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**TOWN COUNCIL MEETING AGENDA
TUESDAY, JUNE 3, 2014
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. APPROVAL of MEETING MINUTES FROM MAY 22, 2014**
- IV. PUBLIC COMMENT – *Please sign in to make public comment***
- V. LIQUOR LICENSE**
 - 1. Special Events Liquor Permit – Pagosa Springs Chamber of Commerce, Rural Philanthropy Days Dinner on June 11, 2014 at Reservoir Hill Park Gazebo**
 - 2. Special Events Liquor Permit – Pagosa Springs Chamber of Commerce, Rural Philanthropy Days Culinary Crawl on June 12, 2014 at Town Park**
 - 3. Special Events Liquor Permit – Pagosa Springs Chamber of Commerce, Bike Tour of Colorado on June 25, 2014 at Town Park**
 - 4. Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Concert July 25, 2014 at the Ross Aragon Community Center**
 - 5. Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Dance August 15, 2014 at the Ross Aragon Community Center**
 - 6. Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Dance November 17, 2014 at the Ross Aragon Community Center**
- VI. NEW BUSINESS**
 - 1. TTC Statistics**
 - 2. Sales Tax November Ballot Issue**
 - 3. First Reading Ordinance 809, Franchise Agreement for Elite Recycling and Disposal, LLC**
 - 4. Town Manager Contract with Possible Executive Session per 24-6-402(4)(f) C.R.S. with Regards to Personnel Matters**
- VII. OLD BUSINESS**
 - 1. Sales Tax Disbursement IGA**
 - 2. Visitor Center Proposal**
 - 3. CDOT and Town IGA Regarding McCabe Creek Bridge and Project Update**
- VIII. PUBLIC COMMENT – *Please sign in to make public comment***
- IX. NEXT TOWN COUNCIL MEETING JUNE 19, 2014 AT 12:00PM**
- X. ADJOURNMENT**

**Don Volger
Mayor**



AGENDA DOCUMENTATION

NEW BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL

JUNE 3RD, 2014

FROM: JENNIFER GREEN, TTC DIRECTOR

PROJECT: REVIEW OF TOURISM EFFORTS AND RESULTS 2008 - 2013

ACTION: DISCUSSION

PURPOSE / BACKGROUND

The Town Tourism Committee, since its formation in early 2008, has been focused on promoting Pagosa Springs as a tourism destination. While the growth in lodging tax has been significant in the last 6 years, this presentation will provide a broader overview of the growth in tourism with context as to why Pagosa has experienced continued growth.

The TTC Director has completed a thorough review of the results analyzing growth in lodging tax, occupancy rates and comparisons amongst neighboring communities. An overview of the top reasons behind the growth will be presented, along with a discussion on how to continue to maintain and increase the level of growth in tourism.

FISCAL IMPACT

The continued growth in tourism has a significant impact on the Town of Pagosa Springs and Archuleta County.



AGENDA DOCUMENTATION

NEW BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL

JUNE 3, 2014

FROM: DAVID MITCHEM, TOWN MANAGER

PROJECT: SALES TAX NOVEMBER BALLOT ISSUE

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

At the Town Council – County Commissioner worksession on May 9th, one of the items discussed was whether to place a sales tax issue on the November ballot.

As part of the May 9th discussion, several expressed the opinion that such a measure needed to be time limited (sunset clause) and the funds dedicated for specific projects, such as finishing the San Juan river features, Riverwalk trail and Town to Pagosa Lakes trail.

The Council and Commissioners agreed to discuss the merits of the proposed ballot measure and report back at the next joint Town Council – County Commissioner worksession.

ATTACHMENT(S):

2014 Election Calendar

APPLICABILITY TO TOWN OF PAGOSA SPRINGS HOME RULE CHARTER

Section 3.9 of the Home Rule Charter specifies the Town Council's authority and responsibility to anticipate revenues [Section 3.9(A)2] and adopt a balanced annual budget [Section 3.9(B)].

FISCAL IMPACT

If the sales tax ballot issue is approved by the voters, the Town would receive approximately \$835,341 (based on total collections for 2013).

RECOMMENDATION

In preparation for the next Town Council – County Commissioner worksession, it is recommended that the Council discuss the merits of placing a one cent sales tax on the November ballot.

2014 Election Calendar

January, 2014		
2-January (Thursday)	Last day to affiliate with a major or minor party in order to run as a party candidate in the primary (either through nomination or petition). Last day to register as unaffiliated, in order to be placed in nomination (by petition) as an unaffiliated candidate.	1-4-601(4)(a) 1-4-801(3) 1-4-802(1)(g)(II) 1-4-1304(2)(b)
6-January (Monday)	Last day to affiliate with the Republican Party, Democratic Party, or ACP Party in order to vote in the March 4th Party precinct caucuses . (2 months before the precinct caucuses)	1-3-101(1)
8-January (Wednesday)	General Assembly convenes 2014 regular session.	Art. V, § 7
10-January (Friday)	Last day to submit a petition to qualify as a minor political party. (Must be signed by at least 10,000 registered electors and submitted to the Secretary of State)	1-4-1302(1)
31-January (Friday)	Last day for the Secretary of State to issue a notice of sufficiency/insufficiency of a petition to qualify as a minor political party. (21 days after receipt of the petition).	1-4-1302(4)(b)
February, 2014		
3-February (Monday)	Last day to update your voter registration address to participate in the March 4th party precinct caucuses . (Must be a resident of the precinct for 30 days and registered to vote no later than 29 days before the precinct caucus)	1-3-101(1)
3-February (Monday)	Last day to change precinct boundaries or create new precincts before the March 4th party precinct caucuses . (No later than 29 days before caucus)	1-5-103(1)
3-February (Monday)	First day to circulate major/minor party candidate petitions. (First Monday in February)	1-4-801(5) 1-4-802(1)(d)(II)
3-February (Monday)	Last day for state central committees to file or amend party bylaws or rules with the Secretary of State. (No bylaw or rule may be filed or amended after the 1st Monday in February)	1-3-103(9)(a)
4-February (Tuesday)	Last day for county clerks to furnish the Republican, Democratic, and ACP Parties with a list of registered electors in the county who are affiliated with the Party. (No later than 28 days before the March 4th party precinct caucuses)	1-3-101(3)(a)
20-February (Thursday)	Last day to post signs for the March 4th party precinct caucuses . (No later than 12 days before the precinct caucuses)	1-4-602(4)
March, 2014		
4-March (Tuesday)	Republican Party, Democratic Party, and ACP Party Precinct Caucus Day (In each even-numbered year, political parties hold their precinct caucus on the 1st Tuesday in March)	1-3-102(1)(a)(I)
14-March (Friday)	Last day for the Secretary of State to prepare an election notice to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly scheduled election)	1-8.3-116 1-1-106(5)
26-March (Wednesday)	Last day for county clerk to designate drop-off locations and Voter Service and Polling Centers for the June 24th Primary Election . Before designation, clerks must also complete an accessibility survey for all locations. (No later than 90 days before the Primary Election)	Rule 7.9
26-March (Wednesday)	Last day for county clerk to submit a mail ballot plan to the Secretary of State for the June 24th Primary Election . (No later than 90 days before the Primary Election)	1-7.5-105(1) Rule 7.1.1
29-March (Saturday)	Last day to hold Republican Party, Democratic Party, and ACP Party county assemblies . (No later than 25 days after precinct caucuses)	1-4-602(1)(a)(I)
*	County candidates' designations and acceptances must be filed no later than 4 days after the adjournment of the county assembly. If faxed, the original must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-601(3)(a) 1-4-604(3)
31-March (Monday)	Last day to file major/minor party candidate petitions. (No later than 85th day before the Primary Election)	1-4-801(5) 1-4-802(1)(f)(II)

Use this as a reference guide only. Always refer to the Colorado Constitution,
Revised Statutes, and Secretary of State Rules for applicable provisions.

2014 Election Calendar

April, 2014		
4-April (Friday)	Last day to submit draft ballot issues to the Title Board, if the issue is to appear on the 2014 General Election ballot. (No later than 3 p.m., 12 days before the last Title Board Hearing held on April 16th)	1-40-106(1)
12-April (Saturday)	Last day to hold major/minor party assemblies. (No later than 73 days before the Primary Election)	1-4-601(1) 1-4-1304(b)(I)
*	For major parties, designation and acceptance forms must be filed no later than 4 days after adjournment of the party assembly. If faxed, the originals must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-601(3)(a) 1-4-604(6)(a)
*	For minor parties, designation forms must be filed no later than 4 days after the assembly. Acceptance forms must be postmarked or received by the DEO no later than 4 business days after the filing of the certificate of designation. If faxed, the originals must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-1304(3), (4)
*	Objections to nominations, designations, or petitions must be filed with the district court within 5 days after the election official's sufficiency statement was issued or after the certificate of designation was filed with the designated election official.	1-4-909(1)
16-April (Wednesday)	Last day to hold a Title Board hearing for ballot issues that will appear on the 2014 General Election ballot. (3rd Wednesday in April)	1-40-106(1)
18-April (Friday)	Last day a write-in candidate may file an Affidavit of Intent for the Primary Election. (By the close of business on the 67th day before the Primary Election)	1-4-1102(1)
25-April (Friday)	Last day for designated election officials to submit security and contingency plans to the Secretary of State. (No later than 60 days before the first election in which the procedures will be used. Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission).	1-5-616(5)(b) Rule 20.1
25-April (Friday)	Last day for the Secretary of State to deliver the Primary Election ballot order and content to county clerks. (No later than 60 days before the Primary Election)	1-5-203(1)(a)
25-April (Friday)	The designated election official may cancel the Primary Election if there are no contested races by the close of business on the 60th day before the Primary Election.	1-4-104.5(1)
25-April (Friday)	Last day for the county clerk to send correspondence to each UOCAVA elector whose record is marked "Inactive." This correspondence must include information regarding the upcoming election. (No later than 60 days before the Primary Election).	Rule 16.1.8
25-April (Friday)	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.7.3. (Beginning at least 60 days before the election and continuing through at least 30 days after the election).	Rule 20.7.2
29-April (Tuesday)	Last day for the county chairperson to certify names and addresses of recommended election judges to the county clerk. (Last Tuesday of April)	1-6-103(1)(a)
29-April (Tuesday)	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge. (Last Tuesday of April)	1-6-103.7
*	Designated election official must confirm appointments by mailing a certification of appointment and acceptance form to election judges. Each person appointed as an election judge must file an acceptance form with the designated election official within 7 days after the certification and acceptance form are mailed.	1-6-104(1) 1-6-106(1) 1-6-106(3)
May, 2014		
5-May (Monday)	First day for judicial candidates to file a declaration of intent to run for another term. (Not more than 6 months, but not less than 3 months before the General Election)	Art. VI, Sect. 25 1-1-106(4)
10-May (Saturday)	First day for the county clerk to mail a notice by forwardable mail to each unaffiliated active registered eligible elector. The notice must inform the elector that he or she must affiliate with a political party in order to vote in the Primary Election. (Between 45 and 30 days before the Primary Election)	1-7.5-107(2.3)

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2014 Election Calendar

10-May (Saturday)	Deadline for county clerk to transmit a primary election ballot to military and overseas voters. (No later than 45 days before the Primary Election)	1-8.3-110
10-May (Saturday)	The county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors by the 45-day deadline. (No later than 45 days before the election)	Rule 16.1.9
10-May (Saturday)	First day that a county clerk or designated election official may hold election judge training for the Primary Election. (Not more than 45 days before the Primary Election)	1-6-101(5)
15-May (Thursday)	First day an unaffiliated candidate may circulate or obtain signatures on a petition for nomination for the General Election. (An unaffiliated candidate may not circulate a petition or gather signatures earlier than 173 days before the General Election)	1-4-802(1)(d)(I)
23-May (Friday)	Last day for the county clerk to mail a notice by forwardable mail to each unaffiliated active registered eligible elector stating that he or she must affiliate with a political party in order to vote in the Primary Election. (Not less than 30 days, nor more than 45 days before the Primary Election)	1-7.5-107(2.3) 1-1-106(5)
23-May (Friday)	Ballots for Primary Election must be printed and in possession of the county clerk. (No later than 32 days before the Primary Election)	1-5-402(1)
23-May (Friday)	Last day for voters who are affiliated with a political party to change or withdraw their affiliation if they wish to vote in a different party's primary election. (Up to and including the 29th day before the Primary Election) Note: In order to participate in the primary election, unaffiliated voters may affiliate at any time before and through the day of the primary election.	1-2-219(1) 1-1-106(5)
June, 2014		
2-June (Monday)	First day that mail ballots may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the Primary Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
2-June (Monday)	Last day to submit an application to register to vote through the mail, a voter registration agency, a local driver's license exam facility, or a voter registration drive. (No later than 22 days before the election)	1-2-201(b)(I)
2-June to 17-June	If the county clerk receives a paper voter registration application other than in-person, the clerk must send the applicant notification within one business day stating that the application is received but the applicant will not receive a ballot by mail. (Between 21 and 7 days before election day)	Rule 2.1.6
4-June (Wednesday)	Last day to post polling place signs for the Primary Election. (At least 20 days before the election)	1-5-106(1)
4-June (Wednesday)	Last day for the county clerk to publish notice that the Primary Election will be conducted by mail ballot. (No later than 20 days before the Primary Election)	1-5-205(1)(a)-(c) 1-7.5-107(2.5)(a)
6-June (Friday)	Last day to send out mail ballots for the Primary Election. (No later than 18 days before the Primary Election)	1-7.5-107(3)(a)(I) Rule 7.2.4
9-June (Monday)	Last day for major political parties to appoint members to the county canvass board for the Primary Election. (At least 15 days before the Primary Election)	1-10-101(1)(a)
9-June (Monday)	First day to begin counting mail ballots received for the Primary Election. No results may be disclosed until after 7:00 p.m. on election day. (15 days before the election)	1-7.5-107.5
9-June (Monday)	Last day for the county clerk to submit election setup records to the Secretary of State by regular mail. (No later than 5:00 PM on the 15th day before election day)	Rule 11.4
14-June (Saturday)	Deadline for county clerk to post a copy of the published notice of Primary Election in a conspicuous place in the offices of the designated election official or the county clerk. (At least 10 days before the election and until 2 days after the election)	1-5-205(1.3)
14-June (Saturday)	Last day for the county clerk to file the voting system inventory with the Secretary of State. (No later than 10 days before the election for use in the Logic and Accuracy Test and the Post-Election Audit Test)	Rule 11.2.3

2014 Election Calendar

16-June (Monday)	Last day to submit an electronic change of address form or for a county clerk to receive a change of address form by mail. (No later than the 8th day before the Primary Election for online registration; No later than the close of business on the 8th day by mail)	1-2-216(4)(a)
16-June (Monday)	Last day to submit an application to register to vote through the online voter registration system. (Through the 8th day before an election)	1-2-201(3)(b)(III)
16-June (Monday)	Last day for a county to send its Election Night Reporting (ENR) "zero file" or list of ballot content to the Secretary of State. (No later than 8 days before the election)	Rule 11.10.2
16-June to 24-June	The minimum number of required voter service and polling centers must be open for the Primary Election. (Beginning at least 8 days before and on election day, except Sundays)	1-7.5-107(4.5)(c) Rule 7.8
17-June (Tuesday)	Last day to file an absentee ballot application to receive the absentee ballot by mail. (No later than the close of business on the 7th day before the election)	1-7.5-116(3)
20-June (Friday)	Last day to request an in-person absentee ballot. (Before the close of business on the Friday immediately preceding the election)	1-7.5-116(3)
20-June to 24-June	The minimum number of required drop-off locations must be open. (Beginning at least 4 days before and on election day, except Sundays)	1-7.5-107(4.3)(b) Rule 7.5
24-June (Tuesday)	Primary Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-4-101(1) 1-7-101(1) Rule 7.8.1(b)
24-June (Tuesday)	All ballots must be received by the county clerk by 7:00 p.m. Ballots cast by military and overseas voters must be sent no later than 7:00 p.m. MT and received by the close of business on the 8th day after the election.	1-7.5-107(4)(b)(II) 1-8.3-111 1-8.3-113 Rule 16
26-June (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1, 7.7.4
26-June (Thursday)	Deadline for the Secretary of State to notify the designated election official which voting devices and which race or races on the ballot will be audited (No later than 48 hours after the close of the polls).	Rule 11.3.3(a)
July, 2014		
1-July (Tuesday)	The Secretary of State must notify county clerks and the minor political party if any minor political party ceases to qualify as such a party. (No later than July 1)	1-4-1305(2)
1-July to 15-July	Date range to send notification of the time and place of party lot drawing. The drawing determines ballot positions of candidates to appear on the 2014 General Election ballot.	1-5-404(2)
2-July (Wednesday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted. (No later than the close of business on the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.6
2-July (Wednesday)	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted. No later than 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.2
7-July (Monday)	Last day for the county clerk to complete verification and counting of provisional ballots. (Within 10 days after the Primary Election)	1-8.5-105(5) 1-1-106(4)
7-July (Monday)	Last day to complete the canvass and submit official abstract of votes cast for the Primary Election to the Secretary of State. (No later than the 13th day after the election)	1-10-102(1)
7-July (Monday)	Last day for the designated election official to report the results of the post-election audit to the Secretary of State. (By 5:00 pm on the last day to canvass).	Rule 11.3.3(m)

2014 Election Calendar

10-July (Thursday)	Last day to file an unaffiliated candidate nomination petition. (No later than 3:00 p.m. on the 117th day before the General Election)	1-4-802(1)(f)(l)
14-July (Monday)	Last day for electors to circulate or file a recall petition against the Governor or any other election official whose term of office ends on 1/13/2015.	Art IV, Sect. 1 1-12-102(4)
14-July (Monday)	Last day for electors to circulate or file a recall petition against a member of the General Assembly whose term of office ends on 1/14/2015.	Art V, Sect. 7 1-12-102(4)
14-July (Monday)	Last day for the Secretary of State to compile the returns and order appropriate recounts of the Primary Election. (No later than the 20th day after the Primary Election)	1-10-103(2) Rule 10
15-July (Tuesday)	Last day for interested parties to request a recount of the Primary Election at their own expense. (Within 21 days after the Primary Election)	1-10.5-106(2) Rule 10.15
17-July (Thursday)	Last day for a write-in candidate to file an Affidavit of Intent for the General Election. (By the close of business on the 110th day before the General Election)	1-4-1102(1)
24-July (Thursday)	Last day to complete a statutory or requested recount of the Primary Election. (No later than the 30th day after the Primary Election)	1-10.5-102(2) 1-10.5-106(2)
25-July (Friday)	Last day for the Secretary of State to prepare an election notice to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly schedule election)	1-8.3-116 1-1-106(5)
25-July (Friday)	Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the General Election. (100 days before the General Election)	1-7-116(5) 1-1-106(5)
31-July (Thursday)	Last day for the designated election official to provide a notice of sufficiency/insufficiency regarding unaffiliated candidate nomination petitions. (No later than 96 days before the General Election)	1-4-908(3)
August, 2014		
4-August (Monday)	Last day to file an initiative petition with the Secretary of State for the 2014 General Election, no later than 3:00 p.m. (At least 3 months before the election)	Art V, Sect. 1(2)
4-August (Monday)	Last day for judicial candidates to file a Declaration of Intent to run for another term. (Not less than 3 months before the General Election)	Art. VI, Sect. 25
6-August (Wednesday)	Last day for the county clerk to submit a mail ballot plan to the Secretary of State. (No later than 90 days before every election)	1-7.5-105(1) Rule 7.1.1
6-August (Wednesday)	Last day for county clerk to designate drop-off locations and Voter Service and Polling Centers. Clerks must also complete an accessibility survey for all locations annually before designation. (No later than 90 days before the election)	Rule 7.9
11-August (Monday)	Last day to amend an unaffiliated candidate nomination petition. (No later than 3:00 p.m. on the 85th day before the General Election)	1-4-912
21-August (Thursday)	Last day for the designated election official to notify an unaffiliated candidate of whether the amended nominating petition is sufficient/insufficient. (No later than the 75th day before the General Election)	1-4-912
26-August (Tuesday)	Last day for intergovernmental agreements to be signed by county clerks and political subdivisions. (No later than 70 days before the General Election)	1-7-116(2)
September, 2014		
3-September (Wednesday)	Last day for the Secretary of State to examine submitted initiative petitions and issue a statement of sufficiency or insufficiency. (No more than 30 calendar days after the petition is filed)	1-40-116(2)
5-September (Friday)	Last day for the designated election official of each political subdivision to certify the ballot order and content. Each DEO must also deliver the certification to the county clerk for the coordinated election. (No later than 60 days before the General Election)	1-5-203(3)(a)
5-September (Friday)	Last day for designated election officials to submit security and contingency plans to the Secretary of State. (No later than 60 days before the first election in which the procedures will be used)	1-5-616(5)(b) Rule 20.1

2014 Election Calendar

5-September (Friday)	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.7.3. (Beginning at least 60 days before the election and continuing through at least 30 days after the election).	Rule 20.7.2
8-September (Monday)	Last day for the Secretary of State to deliver the certification of ballot order and content to each county. (No later than 57 days before the General Election)	1-5-203(1)
19-September (Friday)	Last day to file written comments concerning local ballot issues with the designated election official in order to be included in the ballot issue notice. (Friday before the 45th day before the election)	Art. X, Sect. 20(3)(b)(v) 1-7-901(4)
20-September (Saturday)	Last day to transmit ballots and ballot materials to overseas military voters. (No later than 45 days before the election)	1-8.3-110(1) Rule 16
20-September (Saturday)	Last day the county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors by the 45-day deadline.	Rule 16.1.9
20-September (Saturday)	First day the county clerk or designated election official may hold election judge training. (Not more than 45 days before the election)	1-6-101(5)
22-September (Monday)	Last day for a petition's representatives to submit favorable comments for the ballot issue notice. Comments must be submitted to the designated election official. (No later than 43 days before the election).	1-7-903(3)
23-September (Tuesday)	Last day for the designated election official to deliver the full text of any required ballot issue notices to the county clerk. (No later than 42 days before the election)	1-7-904
October, 2014		
3-October (Friday)	Last day for official ballots to be printed and in the possession of the county clerk. (No later than 32 days before the General Election)	1-5-402(1)
3-October (Friday)	Last day to mail notice of a ballot issue election. (At least 30 days before a ballot issue election)	Art. X, § 20(3)(b) 1-1-106(5)
14-October (Tuesday)	First day that mail ballots may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the General Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
14-October (Tuesday)	Last day to submit an application to register to vote through the mail, a voter registration agency, a local driver's license exam facility, or a voter registration drive. (No later than 22 days before the election)	1-2-201(3)(b)(I)
14-October to 28-October	If the county clerk receives a paper voter registration application other than in-person, the clerk must send the applicant notification within one business day stating that the application is received but the applicant will not receive a ballot by mail. (Between 21 and 7 days before election day)	Rule 2.1.6
15-October (Wednesday)	Last day to post polling place signs for the General Election. (At least 20 days before the election)	1-5-106(1)
15-October (Wednesday)	Last day for the county clerk or designated election official to provide notice by publication that the General Election will be conducted by mail ballot. (No later than 20 days before the General Election)	1-7.5-107(2.5)(a)(I)
17-October (Friday)	Last day to send mail ballots to voters for the General Election, except for UOCAVA voters. (No later than 18 days before the General Election)	1-7.5-107(3)(a)(I) Rule 7.2.4
20-October to 4-November	The minimum number of required voter service and polling centers must be open for the General Election. (Beginning at least 15 days before and on election day, except Sundays)	1-5-102.9(2) Rule 7.8
20-October (Monday)	Last day for major political parties to appoint members to the Canvass Board for the General Election. (At least 15 days before the General Election)	1-10-101(1)(a) Rule 10
20-October (Monday)	First day to begin counting General Election ballots. No results may be disclosed until after 7:00 p.m. on election day. (15 days before the election)	1-7.5-107.5
20-October (Monday)	Last day for the county clerk to submit election setup records to the Secretary of State by regular mail. (No later than 5:00 PM on the 15th day before election day).	Rule 11.5

2014 Election Calendar

25-October (Saturday)	Last day for the county clerk to file the voting system inventory with the Secretary of State. (No later than 10 days before the election for use in the Logic and Accuracy Test and the Post-Election Audit Test)	Rule 11.3.3
27-October (Monday)	Last day to submit an electronic change of address form or for a county clerk to receive a change of address form by mail. (No later than eight days before the election for online registration; No later than the close of business on the eighth day by mail)	1-2-216(4)(a) 1-2-202.5(7)(c)(I)
27-October (Monday)	Last day to submit an application to register to vote through the online voter registration system. (Through the eighth day before an election).	1-2-201(3)(b)(III)
27-October (Monday)	Last day for a county to send its Election Night Reporting (ENR) "zero file" or list of ballot content to the Secretary of State. (No later than 8 days before the election)	Rule 11.11.2
28-October (Tuesday)	Last day to file an absentee ballot application to receive the absentee ballot by mail. (No later than the close of business on the 7th day before the election)	1-7.5-116(3)
31-October (Friday)	Last day to request an in-person absentee ballot. (Before the close of business on the Friday immediately preceding the election)	1-7.5-116(3)
November, 2014		
4-November (Tuesday)	General Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-1-104(17) 1-4-201 Rule 7.8.1(b)
4-November (Tuesday)	All ballots must be received by the county clerk by 7:00 p.m. Ballots cast by military and overseas voters must be sent no later than 7:00 p.m. MT and received by the close of business on the 8th day after the election.	1-7.5-107(4)(b)(II) 1-8.3-111 1-8.3-113 Rule 16
6-November (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1 , 7.7.4
6-November (Thursday)	Deadline for the Secretary of State to notify the designated election official which voting devices and which race or races on the ballot will be audited. (No later than 48 hours after the close of the polls)	Rule 11.3.3(a)
12-November (Wednesday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted. (No later than the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.6
12-November (Wednesday)	Last day for elector to cure signature discrepancy or missing signature, or to provide missing ID for mail and provisional ballot to be counted. (Within 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.2
18-November (Tuesday)	Last day for verification and counting of provisional ballots. (Within 14 days after the General Election)	1-8.5-105(5) Rule 17
21-November (Friday)	Last day to complete the canvass for the General Election. (No later than the 17th day after the election)	1-10-102(1) Rule 10
21-November (Friday)	Last day for the designated election official to report the results of the post-election audit to the Secretary of State. (By 5:00 PM on the last day to canvass)	Rule 11.3.3(m)
24-November (Monday)	Last day to submit the official Abstract of Votes cast for the General Election to the Secretary of State. (No later than the 18th day after the election)	1-10-103(1) 1-1-106(4)
December, 2014		
4-December (Thursday)	Last day for the Secretary of State to compile and total returns from all counties and order appropriate recounts, if any. (No later than the 30th day after the General Election)	1-10-103(2) 1-10.5-102(2)
5-December (Friday)	Last day for an interested party to request a recount of the results of the General Election at their own expense. (Within 31 days after the General Election)	1-10.5-106(2)

Use this as a reference guide only. Always refer to the Colorado Constitution,
Revised Statutes, and Secretary of State Rules for applicable provisions.

2014 Election Calendar

11-December (Thursday)	Last day to complete a recount requested by an interested party. (No later than the 37th day after the General Election)	1-10.5-106(2)
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2014 Election Calendar

Computation of Time Note		
	If the last day for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday . . . the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.	1-1-106(4)
	If a state statute requires doing an act in "not less than," "no later than," "at least" a certain number of days, "prior to" a certain number of days, or a certain number of months "before" the date of an election (or any phrase that suggests a similar meaning), the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, or legal holiday.	1-1-106(5)



AGENDA DOCUMENTATION

NEW BUSINESS: VI.3

PAGOSA SPRINGS TOWN COUNCIL

JUNE 3, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: FIRST READING OF ORDINANCE 809, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS GRANTING A FRANCHISE TO ELITE RECYCLING AND DISPOSAL LLC TO OPERATE A RECYCLING AND REFUSE COLLECTION SERVICE IN THE TOWN AND TO USE THE STREETS AND ALLEYS OF THE TOWN FOR SUCH PURPOSE AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF THIS FRANCHISE.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

On March 17, 2014 a Business License Application was received from "Elite Recycling and Disposal LLC", proposing to start a new rubbish and recycling collection service within town limits. The Town has three other rubbish collection businesses (currently not providing recycling collection), "Waste Management", "G&I" and "At Your Disposal", all operating on Town Streets and Alleys, under an approved Franchise Agreement, requiring approval of two readings of an ordinance.

The terms of each Franchise agreement are very similar and each agreement has specific terms for providing the Town with Dumpsters and the weekly collection of such dumpsters and providing roll-off containers for clean up week. Below are the specific provisions for each current and the proposed franchise agreement:

Services required to be provided to the Town in each Franchise Agreement			
Company	Annually	Weekly	Additionally
Waste Management:	For at least 1 week per year provide, <u>with one weeks notice:</u> 3ea x 30yd roll-off containers with three pulls each (equivalent of 9ea-30yd roll-offs) Town Pays Landfill disposal fees.	Provide 2ea x 6yd dumpsters at Town Shop, No charge to Town.	N/A
At Your Disposal:	For at least 1 week per year provide, <u>with one weeks notice:</u> 5 x 20yd roll-off containers. 1ea - 96 gallon wheeled plastic cart at Town Hall. Town Pays Landfill disposal fees.	Provide 1ea-3yd dumpster at Town Shop, No charge to Town.	N/A
G&I:	For at least 1 week per year provide, <u>with one weeks notice:</u> 5 x 20yd roll-off containers. Town Pays Landfill disposal fees.	Provide 1ea-3yd dumpster at Town Shop, No charge to Town.	1ea- 96 gallon wheeled plastic cart at Town Hall with weekly pick up – no charge to Town
Elite Recycling (Proposed):	<u>Upon 1 weeks notice:</u> Provide 20 wheeled Plastic recycling carts with daily collection for special events for a total of not more than the equivalent of 6 ea-3 day special events (total of 18 days). Town Pays any associated disposal fees.	12 each - 64 gallon wheeled poly single stream recycling carts with weekly pick up at 12 Town Park and building locations. Carts shall be Bear resistant with pad locks and shall have round hole in lid for depositing recyclables only. No charge to Town.	N/A

The proposed Elite Recycling Carts instead of the rubbish dumpsters requirements are fairly equal in the sense that Elite will be picking up 12 containers all at different locations, providing a recycling service to the town, and providing recycling bins for Town Special events.

The topic of Bear resistant containers has come up during years when Bears have been actively tearing through trash cans and leaving the remains of the buffet behind. All of the franchise agreements have language that requires the business owner to comply with all Town regulations, thus Town Council could consider a future bear resistant container regulation, that all Rubbish hauling service company's would have to comply with if applicable. Amendments to the individual franchise agreements may be needed regarding providing residential 96 gallon carts, as bear proof carts are typically smaller. Actively enforcing the Nuisance ordinance is another option to deal with property owners not taking the responsibility to securing the cart until pick up day and/or not cleaning up after a bear or other wildlife spreads out the rubbish.

ATTACHMENT(S):

- ~ Ordinance 809, An ordinance of the Town of Pagosa Springs Granting a Franchise to ELITE Recycling and Disposal LLC to Operate a Recycling and Refuse Collection Service in the Town and to Use the Streets and Alleys of the Town for such purpose and setting forth conditions accompanying the Granting of this Franchise.
- ~ Flyer from Elite Recycling and Disposal, LLC.
- ~ Memorandum from Bob Cole's Office.

FISCAL IMPACT

There is no direct fiscal impact associated with approving Ordinance 809. The applicant will be assessed the fees for legal counsel preparing the ordinance and recording the ordinance with the County Clerk. Franchise Ordinance review and preparation from Bob Coles office is estimated at \$1,100.

RECOMMENDATION

The Planning Director recommends that the Town Council consider the first reading of Ordinance 809. The Planning Directors recommendation is in bold below. Additional possible considerations are also included.

- 1) **APPROVE the First Reading of Ordinance 809, An ordinance of the Town of Pagosa Springs, Granting a Franchise to "ELITE Recycling and Disposal LLC" to Operate a Recycling and Refuse Collection Service in the Town and to Use the Streets and Alleys of the Town for such purpose and setting forth conditions accompanying the Granting of this Franchise.**
- 2) APPROVE the First Reading of Ordinance 809, An ordinance of the Town of Pagosa Springs, Granting a Franchise to "ELITE Recycling and Disposal LLC" to Operate a Recycling and Refuse Collection Service in the Town and to Use the Streets and Alleys of the Town for such purpose and setting forth conditions accompanying the Granting of this Franchise, with the following revisions (to be determined at the TC meeting).....
- 3) DENY the First Reading of Ordinance 809, An ordinance of the Town of Pagosa Springs, Granting a Franchise to "ELITE Recycling and Disposal LLC" to Operate a Recycling and Refuse Collection Service in the Town and to Use the Streets and Alleys of the Town for such purpose and setting forth conditions accompanying the Granting of this Franchise.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 809
(SERIES 2014)**

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

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

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

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

WHEREAS, Elite Recycling and Disposal LLC (“Elite”), a Colorado limited liability company, wishes to provide recycling and refuse (recycling and refuse hereinafter referred to jointly as “trash”) collection services within the Town under a non-exclusive franchise agreement with the Town; and

WHEREAS, the Town Council hereby finds and determines that obtaining the services of Elite for trash collection and disposal is appropriate and necessary to the function and operation of the Town.

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

Section 1. Term. Subject to terminations herein provided, the term of this non-exclusive Franchise Agreement and Ordinance shall be for five (5) years with services of Elite to commence thirty (30) days after the effective date of this Ordinance and to terminate five (5) years from that date unless sooner terminated. This Franchise Agreement and Ordinance shall be automatically renewed for one (1) additional five (5)

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

Section 2. Independent Contractor. Elite shall carry out all the terms of this Franchise Agreement and Ordinance as an independent contractor, and not as an agent, servant, employee, or partner of the Town.

Section 3. Service. Elite shall:

A. Provide regularly scheduled trash collection service to residential areas not less than once per week.

B. Provide scheduled trash collection service to commercial and industrial areas, and establish frequency of collection and container capacity with the customers as are necessary to adequately service the customer.

C. Not litter any street or premises in the process of providing trash collection service and shall promptly remove and clean up any spillage.

D. Subject to reasonable modifications which the Town may require, commence residential trash collection service no earlier than 6:00 a.m. and terminate such service no later than 8:00 p.m.

E. Without delay, after removing trash from any container, cause such container to be replaced at its designated position with lid or cover on and in place.

F. Require its employees and personnel to avoid crossing private or public planted and landscaped area and to avoid climbing or jumping over hedges, fences or shrubbery.

G. Upon one week's notice, annually, provide the Town with up to an additional 20 additional co-mingling recycling wheeled plastic carts, for special events with collections once a day, for a total of not more than the equivalent of six (6)- three (3) day special events per year (18 days per year). The carts shall have a round hole in the lid for depositing recyclables and shall be labeled with user friendly recycling directions.

H. Provide the Town on a continual basis with weekly collection, of up to 12 each - 64 gallon, plastic wheeled comingling recycling carts labeled with user friendly recycling directions with a round hole in the lid for depositing recyclables. Cart locations to be determined by Town Staff and will be placed in close proximity to drive lanes for Elite weekly collection.

Section 4. Collection Equipment. Elite shall:

A. Use only industry standard, serviceable collection equipment that meets all federal, state and local requirements and is modern, sanitary, and motor-propelled, for collection from commercial and residential units, and shall provide to all residential units at least one 95 gallon wheeled plastic cart for rubbish or one 64 gallon wheeled plastic cart for recycling and one 64 gallon wheeled plastic cart for rubbish, all with attached lids for curbside collection from each residential unit.

B. All trucks or other equipment used in collecting trash shall be maintained in proper working condition and thoroughly cleaned at least once a week and deodorized or disinfected when necessary to maintain such equipment in a sanitary and non-offensive condition. No trash material shall be allowed to remain in a truck or other collection equipment while parked overnight.

C. All trucks and collection equipment shall be clearly identified with the Elite name and telephone number affixed thereto. Collection trucks shall be painted uniform colors. All vehicles shall be equipped with a fire extinguisher, first-aid kit, broom, shovel, and spill clean-up kit.

D. Elite shall provide adequate vehicles and back-up equipment to complete routes and service customers on schedule.

Section 5. Maintenance of Containers. Elite shall:

A. Elite will perform all maintenance, repairs and replacement of trash bins and containers, and all residential carts and commercial dumpsters as necessary to maintain them in proper operating order.

B. Elite shall be entitled to seek restitution from the responsible third parties for all maintenance, repair and replacement occasioned by the negligent or intentional acts of such third parties.

Section 6. Personnel. Elite shall:

A. Employ and retain supervisors and employees who are experienced and qualified to assure performance of this Franchise Agreement and Ordinance.

B. Provide adequate operating and safety training for all its employees and personnel.

C. Require route employees to wear a clean uniform bearing Elite's name and the employee's name.

D. Encourage that at least one employee on each collection crew be trained in first-aid.

E. Assure that each employee who drives or operates vehicles or equipment is properly trained in the operation thereof and that each such employee shall be in possession of any appropriate vehicle or equipment license required for the operation thereof.

F. Subject all Elite employees to random drug and alcohol screening pursuant to Elite's policies. All Elite employees, regardless of position, are required to take a drug test prior to employment.

G. Exonerate, indemnify and hold harmless, the Town from and against, and assume all responsibility for payment of wages or salary and all federal, state and local taxes or contributions imposed or required under unemployment insurance, social security, income tax, worker's compensation and any other applicable wage, hour, and personnel laws, and compliance with the same, with respect to Elite's employees.

H. Not discriminate against any customer, employee, or applicant for employment because of race, creed, color, sex, national origin, age or handicap.

I. **Illegal Aliens.** Elite certifies that Elite shall comply with the provisions of 8-17.5-101 et seq., C.R.S. Elite shall not knowingly employ or contract with an illegal alien to perform work contemplated by this Franchise Agreement and Ordinance or enter into an agreement with a subcontractor that knowingly employs or contracts with an illegal alien. Elite represents, warrants, and agrees that it has confirmed the employment eligibility of all employees who are newly hired for employment to perform work contemplated by this Franchise Agreement and Ordinance through participation in either the E-Verify Program or the Department Program described in 8-17.5-101 et seq., C.R.S. Elite shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed. If Elite obtains actual knowledge that a subcontractor performing work contemplated by this Franchise Agreement and Ordinance knowingly employs or contracts with an illegal alien, Elite shall: (i) notify the subcontractor and the Town within three days that Elite has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (ii) terminate the subcontract with the subcontractor if within three days of receiving such notice, the subcontractor does not stop employing or contracting with the illegal alien, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien. Elite shall comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If Elite fails to comply with any requirement of 8-17.5-102(2), C.R.S., the Town may terminate this Franchise Agreement and Ordinance for breach and Elite shall be liable for actual and consequential damages to the Town. If

Elite participates in the Department Program, Elite shall provide the affirmation required under 8-17.5-102(5)(c)(II), C.R.S., to the Town.

Section 7. Complaint Procedure.

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

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

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

Section 8. Permits and Licenses. Elite has and shall maintain at its own expense all permits and licenses required by law or ordinance to effect the performance of this Franchise Agreement and Ordinance.

Section 9. Disposal of Refuse. Elite shall deliver all refuse collected by it to an approved sanitary landfill or and shall properly dispose of it in accordance with the regulations of the Colorado Department of Health.

Section 10. Disposal of Recycling. Elite shall deliver all recycling materials collected by it to an approved recycling facility and shall properly dispose of it in accordance with the regulations of the Colorado Department of Health.

Section 11. Compliance with Law. In its performance of the terms and conditions of this Franchise Agreement and Ordinance, Elite shall comply with all Town, County, State and Federal laws, ordinances and regulations now in effect or which may be hereafter enacted to regulate all activities which are the subject of this Franchise Agreement and Ordinance. Elite shall keep informed of all existing and future local, state and federal laws and Municipal ordinances and regulations which in any manner affect those engaged or employed in the work or which in any way affect the conduct of the work, and of all such orders and decrees of bodies or tribunals having any jurisdiction of

the same. Elite shall cause all their agents and employees to observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees and shall protect and indemnify the Town and all its officers and agents and servants against any claim or liability arising from or based upon the violation of any such law, ordinance, order and decree whether by itself or its employees.

Section 12. Indemnification; Minimum Insurance Requirements.

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

1. Elite's Comprehensive All-Risk Insurance, and Liability Insurance policies, shall name the Town as an additional insured;

2. Elites Comprehensive, General and Automobile Liability Insurance shall be maintained with the following current Governmental Immunity limits and coverage: General and Automotive Liability, and Property damage coverage's shall be a minimum of \$350,000.00 per person per occurrence and \$990,000.00 aggregate coverage. Workers compensation liability insurance shall meet minimum statutorily required amounts, or such greater amounts as may be set forth as the limits of the Town's liability under the Colorado Governmental Immunity Act, 24-10-101, et seq., C.R.S. ("CGIA").

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

C. The policies referred to in this Section shall be issued by companies authorized to conduct business in the State of Colorado and shall name the Town as an additional insured and shall insure the Town on the same general terms and to the same general effect as the foregoing agreement of Contactor to indemnify and hold harmless the Town. The policy must contain a provision requiring the insurer to notify the Town at least thirty (30) days prior to cancellation of the policy;

D. Elite hereby authorizes its insurers during the term of this Agreement to provide to the Town confirmation of Elite's insurance coverage and copies of insurance policies.

Section 13. Lawsuits. Elite shall pay any judgment which may be obtained against the Town, either alone or jointly with Elite for injury or damage to person or property by reason of the performance or non-performance by Elite of the terms of this Franchise Agreement and Ordinance or in connection with the infringement by Elite of any patents, provided that if the Town alone is sued for such injury or damage, immediate notice in writing shall be given to Elite to appear and defend such action. Elite's obligation under this shall be limited to exclude the portion, if any, of such judgment which results from or arises from negligent acts or omissions, or willful misconduct of Town. Nothing herein shall constitute a waiver by the Town of the requirements, protections or limitations of the CGIA.

Section 14. Commercial and Residential Rates. Elite shall establish and maintain a fair and equitable schedule of costs and charges to customers.

Section 15. Delinquent Accounts. Elite may discontinue services to delinquent accounts as required by prudent business practices, after providing notice to the responsible party and an opportunity to appear and be heard as to why the account is delinquent.

Section 16. Assignment. The rights authorized by this Franchise Agreement and Ordinance are not assignable either voluntarily or by operation of law without the consent of the Town. In the event Elite becomes insolvent or files for bankruptcy, then the rights authorized hereby shall be immediately canceled.

Section 17. Subcontractors. Elite shall not subcontract work or business contracted under this Franchise Agreement and Ordinance without the prior written consent of the Town.

Section 18. Default and Termination. In the event Elite fails to perform any of the provisions hereof, the Town Manager shall give Elite written notice specifying the provisions hereof that have been breached or defaulted, and shall so notify the Town Board. Elite shall have thirty (30) days from receipt of such notice from the Town Manager in which to correct any such breach or default. In the event Elite does not make such correction within said thirty (30) days period as hereinabove provided, then the Town Board may order the termination of the Franchise Agreement and Ordinance after public hearing upon the matter of Elite's default before the Town Board following not less than ten (10) days notice of such hearing to Elite.

Section 19. Reservation. This Franchise Agreement and Ordinance is subject to the provisions of the Constitution and laws of the State of Colorado and all ordinances enacted by the Town Council.

Section 20. Illegal Provisions. If any provision of the Franchise Agreement and Ordinance shall be declared illegal, void, or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

Section 21. Notice. A letter addressed and sent by certified United States First Class Mail to either party at its business address shall be sufficient notice whenever required for any purpose in this Franchise Agreement and Ordinance. The address of the Town for the purpose of this Franchise Agreement and Ordinance is: Town of Pagosa Springs, Post Office Box 1859, Pagosa Springs, Colorado, 81147. The address of Elite for the purpose of this Franchise Agreement and Ordinance is: Elite Recycling and Disposal, LCC, 53 Jubilee Ct, Pagosa Springs, Colorado, 81147.

Section 22. Law to Govern; Venue. This Franchise Agreement and Ordinance shall be governed by the laws of the State of Colorado, both as to interpretation and performance, and any judicial action to interpret or enforce it shall be brought in the Archuleta County, Colorado, District Court.

Section 23. Modification. This Franchise Agreement and Ordinance constitutes the entire agreement and understanding between the parties hereto, and it shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto.

Section 24. Right to Require Performance. The failure of the Town at any time to require performance by Elite of any provisions hereto shall in no way affect the right of the Town thereafter to enforce the same. Nor shall waiver by the Town of any breach or any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

Section 25. Force Majeure. Elite's performance may be temporarily suspended in the event of Force Majeure. For purposes hereof, "Force Majeure" shall mean acts of God, including landslides, lightning, forest fires, storms, floods, freezing and earthquakes, civil disturbances, strikes, lockouts or other industrial disturbances, acts of the public enemy, wars, blockades, public riots, breakage, explosions, accident to machinery, equipment or materials, unavailability of required materials or disposal site, governmental restraint or other causes, whether of the kind enumerated or otherwise, which are not reasonably within the control of the party affected by the Force Majeure event. Elite shall not be deemed to be in default and shall not be liable for failure to perform under this Agreement if Elite's performance is prevented or delayed by Force Majeure. Notwithstanding anything to the contrary herein, the parties agree that the settlement of strikes, lockouts or other industrial disturbances, and litigation, including appeals, shall be entirely within the discretion of Elite, and Elite may make settlement

thereof at such time and on any such terms and conditions as it may deem to be advisable, and no delay in making such settlement shall deprive Elite of the benefit of this Section.

Section 26. Other Contractors. This franchise granted to Elite is a non-exclusive franchise to allow collection of trash from the streets in the Town and permission is hereby granted to franchise to allow containers to be placed upon portions of the streets of Pagosa Springs for the purpose of facilitating trash collection, the same to be removed by the customers as soon as the collection is completed. The Town reserves the right to grant other franchise agreements after a vote of the Town Council. Before any other franchise agreement for trash collection might be granted by the Town Council, proper application for the granting of such franchise shall be made to the Town Council.

Section 27. Attorney's Fees. Elite agrees to pay within thirty (30) days of billings, all legal fees and costs associated with the preparation of this Franchise Ordinance.

Section 28. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 29. 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 30. Public hearing. A public hearing on this Ordinance shall be held on the _____ day of _____, 2014, at __:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 31. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO 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 _____, 2014.

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. 809 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its

regular meeting held on the ____ day of _____, 2014, 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, in the *Pagosa Sun*, a newspaper of general circulation in the Town, on _____, 2014, 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 _____, 2014.

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. ____ (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2014, 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, in the *Pagosa Sun*, a newspaper of general circulation in the Town, on _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)

ACCEPTANCE OF TERMS OF ORDINANCE

COMES, NOW, Elite Recycling and Disposal LLC (“Elite”), and hereby agrees to carry out the terms of the above and foregoing Franchise Agreement and Ordinance granting a franchise to Elite and allowing it to provide recycling and refuse collection services in the Town of Pagosa Springs, Colorado, and agrees to abide by all terms of said Franchise Agreement and Ordinance.

ELITE RECYCLING AND DISPOSAL LLC.

Date _____, 2014 By: _____

Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

The foregoing Acceptance of Terms of Ordinance was acknowledged before me this ____ day of _____ 2014, by _____ as _____ of Elite Recycling and Disposal LLC.

Witness my hand and official seal.

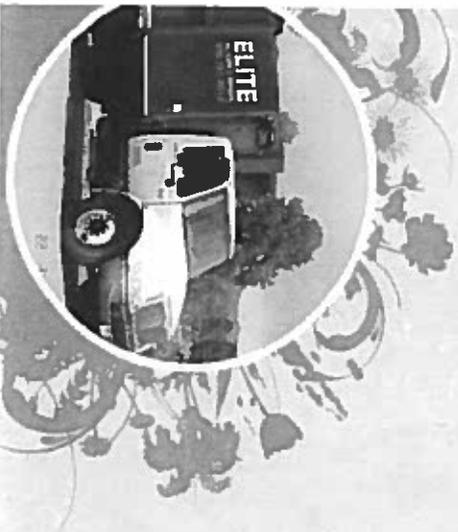
Notary Public

My commission expires: _____

ELITE RECYCLING AND DISPOSAL

Elite Recycling and Disposal will provide curbside pick up of both residential trash and recyclables. Our focus is providing customers with avenues to easily participate in recycling for a greener Pagosa Springs. We make recycling easy! No sorting or making special trips to handle your recycling. Our service offers single stream co-mingled recycling which means all recyclables, except glass, can be mixed together.

CALL FOR SERVICE AT
970. 731.2012 or visit our website at
Elite-Recycling.com



ELITE RECYCLING & DISPOSAL
P.O. BOX 5737
PAGOSA SPRINGS CO 81147

Your address here
Your address here
Your address here



ELITE RECYCLING AND DISPOSAL

Now recycling is as easy as rolling your cart out to the street!

CALL 970.731.2012 or visit our website at Elite-Recycling.com



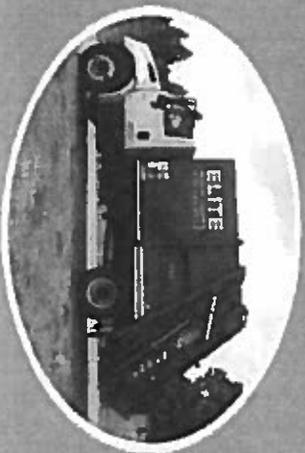


**Curbside recycling with
allow you to recycle easily.**

**CALL for service at
970.731.2012**

or

**visit our website
Elite-Recycling.com**



MONTHLY PRICING

- TRASH ONLY
\$24.50
- RECYCLING
& TRASH
\$35
- Trash only service
includes weekly pick up
of 96 gallon polycart
- Recycling and trash
service includes weekly
pick up of 64 gallon trash
polycart and biweekly
pick up of 64 gallon
recycling polycart

SPECIAL INTRODUCTORY OFFER

As a special introductory offer, sign up for 1 year of service and receive your first month of service **FREE.**

CALL 970.731.2012 for service or visit our website at Elite-Recycling.com

Introductory Offer Expires
July 31, 2014





AGENDA DOCUMENTATION

OLD BUSINESS: VII.2

PAGOSA SPRINGS TOWN COUNCIL
JUNE 3, 2014

FROM: TOWN COUNCIL'S VISITOR CENTER TASK FORCE

PROJECT: VISITOR CENTER PROPOSAL
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Over the past few months, the Town Council has considered Visitor Center location options. The Council's Visitor Center Task Force, working in consultation with County Commissioner Steve Wadley and members of the Town Tourism Committee proposed a new location adjacent to the old downtown City Market. On March 4th, the Town Council approved the conceptual plan for the new location and authorized staff and legal counsel to negotiate a lease with the property owner. The space is approximately 1,500 square feet and the property owner has offered the town a monthly rental fee of \$1 per square foot, with the Town being responsible for renovations. On March 20th, the Council approved Ordinance 808 on first reading.

Subsequently, several community business leaders requested further negotiations be undertaken with the Pagosa Springs Chamber of Commerce to keep the Visitor Center at its current location. On April 1st and April 17th, Ordinance 808 was tabled, pending further negotiations with the Chamber of Commerce. On May 5th, the business leader's proposal was presented to Chamber board members. In response, the Chamber presented an alternate proposal on May 16th.

The Council's Visitor Center Task Force requested that the two proposals be presented to the Town Council for their consideration.

ATTACHMENT(S):

Business Leaders Proposal of May 5th
Chamber's Proposal of May 15th

APPLICABILITY TO TOWN OF PAGOSA SPRINGS HOME RULE CHARTER

Section 3.9 of the Home Rule Charter specifies the Town Council's authority and responsibility to anticipate revenues [Section 3.9(A)2] and adopt a balanced annual budget [Section 3.9(B)].

FISCAL IMPACT

The financial impact will be assessed after further direction from the Town Council.

RECOMMENDATION

It is the recommendation of the Council's Visitor Center Task Force that the Town Council discuss the options presented and provide direction as to how the Town should proceed.

May 5, 2014

RE: Pagosa Springs Chamber of Commerce and Visitor Center Lease Option

Earlier this year, after it appeared that the Chamber of Commerce had made plans for the existing building they are currently occupying on Hot Springs Blvd, that would necessitate a relocation of the Pagosa Springs visitor Center, the Town of Pagosa Springs sub-committee started negotiations with the owner of the former City Market property to rent a space from him to relocate the visitor center operations.

In April, a group of local businessmen, who are also Chamber members, opposed to moving the Visitor Center, began a dialog with the Chamber of commerce and the Town to try and find a way to facilitate both entities continuing to operate from the present location.

Shortly after this time, the businessmen met with Cindi Galabota, Chamber Manger, and Janea Christians, Town employee charged with running the Visitor Center, to discuss with them their thoughts about working together in the present building, owned by the Chamber of Commerce. As a result of that conversation, it was determined that both of these ladies felt that they could, in fact, work together to make this work.

As a result of this meeting, and numerous others with the affected and involved parties, the following proposal was hammered out.

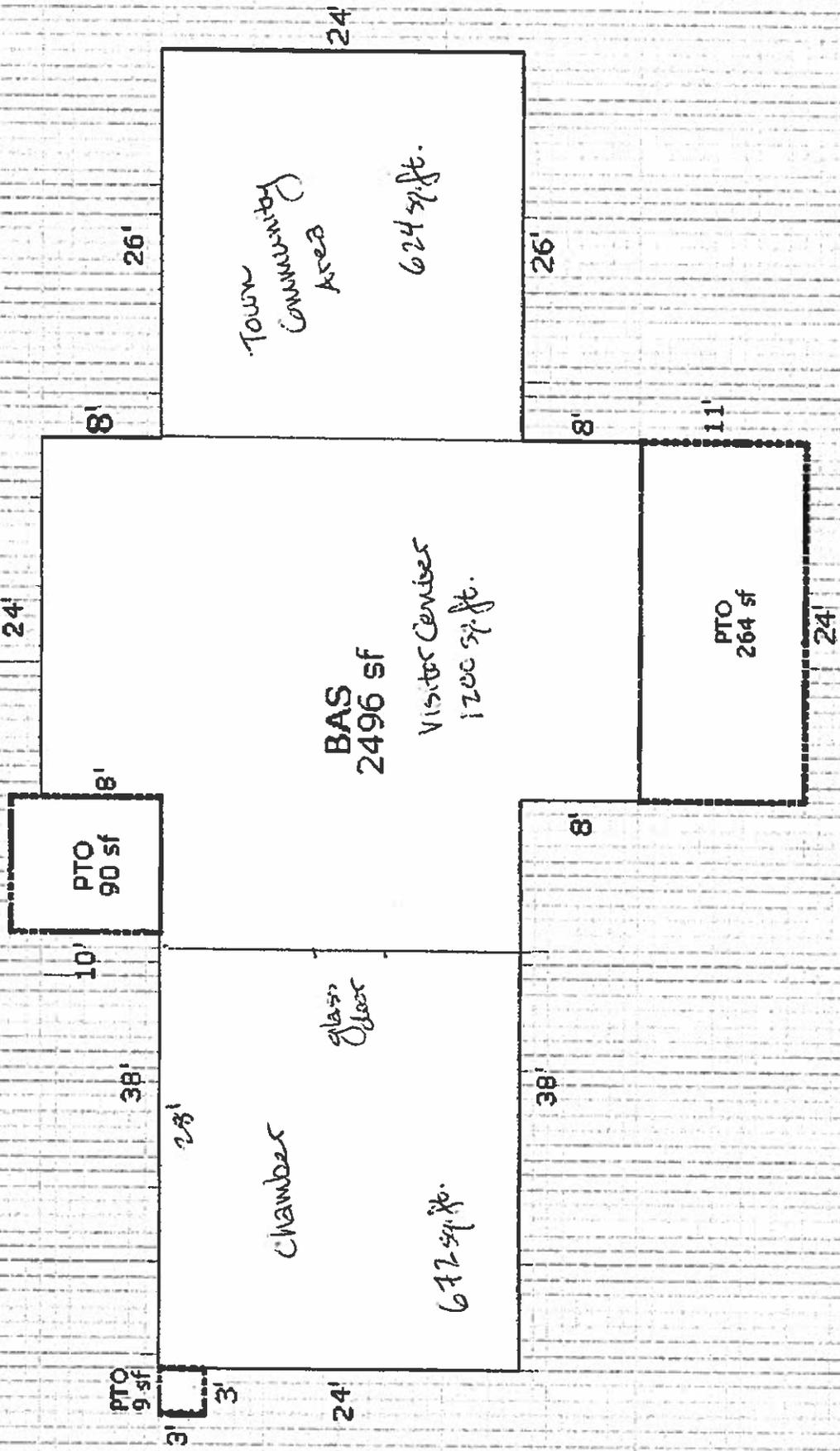
The Chamber would occupy approximately 672 square feet, on the north eastern end of the building (see attached sketch); the Visitor Center would occupy 1200 square feet in the center of the building and the 624 square feet on the southwest end of the building.

The Town would lease the entire building from the Chamber of Commerce, for \$1500.00 per month, and pay 70% of the electric and water bills, as well as 50% of the telephone bill.

The Chamber of Commerce would sub-lease from the Town for approximately \$772.80 per month rent, 30% of the electric and water bills, and 50% of the phone bill will be added to that monthly figure. The Town of Pagosa Springs would also be responsible for maintenance and landscaping expenses.

The above breakdown of expenses assumes that Archuleta County would agree to abate the real estate taxes on the parcel.

The town of Pagosa Springs expense is estimated to be \$18,000.00 per year, for a period of 15 years, which brings the total cost of the land and improvements to \$270,000.00, over the same timeframe, which would be deemed as "Paid in Full" if this lease agreement runs full term. The Town has the right, on January 1st of each year, to exercise its option to purchase the property, by giving notice and paying the balance of the 15 year lease, remaining at that time.





PAGOSA SPRINGS
AREA CHAMBER OF COMMERCE
The Best Of Colorado

May 16, 2014

Dear Mr. Mitchem,

As requested, The Pagosa Springs Chamber of Commerce Board of Directors tender an offer to the Town of Pagosa Springs regarding a sale to the Town of Pagosa Springs of the Chamber of Commerce and Visitor Center building located at 10S Hot Springs Boulevard. The PSCOC Board of Directors and staff are still committed to reaching an agreement that meets our fiduciary responsibilities as well as the wants and needs of our community.

The PSCOC Board of Directors offers to sell this building to TOPS with the potential to carry the note for 15 years at an interest rate of 3.5%. The purchase details are below:

Purchase Price:	\$325,000.00
30% down:	\$ 97,500.00
Remaining Principal:	\$227,500.00
Principal monthly Payment	\$ 1626.36 (180 months, 3.5% APR)

This is an offer exclusive to the Town of Pagosa Springs and will remain exclusive for two (2) weeks. If this offer is acceptable, the PSCOC would be happy to discuss a PSCOC lease for a portion of the building.

Should you have any questions, please contact Cindi Galabota at 970-264-2360. We look forward to hearing from you at your earliest convenience.

Sincerely,

Cindi

Cindi Galabota
Executive Director



AGENDA DOCUMENTATION

OLD BUSINESS: VII.3

PAGOSA SPRINGS TOWN COUNCIL

JUNE 03, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: MCCABE CREEK BRIDGE PROJECT:

ADDITIONAL EXPENSES ASSOCIATED WITH A TRAIL, LANDSCAPING AND RAILINGS AND

INTER-GOVERNMENT AGREEMENT BETWEEN CDOT AND TOWN REGARDING MAINTENANCE

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE

The purpose of this agenda item is to discuss any new developments we receive from CDOT prior to the June 3rd TC meeting. We have a tentative meeting with CDOT Region 5 Director, Kerrie Neet, on Friday, June 6th at 9am in Town Hall.

BACKGROUND

On May 2nd, Town staff received a communication from Ed Archuleta from CDOT, agreeing to a McCabe Creek bridge design that would provide 10 foot head clearance under the bridge decking to accomodate a future trail installation under the bridge and along McCabe Creek, **IF**, the Town and CDOT enter into an Inter-Governmental Agreement (IGA) regarding the Town accepting the future maintenance responsibilities of the new McCabe Creek Bridge area, to include:

- ~ Sidewalk maintenance.
- ~ Responsible for routine Bridge graffiti cleaning.
- ~ Responsible for routine channel maintenance, I.E. Debris and trash pickup, vegetation maintenance.
- ~ Responsible for paint maintenance on bridge railing.

The IGA would also include provisions that would require the Town to pay for any additional items outside the scope of the CDOT budgeted project that includes the below items:

- ~ Landscaping beyond the CDOT seeding and low flow planting pockets. CDOT will seed the side slopes and install plantings at the low flow channel pockets in the invert of the channel. Additional landscaping beyond the seed mix such as bushes, trees and flowers would be the Town's cost and responsibility.
- ~ Fence and Railing upgrades. CDOT will install bridge railing and pvc coated chain link fencing along the top of the new slope down to the new creek bed as part of this project. The Town could upgrade to an ornamental fencing off of the bridge structure, instead of the chain link fencing. (There would be no need to be concerned about the bridge railing).
- ~ Landscape Amenities: The Town would be responsible for items such as benches, tables etc.
- ~ Geothermal line: The Town would be responsible for the removal/relocation costs for the Town's geothermal line. CDOT will provide the excavation channel for the work to be completed within the limits of the channel cross section - top of slope to top of slope - 10 ft each side.
- ~ Bench for future trail construction in the new open creek channel and under the bridge.

The costs of the above work would be funded by the Town, with full payment to CDOT expected 3 months prior to Bridge construction bid advertisement anticipated around May of 2015. If the work is not funded at this time, then the town would need to complete any project additions after the Bridge project completion - with the exception of the geothermal line – OR if the work is not funded ahead of time, then the Town's crew could work in conjunction with the contractor during the actual Bridge construction work.

ANALYSIS

Staff has discussed the additional ornamental railings, landscaping and amenities with the Historic Preservation Board on May 14, 2014, who have expressed this as an opportunity to ensure the bridge project area is aesthetically appropriate as it serves as an entrance into the Historic District and Downtown Shopping District.

Staff has received a correspondence from the group looking at forming a downtown Development Authority, expressing their desire to see diagonal parking added along S. 6th Street, Landscaping Features, decorative railings and a welcoming pedestrian access across the bridge.

The Town Council had previously financially committed to providing \$210,000 in 2013 towards acquiring the downstream property (antiques store), a portion of which would be used as a cash match for a GOCO land acquisition Grant. After being notified that our grant application was not funded, the Town notified CDOT of the lack of available funding for the Town to purchase the property. To ensure the project would still move forward, CDOT included the downstream property acquisition into their budget for CDOT to acquire instead of the Town.

Town Planning Staff has been requesting that CDOT include at least a bench cut in the new open creek channel and under the bridge, to accommodate a future trail installation, as constructing the bench after the project is completed, could cost the Town 4-6 times as much given the slope, difficult terrain and retaining walls that would then be needed. CDOT has been very reluctant to consider adding this to the project due to their financial constraints and their engineers caution about the cost for the Town to do so, however, CDOT staff is developing an estimate on what this additional cost would be for the Town, which is expected before the June 6, 2014 meeting with CDOT. As identified in the Town's adopted Comprehensive Plan and Downtown Master Plan, A Trail alignment is indicated to cross at the McCabe Creek intersection with Hwy 160 and then continue north along the McCabe Creek corridor, providing a pedestrian connection to the north side neighborhoods. The trail would also extend south, connecting with the San Juan River walk trail. CDOT has indicated that they will need to know Town Council's determination on any extra project elements in the near future, so that design modifications can occur in the final preliminary design in preparation for the final design process expected to begin in early July, 2014. Alternatively, the Town could go back later and install ornamental railings, landscaping, amenities and the trail bench. Most all additional project items Town Council approves, would be expensed in 2015, and as indicated from CDOT, would need to be received in full, 3 months prior to the Advertisement Date for construction bids, expected in May 2015. CDOT does want some sort of indication what additional items the Town would like to incorporate into the project as early as possible. CDOT is expected to provide more detailed cost estimates for providing the trail bench before the June 6th TC/CDOT meeting.

POTENTIAL ADDITIONAL TOWN PROJECT ITEMS

IGA Maintenance: Planning Staff has discussed the above mentioned IGA Maintenance items with the Town's Streets Supervisor and Parks Superintendent, and they have confirm they are comfortable in conducting the regular maintenance and staff recommend the Town accept the general terms of the maintenance responsibilities proposed to be included in an IGA. These items are not typically maintained by CDOT on other similar structures and facilities, so, it makes sense for the Town to provide the proposed periodic maintenance.

Pedestrian Sidewalk/Amenities: The current proposed Bridge design includes an on-bridge Pedestrian Sidewalk 8 feet wide, with an 8 foot wide shoulder providing separation from travel lanes and sidewalk. For comparison, the 1st Street bridge sidewalk is only 3.5 feet wide and is located immediately adjacent to the travel lanes. The 1st Street bridge is also only two travel lanes wide. These conditions do not provide a safe / comfortable pedestrian route to the east side merchants. Also for comparison, typical sidewalks are 6 feet wide and hard surfaced trails are 10 feet wide. There maybe some space left for benches/picnic tables/shade structure/trash cans/signage, however, these items could be addressed at a later date.

Safety Fencing: Currently black vinyl coated chain link fencing is proposed along the top of the new open channel, to provide a safety measure to discourage pedestrian from entering the new open channel, due to the new steep cut slopes from the street level down 15 feet to the new creek bottom. Any other fence style would be the responsibility of the Town, which could include options like a decorative metal railing or log fencing (similar above the Town Park practice field and along the overlook parking area) with wire mesh screening attached to the backside.

Geothermal Line Relocation: The town's Geothermal Heating District Line runs in the san Juan Alley, west to the Elementary School. Opening the creek channel requires this line be relocated under the stream channel. This Cement/Asbestos line is very old and will be replaced at the Town's expense with new pipe.

Additional Parking Along 6th Street: The current east side of the sidewalk along the east side of South of 6th Street, is at the property line, and at the proposed top of slope of the new open creek channel. Originally it was thought that a large enough area at the south west corner of the project area, may provide an area for a small parking lot, however, as the project design moved forward, this area was reduced in size. It appears that there may now be enough room for about 8-10 pull in parking spots.

Landscaping Enhancements: CDOT has included natural rock and seeding along the new channel cut slopes. Additional Trees, shrubs, flowers would be at the Town's expense, and could be limited to the top of the new open channel slope.

FISCAL IMPACT

Planning Staff has provided the below estimates after discussing them with Mike Davis of Davis Engineering, to ensure they are reasonable estimates. Additional Project items for Town Council consideration include:

Trail Bench under the bridge to accommodate future trail installation:

Town Staff has rough estimated a \$40,000 expense in 2015.

CDOT's estimate expected before June 6 meeting with Kerrie Neet.

Trail Bench along the project length to accommodate future trail installation:

Bench may extend north of the bridge approximately 150 feet and south of the bridge approximately 150 feet:

Town Staff has rough estimated a \$150,000.00-\$200,000.00 expense in 2015.

CDOT's estimate expected before June 6 meeting with Kerrie Neet.

Decorative railings instead of chain link fencing:

Town Staff has rough estimated at \$20,000-\$40,000 in 2015.

Additional Landscaping, Trees, shrubs and flowers:

Town Staff has rough estimated at \$10,000 - \$15,000 in 2015 - 2016.

Annual Maintenance associated with IGA:

Town Staff estimates up to \$1,000 annually.

Geothermal Line relocation:

Currently estimated at \$15,000 - \$25,000, Town staff will be refining this estimate in near future.

RECOMMENDATION

It is the recommendation of the Planning Department Director that Town Council meet with Kerrie Neet on Friday, June 6, 2014 at 9am to discuss the proposed McCabe Creek Bridge Project, the potential Town funded project additions and proposed Inter-Governmental-Agreement (IGA).



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
TUESDAY, JUNE 3, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM MAY 22, 2014**
- III. NEW BUSINESS**
 - 1. Resolution 2014-01, Appointing Board President as Authorized Officers on CWRPDA Loan**
- IV. OLD BUSINESS**
 - 1. TOWN/PAWSD Pipeline Update**
- V. NEXT BOARD MEETING JUNE 19, 2014 AT 12:00PM**
- VI. ADJOURNMENT**



AGENDA DOCUMENTATION

NEW BUSINESS: III.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
JUNE 3, 2014

FROM: APRIL HESSMAN, SECRETARY

PROJECT: RESOLUTION 2014-01, AUTHORIZED OFFICERS

ACTION: REVIEW, DISCUSS, POSSIBLE ACTION

BACKGROUND

The District signed a \$2 million loan agreement with Colorado Water Resources and Power Development Authority on February 4, 2014 for the Pipeline project. The loan recognizes authorized officers for the loan who currently include the former Mayor, Ross Aragon, and Town Manager, David Mitchem.

The April 2014 election brought forth a new mayor and subsequently a new board president for the sanitation district.

This resolution amends Exhibit B of the loan to change the authorized officers to our new mayor, Don Volger, and any successors of him or of the Town Manager, David Mitchem.

ATTACHMENT

Resolution 2014-01

DISCUSSION

It is the recommendation of the Town Manager and District Secretary, that the Board by Motion:

Approved Resolution 2014-01, a Resolution amending Exhibit B to replace an authorized officer with regard to Colorado Water Resources and Power Development Authority Loan,

Or

Deny Resolution 2014-01 and direct staff.

**PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
PAGOSA SPRINGS, COLORADO**

PSSGID RESOLUTION NO. 2014-01

**RESOLUTION AMENDING EXHIBIT B TO REPLACE AN AUTHORIZED
OFFICER WITH REGARD TO COLORADO WATER RESOURCES AND
POWER DEVELOPMENT AUTHORITY LOAN**

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 Town’s home rule charter; and

WHEREAS, the Town of Pagosa Springs Sanitation General Improvement District (“Sanitation GID”) was organized to provide sanitary sewer service; and

WHEREAS, on behalf of the Sanitation GID, the Town Council, acting as the ex officio Board of Directors (“Sanitation GID Board”) has the power to manage, control and supervise all the business and affairs of the Sanitation GID, and pursuant to Section 31-25-611 (1)(k), C.R.S., **WHEREAS**, the Town Council, acting as the ex officio Board of Directors for the Pagosa Springs Sanitation General Improvement District (Sanitation GID Board), has a Water Pollution Control Revolving Fund dated February 4, 2014; and

WHEREAS, such Authorized Officers include former Board President Ross Aragon and Town Manager David Mitchem; and

WHEREAS, the 2014 regular municipal election was held in the Town of Pagosa Springs and a new Mayor and Board President was elected and took office, thus requiring the designation of a new and replacement Authorized Officer with signing authority with regard to the Loan.

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Pagosa Springs Sanitation General Improvement District:

Section 1. Section 7 of Exhibit B, Description of Loan, dated February 4, 2014, is hereby amended to read as follows:

(7) Authorized Officers:

Donald Volger, Board President, or his successor, and David Mitchem, Town Manager, or his successor, are hereby authorized to act as the “Authorized Officer” under the Loan Agreement, and to furnish their names to the Authority in accordance with the Loan Agreement.

Section 2. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 3. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Sanitation GID Board.

ADOPTED this 3rd day of June, 2014 by a vote of _____ for and _____ against.

TOWN OF PAGOSA SPRINGS
SANITATION GENERAL IMPROVEMENT
DISTRICT

By _____
Donald Volger, President

Attest:

April Hessman, Secretary