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**TOWN COUNCIL SPECIAL MEETING AGENDA
MONDAY, JUNE 15, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER**
- II. **PUBLIC COMMENT** – *Please sign in to make public comment*
- III. **CONSENT AGENDA**
 1. **Approval of the June 2, 2015 Meeting Minutes**
 2. **Approval of May Financial Statement and Accompanying Payments**
 3. **Liquor Licenses**
 - a. **Liquor License Renewal – Farrago Market Café & Back Room Wine Bar at 175 Pagosa St.**
 - b. **Liquor License Renewal – Alley House Grill at 214 Pagosa St.**
 - c. **Liquor License Renewal – Plaza Liquor at 511 San Juan St.**
 - d. **Special Events Liquor Permit – St Patrick’s Episcopal Church Festival August 8, 2015 at 225 S. Pagosa Blvd.**
 - e. **Special Events Liquor Permit – Pagosa Mountain Morning Rotary Club Pagosa Wrestlers Fundraiser July 11, 2015 at Town Park Athletic Field on Hermosa St.**
- IV. **REPORTS TO COUNCIL**
 1. **Featured Department Head Reports**
 - a. **Special Projects Department**
 - b. **Community Center Department**
 2. **Sales Tax Brief**
 3. **Lodgers Tax Brief**
- V. **NEW BUSINESS**
 1. **Appointment to the Geothermal Greenhouse Partnership Board**
 2. **Appointment to the Community Development Corporation Board**
 3. **Ordinance 829, Vacating Public Utility Easement between Lots 6 and 7 in Paradise Mesa**
 4. **Resolution 2015-08, Appointing Greg Giles to the Planning Commission**
- VI. **OLD BUSINESS**
 1. **Ordinance 826, Second Reading, Revising Tourism By-Laws**
- VII. **PUBLIC COMMENT** – *Please sign in to make public comment*
- VIII. **COUNCIL IDEAS AND COMMENTS**
- IX. **NEXT TOWN COUNCIL MEETING JULY 7, 2015 AT 5:00 PM**

X. ADJOURNMENT

**Don Volger
Mayor**



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**TOWN COUNCIL MEETING MINUTES
TUESDAY, JUNE 2, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

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

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

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

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

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

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

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

V. OLD BUSINESS

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

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

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

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

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

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

Don Volger
Mayor



AGENDA DOCUMENTATION

CONSENT AGENDA III.3

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 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:

Farrago Market Café & Back Room Wine Bar – Since January 1, 2014, there were no documented liquor violations at the Back Room Wine Bar, located at 175 Pagosa St.

Alley House Grille – Since January 1, 2014, there were no documented liquor violations at the Alley House Grille, located at 214 Pagosa St.

Plaza Liquors – Since January 1, 2014, there were no documented liquor violations at Plaza Liquor, located at 511 San Juan St.

St. Patrick's Episcopal Church – Since January 1, 2014, there were no documented liquor violations with regard to St. Patrick's Episcopal Church, located at 225 S. Pagosa Blvd.

The Pagosa Mountain Morning Rotary Club -- Since January 1, 2014, there were no documented liquor violations with regard to the Pagosa Mountain Morning Rotary Club.

ATTACHMENT(S):

None

RECOMMENDATION

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

Consider the above information when determining approval of liquor license renewals.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.1A

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 2015

FROM: SCOTT FROST; SPECIAL PROJECTS DEPARTMENT

PROJECT: DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

RIVERWALK PHASE 2&3

The Special Projects Department is closely monitoring river levels to maintain sediment retainage devices at optimum levels and protect new construction from flooding.

SUPPORT OF BUILDING DEPARTMENT

A goal of the Special Projects department is to provide support to other departments as needed with a view towards providing the best service possible to community members. Since attending ICC training in December and January, The Special Projects department has provided back-up support to the Town Building Official by performing numerous inspections in a timely manner, including inspections requests from Hammerlund Construction, City Market and Quality Inn, in addition to multiple residential projects.

GRANTS MANAGEMENT

- 1) The Town has received \$319,000.00 in reimbursement for work on Majestic Drive, and is pursuing an additional portion of \$75,000.00 in CMAQ funds that have been made available. CMAQ de-icer funds for 2016 are being sought as well.
- 2) The Town is currently awaiting receipt of \$242,519.07 in funds from GOCO on the request submitted for the 6th Street Pedestrian Bridge.
- 3) As a result of completion of the 6th Street Pedestrian Bridge in a satisfactory manner, the Town has been invited to submit an application for the Colorado Lottery Starburst Award, *recognizing Project/ Program Excellence in the use of Lottery Funds*
- 4) GOCO has launched a program called "Inspire Initiative" seeking five "Pilot Towns" to take part in programs aimed at getting younger Coloradans outdoors. Level 1 Towns can receive up to \$100,000.00 in planning grants initially.

Majestic Drive

A close-out walk through is schedule for Monday, June 15th and the project has selected by CDOT for a random audit which has been scheduled for July 22.

Piedra Street

- 1) The project started on schedule but has suffered some delays because of unmarked or improperly marked utilities. Hart Construction is doing a good job working through the difficulties. None of the unmarked utilities belonged to the Town.
- 2) A Temporary Construction Easement is being sought on a small corner of the property owned by Archuleta County Housing. The six month easement will be granted for the sum of \$1.00 per the documents currently drawn up and awaiting signature. The easement will not be recorded.

Trujillo Road

Project Manager Scott Frost is representing the Town on this project, and in that capacity attended a pre-bid conference held on Friday, June 5th and will attend the bid opening scheduled for June 11.

The Town has received an invoice from Davis Engineering for \$18,425.00, indicating this sum to be the first half of the Town's share of engineering costs for the project.

LPEA Franchise Agreement

LPEA is in receipt of the agreement after it was modified by Town Attorney Bob Cole to allow for the possibility of other entities selling electric power in the Town's jurisdiction with LPEA having first right of refusal. This provision was required to prevent any possible conflicts with future geothermal energy production. The Town Special Projects Department is awaiting final approval of the agreement by LPEA and is not anticipating further delays once that approval is granted.

Community Center Floor

The project is on schedule with another site visit having taken place on Wednesday June 3rd. The contract submitted by the vendor has been reviewed by Town Attorney with a revised contract having been provided by Chris Price.

A meeting was held by staff to discuss care and possible use changes of the Community Center as a result of the new floor requiring more care. In general, that will not be the case, although steps will be taken to protect the new floor from damage when using the man-lift, stage, bleachers etc... It was strongly recommended by the Town Facility Manager that future events be required to have a staff member present, and that damage deposits be held in the event of damage by carelessness.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.1B

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 2015

FROM: SHANE LUCERO COMMUNITY CENTER

PROJECT: COMMUNITY CENTER REPORT

ACTION: UPDATE AND DISCUSSION

SUBJECT UPDATE

June 11, the Community Center and Foundation for Archuleta County Education host the Garden Gala Fashion Show. 200 people will be in attendance from the community to help raise funds for local education and youth programs.

July 1, the multi-purpose room will be closed for the entire month of July for the replacement of the floor.

SUBJECT UPDATE

The Community Center Currently offers 14 free programs for the community.

Zumba is now being offered twice a week: Thursdays from 5:30pm-6:30 pm and Saturday from 10:00am-11:00am.

The basketball backboards will be replaced next week.

A new scoreboard is being installed next week.

Square dancing will be held from 6:30pm-8:00pm on Thursdays starting June 25th.

All free programs offered at the Community Center are open to everyone regardless of age and ability.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

JUNE 15, 2015

FROM: ZACH RICHARDSON, TOWN BUILDING OFFICIAL

PROJECT: BUILDING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

COMMERCIAL BUILDING ACTIVITY:

Walmart has received their temporary Certificate of Occupancy, which will allow them to open for business; however, items to be completed include landscaping, lighting and parking lot stripping.

City Market has picked-up their permit for interior remodeling and includes a new roof. They are progressing in a timely fashion.

BUILDING PROJECTS:

The Department issued the following building permits during the month of May:

Commercial – Addition 1

Commercial – Improvement 1

Residential – Addition 1

Residential – Improvement 1

The valuation of all projects is \$47,200

BUILDING OFFICIAL TRAINING AND CONTINUED EDUCATION:

Building official attended training during the month of May.

BUILDING VIOLATIONS:

The Department continues to work with legal counsel to follow-up on building code violations. A demolition project began without a project permit and, upon further evaluation, the project was positive for asbestos. We are working with the owner and contractor to resolve the issues.

MECHANICAL CONTRACTOR TRAINING:

The Department assisted the local contractors with training in local area and has set-up training for HVAC – heating, ventilation and air conditioning. The Town hosted a public forum on Wednesday, April 29 to show support to our local contractors. The event was well attended and supported by the community. In addition, a contractor (mechanical) training was held on May 14, 15 & 16 with twelve contractors in attendance.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 2015

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

PROJECT: MAINTENANCE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAINTENANCE UPDATE

The stucco repair has been completed on the lower portion (red) of the community center. Staff has completed painting of all the exterior hand railings at community center.

Staff helped the streets crew with the Hometown Market walkway and assisted the sanitation department with sidewalks and transportation.

The air conditioner in the town hall broke last week. After investigating the problem it was discovered a low pressure switch was bypassed which eliminated this safety switch to operate properly. This appears to have been the major factor that caused the unit not to shut down when the leak occurred which caused one of the two compressors to go out and then caused some electrical components to go out. The low pressure bypass mistake occurred over ten years ago by a Trane tech. The estimate to repair the unit is thirty thousand dollars (\$30,000). Technicians have completed half of the repairs, if all goes well the rest of repairs will be completed this Friday, June 12th.

Staff has completed the required safety training for this month.

The maintenance supervisor has been in touch with the necessary entities involving the fireworks.

Staff continues to complete daily tasks.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 2015

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

PROJECT: MUNICIPAL COURT, DEPARTMENT REPORT
ACTION: UPDATE

IN-COURT ACTIVITY UPDATE AND SUPERVISION CASELOAD UPDATE

COURT SESSIONS ~ Two (2) court sessions were conducted in May 2015.

Pagosa Springs Municipal Court May 2015 Offender Characteristics		
Total Offenders Docketed	47	
Traffic	3	
Adults		2
Juveniles		1
Criminal	44	
Adults		26
Juveniles		18

Pagosa Springs Municipal Court Current Supervision Caseload June 8, 2015		
	Total	% of Caseload
Cases Under Supervision	65	—
Juveniles	19	29.23%
Adults	46	70.77%
Males	41	63.08%
Females	24	36.92%

CONTINUING EDUCATION UPDATE

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

HUMAN RESOURCES

- The Court Administrator is successfully transferring her Human Resource responsibilities to the new Human Resource/Records Clerk. Hard files and soft files have been transferred. To date, the HR duties and documents transferred include:
 - the annual CIRSA audits and rosters for the Volunteer Accident Medical Plan (VAMP) and the Community Service Workers Accident Medical Plan (CSWAMP),
 - the documents to bind over annual coverage for the CIRSA VAMP and CSWAMP programs,
 - 2009-2012 Certificates of Insurance for inclusion into the CIRSA Property/Casualty and Worker’s Compensation plan coverages with CIRSA
 - 2008 and 2009 Personnel Handbook and Personnel Policy revision documents,
 - 2008 Short Term Disability and Long Term Disability informational and revision documents,
 - 2008 Job Description Revisions which incorporated FLSA status and Drug Testing status of all Town of Pagosa Springs employment positions,
 - 2008-2012 Drug Testing Pool and Drug Testing Status (Safety Sensitive, DOT, and Non-DOT)

COMMUNITY AND REGIONAL COLLABORATION UPDATE

- 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.

2015 BUDGET

- 1) **Town Prosecutor** ~ Due to substantial court activity in 2015, the annual encumbrance for the Town Prosecutor position, line item 10-48-230, is 83% expended through May 31, 2015. The existing Court budget cannot absorb over expenditures in line item 10-48-230, so a budget amendment will be required. A budget amendment will be brought to Council when necessary. A conversation will be conducted with the Town Prosecutor to discuss modified rate structures. If modifying rate structures is unsuccessful, it may be necessary to restructure the contract for the Town Prosecutor position.
- 2) **Technology** ~ The Court has unexpected expenses in the Technology line item, 51-48-281. Eric Hittle of ECHO IT consulting is configuring the CISCO device in the Municipal Courtroom to accommodate video conferencing with the La Plata County Jail. The Court anticipates video conferencing will be available between Municipal Court and the La Plata County Jail by the end of June 2015.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

The May 13, 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 Next regular HPB meeting is on July 15, 2015 at 5:15 pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

The May 13 and May 26, 2015 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 Next Regularly Scheduled Planning Commission meeting on June 23rd has been cancelled to accommodate a special Board of Adjustments Appeals Hearing submitted by Wal-Mart regarding the Planning Directors determination regarding the exterior parking lot lights being in violation of eth Town's LUDC regulations. Additional Agenda items will be included on the agenda, and will be considered based on the available

HOSPITAL EXPANSION PROJECT

The Pagosa Springs Hospital expansion project appears to be moving forward with plans to break ground in 2015. The Design Review Board will consider their Major Design Review Application on June 9th, 2015.

WAL MART

- 1) Loading dock screening landscaping has been installed on the Cottage development's property.
- 2) Staff continues to work with Walmart staff, design team and general contractor for resolution on a number of items.
- 3) An Appeals Hearing has been scheduled with the Board of Adjustments (BOA) on June 30th at 5:30pm, to hear testimony from Walmart and the Town Planning Director regarding the Planning Directors Final determination on the parking lot lights not being in compliance with Town's exterior lighting regulations pursuant to LUDC section 6.11. **This is a public hearing, thus, the issue should not be discussed with anyone outside of the public hearing, as Walmart has the right to appeal the BOA's decision, which would be heard and considered by Town Council.**

COUNTY COURTHOUSE

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 regarding appropriate zoning for considering a new location and the historical significance to the community of the original courthouse structure.

PEDESTRIAN WALKWAY INSTALLATION BETWEEN 8TH AND 7TH STREETS

The Town Streets department has installed improvements to accommodate a new pedestrian pathway between S. 8th Street and S. 7th Street. The Streets Department installed a new log rail fence, new parking blocks and parking lot stripping. Additional improvements will include a hard surfaced connection with S. 8th Street intersection sidewalk ramp and removal of yellow protection balusters.

GEOHERMAL GREENHOUSE PROJECT

The Geothermal Greenhouse partnership project is about to break ground this summer. The Planning Director is reviewing the site improvement plans with the GGP's site committee and Town staff members. Once the planning review is completed and the DOLA contracts are executed, the project will break ground, most likely in August 2015. The first project phase includes most all site improvements with the exception of setting the actual greenhouse domes, which will occur during phase two.

The Town is now a partner in the project in that the Town applied for and received grant funding for the site improvements from the Colorado Department of Local Affairs (DOLA), thus the town will own all improvements associated with the DOLA grant.



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

- II. **Announcements:** None.

- III. **Approval of Minutes:** Motion made by Commissioner Lattin, seconded by Commissioner Adams and unanimously carried to approve the April 28, 2015 Planning Commission meeting minutes with correction to page 2 outlining that the recommendation included Zone 1 and 2 for EMC signage.

- IV. **Public Comment:** None received.

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

- VI. **Planning Commission:**

A. Vacation of a portion of the River's Edge Townhome Planned Unit Development, located at 250 & 268 San Juan Street: Planning Director Dickhoff reported that 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 applicant is an owner of a unit in the completed building and also owns the un-developed 4 townhome unit sites, and is coordinating the acceptance of the associated common property through quit claim deeds, from the current building unit owners and property owners association. The applicant intends to subdivide the undeveloped portion of the PUD parcel from the developed portion of the parcel, to create a separate lot.

The Town originally approved the development under a Planned Unit Development process, required under the Land Use and Development Code (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 a portion of a previously approved PUD, Town Council must vacate the original plat through two readings of an ordinance. The original plat # 815 was recorded on November 13, 2006 under reception No. 20610988.

The process for considering a Rivers Edge Townhouses Planned Unit Development Plat Amendment is as follows:

- 1) Planning Commission considers the request and makes a recommendation to Town Council for vacating a portion of the original PUD and amending the PUD plat.
- 2) The Town Council considers vacating a portion of the original PUD and amending the PUD plat, at two readings of an ordinance.



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- 3) If Ordinance is approved, The applicant submits a Mylar plat with notarized signatures for recordation.
- 4) Town staff reviews plat for compliance with approvals and LUDC, and records with the County Clerk.

Planning Director Dickhoff provided the following analysis:

1. The original PUD plat included two- 4 unit townhome buildings, however, only one building was completed and the second building will not be built.
2. All private and public improvements associated with the completed 4 unit building have been completed and accepted by the Town.
3. 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 the undeveloped parcel of land, for future public improvements and use, and will be noted on the plat amendment as an existing easement.
4. 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.

In closing, Dickhoff noted that there is no fiscal impact to the Town. All expenses associated with processing the application will be reimbursed from the applicant to the Town.

The Commission had questions about setback, planned phases, utilities, tax and vacation process. Planning Director Dickhoff noted that the property owner association bylaws will be amended to allow for vacation and sale and transfer of the common property. Additional public hearings will take place with two readings by the Town Council. The Commission recommended that the neighboring owners should be made aware that future development, as an R-18 High Density zoned area, the property could include up to five units. Planning Director Dickhoff reassured the Commissioner that the recording will occur after the Bylaws are amended and deed is transferred as part of the administration review process. Dickhoff explained that the vacation of lesser portion for no obligation to develop property. The entire PUD processes, nationwide, is being phased out due to common elements and not an option in the Town's Land Use and Development Code. Also, the walkway has been dedicated to the Town and will not be affected by the vacation request.

Motion by Commissioner Lattin, seconded by Commissioner Adams, and unanimously APPROVED a Recommendation for Town Council to APPROVE the Vacation of the Undeveloped portion of the Rivers Edge Townhouses Planned Unit Development, and to amend the Planned Use Development (PUD) Plat.



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B. LUDC revisions regarding the allowable use and placement of Cargo Shipping

Containers: At the May 5, 2015 Town Council (TC) meeting, the TC provided the following direction to staff regarding the PC's proposed regulations:

“Council Member Schanzenbaker moved to direct staff to develop land use development code revisions for 1-5 below, and an ordinance based on the following proposed cargo shipping container regulations recommended by the planning commission:

- 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.*

And directed staff to: look into the feasibility of a conditional use permit application 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). “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.”

Council Member Lattin moved to approve the following planning commission's recommendations (#8 & 9), Council Member Bunning seconded, unanimously approved. “

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.”



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Planning Director Dickhoff noted that based on Town Councils approval, staff would recommend that the PC consider further recommending a CUP requirement for residential properties for the permanent placement of CSC's, given the TC direction to require a CUP for commercial properties.

Commissioner Lattin expressed concern with the interpretation the Planning Commissioner's recommendations and Town Council's direction for allowing a Conditional Use Permit (CUP) within the residential districts. Dickhoff noted that the Town Council did not want to limit the number of containers but it becomes a public notice process for review and approval.

Lattin's recommendation is to take the issue back to Town Council for determination of location and processes and obtain a more definitive response from Town Council and recommended that the issue be placed on the Town Council's agenda for June 2 with PC members in attendance. The meeting begins at 5:00 PM in the Town Hall. It was the Commissioner's interpretation to limit the number of temporary cargo containers on commercial districts. Need more Town Council clarification about the numbers allowed on each property with an opportunity to explain to the PC position and rationale for its recommendation. Planning Director Dickhoff will bring back to the PC on May 26, 2015, the recommendations for the Town Council consideration to limit the number of containers on properties.

Motion by Commissioner Lattin, seconded by Commissioner Adams to provide a recommendation for the Town Council's consideration, to APPROVE the following LUDC additions:

Addition: LUDC Article 12, Definitions: Cargo Shipping Container: A Cargo Shipping Container is defined as a large, usually rectangular-shaped, steel constructed unit that is built and used to carry goods for transport by sea, road, rail or air.

Addition: LUDC section 4.3.3.A.3.

- a. All Accessory Structures shall be consistent in design and appearance as the principal structure on the property, including color, materials, roofing, orientation, ect...
- b. All Accessory Structures require a Building Permit prior to construction or placement.

Addition: LUDC section 4.4.2.G. (Temporary Uses and Structures Allowed). Cargo shipping containers may be allowed for temporary use and placement in all districts, with an approved temporary use permit, issued pursuant to section 2.4.10. A temporary use permit shall be valid for a maximum of 180 days, with a maximum of 360 days consecutive use allowed. The applicant must demonstrate the need for such temporary use in their application.



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Addition: LUDC section 4.3.4.D.5. (Outdoor Storage).

- a. **Cargo Shipping Containers shall be prohibited for permanent placement and use in Open Space districts.**
- b. **Cargo shipping containers shall be permitted within the Light Industrial district and in compliance with sections 4.4 and 4.5.**
- c. **Cargo shipping containers may be allowed in the Commercial District, Mixed Use Corridor District and Mixed Use Town Center district with and approved conditional use permit pursuant to section 2.4.4., limiting the maximum size to no more than 320 square feet, unless located within the within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, where the size shall be limited to no more than 160 square feet.**
- d. **Cargo shipping containers shall be allowed in the Public/Quasi Public District, Limiting to no more than 160 square feet in size.**
- e. **Cargo shipping containers shall be allowed in residential districts, however, limited to no more than 80 square feet in size and compliant with section 4.3.3.A.3.**
- f. **Cargo shipping containers in place in any zoning district at the time of this code amendment, are considered non-conforming and shall comply with Article 9, unless the container was placed in violation of the code adopted at the time of placement.**

C. Pradera Point Preliminary Subdivision Plan extension request: Planning Director Dickhoff reported that on March 10, 2015, the Planning Department received an application for the extension of the previously approved Pradera Pointe Preliminary Subdivision plan for phase one. The Applicant, Bill Herebic of Gazunga, LLC, has provided a complete application packet for the Town's consideration. In the applicants letter of request, Mr. Herebic states that they are seeking an investor to initiate phase one, as previously approved, and they are requesting a 3 year extension for their previously approved Phase One Preliminary Subdivision Plat/Plan.

Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of 119 single-family residential lots. The final plat for phase one includes twenty (20) lots. This plan continues to be consistent with the Town's adopted Comprehensive Plan.

Previous approvals include the following:

- Town Council originally approved the phase I Final Plat on May 6, 2008. Per the Land Use & Development Code section 2.4.3.C.b.(i), preliminary plan or partial final plat approval shall be valid for one (1) year unless otherwise approved by Town Council.
- 03/03/09, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.



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- 03/25/10 TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
- 04/14/11, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
- 05/17/12, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
- 04/18/13, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
- 03/25/14, the PC recommended Town Council approve a one year extension for the Pradera Subdivision Phase One preliminary Plat, contingent on the following outstanding items, attached as original conditions of the Final Plat Recordation:
 - The Inclusion of Current Plat language as required under the current LUDC adopted in 2009.
 - A current completed utilities checklist submitted prior to recordation of the Final Plat.
 - Signed Developer Improvement Agreement for phase one to include all phase one public and private improvements with required performance bonding.
 - Revised engineering plans & engineering cost estimates to include street lighting as required by the Planning Commission.
- On 04/01/14, Town Council concurred with the planning commission's recommendation, extending the preliminary plat until 04/01/15 with the above listed contingencies.

On February 19, 2015, Town Council approved Ordinance 823, revising the LUDC requiring a formal application for preliminary plan extensions. In the past, staff brought requests to the PC and TC without a formal application process. The new application process requires the applicant to provide the following:

- 1) A completed Preliminary Subdivision Plan Extension application
- 2) Payment of application fee of \$300
- 3) Agreement of Payment of fees (for reimbursing Town for expenses associated with processing application)
- 4) Evidence of Good Title
- 5) Taxes and list of taxing entities
- 6) General development information, formal request for an extension.

Planning Director Dickhoff noted that the applicant has provided the following:

- 1) A completed Preliminary Subdivision Plan Extension application.
- 2) Payment of application fee of \$300.
- 3) Signed Agreement of Payment of fees, agreeing to reimburse the town for expense associated with processing their application.
- 4) Evidence of Good Title for all three parcels.
 - a. demonstrating Gazunga, LLC as the current owner of all three parcels.
- 5) Taxes and list of taxing entities, for all three parcels.



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- a. Documents demonstrate all property taxes are current.
- 6) General development information.
- 7) The applicant further provided verification from their loan officer at Citizens Bank, certifying their loan is, and has always been, in excellent standing, which was received on March 16 2015.

Dickhoff noted that staff has not identified any concerns or issues with the extension request. It is important to note, at the time the Final Plan application is submitted, that all LUDC development regulations in place at the time of submittal shall be required to be met. Staff would recommend including such language in the considered motion.

Motion by Commissioner Lattin, seconded by Commissioner Adams, and unanimously carried to "Approve a Recommendation for Town Council to Approve a three (3) year extension of the Pradera Point Subdivision, Phase One, Preliminary Plat Approval, contingent on the following:

- A) Inclusion of current plat language as required under the current Land Use and Development Code (LUDC),
- B) A current utilities checklist submitted prior to recordation of the Final Plat,
- C) Signed Developer Improvement Agreement,
- D) Revised engineering plans compliant with the current Land Use Development Code,
- E) Revised engineering cost estimates and
- F) To include street lighting consistent with the current Town regulations
- G) Final Plans shall comply with the current LUDC provisions at the time of submittal.

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

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

IX. **Reports and Comments:**

A. Planning Commission

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

TOWN COUNCIL: At the May 5th Town Council meeting:

- 1) Approved the first reading of Ordinance 825, Second reading is scheduled for May 21st.
- 2) Approved portions of the recommended Cargo Container regulations with additional direction to staff.
- 3) Approved amending the Historic design Guidelines regarding expanding exterior color considerations.



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- 4) Awarded the Community Center Gym wood floor project.

PLEASE NOTE, Town Council meeting agendas and minutes are available upon request and available on line at: TownOfPagosaSprings.com > Government tab > Town Council tab > select category. Next TC Meeting is on May 21st at 5pm, proceeded with a ribbon cutting celebration at 4:30pm at the new 6th Street pedestrian bridge.

HISTORIC PRESERVATION BOARD (HPB): The Next HPB meeting is on May 13, 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.

"Limit the number of colors, in general, no more than 3 colors should be used.

Their guidelines are fairly minimal as they don't have a strong color theme in the community. The guidelines can be found starting on page 83 of the referenced Website. Color schemes for older buildings vary throughout Steamboat Springs. Many 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 blend a building with its context.

Keep color schemes simple. • Using one base color for the building is preferred. Muted 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 some 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.

Muted 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



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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 bright colors for accents only. • Reserve the use of strong, bright 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 bright accent color, or they may be left a natural wood finish. Historically, many of the doors would have simply had a stain applied. • Window sashes are also an excellent opportunity for accent color. • Brilliant luminescent or “dayglow” colors are not appropriate.”

PLEASE NOTE, Historic Preservation Board meeting agendas and minutes are available upon request and available on line at: TownOfPagosaSprings.com > Government tab > Historic Preservation Board tab > select category.

PIEDRA STREET VACATION: Staff will seek direction from Town Council on May 21st regarding proceeding with considering vacating the remaining un-vacated portion of Piedra Street between Block 50 and Block 43, without an official applicant. If directed do so, the item will come back to the Planning Commission for a recommendation for Town Councils consideration.

200 BLOCK PAGOSA STREET SIDEWALK IMPROVEMENT PROJECT: The sidewalk project is moving forward. Even with the recent rains as of Wednesday May 6th, the contractor still anticipates that substantial completion will occur before Memorial day weekend with work continuing until mid-June (weather permitting).

PIEDRA STREET 2015 REPAVING PROJECT: Town Council has awarded the project to hart Construction with construction commencing the first week of June 2015. Completion is expected by the end of August 2015. 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. Inspection for accepting the one-way Yamaguchi Drive is expected to be requested before mid-May.

6TH STREET PEDESTRIAN BRIDGE: The Bridge is open to the public. A ribbon cutting is expected on May 21st at 4:30pm. Everyone is invited.

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.

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)



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Landscaping to screen the loading dock from view, 3) Resolution based on Appeals process described below, 4) and a few other minor items.

EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL: The final trail easement donation was recently received and submitted to CDOT for consideration. CDOT has asked for some revisions to the documents submitted, which our third party uni-form act specialist is working on for resubmittal. It is expected that will received notice to proceed with advertising for construction bids by the end of June 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 7:02 PM.

Ron Maez, Planning Commission Chair



Town of Pagosa Springs Historic Preservation Board
Regular Meeting Minutes
Wednesday, May 13, 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 5:20 pm. Present were Board Members Judy James and Chrissy Karas, Andre Redstone, Planning Director James Dickhoff, Associate Planner Margaret Gallegos. Member Peggy Bergon was absent.
- II. **Announcements:** None
- III. **Approval of Minutes:**
Motion made by Member Karas, seconded by Member James and unanimously carried to approve the May 6, 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) **Riff Raff & Bryson Rental Certificate of Appreciation May 14 Presentations:** The Board discussed the meet-and-greet agenda. **Motion by Member Karas, seconded by Member Redstone, and unanimously carried to approve the certificate of appreciation and presentation agenda as presented.** Staff will finalize the agenda and provide Historic Month and walking tour handouts to the public during the event. Staff reported that the Pagosa SUN is not available to cover the event, but staff will submit photographs and an article for publication.
 - 2) **Historic Property Plaques – final review for production:** The Board reviewed the historic property plaque insert proofs as provided by KVO Industries. **Motion by Member Redstone, seconded by Member James, and unanimously carried to approve the historic property plaques - text and photographs for the Colton Building, Dr. McKinley’s Office, County Jail, Immaculate Heart of Mary Church, Hatcher Hardware, Citizens Bank, Water Works Building, and Hatcher Nossaman House, contingent upon the following alterations:**
 - A. **Water Works Building – display more of the water wheel in the photograph;**
 - B. **Hatcher-Nossaman House, change text from “Queen-Anne” to “Victorian” style and construction date from 1902 to 1898; and**
 - C. **Staff will provide the Colton Building and Church digital photographs to Chair Ash so that he can enhance the resolution quality for final printing.**



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XI. Discussion Items:

- 1) **Historic Preservation Events:** The Board discussed the following events: 1) the Historic Downtown Waling Tour will be held on May 17, beginning at 2:00 p.m., meeting at the Overlook Parking Lot; 2) Poster Contestants Photo will take place on May 19 at 3:00 p.m. at the Elementary School; and 3) the "Old West" Public Forum is scheduled for June 3 at 6:30 p.m. in the Community Center. The Board agreed to meet again in a work session on Tuesday, May 19 at 12:15 to plan the event.
- 2) **Pagosa Springs Pioneer Cemetery:** An onsite meeting will take place for the Board and staff to meet with Ruth Lambert on Tuesday, May 19 at the Cemetery on 10th Street at 1:30 PM.

XII. Public Comment: None

XIII. Reports and Comments:

- A. **Planning Department:** No Report
- B. **Historic Preservation Board Discussion and Ideas:**
- C. **Scheduled Town Meetings:** A meeting schedule was provided to the Board that included meetings, through June 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

XIV. Adjournment: Meeting duly adjourned at 1:15 pm. The Board scheduled a work session for Tuesday, May 19, 2015 at 12:15 PM and the next regular meeting is planned for the second Wednesday of June – 6/10/15 at 5:15 PM. Both meetings will take place in the Town Hall.

By: Brad Ash, Historic Preservation Board Chair



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I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Peter Adams, Kathie Lattin and Heidi Martinez were present. Alternate Members Cameron Parker and Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos, Lucas Martinez, Annette & Leonard Candelaria, Eddie Archuleta, and Dan Lynch.

II. **Announcements:** None.

III. **Approval of Minutes:** May 12, 2015 meeting minutes were deferred until the next regular meeting to allow the Commission time to review.

IV. **Public Comment:** None received.

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

VI. **Planning Commission:** None

VII. **Design Review Board:**

A. **Variance Application requesting reduction of minimum front yard setback at 141 S 8th Street (Public Hearing / Quasi-Judicial Matter):** Planning Director Dickhoff reported that the Town has received an application requesting a variance to the front yard setback requirements at 141 S. 8th Street. The Applicant, Annette Candelaria, has submitted a variance application requesting a front yard setback of 2.5 feet, to accommodate a new addition to the front of the residential house and new roof over an existing exterior attached deck. The applicant is also constructing an addition to the west side of the existing house, which requires no special approvals. The current house is on two city lots. All of the proposed work requires an administrative reviewed lot consolidation application, since the existing house and proposed additions cross the existing common property line between the two lots.

Subject property zoning: Mixed Use Residential (MU-R). and the required Front Yard Setback: 20 feet from property line to furthest protruding portion of the structure, the roof fascia board in this instance.

The current request from the applicant is two-fold:

- 1) Seek front yard setback variance to allow building a roof over the existing attached deck. This would result in the roof fascia board being 2.5 feet from the front property line.
- 2) Seek a front yard setback variance to allow building a NEW residential home addition that would result in a front yard setback to the roof fascia board being 2.5 feet from the front property line.



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After a “stop work order” was posted on the property, after construction had started, for failure to apply for a building permit, the applicant was asked to consider re-designing the building plans to take advantage of the western portion of the property or they could submit a variance application, though staff recommended the first option. The Town Building department did issue a foundation permit for the west addition that is not involved in this variance decision item.

Future S. 8th Street improvements will be considered by Town Council for construction in 2016 or 2017. The improvements may include widening of the 8th Street improvements, which may result in the sidewalk being 2.5 feet from the roof eave, necessitating the need for roof mounted snow anchors to prevent snow and ice from falling onto the sidewalk and pedestrians. In addition, a gutter system would be necessary to prevent roof water drainage running into and over the sidewalk.

Property owners Annette Candeleria and Lucas Martinez noted that the house was built in 1970 in its existing location because there was a second home on the east side of the existing home, which has since been removed. The owners were aware of the 8th Street expansion and noted that it was understandable. The home will be redesigned – to extend the kitchen to the east into the new proposed addition. The owners noted that the existing roof would be removed and replaced with a new roof that would be squared-off with a single ridge, pitched roof – removing the front gable and valleys. The owners noted that their request for a covered porch was to address safety issues and negate or reduce the work involved with removing the snow. In closing, the owners commented that the rear/west addition is 20’ x 46’ – the new roof will be built so that it is centered over the existing home and new front and rear additions.

The Commissioners discussed the variance application with the owners – it was suggested that the new roof’s ridge line be turned so that it runs East to West rather than North to South, should the owners want to mitigate snow sheeting and drainage issues in the front yard. It was also suggested that the owner modify their front entry so that it faces San Juan Alley to address snow and ice issues on the existing deck/front entry.

Dickhoff noted that the Land Use and Development Code (LUDC) section 2.4.11 outlines the Variance application process and approval criteria as follows: 2.4.11. VARIANCES, A. Purpose - The Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Land Use Code, unless otherwise provided in this Section. The variance process is intended to provide limited relief from the requirements of this Land Use Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Land Use Code. **It is not intended that variances be granted to (1) allow a use in a zone district where it is not permitted by this Land Use Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Land Use Code may impose on property owners in general. Rather, it is intended to provide limited relief where the requirements of**



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this Land Use Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the Town.

The applicant has submitted the following and the Planning Director has determined the submitted LUDC application for variance meets the application submittal requirements:

- ~ Completed Land use Application.
- ~ Land Use application fees of \$300, received.
- ~ Agreement of payment of fees has been signed.
- ~ Evidence of good title, received.
- ~ Surrounding and interested property ownership report, received.
(Town staff will process the envelopes for neighborhood mailed notifications).
- ~ General Development information, request for variance.

LUDC section 2.4.11 reviews the variance application submittal and processing requirements.

LUDC 2.4.11.C, Step 7: Town Holds Public Hearing:

- a.** The Board of Adjustment shall hold a public hearing on the proposed variance. In considering the application, the Board shall review the application materials, the Staff Report, the applicable approval criteria below, and all testimony and evidence received at the public hearing.
- b.** After conducting the public hearing, the Board of Adjustment (BOA) may approve, approve with conditions, or deny the requested variance. Any approval, approval with conditions, or denial shall be accompanied by written findings of fact that the variance meets or does not meet each of the criteria set forth in below, stating the reasons for such findings.
- c.** The applicant has the burden of proving the necessary facts to warrant favorable action by the BOA.

Below are the TEN (10) approval criteria, all of which are required to be met for considering approving a variance application. STAFF has provided comments on each approval criteria are after each of the following approval criteria.

LUDC section 2.4.11.C.2.a. Approval Criteria: The Board of Adjustment may approve a variance only upon finding that **ALL** of the criteria below have been met.

(i) There are unique physical circumstances or conditions, such as size, irregularity, narrowness or shall owners of lot, location, surroundings, or exceptional topographical or other physical conditions peculiar to the affected property;



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Staff Comments: The physical conditions on the lot are fairly typical in nature, in that, many older homes/structures, are set within the current setback, and along S. 8th Street and in south Pagosa, many homes are closer to the front yard property line than is currently allowed. The current home sits on two city lots which are flat with no topography constraints. STAFF finds the applicant is not consistent with this approval criteria item:

(ii) The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

Staff Comments: There are many similar instances where houses encroach into the front yard setback along S. 8th Street. The front yard setback is currently defined as 20 feet in the MU-R district.

(iii) Such physical circumstances or conditions were not created by the applicant or any previous owner of the property;

Staff Comments: Though the physical circumstances were not created by the applicant, the applicant did determine that adding to the east side (front) of the house was their preference instead of expanding further west onto the undeveloped portion of the flat lots. The current set back encroachment condition may have been compliant at the time the house was constructed; however, the Town's building department has no records showing the town issued a building permit for the deck.

(iv) Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Land Use and Development Code because such conformance with the Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

Staff Comments: The current residential home sits on two city lots and is positioned to the front (8th Street side) portion of the two lots, which are flat in nature. Variances of this nature are not typical in this neighborhood (or any neighborhood), thus conforming to the LUDC does not deprive the applicant such privileges enjoyed by other property of the same classification in the same zone district. The applicant does have enough land on the remaining portion of the lot, to the west of the current structure, to accommodate the addition proposed to the east (front) of the current home. Staff finds the variance application is not consistent with this approval criteria item.

(v) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and



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Staff Comments: If the variance is granted, it sets a precedent along S. 8th Street and in South Pagosa regarding allowing building within the front setback, even when there is available building space that is consistent with the intent of the LUDC. Future variances granted under the same consideration may result in residential homes being built 2.5 feet from the front property line. Although, an argument could be made for allowing the deck to be roofed, the east residential building addition would not be consistent with this approval criteria item. In addition, if the deck roof is allowed to encroach into the setback, a restriction should be considered prohibiting the future renovation of the deck, walling it in as interior space.

(vi) The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Land Use and Development Code that are in question.

Staff Comments: Staff Comments believes variance request for the roof over the existing deck may meet the general purpose of relief as stated in the LUDC 2.4.11.A, Purpose, however, the proposed new east addition to the house is not consistent with LUDC 2.4.11.A.

(vii) No variance shall be granted that violates the intent of this Land Use and Development Code or its amendments. No variance may make any changes in the terms of this Land Use and Development Code provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this Section 2.4.10.

Staff Comments: Staff believes variance request for the roof over the existing deck may meet the general purpose of relief as stated in the LUDC 2.4.11.A, Purpose, however, the proposed new east addition to the house is not consistent with LUDC 2.4.11.A.

(viii) No variance shall be granted from any written conditions attached by another decision-making Body to the approval of a conditional use permit, subdivision plat, or site plan.

Staff Comments: Staff finds the application meets this approval criteria item. There are no conditions attached by another decision making body that the applicant is seeking a variance from.

(ix) No variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.



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Staff Comments: Staff believes that the roof over the deck may meet the eligibility requirements for a variance, however, the east residential home addition is not consistent with this approval criteria item, finding the conditions on the subject property are very general and recurrent in nature. The LUDC has set front yard setbacks for the typical lot, such as the typical subject property which is common throughout the Mixed Use Residential district.

(x) No variance may authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which zoning request for any parcel of property or portion thereof has not been finally acted upon by both the Planning Commission and by the Town Council.

Staff Comments: Staff finds the applicant meets this approval criteria item. The applicants proposed residential use is consistent with the LUDC. No application for change in zoning is proposed.

Dickhoff reported that, in addition, staff finds the application is not consistent with the LUDC stated purpose of variances: 2.4.11.A Purposevariances are intended to provide limited relief where the requirements of this Land Use Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

Also, STAFF recommends that if considering approving a roof over the deck, then please consider a condition of approval restricting a future renovation enclosing the deck as interior space. In addition, STAFF recommends considering a condition of approval that requires protection of sidewalk and pedestrians if the 8th Street improvement project would to occur, installing a public sidewalk 2.5 feet from the roof eave or within a distance that would be within the setback.

Public Notices and Comments: Public notification is required for the public hearing agenda item and was provided as follows:

- 1) Public notice was posted on the subject property on May 11, 2015.
- 2) Public notice was posted at Town Hall on May 11, 2015.
- 3) Public notice was published in the Pagosa Springs Sun newspaper on May 7, 2015.
- 4) Public noticed was mailed to property owners within 300 feet of the subject property on May 11, 2015.

Staff has received two public comments regarding this variance request:

- 1) One property owner called and provided verbal comments that “he would like the same consideration to build 2.5 feet from his front property line. He thought there appeared to be



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plenty of room on the west portion of the lots to build the desired residential home addition”. This individual also provided the attached written public comments.

- 2) Another property owner provided verbal comments that “building that close to the property line seemed unreasonable given the amount of vacant land to the west of the structure.”

Public Comments were received during the meeting from Mr. Lynch and Mr. Archuleta – both community members encouraged the Board to approve the request based on aesthetic value and that the proposed variance would not encroach into the front setback any further than the existing neighboring library.

It noted that the approval for the existing deck permit and/or variance were note located in the Town’s files. In addition the roof over the deck becomes a permanent structure, in its current condition the deck is an accessory structure. The Board of Adjustments considered the application materials, the staff report, the applicable approval criteria (outlined above), and all testimony and evidence received at the public hearing, for considering a final determination regarding the variance application. Consensus of the Board was that the approval criteria were not met to allow for the variance request.

Motion by Member Adams, seconded by Member Lattin, and motion carried (with Maez opposed) to DENY the front yard setback variance application for the subject property located at 141 S. 8th Street.

VIII. Public Comment: None received.

IX. Reports and Comments:

A. Planning Commission – No report or comments.

B. Planning Department Report –Planning Department Director Dickhoff provided the following written Department Report:

At the May 21st Town Council Meeting, Town Council will consider the second reading of ordinance 825, adopting regulations for Marijuana Establishments to operate within the town limits. He noted that the Town Council meeting agendas and minutes are available upon request and available on line at: TownOfPagosaSprings.com > Government tab > Town Council tab > select category. The next TC Meeting is on May 21st at p.m., proceeded with a ribbon cutting celebration at 4:30pm at the new 6th Street pedestrian bridge.

Historic Preservation Board (HPB): The Next HPB meeting is on June 10, 2015 at 5:15 pm in Town Hall. On May 14th, the HPB presented two awards for completion of Exterior Alteration Certificates and successful repurposing of historic structures, one to Riff Raff Brewing at 274 Pagosa Street and one for Bryson Richardson for the renovation of the Devore House at 480 Lewis Street. On May 19th, the HPB held a work session at the historic pioneers’ cemetery, Located at 10th Street and notable upcoming



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events include: June 3rd Public discussion regarding the 8 part documentary series “the West” which the HPB coordinated the showing of for 8 consecutive Tuesdays at the liberty theater. Dickhoff noted that the Historic Preservation Board meeting agendas and minutes are available upon request and available on line at: TownOfPagosaSprings.com > Government tab > Historic Preservation Board tab > select category.

Piedra Street Vacation: Staff will seek direction from Town Council on June 2nd regarding proceeding with considering vacating the remaining un-vacated portion of Piedra Street between Block 50 and Block 43, without an official applicant. If directed do so, the item will come back to the Planning Commission for a recommendation for Town Councils consideration.

200 Block Pagosa Street Sidewalk Improvement Project: The sidewalk project is moving forward. The recent rainy weather has delayed some progress.

Downtown Hometown Grocery Market and Pedestrian Path: Hometown Market is locating a grocery store at the former downtown City Market location!! The store owner anticipates loan closing by the end of May with store opening by mid July 2015!

The planning director had recently completed negotiations for establishing a pedestrian/no motorized easement along the highway frontage of this property and the Citizens Bank property to the east, for delineating a pedestrian route along the Highway side of the paved parking lot. The Pedestrian Path infrastructure will be installed by the Town’s street department, providing a pedestrian connection between S. 8th Street and S. 7th Street.

Piedra Street 2015 Repaving project: Town Council has awarded the project to Hart Construction with construction commencing the first week of June 2015. Completion is expected by the end of August 2015. 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 Yamaguchi Drive is still progressing. Inspection for accepting the one-way Yamaguchi Drive is expected to be requested very soon.

Wal-Mart: Wal-Mart has opened for business under a 90 day Temporary Certificate of Occupancy (TCO). The Alpha Drive and Aspen Village Drive public road improvements will be inspected in the near future, for compliance with the Development Improvement Agreement. 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) Landscaping to screen the loading dock from view, 3) Resolution based on Appeals process described below, 4) and a few other 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 (BOA) members (Planning Commission), do not discuss this issue with ANYONE, as this



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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. CDOT has requested some revisions to the documents submitted, which our third party uniform act specialist is working on for resubmittal. It is expected that we will receive notice to proceed with advertising for construction bids by the end of June 2015. This will allow the installation of the sidewalk along 10th Street during summer school break and remaining trail connection between 10th and 8th Streets during this construction season.

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 meetings, through July 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

X. Adjournment - Upon motion duly made, the meeting adjourned at 7:30 PM.

Ron Maez, Planning Commission Chair



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

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

PROJECT: POLICE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

POLICE DEPARTMENT INCIDENT REPORTING

The Pagosa Springs Police Department Statistics for May, 2015

Officers responded to 316 calls for service.
Officers responded to 27 agency assist calls for service
Officers completed 55 incident / offense reports
Officers completed 12 accident investigation reports.

OFFICER TRAINING UPDATE

May 2015

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

The Police Department is hosted training, provided free of charge, by Homeland Security.

Officers Rockensock, Maxwell, W. Brown received 24 Hours of First Responder training.

Officer W. Brown completed POST driver instructor training.

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. The department is currently increasing recruiting efforts.

COMMUNITY EVENTS UPDATE

The police department as part of community outreach, participated in the Huck Finn fishing Day.

The police department has submitted the application for parade permit for the Fourth of July parade, and is currently working to get volunteers flagger certified, for traffic control.

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 through GSA.

The Police Department is currently pricing two new desktop work stations to replace outdated computers in the patrol room.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR

PROJECT: PUBLIC WORKS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

STREETS UPDATE

Town street crew is taking care of street signs, pot holes, drainages, brush and other weeds, and limbs that need cutting. The parking area behind the post office received gravel. Staff applied magchloride on graveled streets and alleys. We worked on the paint truck in preparation for painting the center lines on all asphalt roads. Staff spent a few days working on fencing at new walk way between 7th and 8th Streets along south side of 160 (San Juan Street). We worked with the Folk Fest on improvements at Reservoir Hill and set up temporary signage along Hot Springs Blvd. We also hauled top soil for Aspen Village development behind Walmart.

GEOHERMAL UPDATE

Geothermal is now shut down for this season.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

FROM: APRIL HESSMAN, CMC, TOWN CLERK

PROJECT: TOWN CLERK DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

CLERK'S OFFICE UPDATE

The clerk's office, with the assistance of the department heads, is reviewing the personnel handbook to determine necessary updates and changes that will be brought this year to the town council for review.

The CIRSA 2016 renewal has been submitted online. The rates for 2016 General Liability based on the renewal application will be received in October for budgeting purposes. Larry Cardamone, CIRSA safety specialist, will be in Pagosa in July for the annual review. The department heads and town manager will meet with Mr. Cardamone during his visit to show him the facilities and answer any questions. Mr. Cardamone will send a report to the town recommending safety improvements and items to reduce the town's liability.

Work Zone Safety Training (biennial) was completed on June 9th for the Public Works and Parks Departments. Thirteen employees were in attendance. In addition to Work Zone Safety training, the Town is working with CIRSA to complete online training for Flagger Certification. Public Works employees are required to maintain Flagger Certification through CDOT, as well as any employee or volunteer working traffic control for the 4th of July parade. Due to a change in personnel at CIRSA, Flagger Training (classroom) has been offered once a month and in areas requiring significant travel time (4 hrs plus one way). As a result of the unavailability of training, we have scheduled a certified tester from CIRSA to come to Town on June 23, 2015 to proctor two testing sessions. Approximately 14 employees and volunteers will be taking the Flagger Safety online course through CIRSA between June 10 and June 22 in preparation for the test on June 23rd. Testing on June 23rd will be open to other area municipalities.

The Clerk's office continues to assist with business license applications. The summer vendors have been keeping the deputy clerk busy as well as the many annual renewals of our local businesses. Many businesses are taking advantage of the online accessibility for renewing their licenses online through the Town's new Xpress Billpay application.

Staff is working with Caselle to implement a timekeeping module to move to an electronic time sheet. This will enhance the department's ability to track their areas of work and streamline approvals and payroll efforts.

The Town now has 250 likes on the Facebook page. The recreation department uses Facebook to share recreation events and news, town clerk's office posts town council meeting notices, ribbon cuttings, road closings, job openings and town news. The planning and historic board posts information and agendas.



AGENDA DOCUMENTATION

REPORT TO COUNCIL:IV.2B

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 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 3, 2015.

PARKS & RECREATION MANAGEMENT UPDATE

As the Council is aware, Tom Carosello has left the position of Parks & Recreation Director. We are in the process of taking applications and we are advertising through the local paper but also on-line through the national and state Parks & Recreation Associations. The final filing date is Friday, June 26th and the interview date is Monday, July 13th. There will be two interview panels, one consisting of internal staff and one Town Council member and another panel of interested stakeholders including representatives from the Town Parks & Recreation Commission as well as the County Parks, Recreation, Open Space, and Trails Committee. Depending on the candidates, we hope to have someone in place by the end of July or early August. We had hope to bring a part-time Recreation Assistant part time in the interim, but the person we offered the position was not able to take it due to a prior conflict. After conversing with the Rec staff, we are not going to recruit another part time person but make do with the staff we have at present.

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. The Downtown Grocery Store should have closed by the time of this Council meeting.

MCCABE CREEK INFO

At the last TPR meeting we discussed with the CDOT representatives the status of the McCabe Creek project and the costs continue to go up and the funding gap still exists. CDOT staff is going to ask for an independent cost analysis to see if the projects costs can be refined further. CDOT will more than likely need to seek additional funding from statewide CDOT sources. The independent cost estimate is projected to be complete by the end of June.

On a related topic, the owners of the Feather Your Nest Antique Store were granted a 3 month extension through September 2015 and allows them to remain in place through the busy summer season.

TOWN HALL HVAC

The HVAC System at Town Hall has experienced a series of significant breakdowns whereby the condenser coils, and compressors have failed. In the opinion of Dennis Ford and the HVAC service provider, the systems need to be replaced and the total cost is estimated at \$25,000. This exceeds the maintenance budget for the Department and more than likely will trigger a budget adjustment towards the end of the year.



AGENDA DOCUMENTATION REPORTS TO COUNCIL:IV.2

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

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

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the report for April 2015 for sales tax and the revenue showed a good increase of **+19.5%** compared to April 2014. Total sales revenue for April 2015 for the Town was \$259,478, with that divided equally between the General Fund and the Capital Improvement Fund (\$129,739 going to each). In April 2014, the total amount received was \$217,095. The 2015 April sales tax received is \$42,383 higher than in 2014.

On a "year to date" basis for both Town and County (January thru April), 2015 is \$376,737 (19.3%) ahead of 2014. However, part of that "year to date" increase includes significant collections (about \$203,800), related to back taxes, mostly from 2014 and 2013. With those amounts factored out, the increase in sales tax collections was about \$172,937, which translates into a real growth rate of approximately 9% during 2015. In 2014, the growth rate was approximately 7%.

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 or \$1,895,621 each for the General Fund and the Capital Improvement Fund, and represents a 6% increase over the year end for 2014. The month of April 2015 yielded \$129,739 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 \$117,529. April is statistically our lowest month annually. The variance is \$12,210 or 10.4% higher than budget. Year to date, we are ahead of budget by approximately \$74,168, or 15% ahead of budget. This information is 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:

	<u>2013</u>	<u>2014</u>	<u>Avg.</u>	<u>2015</u>	<u>% Change</u>
February	201,635	214,365	208,000	273,348	+31.41%
March	266,110	293,377	279,744	317,594	+13.53%

April	201,856	217,095	209,476	259,478	+23.9%
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The average sales tax collections over the past two months is positive [$13.53\% + 23.9\%$]/2 = $+22.47\%$. The average sales tax collections over the past three months is positive [$23.9\% + 27.45\% + 31.41\%$]/3 = $+27.58\%$ 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**

<u>Month</u>	<u>2015 Estimated</u>	<u>2015 Actual</u>	<u>Variance</u>	<u>10 Year Ave. % Collection</u>
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	129,739	12,210	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	580,299	74,168	100.0%
Percent Ahead of Estimate	15%			



AGENDA DOCUMENTATION REPORTS TO COUNCIL:IV.3

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15TH, 2015

JENNIFER GREEN
DIRECTOR OF TOURISM

PROJECT: LODGING TAX UPDATE
ACTION: UPDATE AND DISCUSSION

TTC MEETING ACTIVITY

The Tourism Board held its June meeting on Tuesday, June 9th at 4pm at the Visitor Center. Draft minutes have been included for review. The July meeting is scheduled for Tuesday, July 14th at 4pm at the Visitor Center, however due to TTC Director’s travel schedule for DMAI Annual Conference, the meeting date will be changed. The field trip was postponed due to various schedule conflicts; Board is looking at mid July or mid August to reschedule.

TTC FINANCIAL REPORT

The most recent lodging tax report has been included for review. Collections for Jan – Apr 2015 are still incomplete, with payments outstanding for each of the months. February and April have the most missing payments. April will be slightly down or flat over 2014, maintaining large growth seen in 2014. According to a recent public notice in the newspaper, one property is going through foreclosure; it is unknown if delinquent payments from the property will be received.

VISITOR CENTER UPDATE

- New camping brochure now available, fishing, heritage and updated hiking / driving brochures will arrive week of June 15th
- New biking brochure in development
- 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*
May	2,923	3,194	NA	**

** May numbers will be provided during Council meeting on June 15th

SOCIAL MEDIA UPDATE

- Facebook – www.facebook.com/visitpagosasprings Facebook: 10,737 fans
- Instagram – www.instagram.com/visitpagosa: 1,239 followers
- Twitter – www.twitter.com/visitpagosa – 835 followers

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	5,226	1,783							16,388

Leads through June 2015 will surpass lead collections in Jan – Jun 2014.

MARKETING UPDATES

- New videos in productions – Hot Springs Overview, Brewery Overview added to video mix; video captured in May / June on hiking, biking, rafting, etc. Videographer (through CTO / Miles program) scheduled to shoot in Pagosa June 15th / 16th – will focus on capturing needed footage to fill in gaps in video library
- Visit Colorado Facebook co-op results (launched 5/21) – \$1 for \$1 match; Pagosa invested \$2,500
 - Campaign featured a video – “5 Ways to Explore Pagosa Springs”; Extremely successful campaign – video had over 400,000 views, with lots of positive engagement – comments, likes and shares
- Recent media coverage / PR Activity:
 - Outside Magazine featuring Pagosa Springs in upcoming article on Best Towns in America article – writer reached out 6/4/15
 - Two Asian groups coming through as direct result of CTO Japanese and IPW efforts – 6/21 soaking in am and 7/15/15 Korean publication

GROUP TRAVEL

- The Tourism Director attended IPW May 31st – June 4th in Orlando with the Colorado Tourism Office. Over 6500 attendees; great show with good meetings; strengthened relationships with CTO International Reps to keep Pagosa top of mind (Canada, France, Germany, Mexico, Japan, China and UK)
- Hosting Great Canadian Holidays & Coaches for site visit on July 17th; interested in including Pagosa in bus tour itinerary for September 2016 package

LURE BROCHURE

- Lure brochure completed and being mailed, ordered 35,000 with first run; have already mailed out 15,800; cost per piece to print was \$0.285 and cost per piece to mail first class is \$0.731; larger print quantity will reduce per piece print cost in future



DRAFT Minutes

Pagosa Springs Town Tourism Committee

Tuesday, June 9th, 2015

Pagosa Springs Visitor Center

4 pm

Meeting called by: Chirag Patel

Attendees: Voting Members; Chirag Patel, Larry Fisher, Stephen Durham, Nick Tallent, Steve McKain, Matt Sprowls, Steve Wadley

Non Voting Attendees; Jennifer Green

Absences: Criselda Montoya, Jon Johnson, Bob Kudelski

Please review: May Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
2. Determination Of Quorum (6)
3. Approval of Minutes – May
 - a. Steve Wadley motioned to approve May minutes, Stephen Durham seconded, all approved
4. Chair Report – Chirag K. Patel
 - a. Honoring Bob Hand's Service to Community
 - i. Jennie provided background of discussion and desire to recognize Mr. Hand's service to the community
 - ii. Group discussed options
 1. Plaque was mentioned to hang in visitor center with a ceremony placing the plaque; group asked if Mr. Hand's family would agree with the recognition

- iii. Steve Wadley motioned to recommend to Town Council a plaque in Mr. Hand's honor be created, assuming the family approved of the honor, Steve McCain seconded, all approved

5. TTC Director Report – Jennie Green

- a. IPW Update – Jennie provided overview of IPW (formally International Pow Wow); over 6,500 attendees, great show overall; Pagosa was in CTO's booth with lots of meetings with international tour operators, introduction of Pagosa to key CTO international reps
- b. Lure Piece – piece completed, with 15,800 mailed so far; cost to print was \$0.28 each, cost to mail first class \$0.73; planner is being well received, printed only 35,000 for initial round in order to make corrections / adjustments for 2nd printing. A box of 200 is mailed for \$18, a significant savings over boxes of 40–50 of Sun's guide
- c. videographer – help from Mother Nature would be appreciated; Miles videographer scheduled to shoot in Pagosa June 15th / 16th. Jennie reviewing all footage to determine gaps to best utilize time to capture needed footage
- d. Outside Magazine – Steve McCain asked about Outside Magazine contest; Jennie provided overview of great publicity and also explained that Pagosa is being included in an upcoming article on the Best Town's in America (Jennie has been working with writer for last week to answer questions, arrange interviews with locals, etc)

6. Treasurers Report – Stephen Durham

- a. Monthly Town Lodging Receipts report – Update
 - i. Report is incomplete, with payments still outstanding for all 4 of the months in 2015; April will be slightly down or flat over 2014; group discussed vacation rentals, as they are growing in popularity and Pagosa has a large number available, given the size of the town
 - ii. Jennie explained lodging tax compliance effort will begin once Town / County combined board complete; Town Council will consider second reading of ordinance changing bylaws during their June 15th meeting
 - iii. Group discussed lodging tax compliance effort and planned ongoing efforts
- b. Current finances

7. Subcommittee Reports

- a. Budget – Update provided by Jennie Green
 - i. Bills being processed; no issues
- b. Fulfillment

- i. no additional update
- c. Marketing – Chirag Patel
 - i. CTO co-op
 - 1. Jennie provided overview of recent social media campaign with Colorado Tourism Office – \$1 for \$1 match; Pagosa invested \$2,500
 - a. Campaign featured a video – “5 Ways to Explore Pagosa Springs”
 - b. Extremely successful campaign – video had over 400,000 views, with lots of positive engagement – comments, likes and shares
- d. Events & Events Infrastructure – Larry Fisher
 - i. Field Trip – trip planned for this week canceled due to work conflicts; group discussed dates in late June and mid July
 - ii. Jennie to send out doodle to locate best dates for group interested in going
- e. Special Projects
 - i. subcommittee discontinued
- f. Wayfinding and Signage – Steve McKain / Jon Johnson
 - i. Update on 2015–2016 projects
 - ii. Group reviewed and discussed banner designs for Hot Springs Blvd Bridge banners, designs had been emailed with monthly packet
 - 1. Group liked the Pagosa Springs logo tilted, with the same design on both banners, front and back; group asked if “Springs” could be larger
 - a. Group determined colors could be determined by subcommittee
 - 2. Nick Tallent motioned to recommend the 2nd option, with the titled logo, Matt Sprowls seconded, all approved
- g. Visitor Center subcommittee
 - i. Update
 - 1. Jennie provided an update on new brochures – additional hiking / driving, new fishing and heritage will arrive next week; new camping brochure is being well received
 - 2. New biking brochure will be next in development

h. Tax Compliance

- i. Update provided during tax discussion

8. Old Business

- a. None

9. New Business

- a. TABB (Tracks Across Borders Byway) Update – Muriel Eason

- i. Muriel Eason provided an overview of recent progress:

1. New byway approved by both CO and NM
2. Steve Kaverman handed off project to new Commission
3. Signage plan underway – scenic byway signs ordered;
4. Road conditions discussed; Muriel indicated Indian Affairs has budget for road improvements between Juanita and NM
5. Documented GPS coordinates and rough map available
6. Muriel mentioned that there were questions on marketing given no budget associated with byway designation
7. Commission has started community engagement, looking for railroad and history buffs to provide information; need to develop economic baseline to track success
8. Group will have subcommittees – looking for assistance from TTC for marketing subcommittee and potentially funding request for 2016
 - a. Jennie to email 2015 infrastructure funding request to Muriel for an overview

- b. Public Comment

- i. Muriel Eason provided an overview of recent progress:

1. New byway approved by both CO and NM
2. Steve Kaverman handed off project to new Commission
3. Signage plan underway – scenic byway signs ordered;
4. Road conditions discussed; Muriel indicated Indian Affairs has budget for road improvements between Juanita and NM

- c. TTC Board Ideas and Comments

- i. Nick Tallent mentioned that the Chamber will not have live music for 4th of July
 - 1. Jennie explained the Chamber had not had live music prior to fireworks in multiple years
 - 2. Matt Sprowls indicated most every restaurant / bar would have live music that night
- ii. Matt Sprowls asked about assistance for rail jam efforts during WinterFest; group explained Skaters Coalition for Concrete had been behind it recently, Matt planned to speak with them
- iii. Jennie reminded group that we were having Volunteer Appreciation BBQ on Reservoir Hill on Saturday, June 13th from 3pm – 6pm and hosting the CADMO meetings on June 18th & 19th at the Springs Resort; Board is invited to attend BBQ and networking event on the 18th.

10. Adjournment

- a. Steve Wadley motioned to adjourn at 5:10pm, Stephen Durham seconded, all approved



AGENDA DOCUMENTATION

NEW BUSINESS:V.3

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

**PROJECT: FIRST READING OF ORDINANCE 829, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
VACATING THE PUBLIC UTILITY EASEMENTS BETWEEN LOTS 6 AND 7 OF THE PARADISE MESA
SUBDIVISION AS SHOWN ON THE PARADISE MESA SUBDIVISION PLAT #441A**

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town has received an application for a Lot Consolidation for Lots 6 and 7 of the Paradise Mesa Subdivision. The applicant proposes to build a single family residence on the consolidated lot. As part of the Lot Consolidation, the perimeter Public Utility Easements (PUE) between Lots 6 and 7 are being requested to be vacated. This is a typical request for lot consolidations, which accommodates the entire lot as developable with no interior easements to build around, if PUE's are not already installed.

As part of processing plat amendment applications, all public utility providers are requested to provide comments on the proposed plat amendment. Comments received from all public utility providers indicate that there are NO public utilities installed within the PUE's being requested for vacation. The new Consolidated Lot is required to provide perimeter PUE's for the general installation of public utilities by Town approved public utility provider.

Lot Consolidations and Plat Amendments are administratively reviewed and approved by the Planning Director. The Town has historically vacated PUE's with no installed utilities, with a Plat Note on the Plat Amendment, however, this practice has been challenged by some utility providers and from a few surveyors. The challenge is that the Utility Companies believe they own the easement and they should be required to approve and quit claim deed the easement. The Town's attorney disagrees, as the Town in essence controls the PUE's because the Town approves which utility providers operate and install public utilities within Town boundaries. Though the Town's attorney has supported the Plat Note vacation in the past, after further review and the challenge from some utility providers, it is now suggested the Town Vacate PUE's under the same process as vacating Town Rights-of-Way. This vacation process requires the Planning Commission to hold a Public Hearing, and make a recommendation to Town Council for their consideration in approving a vacation with two readings of an Ordinance, at public hearings.

The Planning Commission heard this matter at a public hearing on May 26, 2015, and Approved a recommendation that Town Council ***"Approve Vacating the Public Utility Easements between lots 6 and 7 in the Paradise Mesa Subdivision."***

ANALYSIS

Below is LUDC section 2.4.3.D, outlining the application requirements and the approval criteria for considering an "Application for Vacation of Public Easements". Please note "APPROVAL CRITERIA" set forth below in section 2.4.3.D.2.b.(ii)

LUDC 2.4.3.D. Vacation of Right-of-Way and Other Public Easements

1. Applicability

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any right-of-way (street, road, alley, or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended from time to time.

2. Procedure

Figure 2.4-8 shows the steps of the common development review procedures that apply in the review of applications for vacations. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

a. Step 7: Town Holds Public Hearing(s)

(i) Planning Commission Hearing, Review, and Recommendation:

Following a public hearing, the Planning Commission shall consider the comments and evidence presented at the hearing and the Staff Report and recommendation of the Director and recommend that the Town Council approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below.

(ii) Town Council Public Hearing, Review, and Decision:

Following a public hearing, the Town Council shall consider the comments and evidence presented at the hearing and the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below. The Town Council shall have the right, in its discretion, to vacate only a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

b. Step 8: Town Issues Decision/Findings (i) Approval and Recording:

The Town Council shall approve the vacation by ordinance. The ordinance shall be recorded in the Office of the Archuleta County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the developer.

LUDC 2.4.3.D.2.b.(ii) Approval Criteria

The Town Council may approve a right-of-way or public easement vacation if it finds that all of the following have been met:

(1) The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan; **Staff's Comments: The Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.**

(2) The land to be vacated is no longer necessary for the public use and convenience; **Staff's Comments: The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicated on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining to the west and south of the subject properties.**

(3) The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road; **Staff's Comments: This condition is not applicable.**

(4) The vacation will not leave any land-locked parcels; and **Staff's Comments: No parcel will be rendered land-locked from access to all available Public Utility service.**

(5) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. **Staff's Comments: The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.**

LUDC 2.4.3.D.2.b.(iii) Conditions of Approval

The approval of a right-of-way or public easement vacation shall be conditioned upon:

(1) The holders of any and all easements granted by the original platting of the subdivision conveying to the petitioner all interest in those easements. **Staff Comments: The current Public Utility Easements are controlled by the Town of**

Pagosa Springs. Town Councils approval of an ordinance vacating the subject Public Utility Easement, formalizes the release of the previously platted Public Utility Easements.

*(2) Such vacation shall not eliminate rights-of-way or easements serving or potentially serving adjoining properties, unless alternate means of access or another easement crossing the property can serve adjoining properties. **Staff Comments: The new dedicated perimeter Public Utility Easements created as part of the Lot Consolidation Process, provide Public Utility Easements serving adjoining properties.***

*(3) If the vacation is a roadway constituting the boundary line of the Town, the Archuleta County Board of Commissioners has taken action to vacate the roadway. **Staff Comments: This condition is not applicable.***

FISCAL IMPACT

There is no fiscal impact to the Town. All expenses associated with this application are the responsibility of the applicant.

PUBLIC NOTIFICATION

Consistent with LUDC table 2.3-1, Notice Requirements, Public Notice was:

- 1) Published in the Sun Newspaper on May 21, 2015, at least 15 days prior to the PC/TC public hearing.
- 2) Posted on the property on May 21, 2015, at least 15 days prior to the PC/TC public hearing.
- 3) Mailed to properties owners within 300 feet, on May 21, 2015, at least 15 days prior to the PC/TC public hearing.
- 4) Posted at Town Hall on May 21, 2015, at least 15 days prior to the PC/TC public hearing.

ATTACHMENTS

- 1) Ordinance 829, An Ordinance of the Town of Pagosa Springs Vacating Public Utility Easements between lots 6 and 7 of the Paradise Mesa Subdivision, as shown on the Paradise Mesa Subdivision Plat #441A.

PUBLIC COMMENTS

- 1) All Town approved Public Utility Providers have been contacted, and have provided comments demonstrating that there are no public utilities installed within the requested PUE vacations.
- 2) No General Public Comments have been received as of the creation of this staff report.
- 3) Any comments received prior to the TC Public Hearing will be presented at that such public hearing.

RECOMMENDATION

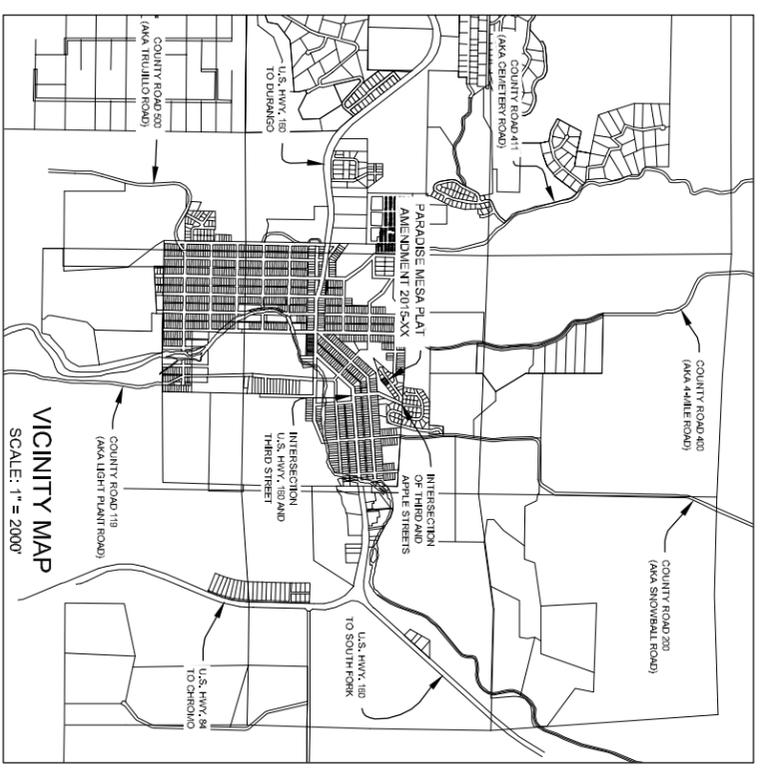
Staff recommends the Town Council consider the comments and evidence presented at the public hearing, the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation. Below are three alternate actions for consideration, though Town Council is not limited to these options:

- 1) Approve the First Reading of Ordinance No. 829, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements Between Lots 6 and 7 in the Paradise Mesa Subdivision as shown on the Paradise Mesa Subdivision Plat #441A.**
- 2) Approve the First Reading of Ordinance No. 829, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements Between Lots 6 and 7 in the Paradise Mesa Subdivision as shown on the Paradise Mesa Subdivision Plat #441A, with the following additional conditions of Approval (as set forth by the Town Council)
- 3) DENY First Reading of Ordinance No. 829, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements Between Lots 6 and 7 of the Paradise Mesa Subdivision.

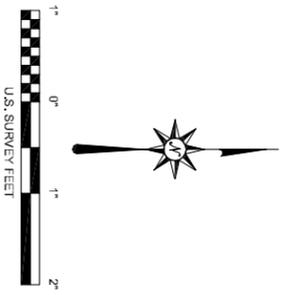
PARADISE MESA PLAT AMENDMENT 2015-XX

A CONSOLIDATION OF LOTS 6 AND 7 OF PARADISE MESA--AND CREATING LOT 7X

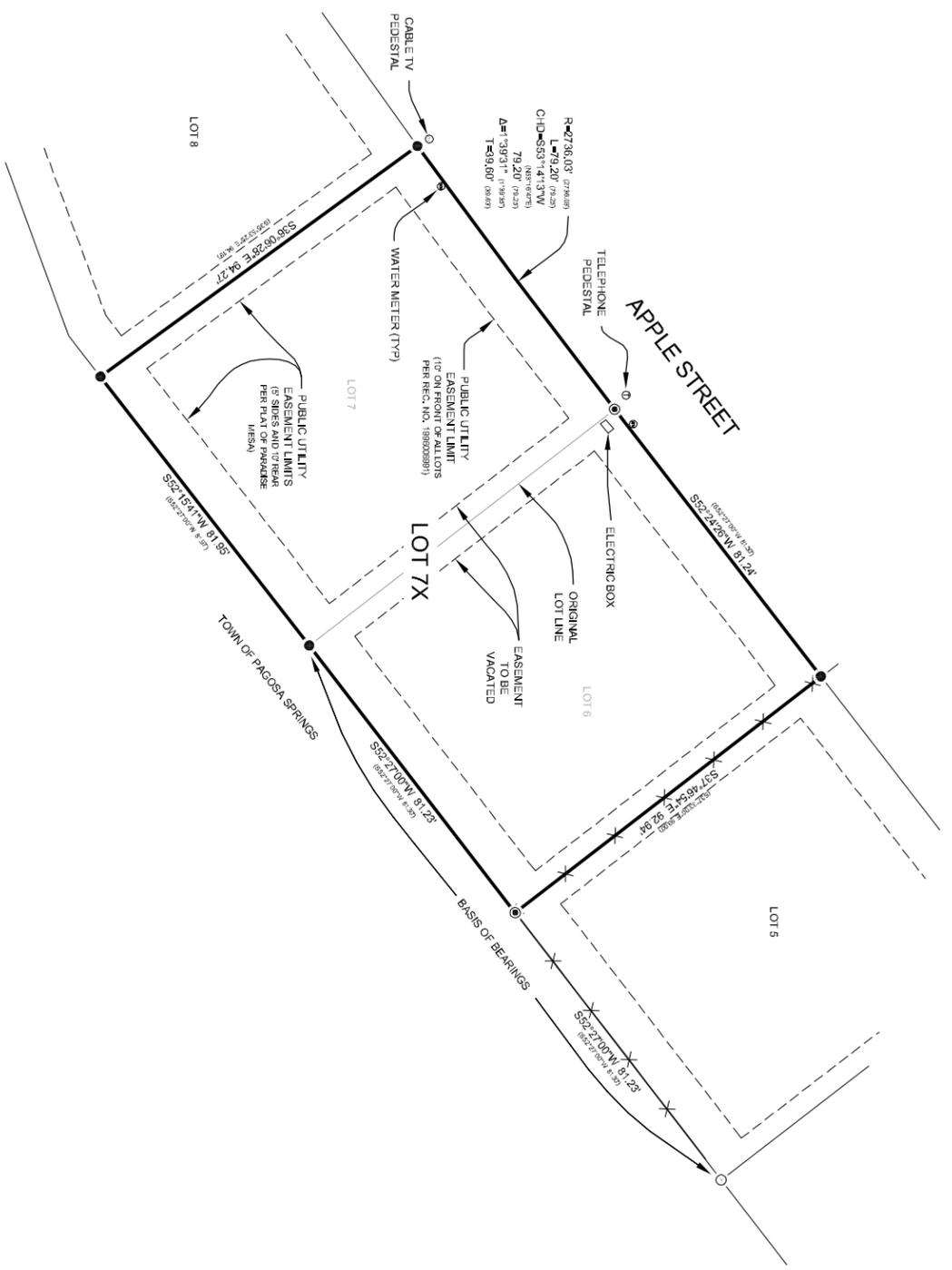
TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO



- NOTES:**
- 1) PROPERTY ADDRESSES: 333 APPLE STREET (LOT 6), 339 APPLE STREET (LOT 7)
 - 2) MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THE SOUTHERLY LINE OF LOTS 5 AND 6, MONUMENTED AS SHOWN, BEARS S22°27'00"W--N62°27'00"E.
 - 3) BEARINGS AND DISTANCES SHOWN IN PARENTHESES () ARE FROM THE RECORDED PLAT OF PARADISE MESA.
 - 4) CLIENT DID NOT WISH TO HAVE EASEMENTS AND/OR RIGHTS-OF-WAY RESEARCHED OR SHOWN HEREON.



- LEGEND:**
- FOUND 5/8" REBAR WITH 1/2" ALUMINUM CAP--PLS2027
 - FOUND 1/2" REBAR WITH 1/2" ALUMINUM CAP--PLS2873
 - FOUND 1/2" REBAR WITH 1" GREEN PLASTIC CAP--PLS28415
 - PROPOSED BOUNDARY
 - EASEMENT LIMITS (AS NOTED)



CERTIFICATE OF APPROVAL TO RECORD:

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. THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS, OR ANY OTHER SERVICE FACILITY. THE TOWN COUNCIL'S APPROVAL OF THIS PLAT CONSTITUTES THE ACCEPTANCE OF THE PUBLIC BENEFIT OF THE OFFER OF DEDICATIONS OF ROADS, UTILITIES, BUT DOES NOT CONSTITUTE ACCEPTANCE OF ROADS, UTILITIES, OR SERVICES BY THE TOWN FOR MAINTENANCE OR OPERATION.

BY MAYOR: _____

ATTEST BY TOWN CLERK: _____

CERTIFICATE OF CLERK AND RECORDER:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE

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

RECEPTION NUMBER _____

PLAT FILE NUMBER _____

BY CLERK AND RECORDER: _____

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.

CERTIFICATE OF OWNERS:

KNOW ALL MEN BY THESE PRESENTS:

THAT CHAMLE & TAIYANA BAGDOLIN, WHOSE ADDRESSES ARE 373 ROSE FENCH CIRCLE, PARADISE MESA, COLORADO, BEING OWNER OR TENANT-HOLDER OF THE FOLLOWING DESCRIBED REAL PROPERTY, TO-WIT:

LOTS 6 AND 7 OF PARADISE MESA, TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO

AND CREATING LOT 7X

CONTAINING 0.38 ACRES, MORE OR LESS

HAS CAUSED THE SAME TO BE SURVEYED, Laid OUT, SUBDIVIDED, AND DEMONSTRATED BY THIS SURVEY, AND HAS CAUSED THE SAME TO BE RECORDED IN THE PUBLIC RECORDS OF ARCHULETA COUNTY, COLORADO, AND HAS CAUSED THIS PLAT TO BE MADE, FILED, AND FURTHER DECLARED:

GENERAL DEDICATIONS:

NO CONVEYANCE OF THE APPROVAL OF THIS PLAT AT THE ABOVE STATED OWNERS' REQUEST SHALL BE MADE TO ANY AND ALL CLAIMS OF DUES OR CLAIMS OF DOWNSIDE SPRINGS OCCURRED BY THE ALTERATION OF LAND SERVICES TO CORRESPOND TO THIS PLAT.

WITNESS THEREOF, THIS INSTRUMENT IS DECLARED

THIS _____ DAY OF _____, 2015

CHAMLE BAGDOLIN

TAIYANA BAGDOLIN

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2015

STATE OF _____

COUNTY OF _____

ANY COMMISSIONED OFFICER: _____

NOTARY PUBLIC: _____

CERTIFICATE OF MORTGAGEE:

THE MORTGAGEE OF THE PROPERTY AS SHOWN HEREON, HEREBY CONSENTS AND AGREES TO THE FOREGOING INSTRUMENT AND THE DEDICATIONS THEREON.

(SIGNATURE OF MORTGAGEE HOLDER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

THIS _____ DAY OF _____, 2015

STATE OF _____

COUNTY OF _____

ANY COMMISSIONED OFFICER: _____

NOTARY PUBLIC: _____

CERTIFICATE OF SURVEYOR:

I, LARRY HANSTRETON, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF PARADISE MESA PLAT AMENDMENT 2015-XX, WAS PREPARED UNDER MY DIRECTION, MEETS THE STATE OF COLORADO MINIMUM STANDARDS FOR LAND SURVEY PLATS AND THAT I AND MY CORRECTLY REPRESENTED FIELD SURVEY OF THE SAME, AND WAS MONUMENTED IN ACCORDANCE WITH C.E.S. 389-101, ET SEQ.

SURVEYOR: _____

THIS _____ DAY OF _____, 2015

CERTIFICATE OF COUNTY SURVEYOR:

A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF PARADISE MESA PLAT AMENDMENT 2015-XX, MEETS THE STATE OF COLORADO MINIMUM STANDARDS FOR LAND SURVEY PLATS FOR SUBMITTAL TO COURTS, SHOWN AS 28752.

COUNTY SURVEYOR: _____

THIS _____ DAY OF _____, 2015

PRELIMINARY COPY

FOR REVIEW ONLY

REVISIONS	PARADISE MESA PLAT AMENDMENT 2015-XX			
A CONSOLIDATION OF LOTS 6 AND 7 OF PARADISE MESA--CREATING LOT 7X TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO				
SCALE	1" = 40'	DAVIS ENGINEERING SERVICE INC.	SURVEYOR	JNS
DATE	12/29/14	PAGOSA SPRINGS, COLORADO 8147	DRAWN BY	JNS
CLIENT	CHAMLE & TAIYANA BAGDOLIN	PHONE (970) 294-8288	FILED	FIG612
		FAX (970) 294-8270		

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 829
(SERIES 2015)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
VACATING PUBLIC EASEMENTS BETWEEN LOTS 6 AND 7
OF THE PARADISE MESA SUBDIVISION AS SHOWN ON
THE PARADISE MESA PLAT #441A**

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, on April 14, 2015, concurrent with the application to approve the Town of Pagosa Springs plat (“Amended Plat”), consolidating lots 6 and 7 in the Paradise Mesa subdivision, the Town’s planning department received an application for Vacation of Public Utility Easements from Chamil and Tatiana Baigildin (the “Application”) for the vacation of an easement for public utilities (the “Easement”) between lots 6 and 7, which was created by dedication as shown on the Paradise Mesa plat previously approved by the Town and recorded as Plat # 441A, at Reception No.1996006775 of the records of the Archuleta County Clerk and Recorder (the “Plat”); and

WHEREAS, if the Application and Amended Plat are approved, the Amended Plat will be recorded without the Easement being depicted; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(i) of the Land Use Development Code (“LUDC”), the Planning Commission held a public hearing on the vacation Application on June 9, 2015; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the June 9, 2015 public hearing before the Town Planning Commission, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on May 21, 2015, which was at least 15 days prior to the scheduled hearing.
- b. Written notice of the hearing was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the Easement and any other person who made a written request for such notice, on May 21, 2015, which was no fewer than 15 days prior to the public hearing.

- c. On May 21, 2015, Public Notice was physically posted at 209 Harman Park Drive, and remained on the property for a period of at least 15 days prior to the public hearing.
- d. While not required by the LUDC, public notice was also posted at Town Hall on May 21, 2015; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(ii) of the LUDC, a public hearing before the Town Council on the Application was held on June 15, 2015 at 5 p.m.; 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 21, 2015, which was at least 15 days prior to the scheduled hearing.
- 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 21, 2015, which was no fewer than 15 days prior to the public hearing.
- c. On May 21, 2015, Public Notice was physically posted on the property at 209 Harman Park Drive and remained on the property for a period of at least 15 days prior to the public hearing.
- d. Although not required by the LUDC, public notice was also posted at Town Hall On May 21, 2015; and

WHEREAS, the Town Council hereby finds that the criteria of Section 2.4.3.D.2.b(ii) of the Town's Land Use Development Code for vacation of a public easement have been met, as follows:

- a. *The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. **The Public Utility Easement vacation maintains the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.***
- b. *The land to be vacated is no longer necessary for the public use and convenience. **The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicate on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining the subject property.***
- c. *The vacation will not leave any land-locked parcels. **No parcel will be rendered land-locked from access to all available Public Utility service.***

- d. *The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. **The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.***

WHEREAS, the Town wishes to formally and expressly vacate such Easement within the corporate limits of the Town.

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

Section 1. Incorporation of Recitals and Findings. The above Recitals and Findings of the Town Council are hereby incorporated into this Ordinance.

Section 2. Vacation of Public Easement. The Town hereby divests itself of all of its right or interest in and to the Easement as shown on the Plat, within the corporate limits of the Town, Exhibit A.

Section 3. Recording. In accordance with the requirements of Section 2.4.3.D.2.b(i) of the Town's Land Use Development Code, this ordinance vacating the public easement designated herein shall be recorded in the office of the Clerk and Recorder of Archuleta County.

Section 4. Amended Plat. All remaining rights and easements shown on the Plat and not vacated hereby, whether public or private, are shown on the Amended Plat, to be recorded with this Ordinance.

Section 5. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 6. 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 7. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading and after the recordation of the subject lot consolidation plat deeding perimeter public utility easements on the new consolidated lots for the installation of public utilities for adjoining properties.

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 15th DAY of JUNE 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 7th DAY JULY 2015.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 829 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 15th day of JUNE, 2015, and was published by title only, 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 appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 829 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 7th day of July, 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.4

PAGOSA SPRINGS TOWN COUNCIL

JUNE 15, 2015

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: RESOLUTION 2015-08, A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS, COLORADO, APPOINTING MR. GREG GILES TO THE PLANNING COMMISSION.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

On April 11, 2015, the Town Planning Department received a letter of interest from M. Greg Giles to serve on the Planning Commission.

ANALYSIS:

The Planning Commission eligibility requirements from LUDC section 2.5.2.B.1:

B. Members and Terms of Office

1. The Planning Commission shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Town Council by resolution. All members shall be either (a) a Town Resident; or (b) an owner of a business located within the Town which business or owner also owns real property within the Town, and which owner is a resident of Archuleta County, (c) the Chair or Co-Chair of the Archuleta County Planning Commission. An owner of a business includes a sole proprietor and the majority owner of a business entity such as a corporation, a limited liability company or a partnership. Non-Town residents shall be limited to two members at any one time. (AMENDED by ORDINANCE 757)

The Planning Commission currently consists of:

Ron Maez (chair): Regular member term expires on July 01, 2015 (Resolution 2011-08).

Heidi Martinez (Co-Chair): Regular member term expires on July 01, 2017 (Resolution 2013-15).

Peter Adams: Regular member term expires on July 01, 2017 (Resolution 2013-14).

Kathie Lattin: Regular member term expires July 01, 2018 (Resolution 2014-04).

Cameron Parker: Regular member term expires July 1, 2015 (Resolution 2011-08).

Natalie Woodruff : Alternate member term expires July 01, 2018 (Resolution 2014-05).

Mr. Greg Giles is a Town resident and resides at 107 Lewis Street. He also owns Pagosa Lube located at 1985 Eagle Drive.

Mr. Giles has provided a letter of interest which is attached for consideration.

ATTACHMENT(S):

Resolution No. 2015-08, A Resolution of the Town of Pagosa Springs, Appointing Mr. Greg Giles to the Planning Commission.

RECOMMENDATION

It is the recommendation of the Planning Director and the Planning Commission that the Town Council by motion:

Approve Resolution No. 2015-08, A Resolution of the Town of Pagosa Springs, Appointing Mr. Greg Giles to the Planning Commission for a four (4) year term commencing on July 01, 2015 and concluding on July 01, 2019.

TOWN OF PAGOSA SPRINGS, STATE OF COLORADO

RESOLUTION NO. 2015-08

**A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, APPOINTING GREG GILES
TO THE TOWN PLANNING COMMISSION.**

WHEREAS, Town Ordinance No. 745 adopting the Land Use Development Code which establishes powers and duties, qualifications, and terms for members of the Planning Commission; and

WHEREAS, Section 2.5.2.B.1 (amended on January 4, 2011) of the Town of Pagosa Springs Land Use Development Code states that the "The Planning Commission shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Town Council by resolution. All members shall be either (a) a Town Resident; or (b) an owner of a business located within the Town which business or owner also owns real property within the Town, and which owner is a resident of Archuleta County; or (c) the Chair or Co-Chair of the Archuleta County Planning Commission. An owner of a business includes a sole proprietor and the majority owner of a business entity such as a corporation, a limited liability company or a partnership. Non-Town residents shall be limited to two members at any one time."

WHEREAS, each member of the planning commission shall serve for terms of (4) years;
THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,

1. Appointment of Town Planning Commissioner. Greg Giles is hereby appointed to serve as a regular member of the Town Planning Commission to a four (4) year term, commencing on July 1, 2015 and concluding on July 1, 2019.
2. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.
3. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

ADOPTED THIS 15th DAY OF JUNE, 2015, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF ____ IN FAVOR, ____ AGAINST.

TOWN OF PAGOSA SPRINGS

By: _____
Don Volger, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

GREG GILES
1985 EAGLE DRIVE
PAGOSA SPRINGS, COLORADO
970-946-8200

E-MAIL : COWBOYUP3900@YAHOO.COM

April 11th, 2015

Town of Pagosa Springs
Attn: James Dickhoff
551 Hot Springs Blvd.
Pagosa Springs, Colorado 81147

RE: Building/Planning Volunteer Position

Dear James,

Thank you for your time regarding our consideration that I might be a part of the Pagosa Springs planning committee.

Before my relocation to Pagosa Springs, eight years ago, I lived and was actively involved in Woodland Park, Colorado. Prior to this at age 29, I built my first home in Breckenridge, Colorado. In order to eliminate costs, I chose to be the "General Contractor". This was my first experience dealing with a building depts, procedures and protocol. Two years later, I received my certificate of occupancy on a 5 bedroom / 3 bath log home in Colorado. This home was sold, and I repeated the same process, building a second log home in El Paso County, Colorado.

Once established in Woodland Park, I chose to build my first commercial building. An oil, quick lube store under the "Grease Monkey" franchise. This required close and clear communication with the Woodland Park building dept. Woodland Park is pro-active on welcoming new businesses. Therefore it was a simple process however, formalities where still required. Once the "Grease Monkey" was built, I built another commercial building (8,000 sq. ft) on the same lot, which was sub-divided. Once again the Woodland Park building dept was pro-active, allowing myself to do this with ease.

My objective in this letter is to convey to you my familiarity with the procedures required to be part of this committee.

I have been a member of the Pagosa community for eight years. I am optimistic as to the potential Pagosa Springs has to offer southern Colorado and I wish to be a part of our community's success.

I thank you for this consideration.

Sincerely,


Greg S. Giles



AGENDA DOCUMENTATION

OLD BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL
JUNE 15TH, 2015

FROM: JENNIFER GREEN, TOURISM DIRECTOR

PROJECT: APPROVAL OF THE SECOND READING OF ORDINANCE 826, REPEALING AND READOPTING SECTION 16.4.12, OF THE TOWN OF PAGOSA SPRINGS MUNICIPAL CODE

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

During the February 19th, 2015 Town Council meeting, Town Council approved the Memorandum of Understanding between Archuleta County and the Town regarding the administration of lodgers tax funding contingent upon successful revision of the bylaws. Staff, along with both the Town and County representatives to the Tourism Board, have reviewed and amended section 16.4.12 of the Town's municipal code, or Lodgers' Tax. The Board of County Commissioners, during their May 5th meeting, and the Town Tourism Committee, during their May 12th meeting, reviewed and approved the changes to the bylaws for the Tourism Board. The Town's attorney has also reviewed. The proposed changes in the bylaws include the following:

- Change name of the Board from Town Tourism Committee to the Pagosa Springs Area Tourism Board, which oversees Visit Pagosa Springs
- Annual Budget will be approved by both Town Council and the Board of County Commissioners
- Reduces Board members from 11 to 9
- At-large seats will reduce through attrition
- Changes seat allocations to the following:

Board of County Commissioners	1
Town Council	1
Lodging Association	1
Realtors' Association	1
Chamber of Commerce	1
At-Large	4

- Both Town Council and the Board of County Commissioners will appoint their representative annually.

FISCAL IMPACT

There is no fiscal impact

RECOMMENDATION

It is staff's recommendation the Town Council;

approve the second reading of Ordinance 826, Repealing and Readopting Section 16.4.12 of the Municipal Code

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 826 (SERIES 2015)

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS REPEALING AND READOPTING SECTION 16.4.12 OF THE PAGOSA SPRINGS MUNICIPAL CODE TO RENAME THE TOWN OF PAGOSA SPRINGS TOURISM COMMITTEE TO BE THE PAGOSA SPRINGS AREA TOURISM BOARD WHICH WILL ACT AS A JOINT COMMITTEE WITH ARCHULETA COUNTY, TO REVISE THE MAKEUP OF THE BOARD, AND TO MAKE OTHER RELATED MODIFICATIONS

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 4 of Chapter 16 of the Town of Pagosa Springs Municipal Code (“PSMC”), the Town is authorized to impose a lodgers’ tax; and

WHEREAS, pursuant to Section 16.4.12 of the PSMC, the Town has established the Town of Pagosa Springs Tourism Committee, a citizen's advisory committee to the Pagosa Springs Town Council, to make specific recommendations to the Council relative to expenditures of the lodgers' tax; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to rename the Committee to be the “Town of Pagosa Springs Area Tourism Board” (the “Board”), to provide for the Board to operate as a joint Board of the Town and Archuleta County, to revise the makeup of the Board members, and to make other related modifications to Section 16.4.12.

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

1. Repeal and Reaction of Section 16.4.12 of the Municipal Code. Section 16.4.12 of the Pagosa Springs Municipal Code is hereby repealed and readopted in its entirety as set forth on Exhibit A, attached hereto and incorporated herein.

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

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.

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

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 2ND DAY OF JUNE, 2015.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 15TH 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. 826 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 2nd day of June, 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 incarceration not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website, on June 3rd, 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 June, 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. 826 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 15th 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, and 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 June, 2015.

April Hessman, Town Clerk

(S E A L)

EXHIBIT A

Sec. 16.4.12 Pagosa Springs Area Tourism Board (aka Visit Pagosa Springs)

- (1) Duties and Authorities. The Pagosa Springs Area Tourism Board (Tourism Board) is an advisory board to the Pagosa Springs Town Council (Council) and Archuleta County Board of Commissioners (County). The purpose of the Tourism Board is to make specific recommendations to the Council and County relative to expenditures of both the Town and County Lodging Tax. The Tourism Board shall insure that all requests for funding from the Town's Lodging Tax revenues meet the criteria established by Section 16.4.11 of the Town of Pagosa Springs Municipal Code and County Ordinances, are appropriately marketed within the community theme, and contain an inherent "tourism element". For the purpose of this Article, "tourism" is focused on bringing visitors to our community for the purpose of increasing both lodging and sales tax revenues. The powers and duties of the Tourism Board include, but are not limited to the following:
 - (a) The Tourism Board will operate in a prudent manner and expenditures and investments that are recommended by the Tourism Board and approved by the Town Council and County Commissioners will be measured and frequently reviewed relative to the expected outcomes.
 - (b) Measurement standards will be utilized by the Tourism Board to track and evaluate the Board's efforts.
 - (c) The Tourism Board may recommend to Council and County the use of consultants or other professionals as determined to be prudent relative to specific and necessary expertise.
 - (d) The Tourism Board will attempt to work with other groups, across the State of Colorado, regionally and in the community, in an effort to both unify and promote efficiency in the community's tourism efforts.
 - (e) Capital Expenditure projects may be considered, provided that they are tourism related in that the project will directly improve the experience of the visitor, i.e. signage, etc.
 - (f) The majority of annual expenditures will fall into the category of "external marketing. An annual budget will be created by the Tourism Board, dividing projected expenditures into the categories of 1) External Marketing, 2) Event Promotion 3) Capital Expenditures and 4) Visitor Center Services. The Tourism Board will present this budget to the Town Council and County Commissioners for approval, annually in October for funding the following fiscal year.
 - (g) The Tourism Board may form subcommittees, as necessary.
 - (h) Adopt rules and regulations, consistent with the provisions of this Article, which govern procedures and operations of the Tourism Board.
- (2) Members and Terms of Office.

(a) The Tourism Board shall consist of 9 members all of whom shall be appointed by the Town Council by resolution with representatives as follows, except for the County representative who shall be appointed by the County:

- Board of County Commissioners 1
- Town Council 1
- Lodging Association 1
- Realtors' Association 1
- Chamber of Commerce 1
- At-Large 4

(b) The members of the Tourism Board shall serve in such capacity without compensation. The terms of office of the Tourism Board shall be two (2) years, with the exception of the Town and County Representatives. Members may be reappointed to any number of consecutive terms.

- (i) Both Town Council and the Board of County Commissioners will appoint their representative annually.
- (ii) The Lodging Association, Board of Realtors and Chamber of Commerce will recommend their appointments to the Tourism Board when the term expires or a vacancy occurs.
- (iii) Open at large seats will be advertised through local media to solicit letters of interest from residents of Archuleta County; applicants will be interviewed by the Tourism Board and a recommendation will be made to both Town Council and the Board of County Commissioners for appointment.

(c) The office of any member of the Tourism Board shall be deemed vacant if:

- (i) any member misses three (3) consecutive regular meetings or a total of four meetings over a 12 month period, unless the absences are excused by the Chairman;
- (ii) Town Council and the Board of County Commissioners may remove an at-large member, based on the recommendation of PSATB.
- (iii) a member submits a written resignation; or
- (iv) a member representing an association no longer is a member of that association for which that member was originally nominated to represent.
- (v) a member dies or is incapable of performing the duties of a member.

Any appointment to a vacant position shall be for the remainder of the unexpired term of that position.

(3) Meetings and Public Hearings.

(a) Election of Officers. Annually, at the first regular meeting of the year, the Tourism Board shall elect the following officers by the majority of a quorum present: Chairperson, Vice-Chairperson, Treasurer, and Secretary.

- (i) The Chairman of the Tourism Board shall preside at all meetings and public hearings,, shall decide all points of order and procedure and shall notify all members of times and dates of meetings; and
 - (ii) The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman. Should the Vice-Chairman and the Chairman be absent from a meeting or public hearing, the majority of the Tourism Board shall appoint a member to be the presiding officer; and
 - (iii) The Secretary shall take minutes of all official meetings of the Board. The Town Clerk shall retain all official copies of all official minutes and notices of meetings.
 - (iv) The Treasurer shall work with the Town's Tourism Executive Director to the Lodger's Tax Fund's current balance and budget and shall report to the Tourism Board at the regular monthly meetings.
 - (v) Any vacancy from an officer position shall be filled in the same manner as such positions are established or as vacancies occur.
- (b) Establishment of Meeting Schedule. The Tourism Board shall establish annually a meeting schedule that meets frequently and regularly.
- (c) Notice of Meetings. All meetings shall be open to the public and agendas shall be posted no less than twenty-four (24) hours in advance of the meeting.
- (d) Special Meetings. The Chairman or a majority vote of the Tourism Board at any regular meeting may call special meetings as necessary. Any special meeting shall comply with Section (c), above in regards to Notice of Meetings.
- (e) Executive Session. Executive sessions may be called at the discretion of the Chairperson in accordance with State Laws and the Town of Pagosa Springs Charter.
- (f) Quorum. Official meetings will only be held when a quorum is present, determined and defined by a majority of the members in attendance.
- (4) Voting
- (a) A member of the Tourism Board may be excused from voting on a particular issue only if it has been determined that the member would have a conflict of interest or he or she would be violating the Code of Ethics as adopted by the Town.



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 SPECIAL MEETING AGENDA
MONDAY, JUNE 15, 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 June 2, 2015 Meeting Minutes**
 2. **Approval of May Financial Statement and Accompanying Payments**
- V. **REPORTS TO BOARD**
 1. **Sanitation District Report**
 2. **PAWSD/Pipeline Update Report**
- VI. **NEXT BOARD MEETING JULY 7, 2015 AT 5:00PM**
- VII. **ADJOURNMENT**



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 MINUTES
TUESDAY, JUNE 2, 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. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT** – None
- IV. **CONSENT AGENDA**
 1. **Approval of May 21, 2015 Meeting Minutes** – Board Member Lattin moved to approve the consent agenda, Board Member Egan seconded, unanimously approved.
- V. **REPORTS TO BOARD**
 1. **PAWSD/Pipeline Update Report** - Certified payrolls are up to date. Staff is in the process of working with Ecosphere Environmental to revise the services contract for the pipeline project. Due to unanticipated work done last summer and extended work yet this year, an additional expenditure not to exceed \$2,000 will be required for Pagosa skyrocket and wetlands monitoring. Staff is still analyzing the data PAWSD provided to try and predict when any facility upgrades that may be needed in the future are required. This subject is mentioned in the newly revised IGA and it would be prudent to make sure the District has a figure to put into a long range capital plan which is a part of the Sewer Revolving Fund 2016 Eligibility survey.
- VI. **NEW BUSINESS** - None
- VII. **NEXT BOARD MEETING JUNE 15, 2015 AT 5:00PM**
- VIII. **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 5:07pm.



AGENDA DOCUMENTATION

REPORTS TO BOARD:V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

JUNE 15TH, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: SANITATION DISTRICT REPORT

ACTION: DISCUSSION

ADMINISTRATIVE

On June 1st, April & I met with the Small Communities Grant Program Director Tawnya Reitz and received training on how to handle the paperwork for reimbursement of the \$363,000 grant. We will be making our first quarterly draw sometime later this month or in early July possible for the entire amount so the project will essentially be opened and closed quickly. I will provide all of the closeout documentation and photos as soon as the pipeline project is complete which is required so the state knows all of the objectives of the program have been met.

Staff is continuing to work out the details regarding dormant accounts including discussions with legal counsel and hopes to have recommendations ready for council review at the July meeting.

COLLECTION SYSTEM

Cleaning, televising and some lining of the collection system for this year was completed by our subcontractor on June 6th. Numerous crack and holes in the collection system piping were repaired as well as some particularly stubborn root balls.

Our second repair of a line up on Mesa Drive is nearly complete as of this writing. This was also a tree root related issue and very little traffic interruption was needed.

WASTEWATER TREATMENT PLANT

We received our report back from the state health department inspection which occurred on April 23rd. As expected, the report was generic and contained mostly information related to the decommissioning of the old lagoons.

DORMANT ACCOUNTS

As directed, staff has contacted legal counsel, received some feedback, and is reviewing it. As soon as the review is completed, we will report back to the board with our findings.



AGENDA DOCUMENTATION

REPORTS TO BOARD:V.2

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
JUNE 15TH, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: PAWSD/PIPELINE UPDATE REPORT
ACTION: UPDATE AND DISCUSSION

PROJECT UPDATE

The pipeline installation on School District property is progressing well and is expected to reach the wetlands at the bottom of the hill on Wednesday 6/10/15. Our environmental subcontractors have been notified and we will make sure that those concerns are mitigated.

The roof on pump station #1 was installed on 6/8/15 and sheetrock is being hung in the electrical area as well as other related work. Test blasting continues and pipe installation on Trujillo Road should commence soon. Work at pump station #2 is not quite as far along due to some structural issues which have been taken care of. At the last construction meeting a punch list was created for areas of the pipeline that are essentially completed which contains several small items the contractor needs to address before substantial completion.

The contractor has supplied the most recent certified payrolls and I will be getting caught up on those in the next week. I am also reviewing invoices critically on the project that involve both the sewer line and waterline to ensure that only sewer related costs are born by the sanitation district.

Respectfully submitted,
Gene Tautges
Sanitation Supervisor