chapter 21, Article 3, Section 3.2.6, Town Residential High Density definition of the Pagosa Springs Municipal Code is hereby repealed and readopted to read in full as follows:

**3.2.6. TOWN RESIDENTIAL – HIGH DENSITY (R-20)**

The R-20 district allows the broadest range of residential types, including single-family residences, duplexes, patio homes, and apartments. The district is intended for locations closer to commercial centers and near downtown, and may serve as a transition between commercial centers and lower-density residential neighborhoods. The district should have pedestrian-oriented, connected local streets and sidewalks, as well as accessibility to parks, open space, schools, and other civic activities. Additional private recreational amenities, such

as tot lots or garden/courtyards, should be provided in apartment or townhome complexes. The maximum density is 20 units per acre.

Section 2. Amedment of Chapter 21, Article 4, Section 4.1., Table 4.1.4 Table of Allowed Uses: Chapter 21, Article 4, Section 4.1., Table 4.1.4 Table of Allowed Uses, Town Residential\_ High Density R-18 column heading is hereby changed to R-20 as follows:

| TABLE 4.1-1 TABLE OF ALLOWED USES<br><i>P = Permitted C = Conditional Use</i> |          | Residential |     |     |      |      | Mixed-Use |       |        | Non-Residential and Other |     |     |    | Use-Specific Regulations |
|---|----------|-------------|-----|-----|------|------|-----------|-------|--------|---------------------------|-----|-----|----|--------------------------|
| Use Category  | Use Type | R A         | R T | R 6 | R 12 | R 20 | M U R     | M U C | M U TC | C                         | L I | O S | PS |                          |
| <b>RESIDENTIAL USES</b>   |          |             |     |     |      |      |           |       |        |                           |     |     |    |                          |

Section 3. Repeal and Readoption of Chapter 21, Article 5, Section 5.1, Table 5.1.1. Residential Districts: Chapter 21, Article 5, Section 5.1, Table 5.1.1. Residential Districts of the Pagosa Springs Municipal Code is hereby repealed and readopted to read in full as follows:

| TABLE 5.1-1: DIMENSIONAL STANDARDS – RESIDENTIAL DISTRICTS<br><i>[Bracketed numbers refer to notes at the bottom of the table.]</i>  |  |         |         |       |   |                                      |
|--|--|---------|---------|-------|---|--------------------------------------|
| District   |  | R-A     | R-T     | R-6   | R-12  | R-20                                 |
| Density  | Maximum without clustering (DU/gross acre) | 0.2 [1] | 0.5 [1] | 6.0   | 12.0  | 20.0                                 |
|  | Maximum with clustering (DU/gross acre)    | 1.0     | 2.0     |       |   |                                      |
|  | Minimum                                    | -       | -       | -     | -   | 6.0                                  |
| Lot Size, minimum (sq.ft.)   |  | 20,000  | 10,000  | 7,500 | Townhouse: 3,000;<br>All other: 7,500               | Townhouse: 2,100<br>All other: 2,100 |
| Setbacks, minimum  | Front (ft)                                 | 25      | 25      | 25    | 15  | 15                                   |
|  | Side (ft) [2]                              | 10      | 5       | 5     | 5   | 5                                    |
|  | Rear(ft)                                   | 10      | 10      | 10    | 10  | 10                                   |
| Dwelling Unit Size, minimum (sq.ft.)   |  | 400     | 400     | 400   | 400   | 400                                  |
| Building Height, maximum(ft)   |  | 28      | 28      | 28    | 24 single-family detached<br>35 any other structure | 35                                   |
| Landscaping (%)  |  | -       | -       | 15    | 15  | 15                                   |
| <p>[1] Density will vary depending on how much land is set aside for conservation purposes. See Section 7.6, <i>Conservation Subdivisions</i>.</p> <p>[2] Corner lots shall have a minimum 10-foot side setback on the street sides.</p> |  |         |         |       |   |                                      |

Section 4. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 847 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically, Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 847 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)



# AGENDA DOCUMENTATION

## NEW BUSINESS:V.4

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

SCOTT LEWANDOWSKI SPECIAL PROJECTS MANAGER

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**PROJECT: YAMAGUCHI SKATE PARK PHASE TWO CONTRACTOR AWARD**

**ACTION: DISCUSSION AND POSSIBLE DECISION**

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### PURPOSE/BACKGROUND

Staff is seeking Council direction on the contractor award for Yamaguchi skate park phase two. Phase two will consist of a 3,229 square feet cast in concrete bowl in accordance with the design of Pillar Design Studios, L.L.C. Phase two will also enlist local firms to provide in kind services to aid with the construction of the park. The financial contribution of the in kind service providers is anticipated to be \$14,300, which is in addition to the 2016 budgeted amount of \$150,000 for this project. The firms have provided their refreshed letters of commitment for the Council's consideration.

Staff conducted a two-part solicitation process to effectively identify firms that have proven track record with the skate parks designer and in kind service providers. The first part was to prequalify firms and the second was to get bid proposals from the prequalified firms. The result of the process was a single bid from Artisan skate parks for \$150,495.31, which is included for the Council's consideration. Staff contacted the additional firms it solicited during the process to find out why they did not bid the project and the vast majority of them did not resources nor time to commit to the projects schedule.

Staff is confident in Artisan's ability to carry out the Pillar Design Studios vision and work effectively with in kind service providers. Staff anticipates that in kind services will start in June and main construction will occur in July (the 6<sup>th</sup> or after) and will take three months to complete.

Staff recommends that Council award the contract for Yamaguchi Skate park phase two to Artisan Skate parks. This recommendation will effectively begin the construction process.

### ATTACHMENT(S)

Artisan Skate parks bid proposal

In kind service providers' letters of commitment

### FISCAL IMPACT

The Town has two financial partners associated with this project, the local skater's coalition has raised \$41,496.89 and Archuleta County will match the Town's contribution of \$54,000. In total, there is \$150,000 total available for the project in 2016. The additional, \$495.31, required to meet the current bid price will come from the conservation trust fund.

### RECOMMENDATION

Possible Council recommendations include:

1. Accept the current bid proposal and award Artisan skate parks the contract for Yamaguchi skate park phase two.
2. Reject the current bid and re-bid.
3. Direct Staff.

**TOWN OF PAGOSA SPRINGS**

**BID FORM**

Proposal of ARTISAN CONCRETE SERVICES <sup>Inc.</sup> (hereinafter called "Bidder"), organized and existing under the laws of the State of Colorado, doing business as ARTISAN SKATEPARKS (individual, corporation, or partnership) \_\_\_\_\_

to the Town of Pagosa Springs (hereinafter called "Owner").

In compliance with your invitation for Bids, Bidder hereby proposes to perform all work for the **Yamaguchi Skate Park Phase 2** in strict accordance with the contract documents, within the time set forth therein, and at the prices stated below.

By submission of this Bid, the Bidder certifies, and in the case of joint Bid, each party thereto certifies as to his own organization, that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in the Notice of Award and to fully complete the Project no later than **September 1, 2016**.

| ADDENDUM NUMBER | DATE | ACKNOWLEDGEMENT |
|-----------------|------|-----------------|
| Addendum No. 1  | /    | /               |
| Addendum No. 2  |      |                 |
| Addendum No. 3  |      |                 |
| Addendum No. 4  |      |                 |
| Addendum No. 5  |      |                 |

Receipt of copies of the following addenda is hereby acknowledged.

## BID SCHEDULE Yamaguchi Skate Park Phase 2

|   | Quantity | Unit | Unit Price | Total     |
|---|----------|------|------------|-----------|
| Description   |          |      |            |           |
| <b>General</b>  |          |      |            |           |
| Mobilization and Demobilization   | 1        | l.s. |            | 23,062.81 |
| <b>Demolition</b>   |          |      |            |           |
| Clearing and Grubbing   | 150      | CY   | 20/cy      | 3,000.00  |
| <b>Earthwork</b>  |          |      |            |           |
| Import Fill- Off site delivery includes hauling                         | 1,000    | CY   | 26/cy      | 26,000.00 |
| <b>Storm Drainage</b>   |          |      |            |           |
| Floor Drain- 6" (15.24 cm) round with 8" (20.32 cm) round strainer      | 1        | Ea.  | 530.00     | 530.00    |
| Drain Line-6" (15.24 cm) S.D.R  | 105      | L.f. | 20.00      | 2,100.00  |
| Clean Out - 6" [15.24cm] S.D.R. 35                                      | 1        | Ea.  | 250.00     | 250.00    |
| Discharge Headwall - concrete 6" [15.24cm] x 2'-6" [0.76m]              | 1        | Ea.  | 1200.00    | 1200.00   |
| <b>Pre-cast Concrete</b>  |          |      |            |           |
| Pool Coping [Federal Stone AQ or DQ Block] <i>Tedders Stone</i>         | 70       | l.f. | 90.00      | 6,300.00  |
| 6" [15.24cm] Tile Band  | 70       | l.f. | 40.00      | 2,800.00  |
| <b>Cast in place Concrete</b>   |          |      |            |           |
| Top Deck - 4" [10.16cm] rebar reinforced concrete over a.b. <i>(5")</i> | 1,149    | sf   | 7.50       | 8,617.50  |
| Flat bottom - 6" [15.24cm] rebar reinforced concrete over a.b.          | 365      | sf   | 12.00      | 4,380.00  |
| Turndown Wall - rebar reinforced  | 70       | lf   | 100.00     | 7,000.00  |

|   |       |    |       |           |
|---|-------|----|-------|-----------|
| concrete, varying heights                                 |       |    |       |           |
| <b>Shotcrete</b>  |       |    |       |           |
| Bowls - 6" [15.24cm] rebar reinforced shotcrete over a.b. | 2,517 | sf | 25.00 | 62,925.00 |
| <b>Steel Coping</b>                                       |       |    |       |           |
| 2" [6.03cm] Round Pipe                                    | 117   | lf | 45.00 | 5,265.00  |
| 2" [6.03cm] x 2" [6.03cm] Square Pipe                     | 40    | lf | 35.00 | 1,400.00  |

One Hundred Fifty Four Thousand  
Eight Hundred Fifty x 31/100  
TOTAL BASE BID PRICE: \_\_\_\_\_ Dollars (\$ 154,850.31).

- \$14,300 In kinds

\$140,550.31

Add Alternate: Replace 2" Round Steel Coping  
w/ Pool Coping and tile @ (117 lf)

Add Services \$15,210.00

Deduct Base Bid - \$5,265.00

\$9,945.00

Total w/ In kind and

Add Alternates → \$150,495.31

In submitting this Bid, it is understood that Owner reserves the right to reject any and all Bids, and it is understood that this Bid may not be withdrawn during a period of sixty (60) days after the actual date of the opening of the bids.

The undersigned Bidder hereby certifies (a) that this Bid is genuine and is not made in the interest of, or in the behalf of, any undisclosed person, firm, or corporation, and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; (b) that he has not directly or indirectly induced or solicited any other Bidder to put in a false or sham Bid; (c) that he has not solicited or induced any person, firm, or corporation to refrain from bidding; and (d) that he has not sought by collusion to obtain for himself any advantage over any other Bidder or over the Owner.

The bidder hereby certifies that, as of the date of their respective bid, it does not knowingly employ or contract with an illegal alien and it will participate in the E-Verify Program or the Department Program pursuant to Section C.R.S, Section 8-17.5-101, C.R.S 8-17.5-102(1) in order to confirm the employment eligibility of all employees who are newly hired to perform work under the Agreement

The full names and addresses of parties interested in this Bid as principals are as follows:

Name

Address

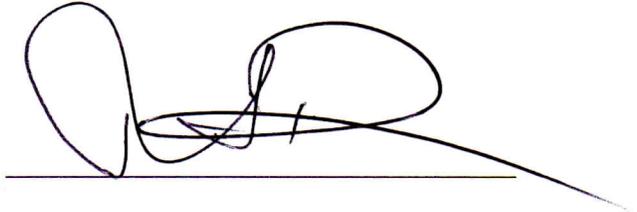
|                      |                   |
|----------------------|-------------------|
| Thomas Anderson Duch | 4600 Tamarack Dr. |
| ARTISAN SKATEPARKS   | Kitty Hawk, NC    |
|                      | 27949             |
|                      |                   |
|                      |                   |
|                      |                   |

I/WE are a Local Bidder, and will furnish the necessary proof should it be required.

The Surety who will be the surety on the performance bond will be

TBD

Signature



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a horizontal line.

## SUBCONTRACTOR LISTING

The following information is submitted for each subcontractor that will be used in the Work if the Bidder is awarded the Agreement. Additional numbered pages shall be attached to this page as required. Each page shall be headed "SUBCONTRACTOR LISTING" and signed. All Work to be subcontracted over \$1,000 shall be listed.

Contractor All work aside from Inlands will be self-performed  
by ARTISAN SKATEPARKS

|          |               |                        |           |
|----------|---------------|------------------------|-----------|
| <b>1</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |
| <b>2</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |
| <b>3</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |
| <b>4</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |
| <b>5</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |
| <b>6</b> | Subcontractor | Specialty              | Telephone |
|          | Address       | Percentage of Contract | Fax       |
|          |               |                        | E-mail    |

**SIGNATURE OF BIDDER**

If an Individual:

\_\_\_\_\_ N/A \_\_\_\_\_

Print or type name:

\_\_\_\_\_

Doing business as:

\_\_\_\_\_

Date:

\_\_\_\_\_

If a Partnership:

\_\_\_\_\_ N/A \_\_\_\_\_

By:

\_\_\_\_\_

General Partner

Print or type name:

\_\_\_\_\_

Date:

\_\_\_\_\_

If a Corporation:

\_\_\_\_\_

ARTISAN CONCRETE SERVICES, Inc.  
(a S Corporation)

By: 

Print or type name: Thomas A. Duch

Title: Owner/GM

Date: 4.15.16

Attest:

  
Title: Secretary

## PROPOSAL

PROPOSAL SUBMITTED TO/ WORK TO BE PERFORMED AT:  
Pagosa Springs Skatepark  
Attn: Mike Musgrove

PROPOSAL SUBMITTED BY:  
Fulbright Construction, Inc.  
Brian Fulbright  
575 Elk Drive  
Pagosa Springs, CO 81147  
970-946-3282/ 970-731-9289

WE HEREBY PROPOSE TO PERFORM THE LABOR AND MATERIALS NECESSARY FOR THE COMPLETION:

### PROPOSAL TO PROVIDE IN KIND DONATION

Fulbright Construction hereby proposes supplying all the necessary materials and labor to complete the construction of the 6" drain headwall for the newest addition to the skate park.

The total donation effort is estimated at a value of \$1200.00 according to the plans provided by Pillar Designs.

Fulbright Construction is a proud supporter of the Pagosa Springs Skate Park.

Thank you for the opportunity.  
Sincerely, Brian Fulbright

Note: Proposal may be withdrawn by us if not accepted within 60 days. Any alterations or deviations from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Please contact Brian at 946-3282 if you have any questions.

Dated: May 8, 2015

# Forestry Management

Jeff Quinn - Owner Operator  
291 Hidden Drive  
Pagosa Springs, CO. 81147  
970-903-2997  
[lewisjefferson@hotmail.com](mailto:lewisjefferson@hotmail.com)

# INVOICE

DATE: May 9, 2016  
INVOICE # 1604

**In Kind Commitment**  
Yamaguchi Skate Park Phase 2  
C.O. Mike Muskgrove  
Pagosa Springs, CO  
[Phone]

FOR:

| DESCRIPTION                               | HOURS | RATE     | AMOUNT      |
|---|-------|----------|-------------|
| CAT Compact Track Loader In Kind donation | 40.00 | \$100.00 | 4,000.00    |
| Fuel not included                         |       |          |             |
| SUBTOTAL                                  |       |          | \$ 4,000.00 |
| TAX RATE                                  |       |          |             |
| SALES TAX                                 |       |          | -           |
| OTHER                                     |       |          |             |
| TOTAL                                     |       |          | \$ 4,000.00 |

Make all checks payable to Jeff Quinn

THANK YOU FOR YOUR BUSINESS!

**Hart Construction Corporation**

**P.O. Box 3129**

**Pagosa Springs, CO 81147**

**970-264-0110 FAX 970-264-0120**

May 11, 2016

To whom it may concern,

Hart Construction believes that the Skate Park has been a valuable asset to our community especially providing additional activities for the children of Pagosa Springs.

We admire the progress you have made in completing Phase 1 of the project.

Hart Construction has always been a supporter of the community. We believe Phase II will again be a valuable asset for the children of our community. For that reason we are willing to donate up to \$5,000.00 of excavation services for Phase II of the Skate Park.

We only ask that we can erect a Hart Construction sign on the site during construction.

We wish you the best of luck with your continued fund raising.

Sincerely,



Bob Hart  
President, Hart Construction Corp.  
970-759-8373

Roy Palmer Plumbing LLC

64 Fortune dr.  
 CO 81147  
 970-749-4018

# Estimate

|           |            |
|-----------|------------|
| Date      | Estimate # |
| 5/11/2016 | 277        |

|                                   |
|-----------------------------------|
| Name / Address                    |
| Coalition for concrete SKATE PARK |

|         |
|---------|
| Project |
|         |

| Description  | Qty | Rate         | Total      |
|--|-----|--------------|------------|
| <p>To Whom it may concern.<br/>                     I Roy Palmer owner of Roy Palmer Plumbing will donate my Labor for the installation of 6" drain pipe floor drain in skate bowl and clean out. excavating ditch preperation to be done by other.<br/>                     105 ft. of 6" schedule 40 pvc<br/>                     1- Zurn floor drain<br/>                     1- 6" cleanout and wye<br/>                     will be Donated by Proline Supply and Roy Palmer Plumbing the cost of matcrials for the storm drain.</p> <p>Roy Palmer Plumbing will donate 2500.00 of labor and materials for the Yamaguchi skate park addition (coalition for concrete)</p> |     | 2,500.00     | 2,500.00   |
|  |     | <b>Total</b> | \$2,500.00 |



# AGENDA DOCUMENTATION

## NEW BUSINESS:V.5

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: DARREN LEWIS , PARKS & RECREATION DIRECTOR

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**PROJECT: BOULDER CLIMBING PARK**

**ACTION: DISCUSSION AND POSSIBLE ACTION**

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### **BACKGROUND**

In the fall of 2015, the Pagosa Area Tourism Board approached the Town Parks and Recreation Commission in regards to placing a climbing boulder for one of our parks. The Pagosa Area Tourism Board advised the Parks and Recreation Commission that funding in the amount of \$20,000 had been allocated towards the climbing boulder. The Board felt the project would benefit both tourism as well as the community at large.

At the February 2016 Parks and Recreation Commission meeting, a sub-committee was established composed of members from both advisory bodies to explore pricing and potential locations for a climbing boulder. Based upon review of different options, the sub-committee recommended placing the boulder area in Town Park just west of the existing playground. The current Town Park playground would be extended to the west, towards Hot Springs Blvd. Bridge, and would be large enough to encompass the new climbing boulder area.

### **Other factors in recommending the proposed site:**

- The subject area is suitably flat.
- The area is in a visible spot from Hot springs Blvd, the River Walk and the river itself.
- Because of the proximity to the playground, parents will be able to observe children playing in both areas from one spot.

### **Attachments**

Example of a climbing boulder gathered from boulder climbing sub-committee.

### **Tourism Board and Parks and Recreation Commission Action**

On May 10, 2016, both the Parks & Recreation Commission and the Tourism Advisory Board unanimously approved recommending to the Town Council the proposed project and further recommends approaching the County to provide matching funding.

### **FISCAL IMPACT**

Although no formal bids were sought, the sub-committee estimates an approximate cost of \$40,000 for the boulder itself, transport, and site prep. As noted above, there is \$20,000 in Tourism funds available for this effort and it is the recommendation of the advisory Boards to approach the County for the other half of funding through the PROST Committee and County Commissioners.

### **ADOPTED 2016 COUNCIL GOALS & OBJECTIVES**

While the Council's Goals & Objectives don't speak directly to this effort, it may be inferred this initiative is consistent with "Goal 2: Objective 2.3 Beautification of Downtown Core and Goal 3: Promote a vital local economy by supporting economic development and tourism.

**RECOMMENDATION**

Possible motions for the Town Council to consider are:

- 1. Move to direct staff to approve the proposed location of the bouldering area in Town Park and to proceed with a PROST application for matching funding from the County.**
- 2. Move to decline proceeding with the boulder climbing project.**
- 3. Direct Staff Otherwise**

# IDS Sculpture

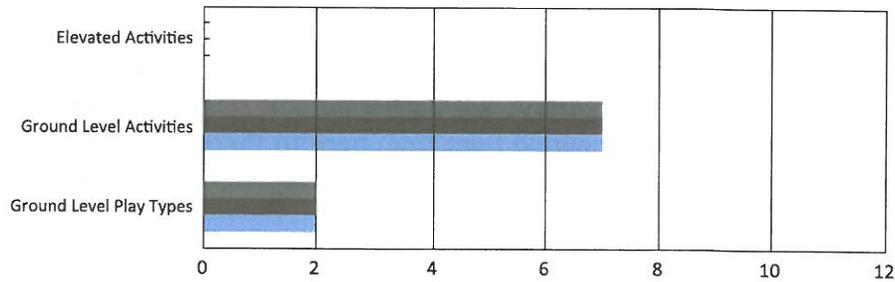


## Universal Design:

IDS sculptures are made to be touched and felt. The natural, detailed surface provides opportunity to horizontally explore. Additional relief sculptures like fossils or geologic features can be added to create an "Easter Egg" hunt throughout the sculpture.

Climbers may traverse at ground level, providing an ideal challenge for users with lower body disabilities.

Play Area for 5-12 year olds



|                                    | Elevated Activities | Ground Level Activities | Ground Level Play Types |
|------------------------------------|---------------------|-------------------------|-------------------------|
| Quantity Present in Site           | 0                   | 7                       | 2                       |
| Quantity on accessible route       | 0                   | 7                       | 2                       |
| Quantity required to be accessible | 0                   | 4                       | 2                       |



# AGENDA DOCUMENTATION

## NEW BUSINESS: V.6

PAGOSA SPRINGS TOWN COUNCIL  
MAY 19TH, 2016

**JENNIFER GREEN, TOURISM DIRECTOR**

**PROJECT: CONSIDERATION OF RESOLUTION 2016-07, APPOINTING TWO MEMBERS TO THE PAGOSA SPRINGS AREA TOURISM BOARD**

**ACTION: REVIEW, PUBLIC COMMENT, AND POSSIBLE ACTION**

### PURPOSE/BACKGROUND

The Pagosa Springs Area Tourism Board has two open board-appointed seats: Chamber of Commerce and Board of Realtors. The Chamber of Commerce recommended Jon Johnson serve as their appointment and the Board of Realtors has recommended Lee Riley to their seat. The Tourism Board voted unanimously to recommend Jon Johnson and Lee Riley to the vacant board-appointed seats. The current members of the Tourism Board:

- Town Council Appointed Seat: CK Patel
- Board of County Commissioners Appointed Seat: Steve Wadley
- Lodging Association Seat: Open
- Board of Realtors Seat: Open
- Chamber of Commerce Seat: Open
- At Large Seats (4): Criselda Montoya, Larry Fisher, Stephen Durham, Nick Tallent, Steve McKain

### ATTACHMENT(S):

- Letter of Interest
- Resolution 2016-07

### FISCAL IMPACT

There is no direct fiscal impact appointing members to the Pagosa Springs Area Tourism Board

### RECOMMENDATION

It is the recommendation of the Town Manager and the Tourism Board, that the Town Council, by motion

**Approve Resolution 2016-07, Appointing Jon Johnson as the Chamber of Commerce representative and Lee Riley as the Board of Realtors representative to the Pagosa Springs Area Tourism Board for a two (2) year term.**



190 Talisman Drive, Suite D-5  
Pagosa Springs, CO 81147

Phone: 970-731-4015

Fax: 970-731-4016

E-mail: [psaar@centurytel.net](mailto:psaar@centurytel.net)

---

May 9, 2016

To Whom It May Concern:

This is to introduce and highly recommend Lee Riley for the open position on the Town Tourism Council. Lee would prove to be an incredibly knowledgeable Council member and the Pagosa Springs Area Association of Realtors (PSAAR) would have his respected and valuable opinions weighing on the Council and perhaps provide an enlightened viewpoint and insight from a Real Estate perspective.

Having graduated from NAU in Flagstaff with a degree in Parks & Recreation, Lee has worked in a number of restaurants in all phases of business and was in the hospitality industry for over 20 years. In addition, he has lived all over the world.

Lee has been in Pagosa since 1983 and knows the area extremely well. He originally managed the Oak Ridge Hotel and then designed and leased the restaurant. He has sold time shares and has been selling Real Estate since 1989. He has been with Jann C. Pitcher Real Estate since 2003. Lee has twice been honored being named our "Realtor of the Year" in 2001 & 2014. He was a Chamber Director, Chamber VP in 1986 and helped start up the Economic Development Association. He created the Archuleta Think Tank on wheels that visited other communities for over 10 years.

With all of this experience, Lee Riley would be an asset to the Tourism Council and is a highly respected member of our Realtor community.

Please feel free to contact me should you have any further questions.

Sincerely,  
Carol Ann Peterson  
PSAAR Board President



**To:** Jennie Green  
**From:** Mary Jo Coulehan  
**Date:** May 11, 2016  
**Re:** Chamber Representative to Pagosa Springs Area Tourism Board

---

At the April 20, 2016 Chamber of Commerce board meeting, Jon Johnson was chosen to represent our organization on the Pagosa Springs Area Tourism Board. Jon has been active on the tourism board and has spearheaded projects on the Wayfinding and Signage committee such as the entrance structures and the banners throughout town.

We are pleased that Jon will continue on the board for the chamber and we know he will be an excellent representative for our group and the community.

Please let me know if you have any questions.

*Mary Jo Coulehan*  
*Executive Director*

TOWN OF PAGOSA SPRINGS, STATE OF COLORADO

RESOLUTION NO. 2016-07

A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS, COLORADO APPOINTING JON JOHNSON AND LEE RILEY TO THE PAGOSA SPRINGS AREA TOURISM BOARD.

WHEREAS, Town Ordinance No. 678 creates bylaws for the Pagosa Springs Area Tourism Board; and

WHEREAS, Section 16.4.12(2)(a) of the municipal code requires the appointment of nine (9) members of the Board representing the different sectors of the community; and

WHEREAS, the Pagosa Springs Area Tourism Board recommends the appointment of Jon Johnson to the Chamber of Commerce Seat as a member of the Pagosa Springs Area Tourism Board for a two (2) year term; and

WHEREAS, the Pagosa Springs Area Tourism Board recommends the appointment of Lee Riley to the Board of Realtors seat as a member of the Pagosa Springs Area Tourism Board for a two (2) year term; and

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,

1. **Appointment of Pagosa Springs Area Tourism Board Member.** Jon Johnson is hereby appointed to serve as the Chamber of Commerce seat as a member of the Pagosa Springs Area Tourism Board for a two (2) year term, commencing on June 7th, 2016 and concluding on June 7th, 2018.
2. **Appointment of Pagosa Springs Area Tourism Board Member.** Lee Riley is hereby appointed to serve as the Board of Realtors seat as a member of the Pagosa Springs Area Tourism Board for a two (2) year term, commencing on June 7th, 2016 and concluding on June 7th, 2018.
3. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.
4. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF \_\_\_\_ IN FAVOR, \_\_\_\_ AGAINST.

TOWN OF PAGOSA SPRINGS

By: \_\_\_\_\_  
Don Volger, Mayor

ATTEST:

By: \_\_\_\_\_  
April Hessman, Town Clerk



# AGENDA DOCUMENTATION

## OLD BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

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**PROJECT: ORDINANCE NUMBER 842, SECOND READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS ACCEPTING PROPERTIES FROM THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT WASTEWATER ACTIVITY ENTERPRISE**

**ACTION: DISCUSSION AND POSSIBLE DECISION**

---

### PURPOSE/BACKGROUND

South Fifth Street south of the northern boundary of the Town Streets Department Shop, exists under a prescriptive right, as this portion of Fifth Street is south of the originally platted town boundary established in 1891, and has not been formalized as public right of way.

The property owner south of the Sanitation District lagoon property and High School property, JEM Properties, LLC, had approached the town in 2014 regarding future Fifth Street ROW access to a potential future development, which prompted research into the matter.

As a means to, as briefly as possible, describe the segments of land to formalize the South Fifth Street ROW, there are four portions of land that are needed to formalize the Fifth Street ROW, from the Town Shop to the JEM properties, LLC land, as follows:

- 1) The developed portion of Fifth Street directly in front of the Town Streets Shop is currently still owned by the Pagosa Springs Sanitation General Improvement District (PSSGID). This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from the Sanitation District to the Town, and **Town Council Ordinance 842**, accepting this land from the PSSGID.
- 2) The developed portion of Fifth Street along Yamaguchi Park and the undeveloped portion of land along the School Transportation Facility is currently owned by the School District. This portion is entirely within a platted 80-foot access easement from the southern boundary of the Town Shop all the way to the southern boundary of the High School Property. This section is proposed to be formalized in Town Council Ordinance 844, accepting the land from the School District. The School Board has previously approved the conveyance of this 80-foot-wide easement area to the Town for the current South Fifth Street alignment and future installation of improvements within the platted 80-foot access easement. The Quick Claim Deed will be formalized by the School District.
- 3) A swath of land east of the transportation facility belonging to the Sanitation District, which will allow the continuance of the 80-foot width of public ROW around the transportation facilities encroachment into the 80-foot access easement. This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from PSSGID to the Town of Pagosa Springs, and **Town Council Ordinance 842** accepting the land from the PSSGID, Maintaining the FULL 80-foot-wide width is a request by JEM Properties, LLC., Due to the School District Transportation Facility's Encroachment into the 80-foot access easement.
- 4) A swath of land between the fence line and actual property line at the southern boundary of the school district property and JEM Properties, LLC. parcel. This land should have been included in the original 1974 land deeded to the School District from the Sanitation District, however, the deed references the fence line and not the actual property line. This will ensure the discrepancy is corrected and that the S. 5<sup>th</sup> Street ROW continues to the JEM Properties, LLC. Parcel. This conveyance is proposed to be formalized in PSSGID Ordinance 13.

**ATTACHMENT(S)**

**Ordinance 842**, An ordinance of the Town of Pagosa Springs Accepting Properties from the Town of Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise.

**FISCAL IMPACT**

Recordation of Ordinance and Quitclaim Deeds

**RECOMMENDATION**

The Planning Director has provided the following alternative actions for the Town Council's consideration:

1. Approve the Second Reading or Ordinance 842, An ordinance of the Town of Pagosa Springs Accepting Properties from the Town of Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise.
2. Approve the Second Reading or Ordinance 842, An ordinance of the Town of Pagosa Springs Accepting Properties from the Town of Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, with conditions of APPROVAL DETERMINED BY THE Town Council.
3. DENY the Second Reading of Ordinance 842.

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 842  
(SERIES 2016)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
ACCEPTING PROPERTIES FROM THE PAGOSA  
SPRINGS SANIATATION GENERAL IMPROVEMENT  
DISTRICT WASTEWATER ACTIVITY ENTERPRISE'S  
LAGOON PROPERTY

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, pursuant to Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including streets, and including but not limited to, all power and authority to purchase such property, and section 12.19 of the Charter provides for the acquisition of property by Ordinance; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to accept the Quitclaim Deeds for the certain real property known as a Portion of South 5<sup>th</sup> Street adjacent to the Town Streets Shop as described in **Exhibit A** and the certain real property known as a 25 foot strip of land on the Pagosa Springs Sanitation General Improvement District's Lagoon Property as described in **Exhibit B**, both considered the "Properties", to be dedicated as South Fifth Street Public Right of Way;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**I. Acceptance of Quitclaim Deed.** The Quitclaim Deeds, in the forms attached hereto as Exhibit a and Exhibit B, and the properties they conveyed by them, are in all respects approved and accepted by the Town.

**II. Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

**III. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

IV. **Second Reading.** Second reading of this Ordinance shall be held on the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.uments

V. **Effective date.** This Ordinance shall become effective and be in force thirty days after final approval.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No.842 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 201\_\_, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 842 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 201\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)



**EXHIBIT A - ORDINANCE 842**

**QUITCLAIM DEED**

South Fifth Street Adjacent to Town Streets Shop

THIS DEED is made this \_\_\_ day of \_\_\_\_\_, 2016, between the Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantor” and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described in Exhibit A-1 and A-2 (the “Property”), hereto attached:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

**GRANTOR:**  
TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By \_\_\_\_\_  
Don Volger, President



EXHIBIT A-1 ORDINANCE 842



PROPERTY DESCRIPTION  
PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
TO  
THE TOWN OF PAGOSA SPRINGS

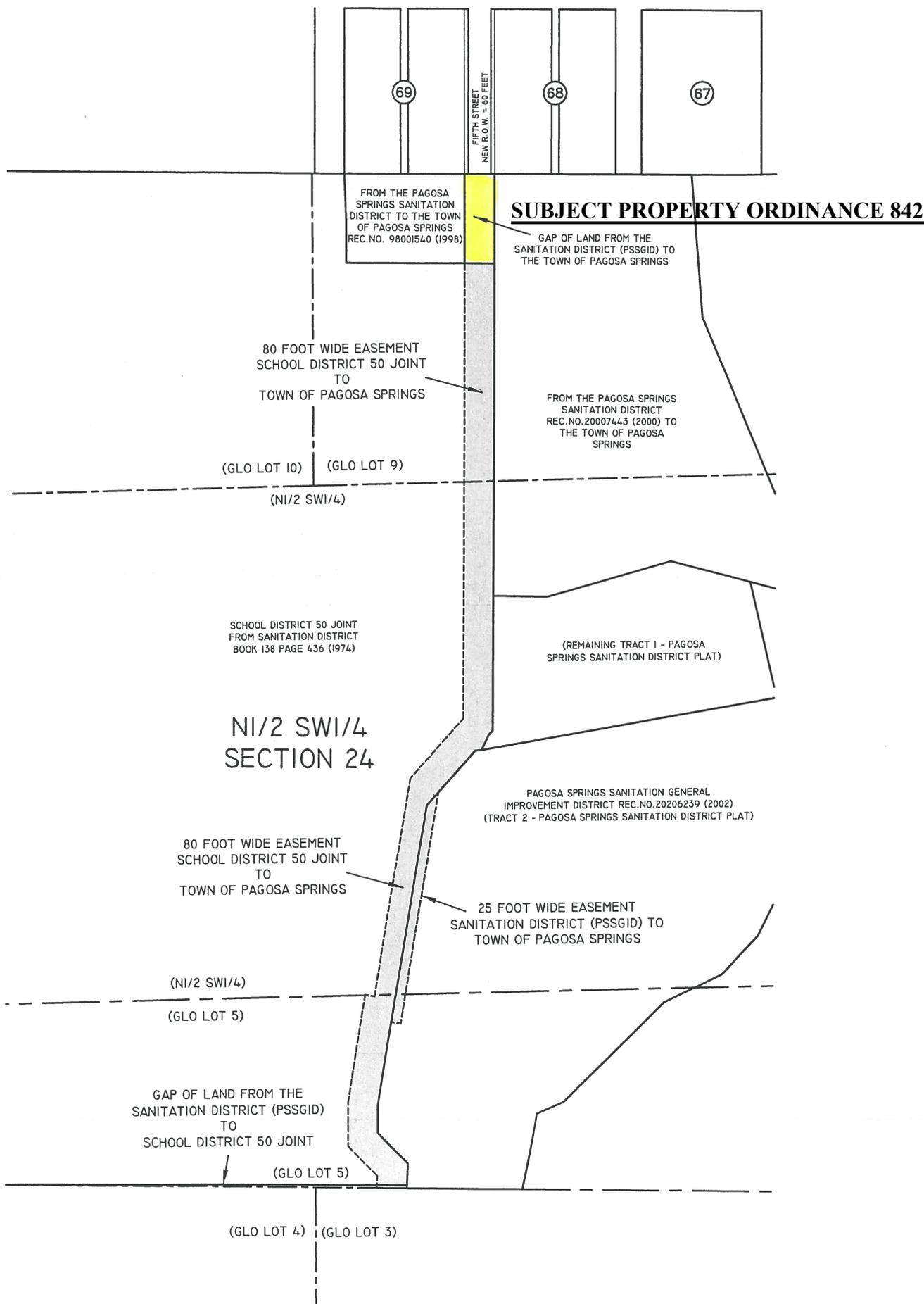
A PORTION OF LAND LOCATED IN SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN AND WITHIN THAT TRACT OF LAND DESCRIBED IN BOOK 97 ON PAGE 30 AND ALSO SHOWN AS BEING TRACT 1 ON THE PAGOSA SPRINGS SANITATION DISTRICT ANNEXATION PLAT WHICH IS RECORDED UNDER RECEPTION NO. 85904, TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 20007443;  
THENCE SOUTH, 233.57 FEET ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 20007443 AND TO THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 AND KNOWN AS THE SCHOOL DISTRICT 50 JOINT TRACT, ALSO BEING THE BOUNDARY OF TRACT 1 AS SHOWN ON SAID ANNEXATION PLAT;  
THENCE WEST, 80.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540;  
THENCE NORTH 233.52 FEET ALONG THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540 TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540, SAID NORTHEAST CORNER ALSO BEING ON THE SOUTH LINE OF THE TOWNSITE OF PAGOSA SPRINGS;  
THENCE N.89°58'02"E., 80.00 FEET ALONG THE SOUTH LINE OF THE TOWNSITE OF PAGOSA SPRINGS AND THE NORTH LINE OF SAID TRACT 1 TO THE PLACE OF BEGINNING.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO. 26973



# EXHIBIT A-2 ORDINANCE 842



**EXHIBIT B - ORDINANCE 842**

**QUITCLAIM DEED**

25 Foot Strip of Land along Western Boundary of Lagoon Property

THIS DEED is made this \_\_\_ day of \_\_\_\_\_, 2016, between the Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantor” and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described in **Exhibit A-1 and shown on Exhibit A-2** (the “Property”), hereto attached:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

GRANTOR:  
TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By \_\_\_\_\_  
Don Volger, President



EXHIBIT B-1 ORDINANCE 842



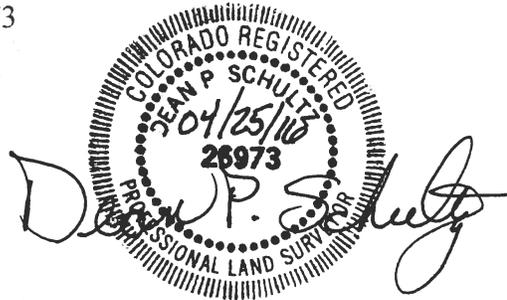
PROPERTY DESCRIPTION

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
TO  
TOWN OF PAGOSA SPRINGS

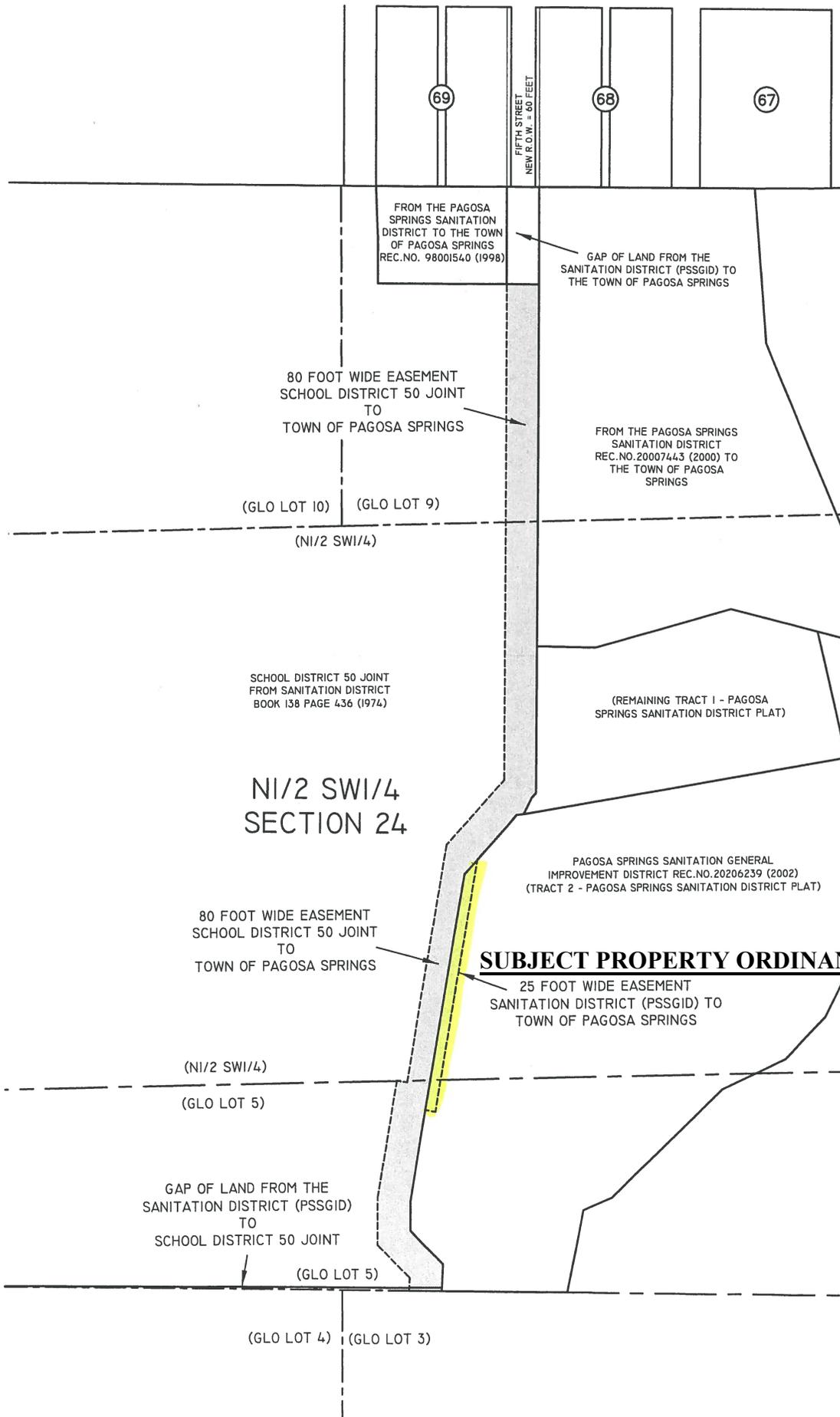
AN EASEMENT 25 FEET IN WIDTH LOCATED IN GLO LOT 5, 9, 10 AND THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN AND ALSO WITHIN TRACT 2 AS SHOWN ON THE SANITATION ANNEXATION PLAT INTO THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING ON THE WESTERLY LINE OF SAID TRACT 2, WHENCE THE NORTHWEST CORNER OF SAID TRACT 2, BEARS N.42°07'09"E., 145.96 FEET DISTANT;  
THENCE S.09°22'29"W., 611.48 FEET;  
THENCE N.80°37'31"W., 25.00 FEET TO THE WESTERLY LINE OF SAID TRACT 2;  
THENCE N.09°22'29"E., 572.60 FEET ALONG THE WESTERLY LINE OF SAID TRACT 2;  
THENCE N.42°07'09"E., 46.22 FEET ALONG THE WESTERLY LINE OF SAID TRACT 2 TO THE PLACE OF BEGINNING.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO 26973



# EXHIBIT B-2 ORDINANCE 842





# AGENDA DOCUMENTATION

## OLD BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL

MAY 19, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

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**PROJECT: ORDINANCE NUMBER 844, SECOND READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS ACCEPTING PROPERTY FROM THE ARCHULETA SCHOOL DISTRICT JOINT 50**

**ACTION: DISCUSSION AND POSSIBLE DECISION**

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### PURPOSE/BACKGROUND

South Fifth Street south of the northern boundary of the Town Streets Department Shop, exists under a prescriptive right, as this portion of Fifth Street is south of the originally platted town boundary established in 1891, and has not been formalized as public right of way.

The property owner south of the Sanitation District lagoon property and High School property, JEM Properties, LLC, had approached the town in 2014 regarding future Fifth Street ROW access to a potential future development, which prompted research into the matter.

As a means to, as briefly as possible, describe the segments of land to formalize the South Fifth Street ROW, there are four portions of land that are needed to formalize the Fifth Street ROW, from the Town Shop to the JEM properties, LLC land, as follows:

- 1) The developed portion of Fifth Street directly in front of the Town Streets Shop is currently still owned by the Pagosa Springs Sanitation General Improvement District (PSSGID). This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from the Sanitation District to the Town, and Town Council Ordinance 842, accepting this land from the PSSGID.
- 2) The developed portion of Fifth Street along Yamaguchi Park and the undeveloped portion of land along the School Transportation Facility is currently owned by the School District. This portion is entirely within a platted 80-foot access easement from the southern boundary of the Town Shop all the way to the southern boundary of the High School Property. This section is proposed to be formalized in **Town Council Ordinance 844**, accepting the land from the School District. The School Board has previously approved the conveyance of this 80-foot-wide easement area to the Town for the current South Fifth Street alignment and future installation of improvements within the platted 80-foot access easement. The Quick Claim Deed will be formalized by the School District.
- 3) A swath of land east of the transportation facility belonging to the Sanitation District, which will allow the continuance of the 80-foot width of public ROW around the transportation facilities encroachment into the 80-foot access easement. This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from PSSGID to the Town of Pagosa Springs, and Town Council Ordinance 842 accepting the land from the PSSGID, Maintaining the FULL 80-foot-wide width is a request by JEM Properties, LLC., Due to the School District Transportation Facility's Encroachment into the 80-foot access easement.
- 4) A swath of land between the fence line and actual property line at the southern boundary of the school district property and JEM Properties, LLC. parcel. This land should have been included in the original 1974 land deeded to the School District from the Sanitation District, however, the deed references the fence line and not the actual property line. This will ensure the discrepancy is corrected and that the S. 5<sup>th</sup> Street ROW continues to the JEM Properties, LLC. Parcel. This conveyance is proposed to be formalized in PSSGID Ordinance 13.

**ATTACHMENT(S)**

**Ordinance 844**, An Ordinance of the Town of Pagosa Springs Accepting Property from Archuleta School District Joint 50.

**FISCAL IMPACT**

Recordation of Ordinances and Quitclaim Deeds

**RECOMMENDATION**

The Planning Director has provided the following alternative actions for the Town Councils consideration:

1. Approve the Second Reading or Ordinance 844, An ordinance of the Town of Pagosa Springs Accepting Property from the Archuleta School District Joint 50.
2. Approve the Second Reading or Ordinance 844, An ordinance of the Town of Pagosa Springs Accepting Property from the Archuleta School District Joint 50, with conditions of APPROVAL DETERMINED BY THE Town Council.....
3. DENY the Second Reading of Ordinance 844.

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 844  
(SERIES 2016)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
ACCEPTING PROPERTY FROM THE ARCHULETA  
SCHOOL DISTRICT JOINT 50**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, pursuant to Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including streets, and including but not limited to, all power and authority to purchase such property, and section 12.19 of the Charter provides for the acquisition of property by Ordinance; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to accept the Quitclaim Deed for the certain real property known the 80-foot access easement along the eastern boundary of the Archuleta School District Joint 50 High School Property as described in **Exhibit A** attached herein, to be dedicated as South Fifth Street Public Right of Way;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**I. Acceptance of Quitclaim Deed.** The Quitclaim Deed, in the form attached hereto as Exhibit A, and the property conveyed by the Quitclaim Deed, are in all respects approved and accepted by the Town.

**II. Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

**III. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**IV. Second Reading.** Second reading of this Ordinance shall be held on the \_\_\_ day of \_\_\_\_\_, 2016, at \_\_:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.uments

V. **Effective date.** This Ordinance shall become effective and be in force thirty days after final approval.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No.844 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 201\_\_, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 844 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on \_\_\_\_\_, 201\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
April Hessman, Town Clerk

(S E A L)

**EXHIBIT A - ORDINANCE 844**

**QUITCLAIM DEED**

Portion of South Fifth Street and 80 Foot Access Easement Along Eastern Boundary of Archuleta County School District Joint 50 High School Property

THIS DEED is made this \_\_ day of \_\_\_\_\_, 2016, between Archuleta School District Joint 50, whose address is PO Box 1498, Pagosa Springs, Colorado 81147-1498, hereinafter referred to as “Grantor” and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, as described in **Exhibit A-1 and Shown on Exhibit A-2** (the “Property”) attached hereto:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

GRANTOR

Archuleta School District Joint 50

By: \_\_\_\_\_

Title: Greg Schick, Board Chair

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ARCHULETA )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ as Grantor.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

EXHIBIT A-1 ORDINANCE 844



PROPERTY DESCRIPTION  
SCHOOL DISTRICT 50 JOINT  
TO  
THE TOWN OF PAGOSA SPRINGS

AN EASEMENT LOCATED IN SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN WITH A PORTION LOCATED WITHIN THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 AND A PORTION LOCATED WITHIN THAT TRACT OF LAND DESCRIBED UNDER RECEPTION NO. \_\_\_\_\_, TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

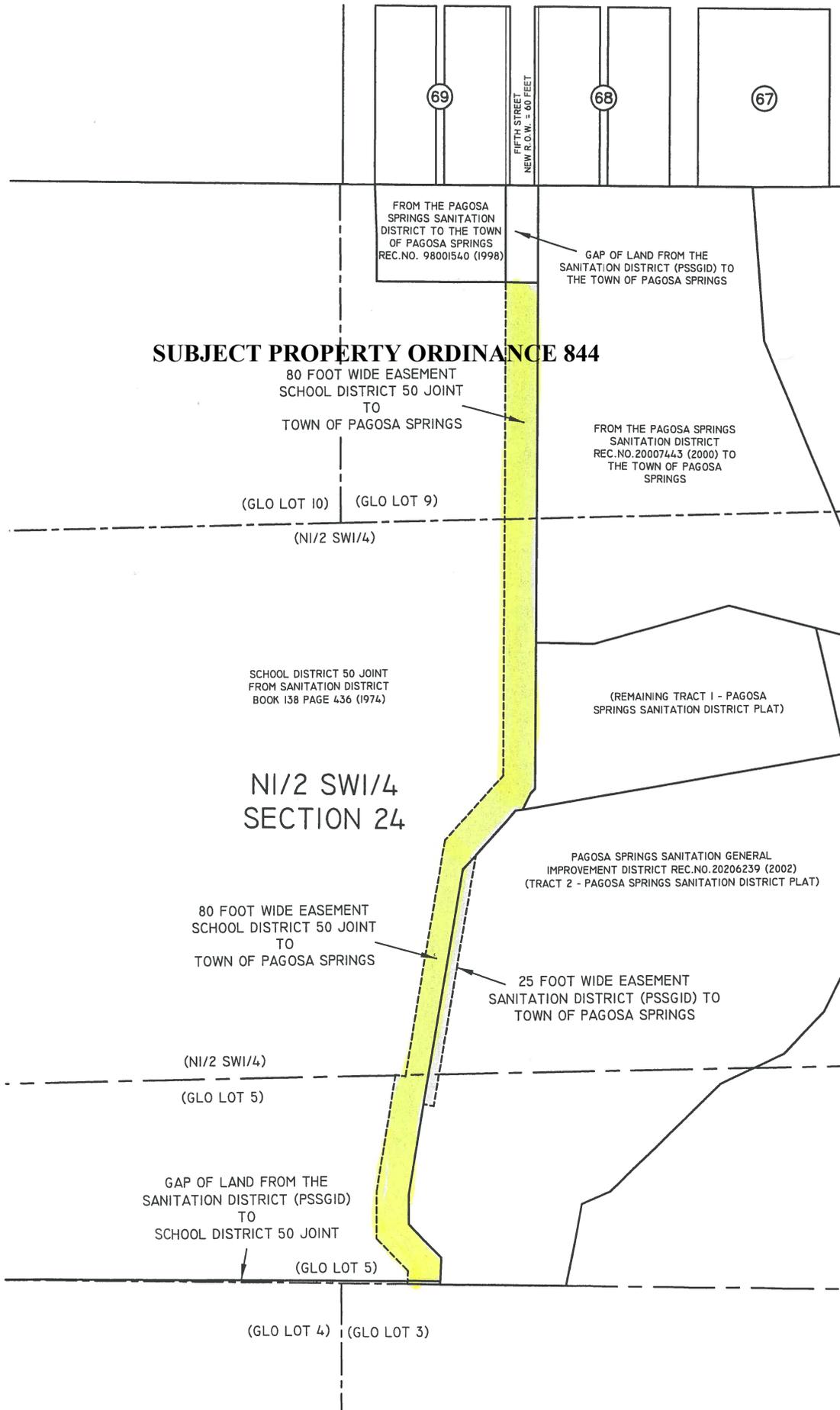
BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 AND ALSO SHOWN ON THE SCHOOL DISTRICT 50 JOINT ANNEXATION PLAT;

THENCE SOUTH, 1219.18 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.41°57'30"W., 16.78 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.26°58'55"W., 43.64 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.83°01'56"W., 16.73 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.42°07'09"W., 192.18 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.09°22'29"W., 789.86 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.00°02'22"W., 72.49 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.45°49'17"E., 111.49 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND;  
THENCE S.02°31'02"W., 63.41 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND AND THE EAST LINE OF THE ABOVE PORTION OF LAND TO THE SOUTH LINE OF GLO LOT 5 OF SECTION 24;  
THENCE N.89°44'19"W., 80.06 FEET ALONG THE SAID SOUTH LINE OF GLO LOT 5 OF SECTION 24;  
THENCE N.02°31'02"E., 30.66 FEET;  
THENCE N.45°49'17"W., 109.43 FEET;  
THENCE N.00°02'22"E., 112.87 FEET;  
THENCE N.09°22'29"E., 281.88 FEET;  
THENCE S.80°37'31"E., 25.00 FEET;  
THENCE N.09°22'29"E., 576.89 FEET;  
THENCE N.42°07'09"E., 209.67 FEET;  
THENCE NORTH, 1189.10 FEET TO THE NORTH LINE OF SAID TRACT OF LAND;  
THENCE EAST, 80.00 FEET ALONG THE NORTH LINE OF SAID TRACT OF LAND TO THE PLACE OF BEGINNING.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO. 26973



# EXHIBIT A-2 ORDINANCE 844





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

**PAGOSA SPRINGS SANITATION GENERAL  
IMPROVEMENT DISTRICT MEETING AGENDA  
THURSDAY, MAY 19, 2016  
Town Hall Council Chambers  
551 Hot Springs Blvd  
5:00 P.M.**

- I. **CALL MEETING TO ORDER**
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT** – *Please sign in to make public comment*
- IV. **CONSENT AGENDA**
  - 1. **Approval of May 3, 2016 Meeting Minutes**
  - 2. **Approval of April Financial Statement and Accompanying Payments**
- V. **REPORTS TO BOARD**
  - 1. **Sanitation District Report**
  - 2. **PAWSD/Pipeline Update Report**
- VI. **OLD BUSINESS**
  - 1. **Ordinance 12, Second Reading, Dedicating Lands to Town of Pagosa Springs for South Fifth Street Right-of-Way**
  - 2. **Ordinance 13, Second Reading, Dedicating Land to the Archuleta School District Joint 50**
- VII. **NEXT BOARD MEETING JUNE 7, 2016 AT 5:00PM**
- VIII. **ADJOURNMENT**



# AGENDA DOCUMENTATION

## REPORTS TO BOARD: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS  
MAY 19, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

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PROJECT: SANITATION DISTRICT REPORT  
ACTION: DISCUSSION

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### ADMINISTRATIVE

The state contract for the Small Community Grant Program came in last week and was signed by the mayor and returned for execution. Once received, back from the state, we will begin the design phase of the project.

### COLLECTION SYSTEM.

We encountered an interesting circumstance last week where a sewer tap was actually installed backwards. Due to me having to be present for the initial startup phase of the pipeline project, I had to subcontract the repair out which was completed on 5/12/16. Staff is also in the planning stage of determining which sections of the collection system to clean and televise this year. We have met with the subcontractor and mapped out a plan for the year.

### WASTEWATER TREATMENT PLANT

The average daily flow to the lagoon system in March was 214,000 gallons per day and I am keeping up on the maintenance end of things in anticipation of the lagoons going offline sometime in June. We are hoping that this month may be the final report for the facility.

### GEOHERMAL

I anticipate the tap for the geothermal greenhouse and Centennial Park restroom projects to be done either late this month or next and we will combine both systems into a single tap at that location.



# AGENDA DOCUMENTATION

## REPORTS TO BOARD: V.2

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS  
MAY 19, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

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**PROJECT: PAWSD/PIPELINE UPDATE REPORT**

**ACTION: DISCUSSION**

---

### UPDATE

Staff worked long hours with the start-up team last week and made substantial progress. Testing procedures will continue this week with the official seven day start-up anticipated for Monday May 23<sup>rd</sup>.

Staff also met with county officials regarding placement of a repeater at the town owned but county operated transfer station and received approval to proceed. Both antennae's have been mounted at the pumping stations and they are ready for our internet service provider to make final terminations.

A special meeting has been scheduled for May 26<sup>th</sup> to discuss the proposed new IGA for the pumping project which incorporates the latest suggested changes by staff and our attorney.

A lengthy punch list of items and de-commissioning of the lagoons will begin after all required testing has been completed. We plan to empty but not de-commission the smallest third cell of the project until the enlarged storage vault is complete next year.

Respectfully submitted,  
Gene Tautges  
Sanitation Supervisor



# AGENDA DOCUMENTATION

## OLD BUSINESS:VI.1

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT

MAY 19, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

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**PROJECT: ORDINANCE NUMBER 12, SECOND READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT WASTEWATER ACTIVITY ENTERPRISE APPROVING TWO QUIT CLAIM DEEDS CONVEYING PROPERTIES TO THE TOWN OF PAGOSA SPRINGS**

**ACTION: DISCUSSION AND POSSIBLE DECISION**

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### PURPOSE/BACKGROUND

The Sanitation Board Approved the First Reading of Ordinance 12 on May 3, 2016.

South Fifth Street south of the northern boundary of the Town Streets Department Shop, exists under a prescriptive right, as this portion of Fifth Street is south of the originally platted town boundary established in 1891, and has not been formalized as public right of way.

The property owner south of the Sanitation District lagoon property and High School property, JEM Properties, LLC, had approached the town in 2014 regarding future Fifth Street ROW access to a potential future development, which prompted research into the matter.

As a means to, as briefly as possible, describe the segments of land to formalize the South Fifth Street ROW, there are four portions of land that are needed to formalize the Fifth Street ROW, from the Town Shop to the JEM properties, LLC land, as follows:

- 1) The developed portion of Fifth Street directly in front of the Town Streets Shop is currently still owned by the Pagosa Springs Sanitation General Improvement District (PSSGID). This section is proposed to be formalized in **PSSGID Ordinance 12**, dedicating land from the Sanitation District to the Town, and Town Council Ordinance 842, accepting this land from the PSSGID.
- 2) The developed portion of Fifth Street along Yamaguchi Park and the undeveloped portion of land along the School Transportation Facility is currently owned by the School District. This portion is entirely within a platted 80-foot access easement from the southern boundary of the Town Shop all the way to the southern boundary of the High School Property. This section is proposed to be formalized in Town Council Ordinance 844, accepting the land from the School District. The School Board has previously approved the conveyance of this 80-foot-wide easement area to the Town for the current South Fifth Street alignment and future installation of improvements within the platted 80-foot access easement. The Quick Claim Deed will be formalized by the School District.
- 3) A swath of land east of the transportation facility belonging to the Sanitation District, which will allow the continuance of the 80-foot width of public ROW around the transportation facilities encroachment into the 80-foot access easement. This section is proposed to be formalized in **PSSGID Ordinance 12**, dedicating land from PSSGID to the Town of Pagosa Springs, and Town Council Ordinance 842 accepting the land from the PSSGID, Maintaining the FULL 80-foot-wide width is a request by JEM Properties, LLC., Due to the School District Transportation Facility's Encroachment into the 80-foot access easement.

- 4) A swath of land between the fence line and actual property line at the southern boundary of the school district property and JEM Properties, LLC. parcel. This land should have been included in the original 1974 land deeded to the School District from the Sanitation District, however, the deed references the fence line and not the actual property line. This will ensure the discrepancy is corrected and that the S. 5<sup>th</sup> Street ROW continues to the JEM Properties, LLC. Parcel. This conveyance is proposed to be formalized in PSSGID Ordinance 13.

**ATTACHMENT(S)**

- a. **PSSGID Ordinance 12**, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving Two Quit Claim Deeds Conveying Properties to the Town of Pagosa Springs.
- b. Map Showing the 40-foot easement to the JEM Properties, LLC Parcel, that staff recommends providing an amendment to such 40-foot easement agreement, providing a termination clause once the 5<sup>th</sup> Street ROW is improved providing access to the JEM Properties, LLC Parcel.
- c. Draft Amended Access Easement Agreement that would release the existing 40-foot-wide Access Easement through the Lagoon Property.

**FISCAL IMPACT**

Recordation Fees for Ordinance

**RECOMMENDATION**

The Planning Director has provided the following alternative actions for the PSSGID Board's consideration. Staff recommends #1 that includes a contingency of JEM Partners, LLC., Signing An Access Easement Amendment to release the current 40 foot access easement across the Lagoon Property.

1. Approve the Second Reading of Ordinance 12, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving Two Quit Claim Deeds Conveying Properties to the Town of Pagosa Springs, contingent on the 40-foot easement through the Lagoon Property being modified to include a termination clause for the Time at which the South Fifth Street is Improved providing access to the JEM Properties, LLC. Parcel, contingent on JEM Partners, LLC., Signing An Access Easement Amendment to release the current 40 foot access easement across the Lagoon Property.
2. Approve the Second Reading of Ordinance 12, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving Two Quit Claim Deeds Conveying Properties to the Town of Pagosa Springs, contingent on the 40-foot easement through the Lagoon Property being modified to include a termination clause for the Time at which the South Fifth Street is Improved providing access to the JEM Properties, LLC. Parcel, and with additional conditions of APPROVAL DETERMINED BY THE PSSGID Board.
3. DENY the Second Reading of Ordinance 12.

**TOWN OF PAGOSA SPRINGS, COLORADO  
SANITATION GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE**

**ORDINANCE NO. 12  
(SERIES 2016)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
SANITATION GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE APPROVING  
TWO QUIT CLAIM DEEDS CONVEYING PROPERTIES TO  
THE TOWN OF PAGOSA SPRINGS

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, the Town is authorized to provide sanitary sewer services and facilities under Section 1.4(A) of the Town’s Home Rule Charter and Section 31-15-710, C.R.S.; and

WHEREAS, the Town of Pagosa Springs Sanitation General Improvement District (the “District”) was organized by the Town Council of the Town pursuant to Part 6 of Article 25 of Title 31, C.R.S. and Ordinance No. 561, to accept the assets of the Pagosa Springs Sanitation District (the “Sanitation District”), upon the Sanitation District’s dissolution and to assume the Sanitation District’s duties, functions and responsibilities for providing sanitary sewer service; and

WHEREAS, by Resolution No. 2007-02 the Town Council, acting as the Board of Directors of the District (“Board of Directors”) established the Wastewater Activity Enterprise (“Enterprise”) to provide sanitary sewer service as a “water activity enterprise” under Article X, Section 20 of the Colorado Constitution (“TABOR”) and Article 45.1 of Title 37, C.R.S. (the “Act”); and

WHEREAS, the District has the authority, pursuant to Section 31-25-611(1)(f), C.R.S., to dispose of real property; and

WHEREAS, the District owns the real properties (the “Properties”) identified in the Quitclaim Deeds attached hereto as **Exhibit A** and **Exhibit B** and incorporated herein; and

WHEREAS, the District has identified that it no longer has a need for the Properties and the Town of Pagosa Springs has identified a need for the Property to establish a public right-of-way for South 5<sup>th</sup> Street;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, acting in its capacity as the Board of Directors of the Town of Pagosa Springs Sanitation General Improvement District, acting by and through its Wastewater Activity Enterprise, as follows:

**Section 1. Approval of Quitclaim Deed.** The Quitclaim Deed, in the form attached hereto, and the conveyance of the Property, is in all respects approved by the District.

**Section 2. Public Inspection.** The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Secretary.

**Section 3. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 4. Effective date.** This Ordinance shall become effective and be in force upon final passage at second reading and the recordation of an Amended Access Easement Agreement, that releases the 40-foot-wide access easement, as recorded under reception # 20704411 and as transferred to JEM Partners, LLC. under reception # 20704941, through the Lagoon Property at the time the 5<sup>th</sup> Street ROW is improved providing access to the JEM Partners, LLC property,

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT AND THE GOVERNING BODY OF THE WASTEWATER ACTIVITY ENTERPRISE UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By: \_\_\_\_\_  
Don Volger, President

Attest:

\_\_\_\_\_  
April Hessman, Secretary

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT AND THE GOVERNING BODY OF THE WASTEWATER ACTIVITY ENTERPRISE, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By: \_\_\_\_\_  
Don Volger, President

Attest:

\_\_\_\_\_  
April Hessman, Secretary

**CERTIFICATE OF PUBLICATION**

I, the duly appointed, qualified and acting Secretary of the Town of Pagosa Springs, Colorado, Sanitation General Improvement District Wastewater Activity Enterprise, do hereby certify the foregoing Ordinance No. 12 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs, acting as the Board of Directors of the Sanitation General Improvement District and the Governing Body of the Wastewater Activity Enterprise on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Secretary, on the Town's official website on \_\_\_\_\_, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Secretary

(S E A L)

I, the duly appointed, qualified and acting Secretary of the Town of Pagosa Springs, Colorado, Sanitation General Improvement District Wastewater Activity Enterprise, do hereby certify the foregoing Ordinance No. 12 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs, acting as the Board of Directors of the Sanitation General Improvement District and the Governing Body of the Wastewater Activity Enterprise on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Secretary, on the Town's official website on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Secretary

(S E A L)

**EXHIBIT A – PSSGID ORDINANCE 12**

**QUITCLAIM DEED**

South Fifth Street Adjacent to Town Streets Shop

THIS DEED is made this \_\_\_ day of \_\_\_\_\_, 2016, between the Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantor” and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described in Exhibit A-1 and A-2 (the “Property”), hereto attached:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

**GRANTOR:**  
TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By \_\_\_\_\_  
Don Volger, President



EXHIBIT A-1 PSSGID ORDINANCE 12



PROPERTY DESCRIPTION  
PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
TO  
THE TOWN OF PAGOSA SPRINGS

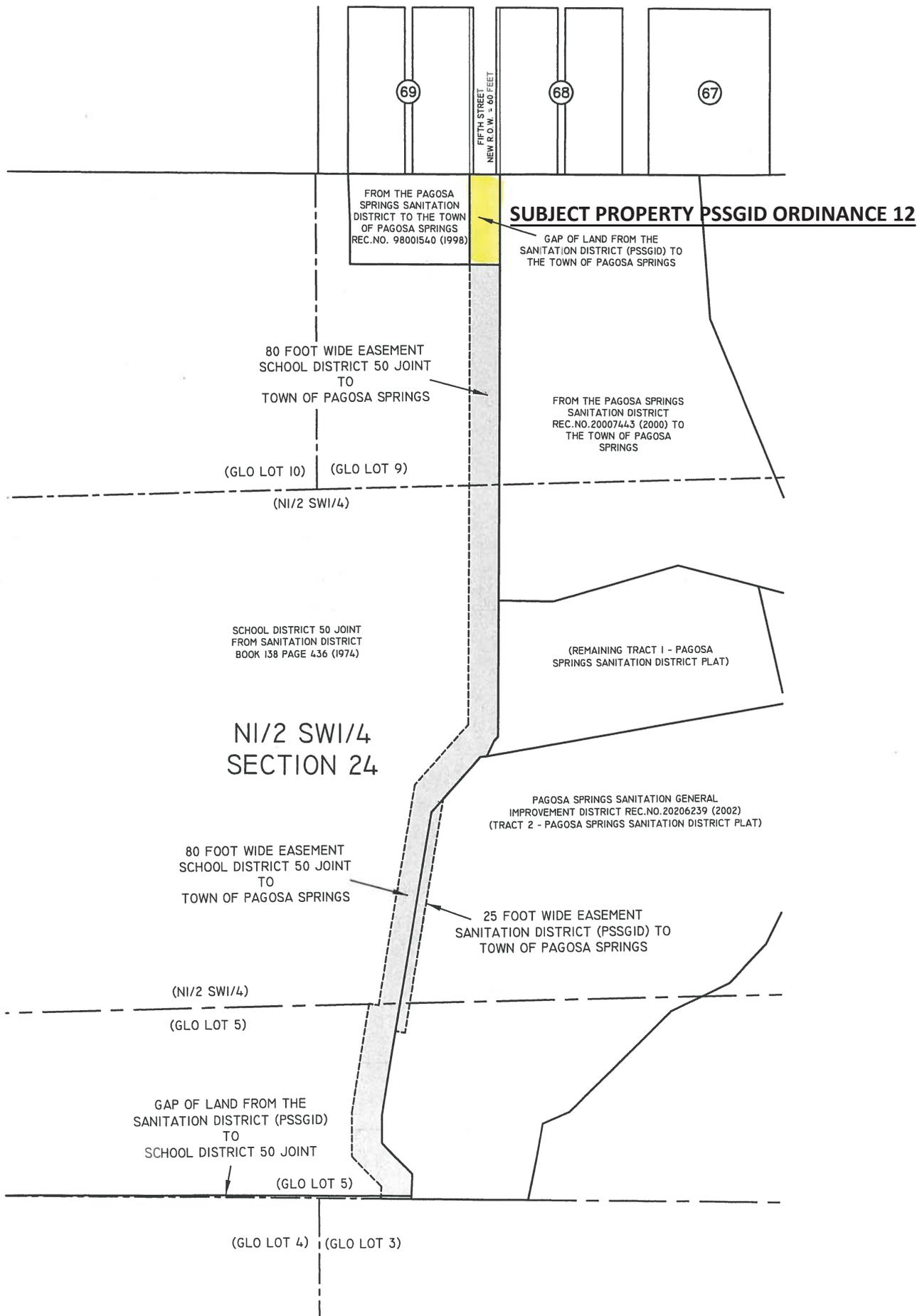
A PORTION OF LAND LOCATED IN SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN AND WITHIN THAT TRACT OF LAND DESCRIBED IN BOOK 97 ON PAGE 30 AND ALSO SHOWN AS BEING TRACT 1 ON THE PAGOSA SPRINGS SANITATION DISTRICT ANNEXATION PLAT WHICH IS RECORDED UNDER RECEPTION NO. 85904, TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 20007443;  
THENCE SOUTH, 233.57 FEET ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 20007443 AND TO THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 AND KNOWN AS THE SCHOOL DISTRICT 50 JOINT TRACT, ALSO BEING THE BOUNDARY OF TRACT 1 AS SHOWN ON SAID ANNEXATION PLAT;  
THENCE WEST, 80.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 138 ON PAGE 436 TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540;  
THENCE NORTH 233.52 FEET ALONG THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540 TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 98001540, SAID NORTHEAST CORNER ALSO BEING ON THE SOUTH LINE OF THE TOWNSITE OF PAGOSA SPRINGS;  
THENCE N.89°58'02"E., 80.00 FEET ALONG THE SOUTH LINE OF THE TOWNSITE OF PAGOSA SPRINGS AND THE NORTH LINE OF SAID TRACT 1 TO THE PLACE OF BEGINNING.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO. 26973



EXHIBIT A-2 PSSGID ORDINANCE 12



**EXHIBIT B – PSSGID ORDINANCE 12**

**QUITCLAIM DEED**

25 Foot Strip of Land along Western Boundary of Lagoon Property

THIS DEED is made this \_\_\_ day of \_\_\_\_\_, 2016, between the Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantor” and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described in Exhibit B-1 and B-2 (the “Property”), hereto attached:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

**GRANTOR:**  
TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By \_\_\_\_\_  
Don Volger, President



EXHIBIT B-1 PSSGID ORDINANCE 12



PROPERTY DESCRIPTION

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
TO  
TOWN OF PAGOSA SPRINGS

AN EASEMENT 25 FEET IN WIDTH LOCATED IN GLO LOT 5, 9, 10 AND THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN AND ALSO WITHIN TRACT 2 AS SHOWN ON THE SANITATION ANNEXATION PLAT INTO THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING ON THE WESTERLY LINE OF SAID TRACT 2, WHENCE THE NORTHWEST CORNER OF SAID TRACT 2, BEARS N.42°07'09"E., 145.96 FEET DISTANT;  
THENCE S.09°22'29"W., 611.48 FEET;  
THENCE N.80°37'31"W., 25.00 FEET TO THE WESTERLY LINE OF SAID TRACT 2;  
THENCE N.09°22'29"E., 572.60 FEET ALONG THE WESTERLY LINE OF SAID TRACT 2;  
THENCE N.42°07'09"E., 46.22 FEET ALONG THE WESTERLY LINE OF SAID TRACT 2 TO THE PLACE OF BEGINNING.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO 26973

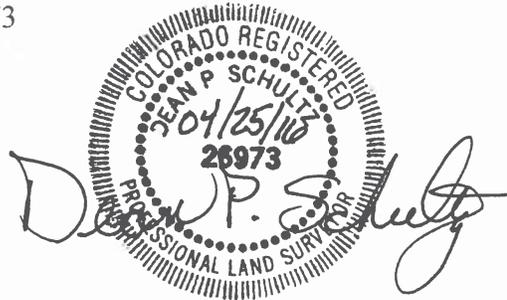
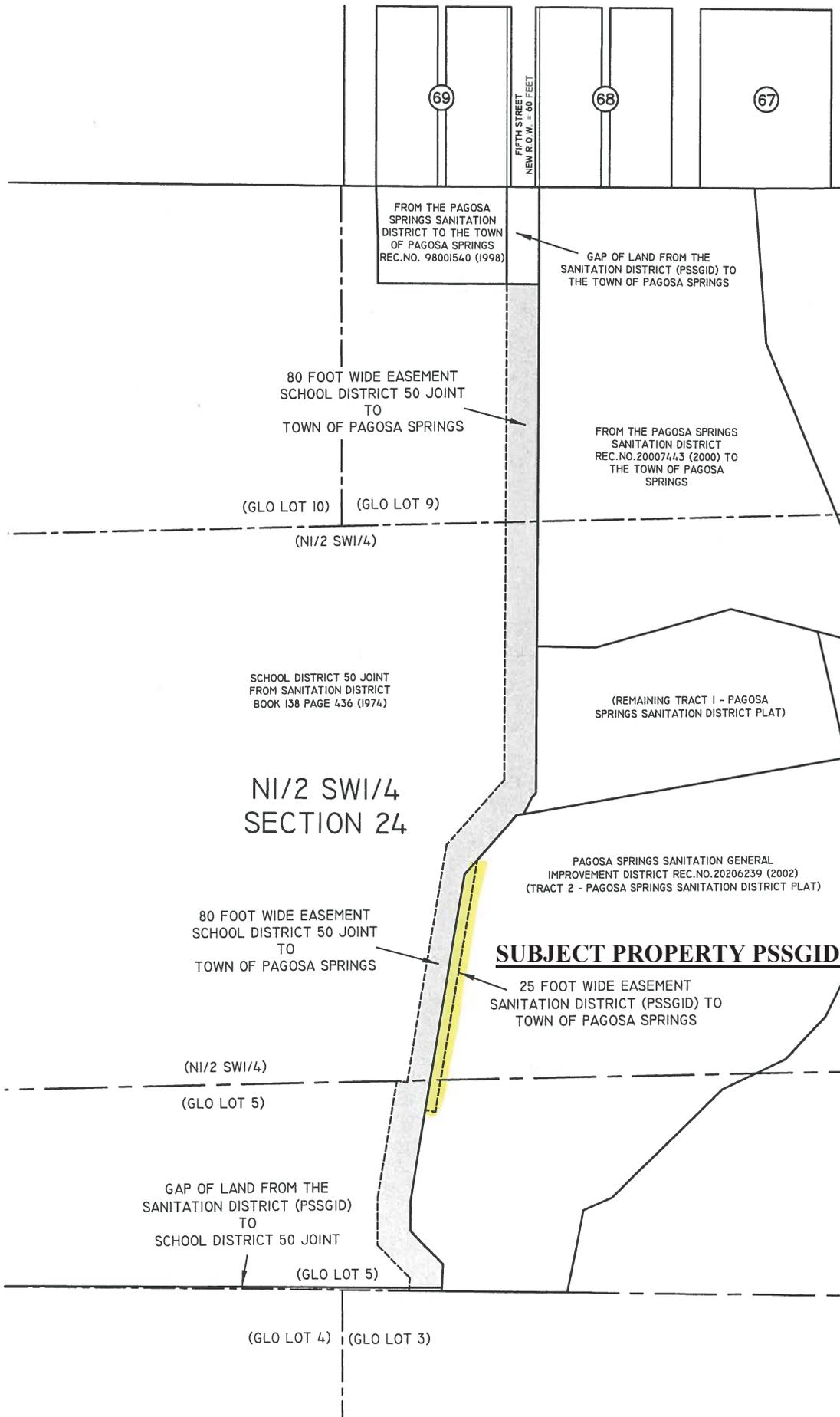


EXHIBIT B-2 PSSGID ORDINANCE 12



**SUBJECT PROPERTY PSSGID ORDINANCE 12**

# NI/2 SW1/4 SECTION 24

PROPOSED  
20 FOOT DRAINAGE  
EASEMENT (C)  
FROM SCHOOL DISTRICT

PROPOSED  
20 FOOT DRAINAGE  
EASEMENT (E)  
FROM SANITATION DISTRICT

FROM EARL AND VIOLA BAKER  
TO THE PAGOSA SPRINGS SANITATION DISTRICT  
BOOK 97 PAGE 30 (1958)  
TO THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL  
IMPROVEMENT DISTRICT REC.NO.20206239 (2002)

**Subject 40' Easement Proposed to be Terminated with 5th Street Improvement**

80 FOOT EASEMENT  
BOOK 138 PAGE 436

ACQUIRED  
40 FOOT ACCESS  
EASEMENT

# GLO LOT 5 SECTION 24

RESERVED FOR WETLANDS

RESERVED FOR WETLANDS

PROPOSED  
PORTION OF DRAINAGE EASEMENT  
ON SANITATION PROPERTY

BOOK 138 PAGE 436 CONVEYED TO THE FENCE LINE  
NOT THE TRUE BOUNDARY WHICH IS THE SOUTH  
LINE OF GLO LOT 5 OF SECTION 24. THE SANITATION  
DISTRICT STILL OWNS THIS SMALL STRIP OF LAND.

## AMENDMENT TO EASEMENT DEED AGREEMENT

THIS AMENDMENT TO PRIVATE ACCESS EASEMENT DEED AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between JEM PARTNERS, LLC. (the “Grantor”), including all successors and assigns, and the TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT WATSEWATER ACTIVITY ENTERPRISE (“PSSGID”) (the “Grantee”).

### WITNESSETH:

That for and in consideration of the sum of one Dollars (\$1.00) and other good and valuable consideration paid by PSSGID to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Town, its successors and assigns, **the release of the private access easement deed** as originally recorded under Archuleta County Reception number 20704411, from the PSSGID to the Catchpole’s, and subsequently conveyed from the Catchpole’s to JEM Partners, LLC., as described as Tract III in Warranty Deed recorded under Archuleta County Reception number 20704941, situate in the County of Archuleta, State of Colorado, **as depicted in Exhibit A and as legally described in Exhibit A-1**, attached hereto.

Release of the Private Access Easement Deed shall occur at the time of the improvement of the South Fifth Street Public Right of Way, providing access to Archuleta County parcel number 569925200008, as described in **Exhibit B** attached hereto, currently owned by JEM Partners, LLC., and any and all future successors and assigns.

Grantor warrants that the Grantor has the lawful right to grant such easement release, and following the release of the subject Private Access Easement, the Grantor, and any and all successors and assigns, will cease use of the subject 40-foot-wide private access easement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

GRANTOR:

\_\_\_\_\_  
By \_\_\_\_\_  
[Name], [Title]  
JEM PARTNERS, LLC.  
REPRESENTATIVE

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

ACCEPTED by the TOWN OF PAGOSA SPRINGS, COLORADO this \_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS,  
COLORADO

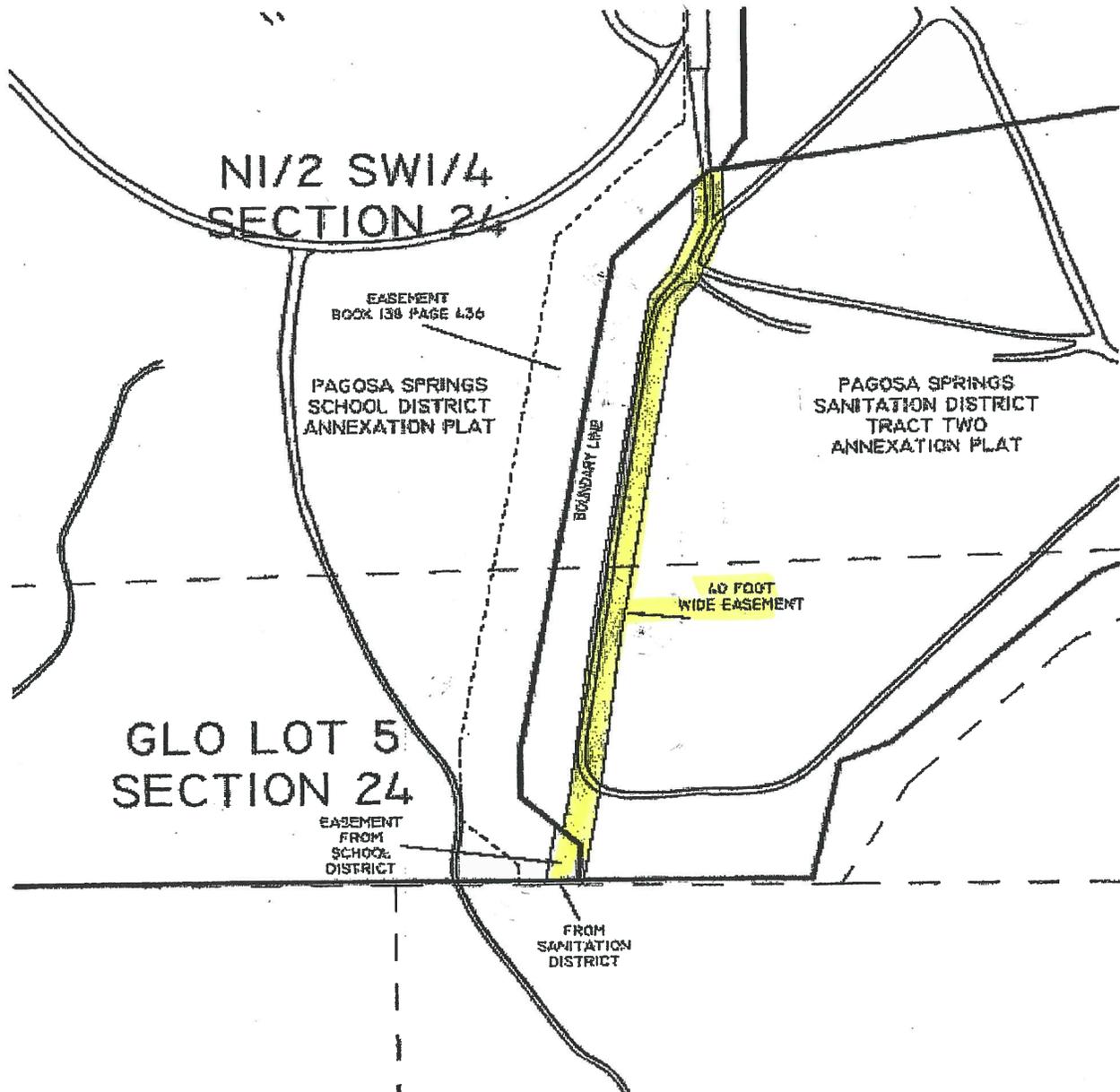
By \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk



EXHIBIT A  
TO DEDICATION OF ACCESS AND UTILITY RIGHT-OF-WAY  
(Public)



C:\FAIR\1\ Dedication of ROW (Std)201 20061205.dwg

Town of Pagosa Springs  
P.O. Box 1859  
Pagosa Springs, CO 81147



EXHIBIT A-1  
TO DEDICATION OF ACCESS AND UTILITY RIGHT-OF-WAY

RIGHT OF WAY DESCRIPTION  
(FROM PAGOSA SPRINGS SANITATION DISTRICT)

A Right of Way for ingress and egress (access), being a strip of land 40 (forty) feet in width (except the southerly portion which is 40 feet or less), located in the North Half of the Southwest Quarter (N1/2 SW1/4) and GLO Lot 5 of Section 24, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, being more particularly described as follows, to-wit:

BEGINNING on the north line of Tract Two as shown on the Pagosa Springs Sanitation District Annexation Plat, whence the northwest corner of the N1/2 SW1/4 of Section 24 also being the tie point of said Tract Two as shown on the Annexation Plat thereof, which bears N.69°40'17"W., 1871.06 feet distant;

Thence S.01°58'20"E., 93.30 feet;

Thence S.21°20'20"W., 98.15 feet;

Thence S.36°17'56"W., 45.01 feet;

Thence S.08°38'50"W., 522.52 feet;

Thence S.06°48'56"W., 249.72 feet;

Thence S.09°03'07"W., 146.12 feet to the southerly line of said Tract Two;

Thence S.09°03'07"W., 7.76 feet to the southerly line of GLO Lot 5 of Section 24 as described in that deed from Earl and Viola Baker to the Pagosa Springs Sanitation District which deed is recorded in Book 97 on Page 30;

Thence N.89°44'19"W., 50.59 feet along the said southerly line of GLO Lot 5 of Section 24;

Thence N.09°03'07"E., 7.44 feet to the south line of the Pagosa Springs School District Tract as shown on the Annexation Plat thereof;

Thence N.89°54'45"E., 44.28 feet along the said south line of the Pagosa Springs School District Tract and to the southeast corner thereof, which corner is identical with the southwest corner of said Tract Two;

Thence N.02°31'02"E., 55.78 feet along the westerly line of said Tract Two;

Thence N.45°49'17"W., 33.47 feet along the said westerly line of Tract Two;  
Thence N.09°03'07"E., 71.68 feet;  
Thence N.06°48'56"E., 249.58 feet;  
Thence N.08°38'50"E., 533.01 feet;  
Thence N.36°17'56"E., 49.61 feet;  
Thence N.21°20'20"E., 84.65 feet;  
Thence N.01°58'20"W., 59.51 feet to the northerly line of said Tract Two;  
Thence N.42°07'09"E., 33.53 feet along the said northerly line of said Tract Two;  
Thence N.83°01'56"E., 16.73 feet along the said northerly line of Tract Two to the  
Place of BEGINNING.

Prepared by Dean P. Schultz  
Colorado Certificate No. 26973

**EXHIBIT B**  
**GRANTEE'S PROPERTY**

A tract of land located in GLO Lots 3 and 4 of Section 24 and the N1/2NW1/4 of Section 25, Township 35 North, Range 2 West, N.M.P.M., Archuleta County, Colorado, being more particularly described as follows, to-wit:

**BEGINNING** at the Southwest Corner of Section 24, being identical with the Southwest Corner of, GLO Lot 4 of Section 24;

Thence North 00° 22' 49" East, 877.00 feet along the West line of GLO Lot 4 of Section 24;

- " South 88° 51' 00" East, 1894.44 feet along the North line of GLO Lot 4 and the North line of GLO Lot 3 of Section 24 to a point in the San Juan River;
- " South 14° 27' 29" West, 542.37 feet approximately following the center of the San Juan River, but not intended to be the center of said river;
- " South 31° 24' 03" East, 357.72 feet approximately following the center of the San Juan River, but not intended to be the center of said river;
- " South 21° 53' 33" East, 524.39 feet approximately following the center of the San Juan River, but not intended to be the center of said river;
- " South 38° 34' 39" East, 543.16 feet approximately following the center of the San Juan River, but not intended to be the center of said river, to the Northwest Corner of that parcel of land recorded under Reception No. 1994002090;
- " South 00° 20' 20" West, 410.00 feet along the West line of that parcel of land recorded under Reception No. 1994002090 to the South line of the N1/2NW1/4 of Section 25;
- " South 89° 49' 06" West, 2,493.50 feet along the South line of the N1/2NW1/4 of Section 25 and to the Southwest corner thereof;
- " North 00° 28' 13" East, 1,320.66 feet along the West line of the N1/2NW1/4 of Section 25, to the place of beginning.

**Town of Pagosa Springs**  
**P.O. Box 1859**  
**Pagosa Springs, CO 81147**



# AGENDA DOCUMENTATION

## OLD BUSINESS: VI.2

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT

MAY 19, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

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**PROJECT: ORDINANCE NUMBER 13, SECOND READING, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT WASTEWATER ACTIVITY ENTERPRISE APPROVING A QUIT CLAIM DEED CONVEYING PROPERTY TO THE ARCHULETA SCHOOL DISTRICT JOINT 50**

**ACTION: DISCUSSION AND POSSIBLE DECISION**

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### PURPOSE/BACKGROUND

South Fifth Street south of the northern boundary of the Town Streets Department Shop, exists under a prescriptive right, as this portion of Fifth Street is south of the originally platted town boundary established in 1891, and has not been formalized as public right of way.

The property owner south of the Sanitation District lagoon property and High School property, JEM Properties, LLC, had approached the town in 2014 regarding future Fifth Street ROW access to a potential future development, which prompted research into the matter.

As a means to, as briefly as possible, describe the segments of land to formalize the South Fifth Street ROW, there are four portions of land that are needed to formalize the Fifth Street ROW, from the Town Shop to the JEM properties, LLC land, as follows:

- 1) The developed portion of Fifth Street directly in front of the Town Streets Shop is currently still owned by the Pagosa Springs Sanitation General Improvement District (PSSGID). This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from the Sanitation District to the Town, and Town Council Ordinance 842, accepting this land from the PSSGID.
- 2) The developed portion of Fifth Street along Yamaguchi Park and the undeveloped portion of land along the School Transportation Facility is currently owned by the School District. This portion is entirely within a platted 80-foot access easement from the southern boundary of the Town Shop all the way to the southern boundary of the High School Property. This section is proposed to be formalized in Town Council Ordinance 844, accepting the land from the School District. The School Board has previously approved the conveyance of this 80-foot-wide easement area to the Town for the current South Fifth Street alignment and future installation of improvements within the platted 80-foot access easement. The Quick Claim Deed will be formalized by the School District.
- 3) A swath of land east of the transportation facility belonging to the Sanitation District, which will allow the continuance of the 80-foot width of public ROW around the transportation facilities encroachment into the 80-foot access easement. This section is proposed to be formalized in PSSGID Ordinance 12, dedicating land from PSSGID to the Town of Pagosa Springs, and Town Council Ordinance 842 accepting the land from the PSSGID, Maintaining the FULL 80-foot-wide width is a request by JEM Properties, LLC., Due to the School District Transportation Facility's Encroachment into the 80-foot access easement.
- 4) A swath of land between the fence line and actual property line at the southern boundary of the school district property and JEM Properties, LLC. parcel. This land should have been included in the original 1974 land deeded to the School District from the Sanitation District, however, the deed references the fence line and not the actual property line. This will ensure the discrepancy is corrected and that the S. 5<sup>th</sup> Street ROW continues to the JEM Properties, LLC. Parcel. This conveyance is proposed to be formalized in **PSSGID Ordinance 13.**

**ATTACHMENT(S)**

**PSSGID Ordinance 13**, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving a Quit Claim Deed Conveying Property to the Archuleta School District Joint 50.

**FISCAL IMPACT**

There is no Financial Impact to the PSGID

**RECOMMENDATION**

The Planning Director has provided the following alternative actions for the PSSGID Board's consideration:

1. Approve the Second Reading or Ordinance 13, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving a Quit Claim Deed Conveying Property to the Archuleta School District Joint 50.
2. Approve the Second Reading or Ordinance 13, An ordinance of the Town of Pagosa Spring Sanitation General Improvement District Wastewater Activity Enterprise Approving a Quit Claim Deed Conveying Property to the Archuleta School District Joint 50, with conditions of APPROVAL DETERMINED BY THE PSSGID Board.....
3. DENY the Second Reading of Ordinance 13.

**TOWN OF PAGOSA SPRINGS, COLORADO  
SANITATION GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE**

**ORDINANCE NO. 13  
(SERIES 2016)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS  
SANITATION GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE APPROVING  
A QUIT CLAIM DEED CONVEYING PROPERTY TO  
THE ARCHULETA SCHOOL DISTRICT JOINT 50

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, the Town is authorized to provide sanitary sewer services and facilities under Section 1.4(A) of the Town’s Home Rule Charter and Section 31-15-710, C.R.S.; and

WHEREAS, the Town of Pagosa Springs Sanitation General Improvement District (the “District”) was organized by the Town Council of the Town pursuant to Part 6 of Article 25 of Title 31, C.R.S. and Ordinance No. 561, to accept the assets of the Pagosa Springs Sanitation District (the “Sanitation District”), upon the Sanitation District’s dissolution and to assume the Sanitation District’s duties, functions and responsibilities for providing sanitary sewer service; and

WHEREAS, by Resolution No. 2007-02 the Town Council, acting as the Board of Directors of the District (“Board of Directors”) established the Wastewater Activity Enterprise (“Enterprise”) to provide sanitary sewer service as a “water activity enterprise” under Article X, Section 20 of the Colorado Constitution (“TABOR”) and Article 45.1 of Title 37, C.R.S. (the “Act”); and

WHEREAS, the District has the authority, pursuant to Section 31-25-611(1)(f), C.R.S., to dispose of real property; and

WHEREAS, the District owns the real property (the “Property”) identified in the Quitclaim Deed attached hereto as **Exhibit A** and incorporated herein; and

WHEREAS, the District has identified that it no longer has a need for the Property and the Archuleta County School District Joint 50 has identified a need for the Property to correct a legal description for property previously conveyed to the School District;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, acting in its capacity as the Board of Directors of the Town of Pagosa Springs Sanitation General Improvement District, acting by and through its Wastewater Activity Enterprise, as follows:

**Section 1. Approval of Quitclaim Deed.** The Quitclaim Deed, in the form attached hereto, and the conveyance of the Property, is in all respects approved by the District.

**Section 2. Public Inspection.** The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Secretary.

**Section 3. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 4. Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT AND THE GOVERNING BODY OF THE WASTEWATER ACTIVITY ENTERPRISE UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By: \_\_\_\_\_  
Don Volger, President

Attest:

\_\_\_\_\_  
April Hessman, Secretary

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS OF THE TOWN OF PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT AND THE GOVERNING BODY OF THE WASTEWATER ACTIVITY ENTERPRISE, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By: \_\_\_\_\_  
Don Volger, President

Attest:

\_\_\_\_\_  
April Hessman, Secretary

**CERTIFICATE OF PUBLICATION**

I, the duly appointed, qualified and acting Secretary of the Town of Pagosa Springs, Colorado, Sanitation General Improvement District Wastewater Activity Enterprise, do hereby certify the foregoing Ordinance No. 13 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs, acting as the Board of Directors of the Sanitation General Improvement District and the Governing Body of the Wastewater Activity Enterprise on first reading at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Secretary, on the Town's official website on \_\_\_\_\_, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Secretary

(S E A L)

I, the duly appointed, qualified and acting Secretary of the Town of Pagosa Springs, Colorado, Sanitation General Improvement District Wastewater Activity Enterprise, do hereby certify the foregoing Ordinance No. 13 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs, acting as the Board of Directors of the Sanitation General Improvement District and the Governing Body of the Wastewater Activity Enterprise on second reading, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Secretary, on the Town's official website on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
April Hessman, Secretary

(S E A L)

**EXHIBIT A – PSSGID ORDINANCE 13**

**QUITCLAIM DEED**

Strip of Land Along Southern Boundary of  
Archuleta School District Joint 50 High School Property

THIS DEED is made this \_\_ day of \_\_\_\_\_, 2016, between the Pagosa Springs Sanitation General Improvement District Wastewater Activity Enterprise, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as “Grantor” and the Archuleta School District Joint 50, whose address is PO Box 1498, Pagosa Springs, CO 81147, hereinafter referred to as “Grantee”.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described in **Exhibit A-1** and shown in **Exhibit A-2** (the “Property”), hereto attached:

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

GRANTOR:  
TOWN OF PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
WASTEWATER ACTIVITY ENTERPRISE

By \_\_\_\_\_  
Don Volger, President



EXHIBIT A-1 PSSGID ORDINANCE 13



PROPERTY DESCRIPTION

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
TO  
ARCHULETA SCHOOL DISTRICT 50JT

A PORTION OF LAND LOCATED IN GLO LOT 5 OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 2 WEST, NEW MEXICO PRINCIPAL MERIDIAN, TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THAT GAP OF LAND NORTHERLY OF THE SOUTH LINE OF GLO LOT 5 OF SECTION 24 AS DESCRIBED IN BOOK 97 ON PAGE 30 AND SOUTHERLY OF THAT FENCE LINE DESCRIBED IN THE DEED FROM THE PAGOSA SPRINGS SANITATION DISTRICT TO SCHOOL DISTRICT NO. 50 JOINT OF ARCHULETA AND HINSDALE COUNTIES RECORDED IN BOOK 138 ON PAGE 436.

IN THAT DEED FROM EARL W. AND VIOLA M. BAKER TO THE PAGOSA SPRINGS SANITATION DISTRICT, RECORDED IN BOOK 97 ON PAGE 30, THE LAND EXTENDED TO THE SOUTH LINE OF GLO LOT 5.

IN THAT DEED FROM THE PAGOSA SPRINGS SANITATION DISTRICT TO SCHOOL DISTRICT NO. 50 JOINT OF ARCHULETA AND HINSDALE COUNTIES RECORDED IN BOOK 138 ON PAGE 436 THE LANDS FOLLOWED A FENCE LINE NEAR AND NORTHERLY OF THE SOUTH LINE OF GLO LOT 5.

PREPARED BY DEAN P. SCHULTZ  
COLORADO CERTIFICATE NO 26973



# EXHIBIT A-2 PSSGID ORDINANCE 13

