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

TOWN COUNCIL MEETING AGENDA
THURSDAY, MAY 21, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.

Town Council meets at 4:30 p.m. at the 6th Street Pedestrian Bridge – Ribbon Cutting

**** CONVENE TOWN COUNCIL MEETING AT TOWN HALL AT 5:00 P.M. AFTER RIBBON CUTTING****

I. CALL MEETING TO ORDER

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

III. CONSENT AGENDA

1. **Approval of the May 5, 2015 Meeting Minutes**
2. **Approval of April Financial Statement and Accompanying Payments**
3. **Liquor Licenses**
   a. **Liquor License Renewal – The Junction Restaurant at 401 East Pagosa Street**
   b. **Liquor License Renewal - Pagosa Bar Inc at 460 Pagosa Street**
4. **Letter of Support for Region 9 Enterprise Zone Areas**
5. **MOU Amendment with Folk West for New Parking Lot**

IV. REPORTS TO COUNCIL

1. **2014 Annual Audit Report – Michael Branch, CPA**
2. **Featured Department Head Reports**
   a. **Building Maintenance**
   b. **Town Manager (Demographics Presentation)**
3. **Sales Tax Brief**
4. **Lodgers Tax Brief**

V. NEW BUSINESS

1. **Town's 125th Anniversary Logo Contest**
2. **Approval of Participation in DoLA Grant Application for Downtown Task Force Actions**
3. **Request to Operate Vending Cart in Town Parks**
4. **Request to Operate Trikke Tours on Town Sidewalks and Trails**
5. **Ordinance 827, First Reading, Rivers Edge Townhouses PUD, Partial Vacation of PUD Plat**
6. **Broadband IGA between County/Town/School**
7. **Geothermal Greenhouse Project Funding Update and Request**
8. **Fee Waiver Request for Use of Community Center**
9. **Purchase of Real Property Lots 6 & 7 Block 33 with Possible Executive Session Pursuant to C.R.S. Section 24-6-402(4)(a) Concerning the Purchase, Acquisition, Lease, Transfer, or Sale of any Real, Personal, or other Property Interest and C.R.S Section 24-6-402(4)(e) Determining**

Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators

VI. OLD BUSINESS

1. **Ordinance 825, Second Reading, Marijuana Establishment Licensing and Regulations**

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

VIII. COUNCIL IDEAS AND COMMENTS

IX. NEXT TOWN COUNCIL MEETING JUNE 2, 2015 AT 5:00 PM

X. ADJOURNMENT

Don Volger
Mayor

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

TOWN COUNCIL MEETING MINUTES
TUESDAY, MAY 5, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.

I. CALL MEETING TO ORDER – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker

II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

III. PUBLIC COMMENT – Mr. Morgan Murri said that Outside Magazine is having a contest for the best town in America out of 64 towns. He encourages staff and the public to vote for Pagosa. Mr. Bill Hudson appreciates the town council and BOCC meeting and coming together on issues. He said the Town can play a role in preserving historic buildings including the deteriorating county courthouse.

IV. CONSENT AGENDA

1. **Approval of the April 23, 2015 Meeting Minutes**
2. **Liquor Licenses**
   a. **Tastings Permit Renewal – Shabri LLC dba Plaza Liquor at 551 San Juan Street Ste A**
   b. **Tastings Permit Renewal – Mountain Spirits at 135 County Center Drive Ste F**
   c. **Special Events Liquor Permit – Rocky Mountain Elk Foundation Fundraiser June 6, 2015 at the Ross Aragon Community Center 451 Hot Springs Blvd.**
3. **Clean Up Week Proclamation** – Council Member Egan moved to approve the consent agenda, Council Member Alley seconded, unanimously approved.

V. NEW BUSINESS

6. **Ordinance 825, First Reading, Marijuana Establishment Licensing and Regulations** - The Town Council has considered specific regulations for marijuana establishments at public meetings over the course of the last 3 months, the first reading of Ordinance 825 embodies the numerous previous decisions from the above mentioned public hearings. Town staff is requesting a 90 day grace period to prepare revisions to the LUDC and Municipal Code prior to accepting applications. The BOCC heard changes to their code to allow for the sale of product that is grown in the county from establishments in the Town. Mr. Cameron Parker said the division of the state and county marijuana vote is not a very wide margin. He said the town's identity will be changed and this may be our chance, by not allowing licensing, to keep our town unique, one that does not have access to marijuana on Main Street like the other towns. He doesn't see the pressure to put it in town limits when it is accessible in the county, and suggests council takes it slow and delay this decision. Mr. Dave Nasralla said he works with our youth in the prevention of marijuana use and substance abuse. He said community acceptance increases the youth rate for use of marijuana. He said Colorado voted to tolerate marijuana not embrace it. Mr. Morgan Murri said the limited locations and restrictions have been thoroughly discussed by the council. He said accepting another business lifestyle in the town will not be detrimental to the

community. Mr. Bill Hudson agrees with Morgan Murri and said the council has been responsible to weigh all of the discussion. Mr. Chris Hinger, middle school principal, said the school received the Governors Healthy School Award. He said the school funding for this marijuana tax is grant funding specifically to hire teachers to educate kids about drugs, not to assist in funding for the school itself. He doesn't want to be defined as the town that promotes this ordinance to make a buck. He asked Council to make decisions for the kids and not the adults who have freewill and can make their own decisions. Mr. Peter Adams said a developer has pulled the plug in the downtown area because of the direction the council is taking the marijuana issue. He said there may be other tourists, families, and developers who will not come into the community if this is allowed. Mr. Michael Whiting thanked the council for joining the BOCC in accepting the will of the voters. He said this is an experiment and the arguments have been worked over on alcohol which is a more dangerous drug than marijuana. Mr. Andre Redstone said he has three kids in school here and faces fears of society's norms on his children. He said the town is still trying to find its identity. He requests the council slow down and consider looking at the impact of other jurisdictions on these social norms. Mr. Jerry Jackson said this is about identity and the town is known as a clean conservative town. He said the cost of the learning curve can be borne by other towns while Pagosa stays back and watches. He said a retail shop on Main Street will offend people and the town will lose sales tax because of this. He is not opposed to marijuana; he is opposed to it on Main Street. Mr. Bill Delaney said marijuana is not an addictive drug and is helpful for medical purposes. Council Member Bunning thanked the public comment. He is opposed to this ordinance. He said it is in the community but should not be allowed on Main Street. Staff explained that due to the buffer zones, the historic Main Street between 1st and 14th Streets is not able to allow marijuana businesses. Council Member Egan said the comments made have been thoughtful, genuine and honest. He said the council has an opportunity to decide on the restrictions and how it fits into the community rather than losing control if no decision is made. He said the revenue should be used to invest in the community for drug related issues and give the kids more attention to steer them away from bad practices. Council Member Schanzenbaker said this is a public business and said the council has worked through the issues. He commends the board for working together respectfully. Council Member Lattin said she doesn't want to walk her grandkids down the main street in front of marijuana shops. She said putting it on Main Street will affect the kids and she doesn't think it is right for the Town. Council Member Alley said the council has taken a good approach on this issue. He agrees with Council Member Egan that the council can craft the language and what is best for the community. He said the tourists already know it is legal and that it is available in Pagosa. Council Member Patel said keeping it out of core downtown area is important and being a part of setting the rules and regulations for this type of business is important. Mayor Volger said the council has put in due diligence and has put in regulations for these businesses. He said there are more disadvantages to advantages in allowing the sales in town. He said this decision makes a statement for our community. Attorney Bob Cole said losing control is not an issue, an ordinance to prohibit in town can allow council to keep control. Council Member Schanzenbaker moved to approve the first reading of Ordinance 825, an ordinance of the Town of Pagosa Springs amending Chapter 6 of the Pagosa Springs Municipal Code by the addition thereto of a new Article 5 for the Regulation and Licensing of Marijuana Establishments, Council Member Alley seconded, motion passed with three nays (Mayor Volger, Council Members Lattin and Bunning). Commissioner Michael Whiting said the BOCC has made changes to their ordinance and will share that with staff tomorrow.

1. **Lease Agreement with Archuleta Seniors Inc for Space at Community Center** - Archuleta Seniors, Inc. (ASI) currently leases space at the Ross Aragon Community Center where they provide various senior programs and meals. The previous lease agreement was between ASI and the Community Center Coalition expired on December 31, 2014, a month-to-month lease has been in place since. The current rent payment is $2,618.76 per month, the new lease leaves the rent at the same rate, the maintenance, janitorial, and leased premise area the same as well. The new lease will be for 12 months from May 5, 2015 to May 4, 2016. Council Member Alley moved to authorize the Mayor to sign a lease agreement with Archuleta Seniors, Inc. for space

at the Ross Aragon Community Center for a period of one year and a monthly rent of $2,618.76, Council Member Egan seconded, unanimously approved.

2. **Piedra Street Paving Contract Award** - On February 3, 2015 Council voted to proceed with plans to reconstruct Piedra Street from its intersection with 8th Street to the north edge of Old Durango Road. It was determined that the sidewalk would be constructed on the north side of the street. There were two (2) qualified bids received from Stroehecker Asphalt & Paving, Inc. at $373,945.72 and Hart Construction Corporation at $350,977.47. The budgeted amount for Piedra St was $500,000, with engineering, design and construction management contracted with Davis Engineering, the total costs should be $388,977. The savings of $111,000 will be applied toward the Trujillo Road project. Council Member Alley moved to accept the low bid and award the contract to Hart Construction for the Piedra Street Project in the amount of $350,977.47, Council Member Egan seconded, unanimously approved.
3. **Community Center Gym Floor Installation Contract Award** - On March 19, 2015 Council directed staff to pursue installation of a hardwood sports floor in the Community Center. Three bids were received from Colorado Wood Werks, McClain Co., and Benchmark Wood Floors. The bids ranged from $83,722 to $86,348 with the highest bidder the recommended choice because the three year warranty (other bids 1 year) and four coats of poly urethane (other bids 3 coats). Funding for this project might come from the capital funds received during the transfer of the community center from the coalition. Staff will make a request PROST board for funding as well. The current rubber floor will not need to be removed but will be used as a sufficient sub-floor. The entry transitions will be made inside the room without having to cut the doors. The construction will be from July 6th to July 31st. Council Member Schanzenbaker moved to award the contract to the best qualified bid submitted by Benchmark Wood Floors in the total amount of $86,348 which offers the best value to the Town in terms of experience, product, cost value, and warranty, Council Member Lattin seconded, unanimously approved.
4. **Cargo Shipping Container Use and Placement Regulation Considerations** – The planning commission has been reviewing possible allowances for cargo containers in town limits. The parks and recreation commission suggests not allowing containers in the reservoir hill park. The planning commission recommends to: 1) require all permanent accessory structures to be consistent in design and appearance as the primary structure**;** 2) require a building permit for all permanent accessory structures, with no fee charged for structures under 120 sq ft; 3) allow the permanent placement of cargo shipping containers in light industrial zoned districts; 4) allow the temporary placement for up to two-180 day periods, with an administratively approved temporary use permit (TUP), in all districts. Use must be associated with the primary structure of the property; 5) allow the temporary placement of CSC's relative to an active building permit, with an administratively approved TUP. Use must be associated with construction activities; 6) allow the permanent placement and use within the Commercial (C), Mixed Use Corridor (MU-C) and Mixed Use Town Center (MU-TC) districts (with the overlay district exception in #7 below), limiting to no more than 25% of the primary structure square footage and no more than 320 square feet of Cargo Containers (Two 8' x 20' containers or one 8' x 40' container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure; 7) within the downtown business and lodging overlay district and downtown east village overlay district, allow the permanent placement and use, limiting to no more than 25% of the primary structure square footage and no more than 160 square feet of cargo containers (one 8' x 20'container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure; 8) prohibit the permanent placement and use in the open space district (Parks); 9) allow the permanent placement and use within the public/quasi-public district, limiting to no more than 160 square feet. As in #1 above, the CSC shall be consistent in design and appearance as the primary structure. The planning commission also recommended to allow the permanent placement and use of CSC's in residential districts, limiting the size to no more than 80 square feet (8' x 10'), provided the CSC is consistent in design and appearance of the primary structure which may require the installation of siding and roof and be painted to match the primary structure or similarly roofed as the primary structure within an area such as a carport. Mr. Andre Redstone uses cargo containers at his commercial property. He said an 8x10 size is not standard

and the costs is approximately $5,000 which is close to the same price of an 8x20 size. He said the current zone districts don't account for anticipated uses. He requested approval on a case by case basis until the zone districts can be reviewed. Council Member Alley move to not allow any use of cargo containers in residential areas, Council Member Schanzenbaker seconded, motion failed with two ayes (Council Members Schanzenbaker and Alley). Mr. Bill Hudson said regulations are needed in residential areas so that property owners know what is allowed in their own and neighbor's property. Council Member Schanzenbaker moved to direct staff to develop land use development code revisions and an ordinance based on the proposed cargo shipping container regulations recommended by the planning commission numbering 1, 2, 3, 4, 5, and direct staff to look into the feasibility of conditional use permit applications for commercial zone districts, Council Member Alley seconded, motion passed with two nays (Council Members Patel and Lattin). Mayor Volger moved to accept recommendation on residential use presented by planning commission, Council Member Patel seconded, motion passed with two nays (Council Members Schanzenbaker and Alley). Staff would like to adopt regulations in order to enforce what the regulations are determined to be. Council Member Lattin moved to approve the planning commission's recommendations for numbers 8 and 9, Council Member Bunning seconded, unanimously approved.

5. **Resolution 2015-07, Revising Design Guidelines for Historic District and Listed Properties** - Resolution No. 2007-13, adopting the design guidelines for the historic business district and local landmarks with a limited color palette. Resolution 2015-07 amends the 2007 guidelines and opens up the opportunity for using a wider choice of color considerations. Council Member Schanzenbaker moved to approve Resolution 2015-07, adopting revisions to the design guidelines for the historic business district and local landmarks regarding allowable exterior color considerations, Council Member Lattin seconded, unanimously approved.

VI. PUBLIC COMMENT – None

VII. COUNCIL IDEAS AND COMMENTS – Council Member Lattin has asked the Town Manager to review the last five projects and compare the engineers estimate and actual costs. Council Member Schanzenbaker has sold his house on Lewis Street and is working on remodeling his garage into living area.

VIII. NEXT TOWN COUNCIL MEETING MAY 21, 2015 AT 5:00 PM

IX. ADJOURNMENT – Upon motion duly made the meeting adjourned at 7:52pm.

Don Volger
Mayor

AGENDA DOCUMENTATION

LIQUOR LICENSES:III.3

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: BILL ROCKENSOCK, POLICE CHIEF

PROJECT: LIQUOR LICENSE RENEWALS
ACTION: DISCUSSION AND POSSIBLE ACTION

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 Pagosa Bar** – Since January 1, 2014, there were no documented liquor violations at the Pagosa Bar located on San Juan St.
>
> **The Junction Restaurant –** Since January 1, 2014, there were no documented liquor violations at the Junction Restaurant located at the intersection of Highways 160 and 84.

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

CONSENT AGENDA: III.4

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: LETTER OF SUPPORT REQUEST FOR CONTINUED ENTERPRISE ZONE DESIGNATION
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND
Archuleta County has had an Enterprise Zone designation for some time and the designation is for those areas in Colorado that are stressed economically. By having the designation, businesses are eligible for certain tax credits for either locating or expanding in the stressed areas. These tax credits are seen as an important tool for economic development.

Region 9 has submitted a letter of intent to include all eligible Enterprise Zone areas in the Region 9 geographic area in the Southwest Enterprise Zone. The final application to the State Office of Economic Development & International Trade is due in July, and we are requested to submit letters of support from all government entities.

FISCAL IMPACT
The impacts are more indirect, but anything that serves as an economic development tool is important to the community.

ATTACHMENTS
- Exhibit A: Letter of Support

RECOMMENDATIONS
Possible actions by the Town Council include:

1) **"APPROVE AUTHORIZING THE MAYOR TO SIGN THE LETTER OF SUPPORT."**

2) **"DISPROVE AUTHORIZING THE MAYOR TO SIGN THE LETTER OF SUPPORT."**

3) **DIRECT STAFF**

May 21, 2015

Colorado Economic Development Commission
c/o Ms. Sonya Guram
1625 Broadway, Suite 2700
Denver, CO 80202

Re: Town of Pagosa Springs Support for Southwest Enterprise Zone Designation

Dear Economic Development Commission members:

We are aware that the Region 9 Economic Development District of Southwest Colorado (Region 9) has served as the Southwest Enterprise Zone Administrator since 1989 and submitted a letter of intent to continue to administer the Region 9 geographic area and include all eligible areas in the Southwest Enterprise Zone.

On behalf of the citizens of the Town of Pagosa Springs, we are in support of being included in the Southwest Enterprise Zone and have been kept abreast of the changes that go into effect in 2016. Our boundaries include a mix of areas meeting the eligibility criteria. Having this program is extremely important in our rural area of the State and makes the difference for many businesses that otherwise could not be sustainable.

Due to the nature of our economy and the rural aspect of our part of Colorado, we struggle to attract businesses and individuals to come to our county. Our economy is largely one-dimensional with the emphasis being on tourism. We would like to diversify our economy and the Enterprise Zone designation is an important tool for us to use in our area. Education of the EZ tax credits is a continuing goal and something we promote/use when working with businesses in our community.

We also see the importance of Enterprise Zone Contribution Projects that allow donors to various nonprofits claim a tax credit. We feel this program is vital to keeping southwest Colorado a viable location for business retention and expansion.

If you have any questions, please do not hesitate to call me or our Town Manager, Greg Schulte at 970-264-4151. Thanks for your consideration.

Sincerely,

_____
Don Volger, Mayor

AGENDA DOCUMENTATION

CONSENT REPORTS: III.5

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: FOLKWEST AGREEMENT ADDENDUM
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

In 2012 the Town executed an agreement (Agreement 436) with Folkwest outlining permissions and responsibilities for the Town and Folkwest to collaborate on the two music festivals that are held on Reservoir Hill each June and September. The Agreement is valid through 2016. Folkwest presently has permission per the agreement to utilize the Mary Fisher parking lots for RV parking during the music festivals. The Town Streets Department has recently been improving a parking lot behind the Post Office recently and is nearing completion.

Folkwest staff approached the Town about being able to utilize the new parking lot behind the Post Office for additional RV parking space. Staff has no objections and an Addendum has been composed for the use of the new parking lot.

The proposed addendum is valid for only one season through December 31, 2015.

FISCAL IMPACT

Folkwest is permitted to sell up to 15 RV camping spots in the Campground during the Pagosa Folk N Bluegrass Festival ("Festival"), June 5-7, 2015, at a rate of $60 for the weekend. Folkwest will collect and submit to the Town the lodging tax on each space sold. In addition, the Town receives a $1.00 per head ticket tax for each paid entrant to the festival.

ATTACHMENTS

- Exhibit A: 2012 Folkwest Agreement (Agreement 436)
- Exhibit B: Proposed Agreement Addendum

RECOMMENDATIONS

Possible actions by the Town Council include:

1) **"APPROVE AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSED ADDENDUM TO AGREEMENT 436 BETWEEN THE TOWN AND FOLKWEST."**

2) **"DISPROVE AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSED ADDENDUM TO AGREEMENT 436 BETWEEN THE TOWN AND FOLKWEST."**

3) **DIRECT STAFF**

CONTRACT

EVENTS: Folk 'N Bluegrass Festival and FolkWest Four Corners Folk Festival, 2012 through 2016

FolkWest will:

1. Administer the actual event, with Folkwest representatives designated as liaisons with Town staff. This person will have access to Jim Miller, 946.2810 (cell phone) for any questions or requests.
2. Set-up and take down all equipment used.
3. Sell concessions, including food and beer.
4. Obtain a state and local liquor license for the concession of beer at the event.
5. Beginning in 2012, levy and collect a $1 per day, per person Admissions Fee on each event ticket sold and remit said fees to the Town no later than 7 days after the event's conclusion. The fees collected will be held in an enterprise account and appropriated for future improvements to Reservoir Hill until an amphitheater is built. Afterward, the fees may be appropriated for use throughout the Town's parks system.
6. Inform the Town of the estimated number of vehicles, total attendance (paid attendance and free admission), event budget and/or people at the event prior to the event, and such numbers shall be reconciled not more than thirty (30) business days after the event and provide a profit and loss statement to the town within ninety (90) days after the event.
7. Obtain all required permits and licenses by the Town including, but not limited to, business licenses, sign permits, and vendor's licenses and fees.
8. Provide adequate port-o-san facilities that shall be cleaned two times daily during Saturday and Sunday, and one time on Friday during the event.
9. Provide for garbage disposal areas for the public and for the vendors and remove all trash at the end of the event.
10. Provide adequate dust control of the roads used to transport the public up and down Reservoir Hill. The designated liaison for the Town shall be Chris Gallegos, Streets Superintendent.
11. Not permit amplified music after 10 p.m. on the main stage. No acts shall be scheduled to perform after 9 p.m. on the main stage.
12. Provide liability insurance to cover events per Exhibit B, Section 4. Coverage must meet CIRSA requirements and must be placed prior to the event. A copy of the Certificate of Insurance will be kept on file with this Letter of Understanding as Exhibit C.
13. Sign a form provided and attached to this letter of understanding as Exhibit B indemnifying the Town.
14. Allow the maximum number of admissions sold not to exceed 3,500 per day for Friday, Saturday and Sunday of the Event.
15. Allow the maximum number of vehicles not to exceed 500 at anytime, including staff and volunteers.
16. Not allow camping or parking of vehicles in the meadow.
17. Only allow on-site vehicle passes to be limited to the following types of vehicles: Passenger cars, trucks, SUVS, etc.; motor homes, camping trailers 24' or under, pop-up tent trailers, cab-over

campers and motorcycles. Other types of campers or trailers (i.e. large RV, fifth wheel, trailer) are not allowed on Reservoir Hill.

18. Not allow overnight camping in any parking areas or other areas where it is not normally permitted in town without express written permission from the Town.
19. Complete all event cleanup within a five-day (5) period after the walk-through.
20. Allow campfires in accordance with state and local fire bans. No wood collecting is allowed; wood must be brought in if fires are made, and fires should only be made in metal containers, off the ground, i.e. old washing machine drums, metal barrels, commercial-type fire pans, etc. and no digging, no rock rings and no fires directly on the ground.
21. Provide for, pay for, and be accountable for security for the event.
22. Pay for electricity used during the event, based on meter readings prior to and immediately after the event.

The Town of Pagosa Springs will:

1. Conduct a pre-event and a post- event walkthrough with a FolkWest designee.
2. Provide some off-site parking at the Community Center parking lot and Town Hall parking lot, and overnight camping at both Mary Fisher Park parking lots (to be regulated by FolkWest during events).
3. Reserve Reservoir Hill for the entire event and for nine (9) days before the event for set-up and for three (3) days after the event for clean-up.
4. Provide services for the entire event negotiated in the town services fee (Exhibit A) which include, but are not limited to: Dust Suppression (max 8 hours), Mowing of grass meadows for camping in a high fire year (max 16 hours), backhoe work for ruts in campground areas (max 10 hours) and grading the road (max 4 hours).
5. Provide electricity.
6. Provide a cell phone number for on-call staff (Jim Miller) for any service related questions and needs.

Crista Munro 4-6-12

Crista Munro

Folkwest

Ross Aragon 03/22/12

Ross Aragon
Mayor
Town of Pagosa Springs

CONTRACT ADDENDUM

WHEREAS, the Town of Pagosa Springs and Folk West have entered into an agreement (Agreement 436) the permits the use of Reservoir Hill for the production of live music events for a period of 5 years (2012 through 2016), and

WHEREAS, the Agreement defines permissions and responsibilities for both Parties for use of Town property and facilities, and

WHEREAS, Item #2 under Town Responsibilities of the Agreement permits the use and overnight camping at both Mary Fisher parking lots,

WHEREAS, the Town has constructed a new parking area suitable for RV parking behind the existing Post Office ("Campground") and the parties desire to provide for camping at the Campground subject to the terms and conditions of the Agreement and this Addendum.

NOW, THEREFORE, the Town of Pagosa Springs and FolkWest agree as follows:

(a) FolkWest is permitted to sell up to 15 RV camping spots in the Campground during the Pagosa Folk 'N Bluegrass Festival ("Festival"), June 5-7, 2015, at a rate of $60 for the weekend. FolkWest will collect and submit to the Town the lodging tax on each space sold.

(b) In addition to the porta-johns required by the Agreement, FolkWest will provide 2 porta-johns with service as needed at the Campground for the duration of the Festival.

(c) FolkWest will provide patrols for the Campground. A minimum of one person will patrol the Campground at all times during the Festival to ensure compliance with these Campground rules. If a patroller observes any violations of this Addendum, FolkWest will immediately notify the Town Manager. If a patroller observes any violations of Town laws and ordinances, FolkWest will immediately notify the Town of Pagosa Springs police department.

(d) FolkWest may allow dogs at the Campground (but not on Festival grounds). The dogs must be leashed and are subject to Town of Pagosa Springs animal control regulations.

(e) FolkWest will provide adequate signage to notify people that a permit is required for entry to the Campground and provide for smooth traffic flow.

(f) FolkWest's insurance policies for the Festival will be extended to include the Campground.

(g) Campfires will not be allowed. Propane regulated devices, such as gas cook stoves and grills, will be permitted.

(h) Campground will open on Friday, June 5 and campers must vacate the property no later than noon on Monday, June 8. FolkWest will completely vacate the area, including porta-johns, by June 9th.

If it is mutually determined by both Parties that more than 15 RVs can be suitably accommodated at the Campground, FolkWest may approach the Town to increase the number of RV spaces for the September 2015 Four Corners Folk Festival.

This Addendum shall expire December 31, 2015.

Cristal A Munro	
Authorized Folk West Representative	Authorized Town of Pagosa Springs Representative
5-15-15	
Date	Date

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.2A

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

PROJECT: MAINTENANCE DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

MAINTENANCE UPDATE

Staff has turned off the geothermal system for the summer months, it will be turned on again in October. Staff has attended meetings with CDOT pertaining to the McCabe Creek project.

Staff has completed required safety training this month through the HR Dept.

Staff has started working on maintenance of the front railings and ramps at Community Center, delays due to weather has postponed the painting. During the bad weather the interior of the gymnasium has been painted and the replacement of a refrigerator in the community center kitchen has been completed. The bottom stucco area around the community center will be repaired weather permitting.

Staff has been assisting the Streets Dept. with painting streets and parking lots as well as working on the paint machine.

Staff is assisting Rec Dept. with installing a new score board and new backboards at Community Center gymnasium.

Staff assisted with the installation of the fountain at Pinon Lake. The fountain is running due to several donations from local businesses. The fountain will run until the end of the summer and possible upgrades are recommended including lighting for 24 hour operation.

Staff continues to complete daily task.

AGENDA DOCUMENTATION

REPORT TO COUNCIL:IV.2B

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN MANAGER'S REPORT
ACTION: UPDATE AND DISCUSSION

CIVIL PROSECUTIONS

The first summons was filed on March 11, 2015 and staff, along with Brett Van Winkle serving as the Special Legal Counsel for civil Municipal Court prosecutions, has prepared the required paperwork associated with the filing. Due to the difficulty in locating the person in question, it was necessary to have the La Plata County Sheriff do the service of process. He was served and there is a hearing scheduled for June 2015.

HOT SPRINGS PEDESTRIAN BRIDGE

On April 14th, while performing routine maintenance to the wood planks to the pedestrian bridge that crosses the San Juan River between the Hot Springs Resort and the rear of the County Courthouse, Parks staff discovered cracks in the metal support posts of the bridge. Staff invited a local structural engineer to assess the structure and while it continues to be safe for pedestrians, we will need to limit loads to the structure in the near term and will need to assess options for repair. Staff has hired Jim Van Liere to perform a more thorough assessment and that work is in progress.

Courts Space

As the Council is ware, there are space difficulties over at the County Courthouse and as a result, on occasion, the County and District Court may be using our Council Chambers as court space. The courts have been informed that the Town and DHA have priority use of the space, but if it's not being used then they are welcome to schedule the room. The belief is may be 1-2 days a month.

Parks & Recreation Management Update

As the Council is aware, Tom Carosello provided his notice as he has accepted a position with the Estes Parks & Recreation District. His last day is May 29th. The Town Manager has met with the Parks and Rec staff to talk about the transition and we believe we have it worked out for the time being. Unfortunately, this is occurring just before the busy season starts and the impact will be more acutely felt in the Recreation side of the department. We are exploring bringing on a very well-qualified person with good recreation experience on a part-time basis to help fill the gap. Recruitment for the position will begin almost immediately.

Grocery Stores Info

The City Market store has just begun a $3.2 million renovation and is slated to be completely finished by November 2015. A recently placed call to Ed Sowards of Hometown Food Markets indicates that they are still moving forward with the downtown grocery store and should close in late May.

McCabe Creek Info

Town Staff members attended the Final Office Review (FOR) meeting for the McCabe Creek Bridge project on Friday May 8. The FOR meeting is the final review meeting prior to advertising for construction bids. The project is box culvert project instead of an actual bridge project that will include 3 box culverts, the west culvert being elevated to accommodate high

flows only and a future pedestrian route under the hwy. The project is expected to be advertised for construction bids on September 24, 2015 and awarded in October 2015 with construction currently expected between March 2016 and October 2016. The total estimated cost of the project is $8,360,000 (with $6,800,000 being actual construction estimate and the remaining $1,560,000 being property acquisitions and engineering). CDOT current budgeted funding for the project is $5,400,000, requiring CDOT to find an additional $ 2,960,000 in funding before the construction ad date. CDOT will be determining the availability of additional funding and the possibility for phasing the project in the very near future. Staff will keep Town Council apprised of changes as they are communicated to the Town.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

PROJECT: MUNICIPAL COURT, DEPARTMENT REPORT
ACTION: UPDATE

IN-COURT ACTIVITY UPDATE AND SUPERVISION CASELOAD UPDATE

COURT SESSIONS ~ Five (5) court sessions were conducted in April 2015.

Pagosa Springs Municipal Court April 2015 Offender Characteristics			
Total Offenders Docketed		75	
Traffic		13	
	Adults		11
	Juveniles		2
Criminal		62	
	Adults		32
	Juveniles		30

Pagosa Springs Municipal Court Current Supervision Caseload May 8, 2015	Total	% of Caseload
Cases Under Supervision	64	—
Juveniles	19	29.69%
Adults	45	70.31%
Males	39	60.94%
Females	25	39.06%

CONTINUING EDUCATION UPDATE

- The Court Clerk, Kay Castolenia, and the Court Administrator, Candace Dzielak, are participating in CIRSA training via DVDs and web-based instruction to comply with requirements of the Town's insurance carrier.

COMMUNITY AND REGIONAL COLLABORATION UPDATE

- Ongoing ~ The Municipal Court jury trial, conducted in the Archuleta County Courthouse on April 21, 2015, was completed efficiently. Municipal Court staff appreciates the Archuleta Combined Courts for their cooperation and accommodation.
- Ongoing ~ Municipal Court staff is in frequent contact with staff of the Archuleta Combined Courts in an effort to accommodate their need for useable space for court proceedings.
- Ongoing ~ The Court Administrator continues to attend Student Attendance Review Boards (SARBs) for the 2014-2015 school year.

2015 BUDGET

1) **Town Prosecutor ~** Due to substantial court volume in April, the Town Prosecutor expended 24.96% of the annual encumbrance in line item 10-48-230. As of this date, the line item is not over expended, and a budget amendment is not required.
2) **Postage ~** Due to the numerous juror summonses sent in March and April, line item 10-48-242 is almost expended. It is anticipated any over-expenditure in this line item will be absorbed by under budget items within the Municipal Court budget.
3) **Translation Services ~** Line item 10-48-210 is over expended by $86.95. The need for translation services fluctuates. It is anticipated over-expenditures in this line item will be absorbed by under budget line items within the Municipal Court budget.
4) **Miscellaneous Expenses ~** Per the Court's budget request, two (2) judicial robes were ordered on May 7, 2015. The total expense was $798.00 in line item 10-48-234.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
May 21, 2015

FROM: TOM CAROSELLO, PARKS AND RECREATION DIRECTOR

PROJECT: PARKS AND RECREATION DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

PARKS AND RECREATION COMMISSION UPDATE

The latest Parks and Recreation Commission (PRC) meeting was held May 12; the minutes from this meeting are attached for your review. The next PRC meeting will be held Tuesday, June 9 at 5:30 p.m. in Town Hall.

RECREATION PROGRAMS UPDATE

Youth volleyball for ages 9-12 ended May 4; tee ball for ages 5-6 began May 7, will run through the end of the month and includes 72 participants, the second-highest total in the past decade.
Baseball for ages 6-13 will begin this week and run through early July; the second spring session of gymnastics for ages 3 and up will end this week. Registration for youth tennis (ages 6+) and adult softball (ages 16+) began last week.
Staff is still working to finalize the details of the summer, outdoor-education program. The program will be offered once or twice per week (depending on participation and staff availability) between 9 a.m. and noon.

PARKS UPDATE

In addition to routine late-spring duties, the parks crew has been busy preparing Reservoir Hill for the upcoming Folk and Bluegrass Festival. Jim Miller has begun the process of training Larry Beverly, the new parks use administrator, and reports that things are running smoothly, to date. Staff also continues to coordinate with members of the Geothermal Greenhouse Partnership regarding the upcoming transformation of Centennial Park.

CAPITAL IMPROVEMENT PROJECTS UPDATE

RESERVOIR HILL THINNING PROJECT: Hand crews performed thinning on steep slopes last month and have been working to do the same over the past week; the bulk of the thinning operation has been postponed until early December.

TOWN PARK PLAYGROUND REPLACEMENT: Staff is still evaluating the possibility of replacing the outdated equipment in Town Park with a new playground system.
The intent is to use Conservation Trust Funds (that had previously been dedicated to the skate park expansion project) to purchase the new equipment. Updates on options for this proposal will be provided in June.

RIVERWALK REPAVING PROJECT: Due to bids coming in significantly higher than last fall's estimate (which was provided by one of the current bidders), this project has been postponed indefinitely.

Town of Pagosa Springs Parks and Recreation Commission

Minutes from Wednesday, May 12, 2015

The chair, Mike Musgrove was absent. Therefore the vice-chair, Mat deGraaf, called the meeting of the Town of Pagosa Springs Parks and Recreation Commission to order at 5:37p.m. The following were present:

Commission Members: Mat deGraaf, Sally High, Jenny Highum, Scott Miller, David Pettus, and Ed Simpson.

Staff: Tom Carosello and Jim Miller

Announcements: Tom Carosello said that because Amanda Gadomski would be working as a Town staff member for the coming summer, she would be ineligible to serve on the Parks and Recreation Commission. He added that he was accepting a position as the Recreation Superintendent in Estes Park and that his last day with the Town of Pagosa Springs would be May 29th.

A motion was received from Commr. Simpson that the minutes of the February 10th meeting be approved as read. The motion was seconded by Commr. Miller and passed with unanimous consent. The minutes of the April 14th meeting will be reviewed for approval when a quorum of Commissioners who had attended that meeting are present.

Department Head Reports

Tom Carosello spoke of recent discussions held between the Town Council and the Board of County Commissioners regarding the combination of Town and County resources to provide improved Parks and Rec amenities and programs. A discussion of the challenges and opportunities such a blending would provide resulted in a consensus that the Parks and Recreation Commission invite Gwen Taylor, the chair of the County's Parks, Recreation, Open Space and Trails Committee, to the next Parks and Rec Commission meeting. The Commissioners thanked Mr. Carosello for his able leadership of the department and discussed the process for finding his replacement. A motion was received from Commr. High that the Town Council consider suggestions from the Parks and Recreation Commission when selecting Mr. Carosello's replacement. It was seconded by Commr. Pettus and passed unanimously. Carosello then said that a request from Jerry Hilsabeck to place his snack cart at the Goodman Park corner for the Fourth of July parade had been received. The consensus from the Commissioners was that such a use would be acceptable. Carosello reported that the Town Council had selected a contractor for the resurfacing of the floor of the multi-purpose room at the Ross Aragon Community Center. He finished by stating that the summer nature program for youth would begin registration in mid-June. Jim Miller deferred his discussion of Parks matters until the Old Business portion of the agenda.

New Business

Mr. Carosello requested input from the Commission regarding a request that had been received to allow tours to be conducted on the Riverwalk using three-wheeled battery-powered vehicles. Commr. Pettus cited Section 14.2.5(c) of the municipal code which states that it is prohibited "to drive or park any motor vehicle…in any park." The Commission requested that minutes reflect a "strong consensus in opposition to such a use," citing safety concerns.

Old Business

The assignment of terms of service for the Commissioners was postponed. Jim Miller reported that the second round of thinning by a saw crew from the Southwest Conservation Corps was underway on Reservoir Hill. Miller stated that representatives of FolkWest plan to assess the suitability of the expanded parking area above the post office before requesting formal permission to allow camping for attendees of the festival to be held over the Labor Day weekend. Tom Carosello said that skatepark expansion advocates would consider in asking the BOCC for help funding for the second phase. Then Commissioner High told the Commission that the anticipated presentation of a construction timeline for the Geothermal Greenhouse Project had been delayed. Jim Miller said that Lawrence Beverly had started work as the Parks Use Administrator. Commissioner deGraaf said that for now the proposal for the Pirate Hill ski facility was on hold.

At 6:45p.m. a motion was received from Commissioner Pettus that the meeting be adjourned. It got a second from Commr. Simpson and received unanimous consent. The next regularly-scheduled meeting of the Town of Pagosa Springs Parks and Recreation Commission will be at 5:30p.m.on June 9, 2015 at the Pagosa Springs Town Hall.

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Mike Musgrove, Chair

AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

The April 23 and May 6, 2015 HPB meeting minutes are attached for TC's review. Unless signed by the board chair, these minutes are in DRAFT form and have not yet been reviewed or approved by the HPB.

The HPB has coordinated a number of **Historic Preservation Month Activities**. A flyer is attached. Activities have already begun with an eight week showing of the 8 episodes of the Ken Burns "The West" documentary at the Liberty Theatre. The Manaco Family has agreed to show the series on Tuesday's evenings for a small donation of $5.00 per person, which includes a small popcorn and soda. A success thus far as the first showing had at least 32 people in attendance and all showings after have over 50 people in attendance.

At the **April 23, 2015** regular meeting, The HPB:

~ Discussed the previously approved Color Palettes for the district and listed properties and approved a modification to the allowable colors for Town Council's consideration, which town council approved on May 5, 2015.

~ Approved a revision to the Exterior Alteration Certificate previously approved, regarding a door and window replacement.

At the **May 6, 2015** regular meeting, The HPB:

~ Judged over 65 poster entries from the elementary school. The poster entries will be on display in Town hall thru the month of May.

~ Approved sign permits for Fro-Yo frozen yogurt shoppe at Lewis Street and the Lost Cajun restaurant at Pagosa Street.

~ Discussed the County Courthouse, and the importance for the HPB to somehow be a part of the conversation regarding the future of the original courthouse building. Since the County Courthouse is one the largest historically significant structures in downtown with very high visibility, the consideration and importance to save the original building needs to be discussed during the discussions on the future of the building. The courthouse was once listed as a local landmark, however, during considerations for selling the property in 2006, the County solicited the Town Council to remove it as a landmark. With Local Landmark status, there is substantial State Historical Fund financial grant assistance available for governmental or private owners to rehabilitate the structure, including large state and federal tax breaks for private development.

~ Reviewed a meeting with the San Juan Historical Society Museum Board regarding the upcoming grant restoration projects to the property they lease from the Town at 92 1st Street. The Museum Board were very appreciative of keeping them in the loop. The Museum board also wanted the Town to consider more participation of running/supporting the museum, possibly even eventually taking over the operation of the museum. The museum is the largest depository of artifacts, photos and history of Pagosa Springs heritage, and is currently struggling with the limited space and the amount of items they have on display and the additional items they have been receiving on a regular basis.

~ Discussed and reviewed the current status of the Stone Arch Bridge Temporary Stabilization plans. Staff has commissioned design work for the temporary stabilization framework structure, which will be included in our request for a SHF emergency grant for the temporary stabilization until the restoration grant award is notified in August 2015.

The Next regular HPB meeting is on June 10, 2015 at 12:15 pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

The April 28, 2015 and May 12 PC meeting minutes are attached for TC's review. Unless signed by the board chair, these minutes are in DRAFT form and have not yet been reviewed or approved by the PC. The March 24th and April 7th PC meetings were canceled.

At the April 28, 2015 meeting, the PC:

~ Discussed electronic message center sign regulations and developed recommended regulation considerations for Town Councils consideration and approval prior to Staff developing LUDC revisions for PC's and TC's consideration.

~ Approved a recommendation for Town Council to Deny a request for additional Tourist Oriented Directional sign (TODS), the blue business signs along state highways, for the Aspen Village development.

At the May 12, 2015 meeting, the PC:

~ Approved a recommendation regarding a request to extend the Pradera Pointe subdivision phase one preliminary plan for three years.

~ Approved a recommendation for Town Council regarding vacating a portion of the Rivers Edge PUD at 250 and 268 San Juan Street.

~ Approved a recommendation to Town Council regarding LUDC revisions for Cargo Shipping Containers.

The Next Regularly Scheduled Planning Commission meeting is on May 26, 2015 at 5:30pm.

WATER WORKS FACILITY SHF GRANT APPLICATION

Planning Staff submitted two State Historical Fund (SHF) Grant applications on April 1st, an application for the restoration and preservation of the old stone arch bridge and an application for the restoration and preservation of the Water Works building and historic water tanks, all located at 92 N. 1st Street. Grant award notifications are expected in August 2015.

In the meantime, staff is working with the SHF staff to investigate the possibility of an emergency grant for the temporary stabilization of the bridge before the grants are awarded. The HPB will be working on a plan for temporary stabilization during the next month.

Staff recently meet with Mike Davis of Davis Engineering, Andre Redstone and Brad Ash of the HPB, Council member David Schanzenbaker and discussed the next steps for stabilization with the Collaborative, Inc. staff members that recently conducted the site assessment for our grant applications. Staff has initiated a scope of work for the collaborative to produce proposed and recommended temporary bracing for the bridge, with the plans expected by the end of May 2015.

HOSPITAL EXPANSION PROJECT

The Pagosa Springs Hospital expansion project appears to be moving forward with plans to break ground in 2015. Planning Staff has met with and has been working with the Architect and Engineers for the proposed project in preparation for their submittal of a Major Design Review Application to be considered by the "Design Review Board", It is currently anticipated the DRB will consider the proposed development at a public hearing on Tuesday, June 9th at 5:30pm in Town Hall. The applicant intends to begin construction in September 2015.

WALL MART

Walmart has agreed to covering the costs of the Loading Dock screening for the homes in the Cottage development, which is being installed now. Staff is continuing to work with the developer to find a solution to the planning directors determination that the internal exterior parking lot lighting is not compliant with the Town's lighting regulations. As previously reported, Walmart has submitted a notice of appeal, disputing the planning director's determination. At the consent of WM and the planning director, The WM appeals hearing has been extended to 90 days from the date the notice was received, setting the date to no later than July 2nd, with the June 18th TC regular meeting considered to hear the appeal if the applicant decides to move forward with such appeal. There is also on site landscaping and some other minor issued that are being addressed and require completion prior to the issuance of a final Certificate of Occupancy. Walmart was issued a Temporary Certificate of Occupancy to accommodate their grand opening giving them 90 days to complete any outstanding issues.

In addition, the planning department expects a request to inspect Alpha Drive and Aspen Village Drive public improvements for acceptance within the next month. Once accepted, the warranty bond period is initiated. There have been some water ponding issues identified that will be addressed during such inspection.

COUNTY COURTHOUSE

The Planning Director has asked the Town Manager for the ability to provide comments regarding the future use of the current courthouse and appropriate prospective new properties/areas for relocating the courthouse and county services. It appears Council member Lattin has been selected as the Town's representative to participate on a citizenry advisory board to report back to the BOCC. Staff will coordinate communications through Council member Lattin and ultimately request an audience with the advisory board to highlight considerations for the recommendation to the BOCC.

Town of Pagosa Springs Historic Preservation Board
Special Meeting Minutes
Wednesday, April 23, 2015
Town Hall Conference Room Located at 551 Hot Springs Boulevard
Pagosa Springs, Colorado 81147

I. **Call to Order / Roll Call:** Chair Brad Ash called the meeting to order at 12:15 pm. Present were Board Members Judy James, Chrissy Karas, Peggy Bergon, Planning Director James Dickhoff, Associate Planner Margaret Gallegos. Member Andre Redstone arrived at 12:45 pm.

II. **Announcements:** None

III. **Approval of Minutes:**
Motion made by Member James, seconded by Member Bergon and unanimously carried to approve the April 15, 2015 Historic Preservation Board meeting minutes as presented.

IV. **Public Comment:** None

V. **Sign Review:** None

VI. **Landmark Designations:** None

VII. **Alteration Certificate Review:** None

VIII. **Tax Credit Review:** None

IX. **Project Review:** None

X. **Decision Items:**

1. **Discussion and Possible Decision on Allowable Exterior Paint Colors within the Historic District and for Locally Listed Landmarks:** The Historic Preservation Board has discussed the possibility of amending the current allowable exterior colors for properties within the Historic District and for locally listed landmarks and has discussed this matter numerous times over the last 2 years. The existing adopted Town's Historic Business District and Local Landmark Design Guidelines, Appendix D, specifies two Sherwin Williams Color Pallets, or similar colors, for the recommended exterior colors in the Historic District and on Locally Listed Landmarks. The Board, with staff's assistance, researched other municipalities and concluded that the adopted color palettes are too limiting and not specific to Pagosa's unique environment. At the April 15, 2015, the HPB voted unanimously to:

    1. Remove the Historic Color Palettes in its entirety; and
    2. Specify that neon, bright florescent and /or day glow colors are prohibited within the Historic District and Locally Designated Landmarks; and
    3. Structures and signs shall be finished with traditional colors, such as those found in the natural environment which are preferred over colors with intense chromas, as they are subtle in nature.

The Town's guidelines limit the number of colors to three. Many other communities generally support one muted color as the background color and up to two brighter colors for accents, prohibiting fluorescent and neon colors. The Board concluded that it would conduct additional research into other municipality color limitations and discuss the topic during this special meeting. After presentation of its research and discussion, the following two motions were made by the Board:

1. **Motion by Member Redstone, seconded by Member Karas and unanimously carried to amend the Design Guidelines Sections 5.2, 7.11, 8.1.5 and 9.3 which will limit colors so that no more than three (3) colors are used on any exterior structure or signage within the Historic District and locally designated landmarks.**

2. **Motion by Member Karas, seconded by Member James and unanimously carried to amend the Design Guidelines Sections 5.2, 7.11, 8.1.5 and 9.3 for all signage and structure exteriors to read as follows:**

   Pagosa Springs has a unique melody of colors within our community that is associated with its diverse architectural style and heritage. A variety in color schemes and texture is desired to enhance the pedestrian experience and provide visual interest within the Historic District and locally designed landmarks. The intent is to maintain the traditional range of building and sign materials and colors. Many colors are associated with individual building types and styles, while others reflect the tastes of distinct historical periods. While color in itself does not affect the actual form of a building, it can dramatically affect the perceived scale of a structure and it can help to combine a building form with its context.

   Keep color schemes simple. • Using of one base color for the building is preferred. Subtle natural colors are appropriate for the base color. • Using only one or two accent colors is also encouraged, except where precedent exists for using more than two colors with specific architectural styles.

   Coordinating the entire building in one color scheme is usually more successful than working with a variety of palettes. • Using the color scheme to establish a sense of overall composition for the building is strongly encouraged.

   Subtle natural colors are preferred for the background color of most buildings. • A darker background color will allow you to use lighter colors for trim—where the highlights will show up better. • Lighter colors can also be used as a background, but with a light background and accent color on the trim, the entire scheme is more susceptible to becoming too busy. If light background colors are used, it is best to use a different shade of the same hue for the trim.

Use of brighter colors for accents only. • Reserve the use of stronger, brighter colors for accents, such as signs, ornamentation, and entrances. • In most cases only one or two accent colors should be used in addition to the base color. • Doors may be painted a brighter accent color, or they may be left a natural wood finish. • Window sashes are also an excellent opportunity for accent color.

2. **Jason Cox-Riff Raff Brewing Company – Review of Alternation Certificate for 274 Pagosa Street:** Mr. Cox submitted a written request to amend the Alternation Certificate, approved on March 25, 2015, to change the style of the French doors located on the second upstairs story of the rear elevation and noted that the doors include mullions. The Board reviewed the application and viewed at the installed doors. The following motion was made:
Motion by Member Karas, seconded by Member James and unanimously carried to approve the proposed exterior alternations for 274 Pagosa Street, finding that the new door is in substantial compliance with the Town's Historic Business District and Local Landmark Design Guidelines.

3. **Discussion about stabilization of Rumbaugh Creek Stone Bridge:** A Historic Structure Assessment was completed in April, 2015 by John Feinberg, APTI, overall project principal, Architectural Conservator, Dean Brookie, Historic Architect, both of the Collaborative Inc. of Boulder, Colorado, and Dave Woodham, structural engineer, of Atkinson Noland and Associates also of Boulder, Colorado.

   They recommend that priority be given to the Rumbaugh Creek Stone Masonry Arch Bridge and Associated Retaining Wall. They reported that the current condition is perilous and collapse in the very near term is of concern and quite likely. They noted that emergency stabilization methods are strongly recommended for immediate implementation. The associated high retaining walls to the east of the bridge are in similar perilous conditions with the top half overhanging the bottom half, six inches or more out of plumb. Emergency stabilization is recommended for immediate implementation. The methods for full stabilization and redevelopment of structural integrity are fully set below for both the bridge and the retaining walls.

   The following recommendations are prioritized beginning with those requiring immediate implementation to repairs that can be conducted in the longer term (next several years).

   1. Emergency shoring of the barrel vault to prevent collapse.
   2. Confine the flow to the center of the channel.
   3. Shore the large retaining wall South of the east spandrel wall of the bridge.
   4. Remove vegetation from the top and sides of the bridge.
   5. Rebuild failed portions of the bridge.
   6. Deconstruct and rebuild stone retaining wall emanating from the southeast corner of bridge and the wing wall and retaining wall beyond the northeast corner of the bridge.
   7. Permanent scour mitigation and bank stabilization.

Planning Director Dickhoff noted that the Town is attempting to secure emergency grant funding through the State Historical Fund. It was reported that the agency is reluctant to provide the application basing its decision on deferred maintenance and that no recent significant natural disaster has occurred to qualify for funding. Member Redstone reported that he has consulted with a Farmington contractor that may be able to provide a heli-coil stabilization product. Tree removal investigation is in process that may take place from the north side access using specialized equipment.

4. **Discussion and planning for Public Presentation Forum – Benefits of Historic Preservation and Heritage Tourism:** It was reported that Patrick Eidman from History Colorado and Anne Klein from Board of Tourism are not available for the forum planned on May 28. Consensus of the Board is to cancel the May 28 meeting and reschedule when Mr. Eidman is available. Ms. Laura Gray was present at the last forum, it was suggested that she also be contacted and invited to patriciate in the forum. Once a new date is secured, the Board will work on an agenda to include introductions, board topics, tax and grant information, and special topic about Pagosa's Certified Local Government (CLG) programs and benefits.

XI. Discussion Items: None

XII. Public Comment: None

XIII. Reports and Comments:

A. **Planning Department:** No Report

B. **Historic Preservation Board Discussion and Ideas:**

1. Member Ash noted that he is continuing to work with the local schools to announce the student poster contest.
2. Member Karas suggested that the Board look into the restoration of the Pioneer Cemetery. The Board agreed to added the topic to the next meeting agenda for discussion and include a property tour.
3. **Next Scheduled Town Meetings:** A meeting schedule was provided to the Board that included meeting, through June 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

XIV. Adjournment: Meeting duly adjourned at 1:30 pm. Board consensus was to schedule a special meeting on Wednesday, May 6, 2015 for an update on the Town Council's decision about the color recommendations, review pending business sign applications, judge the poster contest, and any other business that may come before the Board.

By: Brad Ash, Historic Preservation Board Chair

Town of Pagosa Springs
Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes
April 28, 2015

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

I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Kathie Lattin, Peter Adams, Heidi Martinez and Cameron Parker. Alternate Planning Commissioner Natalie Woodruff was absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos and Al Wylie.

II. **Announcements**: None.

III. **Approval of Minutes:** Motion made by Commissioner Martinez, seconded by Commissioner Parker and unanimously carried to approve the March 10, 2015 Planning Commission meeting minutes noting two changes – page 3, marijuana establishment's motion, change name from Cameron to Commissioner Parker; and page 4, shipping cargo container's motion seconded by Commissioner Martinez and not Parker.

IV. **Public Comment:** None Received.

V. **Board of Adjustments:** None.

VI. **Planning Commission:**

A. Discussion and Possible Recommendation to Town Council regarding Electronic Message Center Sign Regulations: Planning Director Dickhoff provided the Commission with new literature and presentation about Regulating Electronic Message Center Signs and Finding Common Ground, answers to common EMC signs. Concerns were raised about the location of Hot Springs Boulevard; it was clarified that Hot Springs Boulevard would fall under Zone 1 since it is within 1st and 10th Street.

Mr. Al Wylie, 18 Aspen Road, representing the local High School booster club commented to the Commissioners that the club would like to assist the School with purchase of an EMC sign for school type announcements – games, conferences, emergencies, etc. Several locations are being considered including the Elementary School. Mr. Wylie requested that the Commissioners consider allowing the messages to rotate and allow for announcements of varied activities and refreshed more quickly. Also, to consider removing the requirements. Mr. Wylie wanted to inquire about the possibility prior to investment. Mr. Wylie commented that the Bell Tower message board was an effective tool while stopped at the stop light at San Juan and Lewis Street because there was an ample opportunity to read the messages. He is proposing that the club may invest $25,000 for the purchase of the sign and then turned-over to the School District. In closing, Mr. Wylie noted that the Booster Club is awaiting the Commissioner's decision before they move forward with the project.

The Commission discussed numerous items, including support for an emergency signage and community message board. Commissioner Adams felt that the Town should accommodate, within Code, methods to aide school events, extend five minute timing and location for specific

DRAFT

circumstances and was okay with 24 hour announcements. The Commission consensus was to propose the idea that Town considers a community effort to erect a sign to provide public service announcements. It was clarified that the EMC exceptions for will be for time, temperature and fuel prices. Commissioner Maez was in favor of the EMC sign concept for community and noted that time allotment should be considered for businesses.

The Commission discussed expanding Zone 1 to Hwy 84 – Commissioner Parker felt that the commercial properties east of the bridge should not be included in the recommendations. Commissioner Adams felt that was important to create a distinction for downtown. Commissioner Maez felt that the focus should be on one community with the rules and allow for business expansions and advertisements. Commissioner Parker noted that, from a Historical standpoint, it is healthy to understand the advantages of the commercial and downtown communities. Commissioner Adams noted that the downtown distinction is important to promote downtown tourism and businesses and to learn from other communities such as Silverthorne.

Planning Director Dickhoff noted that the Downtown Master Plan supports long term plans of downtown charm – not to divide community but to enhance and preserve it for future generations. Commissioner Lattin felt that the Town charter is to maintain unique character of Pagosa Springs and encourage business growth. Staff recommendations were made in an attempting to prevent any negative impact – moving and flashing. The Commissioners discussed the time changing interval issues with one, two and five minutes. The time allotment for each message was also discussed. The Commission agreed that the regulation would begin with 5-minute messages and then adjust, if requested.

Consensus of the Commissioners was to forward the EMC recommendations (outlined below) to the Town Council during its May 21 regular meeting for its review and report back to the Commissioners.

The operation of Electronic Message Center (EMC) signs in sign zone 2 could include the following requirements:

- All PC members supported EMC's in sign zone 2, and supported the prohibition in the Historic District and residential districts. (3 in favor and 2 opposed to allow EMC signs in sign zone 1).
- No more than one message change each 5 minute period. (3 in favor and 2 opposed).
- Require a 5 second phase-out and 5 second phase-in for changing messages. (All in favor)
- Limit the light level output to 0.3 Foot-candles. (All in favor)
- Exemption for Temperature/Time display signs, meeting light level to 0.3 Foot-candles. (All in favor)
- Exemption for Gas Station pricing signs, meeting light level to 0.3 Foot-candles. (All in favor)
- Limit ECM's to freestanding and wall signs only. (All in favor)
- Restrict EMC signs no more than 30% of total wall sign or freestanding sign.
- EMC's shall not be the predominant element of any sign. (All in favor)

- Provide a definition for ECM's. (All in favor, staff will bring forward with LUDC revisions)
- EMC sign regulations shall apply to all EMC signs located inside a building and visible from a public sidewalk or public street. (All in favor)
- Limit to no more than one EMC sign per property. (4 in favor and 1 opposed)
- No Limit on number of Colors used. (4 in favor and 1 opposed)
- Text shall be the lighter color and the background shall be the darker color. (All in favor)
- EMC signs must be provided with automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light. (All in favor)
- EMC messages shall be static. Moving messages and Animation shall be prohibited. (All in favor)

B. Request for Additional Tourist Oriented Directional Signs (TODS) Locations:
Planning Director Dickhoff reported that the Town's Land Use and Development Code (LUDC) prohibits off site signage. In 2015, the Planning Commission approved a recommendation for the Town Council to allow Tourist Oriented Directional Signs (TODS) at three specific locations in Town, the east approach to N. Pagosa Blvd and the east and west approach to Piedra Road.
On May 12, 2015, Town Council approved ordinance 761, amending the sign code to allow for the recommended locations. The LUDC was amended as follows:

"New section: Section 6.12.4.E. Tourist Oriented Directional Signs (TODS)

1. Tourist Oriented Directional Signs (TODS) require an annual approved town sign permit as pre-approval to the Colorado Department of Transportation TODS annual application approval.
2. Only one TODS assembly of 4 business plaques will be allowed at approved intersection locations.
3. TODS are approved only in the following travel directions and intersection locations; North Pagosa Blvd (west bound only) and Piedra Road (west and east bound).
4. TODS locations are prohibited between 1st Street and 10th Street.
5. Eligible tourist oriented businesses for TODS are restricted to Service Businesses (defined as: Gas, Food, Lodging & Camping), Cultural Businesses (defined as Drama, Amphitheater & Galleries) and Commercial Businesses (defined as Antique Shops, Farm Markets & Gift Shops).

The TODS program is administered by a CDOT contracted third party, "Colorado Logo's Inc". Currently any requests they receive for placement on the current three TODS locations, are forwarded to the Planning Department for approval. The TODS program generally operates as follows:

a. only four signs per TODS location,
b. businesses are permitted on an annual basis.
c. if the TODS location has four signs, the next applicant is installed at the next change out cycle, and the oldest sign gets bumped. The bumped business can reapply for the next change out cycle.

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d. the applicant pays the Town's $25 sign permit fee, and pays Colorado Logo Inc., the cost of the sign and $300 annually.
e. TODS are generally meant to accommodate businesses that do not have exposure along the Hwy corridor.

The Commission considered the current allowance for off-site signs for businesses located internal to the Aspen Village development and concluded that it does not recommend approval of the TODS based on the fact that the TODS are generally meant to accommodate business that do not have exposure along the Hwy corridor. The current request is for the "Boulder Coffee Café" which is located along Hwy 160, with access from the Hwy onto Boulder Drive and Aspen Village Drive. During the major Design Review application process in 2005, The Aspen Village Commercial subdivision was allowed to install off site signs located at the three entrances to the development, two at Boulder Drive, two at Aspen Village Drive and one at Alpha Drive (The Alpha Drive sign is now a Wal-Mart Sign, which is now located on Wal-Mart property).

Motion made by Commissioner Martinez, seconded by Commissioner Lattin to recommend to Town Council that it DENY the requested Tourist Oriented Directional Sign (TODS) locations for the Aspen Village Commercial Subdivision.

VII. **Design Review Board:** None.

VIII. **Public Comment**: None Received.

IX. **Reports and Comments:**

A. Planning Commission – Commissioner Adams expressed concern about the process in which, at last meeting, the Commissioner decision was to not allow marijuana establishments' downtown and the potential locations that they may allow the establishments was recommended to the Town Council. The concerns were brought to Mr. Adams' attention because this action may detour a potential developer to build within in Town, effecting economically the development on two separate parcels in the downtown area. Commissioner Lattin noted that the Town Council will hold a meeting on May 5 to consider the first reading and then will decide if the subject moves forward or to stop process.

B. Planning Department Report –Planning Department Director Dickhoff reviewed his Department Report as follows:

TOWN COUNCIL REGULAR MEETINGS: At the April 7, 2015 Town Council meeting, it asked the PC to provide recommendations on allowable locations for Marijuana Establishments. The TC also scheduled a meeting regarding marijuana businesses on Friday, March 13, 20154 at 7:30am in Town Hall.

HISTORIC PRESERVATION BOARD (HPB) UPDATE: The next HPB meeting is on March 11, 2015 at 5:15pm in Town Hall. Staff has submitted two State Historical Fund (SHF) grant applications for: 1) The restoration of the historic Water Works building and reservoir tanks at 96 1st Street; and 2) The

stabilization and restoration of the Stone Arch Bridge north of this facility. Staff is working with the SHF staff to determine the town's eligibility for an emergency grant for the stone arch bridge, to provide temporary stabilization until the August 2015 grant application are notified of awards. In the meantime, the HPB will be discussing the safest and most cost effective manner in which the bridge can be temporarily stabilized, to ensure it does not collapse while we are waiting on the news of a grant award, expected in August. The HPB has developed a full Historic Preservation Month schedule of events. One such event is the weekly showing of the Ken Burns documentary series "The West" each Tuesday at the Liberty Theater. Each showing is a $5.00 donation that includes a small popcorn and soda. Attached is a schedule of events. The HPB has recently been considering revising the colors approved for use in the Historic District and on Local listed Landmarks outside of the district, based on the current board's concern that the adopted color palettes are too limiting. On April 23, 2015, The HPB held a special meeting and finalized the following recommendation for Town Council's consideration.

CARGO CONTAINERS: At the March 10, 2015 PC meeting, the PC approved a recommendation to Town Council to consider approving general regulations for the regulation of cargo containers. At the meeting, staff indicated that the preference was to bring the recommendation to Town Council to ensure they approve the general specifics of regulation before staff begins crafting LUDC code revisions. Due the current work load in the B&P office and recent scheduled staff vacations, presentation to Town Council is anticipated on May 5, 2015.

PIEDRA STREET VACATION: Due to the current work load and recent scheduled staff vacation, this item has been delayed on being presented to Town Council. It is expected that Town Council will hear this item for direction to staff on May 5th.

200 BLOCK PAGOSA STREET SIDEWALK IMPROVEMENT PROJECT: The sidewalk project is moving forward. It is still anticipated that substantial completion will occur before Memorial day weekend.

PIEDRA STREET 2015 REPAVING PROJECT: Town Council will consider awarding the project contract at their May 5th meeting. Construction is expected during summer school break. The project will include a sidewalk along the north side of the street, which will provide pedestrian sidewalk connectivity to the Elementary School's path along the east side of their fields, providing a safe route to school. The School has indicated the public use of this trail is acceptable.

COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE: The Cobblestone Townhome project located on the improved 4th/5th Alley is still progressing. Signage for Yamaguchi Lane has been installed, designating the street as a north to south one-way street.

6TH STREET PEDESTRIAN BRIDGE: The Bridge is open to the public with landscaping being completed in the coming month. A ribbon cutting is expected on May 5th and details will be forwarded to everyone in the near future.

WALL MART: Wal-Mart has opened for business under a 90 day Temporary Certificate of Occupancy (TCO). The Alpha Drive improvements will be inspected sometime during May, and if such improvements are accepted, a 3 year warranty period begins for the actual road facility and a one year warranty period begins for the sidewalk and other associated facilities. Alpha Drive improvements are inspected for acceptance separate from the building and development permits.

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There are few items Wal-Mart will need to complete within the 90 day TCO period, and staff has identified such items with Wal-Mart and their contractor. 1) Competition of on-site landscaping, 2) Financial security for off-site landscaping to screen the loading dock from view, 3) Resolution based on Appeals process described below, 4) and a few minor items. PLEASE NOTE: Wal-Mart has submitted an Appeals Notice, requesting the Board of Adjustments (Planning Commission Members) consider reviewing the Planning Directors determination of the Parking Lot Lights not complying with the Town's LUDC. IT IS VERY IMPORTANT THAT Board of Adjustment members (planning Commission), do not discuss this issue with ANYONE, as this may come before the BOA for a public Appeals Hearing. Any discussions outside of the public hearing will jeopardize the appeals process.

EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL: The final trail easement donation was recently received and submitted to CDOT for consideration. It is expected that will received notice to proceed with advertising for construction bids by the end of May 2015. This will still allow the installation of the sidewalk along 10th Street during summer school break.

WEST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL: We have recently received approval from CDOT to begin our trail easement acquisitions. Staff has contacted all three property owners who have indicated interest in donating the requested trail easements. We hope to receive final formalized donations by the end of May. Also, the Planning Director was recently successful in negotiating a $45,000 donation from Wal-Mart to this trail segment. The donation has been received and has been applied to this trail phase. The current engineers estimate for the 3600 lineal foot trail is $535,735 for asphalt and $641,190 for concrete.

C. Upcoming Scheduled Town Meetings: A meeting schedule was provided to the Commissioners that included meeting, through June 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

X. Adjournment - Upon motion duly made, the meeting adjourned at 8:02 PM.

_____
Ron Maez, Planning Commission Chair

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Town of Pagosa Springs Historic Preservation Board

Special Meeting Minutes
Wednesday, May 6, 2015
Town Hall Conference Room Located at 551 Hot Springs Boulevard
Pagosa Springs, Colorado 81147

I. Call to Order / Roll Call: Chair Brad Ash called the meeting to order at 5:15 pm. Present were Board Members Judy James, Chrissy Karas, Peggy Bergon, Planning Director James Dickhoff, Associate Planner Margaret Gallegos. Member Andre Redstone arrived at 5:30 pm.

II. Announcements: None

III. Approval of Minutes:
Motion made by Member James, seconded by Member Bergon and unanimously carried to approve the April 23, 2015 Historic Preservation Board meeting minutes as presented.

IV. Public Comment: None

V. Sign Review:
A. Resubmittal - Sign Proposal at 438 Pagosa Street, The Lost Cajun
B. Revised Sign Proposal at 459 Lewis Street, PS Froyo Yogurt Shoppe

VI. Landmark Designations: None

VII. Alteration Certificate Review: None

VIII. Tax Credit Review: None

IX. Project Review: None

X. Decision Items:
1) Student Poster Contest - anonymous judging for first, second and third place of each category - Elementary & younger, Jr. High and High School

XI. Discussion Items: None
1) Town Council Meeting – Decision for Color Recommendations
2) Rumbaugh Creek Stone Bridge - Discussion about Stabilization
3) Public Presentation Forum – Benefits of Historic Preservation and Heritage Tourism- Discussion and Planning
4) Historic Pagosa Springs Cemetery – site visit and restoration discussion
5) San Juan Pioneer Society Museum Board – Meeting Report

1. **Discussion about stabilization of Rumbaugh Creek Stone Bridge:** A Historic Structure Assessment was completed in April, 2015 by John Feinberg, APTI, overall project principal, Architectural Conservator, Dean Brookie, Historic Architect, both of the Collaborative Inc. of Boulder, Colorado, and Dave Woodham, structural engineer, of Atkinson Noland and Associates also of Boulder, Colorado.

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They recommend that priority be given to the Rumbaugh Creek Stone Masonry Arch Bridge and Associated Retaining Wall. They reported that the current condition is perilous and collapse in the very near term is of concern and quite likely. They noted that emergency stabilization methods are strongly recommended for immediate implementation. The associated high retaining walls to the east of the bridge are in similar perilous conditions with the top half overhanging the bottom half, six inches or more out of plumb. Emergency stabilization is recommended for immediate implementation. The methods for full stabilization and redevelopment of structural integrity are fully set below for both the bridge and the retaining walls.

The following recommendations are prioritized beginning with those requiring immediate implementation to repairs that can be conducted in the longer term (next several years).

1. Emergency shoring of the barrel vault to prevent collapse.
2. Confine the flow to the center of the channel.
3. Shore the large retaining wall South of the east spandrel wall of the bridge.
4. Remove vegetation from the top and sides of the bridge.
5. Rebuild failed portions of the bridge.
6. Deconstruct and rebuild stone retaining wall emanating from the southeast corner of bridge and the wing wall and retaining wall beyond the northeast corner of the bridge.
7. Permanent scour mitigation and bank stabilization.

Planning Director Dickhoff noted that the Town is attempting to secure emergency grant funding through the State Historical Fund. It was reported that the agency is reluctant to provide the application basing its decision on deferred maintenance and that no recent significant natural disaster has occurred to qualify for funding. Member Redstone reported that he has consulted with a Farmington contractor that may be able to provide a heli-coil stabilization product. Tree removal investigation is in process that may take place from the north side access using specialized equipment.

2. **Discussion and planning for Public Presentation Forum – Benefits of Historic Preservation and Heritage Tourism:** It was reported that Patrick Eidman from History Colorado and Anne Klein from Board of Tourism are not available for the forum planned on May 28. Consensus of the Board is to cancel the May 28 meeting and reschedule when Mr. Eidman is available. Ms. Laura Gray was present at the last forum, it was suggested that she also be contacted and invited to patriciate in the forum. Once a new date is secured, the Board will work on an agenda to include introductions, board topics, tax and grant information, and special topic about Pagosa's Certified Local Government (CLG) programs and benefits.

XII. Public Comment: None

XIII. Reports and Comments:

A. **Planning Department:** No Report
B. **Historic Preservation Board Discussion and Ideas:**
   1. Member Ash noted that he is continuing to work with the local schools to announce the student poster contest.
   2. Member Karas suggested that the Board look into the restoration of the Pioneer Cemetery. The Board agreed to added the topic to the next meeting agenda for discussion and include a property tour.
   3. **Next Scheduled Town Meetings:** A meeting schedule was provided to the Board that included meeting, through June 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

XIV. Adjournment: Meeting duly adjourned at 7:15 pm. Next meeting schedule for Wednesday, May 13, 2015 to discuss the upcoming Meet and Greet – Certificate of Appreciation presentations to Riff Raff Brewing and Bryson Rentals and any other business that may come before the Board.

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By: Brad Ash, Historic Preservation Board Chair

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AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: WILLIAM ROCKENSOCK, CHIEF OF POLICE

PROJECT: DEPARTMENT HEAD REPORT
ACTION: UPDATE AND DISCUSSION

POLICE DEPARTMENT INCIDENT REPORTING
The Pagosa Springs Police Department Statistics for April, 2015

Officers responded to 251 calls for service.
Officers responded to 38 agency assist calls for service
Officers completed 48 incident action reports
Officers completed 4 accident investigation reports.

OFFICER TRAINING UPDATE
April 2015

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

The Police Department is hosting a training, provided free of charge, by Homeland Security in May 2015.

The Police Department is hosting a training, provided free of charge, by CDPHE in July 2015

RECRUITING UPDATE
The police department, currently, has two full time opening(s) for patrol officer. The department recently held first phase of testing for the open positions. Currently, one remaining candidates were selected to continue to the second phase of testing.

COMMUNITY EVENTS UPDATE
The police department to attend the opening of the new Walmart store, and as part of community outreach, we proved approximately 50 Child Fingerprint Identification kits to area families.

MOBILE RADAR SPEED TRAILER: The police department has been utilizing the radar speed trailer at high traffic areas throughout the community. This has been an effective tool in assisting motorists with voluntary speed compliance

CAPITAL IMPROVEMENTS UPDATE
The Police Department is currently pricing a replacement truck for animal control though GSA.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

SCOTT FROST SPECIAL PROJECTS DEPARTMENT

PROJECT: DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

LPEA FRANCHISE AGREEMENT
Revised version that allows for potential local generation and distribution of electricity has been forwarded to LPEA, we are awaiting their response.

COMMUNITY CENTER FLOOR
The Contract has been awarded to Benchmark floors, Project proceeding per RFP schedule.

PIEDRA STREET RESURFACING
Contract Documents have been delivered, project on Schedule.

GRANT MANAGEMENT
Invoices for all funding due from Grants on both Majestic Drive and 6th Street pedestrian Bridge have been submitted. Both projects are substantially complete with re-vegetation and striping on Majestic drive pending.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR

PROJECT: PUBLIC WORKS DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

STREETS UPDATE

Streets Dept. continues to take care of daily street projects, pot holes, and sign reflectors. The fountain was checked and put in lake at Fairfield. Clean up week went well, had three dumpsters at the shop and our own dump trucks and loader to help folks who were unable to drop things off at the shop. We also cleaned the sixth street trail coming from Durango Street. The street sweeper was sweeping as permitted by the weather.

GEOTHERMAL UPDATE

Geothermal is now shut down for this season.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: APRIL HESSMAN, CMC, TOWN CLERK

PROJECT: TOWN CLERK DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

CLERK'S OFFICE UPDATE

The Clerk's department has been working with each department to implement safety training for new and existing employees. The goal is to develop a comprehensive safety training program that utilizes online training, videos and webinars, and safety meetings to achieve a safe workplace.

In the process of revisiting and updating the current safety policies, the Clerk's Department has been reviewing the CIRSA loss control standards. As a result, a safety training meeting was conducted on May 5th and 24 Town employees received training on the following topics: Personal Protection Equipment, Fire Response, Back Safety, Slips Trips and Falls, Chemical Safety, and Defensive Driving. Additionally, the Public Works and the Parks and Recreation Departments viewed training on Trenching and Excavation Safety and Lock-Out Tag-Out Procedures. Departments Heads viewed CIRSA's training video on the importance of a comprehensive safety management plan and the roles of supervisors, employees, etc.

CIRSA has free online training that covers topics under the classifications of Driver Safety, Employment Practice Liability, Human Capital Management, Health and Safety, and PC Desktop Skills. The Clerk's Department has been utilizing this service to train on topics such as Sexual Harassment, Workplace Violence, and Drug Free Workplace. The courses are interactive and informative requiring a post test of the material. Upon successful completion certificates are issued. We have been utilizing CIRSA's online training for new employee orientation. All new employees have completed the following online classes on their date of hire: New Employee Safety Orientation, Sexual Harassment Prevention, Defensive Driving, and Back Safety. We hope to set up online training accounts for all Town employees as another option for training and professional development.

The Clerk's office has been working with Margaret Gallegos to take over business license applications. The Clerk's office currently inputs new business licenses, bills annually for renewals of those license and mails new and renewal licenses to every business. While completing accounts payable functions, business license compliance is reviewed and updated. Originally new business license applications were going through planning and building, now the licenses will come straight to the clerk's office and disseminated to the appropriate department if necessary. New forms and online accessibility are being upgraded as well as the ability to renew business license applications online through the Town's new Xpress Billpay application.

Staff attended payroll training in Durango on May 14th and is looking into implementing time saving functions that will accommodate the required Affordable Care Act (ACA) compliance regulations. These implementations may include additional time keeping software to track compensatory hours as well as changes to the cafeteria plan administration.

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.3

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: MARCH 2015 SALES TAX REVENUE REPORT
ACTION: DISCUSSION AND POSSIBLE ACTION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the report for March 2015 for sales tax and represents the second report of the calendar year. The February 2015 sales tax revenue showed a good increase of **+8%** compared to March 2014. Total sales revenue for February 2015 was $317,594, with that divided equally between the General Fund and the Capital Improvement Fund ($158,798 going to each). In March 2014, the total amount received was $293,377. The 2015 March sales tax received was $24,218 higher than in 2014.

However, like last month, the increase is a bit misleading as about 2/3 of the increase of the increase again resulted from collections by the State from vendors related to prior periods. Still, with those factored out the February 2015 increase was about **+3%.** Last, the State Department of Revenue continues to remit to the County instead of directly to the Town. We're told that should end "soon."

Lodgers' Tax is covered separately in the report given by Jennie Green, Executive Director of the Town Tourism Commission.

Compared to 2015 Budget
The sales tax projection for the adopted 2015 budget is a total of $3,791,242 and represents a 6% increase over the year end for 2014. The month of March 2015 yielded $158,798 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 $140,276. The variance is $18,522 or 13.2% higher than budget. Year to date, we are ahead of budget by approximately $62,000, or 16% ahead of budget. This information would be true for the Capital Fund as well. For more detail, please see Exhibit A.

ANALYSIS

Resolution 2015-01 mandates 2015 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:

	2013	2014	Avg.	2015	% Change
January	238,755	247,996	243,376	310,175	**+27.45%**
February	201,635	214,365	208,000	273,348	**+31.41%**
March	266,110	293,377	279,744	317,594	**+13.53%**

The average sales tax collections over the past two months is positive [**13.53% + 31.41%)/**2 = **+22.47%**]. The average sales tax collections over the past three months is positive [**13.53% + 27.45% + 31.41%)/**3 = **+24.13%)** 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
2015 Sales Tax Estimate
General Fund

Month	2015 Estimated	2015 Actual	Variance	10 Year Ave. % Collection
January	127,007	155,088	28,081	6.7%
February	121,320	136,674	15,354	6.4%
March	140,276	158,798	18,522	7.4%
April	117,529			6.2%
May	138,380			7.3%
June	178,188			9.4%
July	231,266			12.2%
August	178,188			9.4%
September	180,084			9.5%
October	155,441			8.2%
November	140,276			7.4%
December	187,666			9.9%
TOTAL	**1,895,621**	**450,560**	**61,958**	**100.0%**
Percent Ahead of Estimate	16%			

AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.4

PAGOSA SPRINGS TOWN COUNCIL
MAY 21ST, 2015

JENNIFER GREEN
DIRECTOR OF TOURISM

PROJECT: LODGING TAX UPDATE
ACTION: UPDATE AND DISCUSSION

TTC MEETING ACTIVITY

The Tourism Board held its May meeting on Tuesday, May 12th at 4pm at the Visitor Center. Draft minutes have been included for review. The June meeting will be held on Tuesday, June 9th at 4pm at the Visitor Center.

TTC FINANCIAL REPORT

The most recent lodging tax report has been included for review. Collections for Jan - Mar 2015 are still incomplete; While there are a few small payments outstanding, January will be down over 2014, but still represents 2nd strongest Jan on record; February will be down, but when all payments are received, we should down by very little; March will be flat, and might be slightly up once all payments are received; Mar 2015 maintained the massive growth seen in 2014.

VISITOR CENTER UPDATE

- Training sessions for volunteers were held May 11th and 12th, with 17 volunteers participating; the focus of training was summer activities, with a focus on itinerary building
- New camping brochure available with fishing and heritage brochures available soon
- During tours and activities held since June 2014, the volunteers have visited over 96 different businesses in town
- Traffic via door counters - preliminary data until we determine how we want to report

	2012	2013	2014	2015
March	2520	2224	1743	4564.5*
April	1313	1374	NA	4957.5*

* Total traffic for March was 9,129 people and April was 9,915. We divide traffic count in half, assuming everyone that comes in, must leave. Based on both months being an odd count, one person did not leave during each month; the next assumption is that a certain portion of the traffic is staff, chamber and meeting traffic. If we assume 25% of traffic is non-visitor, March data reflects 3,423.5 visitors and April reflects 3,718.5. April is higher than March as data is currently viewed on weekly basis; therefore, the end of March and beginning of May was included in April data. We are still working through the available reporting tools and will continue to work on traffic data to provide a consistent monthly report.

SOCIAL MEDIA UPDATE

- Facebook - www.facebook.com/visitpagosasprings Facebook: 10,390 fans
- Instagram - www.instagram.com/visitpagosa: 1,216 followers

- Twitter - www.twitter.com/visitpagosa - 813 followers

OUTSIDE MAGAZINE BEST TOWN 2015 CONTEST

- Pagosa received more votes than Ogden, UT in the 1st round and Santa Fe, NM in the 2nd round; we are currently matched up against Flagstaff in the 3rd round
- @VisitFlagstaff and Ski Flagstaff actively began promoting the contest via their social media channels
- On Friday, May 15th, we "challenged" them to a photo contest on Twitter, encouraging fans for both communities to share their photos
- Win or lose, the contest has been great publicity for Pagosa Springs

LEAD COLLECTION (VISITOR GUIDE REQUESTS)

History of Leads / Visitor Guide Requests by month:

	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2010	1984	2413	3171	2601	3330	3221	2533	3110	1959	1436	1622	1279	28,659
2011	1443	2255	1657	4255	3684	2092	1945	1789	1518	995	1160	921	23,714
2012	2111	2704	2690	1730	2010	4445	3998	2624	3157	1435	1575	1392	29,871
2013	5322	3281	2658	4357	3626	3537	4372	3040	2791	995	1158	1356	36,491
2014	2,074	2,672	3,857	2,909	2,358	3,118	2,185	1,617	1,498	1,118	1286	783	25,475
2015	1,756	2,562	1,764	3,297	2,740								

May 2015 reflects only one week of leads; began receiving leads from AARP and Madden

MARKETING UPDATES

- New list campaign running on Texas Monthly - Top Ways to beat the Summer Heat, Madden and AARP dropped, various ads with colorado.com
- New videos in productions - Top Ways to Beat the Summer Heat, 4 Ways to Enjoy the San Juan Mountains in the Summer…15 different "list" videos in development - https://www.youtube.com/watch?v=AylAlKKrxz8
- Visit Colorado Facebook co-op launches 5/21 - should grow Facebook fans by 250+ during promotion
- Recent media coverage:
  - Writer hosted two weeks ago: http://co.meetingsmags.com/whirlwind-24-hours-pagosa-springs
  - Writer hosted September 2014: http://www.colorado.aaa.com/encompass/current-issue/cover-feature-summer-fun-2015/

GROUP TRAVEL

The Tourism Director is participating in IPW May 31st - June 4th in Orlando with the Colorado Tourism Offices. Additionally, once the new Travel Planner is available, a customized mailing will be sent to all of the leads collected thus far inviting them on a FAM trip to visit Pagosa and perform lodging site visits.

Town of Pagosa Springs Monthly Lodgers Tax Collections										
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2015 % Change vs 2014
January	$ 22,904.43	$ 23,544.00	$ 24,228.00	$ 27,295.00	$ 26,943.65	$ 28,916.00	$32,499.75	**$35,389.65**	$32,646.65	-7.75%
February	$ 20,543.13	$ 17,002.00	$ 19,360.78	$ 21,960.24	$ 21,824.65	$ 26,003.00	$25,510.87	**$31,222.00**	$28,434.00	-8.93%
March	$ 33,516.00	$ 31,216.00	$ 29,925.00	$ 34,928.74	$ 37,350.40	$ 43,034.00	$40,383.00	**$49,398.65**	$49,115.33	-0.57%
April	$ 15,879.04	$ 12,500.00	$ 15,186.00	$ 15,765.00	$ 16,830.71	$ 16,911.65	$17,607.00	**$24,063.75**		
May	$ 20,590.00	$ 19,276.00	$ 21,949.00	$ 21,049.00	$ 21,758.00	$ 24,283.00	$26,942.73	**$33,230.00**		
June	$ 31,803.61	$ 29,041.00	$ 32,622.11	$ 37,539.26	$ 36,091.00	$ 40,508.45	$44,148.14	**$52,611.00**		
July	$ 43,728.00	$ 44,693.00	$ 50,124.71	$ 51,931.50	$ 57,316.65	$ 52,571.99	$56,190.71	**$64,680.65**		
August	$ 35,610.05	$ 38,092.00	$ 42,307.85	$ 41,714.00	$ 44,944.49	$ 49,948.65	$52,182.92	**$63,774.65**		
September	$ 36,500.00	$ 32,363.75	$ 35,610.05	$ 41,333.05	$ 44,019.85	$ 42,499.79	$42,615.00	**$48,243.80**		
October	$ 25,264.55	$ 22,041.46	$ 25,764.55	$ 28,857.93	$ 30,661.54	$ 27,482.50	$35,281.65	**$37,303.65**		
November	$ 14,866.00	$ 16,232.00	$ 19,815.65	$ 21,348.00	$ 27,542.05	$ 23,180.44	$27,340.00	**$28,446.00**		
December	$ 31,652.00	$ 31,934.69	$ 35,456.65	$ 40,197.65	$ 41,931.00	$ 40,345.00	**$43,900.00**	$41,094.00		
Total	$332,856.81	$317,935.90	$352,350.35	$383,919.37	$407,213.99	$415,684.47	$444,601.77	$509,457.80	$32,646.65	
$$ Difference (over previous year)		$(14,920.91)	$ 34,414.45	$ 31,569.02	$ 23,294.62	$ 8,470.48	$28,917.30	$64,856.03		
% Difference		-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%		
* Jan, Feb and March all still have payments outstanding; January is down over 2014, but represents 2nd strongest Jan on record; February will be down, but by very little - multiple payments outstanding; March is flat, and might be slightly up once all payments are received over the massive growth seen in 2014.										

Draft Minutes

Pagosa Springs Town Tourism Committee

Tuesday, May 12th, 2015

Pagosa Springs Visitor Center

4 pm

Meeting called by: Chirag Patel

Attendees: Voting Members; Larry Fisher, Bob Kudelski, Stephen Durham, Nick Tallent, Steve McKain, Criselda Montoya, Jon Johnson, Steve Wadley

Absences: Chirag Patel, Matt Sprowls

Non Voting Attendees; Jennifer Green, Greg Schulte

Please review: March Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
    a. Steve Wadley called the meeting to order
2. Determination Of Quorum (6)
3. Public Comment
    a. No public comment
4. Approval of Minutes – March
    a. Jon Johnson motioned to approve minutes, Nick Tallent seconded, all approved
5. Chair Report
    a. Honoring Bob Hand's Service to Community
        i. Board determined to defer decision on best way to honor Mr. Hand until the June meeting
    b. Piñon Lake Fountain

i. Jennie provided overview of the need and explained that no specific amount had been requested

ii. Steve Wadley suggested approving funding up to a certain amount

1. Group discussed which budget line item to pull these funds

2. Jon Johnson motioned to approve up to $500 from Wayfinding and Signage budget, Steve McKain seconded, all approved

iii. Steve McKain asked about replacing the trumpeter swans; Steve explained the cost was estimated at $4,000

1. Group discussed swans; all agreed they were good additions to town and piñon lake

2. Jennie explained that the funding options were Wayfinding & Signage and Infrastructure; group determined Infrastructure was most appropriate

3. Steve McKain motioned to approve up to $500 to contribute towards the replacement of the trumpeter swans from Infrastructure, Bob Kudelski seconded, all approved

c. New Tourism Board Bylaws Update

i. Steve Wadley provided an overview of the changes to the bylaws - seat allocations changed, approval of annual budget by both Town and County, reduction of number of seats from 11 to 9 through attrition and changing name of organization from Town Tourism Committee to Pagosa Springs Area Tourism Board, which oversees Visit Pagosa Springs.

ii. Steve McKain motioned to approve the new tourism board bylaws, Nick Tallent seconded, all approved

6. TTC Director Report - Jennie Green

a. 2016 CTO Grant Application Update on 2015-2016 plans

i. Jennie met with Ouray Chamber Resort Association staff during SW Tourism Summit and recently in Ouray to discuss partnering on 2016 CTO Marketing Match Grant together to promote hot springs

1. Marketing plan has been outlined for the hot springs promotion; grant isn't due until Sept / Oct 2015, discussions and plans are underway early in order to get various board / community approvals

b. CADMO update

    i. Pagosa Springs will host CADMO retreat June 18th and 19th; meetings will be held in the EcoLuxe

    ii. Board will be invited to evening networking event and dinner, to be held on rooftop "lounge" at Springs Resort

    iii. Jon Johnson asked how many attendees; TTC Director explained it would be 20+, all Tourism Directors / CEOs for destinations across Colorado

c. IPW overview

    i. Next Group Travel show is in Orlando May 31st – June 3rd.

    ii. We are in the Colorado Tourism Office booth; which a new backdrop was designed specifically for this show and their partners; Pagosa has photo and logo on panel.

d. Tax Compliance

    i. Now that Town and County are moving forward on tourism MOU and new bylaws will be reviewed and discussed by Town Council, TTC Director will work with Erin Neer to get tax compliance efforts underway; TTC Director explained that compliance would be an ongoing effort

6. Treasurers Report – Stephen Durham

    a. Monthly Town Lodging Receipts Report Update

        i. Collections for Jan – Mar 2015 are still incomplete; January is down over 2014, but represents 2nd strongest Jan on record; February will be down, but by very little – multiple payments outstanding; March is flat, and might be slightly up once all payments are received; Mar 2015 maintained the massive growth seen in 2014.

    b. Current finances

    c. Budget Update (Jennie)

        i. Bills being paid

7. Subcommittee Reports

    a. Fulfillment

        i. Update on Lure Piece / Travel Planner

            1. Jennie expressed appreciation for feedback received

2. Staff (Jennie and Gail) went to Grand Junction to approve final proof last week; guides will be in town the week of May 18th

3. Jon Johnson and Greg Schulte commended staff on a job well done; the proof of the new piece was nicely designed and will be a good representation of Pagosa

4. Jennie explained that when new planners arrive, there will be approximately 9,500 sent out immediately for summer requests received since January.

c. Marketing – Chirag Patel

i. DMAI Marketing Innovation Summit feedback

1. Jennie provided overview of summit attended in San Francisco April 15-17th; lots of information to digest and new tools to investigate; much of the focus was on data and how to leverage and combine the abundance of information available in social media and online efforts

d. Events & Events Infrastructure – Larry Fisher

i. Infrastructure Funding requests

- FolkWest - 2nd review

o Jennie explained that based on discussions during March meeting, staff had met with Folk West to discus options to enhance infrastructure on Reservoir Hill; it was determined the needed infrastructure could likely be funded through the ticket tax trust account established in the past few years

o Greg provided an overview of discussions with Folk West; Town is pursuing infrastructure, such as new pump to provide potable water, additional electrical and work to parking area at base of hill, above post office; they are requesting a vote from Board on original request

o Larry asked how much is being collected annually; Greg felt it was $10k - $12k a year; group asked if other events were collecting the fee; Greg was not completely sure, but did not feel any other event organizers were collecting the fee

o Steve Wadley asked for a motion; Larry Fisher motioned to deny funding for stage and backdrop, Bob Kudelski seconded, all approved

o Larry expressed his desire to see a stage with roof or amphitheater on Reservoir Hill

- San Juan Historical Society / Pagosa Springs History Museum
    - Jennie provided overview of the request, which was provided to the Board to review last week - infrastructure funding request for insurance, upgraded quilt holders, photography for ads, etc; Nick Tallent felt the request was a band aid; Jon Johnson felt the previously approved funding was sufficient for the museum
    - Jon Johnson motioned to deny the funding request, Nick Tallent seconded, all approved denying the infrastructure funding request from the San Juan Historical Society
- Pagosa Springs Center for the Arts
    - Steve Wadley expressed concerns with the approach for additional funding, with one funded event being cancelled and then the organizers suggesting the tourism board fund this group instead
    - Nick Tallent stated that he is a huge supporter of the theatre, but expressed concerns with their proposal; Bob Kudelski agreed
    - Larry Fisher motioned to deny additional marketing funds for Pagosa Springs Center for the Arts, Bob Kudelski seconded, all approved

e. Special Projects - tabled until June meeting

f. Wayfinding and Signage - Steve McKain / Jon Johnson

    i. Update on 2015-2016 plans

    ii. Greg began with an apology to the Signage subcommittee and especially the landscaping team; Greg felt he did not give it the attention he should have and after Cameron Parker had gotten involved, Greg met with Parks & Rec staff to better understand staffing needs to maintain new landscaping

    iii. Greg explained that staff was overwhelmed with additional work at the Visitor Center and other locations around town

    iv. Steve Wadley asked about contracting with service group or landscaper to help maintain new plantings; Greg mentioned jon Johnson had suggested a similar concept

    v. Greg explained he felt the effort was extremely important; Steve McKain asked how we move forward. given how strapped Parks & Rec staff is already

vi. Greg wants to understand the recommendation from Cameron Parker and how to sustain the planting and determine if it requires “babysitting” for a few years to establish the landscaping

vii. Larry Fisher feels there are a number of issues - any opportunity for the town and county to work together benefits everyone, anytime Larry goes to travels, trails and parks really stand out to him in other towns as a reason to come back

viii. Steve Wadley asked if there was a way for the County to participate financially; Greg felt with new tourism IGA, the County is contributing financially

ix. Steve Wadley asked to table the discussion on funding and how to move forward to the June meeting

x. Jon Johnson suggested a meeting early next week to perhaps shift focus to one sign and adjusting funds to maintenance

g. Visitor Center subcommittee

i. 17 volunteers were “trained” on May 11th and 12th; focus of training was not to worry about having answers to every question, but rather learning where to go to find answers

1. Itinerary building game was well received and helped volunteers think about specific trip ideas, based on unique group type

ii. Jennie explained that we now have two months worth of data from door counters; counters track every person that comes through the door, each direction. Therefore, totals have to be divided by two. The next consideration is that a certain portion of the traffic is staff, chamber and meeting traffic. If we assume 25% of traffic is non-visitor, March data reflects 3,423.5 visitors and April reflects 3,718.5. April is higher than March as data is currently viewed on weekly basis; therefore, the end of March and beginning of May was included in April data. We are still working through the available reporting tools and will continue to work on traffic data to provide a consistent monthly report.

8. Old Business

9. New Business

a. CAST Membership

i. Greg provided an overview of the Colorado Association of Ski Towns (CAST); explained that many mountain destinations were members, including South Fork, Ouray, etc

ii. 1st year membership offered at Associate membership rate of $600; includes sales tax reports, advocacy efforts on behalf of collective interests

iii. Greg explained that meeting was held in conjunction with CML conference, which Town will already be attending.

iv. Steve McKain motioned to join CAST, Bob Kudelski seconded, all approved

10. TTC Board Ideas and Comments

a. Outside Magazine contest – keep voting! Voting against Santa Fe ends at 11:59pm on Wednesday, May 13th.

i. Jennie to reach out to KWUF

ii. Board members should encourage friends / family to vote, share on the business Facebook pages, etc

11. Adjournment

a. Steve McKain motioned to adjourn to 5:15pm, Stephen Durham seconded, all approved

AGENDA DOCUMENTATION
NEW BUSINESS: V.1

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: AUTHORIZING A CONTEST FOR THE TOWN'S 125TH ANNIVERSARY LOGO ARTWORK
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town of Pagosa Springs was established in 1891. The TTC has been discussing the creation of artwork for a 125th anniversary logo, which can be used to promote the Town's upcoming 125th birthday in 2016. The logo could be used in many promotional media materials and in conjunction with anniversary themed events during 2016.

During a recent TTC wayfinding subcommittee meeting, it came up that maybe a contest would be a great way to begin promoting the anniversary and engage our creative community members. Subsequent to the wayfinding meeting, the Historic Preservation Board was asked to provide comment and recommendation for Town Councils' consideration.

On May 8, 2015, the HPB *"Approved a recommendation for Town Council to:*

a. *Support a contest for the solicitation of artwork for the Town of Pagosa Springs 125th Anniversary Logo Artwork; and to*
b. *Recommend that the Judging Panel comprise of at least one member from the following entity's; Historic Preservation Board, Town Tourism Committee, Town Council, Chamber of Commerce, and one more, maybe from the artist community; and further*
c. *Recommend that the TTC form a subcommittee representing all relative stakeholders in the development of potential events and celebrations during 2016, which subcommittee could include representation from all town boards.*

FISCAL IMPACT

The TTC has budgeted funds to cover the costs of some promotional materials, light post banners and a Hot Springs Blvd Banner.

RECOMMENDATION

It is staff's and the Historic Preservation Board's recommendation the Town Council consider the following action:

"Move to direct staff to:

a. **Coordinate a contest for the solicitation of artwork for the Town of Pagosa Springs 125th Anniversary Logo Artwork;**
b. **Develop a Judging Panel to comprise of at least one member from the following entity's; Historic Preservation Board, Town Tourism Committee, Town Council, Chamber of Commerce, and one more, maybe from the artist community;**

c. **Form a subcommittee representing all relative stakeholders in the development of potential events and celebrations during 2016, which subcommittee could include representation from all town advisory boards."**

AGENDA DOCUMENTATION

NEW BUSINESS: V.2

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: PARTICIPATION IN DOLA GRANT APPLICATION FOR DOWNTOWN TASK FORCE ACTIONS
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

Many municipalities are interested in taking those steps they can to help revitalize their downtown core. To further that effort, many municipalities partner with Downtown Colorado, Inc. (DCI) to perform assessments. In partnership with a group known as the Downtown Development Group, the Town of Pagosa Springs allocated $10,000 to hire DCI to perform the assessment with a focus of exploring the possibility of forming a Downtown Development Authority (DDA). This effort began in 2012 and was completed in 2014.

As is the case across the state, many times municipalities and their partner groups have difficulty in executing on all of the recommendations that come as a result of the DCI assessments. Ken Charles, Regional Manager for DoLA, has suggested that DoLA may be interested in awarding an administrative grant to a group of communities that partner to hire either a consultant or part-time help to assist in the execution of their respective DCI assessments.

After reviewing possible communities Pagosa Springs, along with Bayfield, Ignacio, and Silverton, have all had DCI assessments done and have expressed interest in partnering in this endeavor. Staff has approached the Downtown Development Group and they are very supportive of the Town pursuing this funding opportunity and recommend participation by the Town. The Downtown Development Group devised a proposed Scope of Work and that is attached as Exhibit A.

FISCAL IMPACT

This opportunity would be a 75% DoLA/25% local match grant request for the first year and a 50% DoLA/50% local match the second year. Details are as follows:

<u>Year 1</u>
Grant $75,000
Match 25,000
Total $100,000

$6,250 match for each of the 4 communities

<u>Year 2</u>
Grant $50,000
Match 50,000
Total $100,000

$12,500 match for each of the 4 communities

Total Grant $125,000

Total Match 75,000
Total Project $200,000

* Each community will evaluate at the end of Year 1 whether they want to proceed in year 2. If a community decides not to participate, that would absolve them from the financial obligations in year 2.

In addition, at the May 1, 2015 Southwest Colorado Council of Governments (COG) meeting, the COG agreed to be the fiscal agent for this proposed grant application.

If the Council chooses to proceed with this endeavor, staff recommends funding come from the following line item in the Town's 2015 Approved Budget:

10-77-516 - General Economic Development Activities: $25,000

2015 TOWN COUNCIL GOALS & OBJECTIVES

Included in the Town Council's adopted Goals & Objectives is Goal #2 of "Recognizing and valuing downtown as the community's heart." Objective 2.3 within that goal is "Help to Re-vitalize and Expand the Downtown Commercial Area." Finally, a specific action item within Objective 2.3 is to "Encourage a Downtown Development Authority." This proposed project directly promotes those goals and objectives.

ATTACHMENTS

- Exhibit A: Proposed Scope of Work

RECOMMENDATIONS

Possible actions by the Town Council include:

1) **"APPROVE THE PARTICIPATION OF THE TOWN IN THE DOLA GRANT APPLICATION FOR FUNDING TO FURTHER THE EXPLORATION OF THE DEVELOPMENT OF A DOWNTOWN DEVELOPMENT AUTHORITY AND AUTHORIZE $6,250 FROM THE FUNDING LINE OF GENERAL ECONOMIC DEVELOPMENT ACTITIVTIES."**

2) **"DISPROVE THE PARTICIPATION OF THE TOWN IN THE DOLA GRANT APPLICATION FOR FUNDING TO FURTHER THE EXPLORATION OF THE DEVELOPMENT OF A DOWNTOWN DEVELOPMENT AUTHORITY."**

3) **DIRECT STAFF**

SCOPE OF WORK

The goal of this project is to assist the Town of Pagosa Springs and the Downtown Task Force work to bring a ballot question to the April 2016 town election to ask voters if they wish to form a Downtown Development Authority (DDA) to work toward a vital, sustainable downtown. With a successful election, the project consultant will continue to work with the council-appointed DDA board to form a plan for downtown development.

GLOSSARY

District – The proposed area that has been identified as the focus of efforts to enhance the downtown.

Downtown Development Authority (DDA) – A special district authorized in Colorado Revised Statutes to focus efforts on

Downtown Task Force (DTF) – A group of business and property owners and citizens who have been meeting since November 2012 to investigate formation of a downtown district to focus on infrastructure improvements to enhance the downtown and make it more vital and sustainable.

Town Council (TC) – The Pagosa Springs Town Council

ONGOING

Task (1):
Effectively communicate progress with the DFT, TC and voters within the proposed DDA boundaries.

Deliverable (1):
The DTF meets two times per month. The TC meets two times per month. Any information that needs to be shared with groups and voters shall be posted on Town website and emailed to Contacts database.
Monthly report of progress shall be submitted in writing to DTF and Town Manager by the 25th day of each month.

Task (2):
Create and maintain database of contacts to include TC, Town Manager, DTF members, voters and other interested parties.

Deliverable (2):
Excel spreadsheet shall be created and kept up-to-date for use by Town, DTF and consultant for purposes of communication and election.

JUNE 2015

Task (3):
Using map of proposed district boundaries, TIF projections for sales and property taxes and Mil Levy projections for increase in Mil Levy of 1 to 5 mils will be reported.

Deliverable (3):
Written report of TIF projections for sales and property taxes and Mil Levy projections for increase in Mil Levy of 1 to 5 mils will be delivered to DFT and Town Manager.

Task (4):
Assist DTF in preparing draft of DTF-proposed work plan of action for District.

Deliverable (4):
Written report of proposed projects and basic cost estimates.

Task (5):
Work with DTF to plan for creating and administering a survey to assess public acceptance of proposed work plan of action and proposed funding methods.

Deliverable (5):
Survey to assess public acceptance of proposed work plan of action and proposed funding methods will be prepared and ready to administer. Plan for administering the survey will be delivered.

JULY 2015

Task (6):
Assist DFT in administering survey, compile and analyze survey results.

Deliverable (6):
Compiled survey results and analysis of the same will be provided in a written report to the DTF and the Town Manager.

AUGUST 2015

Task (7):
Work with DTF to report survey results to the community via a community meeting.

Deliverable (7):
Conduct community meeting to report survey results, gather response from community members and compile into a written report to the DTF and Town Manager.

Task (8):
Assist DTF to analyze community response from public meeting and revise scope of work and cost estimates as needed.

Deliverable (8):
Provided written suggestions of revised scope of work and cost estimates to DTF and Town Manager.

SEPTEMBER 2015

Task (9):
Work with DTF to create unified message prior to task force members reaching out to every voter in the District.

Deliverable (9):
Provide written message and “selling” points for creation of a DDA for use by members of DTF in creating voters.

Task (10):
Create petition for DTF to collect signatures of voters to gauge support/not support of DDA formation.

Deliverable (10):
Formatted petition for DTF to collection signatures of voters to gauge support/not support of DDA formation to present to TC.

OCTOBER 2015- ELECTION

Task (11):
Assist with election. Coordinate with election official to provide support needed. Assist DTF to develop promotional materials in support of formation of DDA. Support DTF efforts to reach voters and provide answers to any questions that may arise from voters.

Deliverable (11):
Support of Town election official, TC and DTF leading to election.

APRIL 2016 – Post election

Task (12):
Work with council-appointed members to create DDA plan of action by September 2016 to include proposed projects, basic cost estimates, and potential grant sources.

Deliverable (12):
Provide written report of plan of action including projects, basic cost estimates and potential grant sources to Town Manager and DTF.

ADMINISTRATION

Contractor will work directly with members of the DTF in assisting with bringing formation of a DDA to a vote and post-election to formulate a plan of action. Town Manager will oversee contractor on behalf of the Pagosa Springs Town Council.

AGENDA DOCUMENTATION
NEW BUSINESS: V.3

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: TEMPORARY USE PERMIT APPLICATION TO OPERATE VENDING BUSINESS IN TOWN PARKS
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

On May 07, 2015, The Town Planning Department Received a Temporary Use Application from Mr. Jerry Hilsabeck of Lifestyle Services, LLC. , requesting Town Council give permission to operate a vending cart in Town owned park spaces.

On May 5, 2014, Town Council formally approved the same cart operation proposal for the 2014 summer season, at two specific locations. Mr. Hilsabeck is again proposing to operate a vending cart to sell Snow-Cones, Ice Cream, Soft Drinks and Water and is requesting the following alternate locations for the one cart to operate:

1) Yamaguchi Park.
2) Town Park along river walk trail.
3) Just west of Hot Springs bridge, along river walk trail.
4) Goodman Park, only on July 4th during the parade.

The Town Parks and Recreation director, Town Carosello, recently provided that no objections have been expressed from the Parks and Recreation commission or staff, regarding Mr. Hilsabeck operations in 2014 or his proposed operations for 2015.

Vendors are permitted to operate on private property, with an administratively approved Temporary Use Permit (TUP) and Business Licenses with property owner permission, thus this request for Town Councils consideration, since the Town is the owner of the property proposed for use.

TUP's for Vendors are limited to no more than 6 months per year. In administratively processing a TUP application, town planning staff reviews the application/proposal and determines site specific conditions of approval for the proposed vending operation that typically includes at least; trash and litter control, traffic access, signage, on-site parking for vending and primary structure on the property, and mitigation of any perceived negative impact to neighboring properties. The TUP fee is $50/month with a one.05 per square foot charge. Conditions of approval must be maintained otherwise the vendor could lose the right to continue to operate.

Per the Town's Home Rule Charter, The Town Council may approved License or Permit to operate on Town Owned property, **S**ection 10.11 Revocable Permits or Licenses**:** states "Except as otherwise provided in this Charter, the Town may grant a permit or license at any time for the temporary use or occupation of any street, alley, other public way, or Town-owned place. Any such permit or license shall be revocable by the Town at any time and without cause, whether or not such right to revoke is expressly reserved in the permit or license".

ANALYSIS

The Town Parks and Recreation Board and Staff have provided approval for this proposal again this year, stating they did not identify any negative impacts to the park, park users or parks staff.

Similar to last year's TUP, the Planning Director will include at least the following conditions be included in the TUP approval:
1) Vendor shall operate sales from a Town approved professionally manufactured cart (not a booth or table).
2) Vendor shall obtain and maintain current Town Business License/Permit, State Sales Tax License and State Health Department license.
3) Vendor shall be allowed to set up a vending operation at the following locations (TBD).
4) Vendor may transport cart along Riverwalk trail as long as they move off the trail to allow for pedestrians to pass.
5) Vendor shall not be permitted to place the cart on a trail or sidewalk during operation.
6) Vendor is limited to the locations identified in Exhibit A (TBD) for actual sales.
7) Vendor shall not operate during Town permitted special events.
8) Vendor is limited to operate the vending cart between 7am and 7pm daily and the Cart shall be removed every day at the end of the business operation.
9) Vendor shall obtain annual permit to operate on Town Property.
10) Vending Cart shall not exceed 36" in width, shall be equipped with pneumatic tires to enable the cart to travel off of the hard surface.
11) Vendor shall provide a trash receptacle and shall provide daily and periodic disposal of trash from the site.
12) Vendor shall provide proof of minimum insurance amounts determined by state legislation, with the town listed as a certificate holder.
13) A monthly reimbursement shall be made to the Town for electrical power consumption. Parks Staff Jim Miller will work with the applicant on the monthly reimbursement.
14) Extension power cords shall be limited to 10 feet in length from the power source to the cart and shall not run across any sidewalk or trail and shall be protected to prevent a trip hazard.

ATTACHMENTS:

~ Letter of Request from Mr. Jerry Hilsabeck
~ Maps of proposed 4 vending cart locations.

FISCAL IMPACT

The Temporary use Permit will require the applicant to reimburse the Town for electrical power used for the operation of his vending cart.

RECOMMENDATION

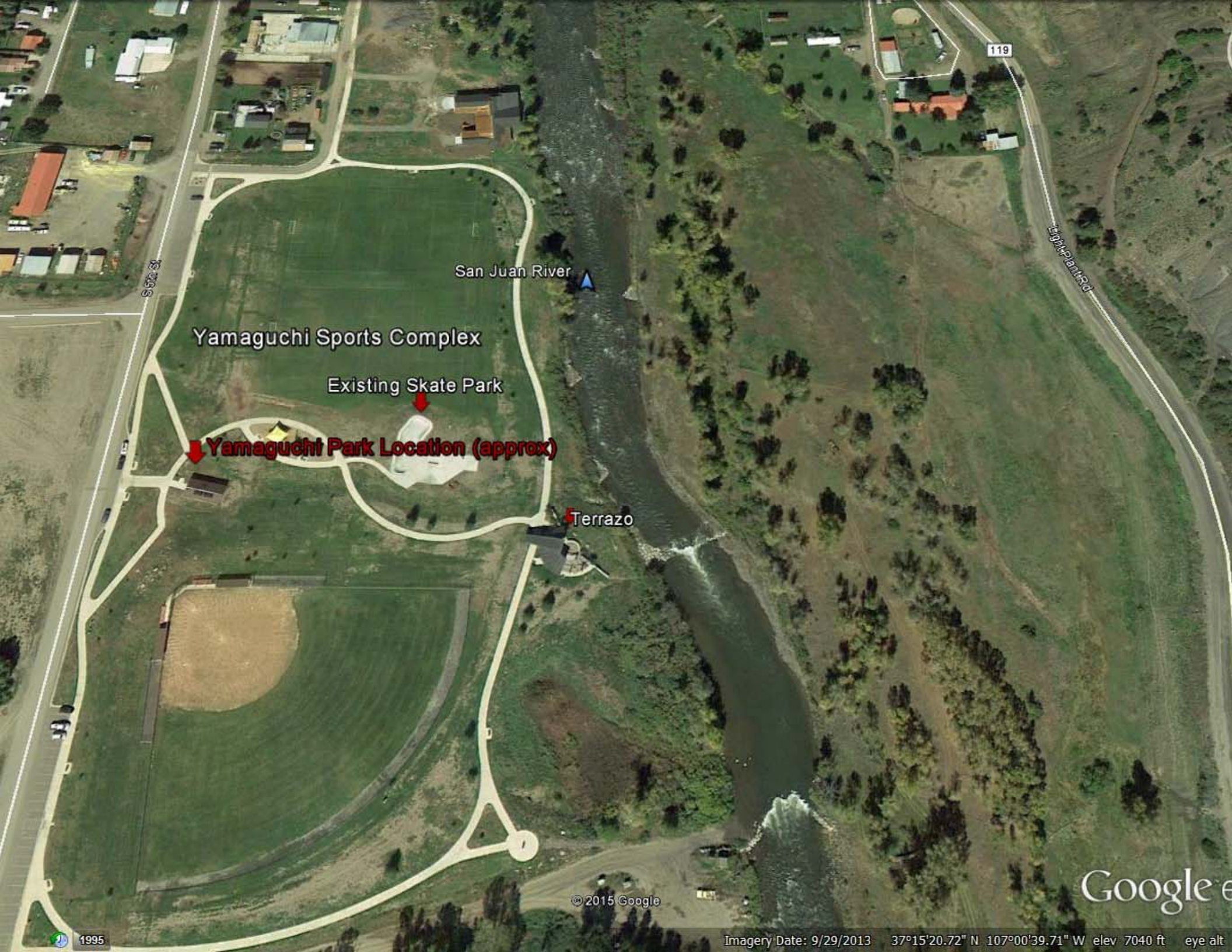
It is the recommendation of the Planning Department Director that Town Council discuss the applicant's proposal and staff's recommendation for Temporary Use Permit conditions. Below are three alternative actions, though Town Council is not limited to these three alternatives.

1) **Approve a Revocable Temporary Use Permit for Lifestyle Services, LLC., to operate a vending cart on Town Property with Town staff's recommended conditions of approval to be included in the TUP.**

1) **Approve a Revocable Temporary Use Permit for Lifestyle Services, LLC to operate a vending cart on Town Property with Town staff's recommended conditions of approval to be included in the TUP, and additional conditions as determined by Town Council.**

2) **DENY a Revocable Temporary Use Permit for Lifestyle Services, LLC to operate a vending cart on Town Property.**

Goodman Park Location
Town Park Location (Approx)
Riverwalk Location (Approx)
San Juan River
Hot Springs Blvd
Hermosa St
Hermosa Alley W
San Juan St
Park St
160
© 2015 Google
Google
1995
Imagery Date: 9/29/2013 37°16'01.88" N 107°00'31.31" W elev 7078 ft eye alt


119
Eight Plant Rd
S 5th St
San Juan River
Yamaguchi Sports Complex
Existing Skate Park
Yamaguchi Park Location (approx)
Terrazo
© 2015 Google
Google
1995
Imagery Date: 9/29/2013 37°15'20.72" N 107°00'39.71" W elev 7040 ft eye alt

Lifestyle Services LLC
Boulder Coffee Café
P.O. Box 3637
Pagosa Springs, Colorado 81147

May 14, 2015

Attention: James Kickoff

BOULDER COFFEE CAFÉ would like the opportunity to host a snow cone, ice cream and beverage cart in the downtown park, the river walk, Yamaguchi Park and possibly some of the other areas in Pagosa Springs. We would also like to have the cart it Goodman Park on July 4, 2015.

We will offer drumsticks, ice cream sandwiches, popsicles and similar products found at the grocery store as well as a variety of cold drinks and water.

We do not plan on selling food products.

Our target groups are children and families playing and enjoying our Community Park and river.

We hope to make this cart mobile but have asked for the use of town park electricity, which we would gladly pay for.

In regards to trash; we will provide a trash receptacle and haul our trash away each day. We will also keep the area around our cart clean daily.

We would like to open around ten or eleven, close as the tourists dwindle each day and open 5 to 7 days each week starting in May and closing for the summer when the tourist trade slows down.

We will not leave the cart overnight. It will be taken from town premises each day.

It has been noted that we will not go past the walking bridge.

We are willing to stay away from particular community events that sell similar products when they occur with the hope we can set up somewhere else along the river walk. I really don't see much conflict on these events but will respect others that may think we may interfere with their events.

The size of the cart will not be any wider than 36" and will be between 6' to 8' long. I have measured the river walk width and it is 8' wide. The measurement under the bridge is 6' wide. I don't feel there would be any major encroachment upon pedestrian or bike traffic if we were to go down the river walk.

We have liability insurance for this project which has been e-mailed to the Town of Pagosa from Pagosa Insurance ~ with a follow up copy in the mail.

Our family believes this would not only be a good project for Boulder Coffee Café, but a fun experience for our locals and those who vacation here during the summer.

We also believe our effort last year were successful and we contributed to our community by providing a fun nostalgic resource. Being able to provide job opportunities for several high school girls was a great learning experience.

If there are any further questions or concerns you may have, please feel free to contact me at 970-759-4821.

Thank you,

Jerry Joe Hilsabeck

AGENDA DOCUMENTATION
NEW BUSINESS: V.4

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: PERMIT TO OPERATE ELECTRIC TRIKKE TOURS ON TOWN OWNED SIDEWALKS AND TRAILS
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Planning Department received a request for a permit to operate downtown tours using electric Trikkes. The applicant, Chirag Patel of the Quality Inn located at 158 Hot Springs Blvd., proposes to utilize Town sidewalks and trails for downtown historic tours, with participants riding electric Trikkes.

On May 12, 2015, the Parks and Recreation Commission considered a recommendation for Town Council regarding this request as follows: *"Mr. Carosello requested input from the Commission regarding a request that had been received to allow tours to be conducted on the Riverwalk using three-wheeled battery-powered vehicles. Commr. Pettus cited Section 14.2.5(c) of the municipal code which states: "It shall be unlawful for any person, corporation, association, or organization using any park, playground or recreational facility to either perform or permit to be performed any of the following acts: c) To drive or park any motor vehicle except on a street, driveway, or parking lot, or other area designated for use by motorized vehicles in any park, playground or recreational facility, or to park or leave such vehicle in any place other than one established and designated for public parking;" The P&R Commission requested that minutes reflect a "strong consensus in opposition to such a use", citing safety concerns."*

ANALYSIS

Police Chief Rockensock has provided modal traffic code regulations regarding definitions for motorized vehicles:
"Electric Assist Bicycle": *means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of twenty miles per hour.*
*"**Electric personal assistive mobility device**" or EPAMD" means a self-balancing, non-tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.*
"Low-Power Scooter" *definition includes a maximum of 4476 watts or 50cc combustible motor. These vehicles are the typical non as a low powered moped.*
"Low speed electric vehicle" *definition does not include vehicles that use handlebars for steering.*

The proposed electric Trikke, model #Pon-e 48V, has a 350 watt electric motor with a top speed of 16 mph. In addition, it is important to note that these types of Trikkes were originally and still are manufactured without a motor, with self-propulsion by alternately pushing on the foot pad areas (pedals). The electric assist trike, is able to be self-propelled in this same manner.
There is not a specific regulation for electric Trikkes, however, in the planning directors opinion, the proposed trike is most similar to the "Electric Assist Bicycle" definition listed above.

Per the Town's Home Rule Charter, The Town Council may approve License or Permit to operate on Town Owned property, **S**ection 10.11 Revocable Permits or Licenses**:** states *"Except as otherwise provided in this Charter, the Town may grant a permit or license at any time for the temporary use or occupation of any street, alley, other public way, or Town-owned place. Any such permit or license shall be revocable by the Town at any time and without cause, whether or not such right to revoke is expressly reserved in the permit or license".*

There a number of considerations regarding this request including at the very least:

1) Allowing a commercial operator to use electric motorized Trikkes on sidewalks and trails, may spark interest from other commercial operators or private citizens to do the same. The regulations regarding what type of allowable electric or combustion engine motorized vehicle will be extremely important to convey to the public, so as to prevent undesirable motor vehicles from utilizing sidewalks and trails.
2) Once the Town to Pagosa Lakes trail is substantially completed, there may be a legitimate consideration to allow electric bikes (and or Trikkes) to use such trails, given the elevation difference between uptown and downtown, not only for visitors but for locals too.
3) Although the Modal Traffic code does not specifically define and Electric Trikke, it does define the limits of motorized vehicles regarding electric motor size and maximum speeds.
4) Municipal code revisions would need to be considered if Town Council approves the trike Tour request. Staff would identify such code sections and provide revision recommendations if directed to do so. Two readings of an ordinance is required for such Muni-Code revisions.

ATTACHMENT(S)

~ Electric Trikke product information sheet.
~ Formal request from the applicant.
~ Map showing proposed tour routes.

FISCAL IMPACT

There would be nominal fees collected associated with an approved and issued permit.
The applicant would be required to reimburse the Town for ay expenses associated with processing this request. Expenses may include, legal counsel review and possible muni-code revisions.

If Town Council decided to allow such an operation, posting of signs would be expected to communicate the regulations regarding allowable motorized vehicles. Signs and installation would require the expense of town funds, to be determined. In addition, municipal code revisions would require review by the Town Attorney and recordation of a code revision ordinance.

RECOMMENDATION

Staff recommends the TC consider the request and information provided for a determination. Below are alternate actions for consideration only.

1) Approve a Permit for Chirag Patel to operate Electric his proposed Trikke Tours in Downtown Pagosa Springs, further directing staff to develop associated Municipal Code revisions for Town Councils consideration.

2) Approve a Permit for Chirag Patel to operate Electric his proposed Trikke Tours in Downtown Pagosa Springs, further directing staff to develop associated Municipal Code revisions for Town Councils consideration with the following additional direction……

3) Deny a permit for Trikke Tours in Downtown at this time until further review from staff to include....

4) Deny a permit for Trikke Tours in Downtown Pagosa Springs.

Trikke Pon-e 48v

★★★★★ (1 customer review)

$2,090.00

The Pon-e 48V is the top of the Electric line. Equiped with a 48v longer range battery (15-24 miles on a single charge) and 350 watt motor for more torque up hill. Still very portable at 37lbs – 46lbs with battery.
Dual Speed Settings: Econo: 12mph and Express: 16mph
Motorcycle grade tires.

Color Choose an option…

SKU: N/A. Category: Electric Line.

Additional Information

Product Description

The Trikke Pon-e 48V is our long range, high torque personal transporter. If you plan to ride in a hilly area, or plan to carry more weight, this is the model for you. This three wheel electric vehicle is perfect for getting around town, running errands or touring and joy riding. This model is also robust enough to withstand the demands of rental operations as an electric rental and tour vehicle. This is a very engaging three wheel electric scooter that delivers fun, fitness and green transportation all in one package. Personal mobility and personal transportation has never been better. With the Trikke EV, you also get very portable mobility because you can fold it up in seconds and toss it into a car, bus or train. Here is a green commuter vehicle that gives back every time you go for a ride.

Watch a product review from by Pete Prebus from Electric Bike Report

- Foldable lightweight robust frame built with aircraft grade aluminum AL6061
- Fully adjustable handlebars
- Dual disc brakes with parking lock
- Aluminum rims with Abec5 sealed bearings 10" front 9.5" rear, **motorcycle grade tires**
- slick aerodynamic design fairing, UV resistant and impact absorbing ABS.
- **350W** brushless free-wheel hub motor (700W peak power)
- **48V-11.25Ah** Panasonic lithium-ion quick-swap battery
- 46lbs with battery – 37lbs w/out battery
- 16mph (25km/h) max speed – motor only
- 24 miles (38km) range
- 5h recharge time (full)

* Suggested Weight Limit: 250 lbs
* Suggested Height Range: 5' to 6'3"
* Recommended Ages: 13+

Related Products

Trikke Colt

$599.00

Select options

Trikke Pon-e 36v Lite 9Ah

$1,490.00

Select options

Become a US Dealer

Become an Int'l Trikke Distributor

Trikke Registration

Trikke Support Case

Customer Care

Tech Support

Join our mailing list

Name

Email*

Submit

Follow Us!

THE CARVING EDGE

THE BLOG OF TRIKKE TECH, INC.

© 2015 Trikke™ Official Site

Website by Park Central Web Design | UVA Design Studio

April 27, 2015

RE: Guided Historic Tour of Downtown Pagosa Springs

Greetings and Salutations,

I am writing to request a permit to operate a guided tour of our beautiful historic downtown. We want to run two to three 1 and ½ hour tours a day, between 9am and 7pm. The option to run an extra tour or two over busy weekends/weeks is also requested.

These tours are similar to, but safer than the Segway tours that you may have seen in places like Glenwood Springs, Garden of The Gods, etc. With our trikkes having three wheels instead of two, it is much more stable and easier to maneuver than Segways. Trikkes are classified the same as electric wheel chairs under electric personal assistive mobility devices. They are sidewalk legal just like electric wheel chairs and are smaller and more maneuverable. We have worked hard at getting permission to launch our tours from the parking lot of the Quality Inn. By the way, the owners there are very helpful and supportive of new businesses such as this historic tour. They should be applauded for their efforts.

Each tour will start off with 15 minutes of instruction and practice at the Quality Inn parking lot. Then start the route as highlighted on the map. The guide will have a microphone attached to his helmet and the people on the tour will have ear pieces in their helmets. So as the guide safely directs them through the tour, they will be hearing info on the historic buildings they pass and anecdotal info on Pagosa's history.

Please let me know if you have any other questions about this great new way to showcase our history and beautiful downtown Pagosa.

Sincerely,

CK Patel

Pagosa Springs Trikke Tours

AGENDA DOCUMENTATION
NEW BUSINESS: V.5

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: FIRST READING OF ORDINANCE NO. 827, AN ORDINANCE OF THE TOWN OF PAGOSA SPRIGS VACATING A PORTION OF THE RIVERS EDGE TOWNHOUSES PLANNED UNIT DEVELOPMENT SUBDIVISION. (PUBLIC HEARING - QUASI-JUDICIAL MATTER)
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town has received an application requesting a Plat Amendment for the River's Edge Townhouses Planned Unit Development (PUD), located at 250 & 268 San Juan Street. The original PUD included two - 4 unit townhome buildings, however, only one 4 unit building was constructed with no plans to complete the 2nd building. The undeveloped portion of the PUD is the western portion of the PUD subdivision property.

The applicant, Ken Schuman of Frescan 9, LLC., is a joint owner with NM Airport Hospitality, LLC., of the un-developed 4 townhome unit sites. NM Airport Hospitality has provided a notarized statement of authority giving Ken Schuman the Authority to execute the subject application with the Town. The two owners are coordinating the acceptance of the associated common property through an "Amended Association Declaration" which will give the Rivers Edge Townhome Association, Inc., the subdivisions property owners association, the authority to transfer the common property elements to Frescan 9, LLC and NM Airport Hospitality, LLC., by way of a "Bargain and Sale Deed". The "Amended Association Declaration" requires notarized approval from all unit owners, certifying their approval of the property transaction.

The applicant intents to subdivide off the undeveloped western portion of the previously platted PUD, and to consolidate the undeveloped townhome foot prints and associated common property into one vacant lot.

The subject property and neighborhood is zoned R-18, High Density Residential, and there is NO proposal to change the zoning.

The Town originally approved the development under a Planned Unit Development process, required under the LUDC adopted at the time. Since the original approval, the newest version of the Town's LUDC, does not outline a PUD process, however, the previous LUDC required that to vacate all or a portion of a previously approved PUD, Town Council must vacate through two readings of an ordinance. The original plat # 815 was recorded on November 13, 2006 under reception No. 20610988. Since the original Subdivision was platted as a Planned Development, vacating all or a portion of the previously approved PUD, requires Vacation via an Ordinance.

On May 12, 20154, the Planning Commission considered this item and approved the following recommendation: *"Approve a Recommendation for Town Council to APPROVE the Vacation of the Un-Developed portion of the Rivers Edge Townhouses Planned Unit Development, and to amend the PUD Plat".*

ANALYSIS

The original PUD plat included two- 4 unit townhome buildings, however, only one building was completed and the second building will not be built. All private and public improvements associated with the completed 4 unit building

have been completed and accepted by the Town. All public and private improvements associated with phase one have been completed and accepted by the Town when phase one was completed.

The 8 foot wide easement for a future 5 foot wide pedestrian walkway along the river bank, that was established as part of the original PUD plat approval, will remain intact on both the developed and the undeveloped parcel of land, for future public improvements and use, and will be noted on the PUD vacation and plat amendment as an existing easement.

Staff has not identified any concerning issues with this request to Vacate the western portion of the Rivers Edge Townhouses PUD or with amending the Rivers Edge Townhouses PUD plat, reflecting the partial PUD vacation. This vacation process is basically a formality, required prior to any amendments to the Plat for lot subdivision and consolidation.

ATTACHMENTS:

~ Original platted PUD lot layout from recorded on Plat #815.
~ Preliminary proposed new plat, which once finalized, will serve as Exhibit A for Ordinance 827.
~ Ordinance 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision.

FISCAL IMPACTS

~ The applicant is required to reimburse the Town for all expenses associated with processing the application, including costs of public notification, recordation of Ordinance and Plat Amendment.
~ Consolidating the 4 townhome Lots into one lot, will reduce future property tax collections.

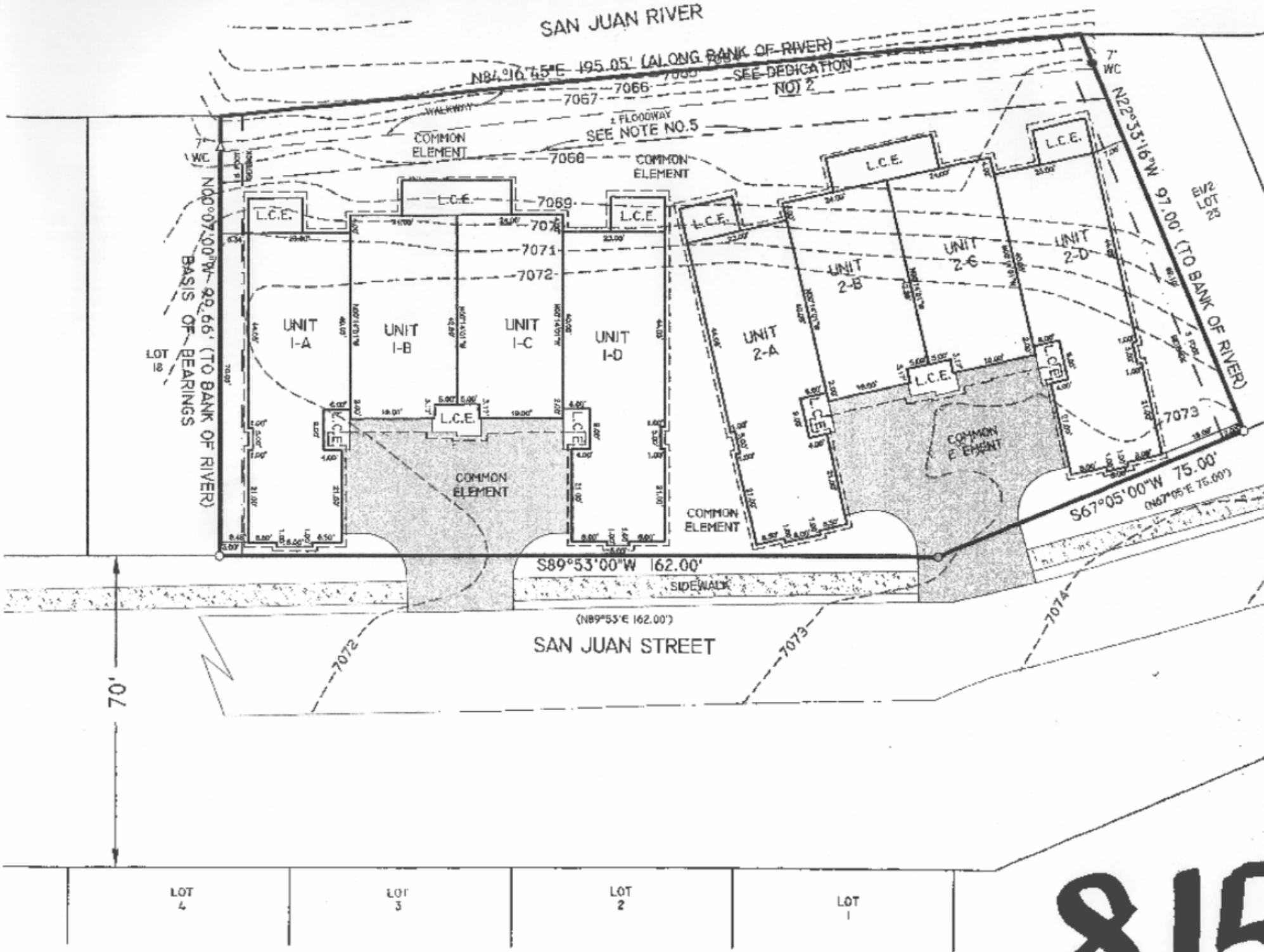
RECOMMENDATION

It is the Planning Director's and the Planning Commission's recommendation that the Town Council consider the applicants request and the information provided at the public hearing and further recommend the Town Council Approve Alternative Action #1 below. Following are 3 alternative actions for Town Council's consideration.

1) **"APPROVE the First Reading of Ordinance No. 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision."**

2) "APPROVE the First Reading of Ordinance No. 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision, with the following additional conditions of approval"

3) "DENY the First Reading of Ordinance No. 827, an Ordinance of eth Town of Pagosa Springs, vacating the western portion of the River's Edge Townhouses Planned Unit Development applications"



815

TICE: According to Colorado law you MUST commence any
al action based upon any defect in this survey within three

TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01

VACATING A PORTION OF THE RIVER'S EDGE TOWNHOUSES - A PLANNED UNIT DEVELOPMENT LOCATED WITHIN LOT 20X OF BLOCK 29 AND SUBDIVIDING LOT 20X INTO TWO NEW LOTS BY CREATING LOT 20Z WHICH CONSISTS OF COMMON ELEMENT AND UNITS I-A, I-B I-C AND I-D AND ALSO CREATING LOT 21Z WHICH CONSISTS OF ONLY OF COMMON ELEMENT

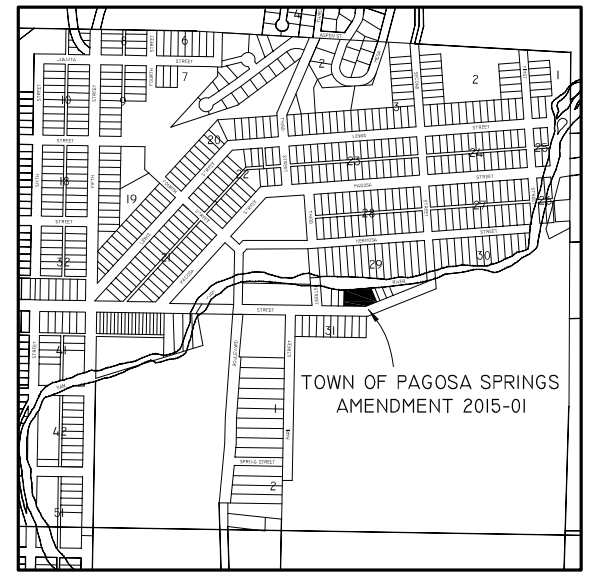
TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO

LEGEND:

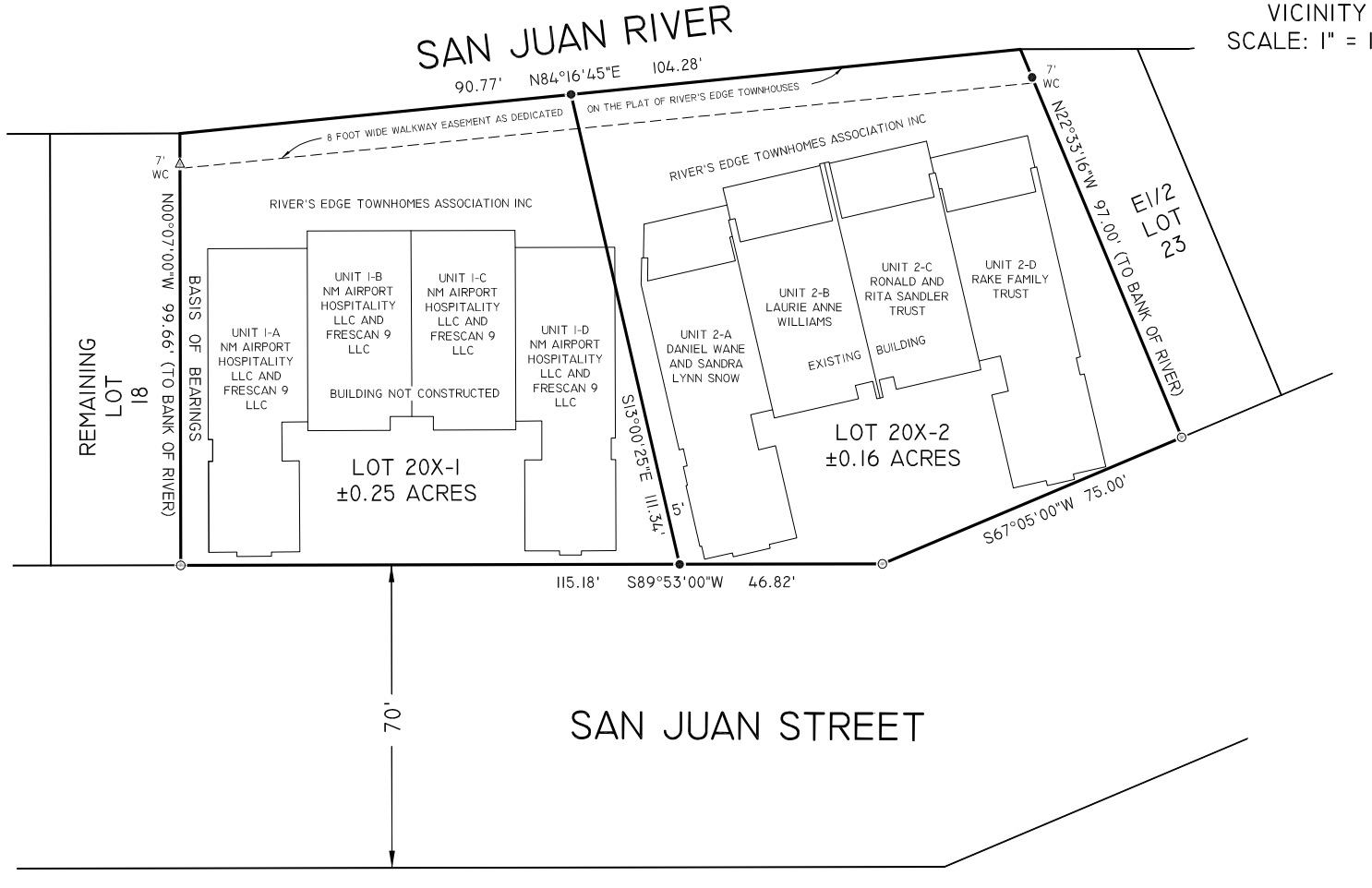
- ▲ FOUND 1 1/2" IRON POST WITH 2" ALUMINUM CAP PLS 20691
- △ FOUND 3 1/4" ALUMINUM CAP FLUSH WITH CONCRETE OR ASPHALT CDOT
- ○ FOUND 1/2" REBAR WITH 1 1/2" ALUMINUM CAP PLS 23894
- ● FOUND OR SET 1/2" REBAR WITH 1" PLASTIC CAP PLS 26973
- ■ SET 1" BRASS DISK IN CONCRETE
- □ FOUND 2 1/2" IRON POST WITH CAP MISSING

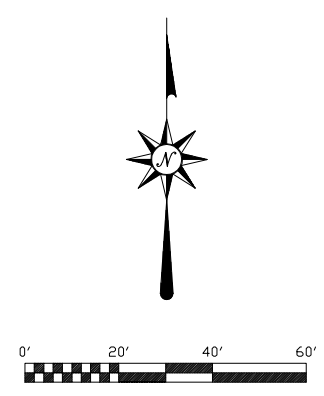
NOTES:

1) ALL BEARINGS ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF LOT 20X-1, MONUMENTED AS SHOWN HEREON, BEARS BEARS N00°07'00"W - S00°07'00"E.
2) OTHER THAN SHOWN HEREON IF ANY, THE CLIENT DID NOT WISH TO HAVE EASEMENTS AND/OR RIGHTS OF WAY RESEARCHED BY DAVIS ENGINEERING SERVICE, INC.
3) CONSOLIDATION PLAT CREATING LOT 20X OF BLOCK 29 WAS RECORDED UNDER RECEPTION NO. 20610990 AS PLAT NO. 817. THE PUD PLAT CREATING RIVER'S EDGE TOWNHOUSES WAS RECORDED UNDER RECEPTION NO. 20610988 AS PLAT NO. 815.
4) THE VACATION OF THE PLANNED UNIT DEVELOPMENT PORTION OF THE RIVER'S EDGE TOWNHOUSES AND THE CONSOLIDATION OF LANDS WITHIN LOT 20Z OF THIS REPLAT WERE APPROVED BY TOWN ORDINANCE NO. 827.
5) UNIT 2-A, 2-B, 2-C, 2-D, THE LIMITED COMMON ELEMENT AND THE COMMON ELEMENT WITHIN NEWLY CREATED LOT 21Z IS STILL TO BE KNOW AS THE RIVER'S EDGE TOWNHOUSES.



VICINITY MAP
SCALE: 1" = 1/8 MILE





TOWN COUNCIL CERTIFICATE:

THIS PLAT AND THE STATEMENTS HEREON ARE CONDITIONALLY APPROVED, PENDING COMPLETION OF SPECIFIED IMPROVEMENTS,

THIS _____ DAY OF _____, 2015.

BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO. THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS, OR ANY OTHER SERVICE FACILITY AND DOES NOT CONSTITUTE ACCEPTANCE OF ROADS, UTILITIES, OR SERVICES BY THE TOWN FOR MAINTENANCE OR OPERATION.

BY MAYOR: _____

ATTEST BY TOWN CLERK: _____

APPROVAL TO RECORD CERTIFICATE:

HAVING ASCERTAINED THAT THE CONDITIONS OF APPROVAL HAVE BEEN SATISFACTORILY COMPLETED ON

THIS _____ DAY OF _____, 2015.

THE TOWN COUNCIL APPROVES THIS PLAT FOR RECORDING BY THE ARCHULETA COUNTY CLERK AND RECORDER.

BY MAYOR: _____

ATTEST BY TOWN CLERK: _____

CLERK AND RECORDERS CERTIFICATE:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE

AT _____ O'CLOCK, THIS _____ DAY OF _____, 2015.

RECEPTION NUMBER: _____

PLAT FILE NUMBER: _____

DEDICATIONS:

KNOW ALL PERSONS BY THESE PRESENTS:
THAT FRESCAN 9 LLC, A NEW MEXICO LIMITED LIABILITY COMPANY AND RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. BOTH OF 9833 BASS LAKE ROAD, SANDSTONE, MN 55072 AND NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY OF 11750 HOLLY AVENUE NE, ALBUQUERQUE, NM 87122 BEING OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT:

RIVER'S EDGE TOWNHOMES UNITS I-A, I-B, I-C, I-D ALONG WITH THEIR ADJOINING LIMITED COMMON ELEMENT AND THE ENTIRE COMMON AREA. LESS AND EXCEPT AND NOT INCLUDING UNITS 2-A, 2-B, 2-C, 2-D AND THEIR ADJOINING LIMITED COMMON ELEMENT OF THE RIVER'S EDGE TOWNHOUSES AS SHOWN ON THE PLAT OF RIVER'S EDGE TOWNHOUSES WHICH IS RECORDED UNDER RECEPTION NO. 20610988. ALSO LOCATED WITHIN LOT 20X OF BLOCK 29, ACCORDING TO THE CONSOLIDATION PLAT RECORDED UNDER RECEPTION NO. 20610990. TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.

CONTAINING 0.41 ACRES MORE/LESS.

AND HAS CAUSE THE SAME TO BE AMENDED AND DESIGNATED AS TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01 AND HAS CAUSED THIS PLAT TO BE MADE, FILED:

CERTIFICATE OF OWNER:

I CERTIFY THAT I AM AUTHORIZED AS PRESIDENT OF THE RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. (THE ASSOCIATION) TO EXECUTE THIS PLAT AS AN AMENDMENT TO THE RIVER'S EDGE TOWNHOUSES RECORDED A RECEPTION NO.20610988 PURSUANT TO AUTHORITY OF THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION FOR RIVER'S EDGE TOWNHOMES RECORDED AS RECEPTION NO. _ _____ AND AS RESOLVED AND APPROVED BY THE ASSOCIATION AND THE REQUISITE CONSENT OF THE MEMBERS AS SET FORTH THEREIN.

THIS _____ DAY OF _____, 2015.

_____
KENNETH L. SCHUMANN, PRESIDENT
RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. A COLORADO NONPROFIT CORPORATION

CERTIFICATE OF OWNER:

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT AMENDMENT, THE DECLARANTS HEREBY WAIVES ANY AND ALL CLAIMS OF DAMAGE AGAINST THE TOWN OF PAGOSA SPRINGS OCCASIONED BY THE ALTERATION OF LAND SURFACES TO CONFORM TO THIS PLAT AMENDMENT, IN WITNESS THEREOF, THIS INSTRUMENT IS EXECUTED.

THIS _____ DAY OF _____, 2015.

_____
KENNETH L. SCHUMANN, MEMBER
OF FRESCAN 9, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY _____OF_____ 2014 BY KENNETH L. SCHUMANN AS PRESIDENT OF THE RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. A COLORADO NONPROFIT CORPORATION AND AS A MEMBER OF FRESCAN 9, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

CERTIFICATE OF OWNER:

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT AMENDMENT, THE DECLARANTS HEREBY WAIVES ANY AND ALL CLAIMS OF DAMAGE AGAINST THE TOWN OF PAGOSA SPRINGS OCCASIONED BY THE ALTERATION OF LAND SURFACES TO CONFORM TO THIS PLAT AMENDMENT, IN WITNESS THEREOF, THIS INSTRUMENT IS EXECUTED.

THIS _____ DAY OF _____, 2015.

_____
KARIM KASSAM, MANAGER
NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY _____OF_____ 2014 BY KARIM KASSAM AS MANAGER OF THE
NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

SURVEYOR'S CERTIFICATE:

I, DEAN P. SCHULTZ, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01 WAS PREPARED BY ME OR UNDER MY DIRECTION, AND IT IS NOT A MONUMENTED LAND SURVEY PLAT/MAP, AND WAS PREPARED TO MEET LAND USE CODE 21.7.15 OF THE TOWN OF PAGOSA SPRINGS.

COUNTY SURVEYOR'S CERTIFICATE:

THIS PLAT HAS BEEN REVIEWED AND APPROVED FOR STATUTORY COMPLIANCE, LEGIBILITY, FORM AND CONTENT ONLY AND MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF COLORADO. THIS CERTIFICATE DOES NOT REPRESENT A THOROUGH REVIEW OF CALCULATIONS, METHODOLOGY, OR THE CORRECTNESS OF THE BOUNDARIES DEPICTED HEREON.

_____
ARCHULETA COUNTY SURVEYOR (OR DEPUTY) DATE

PLANNING COMMISSION CERTIFICATE:

THIS ANNEXATION PLAT AND THE STATEMENTS HEREON ARE RECOMMENDED FOR APPROVAL BY THE TOWN COUNCIL.

THIS _____ DAY OF _____, 2015.

BY THE PLANNING COMMISSION OF THE TOWN OF PAGOSA SPRINGS, COLORADO. THIS RECOMMENDATION OF APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS OR ANY OTHER SERVICE FACILITIES.

BY CHAIRPERSON: _____

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

REVISIONS	TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01 VACATING A PORTION OF THE RIVER'S EDGE TOWNHOUSES - A PLANNED UNIT DEVELOPMENT LOCATED WITHIN LOT 20X OF BLOCK 29 AND SUBDIVIDING LOT 20X INTO TWO NEW LOTS BY CREATING LOT 20Z WHICH CONSISTS OF COMMON ELEMENT AND UNITS I-A, I-B I-C AND I-D AND ALSO CREATING LOT 21Z WHICH CONSISTS OF ONLY OF COMMON ELEMENT TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO		
10/04/06	SCALE 1" = 20'	DAVIS ENGINEERING SERVICE, INC. P.O. BOX 1208 PAGOSA SPRINGS, COLORADO 81147 PHONE: (970) 264-5055 FAX: (970) 264-9210	SURVEYED BY DPS
	DATE 02/04/15		DRAFTED BY DPS
CLIENT			FILED P06626

TOWN OF PAGOSA SPRINGS, COLORADO

Ordinance No. 827
(Series 2015)

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS VACATING A PORTION OF THE RIVERS EDGE TOWNHOUSES PLANNED UNIT DEVELOPMENT SUBDIVISION

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 11.2 A) of the Town's Home Rule Charter the Town Council may adopt land use and development ordinances, including but not limited to, zoning and subdivision ordinances; and

WHEREAS, pursuant to the Pagosa Springs Land Use and Development Code, the Town Council is authorized to vacate an existing subdivision by ordinance adopted upon proper application and public hearing before the Town Council; and

WHEREAS, an application has been received for the partial vacation of the Rivers Edge Townhouses Planned Unit Development subdivision located within the corporate limits of the Town, as recorded on Plat #815, with Reception No. 20610988 in the records of the Clerk and Recorder of Archuleta County, and following a public hearing of the Town Council convened on May 21, 2015, upon notice as required by Section 2.3.6 of the Land Use and Development Code, the Town Council has determined that the conditions for approval of subdivision vacation have been met; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the public hearing before the Town Council, were met, as follows:

a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on May 7, 2015.
b. Written notice was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on May 1, 2015.
c. On May 1, 2015, Public Notice was physically posted on the property at 250 San Juan Street.
d. Although not required by the LUDC, public notice was also posted at Town Hall On May 1, 2015; and

WHEREAS, the Town Council deems it necessary and in the best interest of the health, safety and welfare of the public it serves to formally and expressly vacate within the corporate limits of the Town, a portion of the subdivision plat for the Rivers Edge Townhouses Planned Unit Development subdivision, as represented on Exhibit A, herein attached;

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

Section 1. **Partial Vacation of Planned Unit Development Subdivision Plat.** Town Council hereby vacates the western undeveloped portion of the Rivers Edge Townhouses Planned Unit Development subdivision, as represented on Exhibit A herein attached, within the corporate limits of the Town, originally recorded on Plat No. 815, with Reception No. **20610988** in the records of the Clerk and Recorder of Archuleta County.

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, are 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, and upon the recordation of an amended Rivers Edge Townhouses plat, indicating the approved partial vacation of the planned unit development contemplated in this ordinance.

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 21st DAY OF MAY, 2015.

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 JUNE, 2015.

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. 827 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 21st day of May, 2015, 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 (P.S.M.C.), and specifically Section 1.3.3, which provides for a fine not exceeding $2,650 or incarnation not to exceed one year, or both, that violation of the ordinance constitutes a public nuisance that may be abated pursuant to Article 2, Chapter 11 of the P.S.M.C., that the Town may seek injunction, abatement, or restitution in case of violation, and any other remedies provided by law or equity, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015, 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 _____, 2015.

_____
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. 827 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the __ day of June, 2015, 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 _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

_____
April Hessman, Town Clerk

(S E A L)

AGENDA DOCUMENTATION

NEW BUSINESS: V.6

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: INTERGOVERNMENTAL AGREEMENT (IGA) FOR SCHOOL DISTRICT USE OF TOWN/COUNTY SCAN NETWORK FIBER
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

In 2010, the Town of Pagosa Springs and Archuleta County participated in a grant application with several other cities and counties in southwestern Colorado to establish a fiber optics network known as "SCAN," or Southwest Colorado Area Network." The original purpose of SCAN was to establish a fiber optic network for use by governmental entities where demand could be aggregated and then bid for a lower price than could be achieved individually.

The grant application was administered by the Council of Governments and each participant contributed a match. The grant amount was $3 million and the match from all sources was $1 million. However, at this present juncture, the fiber optic cable is not being utilized for its greatest potential as each group that originally participated is less incentivized for their own individual reasons. Initially the School District was interested in participating in the venture, but due to the prospect of getting better connectivity through the Eagle Net project, the School District opted to not participate in the build-out of the SCAN Network to the schools and administration offices. Unfortunately, the Eagle Net project did not complete the build out to southwestern Colorado.

The School District presently gets their intra and internet service through Century Link and it's the Town's understanding the monthly charges are approximately $2,500 for all service at all locations. The School District has been informed by Century Link the cost for service is going to increase to approximately $10,000 per month effective July 1, 2015. As a result, the Town and County were approached by the School District to see if it were possible to utilize the existing under-utilized SCAN Network for intranet purposes and for a pathway to outside internet service.

The School District is requesting from the Town and County the use of 2 strands of dark fiber from the SCAN Network. The proposed IGA outlines the use and responsibilities of the fiber and the parties. This item is being heard by the County on May 19th, 2015.

FISCAL IMPACT

There is little to no fiscal impact as far as cost to the Town and County as the School is responsible build-out to their facilities and any damage they cost is to be borne by the School. There is the question of lost opportunity for revenue by not charging the School District for the use of the 2 strands of dark fiber. As noted earlier the network is not being really used and there is the policy question of what's in the overall best interests of the community.

ATTACHMENTS

- Exhibit A: Proposed IGA

2015 TOWN COUNCIL GOALS & OBJECTIVES

Goal #4 of the Council's Goals & Objectives is to "Improve communication, encourage public engagement, and pursue cooperative relationships. Within Objective 4.3 is the action item of "Participation with other Boards and Commissions" and the School District is specifically identified.

RECOMMENDATIONS

Possible actions by the Town Council include:

1) **"APPROVE AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSED INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN, COUNTY AND SCHOOL DISTRICT FOR THE SCHOOL DISTRICT'S USE OF SCAN NETWORK FIBER."**

2) **"DISPROVE AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSED INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN, COUNTY AND SCHOOL DISTRICT FOR THE SCHOOL DISTRICT'S USE OF SCAN NETWORK FIBER."**

3) **DIRECT STAFF**

INTERGOVENRMENTAL AGREEMENT BETWEEN ARCHULETA COUNTY AND THE TOWN OF PAGOSA SPRINGS AND ARCHULETA SCHOOL DISTRICT 50JT FOR USE OF FIBER CAPACITY CONNECTION

THIS "Agreement" made and entered into this 12th day of May, 2015, by and between **ARCHULETA COUNTY & TOWN OF PAGOSA SPRINGS,** (hereinafter referred to as "Owners"), and the **ARCHULETA SCHOOL DISTRICT 50 JT** (hereinafter referred to as the "ASD50JT"), whose address is 309 LEWIS STREET, PAGOSA SPRINGS CO 81147, concerning connection to the Southwest Colorado Access Network (SCAN) Network, who do hereby state and agrees as follows:

RECITALS:

WHERAS, the Owners, in conjunction with the Southwest Colorado Council of Governments SWCCOG), recognized a need to improve telecommunication capabilities, capacity, reliability, and availability in the five county region in order to affect economic development, improve community anchor institutions efficiency and accessibility, and reduce telecommunication costs for community anchor institutions; and

WHEREAS, the SWCCOG was the recipient of a Colorado Division of Local Affairs (hereinafter referred to as "DOLA") grant for telecommunication infrastructure improvements; and

WHEREAS, the Owners, as member entities part of the larger SWCCOG initiated and completed the SCAN project to provide telecommunication connection in participating communities to a regional network through a variety of economically viable and sustainable models; and

WHEREAS, ASD50JT has expressed interest from the inception in participating with the Owners in utilizing the SCAN Network; and

WHEREAS, ASD50JT currently utilizes CenturyLink for internet and network services; and

WHEREAS, effective July 2015, ASD50JT desires to make a change in internet and network services to serve the best interests of the staff and students; and

WHEREAS, a portion of the DOLA grant resulted in excess capacity that Owners and SWCOG have determined is insubstantial relative to the capacity utilized by the Owners for its own purposes, and

WHEREAS, the Owners are open to allowing ASD50JT to utilize the excess capacity at no additional charge and subject to the terms of this Agreement.

NOW, THEREFORE in accordance with the above recitals, the Owners and the ASD50JT do hereby agree:

1. The Owners agree to allow ASD50JT to utilize the SCAN Network in accordance with the provisions in Exhibit A. Notwithstanding any other provision in the Agreement to the contrary, nothing in this Agreement shall be deemed to grant, convey, create or vest in ASD50JT any real or personal property interest in the SCAN Network or any fiber strands or pairs including any fee, leasehold or easement interest.

2. Effective Date, Term and Termination.
This agreement shall become effective upon the date of the last signature by the authorized representative of both parties. Subject to annual appropriations, this Agreement shall automatically renew unless either party opts out of the renewal at least 30 days prior to the anniversary date of this agreement. Additionally, either party may terminate this Agreement at any time by providing the other party written notice 90 days prior to termination, with or without cause.

3. Indemnification
ASD50JT shall indemnify, save, hold harmless, and defend the Owners and all its officials and employees from any and all liability, claims, demands, actions, and attorney fees arising out of, claimed on account of, or in any manner predicted upon loss or damage to the property of, injuries to, or death of all persons whatsoever or which may occur or be sustained in connection with performance or non- performance of this contract to the extent permitted by law. Notwithstanding, each party is responsible for any damage caused as a result of the acts or omissions of that party's employees, agents, or representatives.

4. Governmental Immunity
The parties hereto do not waive their governmental immunity.

5. Breach
Any failure of either party to perform in accordance with the terms of this agreement shall constitute a breach. Failure to cure the breach within thirty business days after written notice to the address contained herein shall be grounds for the non-breaching party to terminate this agreement and exercise all legal remedies available. All obligations to pay damage or loss and to indemnify shall survive termination. Any dispute concerning the performance or interpretation of the Agreement which cannot be resolved by the designated points of contact or their immediate superiors shall be referred to the party's chief administrative officer (Town/City/County Manager or other designated SWCOG Administrator). If the matter is not resolved within 45 days after referral, either party may file legal action. Any litigation will be filed in District Court of Archuleta County or if federal law applies, in the Federal District Court for Colorado.

6. No Special Damages.
Notwithstanding any other provision hereof, neither party shall be liable for any damages for loss of profits, loss of revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing, replacement services, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of its performance or failure to perform under this Agreement.

7. It is understood and agreed that this Agreement does not establish a separate legal entity, nor does it make any party as an agent of any other party for any purpose whatsoever. ASD50JT shall be responsible for all installation, maintenance and operation costs related to its own dark fiber equipment, property, and infrastructure. In the event that the dark fiber is damaged as a result of damage to the Owners' fiber bundle, the Owners will exercise their best efforts in expediting repair but cannot guarantee service.

8. Costs of Performance.

Each party shall, at all times, and subject to annual appropriation, be responsible for its own costs incurred in the performance of this Agreement, and shall not receive any reimbursement from any other party to this Agreement, but may receive third party reimbursements.

9. Severability

It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

10. Construction

Each and every term, provision, or condition herein is subject to and shall be construed in accordance with the provisions of Colorado law, the Charters of the various parties, and the ordinances and regulations enacted pursuant thereto prior to the date hereof. The Owners represent that they have reviewed their current Charters, ordinances, and regulations and that they find no provisions that conflict or are inconsistent with any provision of this Agreement.

11. Assignment

This Agreement may only be assigned with the express written consent of the parties, and will thereafter be binding upon the successors and assigns.

12. No Sublease

ASD50 JT may not sublet the SCAN Network or grant other parties any rights to use equipment, circuits or access covered by this Agreement without the express written consent of Owners.

13. Third party beneficiaries

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the named parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the named parties that any person other than the named parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

14. Amendment

This Agreement may only be amended in writing signed by all Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

ARCHULETA SCHOOL DISTRICT 50JT

_____ _____

Greg Schick, Chair, Archuleta School District 50JT Date

OWNERS REPRESENTATIVES:

_____ _____

Don Volger, Mayor, Town of Pagosa Springs Date

_____ _____

Michael Whiting, Chair, Archuleta County Date

EXHIBIT A

- ASD50JT shall be responsible for:
  - Installation, maintenance, and operation costs related to its own equipment
  - Any damage to the fiber as result of the installation will be borne by ASD50JT or its selected installation company.

- The Owners shall allow ASD50JT to:
  - Connect to the SWCOG "SCAN" Fiber Loop Fiber Connection via the fiber "slack loop" at each School District property to provide INTRANET access between the school district and other SCAN Network entities, as with other entities already connected to the SCAN loop. ASD50JT will be able to make these connections using an installation company of their choosing, who will be authorized to fuse the fiber links from the ASD50JT fiber to the leased dark SCAN Network Fiber.
  - In addition to the above standard SCAN connection, Owners shall allow the School District the exclusive use of 2 currently dark SCAN fiber pairs between the School District Middle School campus and the Elementary School and High School Campuses. This will allow the School District to replicate their current fiber INTRANET which provides the capability of inter-building communication as well as Internet connectivity to the Elementary and High School Campuses via the School District's central Internet demarcation point (Middle School 5/6 Building Telco closet).

AGENDA DOCUMENTATION

NEW BUSINESS: V.7

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: GEOTHERMAL GREENHOUSE PROJECT UPDATE AND FUNDING REQUEST
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

In February 2010, the Town of Pagosa Springs entered into a Ground Lease with the Southwest Land Alliance (SLA) authorizing a lease of a portion of land in the Town's Centennial Park and the lease of a geothermal water tap. The purpose of the Ground Lease was to allow a dedicated group of individuals to develop and build geothermal botanical greenhouses. The term of the Ground Lease was for a period of nine years beginning February 2010 and continuing through a set of successive renewals until 2019. In 2012, Ordinance No. 769 was passed by the Town Council authorized the termination of the ground lease and water tap with SLA and re-authorizing the same ground lease and water tap with the Geothermal Greenhouse Partnership (GGP). The initial term also ends in 2019, but a renewal option was added for another possible 25 years in 5 year successive terms. Last, the Town has committed $25,000 in seed money for the GGP and is presently a budgeted item in the Town's 2015 Adopted Budget.

The GGP has spent considerable time in the past two years in organizing as a 501(c)3 entity and seeking funding for the development and the initial design and planning work for the construction of the geothermal greenhouses. The GGP currently has secured approximately $125,000 consisting of the following commitments:

- $ 25,000 Town of Pagosa Springs
- $ 25,000 Laura Jean Musser Foundation
- $ 25,000 San Juan Basin Roundtable
- $ 50,000 Colorado Water Conservation Board

<u>DoLA Energy and Mineral Impact Assistance Funds</u>

In December 2014, the Town, with Council's approval, submitted an Energy Impact grant application in the amount of $301,800. Staff presented to the DoLA panel in March and we were notified of the award in early April. The grant award was in the amount of $275,000. After notification of the award, staff worked with the GGP Board to revise the scope of work to match the reduced award amount of $275,000. By re-working the scope of work and getting additional In-kind donations, we were able to match the grant funding with the contemplated improvements. In a basic way, the DoLA funds are being used for the above ground work and the CWCB funds are being used for the below ground work. A description of the revised scope of work and cost estimate is attached as Exhibit B.

REVIEW / ANALYSIS

Due to the Energy Impact program guidelines, it is a governmental entity that must be the applicant for the funds. Furthermore, it is the applicant (governmental entity) that owns whatever is purchased by the funds. As Council may recall, the DoLA grants are also on a reimbursement basis. In addition, the grant funding the GGP has received from the CWCB is also on a reimbursement basis.

After reviewing the parameters of the projects between Town staff and the GGP Board it was concluded that the Town would be the better entity to administer the grants funds and act as fiscal agent and project manager for this phase 1 of the construction. The reasons for the conclusion are as follows:

- Fundamentally, it is believed the project will have better success with bids if both the below ground work and above ground work is bid together as one project.
- As the recipient of the DoLA funds, the Town must administer those funds.
- The Town is better suited administratively and fiscally to administer the grant funds and manage the project during construction.
- The Town is experienced in performing bids that satisfy state requirements.

FISCAL IMPACT

The immediate fiscal impact is both direct and indirect. The indirect part is the incremental staff time to administer the grants and to manage the construction contract. The direct fiscal impact is the need to appropriate funding from reserves to front the funding for the DoLA grant and the CWCB grant. The total amount would be $350,000 ($275,000 for DoLA and $75,000 for CWCB). The GGP does not have the cash on hand to front the $75,000 and be reimbursed later. A request letter from the GGP Board is attached as Exhibit A asking the Town to advance the $75,000.

PARKS & RECREATION COMMISSION ACTION

The proposal by the GGP was presented to the Parks & Recreation Commission the evening of September 10th, 2015. The GGP requested the Parks & Recreation Commission to endorse the GGP's request to have the Town Council submit the Energy and Mineral Assistance application on their behalf. The action of the Parks & Recreation Commission was unanimous to endorse the Council to approve applying for the Energy and Mineral Impact Assistance Grant.

RECOMMENDATION

Possible actions by the Town Council include:

1) "APPROVE THE REQUEST OF THE GEOTHERMAL GREEHOUSE PARTNERSHIP (GGP) AND ADVANCE $75,000 TO BE USED FOR SPECIFIED PHASE 1 CONSTRUCTION COSTS FOR THE GEOTHERMAL GREENHOUSE PROJECT AND FOR THE TOWN TO BE REIMBURSED, DOLLAR FOR DOLLAR, FROM THE $75,000 GRANT AWARD TO THE GGP FROM CWCB."

2) "DISPROVE THE REQUEST OF THE GEOTHERMAL GREEHOUSE PARTNERSHIP (GGP) TO ADVANCE $75,000 TO BE USED FOR SPECIFIED PHASE 1 CONSTRUCTION COSTS FOR THE GEOTHERMAL GREENHOUSE PROJECT."

SECOND MOTION

1.) "APPROVE THE APPROPRIATION OF $350,000 FROM GENERAL FUND RESERVES TO SERVE AS FUNDING FOR PHASE 1 CONSTRUCTION COSTS FOR THE GEOTHERMAL GREENHOUSE PROJECT TO BE REIMBURSED BY DOLA ENERGY IMPACT AND CWCB GRANTS FUNDS TOTALLING $350,000."

2.) "DISPROVE THE APPROPRIATION OF $350,000 FROM GENERAL FUND RESERVES TO SERVE AS FUNDING FOR PHASE 1 CONSTRUCTION COSTS FOR THE GEOTHERMAL GREENHOUSE PROJECT AND DIRECT STAFF TO RETURN THE DOLA FUNDS."

To: Members of the Town Council of Pagosa Springs
From: Geothermal Greenhouse Partnership Board
Re: Building of the GGP Site
May 8, 2015

Members of the Town Council,

With the Department of Local Affairs (DoLA) grant of $275,000 awarded last month, and the Colorado Water Conservation Board and Southwest Water Basin Roundtable (CWCB) grants totaling $75,000 awarded last year, our site committee plans construction of the GGP site to begin after the July 4th holiday in 2015.

The committee has organized the work designated under both awards into the Phase I document, and we've been working with Town staff to bid both segments of work together. Both the DoLA and CWCB awards are structured to reimburse invoices upon completion of work. The Town of Pagosa Springs is the administrator of the DoLA award, and the reimbursement process is clear. The GGP Board respectfully requests that the Town advance payment on invoices related specifically to CWCB monies as well.

We are most grateful for the partnership and support of the Town of Pagosa Springs.

Thank you for your consideration,

Kathy Keyes
Chair
Geothermal Greenhouse Partnership

Geothermal Greenhouse Partnership

DoLA Phase 1
Preliminary Estimate - Revised 05/11/2015

					In-Kind Donations			
Construction Item Description	**Quantity**	**Unit**	**Unit Price**	**Extension**	**Quantity**	**Unit**	**Unit Price**	**Extension**
Clearing, Grubbing, Topsoil Removal & Replacement	450	c.y.	$10.00	$4,500.00	-	c.y.		
Subgrade Stabilization, Aggregate	100	c.y.	$60.00	$6,000.00	-	c.y.		
Subgrade Stabilization, Geogrid	500	s.y.	$5.00	$2,500.00	-	s.y.		
Subgrade Preparation	2,400	s.y.	$4.00	$9,600.00	-	s.y.		
Excavation & Removal of Unsuitable Material	300	c.y.	$15.00	$4,500.00	-	c.y.		
Excavation & Embankment	100	c.y.	$10.00	$1,000.00	-	c.y.		
Imported Embankment	2,500	c.y.	$8.00	$20,000.00	2,500	c.y.	$ 22.00	$ 55,000.00
Imported Topsoil	200	c.y.	$30.00	$6,000.00	-	c.y.		
Aggregate Base Course	140	c.y.	$40.00	$5,600.00	-	c.y.		
Asphalt Patching, 3" thick	5	tons	$100.00	$500.00	5	tons	$ 100.00	$ 500.00
Concrete Sidewalk, 4" Thick, Reinforced	1,000	s.f.	$6.00	$6,000.00	-	s.f.		
Concrete Sidewalk, 6" Thick, Reinforced	5,000	s.f.	$8.00	$40,000.00	-	s.f.		
Concrete Flatwork, 6" Thick, Reinforced, Decorative	400	s.f.	$20.00	$8,000.00	-	s.f.		
Concrete Catch Basins	2	ea.	$3,000.00	$6,000.00	-	ea.		
Storm Drain Pipe, 12" Diameter	300	l.f.	$50.00	$15,000.00	-	l.f.		
Water Service Pipe, 2" Diameter	50	l.f.	$25.00	$1,250.00	-	l.f.		
Water Service Pipe, 1" Diameter	150	l.f.	$20.00	$3,000.00	-	l.f.		
Realign or Replace Geothermal Line to Springs Resort	150	l.f.	$250.00	$37,500.00	-	l.f.		
Hot Water Pipe, 2" Diameter (supply & return)	500	l.f.	$30.00	$15,000.00	-	l.f.		
Raw Water Pipe, 2" Diameter	100	l.f.	$25.00	$2,500.00	-	l.f.		
Raw Water Pipe, 1" Diameter	100	l.f.	$20.00	$2,000.00	-	l.f.		
Water Pipe Gate Valves, 2" Diameter	3	ea.	$1,000.00	$3,000.00	-	ea.		
Water Pipe Gate Valves, 1" Diameter	12	ea.	$750.00	$9,000.00	-	ea.		
Bedding Material	300	c.y.	$18.33	$5,500.00	50	c.y.	$ 10.00	$ 500.00
Compaction of Trenches Across Roads/Parking Lots	125	l.f.	$20.00	$2,500.00	75	l.f.	$ 20.00	$ 1,500.00
Retaining/Landscape Walls	1,000	s.f.	$30.00	$30,000.00	-	s.f.		
Landscaping	1	l.s.	$10,000.00	$10,000.00	-	l.s.		
Modifications to Existing Park Irrigation System	1	l.s.	$5,000.00	$5,000.00	-	l.s.		
Site Lighting	0	l.s.	$20,000.00	$0.00	-	l.s.		
Electric Pedestal/Meter/Conduit	1	l.s.	$5,000.00	$5,000.00				
Trenching for Electric	100	l.f.	$5.00	$500.00	200	l.f.	$ 5.00	$ 1,000.00
Greenhouse, 42' Diameter	0	ea.	$35,000.00	$0.00	-	ea.		
Greenhouse Concrete Foundation	0	ea.	$10,000.00	$0.00	-	ea.		
Greenhouse Interior	0	ea.	$10,000.00	$0.00	-	ea.		
Mob., Demob. & Bonding	1	l.s.	$12,000.00	$12,000.00	-	l.s.		
			Construction Subtotal	**$278,950.00**			**In-Kind Donations Total**	**$ 58,500.00**
			Park Infrastructure Improvements (potentially a Restroom)	$80,000.00				
			Contingency @ 10%	$27,895.00				
			Environmental and Other Clearances	$10,000.00				
			Master Plan Engineering & Architectural Support	$25,000.00				
			Phase 1 Design Engineering & Architectural Support	$21,000.00				
			Phase 1 Construction Engineering	$29,500.00				
			Project Total	**$472,345.00**				

Notes:
1. Does not include any parking or street improvements outside of the Lease Parcel (±0.7 acres).
2. Includes water utilities only (potable, hot from geothermal building, and raw from river). Included trenching for electric, but no other costs associated with dry utilities such as electric, phone, gas, cable tv, etc.; any fees for building, utilities, or other.
3. Does not include greenhouse domes and amphitheater (to be included in Phase 2).
4. A 10% Contingency has been included to cover other desired utilities, minor construction items, variations in quantities and unit pricing, etc., and should be incorporated in project budgeting.
5. Preliminary Engineering services have not been included in the estimate, as they have been donated thus far. Design & Construction Engineering and Architectural support have been indicated for this phase of the project.
6. The cost estimate above represents the best judgment of the engineer as a design professional familiar with the construction industry, but in no way guarantees that bids, proposals or construction costs will not vary from the prepared estimate.

AGENDA DOCUMENTATION

NEW BUSINESS: V.8

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: FEE WAIVER REQUEST FOR USE OF COMMUNITY CENTER
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND
The Town Council is being requested by CK Patel to waive the fees for the use of the Community Center in the month of August 2015 for the use by the Colorado Assessors Association.

The present policy is that unless it is a Town sponsored function, fees are not waived.

The request letter from Mr. Patel is attached as Exhibit A.

FISCAL IMPACT
The total cost for the use of the facility for the time and spaces requested is $3,300.

ATTACHMENTS
- Exhibit A: Fee Waiver Request Letter

RECOMMENDATIONS
Possible actions by the Town Council include:

1) **"APPROVE AUTHORIZING THE REQUEST BY CK PATEL TO WAIVE COMMUNITY CENTER RENTAL FEES IN THE AMOUNT OF $3,300."**

2) **"DISPROVE AUTHORIZING THE REQUEST BY CK PATEL TO WAIVE COMMUNITY CENTER RENTAL FEES IN THE AMOUNT OF $3,300."**

3) **DIRECT STAFF**

May 12, 2015

RE: Colorado State Assessors Conference

Dear Mayor and Town Council,

I am writing to request complimentary use of the community center for the Colorado state assessors conference. If we are able to put this together financially, they will be here for the annual Colorado Assessors Conference the second week of August. Attached is the exact dates and space requirements for the meeting. This event will bring over 100 people to town for up to 5 nights. Also, it give the town of Pagosa Springs a chance to shine as a conference location in an effort to bring other state and regional conferences to our great town.

The Quality Inn Downtown is attempting to finalize details on the conference and offering to cover transportation costs, opening night reception free of charge, and other amenities and services at little or no charge in attempts to book the conference in Pagosa Springs. Your consideration of complimentary meeting spaces for three days is greatly appreciated.

Thank You Kindly,

CK Patel

Quality Inn Downtown

AGENDA DOCUMENTATION
OLD BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL
MAY 21, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: SECOND READING OF ORDINANCE 825, AMENDING CHAPTER 6 OF THE MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 5 FOR THE REGULATION AND LICENSING OF MARIJUANA BUSINESS ESTABLISHMENTS
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

After 3 months of considering specific regulations for considering allowing marijuana establishments to operate within Town limits, Town Council approved the first reading of Ordinance 825 on May 5, 2015, with no changes to the proposed ordinance language or Municipal Code additions.

ANALYSIS

If Ordinance 825 passes on second reading, Town Staff will move forward with identifying Land use Development Code revisions for consideration by Town Council at a future public hearing. In addition, staff will begin at outlining the procedures for accepting applications and the subsequent public hearing for the licensing authority's consideration of each individual license application. In addition, a schedule of proposed fees will come to

The Ordinance sets Tuesday, September 1, 2015 as the first day the Town will accept marijuana Establishment Business License Applications. Since the ordinance does not set a maximum number of establishments allowed within Town, Town staff anticipates a number of applications to be submitted on the first day allowable for the Town to accept applications. Staff's recommendation for accepting application on September 1st, should allow amble to time to prepare how exactly we will accept and process applications. Thus far, Planning Staff expects at least 5 businesses will submit an application on September 1st, and staff continues to receive inquiring phone calls on a regular basis.

ATTACHMENTS:

~ Ordinance 825, An Ordinance of the Town of Pagosa Springs Amending Chapter 6 of the Pagosa Springs Municipal Code by the Addition thereto of a New Article 5 for the Regulation and Licensing of Marijuana Establishments.
~ Maps showing very approximate areas marijuana establishments may be allowed based on the determined buffer areas. Staff has revised the buffer area around the Valor Academy on Cornerstone Drive and a few adjustments on Harman Park Drive.

FISCAL IMPACT

Legal fees for drafting an ordinance and recordation of the ordinance. Amending the Town's Fee Schedule will occur at a later date, but prior to the September 1, 2015 application acceptance date to detail the fees the Town will charge for the licensing.

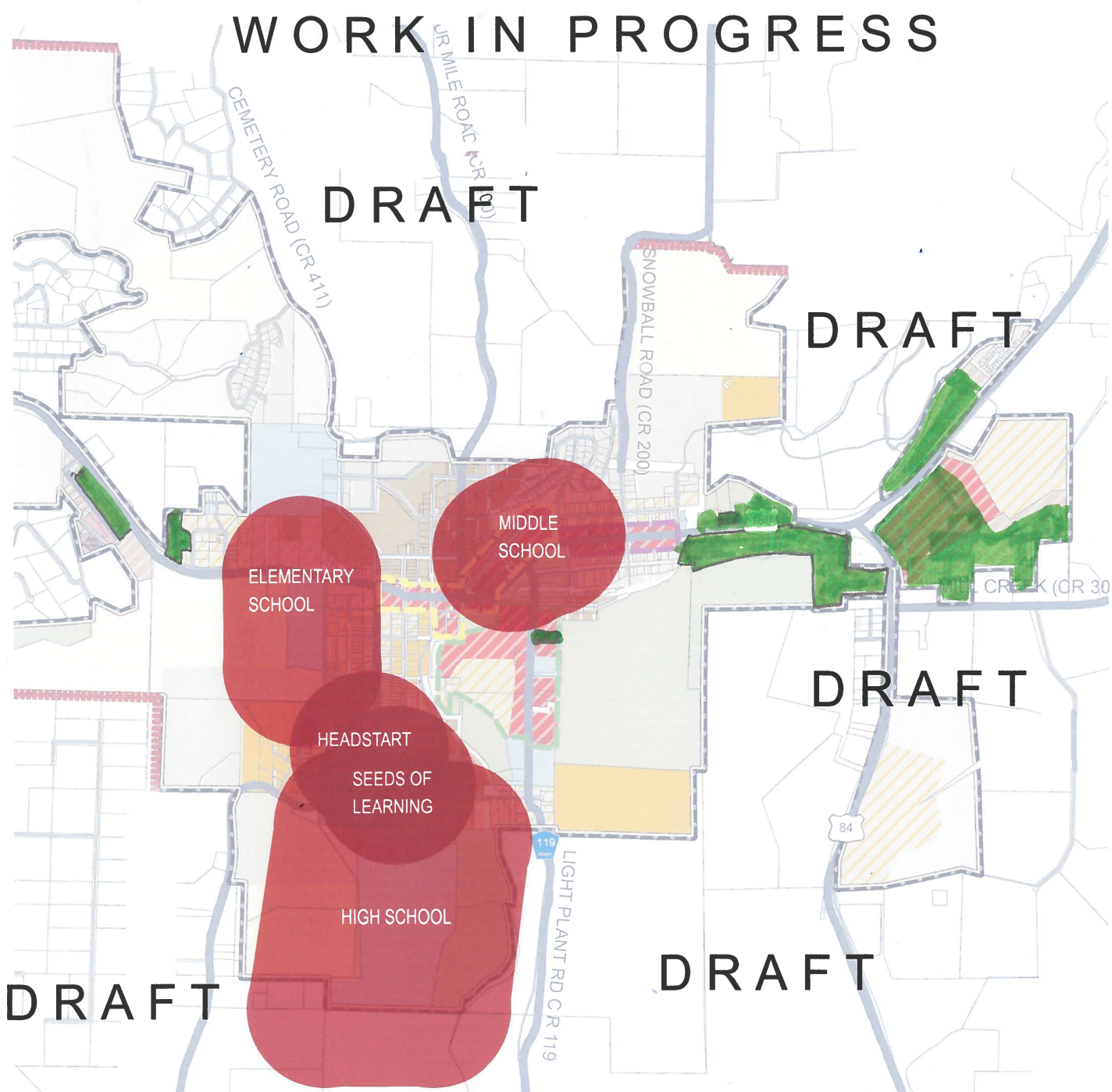
RECOMMENDATION

Alternative actions for Town Council's consideration may include the following:

1) **"Approve the second reading of Ordinance 825, An Ordinance of the Town of Pagosa Springs Amending Chapter 6 of the Pagosa Springs Municipal Code by the Addition thereto of a New Article 5 for the Regulation and Licensing of Marijuana Establishments".**

2) **"Approve the second reading of Ordinance 825, An Ordinance of the Town of Pagosa Springs Amending Chapter 6 of the Pagosa Springs Municipal Code by the Addition thereto of a New Article 5 for the Regulation and Licensing of Marijuana Establishments, with the following amendments ……".**

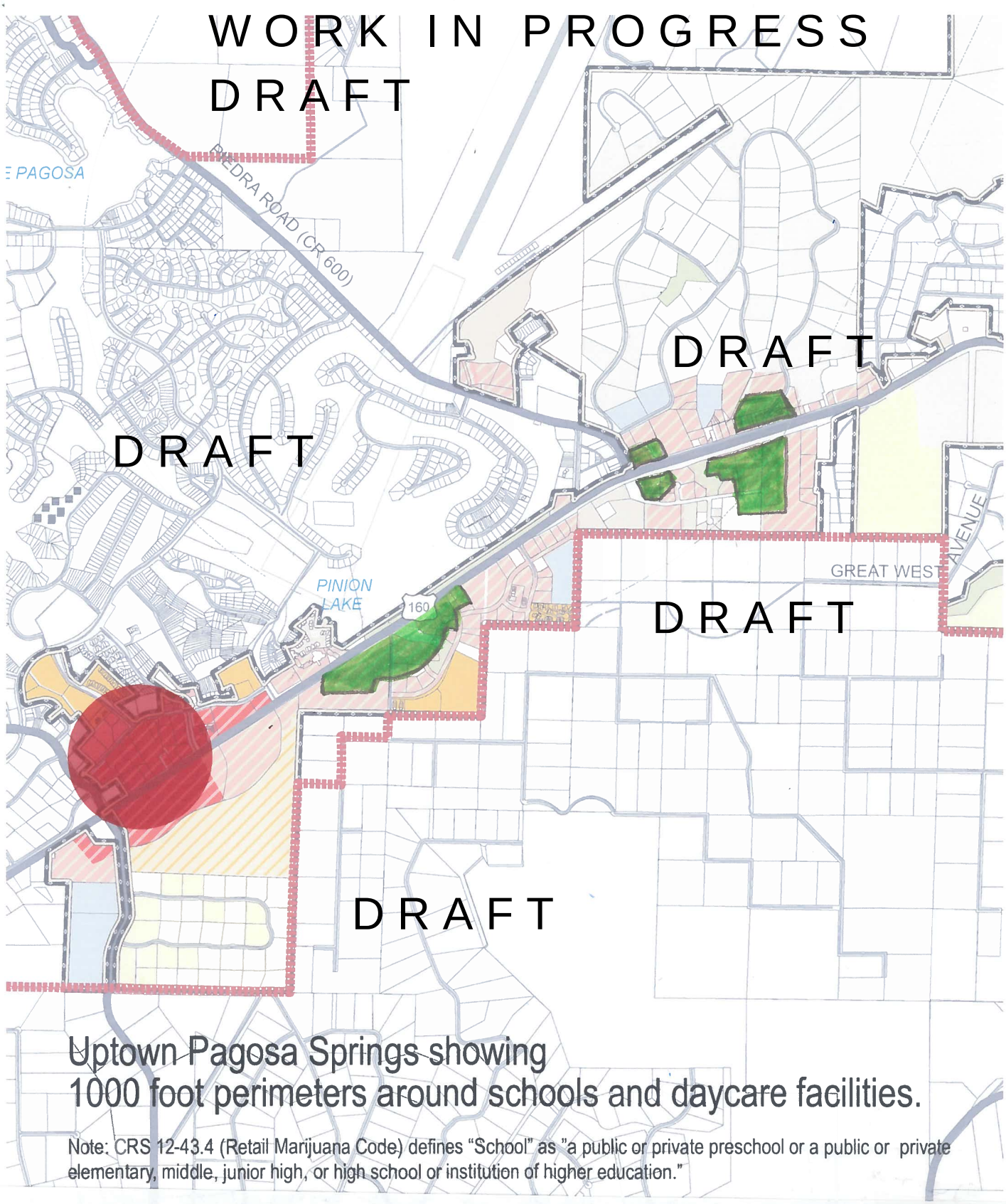
3) **"Deny approving the second reading of Ordinance 825".**



Downtown Pagosa Springs showing
1000 foot perimeters around schools and daycare facilities.

Note: CRS 12-43.4 (Retail Marijuana Code) defines "School" as "a public or private preschool or a public or private elementary, middle, junior high, or high school or institution of higher education."

Green Shaded Areas are those areas that are at least 1000 feet from Schools, Child Care Facilities an Drug and Alcohol Treatment Centers and those areas at least 250 from Churches and Residential areas.



Uptown Pagosa Springs showing
1000 foot perimeters around schools and daycare facilities.

Note: CRS 12-43.4 (Retail Marijuana Code) defines "School" as "a public or private preschool or a public or private elementary, middle, junior high, or high school or institution of higher education."

Green Shaded Areas are those areas that are at least 1000 feet from Schools, Child Care Facilities an Drug and Alcohol Treatment Centers and those areas at least 250 from Churches and Residential areas.

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 825
(SERIES 2015)

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS AMENDING CHAPTER 6 OF THE PAGOSA SPRINGS MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 5 FOR THE REGULATION AND LICENSING OF MARIJUANA BUSINESS ESTABLISHMENTS

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; and

WHEREAS, on November 7, 2000, the voters of the state of Colorado approved Amendment 20 enacted as Article XVIII, Section 14 of the Colorado Constitution ("Amendment 20"), which authorizes, subject to certain limitations, the medical use of marijuana by patients who have been advised by their physician, in a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with the patient's debilitating medical condition; and

WHEREAS, Amendment 20 further provides such patients and their primary care-givers an affirmative defense, subject to certain limitations, to a state law charge regarding the use and possession of marijuana; and

WHEREAS, the General Assembly enacted the Colorado Medical Marijuana Code (C.R.S. §12-43.3-101, et seq., hereafter, "Colorado Medical Marijuana Code") to implement Amendment 20 to the Colorado Constitution authorizing the use of marijuana for medical purposes; and

WHEREAS, subsequent to the adoption of the Colorado Medical Marijuana Code, the Colorado Department of Revenue adopted 1 CCR 212-1, Series 100 through 1400, Medical Marijuana Rules; and

WHEREAS, subsequent to the enactment of the Medical Marijuana Code, Colorado voters enacted Amendment 64 to the Colorado Constitution (Article XVIII, §16 to the Constitution) authorizing specified non-medical marijuana establishments and non-medical marijuana use, now known as "retail" marijuana establishments and use; and

WHEREAS, pursuant to Amendment 64, the General Assembly enacted the Colorado Retail Marijuana Code (CRS §12-43.4-101, et seq., hereafter, " Colorado Retail Marijuana Code") governing retail marijuana establishments and use as more particularly described in the Colorado Retail Marijuana Code; and

WHEREAS, subsequent to the adoption of the Colorado Retail Marijuana Code, the Colorado Department of Revenue adopted 1 CCR 212-2, Series 100 through 1400, Retail Marijuana Rules; and

WHEREAS, pursuant to Amendment 64, and the Colorado Retail Marijuana Code, including specifically, §§12-43.4-104(3) and 309(1), municipalities may adopt regulations governing the time, place, manner and number of retail marijuana establishments, which may include a local licensing requirement, that are at least as restrictive as the provisions of the Retail Marijuana Code; and

WHEREAS, the Town Council is authorized to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law, and provide for the enforcement thereof; and

WHEREAS, the Town Council has considered the testimony and opinions of persons interested in marijuana regulation at public work sessions and at public hearings; and

WHEREAS, the Town Council has determined that adopting regulations governing the time, place and manner for operating retail marijuana establishments within the Town will serve the health, safety and welfare of the community; and

WHEREAS, the Town Council has determined that the efficient administration of medical marijuana and retail marijuana laws and regulations encourages that it adopt a single set of regulations applicable to both medical marijuana and retail marijuana to the extent that doing so conforms to the requirements of the Medical Marijuana Code and the Retail Marijuana Code; and

WHEREAS, the Town Council finds it is in the interest of public health, safety and welfare that the Council adopt regulations concerning the licensing of certain medical and retail marijuana businesses; and

WHEREAS, to permit Town staff and the Town time to prepare for this new licensing process, applications for licenses permitted by such regulations will not be accepted until September 1, 2015.

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

I. **Adoption of new Article 5 in Chapter 6.** Chapter 6 of the Pagosa Springs Municipal Code is amended by the adoption of a new Article 5 to read as provided in Exhibit 1 attached hereto and incorporated herein.

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. **Effective date.** This Ordinance shall become effective and be in force on June 1, 2015.

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 5TH DAY OF MAY, 2015.

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 _____, 2015.

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. 825 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 5th day of May, 2015, 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 (P.S.M.C.), and specifically Section 1.3.3, which provides for a fine not exceeding $2,650 or incarnation not to exceed one year, or both, that violation of the ordinance constitutes a public nuisance that may be abated pursuant to Article 2, Chapter 11 of the P.S.M.C., that the Town may seek injunction, abatement, or restitution in case of violation, and any other remedies provided by law or equity, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015, 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 _____, 2015.

_____
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. 825 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the __ day of May, 2015, 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 _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

_____
April Hessman, Town Clerk

(S E A L)

CHAPTER 6
BUSINESS REGULATIONS

ARTICLE 5
PAGOSA SPRINGS MARIJUANA LICENSING REGULATIONS

Part 1. GENERAL

Sec. 6.5.1.1 Title

These regulations shall be known and referred to as the "Pagosa Springs Marijuana Licensing Regulations" (referred to herein as the "Regulations").

Sec. 6.5.1.2 Authority

(1) Section 14 of Article XVIII of the Colorado Constitution permits limited medical uses of marijuana under Colorado law.

(2) Section 16, Article XVIII of the Colorado Constitution permits personal use of marijuana by persons aged 21 years and older under Colorado law.

(3) The Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S. and the Colorado Department of Revenue's Medical Marijuana Rules adopted at 1 CCR 212-1, Series 100 through 1400 (the Colorado Medical Marijuana Code and the Colorado Medical Marijuana Rules are collectively referred to as the "Colorado Medical Marijuana Code").

(4) The Colorado Retail Marijuana Code, article 43.4 of title 12, C.R.S. and the Colorado Department of Revenue's Retail Marijuana Rules adopted at 1 CCR 212-2, Series 100 through 1400 (the Colorado Retail Marijuana Code and the Retail Marijuana Rules are collectively referred to as the "Colorado Retail Marijuana Code").

Sec. 6.5.1.3 Purpose. The purpose of the Regulations is to:

(1) Authorize licensing in the Town of Pagosa Springs as provided in §§ 12-43.3-301(2)(a), 12-43.4-104(3) and 12-43.4-301, C.R.S., as amended; to establish specific standards and procedures for local licensing of marijuana-related business and establishments; and to protect the health, safety, and welfare of the residents, consumers and patients of Pagosa Springs by prescribing the time, place and manner in which marijuana businesses can be conducted in the Town.

(2) Comply with the Town's obligations under the Colorado Medical Marijuana Code;

(3) Comply with the Town's obligations under Colorado Constitution Art. XVIII, §16(5)(e);

(4) Require that medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturing facilities, collectively referred to as "Medical Marijuana Establishments," shall operate in a safe manner that does not endanger the public welfare and in a manner that conforms to the Medical Marijuana Code;

(5) Require that retail marijuana stores and retail marijuana cultivation facilities, collectively referred to as "Retail Marijuana Establishments," shall operate in a safe manner that does not endanger the public welfare and in a manner that conforms to the Colorado Retail Marijuana Code;

(6) Mitigate potential negative impacts that the Medical Marijuana Establishments and Retail Marijuana Establishments (collectively "Marijuana Establishments") may cause on surrounding properties and persons;

(7) Regulate the conduct of persons owning, operating, and using Marijuana Establishments to protect the public health, safety and welfare;

(8) Establish a nondiscriminatory mechanism by which the Town appropriately regulates the Location and operation of Marijuana Establishments within the Town.

(9) Ban marijuana businesses that are not specifically licensed by the Town including retail marijuana infused products manufacturers and retail marijuana testing facilities.

Sec. 6.5.1.4 Applicability of Regulations

(1) *Applications for local licenses.* The Authority shall receive and process all applications for Marijuana Establishments beginning on September 1, 2015.

(2) *Dual Licenses.* Operation of a licensed medical marijuana center and a retail marijuana store and/or an optional premises cultivation facility and a retail marijuana cultivation facility is permitted so long as appropriate State and local licenses have been issued and remain valid and active for both operations. No dual medical marijuana center and retail marijuana store is permitted to sell marijuana to persons younger than twenty-one years of age, except that medical marijuana products may be sold to a person at least eighteen years of age, as allowed by State law.

(3) *No entitlement of vested right.* No person shall have any entitlement or vested right to licensing under these regulations, the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, Pagosa Springs zoning approvals, or Pagosa Springs building permits. To lawfully engage in the business of selling, cultivating, or manufacturing marijuana in the Town, all persons must obtain a license under these Regulations. Such a license is a revocable privilege subject to the will and scrutiny of local and state authorities.

(4) These Regulations apply only within the Town of Pagosa Springs, Colorado.

Sec. 6.5.1.5 Definitions

(1) Unless otherwise expressly provided, the definitions in the Colorado Medical Marijuana Code, including the definitions in C.R.S. §12-43.3-104, shall apply in these Regulations with respect to Medical Marijuana Establishments.

(2) Unless otherwise expressly provided, the definitions in the Colorado Retail Marijuana Code, including the definitions in C.R.S. §12-43.4-103 and §12-43.4-305(1), shall apply in these Regulations with respect to Retail Marijuana Establishments.

(3) The following words, terms and phrases, when used in these Regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "*Applicant*" means any person making an application for a license under this Article.

(b) "*Authority*," "*Pagosa Springs Local Licensing Authority*" and "*Local Licensing Authority*" have the same meaning for the purposes of these Regulations.

(c) "*Good Cause*", for purposes of refusing or denying a license issuance, renewal or transfer, means:

(i). The Licensee or Applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of these Regulations, the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, as applicable;

(ii). The Licensee or Applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the State or Local Licensing Authority;

(iii). The Licensed Premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located; or

(iv). The Licensed Premises have been inactive without justification for at least one year.

(d) "*Licensed Premises"* means the premises specified in a license under these Regulations, which are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell or test medical marijuana and/or retail marijuana in accordance with the provisions of the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, as applicable, and these Regulations. Licensed Premises includes an off-premises storage facility owned, operated or used by the Licensee.

(e) *"Licensee"* means a person licensed pursuant to these Regulations.

(f) *"Location"* means a particular parcel of land that may be identified by an address or other descriptive means.

(g) "*Marijuana*" means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate but shall not include industrial hemp, the fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(h) "*Marijuana club*" means an entity or place of assembly that allows members and their guests, or any other persons, to consume marijuana or marijuana products whether for-profit or not-for-profit. Marijuana clubs shall not include social gatherings within a residential zoning district of adults twenty-one (21) years of

age and older as guests of a resident at the Location, where a fee is not charged, goods are not sold, and no profit is made by the individual hosting the gathering.

(i) "*Marijuana Establishment"* means a Medical Marijuana Establishment or a Retail Marijuana Establishment

(j) *"Medical Marijuana Establishment"* means a medical marijuana center, medical marijuana-infused products manufacturer, and/or optional premises cultivation operation, each as defined in the Colorado Medical Marijuana Code.

(k) *"Owner"* means any person having a beneficial interest, as defined by the State Licensing Authority, in a Medical Marijuana Establishment or a Retail Marijuana Establishment.

(l) "*Patient*" shall have the same meaning as set forth in Article XVIII, Section 14(1) of the Colorado Constitution.

(m) "*Premises*" means a distinctly identified, as required by the State Licensing Authority, and definite Location, which may include a building, a room, or any other definite contiguous area.

(n) "*Primary Care-giver*" or "*Primary Caregiver*" shall have the same meaning as set forth in Article XVIII, Section 14(1) of the Colorado Constitution and Section 25-1.5-106, C.R.S.

(o) *"Retail Marijuana Establishment"* means a retail marijuana store, and/or retail marijuana cultivation facility, each as defined in the Colorado Retail Marijuana Code.

(p) "*Retail Marijuana products manufacturer*" shall have the same meaning as set forth in Section 12-43.4-103, C.R.S.

(q) "*Retail Marijuana testing facility*" shall have the same meaning as set forth in Section 12-43.4-103, C.R.S.

(r) "*School*" means and includes elementary school, junior high school, high school, charter school, the principal campus of a college, university, or seminary.

(s) *"Sale"* or *"Sell"* includes to exchange, barter, or traffic in, to solicit or receive and order except through a Licensee licensed under these Regulations, to deliver for value in any way other than gratuitously, to peddle or possess with intent to sell, or to traffic in for any in for any consideration promised or obtained directly or indirectly.

Sec. 6.5.1.6 Adoption of Colorado Medical Marijuana Code, Colorado Retail Marijuana Code

(1) Except where the provisions expressly set forth in these Regulations are inconsistent with or differ from the Colorado Medical Marijuana Code, all of the provisions of the Colorado Medical Marijuana Code, as amended from time-to-time, are adopted herein by this reference, and apply to all applications received and licenses issued by the Local Licensing Authority with respect to Medical Marijuana Establishments.

(2) Except where the provisions expressly set forth in these Regulations are inconsistent with or differ from the Colorado Retail Marijuana Code, all of the provisions of the Colorado Retail

Marijuana Code, as amended from time-to-time, are adopted herein by this reference, and apply to all applications received and licenses issued by the Local Licensing Authority with respect to Retail Marijuana Establishments.

(3) If there is a conflict between the provisions of these Regulations and the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code, the provisions of these Regulations control to the fullest extent permitted by applicable law.

Sec. 6.5.1.7 Licenses and Grant of Authority for Dual Licenses

(1) The Authority is authorized to issue the following local licenses should the Applicant fulfill the requirements: medical marijuana center license; optional premises cultivation license; medical marijuana-infused products manufacturing license; retail marijuana store license; and retail marijuana cultivation facilities license. The license requirements in these regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.

(2) A person may operate a licensed medical marijuana center, optional cultivation facility or medical marijuana-infused products manufacturing facility and any licensed Retail Marijuana Establishment at the same Location if the Local Licensing Authority determines that the operations will meet the requirements of these Regulations.

(3) The license does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana. A valid license shall be required from the State of Colorado as provided by the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

Sec. 6.5.1.8 Town Reservations

(1) Adoption of these Regulations is not intended to waive or otherwise impair any portion of the local option available under Colorado Constitution Art. XVIII, §16(5)(f), C.R.S. §12-43.3-106, or C.R.S. 12-43.3-104.

(2) Adoption of these Regulations is not intended to waive or otherwise impair the Town's authority to adopt specific or different standards or other regulations for the issuance and administration of local licenses from time-to-time.

Sec. 6.5.1.9 Operation Limitations

(1) Licensees shall be subject to the following additional operation limitations:

(a) All product storage shall be indoors. Marijuana products and accessories or paraphernalia used or intended to be used to consume them shall not be visible from a public sidewalk or right-of-way or an adjacent property.

(b) Each Marijuana Establishment shall be operated from a permanent Location. No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory Location. Notwithstanding anything to the contrary herein, delivery of medical marijuana is permissible if it complies with state law provided it originates from a non-moveable, fixed, licensed Location and such delivery sales account for less than ten (10%) percent of the Medical Marijuana Establishments total sales.

(c) A Medical Marijuana Center and Retail Marijuana Store may be open for the sale of medical or retail marijuana only between the hours of 8 a.m. to 7 p.m.

(d) No Marijuana Establishment may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes. The Authority in its sole and unfettered discretion may, at any time, require an Applicant or Licensee to engage an industrial hygienist, at the Applicant's or Licensee's cost, to review the manner in which butane, propane or other solvents or flammable products are stored, used or controlled on the licensed premises for the purpose of opining on the safety precautions in place. Such industrial hygienist may make recommendations which the Town may require the Applicant or Licensee to implement.

(e) No Retail Marijuana Establishment is permitted to sell marijuana to persons younger than twenty-one years of age and must post signage that clearly states: "You must be at least 21 years old to enter." No Medical Marijuana Establishment is permitted to sell marijuana to persons younger than eighteen years of age and must post signage that clearly states: "You must be at least 18 years old to enter" where any marijuana products are visible.

(f) All retail marijuana labels must contain the statement: "It is illegal to transfer or sell retail marijuana or retail marijuana products to anyone under the age of 21." All medical marijuana labels must contain the statement: "It is illegal to transfer or sell medical marijuana or medical marijuana products to anyone under the age of 18."

(g) For dual medical marijuana center and retail marijuana stores, the business shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes.

(h) All cultivation, production, distribution, storage, display, and sales of marijuana and marijuana-infused products must not be visible from the exterior of the business.

(i) All retail sales of retail marijuana must be in person, directly to the purchaser. No sales may be finalized by telephone, internet, or other means of remote purchase.

(j) All grow lamps must be recycled and not deposited in a trash receptacle or landfill. The time, date, and Location of all lamps recycled must be documented and available for inspection.

(k) Marijuana Establishments may not distribute to a consumer, marijuana or marijuana-infused products free of charge.

(l) Marijuana Establishments are subject to the requirements of the Land Use and Development Code including the Pagosa Springs Sign Code and the restrictions on advertising and marketing under the Colorado Retail Marijuana Code. In addition, no advertisement for marijuana or marijuana products are permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public or private property. This prohibition shall not apply to (1) any advertisement contained within a newspaper, magazine or other

periodical of general circulation within the Town or on the internet; or (2) advertising which is purely incidental to sponsorship of a charitable event not geared to or for the benefit of children or youth. Provided, further, no exterior signage shall use the word "marijuana," "cannabis" or any other word, phrase, symbol, acronym or combination of letters or numbers commonly understood to refer to marijuana.

(m) A marijuana business may sponsor a charitable, sports, or similar event, but a marijuana business must not engage in advertising at, or in connection with, such an event unless the marijuana business has reliable evidence that no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21.

(n) All Marijuana Establishments shall collect and remit all applicable sales taxes in a timely manner. The state and Town license to engage in a Medical Marijuana Establishment or Retail Marijuana Establishment shall be posted along with the State sales tax license.

(o) Any Marijuana Establishments within the Town shall be required to have a fully operational alarm system which must be properly maintained. Such alarm systems shall have video surveillance coverage of the premises at all times and shall have redundant power supplies and circuitry to prevent de-activation, either intentional or unintentional. If an alarm system is deactivated, the company monitoring the systems must immediately notify the Pagosa Springs Police Department.

(p) Marijuana Establishments shall be equipped with a steel door or a solid wood core door with dead bolts in place and engaged for purposes of securing the space or Location where marijuana or marijuana-infused products are stored, or where any marijuana transaction is to take place. In addition thereto, each marijuana business shall be equipped with at least one silent alarm for every 500 square feet of interior business space.

(q) It shall be unlawful for any marijuana business to employ any person who is not at least 21 years of age.

(r) No Marijuana Establishment shall be managed by any person other than the Licensee or the business manager listed on the application for the license, renewal application, or change of manager application. One such Licensee or business manager shall be responsible for all activities within the licensed premises during all times when the business is open and in the case of an emergency, as determined by the Chairperson of the Authority available to be on the premises within thirty minutes of a demand for such person to be present being made at the establishment.

(s) There shall be posted in a conspicuous Location in each Medical Marijuana Center and Retail Marijuana Store a legible sign containing the following warnings:

(i). A warning that the use of marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or operate machinery when under the influence of or impaired by marijuana;

(ii). A warning that possession and distribution of marijuana is a violation of federal law; and

(iii). That smoking of marijuana in public is illegal.

(t) Any and all such records required to be maintained under the Medical Marijuana Code or the Retail Marijuana Code shall be open at all times during business hours for inspection and examination by the Town Manager or his or her duly authorized representative(s). Provided, further, the Town may require the Licensee to furnish such information as it considers necessary for the proper administration of these Regulations.

(u) That a medical marijuana center shall obtain at least 70% of its medical marijuana inventory from an optional premises cultivation operation located within Archuleta County.

(v) That a retail marijuana store shall obtain at least 70% of its retail marijuana inventory from a retail cultivation facility located within Archuleta County.

(2) By accepting a Medical Marijuana Establishment license or a Retail Marijuana Establishment license, the Licensee is providing consent to disclose any information received by the Town. Any records provided by the Licensee that include patient or Primary Caregiver confidential information may be submitted in a manner that maintains the confidentiality of the document(s) under the Colorado Open Records Act [C.R.S. §24-72-201, *et seq.]* or other applicable law. Any document that the Applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential and the reasons for such confidentiality shall be stated on the document including but not limited to reference to the statutory authority under which confidentiality is claimed. The Town will not disclose documents appropriately submitted under the Colorado Open Records Act as confidential documents to any party other than law enforcement agencies.

(3) The Town may require an audit to be made of such books of account and records as it may deem necessary. Such audit may be made by an auditor selected by the Town, who shall likewise have access to all books and records of such Licensee. The expense of any audit determined to be necessary by the Town, shall be paid by the Town; provided, however, should the audit reflect a failure of the Licensee, in whole or in part, to timely remit all sales taxes due to the Town, the expense of the audit shall be paid by the Licensee.

(4) Acceptance of a Medical Marijuana Establishment license of any type, a Retail Marijuana Establishment license of any type constitutes consent by the Licensee, owners, managers and employees of such business to permit the Town Manager or his authorized representatives, to conduct routine inspections of the licensed Medical marijuana business or any records related thereto to assure compliance with this Ordinance or any other applicable law, rule or regulation.

Sec. 6.5.1.10 Location Restrictions

(1) Marijuana Establishments are allowed in the Mixed-Use Corridor, Mixed-Use Town Center, Commercial and Light Industrial zone districts.

(2) No Marijuana Establishment shall be licensed to operate at a Location that is within 1000 feet from any school, alcohol or drug treatment facility or licensed day care facility whether located within or outside the corporate limits of the Town. The suitability of a Location for the Marijuana Establishment shall be determined at the time of the issuance of the first license for such business.

The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a Marijuana Establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect. Nothing within this section shall preclude the establishment of a school or licensed day care facility within 1000 feet of a pre-existing Marijuana Establishment.

(3) No Marijuana Establishment shall be licensed to operate at a Location that is within 250 feet of a church or residential zone district, as such zone districts are described in the Land Use and Development Code and as defined in the Archuleta County zoning definitions, unless such Location is approved under a conditional use permit by the Town Council at a public hearing with required public notification as described in Section 2.3.6 of the Land Use and Development Code.

(4) The distances referred to in this Section are to be computed by direct measurement from the nearest property line of the land used for the school or licensed day-care facility or land which comprises residential or planned unit development zoned area to the nearest portion of the building in which Medical Marijuana Establishment or Retail Marijuana Establishment products are to be sold.

Part 2. LOCAL LICENSING AUTHORITY

Sec. 6.5.2.1 Establishment of Local Licensing Authority

i. The Local Licensing Authority shall be the Town Council for the Town of Pagosa Springs.

Sec. 6.5.2.2 Powers

ii. The Local Licensing Authority shall have the powers described in the Medical Marijuana Code and Retail Marijuana Code to issue licenses and the power to hear and determine at a public hearing any contested local license denial, any complaints against a Licensee, and administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held.

Sec. 6.5.2.3 Administrative Action

iii. Except as otherwise provided in these Regulations, the Local Licensing Authority may take action administratively, without hearing, by its Chairperson. Such administrative action is permitted on renewal applications as described herein.

Part 3. LICENSES

Sec. 6.5.3.1 Medical Marijuana Licenses

The Local Licensing Authority shall issue local licenses to Applicants only for the purpose of operating a Medical Marijuana Establishment pursuant to the Medical Marijuana Code who fulfill the requirements for one of the following:

(a) medical marijuana center;

(b) medical marijuana-infused products manufacturer;

(c) optional premises cultivation operation.

Sec. 6.5.3.2 Retail Marijuana Licenses

The Local Licensing Authority shall issue local licenses to Applicants only for the purpose of operating a Retail Marijuana Establishment pursuant to the Retail Marijuana Code who fulfill the requirements for one the following:

(a) retail marijuana store; and

(b) retail marijuana cultivation facility.

Sec. 6.5.3.3 Nature of Local License

A license pursuant to these Regulations shall apply to a specific person, a particular Marijuana Establishment, and a specific Premises, and will not be transferrable to another person, a different Marijuana Establishment, or different Premises except as provided by these Regulations. An application to "convert" a state license for a Medical Marijuana Establishment to a Retail Marijuana Establishment license requires an application for a new license for purposes of these Regulations and, if the Medical Marijuana Establishment license being converted was issued by the Town, the surrender of that license to the Town.

Sec. 6.5.3.4 Condition of Local License for Release of Town

It shall be a condition of all local licenses that the Applicant/Licensee releases the Town from liability to the Applicant/Licensee and also agrees to indemnify, defend and hold harmless the Town from liability arising from injuries and damages.

Part 4. LICENSES REQUIRED

Sec. 6.5.4.1 Unlawful Acts

(1) For any business, establishment, facility or activity which is required by the Medical Marijuana Code to have a state license, it is unlawful and a violation of these Regulations to operate without both a current state license and a current license issued by the Local Licensing Authority pursuant to these Regulations of the same type and for the same activity at the same Location.

(2) For any business, establishment, facility or activity which is required by the Retail Marijuana Code to have a license, it is unlawful and a violation of these Regulations to operate without both a state license and a license issued by the Local Licensing Authority pursuant to these Regulations of the same type and for the same activity at the same Location.

(3) A person shall not have a financial interest in a license issued pursuant to these Regulations that has not been reported to the Local Licensing Authority and State Licensing Authority. This subsection shall not apply to banks, savings and loan associations or industrial banks supervised and regulated by an agency of the state or federal government.

(4) It is unlawful for any person to operate, cause to be operated, or permit to be operated, any retail marijuana infused products manufacturing business, a retail marijuana products testing facility or a marijuana club within the Town whether as a primary land use, an incidental use or as a home occupation, and all such uses are hereby prohibited in any Location within the Town.

(5) The conduct of any activity or business in violation of this Article is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of

nuisances as provided in Article 2 of Chapter 11 of this Code. All violations of this Article shall be considered an emergency violation as provided in Section 11.2.2 of this Code.

(6) The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.

(7) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Sec. 6.5.4.2 Coordination of Local and State Licenses

(1) If a Medical Marijuana Establishment or a Retail Marijuana Establishment has been authorized by the State of Colorado to operate by virtue of the State having not acted on their license application within forty-five (45) days then the establishment may operate pending the issuance of a state license.

(2) Upon denial of a State license for a Medical Marijuana Establishment or Retail Marijuana Establishment which has been issued a license under these Regulations, the local license shall be revoked.

(3) If a license is suspended or revoked by the State Licensing Authority, the Licensee shall immediately cease operation of the Marijuana Establishment in this County until the state license is re-instated during the term of a valid local license. The Local Licensing Authority may suspend or revoke the local license upon the suspension or revocation of the State license.

(4) Upon the surrender of a State license for a Medical Marijuana Establishment or Retail Marijuana Establishment which has been issued a license under these Regulations, the local license shall be deemed surrendered and of no further effect. Existing marijuana products and/or inventory shall be disposed of as provided in any order of suspension or revocation.

Sec. 6.5.4.3 Duration of Local Licenses

(1) Except as provided herein, any local license issued under these Regulations shall be valid for a period of one year from the date of issuance unless sooner revoked, surrendered by the Licensee, or otherwise terminated. Notwithstanding the foregoing, the Local Licensing Authority may change the duration to no fewer than ten months and no more than fourteen months if deemed appropriate to synchronize the license periods of the license and the corresponding license of the same type for the same activity at the same Location issued by the State Licensing Authority pursuant to the Medical Marijuana Code or Retail Marijuana Code, as applicable.

(2) A Retail Marijuana Establishment license that was fully converted from a Medical Marijuana Establishment license will assume the balance of the license term previously held by the surrendered Medical Marijuana Establishment license.

(3) If a court of competent jurisdiction having jurisdictional effect in Colorado determines that the issuance of local licenses, or some of them, violates federal law, and such decision becomes final and un-appealable, all such licenses issued under these Regulations shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Licensee.

Sec. 6.5.4.4 License Contents

The licenses issued pursuant to these Regulations must specify the date of issuance, the period the license is effective, the name of the Licensee, and the Premises licensed.

Part 5. LICENSE APPLICATIONS

Sec. 6.5.5.1 Licensing Procedure.

The Authority shall consider and act upon all complete local license applications as authorized by these regulations. The Authority shall defer to the State to enforce compliance with the requirements in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code and any other State regulations not covered by these Regulations. The Authority shall grant or deny a license based solely upon the Authority's investigation and findings, and a public hearing shall be required. The Authority shall deny any application that is not in full compliance with these regulations.

Sec. 6.5.5.2 Application forms.

(1) All applications for medical marijuana center licenses; optional premises cultivation licenses; and medical marijuana-infused products manufacturing licenses, shall be made upon forms provided by the state and Local Licensing Authority and shall include the following supplemental materials:

(a) identity of the owner of the property on which the premises is located;

(b) a site plan of the Premises;

(c) a list of all other uses on the property;

(d) the number of vehicle trips per day expected to be generated by the business;

(e) the expected source and level of water use for the premises;

(f) permits or other applicable documentation related to well use, septic system use, and water sanitation;

(g) a copy of the State sales tax license for the business;

(h) a narrative together with drawings for how the business will manage parking for customers and employees, including overflow parking if demand exceeds the number of spaces at the premises;

(i) an explanation of any enforcement action taken by the state or any other jurisdiction with respect to any Marijuana Establishment license held by the Applicant during the previous 12 months;

(j) a description of all toxic, flammable, hazardous or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used, kept, or created at the Premises (or the property of which the Premises are a part); Material Safety Data Sheets for each; the Location of use and storage of each shall be identified on the site plans;

(k) a plan for ventilation of the facilities that describes the ventilation systems that will be used to mitigate any odor of marijuana off the premises of the business. For Marijuana Establishments that grow marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems mitigating odor leaving the premises. For Marijuana Establishments that produce marijuana products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process;

(l) an inspection of the Licensed Premises fully equipped per the current plan of operation from a state electrical inspector, master electrician licensed in Colorado or electrical engineer registered in Colorado for compliance with applicable electrical codes;

(m) for optional premises cultivation and medical marijuana-infused products manufacturing license applications, information about which medical marijuana center is associated with the business;

(n) for medical marijuana centers, confirmation that the Location of the optional premises cultivation facility associated with the center is located within Archuleta County and that the center will be obtaining at least 70% of its medical marijuana from that facility; and

(o) a detailed drawing, with scale of the floor plan.

(2) All applications for retail marijuana store licenses, and retail marijuana cultivation facilities licenses shall be made upon forms provided by the state or Local Licensing Authority and shall include:

(a) a site plan of the premises;

(b) a list of all proposed changes or modifications to the premises, including any such proposed changes that are purposed because of State licensing requirements;

(c) a narrative together with drawings for how the business will manage parking for customers and employees, including overflow parking if demand exceeds the number of spaces at the premises;

(d) for applications for dual medical marijuana center and retail marijuana store, specific information on the nature and Location of required signage;

(e) an explanation of any enforcement action taken by the state or any other jurisdiction with respect to any Marijuana Establishment license held by the Applicant during the previous 12 months;

(f) a description of all toxic, flammable, hazardous or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used, kept, or created at the Premises (or the property of which the Premises are a part); Material Safety Data Sheets for each; the Location of use and storage of each shall be identified on the site plans;

(g) a copy of the State sales tax license for the business;

(h) A plan for ventilation of the facilities that describes the ventilation systems that will be used to mitigate any odor of marijuana off the premises of the business. For Marijuana Establishments that grow marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises;

(i) an inspection of the Licensed Premises fully equipped per the current plan of operation from a state electrical inspector, master electrician licensed in Colorado or electrical engineer registered in Colorado for compliance with applicable electrical codes;

(j) for retail marijuana stores, confirmation that the Location of the retail marijuana cultivation facility associated with the center is located within Archuleta County and that the store will be obtaining at least 70% of its retail marijuana from that facility; and

(k) a detailed drawing, with scale of the floor plan.

(3) A site plan of the Premises will be scaled and show the following:

(a) The scale used;

(b) North arrow designating true north;

(c) Property boundaries of the Premises, indicating front, rear and side lines;

(d) Location of all proposed buildings/structures and existing buildings/structures that will remain;

(e) Locations and dimensions of all existing and proposed roads, on and adjacent to the Premises, driveways, easements, rights-of-way, existing and proposed utilities;

(f) Setbacks from buildings and structures, measured in feet (measured from the nearest lot line, road right-of-way or platted right-of-way, whichever is closest, to the eaves or projections from the building or from decks, for all sides of a structure);

(g) Platted building envelope(s), if applicable;

(h) Parking areas and spaces;

(i) Location of signs/advertising, outdoor lighting, landscaping and/or fencing, structural screening elements;

(j) Total acreage or square footage of the Premises; and

(k) Total square footage of all buildings and total square footage of building footprints.

(4) All applications for licenses involving cultivation of marijuana shall submit a plan that specifies whether and how CO2 gas will be used in the cultivation and the Location of the generation, use and storage shall be identified on the site plans.

(5) The Authority may, at its discretion, waive specific submission requirements or require the submission of additional materials as may be useful in making a determination under these regulations.

(6) An Applicant must have filed a complete application for a license of the same type for the same activity at the same Location to the State Licensing Authority before it may apply to the Local Licensing Authority.

(7) The Applicant must update any of the information required of an application by this Section in the event of any material change between the time the application is first submitted and the issuance or denial of the license.

(8) By submitting a license application, the Applicant and, if the Applicant is not the owner, the owner of the Premises to be licensed, certify that the Applicant has received permission from the Premises owner to allow inspections as may be required under the Medical Marijuana Code, Retail Marijuana Code or these Regulations for purposes of local licensing. In addition, the owner of the Premises and the Applicant authorize the Authority and its designee, departments and agencies of the Town, the Pagosa Fire Protection District or its designee, and the San Juan Basin Health Department or its designee to enter upon and inspect the Premises for the purposes of implementing these Regulations. Such inspections shall take place at reasonable times and before issuance of a local license. This section shall not in any way limit any inspection authority of any of these departments and agencies authorized under any other provision of law.

Sec. 6.5.5.3 Processing Applications

(1) No application for a license for any type of Marijuana Establishment may be submitted to the Local Licensing Authority before September 1, 2015.

(2) Applications shall be submitted to the Town Clerk in care of the Authority.

(3) Applications will be deemed submitted only when complete and when accompanied by the applicable fees. Notwithstanding having deemed an application complete, the Authority may, at its discretion, require the submission of additional information and materials as may be useful in investigating the application and making a determination under these Regulations.

(4) Upon a determination that a complete application, including all required forms and fees, for a license has been received, the Authority will refer copies of the application or relevant portions of it to the following agencies or departments for the following purposes. These agencies and departments must submit their written findings and conclusions to the Town Manager no later than thirty days after the referral.

(a) Building Department: For determination of compliance with Town building code provisions. The Building Department also shall conduct the post-approval inspections required by these Regulations as a condition of license approval.

(b) Planning Department: For determination of compliance with the Land Use and Development Code.

(c) San Juan Basin Health Department: For determination of compliance with sanitation system regulations and whether there are unresolved public health enforcement actions with respect to the Premises.

(d) Any other Town department deemed relevant in the circumstances: For determination of compliance with its regulations.

(e) Pagosa Springs Police Department: For investigation as requested by the Local Licensing Authority.

(f) Pagosa Fire Protection District for its determination of compliance with any fire code provisions.

(g) Town departments shall inspect the Premises as deemed appropriate or requested by the Local Licensing Authority to confirm compliance with building and equipment standards imposed by the Medical Marijuana Code, Retail Marijuana Code and these Regulations.

(5) The Local Licensing Authority may request that the State Licensing Authority advise the Local Licensing Authority of any items the State Licensing Authority finds in its investigation that could result in the denial of the state license. If the Local Licensing Authority receives such a notice from the state, it shall suspend its review of the local license until it receives a notice from the State Licensing Authority that the issues have been corrected and the Applicant is eligible for a state license.

(6) The Local Licensing Authority shall endeavor to take final action on a license application within ninety days after a complete application, together with all applicable fees, has been submitted. If Colorado Constitution Article XVIII, §16(5)(h) or (i) apply to require the Local Licensing Authority to issue a license in lieu of license issuance by the state, a final decision on the application will be taken within ninety days of receipt of a complete application and all fees therefor.

(7) The Applicant shall be responsible for submitting any required application, fees and materials directly to the State Licensing Authority under the Medical Marijuana Code and the Retail Marijuana Code.

Part 6. APPROVAL CRITERIA

Sec. 6.5.6.1 Basic Criteria

Before approving a local license, the Authority shall determine that all of the following requirements have been met by the Applicant:

(1) The appropriate application is complete and the full application fee, license fee and operating fee have been paid;

(2) The Town has determined that the use is permitted at the Location of the Premises and the owner or operator has obtained any required approvals under the Land Use and Development Code;

(3) No zoning violations exist on the Premises;

(4) All proposed signs meet the requirements of the Pagosa Springs Sign Code and these Regulations;

(5) All proposed lighting meets the Land Use and Development Code;

(6) Any structure in which the use is located has been inspected by the Town Building Official or his or her designee, the structure complies with all applicable Code provisions, and all necessary building permits have been obtained from the Town;

(7) The Premises complies with any site specific development requirements and all provisions of the applicable building code and fire code;

(8) The Premises is not subject to unresolved enforcement action by the San Juan Basin Health Department;

(9) All property taxes have been paid and no tax liens exist on the Premises;

(10) The Applicant and Premises are in compliance with all other applicable Town regulations;

(11) The application, including any required attachments and submissions, does not contain a material falsehood or misrepresentation; and

(12) The proposed Licensed Premises are located in a Location permitted by these Regulations.

Sec. 6.5.6.2 Applicant Burden of Proof

The Applicant bears the burden of proving it meets all licensing requirements.

Sec. 6.5.6.3 State License Must Be Issued First

Before a local license may be issued, the Applicant must have applied for a State license of the same type for the same activity at the same Location as provided in the Medical Marijuana Code or Retail Marijuana Code, as applicable. If the Local Licensing Authority determines it is impracticable to withhold action on an application which it would otherwise approve until a State license is issued, a local license may be issued – conditioned on the issuance of the State license – if it is demonstrated to the satisfaction of the Local Licensing Authority that the Applicant is eligible to receive its state license of the same type for the same activity at the same Location based on information provided by the State Licensing Authority.

Sec. 6.5.6.5 Buildings Must be Ready for Occupancy

No license shall be issued after approval of an application until the building in which the business is to be conducted is ready for occupancy (and, a building permit certificate of occupancy issued, if applicable) with such furniture, fixtures, and equipment in place as is necessary to comply with the applicable provisions of these Regulations, and then only after inspection of the Premises has been made by the Local Licensing Authority or State Licensing Authority to determine that the Applicant has complied.

Part 7. ACTION ON APPLICATION; HEARINGS

Sec. 6.5.7.1 Action on Applications

The Local Licensing Authority shall consider and act upon all complete local license applications as authorized by these Regulations. The Authority shall deny any application that is not in full compliance with these Regulations.

Sec. 6.5.7.2 Public Hearings and Public Notice

(1) A public hearing shall be held to consider every application for a license subject to the limitations with respect to applications to renew licenses as provided in Part IX hereof.

(2) A public hearing shall be held not less than thirty days after the date the completed application is submitted. The Authority shall cause to prepare and the Applicant shall post and publish public notice thereof not less than ten days before the hearing. The Applicant shall give public notice by posting a sign in a conspicuous place on the Premises for which a local license application has been made and by publication in a newspaper of general circulation in the Town.

(3) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and phone number of the Applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the Applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the Applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

(4) Notice given by publication shall contain the same information as that required for signs.

(5) If the building in which the marijuana is to be sold, cultivated, processed or tested is in existence at the time of the application, any sign posted as required in this Section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the Applicant shall post the sign upon the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

Sec. 6.5.7.3 Preliminary Findings

Not less than five days before the date of hearing, if one has been set, or before taking action on the application, the Local Licensing Authority shall make known its findings based on its investigation in writing to the Applicant. If a public hearing has not already been set, the Applicant may request a public hearing which request shall be granted unless the recommendation is for approval.

Sec. 6.5.7.4 License Findings

(1) Before entering any decision approving, conditionally approving or denying the application, the Local Licensing Authority shall consider, except where these Regulations specifically provide otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, and any other pertinent matters affecting the qualifications of the Applicant for operating the type of Medical or Retail Marijuana Establishment proposed.

(2) Before entering any decision approving, conditionally approving or denying the application, the Authority shall make a finding as to the good moral character of the Applicant in accordance with the standards and procedures set forth in the Medical Marijuana Code and the Retail Marijuana Code. In so doing, the Authority may incorporate any findings as to good moral

character previously made by the State Licensing Authority. The Authority shall not be required to perform a criminal background check:

(a) if the State Licensing Authority has performed a background check on the Applicant to the satisfaction of the Authority; or

(b) if the Authority approves a license conditioned on the completion and successful review of the background check by the State Licensing Authority.

(3) Before entering any decision approving, conditionally approving or denying the application, the Authority shall make a specific finding of fact as to whether the proposed Licensed Premises is located within any distance restrictions established pursuant to Section 1.8 of these Regulations.

Sec. 6.5.7.5 Decision on Application

(1) The Local Licensing Authority has authority to refuse to issue, renew or transfer any license for Good Cause.

(2) The Local Licensing Authority may approve an application subject to conditions related to these Regulations, the Medical Marijuana Code, the Retail Marijuana Code and the state regulations promulgated pursuant thereto, as applicable.

(3) Within thirty days after the public hearing or completion of the application investigation, the Local Licensing Authority shall issue its decision approving, approving with conditions or denying an application. The decision shall be in writing and shall state the reasons for the decision.

Sec. 6.5.7.6 Notice of Decision

The Local Licensing Authority promptly shall notify the Applicant and the State Licensing Authority of its decision. Notice to the Applicant will be deemed given upon personal delivery or three calendar days after deposit in a depositary of the US Postal Service, first class postage paid.

Sec. 6.5.7.7 Review of Local Licensing Authority Decision

If a license is conditionally approved or denied following the public hearing by the Local Licensing Authority, that decision shall be deemed final action and the Applicant's sole remedy is review of the decision pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4).

Part 8. DUTIES OF LICENSEE

Sec. 6.5.8.1 Notice of Changes

(1) A Licensee shall notify the Local Licensing Authority in writing of the name, address, and date of birth of a proposed owner, officer or manager before the new owner, officer or manager begins owning, managing or associating with the operation. The proposed owner, officer, manager and employees must pass a fingerprint-based criminal history record check as required by the State Licensing Authority and obtain the required identification before owning, managing, or associating with the operation. For a complete change of ownership, see Part X.

(2) A Licensee shall report each transfer or change of financial interest in the license to the State and Local Licensing Authorities and receive approval prior to any transfer or change. A report is required for transfers of capital stock of any corporation regardless of numbers or values of shares or size of the corporation.

(3) A Licensee shall report any change of trade name to the Local Licensing Authority before using it.

Sec. 6.5.8.2 Possession of Licensed Premises

At all times, a Licensee shall possess and maintain possession of the Licensed Premises for which the License is issued by ownership, lease, or other arrangement suited for possession of the Premises for the duration of the License.

Sec. 6.5.8.3 Publicly Display Licenses

The Licensee shall conspicuously display the local and the state-issued licenses at all times on the Licensed Premises.

Sec. 6.5.8.4 On-site Access to Occupational Licenses and Registrations

(1) All persons owning, managing, operating, employed by, working in or having access to restricted areas of a Licensed Premises of, any Licensee who are required by the Medical Marijuana Code, Retail Marijuana Code and the state administrative regulations promulgated pursuant thereto, as applicable, to have occupational licenses and registrations must at all times have a valid license and/or registration from the State Licensing Authority. At all times when on the Licensed Premises, all such persons shall have on their person, and conspicuously display, their occupational licenses and registrations required by the State Licensing Authority. Copies of all such licenses issued by the State Licensing Authority shall be provided to the Authority. Provided, however, if (i) a State application for the required occupation license or registration is pending; and (ii) the Town has performed a background check and determined the preferred manager or employee to be temporarily acceptable then compliance with this Section 6.5.8.4 is extend for up to ninety (90) days from the start of their employment.

Sec. 6.5.8.5 Compliance with Laws

A Licensee shall at all times comply with and maintain the Licensed Premises in compliance with all of the terms and conditions of the license; the requirements of these Regulations and all applicable state and local laws.

Sec. 6.5.8.6 Notices of Changes in State License Status

A Licensee shall notify the Local Licensing Authority in writing if its state license of the same type for the same type of activity at the same Location as that issued by the Local Licensing Authority has been denied, expired, renewed, revoked or transferred. Notice must be in writing, and given to the Town Manager within four business days of the action by the State Licensing Authority. The Licensee shall give a copy of a new or renewed state license to the Local Licensing Authority within four business days of its receipt from the state.

Sec. 6.5.8.7 Notices to Public Safety Agencies

Before commencing operation, a Licensee shall notify the Pagosa Fire Protection District and the local Office of Emergency Management of the identity of all toxic, flammable, hazardous, or other materials regulated by a federal, state or local government having authority (or that would

have authority over the business if it was not a marijuana business), that will be used, kept, or created at the Licensed Premises, the Location of such materials, how such materials will be stored, and shall provide Material Safety Data Sheets where applicable. Before commencing operation, a Licensee also shall notify the local firefighting agency and Archuleta County Office of Emergency Management whether CO2 or CO2-generating is used on the Licensed Premises, the method and the Location. A Licensee shall promptly, within no more than one week, notify its local firefighting agency and Archuleta County Office of Emergency Management of any changes in this information. All notices shall be in writing, with a copy sent to the Local Licensing Authority.

PART 9. RENEWALS

Sec. 6.5.9.1 Time to Apply for Renewal License

(1) A License is immediately invalid upon its expiration unless a late renewal application is allowed and filed as provided in this Section. Unless otherwise expressly provided in these Regulations, if a license is not renewed by the Local Licensing Authority before its expiration, the Licensee may not operate.

(2) A Licensee desiring a renewal of an existing license must apply for the renewal to the Local Licensing Authority not less than sixty (60) days before the date of expiration of the current license. The Local Licensing Authority, in its discretion, based upon reasonable grounds, may waive the sixty (60) day time requirement but the Local Licensing Authority shall not accept an application for renewal of a license after the date of expiration except as provided in this Section. Reasonable grounds include that the Licensee has pending a timely-filed application for renewal of its state license. A Licensee who files a renewal application and pays the requisite fees may continue to operate until the Local Licensing Authority takes final action to approve or deny the renewal application.

(3) Notwithstanding the provisions of this Section, a Licensee whose license has been expired for not more than ninety days may file a late renewal application if an application for renewal of the corresponding state license has been accepted by the State Licensing Authority, is pending, and the required fees have been paid. In those circumstances, the Licensee may continue to operate until both the State and Local Licensing Authorities have taken final action on the Licensee's late renewal application unless the State Licensing Authority summarily suspends or denies the license, in which case the Licensee must cease operation immediately.

(4) The application for any renewal shall contain, at a minimum, all of the information required by these Regulations for an original license application, and any supplemental information requested by the Authority. The provisions of Part V shall govern the application form and processing as applicable.

Sec. 6.5.9.2 Action on Application for Renewal

Applications to renew a license shall be approved administratively by the Chairman of the Local Licensing Authority without public hearing unless the Licensee has had complaints filed against it, has a history of violations, or there are allegations against the Licensee that would constitute Good Cause, in which case a public hearing on the renewal application may be set. For purposes of this section, complaints include a recommendation by any referral department or agency to deny renewal.

Sec. 6.5.9.3 Procedures; Action on Application

To the extent applicable, the provisions of Part VII shall govern processing and action on the application for renewal.

Sec. 6.5.9.4 Approval Criteria

The approval criteria in Part VI hereof for approval of a new license shall be applicable to an application for a renewal.

Part 10. TRANSFERS

Sec. 6.5.10.1 No Transfers or Assignment of Licenses

A license issued under these Regulations is not transferable or assignable, including, without limitation, not transferable or assignable to different Premises, or to a different Owner or Licensee, except in accordance with these Regulations. A license is valid only for the person specifically identified on the license and for the specific Location for which the license is issued. Any attempt to transfer or assign a license in violation of these provisions voids the license.

Sec. 6.5.10.2 License Transfers Allowed

A Licensee may transfer or assign all ownership, rights and interests in a local license issued pursuant to these Regulations, or transfer that license to a different Premises within the Town, subject to prior application to, and approval by, the Local Licensing Authority and in compliance with the Medical Marijuana Code, Retail Marijuana Code, and the state regulations promulgated pursuant thereto, as applicable to such transfer or assignment.

Sec. 6.5.10.3 License Transfer Application

The application for any transfer shall contain, at a minimum, all of the information required by these Regulations for an original license application, and any supplemental information requested by the Authority.

Sec. 6.5.10.4 Approval Criteria

The approval criteria in Part VI hereof for approval of a new license shall be applicable to an application for a transfer.

Sec. 6.5.10.5 Procedures; Action on Application

The Local Licensing Authority may hold a public hearing on the application. To the extent applicable, the provisions of Parts V and VII shall govern processing and action on the application for transfer.

Sec. 6.5.10.6 Period of Transferred License

Approval of the transfer of a license has the same effect as approval of a new license and the transferred license shall be valid for a period of one year from the date of approval.

Part 11. ENFORCEMENT

Sec. 6.5.11.1 Inspection

(1) The Local Licensing Authority shall have the rights of entry upon and into and inspection of the Premises and records of a Licensee to the fullest extent authorized by the Medical Marijuana

Code, Retail Marijuana Code, and the state administrative regulations promulgated pursuant thereto, as applicable.

(2) The Local Licensing Authority shall at all times during the Licensee's business hours, upon request, be admitted to the Licensed Premises, including any limited access or other secured areas within them, to inspect for compliance with these Regulations. The Local Licensing Authority may request to inspect during non-business hours if the Licensee's normal business hours are inconsistent with typical business hours.

Sec. 6.5.11.2 Hearing; Suspension, Revocation of License

(1) A license issued pursuant to these Regulations may be suspended or revoked by the Local Licensing Authority after a hearing for any of the following reasons:

(a) Fraud, misrepresentation or a false statement of material fact contained in the license application;

(b) A violation of any Town, county, state or federal law or regulation with respect to the ownership or operation of the Marijuana Establishment or with respect to the Licensed Premises – other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20 or Amendment 64;

(c) A violation of any of the terms and conditions of the license;

(d) A violation of any of the provisions of these Regulations;

(e) The corresponding state license has been suspended or revoked by the State Licensing Authority; or

(f) The Licensed Premises have been inactive without good cause for at least one year.

(2) A Licensee shall be given notice in writing of the allegations and of a hearing to consider suspending or revoking its license at least ten days before the hearing. The notice shall be sent by regular mail, postage prepaid. Notice will be deemed given upon mailing.

(3) Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The Licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation.

(4) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the Licensee, but standing alone establishes that the Licensee has engaged in a different violation of these Regulations, the Medical Marijuana Code or the Retail Marijuana Code, as applicable, or an order of the state or Local Licensing Authority, the Licensee shall be permitted to give evidence and statement in defense if then prepared to do so. If such evidence is not then available, but can be obtained by the Licensee, the Licensee shall state the substance thereof and upon his request the hearing may be recessed for not more than fourteen days, and shall then continue under the same procedure as through no recess had occurred.

(5) The burden of proof shall be on the Town to show that grounds exist for suspension or revocation of the license.

(6) Any decision made by the Local Licensing Authority pursuant to this Section shall constitute the final decision of the Town, is effective immediately, and may be appealed pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(7) No fee previously paid by a Licensee in connection with the application or license shall be refunded if the license is suspended or revoked.

Sec. 6.5.11.3 These Enforcement Provisions are not Exclusive

In addition to all other remedies available to the Town under these Regulations or by other law, including the Medical Marijuana Code and the Retail Marijuana Code, the operation of a Medical Marijuana Establishment or a Retail Marijuana Establishment without a valid license issued pursuant to these Regulations may be enjoined by the Town in an action brought in a court of competent jurisdiction.

Sec. 6.5.11.4 Deference to State Licensing Authority

The Authority may defer to the state to enforce compliance with the requirements in the Medical Marijuana Code and the Retail Marijuana Code.

Part XII. FEES

Sec. 6.5.12.1 Fees Set by Resolution

The Town Council may revise application, license and operating fees by resolution.

Sec. 6.5.12.2 Medical Marijuana Establishments

The fees and charges shall be pursuant to the Town Fee Schedule.

Sec. 6.5.12.3 Retail Marijuana Establishments – Application Fees

Application fees for Retail Marijuana Establishment licenses are determined by the Retail Marijuana Code and collected by the State Licensing Authority.

Sec. 6.5.12.4 Retail Marijuana Establishments – Operating Fees

(1) Operating fees shall be set with the objective of offsetting the cost to the Town of administering these Regulations.

(2) Operating fees for any license (including any renewal or transfer of a license) shall be pursuant to the Town's Fee Schedule, in addition to the application fee received by the Local Licensing Authority for the license (but not reduced below zero). Operating fees must be paid in full before a license, including a renewal or transfer of a license, is issued. The full operating fee is due in advance for any Retail Marijuana Establishment license that was fully converted from a Medical Marijuana Establishment license. No operating fee will be refunded even if the license is transferred, revoked, surrendered, suspended or otherwise is not valid for a full year, or if the operation ceases or never commences before expiration or revocation of the license.

(3) If it is deemed reasonably necessary to engage the services of an outside consultant to review an application for a retail marijuana license, including a transfer or renewal, the cost of the consultant shall be charged to the Applicant as an additional operating fee. Once the estimate is established, the Local Licensing Authority shall notify the Applicant in writing of the fee and its amount. Until the fee is paid, the application shall be incomplete and shall not be further processed. The amount of the fee may be increased at any time if it is determined by the Authority that the fee is not sufficient to cover all consulting costs associated with the application. If the Authority so determines, it shall notify the Applicant in writing of the amount of the increase. Not later than ten days following the notice, the Applicant shall pay the amount of the increase. If the increase is not timely paid, the application shall be deemed withdrawn by the Applicant.

Sec. 6.5.12.5 Retail Marijuana Establishments – Late Filing Penalty

If a complete application for a renewal license is not submitted until after the expiration of a license, and the Licensee qualifies for consideration of that late renewal pursuant to Section 9.6.5, the renewal application must be accompanied by a late renewal penalty, if any, as stated on the Town Fee Schedule.

Sec. 6.5.12.6 Payment of Fees

All fees are due and must be paid before a license of any type will be issued or effective. All funds must be remitted in the form of a business check or certified funds.

Part XIII. PATIENTS AND PRIMARY CAREGIVERS

Sec. 6.5.13 Patients and Primary Caregivers.

(1) Nothing in this Article shall be construed to prohibit or otherwise impair the use of medical marijuana by patients, in accordance with the Colorado Constitution and consistent with Section 25-1.5-106, C.R.S. and rules promulgated thereunder, as may be amended from time to time.

(2) Primary care-givers within the Town are authorized to engage only in those activities regarding medical marijuana that are set forth in Section 14 of Article XVIII of the Colorado Constitution, as defined and limited by Section 25-1.5-106, C.R.S. Primary care-givers who engage in the sale of medical marijuana and/or who charge for care-giver services, shall be deemed to be operating a business within the Town and shall obtain a business license pursuant to Section 6.1.3 of the Town Code.

(3) Primary care-givers and patients who engage in the cultivation of medical marijuana or the provision of care-giver services within the Town, whether for compensation or not, shall comply with all regulations of general applicability within the Town, including zoning regulations and uniform codes.

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 21, 2015
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 5, 2015 Meeting Minutes**
2. **Approval of April Financial Statement and Accompanying Payments**

V. REPORTS TO BOARD

1. **2014 Annual Audit Report – Michael Branch, CPA**
2. **Sanitation District Report**
3. **PAWSD/Pipeline Update Report**

VI. NEW BUSINESS

1. **Dormant Sewer Accounts**

VII. NEXT BOARD MEETING JUNE 2, 2015 AT 5:00PM

VIII. ADJOURNMENT

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PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT MEETING MINUTES
TUESDAY, MAY 5, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 P.M.

I. CALL MEETING TO ORDER – Board President Volger, Board Member Alley, Board Member Bunning, Board Member Egan, Board Member Lattin, Board Member Patel, Board Member Schanzenbaker

II. PUBLIC COMMENT – None

III. CONSENT AGENDA

1. **Approval of April 23, 2015 Meeting Minutes** – Board Member Alley moved to approve the consent agenda, Board Member Bunning seconded, unanimously approved.

IV. REPORTS TO BOARD

1. **PAWSD/Pipeline Update Report** - Horizon Environmental toured the project last week and provided their report regarding the storm water management plan and generally gave a good report as the project comes out of winter shutdown into spring construction mode. Ecosphere is scheduled to review the protection of the wetlands and the Pagosa Skyrocket. The roofs are going up on both pump stations. Hammerlund crews will begin arriving this week and mobilizing to start laying the approximate 1.5 miles of pipeline.

V. NEW BUSINESS

1. **Amendment to Agreement No. 419 between Town/PAWSD IGA regarding Sewer Pipeline with Possible Executive Session Pursuant to Section 24-6-402(4)(b) Conference with Attorney regarding IGA and Section 24-6-402(4)(e) Determining Positions Relative to Mattes that may be Subject to Negotiations, Developing Strategy for Negotiations and Instructing Negotiators** – On January 3, 2012 the Pagosa Springs Sanitation General Improvement District (GID) entered into an Intergovernmental Agreement (IGA) with the Pagosa Area water and Sanitation District (PAWSD) regarding the joint effort between the GID and PAWSD to construct, operate and maintain a sewer pipeline. The IGA of 2012 states in several sections the intent of the parties was for PAWSD to pay the construction costs of Segment B up front and the Town would then pay PAWSD back the costs for Segment B over 20 years, plus a factor for the lost opportunity on invested funds. The PAWSD staff asserts the maximum amount PAWSD would contribute to Segment B is $2.835 million, thereby leaving a shortfall of approximately $665,000 between the contract amount of $3.5 million and the PAWSD contribution of $2.835 million. Board Member Schanzenbaker moved to authorize the Mayor to sign the first amendment to Intergovernmental Agreement 419 between the Pagosa Springs Sanitation General Improvement District and the

Pagosa Area Water and Sanitation District (PAWSD) regarding the maximum contribution of $2,835,745 by PAWSD towards Segment B sewer line costs, Board Member Bunning seconded, unanimously approved.

VI. NEXT BOARD MEETING MAY 21, 2015 AT 5:00PM

VII. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 8:11pm.

AGENDA DOCUMENTATION

REPORTS TO BOARD:V.2

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
MAY 21, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: DEPARTMENT HEAD REPORT
ACTION: DISCUSSION

ADMINISTRATIVE

All the required paperwork for the Small Community Grant program has been submitted and we are waiting for final word for a site visit to occur and when the actual funds will be available.

A large number of business license applications affecting the sanitation district are being processed as time permits. It is becoming apparent that a thorough system review would be a good idea as many commercial accounts need updating.

COLLECTION SYSTEM

Cleaning, televising and some lining of the collection system started this week and we have identified approximately 4,000 feet of work to hopefully be completed this year.

We completed a service line replacement on Mesa Drive last week and have another to do in that area this month as well. Also, a new sewer tap was completed on Apple Street last month.

WASTEWATER TREATMENT PLANT

We received a thorough inspection by the state health department on April 23rd and things seem to have gone well. A report will available in the next few weeks on the results of the visit and will be available for your review if you desire. The average daily effluent flow rate for April was .225 million gallons per day with the typical violation for ammonia. With the recent wet weather, flows are back up slightly.

AGENDA DOCUMENTATION

REPORTS TO BOARD:V.3

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
MAY 21, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: PAWSD/PIPELINE UPDATE REPORT
ACTION: UPDATE AND DISCUSSION

PROJECT UPDATE

Pipeline excavation has begun on the section from pump station #1 uphill onto school district property. Representatives from our biological consultants at Ecosphere have visited the sight and approved work in sensitive areas near wetlands and Pagosa Skyrocket locations. As soon as a workable solution between the county, PAWSD, and the PSSGID is reached, work on Trujillo Road will commence going southerly around the curve and to the bottom of the hill past the transfer station. A review meeting with all parties is scheduled for Wednesday, May 20th, 2015. This area will require the use of a fair amount of high explosives (dynamite blasting), so some traffic control will be required, but it will be kept to a minimum to reduce any inconvenience to the public.

The roofs are nearly complete on both pump buildings now and more mechanical and electrical work continues. Hammerlund will be hiring a new Project Manager specifically for this project to see it through to completion. We are still on track to meet the contract completion date in October this year.

Now back from vacation, I am getting back on track with continued certified payroll work to comply with the Davis Bacon Wage stipulation portion of the loan agreement.

Respectfully submitted,
Gene Tautges
Sanitation Supervisor

AGENDA DOCUMENTATION

NEW BUSINESS:VI.1

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
MAY 21, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: CONSIDERATION OF DORMANT SEWER ACCOUNTS
ACTION: DISCUSSION AND DIRECTION TO STAFF

PURPOSE/BACKGROUND

Staff has been requested to research what options are available for customers whose properties are no longer occupied and are perceived to have no impact on the District's collection or treatment system. For the purpose of this brief and to stay consistent with the current version of the rules and regulations, we will refer to these types of accounts as dormant.

This is an issue that has arisen with many districts over the years and has been addressed in a number of different ways. For comparison, staff checked with PAWSD to see what their fees were when an account goes dormant. PAWSD does not have a classification for this type of service, however any account that uses no water or produces no sewer is charged $23.50 per month for water which includes 2,000 gallon of water in that trier, and in addition they pay $32.00 per month for sewer service.

Some thoughts to keep in mind regarding this discussion might include the following:

1. It should be noted that it has been confirmed with PAWSD that there is no dormant type fee allowed by them. If a customer requests to have their water shut off, a minimum monthly charge for water only is $23.50 per month and for sewer it is $32 per month. Their explanation is that the service is available at all times whether the building is occupied or not, which is true. Customers are able to turn their water on and off themselves and policing that action is not desired or efficient.

2. Staff's recommendation is that the onus should put on the requesting customer to have PAWSD email the PSSGID when they are requesting long term service dormancy. The customer having water shut off for the long term should make the request to have PAWSD email the PSSGID, assuming PAWSD has the ability to determine where the requesting customer's sewer service originates. Staff does not want unnecessary emails from PAWSD when people have their water shut off who are not in the PSSGID boundaries or request water shut off for many other reasons i.e. vacation, leak repair, etc.

3. Staff believes this potential fee should not be an avenue to avoid normal monthly service charges. If a customer requests a water shut off for a couple of months, they should remain on service (monthly billing cycle). If the intent for this fee is for properties that are expected to remain unused until demolished or a change in family situation (stipulated in a will or something similar) occurs, staff suggests that a dormancy request can only be permitted once a year.

4. Even unused sewer service lines can leak, especially with many of the service lines in the PSSGID service area being 50+ years old and in varying states of disrepair. It would be prudent to require that the line being requested to go dormant be televised (at the customer's expense +/- $50) to ensure that the portion of the line they are responsible for does not allow snow melt and rain water into the collection system.

5. What to charge? Most research done on this thought showed dormancy was not an option without complete disconnection (excavation and plugging of the line). If it were to be allowed, there are portions in the rules and

regulations of the PSSGID (i.e. 5.17) that require all past due amounts to be made current. Currently, if a customer is to be kept in our computer software Casselle billing system, and to ensure the customer does not have to pay a new Plant Investment Fee (PIF) in the future, at least one Equivalent unit (EU) must be entered. As we understand it, a monthly billing of $0 is not allowed in the software. Since this is not an availability fee according to state statute as we understand it, there should be no restriction on the funds derived from its collection, but legal counsel needs to be consulted to confirm that. Once it is determined if PAWSD will charge a fee for notifying the PSSGID and the Boards decision on a television inspection fee etc., (see #4 above) a rationale for what to charge for this type of account on a monthly basis could be researched further and presented to the board. This rationale should include the fact that when an account goes dormant but the customer does not want to give up their asset share or capacity share of the system, they need to contribute to the maintenance of the system that their property benefits from.

6. Districts have no way of knowing whether sewer service at any particular property is being used or not. For instance, a summer home, unused property, or rental properties may or may not generate wastewater at any given time. It should be mentioned that if a private service line leaks due to age or damage, it could allow unwanted flow into the system even though the property may be unoccupied. The thought here is that once service is connected to a property it is "useable" at any given point in time without restriction according to the Districts Rules and Regulations.

7. There is no way to turn sewer service off at any given property. Unlike having a valve to shut off the water, valves in a sewer line are not an accepted practice due to the inherent problems they cause. Typically, when sewer service is requested to be discontinued, the service line is excavated at the property line and the sewer is physically severed and plugged off. Section 5.17 #4 of the Rules and Regulations stipulates the consequences of that request. (see below)

8. The currently adopted version of the Rules and Regulations were written with assistance from legal counsel several years ago and are consistent with how many sewer districts address these types of accounts. Although not exclusively, the research staff has done to date shows that most sewer districts have no "dormant" status available.

That being said, here is what the currently adopted Rules and Regulations for the Pagosa Springs Sanitation General Improvement District (PSSGID) state regarding a dormant sewer service found in section 5. (Emphasis added)

5.16 Dormant Accounts

Residential Accounts are not permitted an inactive or dormant status. Commercial users are permitted seasonal closures or dormancy of accounts only if seasonal dates are submitted and there is 100% closure of the facility during that period. Penalties could apply if closure dates are not adhered to (Section 9 – VIOLATIONS, PENALTIES AND APPEALS)

5.17 Voluntary Termination of Sewer Service

Any tap owner may request a voluntary termination of service and that the District "void" the tap providing such service. Any such action will be at the discretion of the District and in accordance with these Rules and Regulations as well as San Juan Basin Health Department and the Colorado Department of Public Health and Environment. If such a termination is accepted, the following conditions shall apply:

1) All current and past due fees and charges must be paid.

2) Previously paid tap and PIF fees shall be non-refundable.

3) Any connection to the system that is to be "voided" or terminated shall be capped at the sole expense of the tap or property owner. All work relating to the disconnection and capping shall be inspected by the District duly authorized representative. Failure of the property owner to comply with this action will subject the owner to penalties and additional costs incurred to excavate the tap for inspection by the District as provided for in Section 9 – VIOLATIONS, PENALTIES AND APPEALS of these Rules and Regulations.

4) If the property owner desires to reconnect the "voided" tap to the system at some point following the disconnection, the property owner must make a formal application with the District according to the tap purchase procedure and remit to the District all applicable fees in effect at the time the reconnection application is requested.

ATTACHMENT(S)

None

FISCAL IMPACT

It is beyond the scope of this brief to determine the fiscal impact to the PSSGID that might occur if dormant or voided accounts were allowed to be exempt from monthly service charges without a comprehensive analysis of the affected properties, budgetary impact and further decisions from the Board. It would also require a comprehensive revision to the PSSGID Rules and Regulations.

RECOMMENDATION

1. Move to direct staff to work with the Town Attorney to propose revisions to the PSSGID Rules and Regulations that would allow the permitting of "dormant" sewer accounts and to explore and recommend an appropriate pricing structure for "dormant" accounts.

2. Move to affirm the present PSSGID Rules and Regulations and not permit "dormant" sewer accounts.

3. Direct staff otherwise.