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**TOWN COUNCIL MEETING AGENDA
THURSDAY, JUNE 23, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER**
- II. **PUBLIC COMMENT** – *Please sign in to make public comment*
- III. **CONSENT AGENDA**
 - 1. **Approval of the June 7 & 9, 2016 Meeting Minutes**
 - 2. **Approval of May Financial Statement and Accompanying Payments**
 - 3. **Liquor Licenses**
 - a. **Liquor License Renewal – Tavern Le Boeuf at 27 B Talisman Drive**
 - b. **Liquor License Renewal – River Sports Bar & Grill at 358 E Hwy 160**
 - c. **Special Events Permit – Ducks Unlimited banquet at Ross Aragon Community Center August 13, 2016**
 - d. **Special Events Permit – Humane Society Action for the Animals at the Ross Aragon Community Center August 19, 2016**
- IV. **REPORTS TO COUNCIL**
 - 1. **Featured Department Head Reports**
 - a. **Streets Department**
 - b. **Parks, Rec & Community Center Department**
 - 2. **Sales Tax Brief**
 - 3. **Lodgers Tax Brief**
- V. **NEW BUSINESS**
 - 1. **Resolution 2016-08, Authorizing Staff to proceed with Annexation of Mill Creek Road**
 - 2. **Resolution 2016-09, Appointing Historic Preservation Board Members**
 - 3. **Legal Services Review**
- VI. **PUBLIC COMMENT** – *Please sign in to make public comment*
- VII. **COUNCIL IDEAS AND COMMENTS**
- VIII. **NEXT TOWN COUNCIL MEETING JULY 5, 2016 AT 5:00 PM**
- IX. **ADJOURNMENT**

**Don Volger
Mayor**



AGENDA DOCUMENTATION

CONSENT AGENDA:III.3

PAGOSA SPRINGS TOWN COUNCIL
JUNE 23, 2016

FROM: **BILL ROCKENSOCK, POLICE CHIEF**

PROJECT: LIQUOR LICENSE RENEWALS
ACTION: DISCUSSION AND POSSIBLE DECISION

PURPOSE/BACKGROUND

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

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

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

Tavern Le Boeuf – Since June 1, 2015, there were no documented liquor violations at Tavern Le Boeuf, located at 27B Talisman Dr.

River Sports Bar and Grill – Since June 1, 2015, there were no documented liquor violations at The River Sports Bar and Grill, located at 358 E Highway 160.

Regarding Special Events Permits for Ducks Unlimited and the Humane Society at the Ross Aragon Community Center – Since June 1, 2015, there have been no documented liquor violations associated with functions at the Ross Aragon Community Center, located at 451 Hot Springs Blvd.

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 23, 2016

FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR

PROJECT: PUBLIC WORKS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

STREETS UPDATE

The Streets crew has been busy taking care of pot holes, signs, and helping with the Folk Festival. Staff has had worked on filling some big asphalt patches. Staff completed the curb painting as well as painting some crosswalks in thermal plastic.

The Town cleanup weeks were successful, as well as a week of cleaning up the cemetery. Staff has been working with the Parks department to finish the Riverwalk trail from behind the Malt Shop all the way to the new Rio Borde Restaurant.

Mag-chloride was applied to reservoir hill road in order to control dust.



AGENDA DOCUMENTATION

REPORT TO COUNCIL IV.1.B

PAGOSA SPRINGS TOWN COUNCIL
June 23, 2016

FROM: DARREN LEWIS, PARKS & RECREATION DIRECTOR

PROJECT: COMMUNITY CENTER AND PARKS AND RECREATION DEPARTMENT REPORT

ACTION: UPDATE

PARKS AND RECREATION COMMISSION UPDATE

There was a Parks and Recreation Commission meeting on June 14th. There was not enough time to get the minutes completed for this packet.

RECREATION PROGRAMS UPDATE

Huck Finn fishing sponsored by the Recreation Department was held on June 3rd.

Adult soccer ended June 5th.

Prost meeting on June 6th. The PROST Commission voted unanimously for the climbing boulder in Town Park.

Coach Pitch Baseball, ages 6-8, season started on June 7th.

Machine Pitch Baseball, ages 9-10, season started on June 6th.

Kid Pitch Baseball, ages 11-13, season started on June 7th.

Gymnastic and Dance Camp is being offered June 13th thru June 17th.

Adult softball for men and co-ed began on June 13th.

Five new recreation programs will be offered in July and August. In July, Adult Volleyball Clinic and 9-12 Volleyball Clinic held at the Community Center. In August, 9-12 Volleyball Camp, Pee Wee Soccer ages 3-4 and Adult Co-ed Volleyball all held at South Park.

PARKS UPDATE

Yamaguchi skate park bowl construction should start after July 4th.

River walk project at River Center completed.

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

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

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

Reservoir Hill stump grinding is being completed.

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

Twenty trees have been purchased for Yamaguchi Park. Installation should take place last week of June.

K.I.D.S Summer Camp garden completed at the Southwest corner of Yamaguchi Park.

A permit will be pulled within the next two weeks from LPEA for a new 200 amp electrical service on Reservoir Hill.

Asphalt entrance ramps should be installed at Town Park playground this week.

Centennial Park irrigation being worked on by staff.

Community Center

K.I.D.S Summer Youth Camp started June 6th. To date we are averaging 38 kids per day. Lowest count has been 29 with the highest count 47 per day. We currently have 88 kids registered for the program.

The new fitness room opened May 9th, hours of operation Monday-Friday, 8 a.m. – 10 p.m. As of June 16th, 5 yearly memberships, 14 monthly memberships and 35 daily passes have been purchased.

Computer Lab remodel into office space and storage should be completed by July 1st.

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



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 23, 2016

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

PROJECT: MUNICIPAL COURT, DEPARTMENT REPORT
ACTION: UPDATE

IN-COURT ACTIVITY UPDATE AND SUPERVISION CASELOAD UPDATE

COURT SESSIONS ~ Four (4) court sessions were conducted in May 2016.

Pagosa Springs Municipal Court May 2016 Case Characteristics				Pagosa Springs Municipal Court Current Supervision Caseload June 14, 2016		
Total Cases Docketed	61				Total	% of Caseload
Traffic	13			Cases Under Supervision	70	—
Adults		13		Juveniles	13	18.57%
Juveniles		0		Adults	57	81.43%
Criminal	48			Males	52	74.29%
Adults		29		Females	18	25.71%
Juveniles		19		TOTAL WORKLOAD UNITS	141.84	

NEW LEGISLATION ~ UPDATES

- HB 16-1309 ~ On June 10, 2016, Governor Hickenlooper allowed HB 16-1309 to become law absent his signature. The Governor’s letter of filing with the Secretary of State is attached for Council’s review. HB 16-1309 requires any person, incarcerated on municipal charges, be provided with defense counsel at first appearance if the charged offense carries the possibility of incarceration. This is an unfunded mandate. The effective date of this legislation is May 1, 2017. On April 6, 2016, Council took a position of opposition to this bill. IN 2016, TO DATE, FOUR (4) DEFENDANTS WOULD HAVE BEEN SUBJECT TO THIS PROVISION.
 - Presiding Judge William Anderson articulated that Pagosa Springs Municipal Court, though not technically mandated at this time, will immediately implement and adhere to the provisions of this law. Expenditures will be from line item 10-48-204 which encumbers funds for Court Appointed Counsel.

- HB 16-1311 ~ On June 10, 2016, Governor Hickenlooper signed HB 16-1311 into law. HB 16-1311 shifts the burden, to the court, to determine a defendant is not indigent and has the ability to pay assessed monetary costs. HB 16-1311 was effective upon signing by the Governor.
 - The Deputy Court Clerk and the Court Administrator are formulating language for inclusion in an ordinance to allow Municipal Court to send delinquent accounts to a collection agency to recover amounts of restitution, fees, and fines.

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
Denver, Colorado 80203
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John W. Hickenlooper
Governor

June 10, 2016

The Honorable Colorado House of Representatives
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Today, we are filing with the Secretary of State House Bill 16-1309, "Concerning a Defendant's Right to Counsel in Certain Cases Considered by Municipal Courts."

As I am neither signing nor vetoing HB 16-1309, the bill will become law at 12:01 a.m. on June 11, 2016. This letter sets forth my reasons for allowing HB 16-1309 to become law absent my signature.

In Colorado, state and county courts provide a public defender for in-custody defendants facing jail as a possible penalty at their first appearance before a judge. The vast majority of Colorado municipalities do not currently follow this practice in their municipal courts. As a result, many defendants charged with violating a municipal ordinance face a judge alone at their initial appearance. House Bill 16-1309 addresses this disparity by requiring municipal courts to appoint counsel for criminal defendants at their initial appearance in municipal court if s/he is in custody and charged with an offense carrying possible incarceration. A defendant may waive the appointment of counsel.

The U.S. Supreme Court has held that defendants have the right to counsel at all "critical stages" of a criminal prosecution. At first appearances in municipal courts, defendants often enter a guilty plea, and the case is over. If the defendant pleads not guilty, the judge sets bond, thereby determining a defendant's pretrial liberty. We believe these are critical stages in the prosecution.

Under the current system in municipal courts, many defendants who cannot afford to post bond for low-level municipal offenses have the option of pleading guilty and going home after being sentenced to time served, or requesting counsel and waiting in jail until their next court appearance. Given these options, we question how many of these defendants are pleading guilty just to get out of jail, regardless of whether they are guilty or innocent. Without counsel present, many defendants do not understand the lifelong impact a guilty plea may have on a various aspects of their lives, including employment, housing, the ability to hold a driver's license, and immigration. This system not only disproportionately affects our most vulnerable citizens - many of whom suffer from mental illness or addiction - but also

imposes indirect costs on the State by interfering with the ability of defendants to live productive lives after a criminal charge has been resolved.

While HB 16-1309 enacts laudable policy, it is not perfect. We are concerned that the bill imposes costs on local governments. A commitment to protecting individual liberties and respect for local governments' financial constraints need not be mutually exclusive. As such, I have directed the Office of State Planning and Budgeting to work with municipalities to determine the costs and savings that will result from enactment of this bill. The Office will evaluate options, including a potential request in the fiscal year 2017-18 budget, for the State to offset costs for local governments.

For this reason, I am allowing HB 16-1309 to become law without my signature. We stand ready to work with the General Assembly on options to fund this worthwhile policy.

Sincerely,



John W. Hickenlooper
Governor



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 23, 2016

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

PROJECT: MAINTENANCE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAINTENANCE UPDATE

TOWN HALL AND COMMUNITY CENTER

Work on the air conditioner in Town Hall has been completed and appears to be functioning properly. Fixed a plumbing issue in the Town Hall bathroom.

Staff has been working in kitchen at the Community Center scrubbing tile and grout. Increased summer usage of the Community Center has kept staff busy. The freezer in the senior kitchen has been repaired.

Staff continues to complete daily tasks.

VISITOR CENTER

New windows are being installed in the conference room of the Visitor Center. All of the woodwork has been refinished in the conference room area. Rebuilt front steps of the Visitor Center. Staff was called in on a high water usage alert at the Visitor Center. Three leaks were located and fixed.

GEOTHERMAL

Worked with the Archuleta County School District on their energy audit.

FIREWORKS

Staff has worked with Firestorm, the Police Department, Wildland Fire, EMT, and the Fire Department to coordinate the firework show and ensure that proper security and safety measures are in place.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: PLANNING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

HPB meeting minutes from May 25 and June 8 are attached.

- 1) The HPB has been working with the Archuleta County Fair to incorporate 125th anniversary celebrations, which may include a booth, sponsored music, information and demonstrations.
- 2) The HPB completed a Historic District Sandwich Board Sign survey, and has reviewed the results in preparation for bringing a recommendation to Town Council.
- 3) The Movie Series "Into the West" began showing on Thursday, May 19th at the liberty Theater. This is a 6-part series with each part showing on consecutive Thursday's. The shows were free and attendance has been excellent with 40 + in attendance at each showing.
- 4) The HPB has expressed that the Town needs to be a larger part of the Courthouse Discussions. The Town Council had recently expressed interest in a BoCC work session to discuss the future Courthouse considerations, however, this work session has not yet been scheduled.
- 5) On May 25 the HPB approved a revised Alteration Certificate for 434 Pagosa Street. The applicant was previously approved to install a privacy wall, however, came back requesting a change from a wall to a fence.
- 6) The HPB has formed a committee to conduct a public input work session regarding future repurposing considerations for the Water Works Facility property.

The next regular HPB meetings will be held on June 22, 2016 and July 13, 2016 at 5:45 pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

Meeting minutes from May 24 are **attached**. On May 24th the PC:

- 1) Approved a Design Review Application for 341 Harman Park Drive, for an indoor climate controlled self-storage facility.
- 2) Approved a Conditional Use Permit for a Vacation Rental at 315 Apple Street.
- 3) Tabled discussions about the zoning district map until June 14th. The PC will be discussing the Town's zoning map and consideration for future map amendments.
- 4) Approved staff to provide a list of plant species that will successfully grow in our area.
- 5) Was updated on the Town Council's decision to hold a work session regarding smaller lot sizes in the R-12 and R-20 district and potential considerations of the effects vacation rentals may have on the availability of work force housing.

The Next Regularly scheduled PC meetings will be conducted on June 14th and 28th at 5:30pm in Town Hall.

TWO RIVERS GRAVEL PIT

Archuleta County Planning Commission approved a recommendation for the BoCC to DENY the Two Rivers Gravel Pit application. The BoCC will consider the matter on Wednesday June 22 at 1:30pm at the County Extension building located at the fair-grounds. The Town Planning Director has identified a number of issues related to increased heavy truck traffic in residential districts, pedestrian safety and impacts to our Town road infrastructure, and has generally requested that if the Gravel Pit application is approved, an equitable truck delivery route be approved identifying delivery zones and routes for those zones, as a means to ensure all the traffic does not go through Town Streets only.

SAFE ROUTES TO SCHOOL GRANT

Our Safe Routes to School Infrastructure grant application was fully funded at \$346,500. The state received 21 applications with our application scored #4 out of the 7 projects awarded funding.

The Town Project Manager, Scott Lewandowski is currently preparing an RFP for design services to be completed in 2016. Construction is planned to occur in early 2017.

Following are the financial contributions the Planning Director was able to negotiate and secure for the project: SRTS approved \$346,500, The Town Council approved \$80,000, the BOCC \$10,000 and the School district \$3,500, Totaling \$440,000.

WATER WORKS FACILITY FUTURE REPURPOSING

The HPB has designated a committee to work on a public input work session regarding the future potential of the Water Works Facility site, including the stone arch bridge. This is being initiated to ensure a full understanding of the site for potential future repurposing and use of the Town owned site.

RUMBAUGH CREEK BRIDGE UPDATE

The Collaborative is running behind in completing our design plans for the bridge restoration project. Staff has provided a deadline of June 22, 2016 for the plans, otherwise we will seek another consultant for restoration plans. The restoration plans require State Historic Fund staff review and approval prior to RFP's being advertised. Once we have the approval from the SHF, we will solicit an RFP for construction services.

TOWN TO PAGOSA LAKES TRAIL, EAST PHASE UPDATE:

This trail segment project has been advertised for construction bids!! Staff will bring the bid abstract to Town Council on July 5th for consideration of awarding the project to a contractor for construction this summer.

TOWN TO PAGOSA LAKES TRAIL, WEST PHASE UPDATE:

After finalizing the Federal Uni-Form Act easement acquisition donations, we have received CDOT Right-of-Way approval and will be submitting final plans for CDOT approval to advertise for construction bids in the coming weeks. As soon as final plan approval is received, we will advertise for construction bids for construction in 2016.



TOWN OF PAGOSA SPRINGS
Historic Preservation Board
Regularly Scheduled Meeting Agenda
Wednesday, May 25, 2016 @ 5:45p.m.
Town Hall, 551 Hot Springs Blvd.

- I. **Call to Order / Roll Call:** Chair Peggy Bergon calls the meeting to order at 5:47 PM. Present were members Lindsey Smith, Andre Redstone, and Judy James, also present were Associate Planner Rachel Novak, biologist Allan Pfister, Jeff Laydon, and Jeff Greer.
- II. **Announcements:** NONE.
- III. **Approval of Minutes:**
Approval of the May 11, 2016 HPB Regularly Scheduled Meeting Minutes: Change Jon Taylor to John Taylor and add a "C" to David Schanzenbaker's Name. Minute approved as amended.
- IV. **Public Comment:** Guest speaker, biologist Allan Pfister, will discuss with the Board the significance of the Pagosa Skyrocket and how this is important to the Pagosa area: Al Pfister describes his involvement with the Pagosa Skyrocket. He used to work for the US Fish and Wildlife Service and is now an activist for getting the plant delisted. The Pagosa Skyrocket only occurs here and nowhere else in the world. It was listed as endangered in 2011 and it's crucial to protect it. There are 5 listing factors and only one element needs to be relevant for a listing. There is currently no protection for this plant and over 90% of the species is on private land. He has started a coalition between private parties, the county, and the Town to basically get the species delisted and have it thrive. There are 4 critical habitat areas within the community. There is a community meeting on this issue June 20th, 2016 from 10AM-NOON at Town Hall in the Council Chambers. Jeff Laydon has offered to provide several hundred postcards of the Pagosa Skyrocket to Al Pfister's cause. Andre Redstone asks how the Board can assist him. Al Pfister says that just getting the word out is extremely helpful and focus on conservation instead of preservation while providing support for this endeavor. Andre Redstone suggests reaching out to the Natives for researching medicinal purposes.
- V. **Decision Items:**
 - A. Certificate of Alteration Amendment: Overlook Spa Privacy Fence: Jeff Greer discusses the changes to the project. His contractor is about 5 weeks behind, but he would like to open mid-June. This fence could be up and ready in about 2 weeks and would be a temporary solution. Peggy Bergon feels that this design fits in better with the existing design than the original brick wall. Peggy Bergon asks about a time frame for the permanent wall. Jeff Greer hopes to have the wall ready to be built by next spring, but certainly within 2 years. The fence will be 8 feet tall and made of a white vinyl material. This is the same material as the fence on the rooftop. Andre Redstone is concerned about the timeframe and how it will be enforced. He would like staff to enter into a contract to ensure the fence will only be in place no longer than 2 years. Andre Redstone moves to approve the certificate for alteration amendment for Overlook Spa privacy fence to include a 6ft tall white vinyl privacy fence instead of the original break wall with metal accents. Judy James seconds. Unanimously approved. Peggy Bergon would like to have a set protocol in place for future demolition in the Historic District properties in reference to Jeff Greer's property. This would include a better

recordation of the site and property. The Board would like staff to address the permanence or the temperate nature of the new fence as an administrative undertaking and the HPB would like clarification as to how this would be addressed.

- B. **Publicity Logos: 125th Anniversary of Pagosa Springs & 100th Anniversary of Wolf Creek Pass:** Peggy Bergon introduces the logos design by Barbara Rosner. Jeff Laydon was working with her to collaborate on this effort. She has allocated \$250 for the design of these logos. These could be used on t-shirt, mugs, and other materials for the advertising of these anniversaries. Staff is in support of the \$250 for her efforts. Judy James would like to see more earth tones for the logos. Andre Redstone asks about how the logos came about. This has occurred through previous meetings. With the Pagosa Springs logo could possibly include a natural pool or pond with steam or splashing water. With the Wolf Creek logo Andre Redstone would like to possibly some sheep or other wildlife. He feels the car might not blend well enough. Staff recommends using the Town's logo for color swatches. Andre Redstone moves to approve the \$350 allocation for the publicity logos of the 125th anniversary of the Town and the 100th anniversary of Wolf Creek Pass in order to finalize the proposed logos for future online review and approval. Lindsey Smith seconds. Unanimously approved.
- C. **Anniversary Event Coordination with the Archuleta County Fair:** Peggy Bergon suggests a work session next week to see where everything is at. Next Wednesday at 5:45 in Town Hall, the front conference room. There is a unanimous decision to hold a work session next week. Andre Redstone would like to address the planning of this event in a work session next Wednesday, June 1st at 5:45 PM in Town Hall, front conference room. Judy James seconds. Unanimously approved.

VI. Discussion Items:

- A. **Waterworks Committee:** Associate Planner Rachel Novak provides an update on the railing RFP that is currently out to bid. Proposals will be returned by June 6th. Andre Redstone would like to see the RFP and future RFP's for relevant projects. Andre Redstone is concerned about making a premature decision for this project. He would like to have a representative of the HPB present at any pre-bid meetings with potential bidders. Andre Redstone says that several people have expressed real interest in joining the committee. Council Member David Schanzenbaker, Zak Robertson, Mike Davis, Brad Ash, and James Dickhoff are all people interested in joining the committee. Also, Courtney King and Mike Heridity have also showed interest as well. Peggy Bergon is excited to see where the committee is going. Andre Redstone would like to have a public meeting in the next 2 weeks.

VII. Reports and Updates:

- A. **Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration:** Andre Redstone asks about the heritage brochure issue and where the Town is on this. He would like to ensure that all of the copies of the old brochure are removed. The HPB is happy with the direction of the photographic brochure.

VIII. Public Comment: NONE.

- IX. Adjournment:** Judy James moves to adjourn. Lindsey Smith seconds. Unanimously approved. The meeting adjourns at 7:32 PM.

HPB Board Members

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

HPB Mission Statement

"Moving Forward While Preserving the Past"

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

DRAFT



**TOWN OF PAGOSA SPRINGS
HISTORIC PRESERVATION BOARD
REGULAR MEETING AGENDA
WEDNESDAY, JUNE 8, 2016 @ 5:45P.M.
TOWN HALL, 551 HOT SPRINGS BLVD.**

- I. **Call to Order / Roll Call:** Peggy Bergon calls the meeting to order at 5:47 PM. Present were members Lindsey Smith, Judy James, Andre Redstone, and Chrissy Karas. Also present was Associate Planner Rachel Novak.

- II. **Announcements:** Chrissy Karas will bring the winning photos to FroYo soon.

- III. **Approval of Minutes:**
Approval of May 25, 2016 HPB Meeting Minutes: There is a spelling error on Mike's name. Strike Peggy's comment on liking the vinyl fence better than the brick wall. On page 3 change item "C" to a formal motion. On the decision item on page 3 David Schanzenbaker, Mike Heridity, Mike Davis, Courtney King. Change David Schanzenbaker to Council Member Schanzenbaker. On page 4 strike after Peggy Bergon's comment to leave the heritage brochure alone. Insert that the HPB is happy with the direction of the photographic brochure. Peggy Bergon would like to have a set protocol in place for future demolition in the Historic District properties in reference to Jeff Greer's property. This would include a better recordation of the site and property. Page 3: the Board would like staff to address the permanence or the temperate nature of the new fence as an administrative undertaking and the HPB would like clarification as to how this would be addressed. Approve the minutes as amended.

- IV. **Public Comment:** NONE

- V. **Decision Items:**
 - A) *Recommendation for the Re-Appointment of Chrissy Karas as a regular member of the HPB:* Chrissy Karas says she would like to assist with the 125th year celebrations and the cemetery work, but would like to take a break from the Board. Judy James moves to recommend to Town council to renew Chrissy Karas' appointment to the HPB as a regular member for a 4-year term between July 1, 2016 and June 30, 2020.

 - B) *Recommendation for the Re-Appointment of Andre Redstone as a regular member of the HPB:* Andre Redstone would like to continue his involvement with the Board. Judy James moves to recommend to Town council to renew Andre Redstone appointment to the HPB as a regular member for a 4-year term between July 1, 2016 and June 30, 2020.

 - C) *Final Sandwich Board Sign Survey Responses: Recommendations for Town Council:* Peggy Bergon understands that the HPB needs to give a recommendation to Town Council. She would like that the Downtown District knows the Board has heard their thoughts and would like to make sure they have this information. She suggests to the Board to have a work session possibly before or after the Town Council recommendation. Andre Redstone discusses the District's concern for removing parking in the 400 block. He clarifies from a recent CDOT meeting that no parking will be removed from the 400 block. Chrissy Karas addresses the District's concerns with the fast traffic downtown. She will help with a petition to slow the speeds through the downtown. On question 2 the HPB discusses how the best

direct traffic back to Lewis Street. Andre Redstone says how can public liability be minimized and the answer lies with having the signs meet the code. He also recommends confirming how the sandwich board sign survey was decided upon through Town Council. The HPB agrees that they would like to see compliance with the code and then enforced by staff. Peggy Bergon would like these responses given to the district. Andre Redstone discusses the HPB taking a more proactive role in aiding with attracting more local customers downtown by enhancing the atmosphere. He also recommends a downtown authority to possibly be on the next ballot to help beautify the downtown. Peggy Bergon feels that there was enough of a response on question 9 to hold a work session. Andre Redstone feels there is a lot of talk from the district in response to the HPB's questions, but not enough interest and feedback to aid in decision making. Judy James would like to see more local vendors on Reservoir Hill including the Town's local breweries. The Board agrees and is in support of having more local businesses up on Reservoir Hill. Andre Redstone would like to make a request to Town Council for a greater enforcement of the code on this issue. The Board discusses how to best utilize Lewis Street for festivals and possibly have musicians play on a regular basis. Judy James suggests including the Town Council, TTC, and the Chamber of Commerce in these discussions. Andre Redstone suggests having more diverse backgrounds of people to generate the missing interest in the area. He asks what the Board can do to help encourage a greater inclusiveness of the downtown. He also asks how the Board can help raise the bar and level of service in restaurants and other businesses in the area. Judy James would like staff to seek from Town Council on clarification what they would like to hear from the HPB in regards of the survey. Andre Redstone would like to have an email chain to finalize this decision. This item has been tabled. Lindsey Smith will start the email chain.

D) Education Tent Presentation Table at the Archuleta County Fair: Judy James moves to approve having a presentation table at the Archuleta County Fair. Andre Redstone seconds. Open for discussion. Peggy Bergon recommends peg board for the displaying photographs. The student poster contest winners will be presented at this event. Peggy Bergon wants to clarify how all of this is going to work. Judy James will offer some time to maintain the table. She believes that the Board would need to register for at least three days. Lindsey Smith recommends having plenty of handouts for the event. She also asks if they could share a space with another table so the Board doesn't have to be there the whole time. Andre Redstone would like to have the entire HPB one day for a presentation. Chrissy Karas suggests having some photos of the Rumbaugh Creek Bridge and about that project. Peggy Bergon is unsure about how large the space would be. Unanimously approved.

VI. Discussion Items:

- A) *October 4, 2016, 1:15pm Bus Tour History Talk Volunteer:* Peggy Bergon is unsure about who could be available for this event as it is a Tuesday. This item has been tabled.
- B) *Consideration of Future Repurposing of the Town Owned Water Works Facility with Public input work session:* The first meeting is set for next Thursday the 16th. Chrissy Karas suggests having a nice meeting center or certified kitchen space for this site. Andre Redstone would like to have two active Board members on the committee and has asked HPB member Lindsey Smith to join. Lindsey Smith has expressed interest in this endeavor and has accepted this invitation. Andre Redstone would like clarification on what exactly the committee is; if it is part of the HPB or strictly guided by staff. Peggy Bergon asks how committees work and if they are formal meetings. Andre Redstone uses the TTC as an example and says that they have many committees that have formal meetings. Judy James says that staff would help

provide information to the committee, the committee would bring the decisions to the HPB, and then the HPB would make a final decision. Andre Redstone asks about what the HPB would like to do in terms of the size of the committee. Peggy Bergon feels that having too many members on a committee can be complicated. She asks Andre Redstone if he would like a cap on the committee. He would like to wait and see who will attend the meeting next Thursday, June 16th. Andre Redstone would like to know the value, scope, and potential for the site. He also asks about the 20 year grant restriction if the Town is awarded the SHF grant for the Waterworks site. Peggy Bergon feels that the committee will be used to flush out the ideas through the public. Andre Redstone says the committee will provide guidance to the HPB on railing designs and various other components of this project.

VII. **Public Comment:** NONE

VIII. **Reports and Comments:**

A. *Planning Department Report*

B. *Historic Preservation Board Discussion and Ideas:* Peggy Bergon would like the recording of cemeteries on the next agenda. Andre Redstone would like to have the museum as a discussion item on the next agenda. Andre Redstone would like to possibly have some communication with the museum as part of the committee discussion.

C. *Upcoming Town Meeting Schedule*

X. **Adjournment:** Andre Redstone moves to adjourn. Judy James seconds. Unanimously approved. The meeting adjourned at 8:15 PM.

HPB Board Members

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

HPB Mission Statement

"Moving Forward While Preserving the Past"

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



**Planning Commission, Board of Adjustments &
Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, May 24, 2016 at 5:30 p.m.
Town Hall, Council Chambers, 551 Hot Springs Boulevard
Pagosa Springs, Colorado 81147**

- I. **Call to order / Roll Call:** Commission Chair Ron Maez calls the meeting to order at 5:30 PM. Present were Commissioners Maez, Martinez, Adams, Giles, and Parker. Also present were Planning Director James Dickhoff and Associate planner Rachel Novak.
- II. **Announcements:** NONE
- III. **Approval of Minutes**
 - A. *Approval of the April 26, 2016 Planning Commission meeting minutes:* Commissioner Adams moves to approve the minutes as presented. Commissioner Martinez seconds. Unanimously approved.
- IV. **Public Comment**
 - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* None received.
- V. **Design Review Board**
 - A. *Major Design Review Application for 341 Harman Park Drive, Climate Controlled Mini Storage Development (Public Hearing / Quasi-Judicial Matter):* Planning Director James Dickhoff describes the application for climate controlled mini-storage at 341 Harman Park Drive. Staff has met with the applicants for a pre-application conference. Staff provided adequate public notification for this hearing. The planning commission approved a conditional use permit for this application on December 8, 2015. The applicant has provided updated materials to the commission for their review along with public comment on the project. Brad Ash describes the project in detail. He says that they have worked directly with staff on the design on addressing various issues. They have decided not to incorporate the signage as part of this review. In terms of equipment, they will provide screening as needed if they come up and will work with staff on this issue. There is 17-18 feet for an easement on the eastern line for a potential future trail. It is a 50,000sqft building and utilizes a metal and stucco siding. This will be a slab on grade structure and will have two stories. Planning Director James Dickhoff goes through the Land Use Development Code and how the property relates. Article 3 of the Land Use Development Code does allow this use with the approval of a conditional use permit, which the applicant has been approved. The proposed development meets the requirements set forth in Article 5 of the Land Use Development Code. The project is not in a floodplain and must have a State Storm Water Management Plan and permit that includes construction erosion control. It is required to show proof of this prior to construction. The applicant will be providing a detention pond to help with drainage on the property. The Town Code requires at least 1sqft of snow storage per every 2sqft to be cleared. Brad Ash states that the detention pond will be utilize for the phases of the project for drainage and snow removal. There is plenty of space for snow storage, but staff needs a designated area as this is a phased project. The applicants

are working with the Harman Park HOA for sewer and water needs. The subject site is relatively flat and has gentle slopes. Brad Ash states that the trees will be addressed by phase and will try to save as many trees as possible. Traffic generation does not dictate any imperfections to the Harman Park Intersection with US HWY 160. Harman Park Drive has not been accepted into the Town, but will appear before Town Council to consider at a future meeting. There are currently two entrances planned for phase one of this project. The eastern entrance sits on a 50-foot easement for the future of the Town to Lakes Trail and utilities. Planning Director James Dickhoff states that the applicant intends to have about 17ft dedicated for this. Currently, there are only overhead power lines on the eastern entrance. Mike Davis of Davis engineering discusses the site plan for utilities and the easements. They kept the eastern entrance 17feet off of the property because of the grade of the property and there is shallow bedrock. All of the site drainage will be collected and placed into the detention pond. He says that curb and gutter could be added to the other side of the eastern road for a future trail. There is one power line on the eastern road. Commissioner Martinez asks for phase two the power line would be left in the middle of the road. Mike Davis states only if it's not a problem with La Plata. Commissioner Adams asks about the phasing of the project and the utilities. Mike Davis discusses how the project will be phased. Commissioner Martinez asks how many units are in the first phase. 304 units are in the first phase. She asks if there are enough parking spaces. The requirement is one space for 50 units. They only need 6 spaces and they are providing about 9 spaces in the first phase. Commissioner Parker is concerned about the number of spaces. Planning Director James Dickhoff says that the parking is based off of the build out plan, but by phase. As each phase comes through the commission, the applicants will need to accommodate for parking. The applicants would just need to modify their designs. Kelley Dunn would like to be able to build building number two (second storage building) as a shell because they are going to be pouring a lot of concrete. It will be the same building size and style. Planning Director James Dickhoff says that this would need to come before the commission. Commissioner Adams asks if the 17feet is ok over the 20 feet for the easement. Planning Director James Dickhoff says that he is ok with this if the roadway is one way. Brad Ash says that there is a total of 8feet in change from the front of the building to the back and can't really be moved for water drainage and trucks turning. Commissioner Martinez asks about how large of a truck could fit in the port. A fairly large truck could fit. Planning Director James Dickhoff says that he would really need to inspect where the road falls in perspective of the property line. Mike Davis claims that the easement isn't exclusive and the 30foot access easement is just a general easement. Commissioner Parker asks about shifting the project 3feet to the west. Mike Davis says that this would be a challenge because of the grade and drainage. Planning Director James Dickhoff is ok with the applicants plan for the 17-foot easement. Mike Davis says that because the slope goes from the west to the east, shifting the property will not help the project or drainage. Brad Ash states that the drainage pond really takes up a large portion of the NE corner of the property and the developers have utilized all of the available space. The presented plans are a workable solution to this issue. The parking lot spaces are compliant with the Town code at 9 feet wide and 18feet long. The drive aisle at 22.5 feet is ok because this will most likely be a one-way street and there are no parking spaces on the other side to interfere with traffic. The applicant is providing 9 spaces for this first phase and 2 are ADA. The Town code requires 1 tree for each 5 parking spaces and the applicant has provided 3 trees as per staff requests. 10% of the parking lot must be allocated to landscaping. The detention pond will be qualified as a landscaped area. The Planning Director James Dickhoff says that given the full build out of the site, he says that the landscaping requirements are met. No parking lot lighting is proposed, but wall lights are. The applicants are aware of the Town's light code and are subject to review and inspection. There currently is no sidewalk along Harman Park Drive, but the applicant

intends to provide connectivity within the site. Planning Director James Dickhoff discusses the elevation dressing provided. The applicants have broken up the roofline and provided 5 feet bump outs. The metal treatment to the outside of the building is a painted bronze metal. There are windows on the northern elevation with the port. The snow sheds are on the north and south sides of the building and the ports are covered. Commissioner Adams asks about the 5-foot bump outs. There is a 5-foot bump out and the roof line is 30 inches from the bump out. Planning Director James Dickhoff says that this is a very large building and modulation is important. Commissioner Parker says that the east and west elevations are of the largest concern. As there are no snow sheds here, this would be a good opportunity to offset the design to a human scale. Landscaping and trees cannot be used as modulation, but possibly to buffer the uses. Commissioner Martinez asks if the commission can request where to plant the trees. Typically, this is up to the applicant, but the commission can recommend where to plant the trees. Commissioner Adams asks about the north elevation vertical lines. Brad Ash says those are the support posts. Commissioner Adams wants to see consistency with modulation in the neighborhood. Other criterion to consider is architectural character or features. Brad Ash says that the roof ridges mimic the character of the area. Commissioner Adams asks about breaking up the façade on the south side. Commissioner Maez states that the last building in the phase would really need to be addressed for its south facing façade. This issue will still need to come back for another design review for that phase. Planning Director James Dickhoff states that is correct. One consideration to discuss is breaking up the east and west facades with simple architectural features. Perhaps vertical features, colors, stucco treatments, or small roofs over the doorways. Brad Ash provides a rendering of the building to give the commission a better idea of the facades. Commissioner Adams would like to have some kind of bump out on the east and west facades. Brad Ash states that they could provide a vertical, colored stucco treatment and design to the east and west elevations to modulate them. Two-foot wide, stucco bump outs on the east and west elevations could have 3-4 of these treatments. The applicants are meeting the landscaping requirements for phase one. Commissioner Parker asks about having some drainage directed into the landscaped beds for water. Mike Davis says that some runoff will be directed there. Commissioner Parker recommends mulch for the landscaping and a dry rock bed in between. The strip of land between the potential front retail and the sidewalk will be kept native. Planning Director James Dickhoff says that staff will work with the applicant on exterior lighting and signage. No public comment was received. Commissioner Giles asks about the impact fees of \$129,000 per building and if there is a multi building grouping benefit for the developer. Planning Director James Dickhoff says no. Commissioner Parker moves to approve the Pagosa Climate Control Storage, Inc. Major Design Review Application submitted, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items: a) The applicant shall provide a snow storage plan or exhibit indicating snow storage areas, the square feet to be cleared and the square feet of storage area. b) The applicant shall provide design details regarding a dumpster/trash collection area and the screening of such. c) The applicant shall provide design details regarding screening any mechanical equipment. d) Verify the 50-foot platted pedestrian and utility easement allows encroachment for proposed access drive, and provide an analysis and/or design how a 10-foot wide trail with drainage facilities can be accommodated and provide a 17-foot wide space from the eastern property line to the edge of the curb and gutter on the eastern access drive. f) Provide pedestrian crossing markings designating the route through the driveway area. g) Provide revised landscape plan indicating additional parking lot trees and locations. h) Exterior lighting plan or proposed fixtures were not included in the application submittal. Applicant shall provide an illumination plan and LUDC compliance will be determined after installation of fixtures. i) Provide proof of State

Water Management Plan Permit prior to Building Permit Issuance. j) Each additional project phase requires the submission of a Major Design Review application. k) Provide additional architectural, stucco detailed bump outs, to be placed on columns for the east and west sides of the phase one structure. Commissioner Giles seconds. Unanimously approved.

VI. Planning Commission

A. *315 Apple Street Vacation Rental Conditional Use Permit Application*

(Public Hearing / Quasi-Judicial Matter): Commissioner Maez moves this to the first item. Planning Director James Dickhoff discusses the permit application. The property is located in an R-6 residentially zoned district. The permits needed for his application are a business license and lodging tax license, which the applicant has begun with the Town. Previously, staff has dealt with these applications administratively. Vacation rentals do require an approved conditional use permit as per the adopted Land Use Development Code. Planning Director James Dickhoff describes the requirements the proposed use must meet in order to be approved. Jurgen Montgomery is the applicant and he describes the use of the property. The applicant does live in Town and will be able to fully maintain the property. Commissioner Maez asks how long the average rental will last. Mr. Montgomery states that he will limit the renters to a few days at a time. Commissioner Parker asks how he will advertise the property. The applicant says that he will utilize online sites like BRBO. Commissioner Parker asks how the applicant will prevent issues with renters. He states that renters will sign a contract saying that they will follow the rules set forth in the in the document. Commissioner Martinez asks how many bedrooms and bathrooms are in the property. There are three bedrooms and two bathrooms. Planning Director James Dickhoff states that staff has adequately notified about this hearing. Commissioner Adams asks if the applicant talked to the neighbors about how long his rental season will last. The applicant states that he intends to rent it out in the summer months and lives at the residence part time. Planning Director James Dickhoff describes the required criteria and how the applicant has met these or intends to meet these. He says that the applicant and proposed use meets all of the required criteria set forth in the Land Use Development Code. Planning Director James Dickhoff describes some recommended contingencies attached to this conditional use permit if approved: Ample on site parking must be maintained and provided. Snow removal must be removed with on 24hours of the last storm. Trash shall not be accumulated on site. Any signs displayed on the property must meet Town standards and a sign permit application must be submitted. A renewal business license and monthly tax report shall be provided for the property. All exterior lighting must adhere to the Town's code. Occupancy numbers shall not exceed building code maximums. The conditional use permit is not transferable (if the property is sold, the new owners would need to reapply). The conditional use permit is revocable if these conditions are not met. Facilities and services will be provided. Insurance that the property will be maintained as per these conditions of approval (the applicant will sign off on these). Commissioner Martinez asks where the tax report goes every month. This would go directly to the Town Clerk. Commissioner Parker asks who will determine if the property is safe. The building inspector for the Town will inspect the property for safety issues. Commissioner Adams asks about the discontinued use item "J." Planning Director James Dickhoff states that if the code were to change in the future the Town wouldn't allow the continued use if it were unoccupied for more than 180 days. They would need to continue this use on a regular basis or they would lose the right to have a vacation rental if the code were to change to not allow this use in an R-6 district. Planning Commissioner Adams asks about the applicant coming back to let the commission know if he decides to change when he will rent. The applicant intends to have it primarily as a summer rental. Planning Commissioner Maez asks about other vacation rentals on this street. Planning

Director James Dickhoff says that this would be the first. Commissioner Martinez asks about the four cars in his letter. He says that two cars could fit in the garage and two in the driveway. Commissioner Adams moves to approve the Conditional Use Permit for Jurgen Montgomery to operate a Vacation Rental at 315 Apple Street with contingencies 1-11 as noted on the staff report dated Tuesday, May 24, 2016 and as described by the Planning Director. Commissioner Parker seconds. Unanimously approved.

- B. Adopting Recommended Landscaping Planting List for Pagosa Spring Planting Zone: Commissioner Parker discusses this issue. He presents plants that grow well in our area. Commissioner Parker assembled a list of roughly 50 plant types that he is willing to share with everyone so that the Town can plant species that will do well in the Town's climate. Commissioner Maez thinks that this is a good and very useful idea. This list could be provided to developers for projects. Commissioner Martinez asks about how much micromanaging this will involve. Planning Director James Dickhoff says that the Land Use Development Code requires people to maintain their properties. This list is to help people make decisions and choices, but not directly facilitate what they can and can't plant. The list could be provided to local stores to educate the public. Commissioner Giles asks who this would be for. Planning Director James Dickhoff says that this could be made available for developers and locals looking for guidance. Commissioner Parker would like to see more harmonious landscaping within developments. Commissioner Maez suggests moving to have staff provide a list of harmonious plant species to developers. Commissioner Parker moves to approve a list of suggested landscape plant material that is appropriate to the area for contractors, home owners, and developers to use at their discretion. Commissioner Giles seconds. Unanimously approved.
- C. Zoning Map Discussions: Commissioner Maez asks the commissioners to go around Town and identify areas of conflict within the zoning map and what is actually built. Commissioner Parker asks about changing current zones based upon current structures with the districts. Goldmine Drive and Trinity Lane would be key areas to look at for metal buildings. 14th and 15th Street would also be important to look at. The code helps to not limit uses 100%, but pieces and parts such as storage containers and metal siding. This will be beneficial before the Comprehensive Plan gets updated in the fall. Commissioner Adams says that this will be a very involved discussion and suggests a work session for this issue. This could also be broken down into sections or zones. Commissioner Adams would like to focus on the immediate priorities. Planning Director James Dickhoff has a small list of issues to focus on. Commissioner Adams would like to discuss the R-12 and R-18 in the downtown area. Commissioner Parker would like Planning Director James Dickhoff to create a list for the commission to consider. Planning Director James Dickhoff can provide this list at the next meeting.
- D. Consideration of Vacation Rental Zoning Recommendations: Planning Director James Dickhoff provides an update from the last Town Council meeting. The Town Council would like the commission to flush this out and have a work session together with them. The town Council is concerned about the splitting of lots being taken up by only short term rentals. They suggested possibly placing regulations on this issue. The primary concern is work force housing availability. Commissioner Maez says that he is not opposed to vacation rentals, but he wants to make sure they are all going through the right process. Durango is a good model for these types of regulations. Staff is currently looking into other communities for relevant examples. Commissioner Adams agrees that Durango is a good model to learn from, but the entire country is not going through this problem.

VII. Public Comment

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

VIII. Reports and Comments

A. Staff Report_ Projects, Updates and Upcoming Development Applications: Planning Director James Dickhoff provides the commission with a brief update. The Town has received a Safe Routes to School Grant. This is close to a \$500,000 project. Staff will keep the commission updated on the gravel pit, as there is an immediate need for one in Town. The Town wants to ensure the routes aren't solely down South 8th Street, but broken up through other roads. The Town received the last easement donation this morning for the Town to Lakes trails. This will be sent to CDOT immediately because the trail needs to be built this year or the project loses funding. The South 8th Street project is out to bid and responses will be in this week. The results will be presented to Town Council next week. Every re-pavement project takes significant funds and constant upkeep. 8th Street is a major thoroughfare and will only get busier if the proposed school campus becomes a reality. The Rumbaugh Creek Bridge has an RFP out to bid for guard railing designs and installation. Those proposals will be in by June 6th. There will be a public work session in the future for the best uses of the water works site in general. Staff would like to hear from the public on this matter. Planning Director James Dickhoff discusses the available tax credits for commercial and residential properties.

B. Planning Commission – Comments, Ideas and Discussion: None received.

C. Upcoming Town Meetings Schedule.

X. Adjournment: Commissioner Adams moves to adjourn. Commissioner Giles seconds. Unanimously approved. Meeting adjourns at 8:45 PM.

Commission Chair, Ron Maez



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 23, 2016

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, 2016

Officers responded to 305 calls for service.
Officers responded to 29 agency assist calls
Officers completed 52 incident / offense reports
Officers completed 20 accident investigation reports.

OFFICER TRAINING UPDATE

Training for May 2016

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

Officers are provided with online training 24 hours a day with Policeone Academy.

Chief Rockensock attended and obtained certification for the Force Science Instituted.

Officer Spangler and Gholson completed ARIDE training.

All officers completed firearms training.

RECRUITING UPDATE

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

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

COMMUNITY EVENTS UPDATE

The police department has submitted for the law Enforcement Assistance Funding (LEAF) grant from CDOT for 2016 – 2017 state fiscal year. The police department has been awarded \$ **8,820.00** for the High Visibility Enforcement (HVE) campaign for the 2016 – 2017 state fiscal year.

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

CAPITAL IMPROVEMENTS UPDATE

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

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



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: APRIL HESSMAN, CMC, TOWN CLERK

PROJECT: TOWN CLERK DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

CLERK'S OFFICE UPDATE

Election: The Clerk continues to work with Jeremy Nelson of REgeneration Development Strategies, Shari Pierce of the Downtown Task Force (DTF), and Town Manager Schulte to gather information about the possibility of a special Town election this November for the development of a Downtown Development Authority

Audits: The 2015 audit is complete and our new auditor, Chad Atkinson, from Hinton Burdick will be presenting the audit at the July 5th Town Council meeting. Staff is working independently to implement procedures and a mechanism for effectively tracking the Town's assets.

Business: The CIRSA 2017 Property Loss and Casualty Application has been completed and submitted to CIRSA.

Training: The Town Clerk attended a sales tax law fundamentals class presented by the Colorado Department of Revenue on June 21st. The class focused on rate verification, resources and online service, as well as compliance and responsibilities. This information will assist in the clerk's assisting businesses and lodgers who need to set up sales tax numbers for their businesses. The Town Clerk will be attending Colorado Municipal Clerks Associate Masters Academy training in Vail June 24th and 25th. The program include sessions on constructive dialogue, improved collaboration, and career development. The Deputy Clerk and Human Resources Clerk will be attending the Municipal Clerk's Institute July 17 -22 in Denver. This week long program is designed to assist the clerks in acquiring their CMC, give them knowledge on every aspect of the Clerk's office as well as make contacts with other clerks in Colorado whom they can connect.

Staff continues to work with Citizenserve on customizing the user interface to the Town's specifications. Work has been completed on the building permit and inspection process with the planning module being completed by the end of next week. Work still needs to be completed on business licensing.

The Town has set up an account with Public Surplus and is currently using the application. The auction for the event tents has closed and we are finalizing the sale with the high bidder. The Town has an open auction for surplus items from the Community Center which include a dance floor and miscellaneous furniture.

PERSONNEL

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



AGENDA DOCUMENTATION

REPORT TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
JUNE 23, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN MANAGER'S REPORT

ACTION: UPDATE AND DISCUSSION

Downtown Task Force

The DTF continues to work with the selected consultant (Jeremy Nelson) to gather data and explore the feasibility of forming a Downtown Development Authority (DDA) for the downtown area. There was a Community Forum on June 16th at 4:00 pm and was attended by about 20 participants. The purpose of the Forum was to educate the public on a DDA and to talk about the revenue projections and possible improvements. We have been recently focusing on refining the subject area, preparing planning-level revenue projections, and exploring the process and logistical details of conducting the election. If the idea is to go forward with the proposed election, that will need to come to Town Council for approval.

Geothermal Greenhouse Update

The Geothermal Greenhouse project has restarted construction for the season and the initial focus has been on the amphitheater concrete work. The change Order with UCAL, Inc. was approved by Council and the revised Scope has been approved and work on the bathroom should begin shortly. The order for the first dome has been placed with Growing Spaces and it should arrive on site around August 1st and final buildout will be completed then.

Staff met with the management of the GGP to begin the writing for the Operating Agreement between both parties for roles and responsibilities. A first draft is expected within the next month.

Nuisance Enforcement

Staff sent advisory letters to the identified 13 properties identified as being in violation of the Nuisance portion of the Municipal Code. These letters were sent prior to the Town Clean Up Week of May 16th - 21st. We have followed up with the property owners and some actually came in for assistance as well. I'm please to say that we've had substantial compliance with most of the properties in question. If the 13 letters sent out, 2 of the 13 are considered cleaned up and the files are closed. There are 2 properties that were non-responsive and did not perform any clean up. They will be further notified and most likely cited. The remaining 9 properties are considered "in progress" as the responses have varied from partial clean-ups to requests for additional time. At this juncture we consider the program a "success in progress".

Personnel Updates

All positions have been filled except for the Police Officer position that is particularly troublesome to fill. See report from Town Clerk Department.

Geothermal Well Drilling

DOLA has granted the extension to November 2017 and we have executed the 2nd amendment to approve the change in the match requirement from 60 / 40 to 50 / 50. The possible funding from DOE to match the existing DOLA funding does not seem likely at this writing and we will have to see if there possible interest at the federal or state level in 2017 to see if we are able to progress with further drilling.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV.2

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: APRIL 2016 SALES TAX REVENUE REPORT

ACTION: DISCUSSION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the information for April 2016 for sales tax and shows an increase of **12.3%** compared to April 2015. Total sales tax revenue for April 2016 for the Town is \$291,462 with that divided equally between the General Fund and the Capital Improvement Fund (\$145,731 going to each). In March 2015, the total amount received was \$259,477. The sales tax received in April 2016 is \$31,985 higher than the same month in 2015.

April 2016 was the best April ever. Although Wal-Mart did open in April 2015, it wasn't until the 22nd that it opened and so the amounts are still not quite comparable from year to year. However, the following information is offered for comparison purposes:

- April 2016 is 34% higher than April 2014.
- April 2016 is 32% higher than April 2006.
- April 2016 is 86% higher than April 2004.

Statistically, April is by far the worst month for sales tax collections. However, to illustrate the change over time, April 2016 is about the same as December 2013. December is statistically our 2nd best month behind July.

Of the April sales tax collected, \$3,941 was from a "prior period."

Compared to 2016 Budget

The sales tax projection for the adopted 2016 budget is a total of \$4,352,566 or \$2,176,283 each for the General Fund and the Capital Improvement Fund representing a 7% increase over the estimated year end for 2015. The month of April 2016 yielded \$145,731 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 April for each Fund about \$134,930. The variance for April 2016 is \$10,801 or 8% more than budget. Year to date, we are ahead of budget by approximately \$66,432, or 11%. Please see Exhibit A.

ANALYSIS

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

	<u>2104</u>	<u>2015</u>	<u>Avg.</u>	<u>2016</u>	<u>% Change</u>
February	214,360	273,948	244,154	300,422	+23.0%
March	293,377	317,595	305,486	387,893	+26.9%
April	217,095	259,477	238,286	291,462	+22.3%

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

ATTACHMENT(S)

Exhibit A

RECOMMENDATION

Informational, no action required.

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

<u>Month</u>	<u>2016 Estimated</u>	<u>2016 Actual</u>	<u>Variance</u>	<u>10 Year Ave. % Collection</u>	<u>Percent Above Budget</u>
January	145,811	157,611	11,800	6.7%	8%
February	139,282	150,211	10,929	6.4%	8%
March	161,045	193,947	32,902	7.4%	20%
April	134,930	145,731	10,801	6.2%	8%
May	158,869			7.3%	
June	204,571			9.4%	
July	265,507			12.2%	
August	204,571			9.4%	
September	206,747			9.5%	
October	178,455			8.2%	
November	161,045			7.4%	
December	215,452			9.9%	
TOTAL	2,176,283	647,500	66,432	100.0%	
Percent Ahead of Estimate	11%				



Agenda Documentation

REPORTS TO COUNCIL: IV.3

JUNE 23RD, 2016

JENNIFER GREEN
DIRECTOR, PAGOSA SPRINGS AREA TOURISM BOARD

PROJECT: LODGING TAX UPDATE
ACTION: UPDATE AND DISCUSSION

TOURISM BOARD MEETINGS

The most recent Tourism Board meeting was held on Tuesday, June 14th, 2016. The next Tourism Board meeting will be held on Tuesday, July 12th at 4pm at the Visitor Center. Multiple subcommittee meetings will be held in the next few weeks.

LODGERS TAX FINANCIAL REPORT

The most recent lodging tax report has been included in the packet for review. April 2016 currently reflects a moderate 2.07% increase over 2015, with payments still outstanding. Year to date, collections are up 7.35%, or \$10,220 over 2015.

The first quarter lodging tax payment from the County was down significantly over 2015. Q1 should've been the first quarter with new remittances from tax compliance initiative in Fall 2015. Combined, Town and County Q1 2016 collections were up a modest 1.55% over Q1 2015.

VISITOR CENTER UPDATE

Traffic to the visitor center during the month of May was slightly higher than 2015 - an increase of 115. With 3 months of year over year monthly data, thus far, little fluctuation has been noted. In reviewing total traffic for Mar- May 2015 versus 2016, 2016 is down by 5. With that said, a notable difference in traffic occurred over Memorial Day weekend. Reviewing daily traffic for Fri - Mon over the holiday weekend, in 2015, there were 1,250 visitors and in 2016, 1,560 - an increase of 310 in 2016.

New windows were installed in the meeting room the week of June 6th. The new windows provide an amazing view of the river and much-needed additional airflow into the building. A minor water leak was fixed as well, luckily with no damage to the building. The water bill might be higher, but the visitor center also seeing twice as much traffic. Thanks to Dennis Ford for handling both projects masterfully, as well as repairing and painting the front steps. New signs on Hot Springs Blvd indicating additional parking at Mary Fisher lots and advising no overnight parking in visitor center parking lot were installed by Streets Department in May.

New program launching to replace volunteer business tours. We have been experiencing minimal volunteer participation on business tours in last 12 months. The tours take awhile and often require lots of driving. We are going to begin monthly or quarterly scavenger hunts for volunteers to visit participating businesses. If they visit 10 of 20, they will be eligible for prizes from area businesses (free soak, meal, etc). The goal is to encourage volunteers to visit area businesses, but do it on their own time or when showing friends / family around the area. Each scavenger hunt will include a random mix of retail, activity and restaurant businesses.

BROCHURE DISTRIBUTION

Since June 2015, we have distributed over 54,000 various brochures. Of that, nearly 22,000 were of the Hiking / Driving brochure. We have recently changed hiking / driving to be hiking only, as new trails were added. The new brochures will be available by the end of the month. New Turkey Springs and area lodging brochures will arrive this week, as well as reprints of Camping, hot springs and downtown activities. With current print quantities, costs are \$0.08 - \$0.13 per brochure, depending on size.

Additionally, over 71,000 Travel Planners have been distributed since May 2015, with 7,500 distributed at trade shows and visitor centers. A reprint is in the works, with new pages being added for the Airport and Movies filmed in the area.

Kiosks are being distributed around town - currently in place at Chimney Rock, County Airport and Wyndham. Feedback from Wyndham is that rack is very popular, and if anything, doesn't hold enough content. They have had to refill brochures multiples times per day.

Additionally, 150 Pagosa-branded bags filled with water bottles, area brochures, visitor guides, etc have been compiled for recent family reunions and weddings.

SOCIAL MEDIA UPDATE

CrowdRiff implementation has begun. Stats will be provided once more data is collected.

- Facebook - www.facebook.com/visitpagosasprings Facebook: 13,914 fans
- Instagram - www.instagram.com/visitpagosa: 1,758 followers
- Twitter - www.twitter.com/visitpagosa - 1,127 followers

WEBSITE UPDATE

The new responsive website should launch in the next month. Staff is adding final content into the new CMS and reviewing new front end design for additions. CrowdRiff-powered photo galleries should be available for site launch.

HOT SPRINGS LOOP

The Hot Springs Loop project continues to gain momentum. The landing page on www.colorado.com/hotspringsloop is in live, the new brochure is available and already flying off the shelves. The video is in development. Many of the participants will be attending IPW in New Orleans next week. The Loop will be heavily promoted during meetings. Project / partnership has been given kudos by CTO, CADMO and Brand USA.

There has been a lot of momentum from press & media with the Loop.

First article in Leisure Group Travel: On the Water came out recently. Entire magazine: <http://ptmgroups.com/assets/2016JuneLGT.pdf> or Online version: <http://leisuregrouptravel.com/5-premier-hot-springs-western-colorado/>. Additionally, the Colorado Tourism Office just announced they will be distributing a press release in early fall highlighting the new historic hot springs loop and unique hot springs experiences across the state.

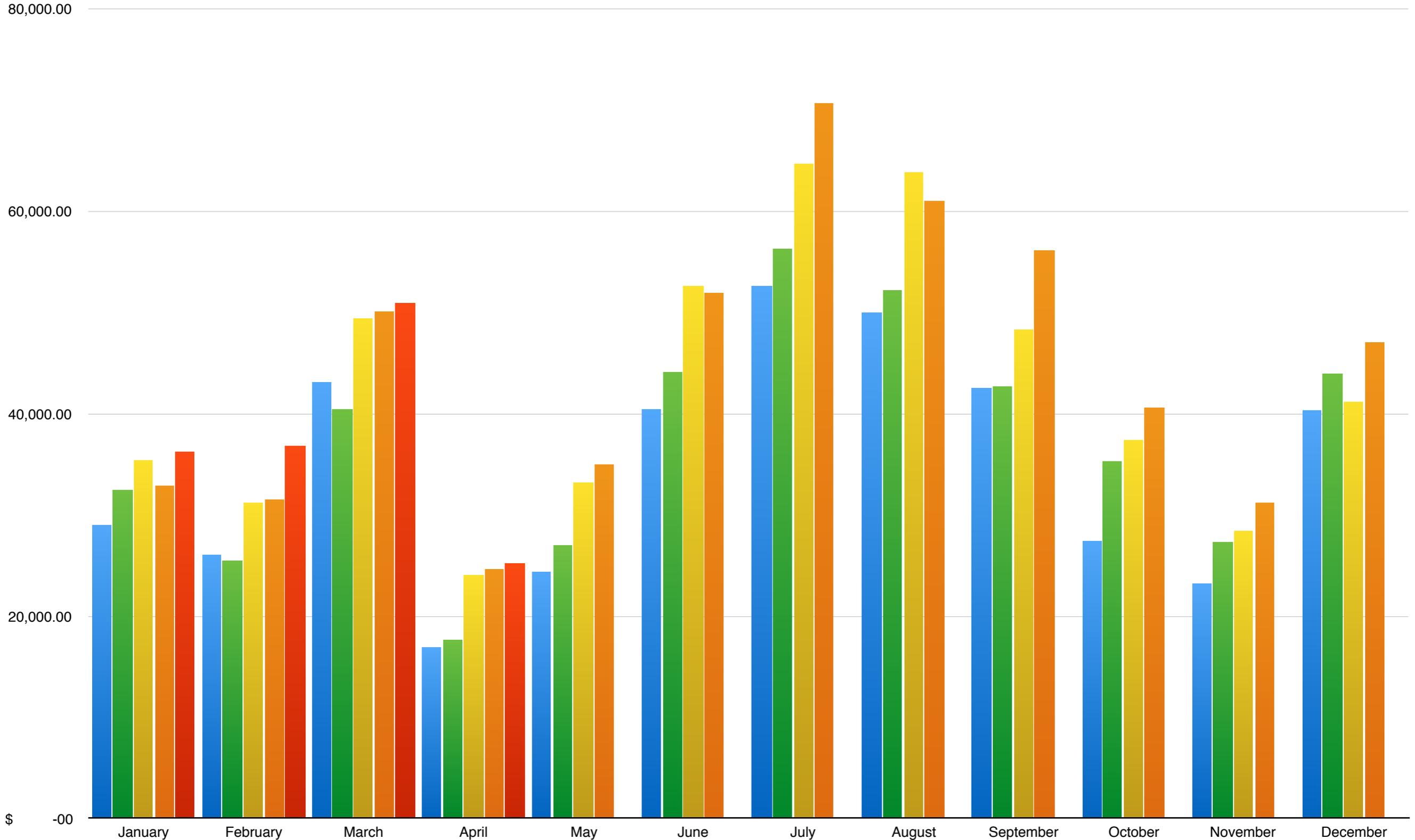
PRESS & MEDIA

On June 16th, we are hosting Nina Rehfeld, a writer on commissioner through the FRANKFURTER ALLGEMEINE ZEITUNG, one of Europe's most respectable newspapers, as well as for magazines VIVANTY, a lifestyle magazine, and AMERICA JOURNAL, a travel magazine geared specifically to German travelers to the US. The publications have an intellectual and affluent audience and a large travel section covering several pages.

Town Collections by Month

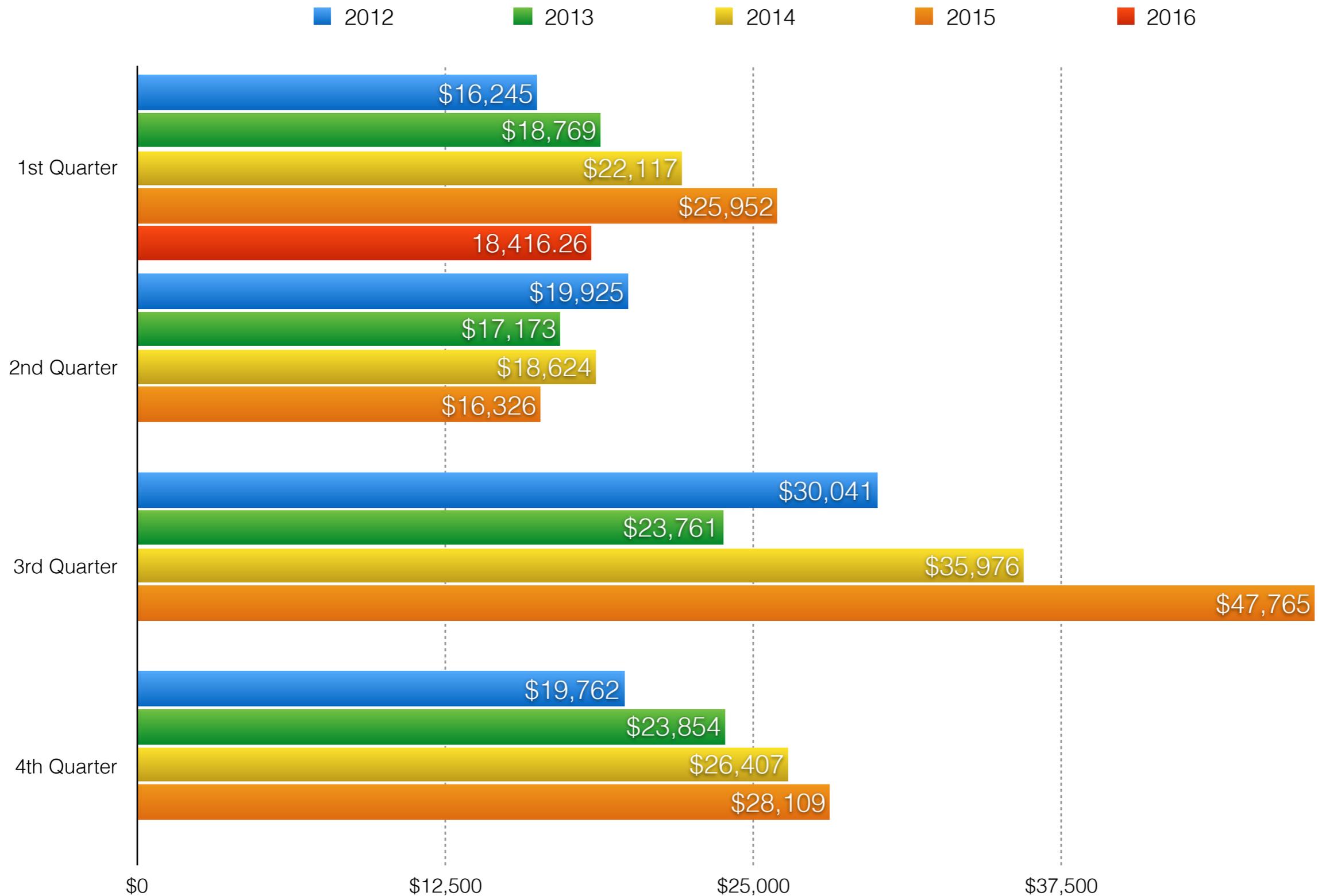
(2012 - 2016)

2012 2013 2014 2015 2016



County Collections by Quarter

(2012 - 2015)

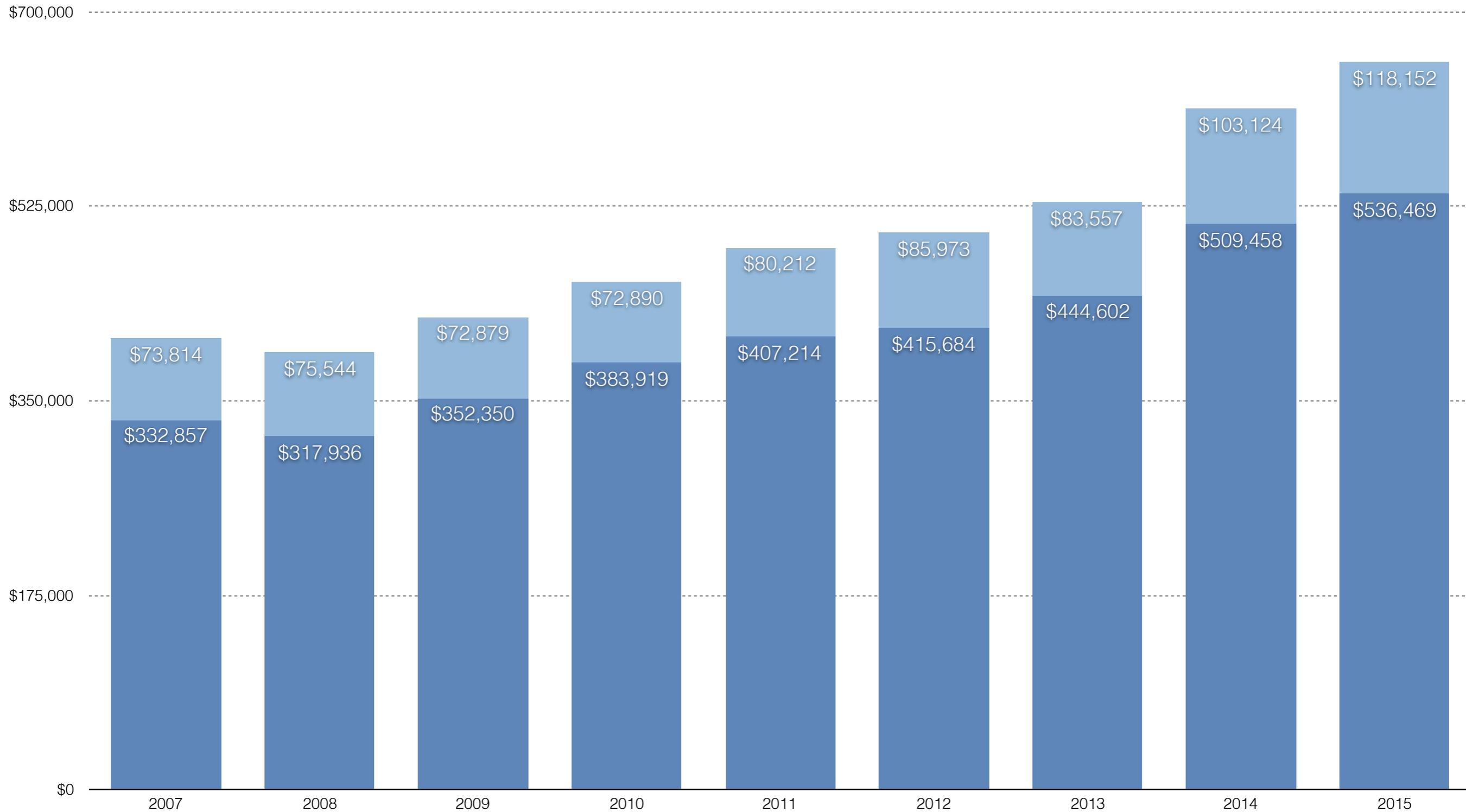


Total Collections by Year

(2007 - 2015)

Town

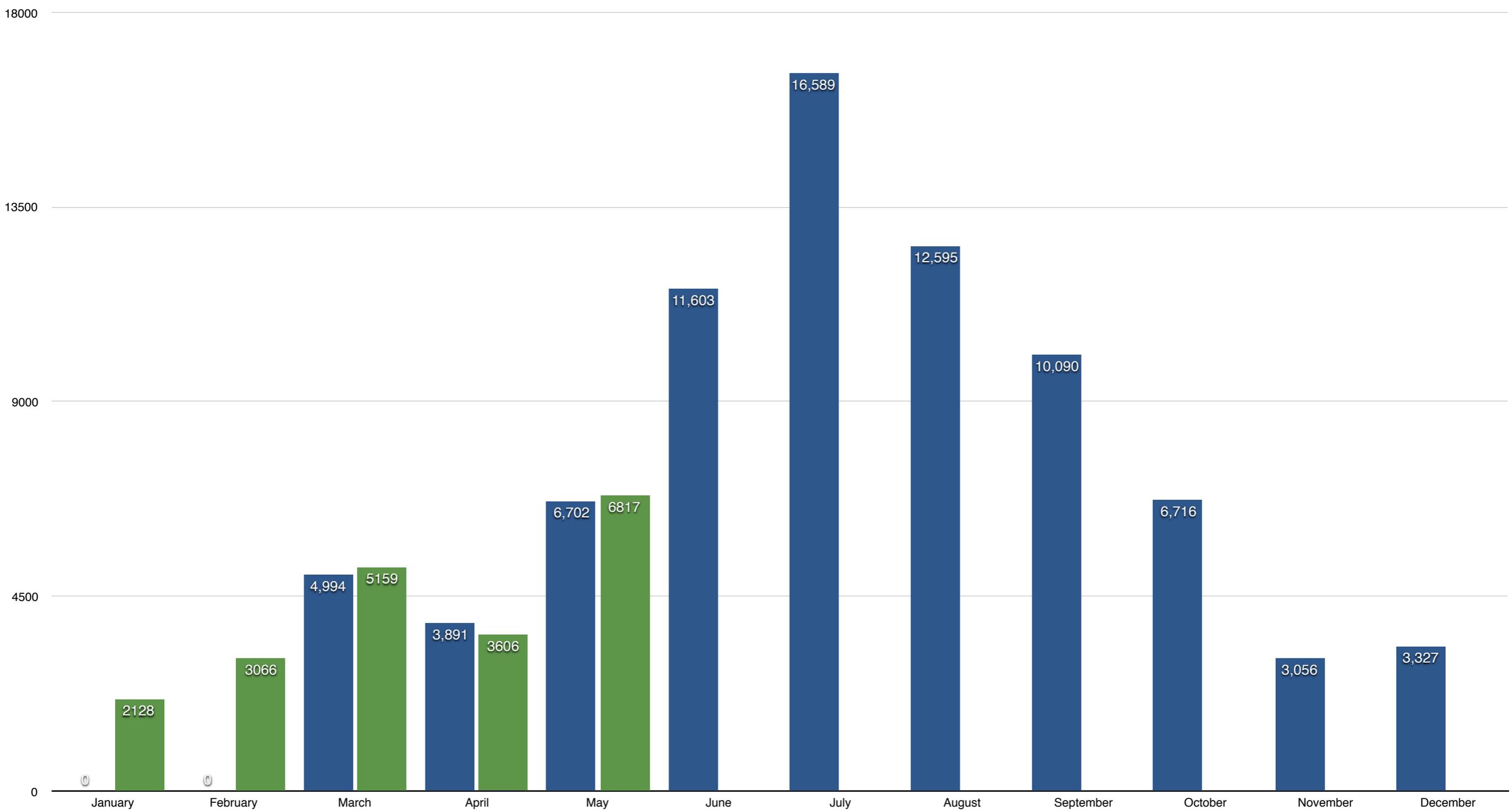
County



Visitor Center Traffic

■ 2015 (Traffic less Chamber / Mtgs)

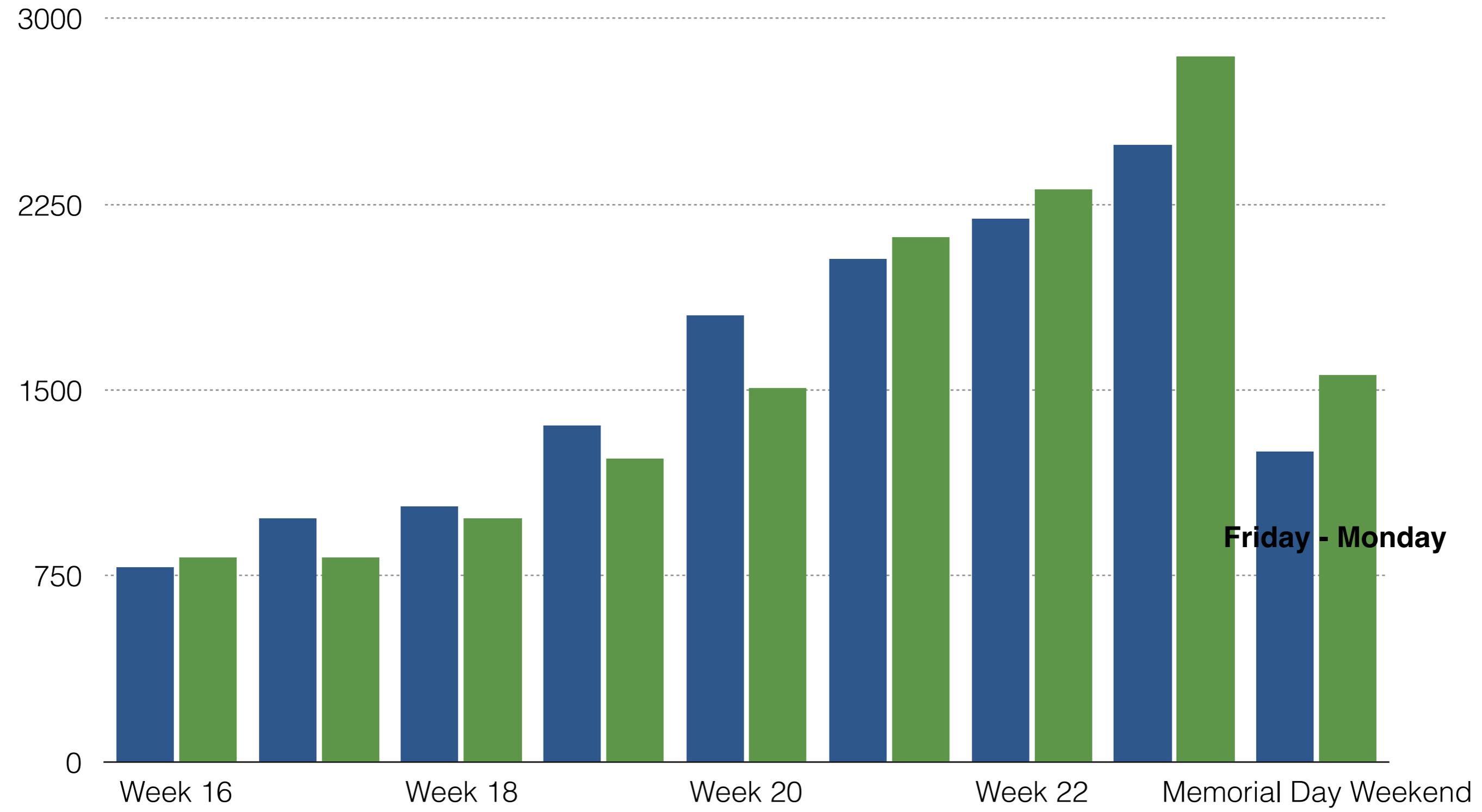
■ 2016 (Traffic less Chamber / Mtgs)



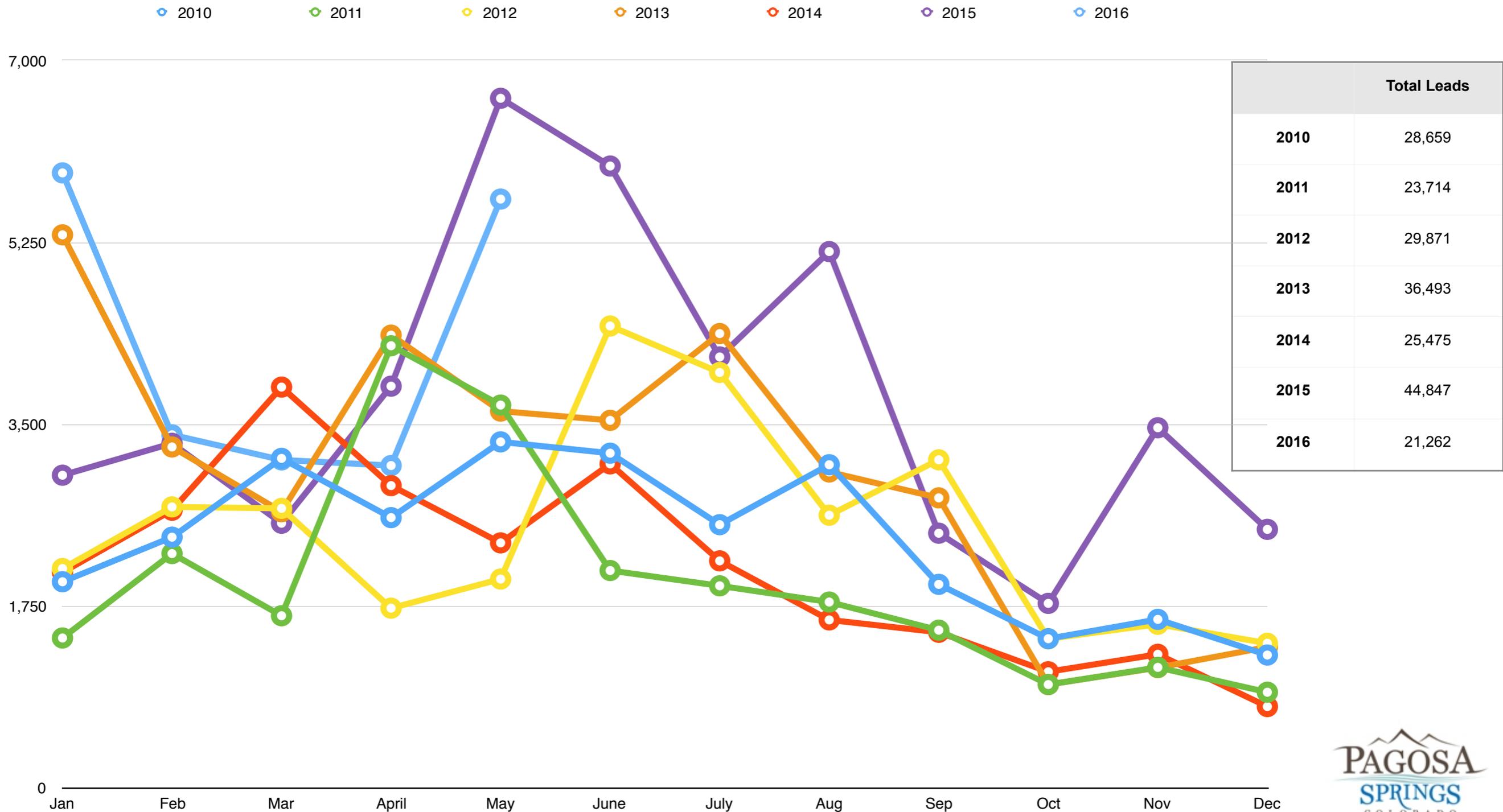
2015 - 2016 Week over Week Visitor Center Traffic

■ 2015

■ 2016



Vacation Planner Requests by Month



Total Lead Collection by Month

	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
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	36,493
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	3,009	3,316	2,547	3,866	6,636	5,984	4,147	5,161	2,451	1,776	3,466	2,488	44,847
2016	5,918	3,398	3,156	3,124	5,666								21,262

Town of Pagosa Springs Monthly Lodgers Tax Collections

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% Change 2016 vs 2015
January	\$ 22,904	\$ 23,544	\$ 24,228	\$ 27,295	\$ 26,944	\$ 28,916	\$32,500	\$35,390	\$32,822	\$36,191	10.26%
February	\$ 20,543	\$ 17,002	\$ 19,361	\$ 21,960	\$ 21,825	\$ 26,003	\$25,511	\$31,222	\$31,453	\$36,512	16.08%
March	\$ 33,516	\$ 31,216	\$ 29,925	\$ 34,929	\$ 37,350	\$ 43,034	\$40,383	\$49,399	\$50,036	\$51,316	2.56%
April	\$ 15,879	\$ 12,500	\$ 15,186	\$ 15,765	\$ 16,831	\$ 16,912	\$17,607	\$24,064	\$24,692	\$25,204	2.07%
May	\$ 20,590	\$ 19,276	\$ 21,949	\$ 21,049	\$ 21,758	\$ 24,283	\$26,943	\$33,230	\$34,998		
June	\$ 31,804	\$ 29,041	\$ 32,622	\$ 37,539	\$ 36,091	\$ 40,508	\$44,148	\$52,611	\$51,874		
July	\$ 43,728	\$ 44,693	\$ 50,125	\$ 51,932	\$ 57,317	\$ 52,572	\$56,191	\$64,681	\$70,696		
August	\$ 35,610	\$ 38,092	\$ 42,308	\$ 41,714	\$ 44,944	\$ 49,949	\$52,183	\$63,775	\$61,073		
September	\$ 36,500	\$ 32,364	\$ 35,610	\$ 41,333	\$ 44,020	\$ 42,500	\$42,615	\$48,244	\$56,080		
October	\$ 25,265	\$ 22,041	\$ 25,765	\$ 28,858	\$ 30,662	\$ 27,483	\$35,282	\$37,304	\$44,219		
November	\$ 14,866	\$ 16,232	\$ 19,816	\$ 21,348	\$ 27,542	\$ 23,180	\$27,340	\$28,446	\$31,451		
December	\$ 31,652	\$ 31,935	\$ 35,457	\$ 40,198	\$ 41,931	\$ 40,345	\$43,900	\$41,094	\$47,075		
Total	\$ 332,857	\$ 317,936	\$ 352,350	\$ 383,919	\$ 407,214	\$415,684	\$444,602	\$509,458	\$536,469	\$149,223	
\$\$ Difference (over previous year)		\$ (14,921)	\$ 34,414	\$ 31,569	\$ 23,295	\$ 8,470	\$ 28,917	\$64,856	\$27,011	\$10,220	
% Difference		-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	5.30%	7.35%	

		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% Change
Q1	Town	\$76,963.56	\$71,762.00	\$73,513.78	\$84,183.98	\$86,118.70	\$97,953.00	\$98,393.62	\$116,010.30	\$114,311.00	\$124,019.00	8.49%
	County	NA	NA	NA	NA	NA	\$16,245.23	\$18,769.34	\$22,116.79	\$25,952.02	\$18,416.26	-29.04%
	Combined	NA	NA	NA	NA	NA	\$114,198.23	\$117,162.96	\$138,127.09	\$140,263.02	\$142,435.26	1.55%
Q2	Town	\$68,272.65	\$60,817.00	\$69,757.11	\$74,353.26	\$74,679.71	\$81,703.10	\$88,697.87	\$109,904.75	\$111,564.00		
	County	NA	NA	NA	NA	NA	\$19,925.20	\$17,173.05	\$18,623.89	\$16,326.35		
	Combined	NA	NA	NA	NA	NA	\$101,628.30	\$105,870.92	\$128,528.64	\$127,890.35		
Q3	Town	\$115,838.05	\$115,148.75	\$128,042.61	\$134,978.55	\$146,280.99	\$145,020.43	\$150,988.63	\$176,699.10	\$187,849.00		
	County	NA	NA	NA	NA	NA	\$30,041.11	\$23,760.77	\$35,975.64	\$47,764.82		
	Combined	NA	NA	NA	NA	NA	\$175,061.54	\$174,749.40	\$212,674.74	\$235,613.82		
Q4	Town	\$71,782.55	\$70,208.15	\$81,036.85	\$90,403.58	\$100,134.59	\$91,007.94	\$106,521.65	\$106,843.65	\$122,745.00		
	County	NA	NA	NA	NA	NA	\$19,761.88	\$23,854.14	\$26,407.32	\$28,109.20		
	Combined	NA	NA	NA	NA	NA	\$110,769.82	\$130,375.79	\$133,250.97	\$150,854.20		
Totals	Town	\$332,856.81	\$317,935.90	\$352,350.35	\$383,919.37	\$407,213.99	\$415,684.47	\$444,601.77	\$509,457.80	\$536,469.00		
	County	\$73,813.73	\$75,544.09	\$72,878.61	\$72,890.39	\$80,211.79	\$85,973.42	\$83,557.30	\$103,123.64	\$118,152.39		
	Combined	\$406,670.54	\$393,479.99	\$425,228.96	\$456,809.76	\$487,425.78	\$501,657.89	\$528,159.07	\$612,581.44	\$654,621.39		
% Growth	Town	NA	-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	NA		NA
	County	NA	2.34%	-3.53%	0.02%	10.04%	7.18%	-2.81%	23.42%	NA		NA
	Combined	NA	-3.24%	8.07%	7.43%	6.70%	2.92%	5.28%	15.98%	NA		NA



DRAFT Minutes

Pagosa Springs Area Tourism Board

Tuesday, June 14th, 2016

Pagosa Springs Visitor Center

4 pm

Meeting called by: CK Patel

Attendees: Voting Members; Larry Fisher, Stephen Durham, Nick Tallent, Jon Johnson, Lee Riley

Absences: CK Patel, Steve Wadley, Steve McKain, Criselda Montoya

Non Voting Attendees; Jennifer Green, Greg Schulte

Please review: May Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
 - a. Meeting was called to order at 4:05pm
2. Determination Of Quorum (5)
3. Approval of Minutes – May
 - a. Jon Johnson motioned to approve May meeting minutes, Nick Tallent seconded, all approved
4. Chair Report
 - a. New Board positions
 1. Jennie introduced Lee Riley to the Board –he was recently appointed to the Board of Realtor seat
 - b. Bylaws change – Lodging Seat
 1. Jennie explained that the bylaws change to designate a lodging seat versus a lodging association seat was going to be introduced to both Town and County for review and approval in the month of July
5. Tourism Director Report – Jennie Green
 - a. Hot Springs Loop – new updates
 1. Brochures are complete and currently being distributed; brochure has been translated into Japanese and Chinese. Landing page is live on colorado.com; leveraging state's tourism website brings more credibility to project
 2. Project / partnership has been given kudos by CTO, CADMO and Brand USA. There has been a lot of momentum from press & media with the Loop. First article in Leisure Group Travel: On the Water came out recently. Entire magazine: <http://ptmgroups.com/assets/2016JuneLGT.pdf> or Online version: <http://leisuregrouptravel.com/5-premier-hot-springs-western-colorado/>
 3. Stephen Durham asked if other hot springs could participate; Jennie explained that the project was absolutely open to additional DMOs that want to promote their hot springs, not individual hot springs properties; the Loop partners have received interest from multiple destinations that do not have hot springs, however, not from other destinations that could participate; the loop currently includes 5 destinations and 19 unique hot springs properties
 - b. Travel Planner Update
 1. We have distributed 71,000 Travel Planners since May 2015. A new printing is underway, with new content being added to address movies filmed in the area and the County airport

- c. New brochures
 - 1. Since June 2015, we have distributed over 54,000 various brochures. Of that, nearly 22,000 were of the Hiking / Driving brochure. We have recently changed hiking / driving to be hiking only, as new trails were added. The new brochures will be available by the end of the month. New Turkey Springs and area lodging brochures will arrive this week, as well as reprints of Camping, hot springs and downtown activities. With current print quantities, costs are \$0.08 – \$0.13 per brochure, depending on size.
 - d. Information Kiosks
 - 1. Kiosks are being distributed around town – currently in place at Chimney Rock, County Airport (in the next week) and Wyndham. Pagosa Springs Center for the Arts is interested as well. Forest Service was interested, but does not have space. They would like an outdoor option to provide visitor information 24/7. Feedback from Wyndham is that rack is very popular, and if anything, doesn't hold enough content. They have had to refill brochures multiples times per day. Board suggested providing two racks to Wyndham.
 - e. June Report to Town Council
 - 1. Tourism Director will not be in town for the June Town Council meeting; Larry Fisher volunteered / reluctantly agreed to present the monthly report to Town Council during their June 23rd meeting
6. Treasurers Report – Nick Tallent
- a. Monthly Town Lodging Receipts report – April 2016 currently reflects a moderate 2.07% increase over 2015, with payments still outstanding. Year to date, town collections are up 7.35%, or \$10,220 over 2015.
 - b. The first quarter lodging tax payment from the County was down significantly over 2015. Q1 should've been the first quarter with new remittances from tax compliance initiative in Fall 2015. Combined, Town and County Q1 2016 collections were up a modest 1.55% over Q1 2015.
7. Subcommittee Reports
- a. Budget
 - 1. 2017 infrastructure – Scenic River Overlook
 - a. Work will be needed on the deck in 2017, given current status of the decking; Greg Schultz provided an overview of recent Town staff inspection and recommendations
 - b. Opportunity to investigate location and determine possible options
 - i. Courtney King provided schematics in 2013 on possible ideas; Jennie will email to group to review in advance of the next meeting
 - ii. Jon Johnson provided background to previous discussions on scenic overlook; backfill of one way is all junk, old cars, asphalt, concrete, etc
 - c. Greg suggested there was opportunity to use Tourism Infrastructure funds, Town general fund and possibly County / PROST funds, as well as potentially apply for grant funding
 - d. Larry asked if we were looking at using different materials so that the new deck has an extended life; Greg explained the new deck's life span may be extended by relocating hot water to not touch the wood or substructure
 - e. Nick indicated that it was evident that doing nothing would not an option
 - i. Group discussed merit of creating something impactful to get people to pull off the highway
 - ii. Just to fix current structure would be \$15k–\$20k; to enhance and improve could be up to \$200k, or more
 - f. Jon asked about striping parking lots; Greg mentioned weather has delayed it and the striper equipment broke, so a new replacement striper had been ordered; the CDOT striping project from 1st street to 8th street will begin after Labor Day
 - g. Greg addressed next steps for a 2017 Overlook project; group decided to review former plans and invite Courtney to attend meeting; Jon asked about having a Wayfinding & Signage meeting to review with Courtney; Jon also suggested Wayfinding & Signage may have budget available to contribute, given delays
 - h. Jennie asked if Parks & Rec or other groups should be invited to attend and get involved; all agreed
 - b. Marketing

- i. CrowdRiff implementation
 - a. Jennie provided update on CrowdRiff; contract signed and integration with new website and produce use underway
 - i. Nick Tallent asked about marketing meeting and setting goals
 - 1. Marketing Meeting was held May 17th; group saw a product demo and determined basic goals – double fan bases across social media channels; group determined to reevaluate goals in a few months and get more specific once trends were identified
 - ii. Website update
 - a. New responsive website is nearing completion; staff needs to carefully review content and add promotional components in order to go live; website vendor is investigating CrowdRiff implementation, so that photo galleries can be populated through the tool; launch is anticipated in the next month
 - iii. International Update
 - a. IPW will be held in New Orleans June 18th – 22nd; Hot Springs Loop will be strongly represented with CTO staff and attending partners
- c. Events & Infrastructure – Larry Fisher
 - i. Infrastructure request – Wolf Creek Trailblazers
 - a. Tim Batchelor was unable to attend due to work; he is a firefighter and recently called to AZ; Tim requested to correspond via email during his absence to answer questions / concerns from the Board
 - b. The Board determined they wanted to meet with Tim to review his application and would wait for his availability
 - ii. Meeting to discuss 2017 goals / funding process
 - a. Jennie asked to schedule an Events Subcommittee meeting to review funding process and goals
 - b. Larry Fisher asked if we would discuss infrastructure and events; Jennie explained the meeting she requested would focus on event marketing funds
 - c. Board requested 2016 funding application and history of funds in advance of meeting
 - d. Meeting scheduled for Tuesday, June 28th at 4pm at the Visitor Center
 - iii. 4th of July Ad in Sun
 - a. Jennie explained the Sun had recently reached out to see if the Tourism Board would pay for a one-page overview in the preview promoting 4th of July activities, the way the Chamber had in the past when it ran the visitor center; the cost of the ad would be \$900 – \$1500 depending on use of color
 - b. The Board discussed and determined there was no budget for local advertising, reaching people once they are in town; they also felt the weekly information compiled by the visitor center would address the need
- d. Wayfinding and Signage – Steve McKain / Jon Johnson
 - i. Update on various projects
 - 1. Jon Johnson has recently met with Greg Schulte and James Dickhoff regarding status; The property owner on the east gateway sign has not granted an easement for the town to complete landscaping work at the sign; Jon will provide an update to the group during the July meeting
 - 2. Jon suggested allocating funds towards Scenic River Overlook, given easement delays for other signage plans
- e. Visitor Center
 - i. New windows in meeting room!!
 - 1. Windows were added along the long wall of the visitor center meeting room. The new windows provide an amazing view of the river and much-needed air flow for the building; Dennis Ford oversaw the project and will be painting and installing trim soon

ii. Summer schedule

1. Jennie expressed interest in expanding summer hours from 9am – 6pm, versus closing at 5pm. Our visitors are on vacation and 5pm is early during summer months when the sun is up until 9pm. Concern is current staff hours and whether we can accommodate with given budget; Jennie suggested we keep increased hours in mind for 2017 planning
2. Lee Riley asked about opening an hour earlier; Jennie explained that we were open at 8am for a few months when we first began operating visitor center; little to no visitor traffic before 9am; often, the 9am – 10am hour is quiet as well.

f. Tax Compliance

i. 2016 plans

1. Group discussed tax compliance efforts, concerns with 1st quarter collections from the County
2. Educational efforts have been completed, however ongoing compliance checks and annual review of database could be considered
3. Educational efforts thus far have explained how taxes are used to encourage them to collect taxes and contribute towards tourism promotion, benefitting everyone; property owners have also been provided guidance on getting set up to pay taxes
 - i. Jennie and Greg to schedule a meeting with Bentley and Larry at County to determine if efforts in fall were successful in order to determine how to proceed
4. Without a credible threat of the consequences of not paying, people will blow it off; County Commissioners will need to determine how to handle non compliance

8. Old Business

- i. Jennie explained that the Bob Hand plaque is completed; we will work with the Mayor and Scott Hand to schedule a dedication event to place the plaque in the visitor center lobby; Jennie explained the text was approved by the Hand family and the plaque features a rendered drawing of the Visitor Center

9. New Business

i. Public Comment

ii. Tourism Board Ideas and Comments

1. Lee Riley provided the Board an overview of a new tagline promoting Pagosa as the “Friendliest Town in Colorado” for consideration; Lee suggested printing stamps and other ways to promote Pagosa as the “friendliest”, such as working with area businesses that once a week have locals wave to one another
2. Lee had a basic logo designed and provided flyers for the Board to review
3. Nick Tallent and Larry Fisher felt it was a good idea; Stephen felt it could work, but he wasn’t sure if it worked with our establish brand
4. Larry volunteered to work with Lee; Lee was seeking guidance on how to promote the idea

10. Adjournment

- i. Stephen Durham motioned to adjourn, Larry Fisher seconded, all approved



AGENDA DOCUMENTATION

NEW BUSINESS: V.1

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: RESOLUTION 2016-08, A RESOLUTION AUTHORIZING TOWN STAFF TO TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO SUBMIT A PETITION FOR ANNEXATION OF A PORTION OF MILL CREEK ROAD

ACTION: DISCUSSION AND POSSIBLE DECISION

PURPOSE

Pursuant to the Mountain Crossing Preliminary Major Subdivision Plan Application Approval, Resolution 2016-08 Authorizes Town Staff to Take All Actions Necessary and Appropriate to Submit a Petition for Annexation of a portion of Mill Creek Road and to Amend the Plat for Mill Creek Road if necessary. It also ratifies all prior actions of Town staff taken to submit the annexation Petition and amend the plat.

This Resolution is presented for review by Town Council, immediately prior to presentation of the Mill Creek Road annexation petition.

The Town's LUDC article 11, section 11.5 outlines the process for processing annexation petitions, and is attached.

Since the Town is technically the applicant for the annexation of Mill Creek Road, Resolution 2016-08 authorizes Town staff to proceed with the annexation process.

Actions by Town Staff for the annexation of Mill Creek Road will include at least:

- 1) Present a Resolution for Town Councils consideration regarding substantial compliance with the annexation act.
- 2) Draft a Quit Claim Deed for the BOCC's consideration to transfer any of their ownership rights to the Town.
- 3) Verification of ownership of Mill Creek Road through land surveying and ownership title research.
- 4) Notify adjacent property owners of the annexation and provide an invitation inclusion into the Town.
- 5) Provide public notification of the Town Council public hearing to consider an Annexation Ordinance.
- 6) Present the annexation petition to the Planning Commission for their recommendation to Town Council.
- 7) Draft an Ordinance for Town Councils consideration.

BACKGROUND

On December 4, 2012, The Mountain Crossing LLC., application for Preliminary Major Subdivision Plan was approved by Town Council as follows:

"TC unanimously approved the Mountain Crossing Major Subdivision Preliminary Plat/Plan contingent on the following being completed within one year and incorporated into the Major Subdivision Final Plat/Plan application:

- 1) *Complete annexation and zoning process for Strohecker Minor Subdivision Lot IIB and combine this lot into the final MC Plat;*
- 2) *Provide a geotechnical report, wet stamped and signed by a Colorado licensed engineer;*
- 3) *Provide a drainage report, wet stamped and signed by a Colorado licensed engineer;*
- 4) *Provide proof of CDOT access permit approval;*
- 5) *Provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required;*
- 6) *Provide 20 foot wide utility easements as requested by and negotiated with utility providers;*
- 7) *Provide trail dedication language and all other corrections to the preliminary plat as directed by the planning director to be incorporated on the final plat;*

- 8) *The Town shall hire a third party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan sketch;*
- 9) *Mountain Crossings Codes, Covenants and Restriction (CC&R's) shall be recorded and provided to Town;*
- 10) *proceed with annexation petition of the first 1800 lineal feet of Mill Creek Road and provide engineering plans for required ROW improvements to both sides of the street;*
- 11) *submit proposed signage plan permit for review;*
- 12) *staff will work with applicant regarding if improvements are necessary on both side of Mill Creek Road and potential cost sharing opportunities. "*

On January 07, 2014, the Town Council approved a one-year extension of previously approved the Mountain Crossing Preliminary Development Plan application, with an additional contingency of: *"Directing staff to work with applicant regarding if improvements are necessary on both side of Mill Creek Road and potential cost sharing opportunities."*

On December 02, 2014, Town Council approved an additional one-year extension as follows:

"Council Member Schanzenbaker moved to approve a one-year extension for the previously approved Mountain Crossings development preliminary plan, including all contingencies approved by Town Council on December 4, 2012 with additional direction to staff to ensure the neighboring property owners are contacted regarding considering cost sharing for the south side curb, gutter and sidewalk improvements on Mill Creek Road, Council Member Egan seconded, unanimously approved."

On January 5, 2016, Town Council approved a 3-year extension for the **Mountain Crossing Preliminary Plan approval.**

"Council Member Bunning moved to approve a three (3) year extension of the Mountain Crossing Subdivision preliminary plan approval, in compliance with the contingencies set forth in the original approval and additionally included on December 2, 2014, Council Member Egan seconded, unanimously approved."

ATTACHMENT(S)

- 1) Resolution No. 2016-08, A Resolution Authorizing Town Staff to take all actions necessary and appropriate to submit a petition for annexation of a portion of Mill Creek Road.
- 2) Map of Mill Creek Road portion to be annexed.
- 3) LUDC section 11.5., LUDC procedures for petitions for annexation by ordinance.

FISCAL IMPACT

The majority of expenses associated with the annexation of this portion of Mill Creek Road, are reimbursable expenses that will be billed to and paid by Mountain Crossing. LLC.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

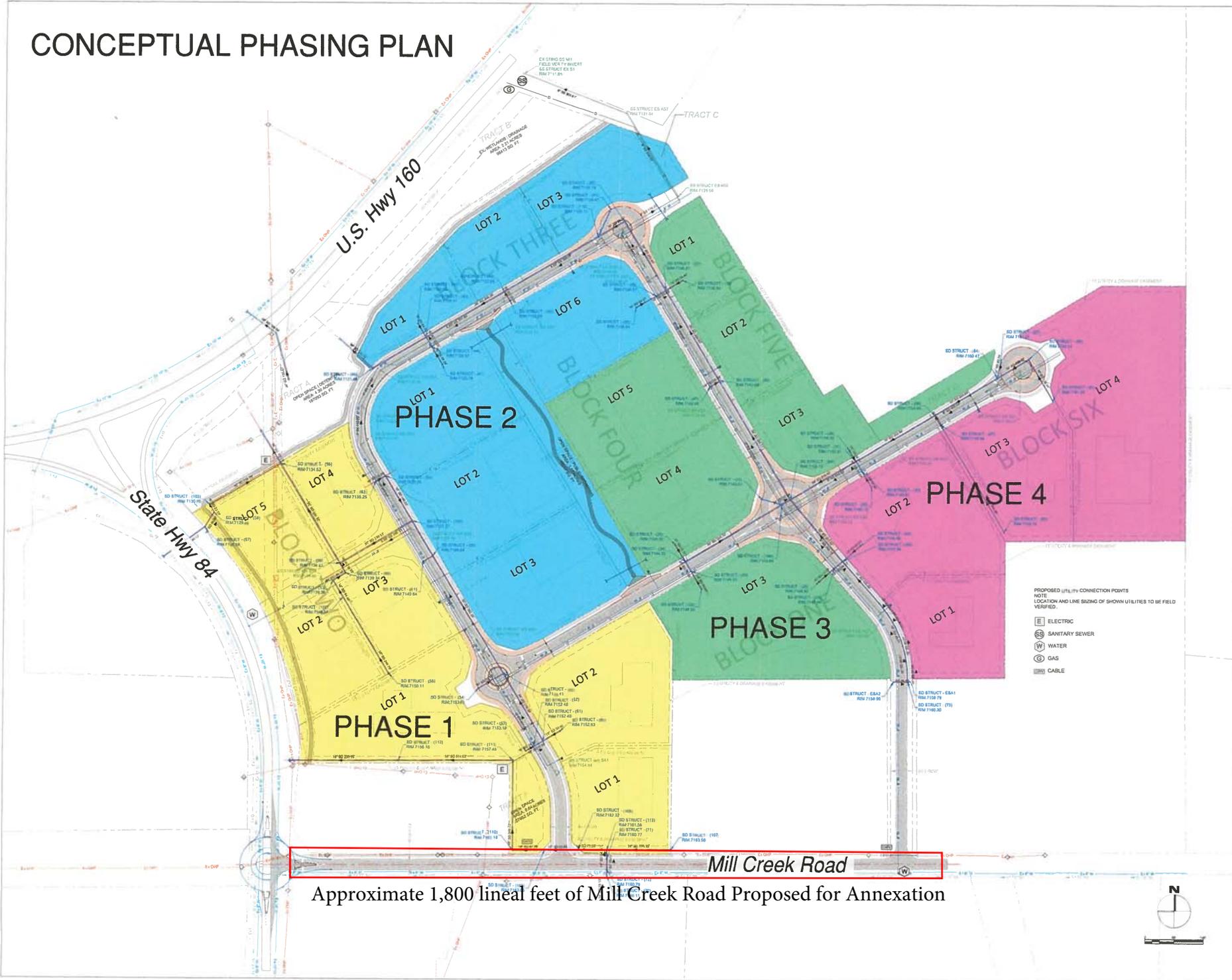
This annexation is in conformance with the Comprehensive Plan goals, as follows: **Goal G-3:** "The town will annex properties that provide an overall benefit to the Pagosa Springs community."

RECOMMENDATION

It is the recommendation of the Director of Planning that the Town Council, by motion,

Approve Resolution 2016-08, Authorizing Town Staff to take all actions necessary and appropriate to submit a petition for annexation of a portion of Mill Creek Road.

CONCEPTUAL PHASING PLAN



- PROPOSED UTILITY CONNECTION POINTS
 NOTE:
 LOCATION AND LINE SIZING OF SHOWN UTILITIES TO BE FIELD VERIFIED.
- E ELECTRIC
 - SS SANITARY SEWER
 - W WATER
 - G GAS
 - C CABLE

TOWN OF PAGOSA SPRINGS, COLORADO
MOUNTAIN CROSSING
 SUBDIVISION
 ARCHULETA COUNTY, COLORADO

REVISIONS:
 ▲
 ▲
 ▲

PROJECT NO: 011201
 PROJECT PHASE: PRELIMINARY PLAT
 DATE: 07/01/12
 SCALE: 1"=50'

PHASING PLAN

M5



TOWN OF PAGOSA SPRINGS, COLORADO

RESOLUTION NO. 2016-08

**A RESOLUTION AUTHORIZING TOWN STAFF
TO TAKE ALL ACTIONS NECESSARY AND APPROPRIATE
TO SUBMIT A PETITION FOR ANNEXATION
OF A PORTION OF MILL CREEK ROAD**

WHEREAS, the Town of Pagosa Springs, Colorado (“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, amended April 3, 2012; and

WHEREAS, Mill Creek Road has not yet been annexed to the Town, but provides legal and physical access to commercial properties located within the Town; and

WHEREAS, pursuant to the December 4, 2012 Town Council approval of the Preliminary Major Subdivision Application submitted by Mountain Crossing, LLC., the improvement and annexation of approximately 1,800 lineal feet of Mill Creek Road was attached as a contingency of approval: and

WHEREAS, access to the Mountain Crossing commercial subdivision will require the creation of additional access points from Mill Creek Road and the December 4, 2012 Town Council Mountain Crossing Preliminary Subdivision Plan approval required Mountain Crossing, LLC. to construct such improvements; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to direct Town staff to take all actions necessary and appropriate to petition the Council to annex Mill Creek Road and to amend the road Plat, if determined necessary, as staff determines is necessary or appropriate to facilitate the Mountain Crossing, LLC. improvements on Mill Creek Road.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pagosa Springs, Colorado, as follows:

1. **Annexation.** Town staff is hereby authorized and directed to take all actions necessary and appropriate to petition the Town Council to annex approximately 1,800 lineal feet of Mill Creek Road, including but not limited to preparing the annexation petition and annexation map.

2. **Mill Creek Road Plat.** Town staff is hereby authorized and directed to take all actions necessary and appropriate to simultaneously amend the Mill Creek Road Plat if such amendment is determined to be necessary by town staff.

3. **Public Inspection.** A copy of this Resolution is available for public inspection at the offices of the Town Clerk and the Planning Department.

4. **Effective Date.** This Resolution shall become effective immediately upon adoption by the Town Council.

5. **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.

MOVED, SECONDED AND ADOPTED this ___ day of JUNE, 2016.

TOWN OF PAGOSA SPRINGS

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

I hereby certify that the above Resolution was introduced to and approved by the Town Council of the Town of Pagosa Springs at its meeting of JUNE ____, 2016.

By: _____
April Hessman, Town Clerk



AGENDA DOCUMENTATION

NEW BUSINESS: V.2

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: RESOLUTION 2016-09, A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS, COLORADO, APPOINTING CHRISSY KARAS AND ANDRE REDSTONE AS REGULAR MEMBERS TO THE HISTORIC PRESERVATION BOARD.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Resolution 2016-09, re-appoints two existing Historic Preservation Board (HPB) members to an additional 4 year term.

At the Regularly scheduled Historic Preservation Board meeting on June 8, 2016, the Historic Preservation Board (HPB) approved a recommendation for Town Council to Re-Appoint Chrissy Karas and Andre Redstone as Regular Members of the HPB.

ATTACHMENT:

Resolution 2016-09, A Resolution of the Town of Pagosa Springs, Colorado, Appointing Chrissy Karas and Andre Redstone as Regular Members of the HPB.

APPLICABILITY TO COMPREHENSIVE PLAN AND GOALS

Input from all segments of our community, Town and County residents, was essential in the development of the Town's LUDC including Article 8, Historic Preservation and the Town's Comprehensive Plan & Goals including Chapter 8, Historic Preservation and Community Heritage. Continued involvement and participation from interested and qualified members of the community will further benefit the implementation of the Town's codes and plans.

RECOMMENDATION

It is the recommendation of the Historic Preservation Board that the Council by motion;

**Approve Resolution 2016-09, A Resolution of the Town of Pagosa Springs, Colorado,
Appointing Chrissy Karas and Andre Redstone as Regular Members of the HPB.**

TOWN OF PAGOSA SPRINGS, STATE OF COLORADO

RESOLUTION NO. 2016-09

**A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, APPOINTING CHRISSY KARAS AND
ANDRE REDSTONE AS REGULAR MEMBERS OF THE
HISTORIC PRESERVATION BOARD;**

WHEREAS, Town Ordinance No. 520 establishes powers and duties, qualifications, and terms for members of the Historic Preservation Board; and

WHEREAS, Section 2.5.5 of the Town of Pagosa Springs Land Use Development Code states that the Historic Preservation Board shall consist of five (5) regular members and two (2) alternate members who shall be appointed by the Town Council by resolution; and

WHEREAS, Chrissy Karas and Andre Redstone currently serve as a regular members of the Historic Preservation Board whose terms expire on July 1, 2016; and

WHEREAS, the Historic Preservation Board recommends re-appointing Chrissy Karas and Andre Redstone as Regular members to four year terms; and

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

1. **Appointment of Historic Preservation Board Members:** CHRISY KARAS and ANDRE REDSTONE are hereby re-appointed to serve as a regular members of the Historic Preservation Board for four year terms, beginning on July 1, 2016 and expiring on June 30, 2020.
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 ____ DAY OF _____, 2016, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF ___ IN FAVOR, ___ AGAINST.

TOWN OF PAGOSA SPRINGS

By: _____
Don Volger, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V.3

PAGOSA SPRINGS TOWN COUNCIL

JUNE 23, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: LEGAL SERVICES REVIEW

ACTION: DISCUSSION AND POSSIBLE ACTION

ANALYSIS / BACKGROUND

The Town Council has expressed interest in possibly reviewing our relationship and contract for legal services. Collins Cockrel & Cole (CC&C) has provided legal services for the Town for many years. The Town Council has asked staff to examine the costs incurred by the Town for its various needs. The different areas include:

- General
- Land Use
- Sanitation District
- Municipal Court
- Nuisance Enforcement

For Nuisance Enforcement and Municipal Court the Town uses Brett Van Winkle to serve as Town Prosecutor. The costs for Municipal Court has escalated quite a bit over the past two years as the number of cases has increased due to increased activity and to changes in statutory requirements. In addition, there is the beginning of additional Nuisance Enforcement and while we haven't seen significant costs, we do expect that to increase over time as more effort is placed in that area. We also engage various outside counselors on a case by case basis for special situations. Examples of circumstances where we have engaged outside counsel:

- PAWSD/PSSGID Sewer Pipeline IGA
- Appointed Public Defenders
- Hudson Lawsuit

After review of legal costs incurred, it was felt prudent to explore all options for provision of legal services. In addition, because CC&C is located in Denver, it was also felt there may be value in contracting with legal representation that was more locally or regionally located so counsel could attend Town Council meetings. It was the direction of Town Council that staff investigate the different options for legal representation and to define costs and to report back to Council the prepared information.

Possible Legal Services Options

1. Continue with Collins Cockrel & Cole: This is the default option with little change aside from arranging for legal counsel to appear more frequently either via video link, by phone or in person.
2. Hire Internal Legal Counsel: This option would be to hire an attorney as an employee, either full time or part time. For a Town of our size, this would be unusual. In fact, in the southwest region, only Durango, La Plata and Montezuma Counties and the Southern Ute Tribe have attorneys as employees. Bayfield, Ignacio, Mancos, Silverton, Cortez, Dolores, and Rico all contract. For a sample cost comparison, Archuleta County budgets about \$156,000 for legal services on a contract and when the attorney was an employee, it was about \$233,000.

3. Issue and Request For Proposal (RFP) for Legal Services: To test the market for legal services available in the local region, the Town could issue and RFP for legal services and essentially “test the market.” A sample RFP is attached as Exhibit A.

FINANCIAL CONSIDERATIONS

Attached as Exhibit B is a spreadsheet detailing the full spectrum of legal costs for the Town. As the Council will note, the amount of funding spent on legal services has varied from year to year. It's ranged from \$144,000 in 2012 to \$77,000 in 2010. The average for the period of 2010-2015 is about \$108,000.

ATTACHMENT(S)

- Exhibit A: Sample Legal Services RFP
- Exhibit B: Legal Services Costs Spreadsheet

RECOMMENDATION

Possible actions by Council include:

1. **Move to continue legal services with Collins Cockrel & Cole.**
2. **Move to direct staff to initiate steps to hire a Town Attorney as an employee beginning in the fiscal year 2017.**
3. **Move to direct staff to issue a Request for Proposal for legal services.**



REQUEST FOR PROPOSALS
FOR
TOWN ATTORNEY SERVICES

1. GENERAL INFORMATION

The Town of Pagosa Springs, Colorado (“Town”) is requesting proposals from qualified law firms and individual attorneys to provide legal services to the Town. To be considered, an electronic copy and three hard copies of a proposal must be received at Town Hall by 4:00 p.m. on July 29, 2016.

2. SCHEDULE OF ACTIVITIES

The following activities and dates are a tentative outline of the process to be used to solicit responses and to award a professional services agreement.

June 27, 2016	Issue Request for Proposal
July 29, 2016.....	Deadline to Submit Proposals
Aug. 1 – Aug. 5, 2016.....	Review Proposals, Check References, etc.
Aug. 12, 2016.....	Town Council Interviews
Aug. 18, 2016.....	Town Council Selection of Attorney or Firm

3. DESCRIPTION OF THE MUNICIPAL ORGANIZATION

Incorporated in 1891, Pagosa Springs is organized as a home rule Town of the State of Colorado. The Town operates under a council-mayor form of government with six council members, a mayor, and a Town manager appointed by the Town Council. Pagosa Springs is located in south western Colorado approximately 1 hour east of Durango on Hwy 160.

The broad services provided by Town of Pagosa Springs employees across the various funds include the following:

- Public safety – 24/7 police protection, crime prevention and law enforcement; school safety, special event support, DUI awareness programs, regional preparedness, and E911 board representation.
- Public works – operation, maintenance and improvement of streets, alleys, walkways, parking lots, parks, play features, public structures, underground distribution or collection lines and appurtenances, trees, and other public infrastructure.
- Wastewater Operations – The Town operates a new sewer pipeline system that connects to the Pagosa Area Water and Sanitation District that includes 5 lift stations and X miles of pipeline.
- Planning & Building – land use and zoning, administrative review of development plans, subdivision exemptions, building permits and sign permits, long range and current planning, historic preservation, code enforcement, grant writing and reporting.
- Parks, Recreation, and Community Center – lessons, fitness and recreation programs, activities and special events for community members of all ages, liaison with outside organizations (chamber of commerce, small business association, etc.); professional event center.
- Administrative services – liquor, marijuana and arborists licensing, vendor and special event permitting, billing and collection of water and wastewater services, protection of water rights, birth and death certificates, municipal court, grant writing and reporting, intergovernmental facility management, payroll, accounts payable, accounts receivable, budgeting, financial reporting, human resources, legal, cash management / treasury, risk management, records management, public information, meeting coordination, and other general government and administrative services.

The Town is the only incorporated municipality in Archuleta County. There are approximately 1,700 residents within the Town limits, but is the focal point of the countywide population of about 13,000 and serves as the county wide services and shopping hub for the surrounding unincorporated areas. Combined with the effect of tourism and second home owners, it is estimated the county population more than doubles during peak times and Pagosa Springs's municipal government serves all of the citizens and visitors. The Town relies primarily on sales tax to provide government services.

4. NATURE OF SERVICES REQUIRED:

Legal Services required by the Town include but are not limited to:

1. General Legal Counsel:

1. Act as legal counsel for Elected Officials, Town Boards/Commissions / Sanitation District and to Town Manager/Department Heads or Town Employees, as directed.
2. Familiarity with the Town Charter, all ordinances, state or federal laws, and to inform any legislative matters or changes that may affect the Town.
3. Draft, review or present agreements, bonds, contracts, ordinances, resolutions, staff reports and other written instruments pertinent to Town functions or that will be considered by Town Council or the Town Manager and provide a legal opinion as to the consequences of such documents.
4. Provide interpretation and written and oral legal opinions on municipal code and State Statutes.
5. Provide guidance on personnel matters, including employee disciplinary and grievance matters when requested (Colorado Intergovernmental Risk Sharing Agency provides support in this area).
6. Involvement in liquor and marijuana licensing issues as needed.
7. Assist elected officials and staff in maintaining awareness of legal and ethical standards
8. Review various municipal policies for legal compliance when requested.

1. Elected Officials:

1. Attendance at Town Council meetings, and other meetings as requested.
2. Provide training and advice to elected officials on roles, responsibilities and potential liability.

2. **Land Use:**

1. Drafting and interpreting land use code, advising staff and Town Council concerning policy and enforcement.
2. Drafting, reviewing and presenting legal documents relating to acquisitions, easements, variances, annexations, subdivisions, zoning, rights-of-way and other land uses.

3. **Real Estate:**

1. Drafting and reviewing contracts and agreements relating to the purchase, sale, transfer or lease of land or improved property.
2. Assisting in negotiations related to the purchase, sale, transfer or lease of land or improved property.
- 3.

4. **Litigation:**

1. Manage, conduct and/or oversee litigation in all Courts. In special or complex matters, assist the Town in obtaining services of outside counsel and act as liaison to staff and elected officials.

5. **Prosecution:**

1. Act as Town Prosecutor for all Municipal Court actions. This includes criminal and civil cases.

6. **Other:**

1. Perform other legal services and tasks, as requested.

2. **MINIMUM QUALIFICATIONS REQUESTED**

In order to be considered, the firm or individual presenting the proposal must be:

1. Licensed by the Colorado State Bar & in good standing.
2. Have at least 5 years of experience providing legal services with preference given to experience relevant to local Colorado government.
3. Experienced in general municipal procedures involving: Town council procedures under the

Colorado Open Meetings Law, the Colorado Open Records Act, liquor licensing and municipal election law.

4. Experienced in community development in Colorado with the ability to negotiate, draft, review and present legal agreements and documents relating to development and land use.

3. PROPOSAL REQUIREMENTS

1. Description of experience with municipal law generally and specifically with respect to any other areas you believe are relevant to the Town's decision.
2. Provide a list of any attorneys in your firm who may provide services under this request, a list of services they may provide, overall supervision to be exercised, and list any past or present disciplinary proceedings against them or bankruptcy.
3. Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the Town Attorney duties.
4. Describe any support services you would receive from your firm if selected.
5. Describe your philosophy for servicing a Town and commitment to customer service and quality assurance.
6. Please describe what other areas of law you or your firm specialize in. What is the percentage of other areas of specializations to the municipal law specialization?
7. Please describe any instances of discipline by the Bar or any ethics complaints to the Colorado Independent Ethics Commission regarding the firm or individuals within the firm that may be participating in Town representation. Please describe the outcome or status of the discipline or complaints.
8. The Town is soliciting talent and expertise first and foremost. While cost to the Town is important,

the selection will not be based solely upon cost. Please detail and explain your required fees to perform the requested services.

9. If you propose to bill for services at an hourly rate, provide the current hourly rate for each attorney and for each employee of your firm who may work on Town matters. Or, state specifically whether you will work on a fixed fee (retainer) basis and, if so, how you propose that such a fee be determined. Please specify how your hourly or fixed fees will be based and whether such fees would be raised prior to January 1, 2017. Please disclose any other applicable billable rates and expenses, such as, travel mileage, photocopying and postage.
10. Provide a minimum of three client references.
11. Provide the name of your professional liability insurance carrier and worker's compensation carrier and the limits of your insurance.
12. Please disclose any potential conflicts of interest that may arise in the performance of Town Attorney duties by you or any member of your law firm.
13. The Town may request additional information to further clarify, explain or validate the contents of any proposal. All supplemental information must be submitted to the Town in writing within three working days of the Town's request.

14. EVALUATION PROCESS

Prior to awarding the engagement, a committee composed of Town staff and elected officials will evaluate the proposals and consider the qualifications of firms by reviewing the substance, appropriateness and quality of the proposal, review of relevant experience, checking references from other clients and interviews. The total cost of the proposal is a significant consideration but not the only factor in selecting a Town attorney

15. TOWN CONTACT

Questions about this proposal should be directed to Greg Schulte, Town Manager, 970-264-4151 x236 or gschulte@pagosasprings.co.gov

16. SUBMISSION OF PROPOSALS

To be considered, an electronic copy and three hard copies of a proposal must be received at Town Hall by 4:00 p.m. on JULY 29, 2016. The Town reserves the right to reject any or all proposals submitted.

There is no expressed or implied obligation for the Town to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. During the evaluation process the Town reserves the right, where it may serve the Town's best interest, to request additional information or clarifications from the firms or individuals, or to allow corrections of errors or omissions.

The Town reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm or individual of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the Town and the firm selected.

PLEASE MAIL HARD COPIES OF PROPOSALS TO:

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

Hand Delivered to:
Pagosa Springs Town Hall
551 Hot Springs Blvd.
Pagosa Springs, CO 81147

EMAIL AN ELECTRONIC COPY TO: gschulte@pagosasprings.co.gov

PROPOSALS MUST BE RECEIVED BY THE TOWN ON JULY 29, 2016

BY 4:00 PM IN ORDER TO BE CONSIDERED.

**Town of Pagosa Springs
Legal Expenses Analysis**

	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
General	40,826	47,248	44,520	55,766	67,069	50,979	60,690
Muni Court	1,895	3,332	10,600	10,000	11,000	6,300	-
Prosecutions		118					
Municipal Code	1,232	936	1,762	14,728	-	-	2,941
Geothermal Utility		30	12,078	15,044	-	4,573	724
Sanitation GID	1,384	2,429	2,658	-	6,307	56,184	5,526
Land Use General	9,069	4,674	11,285	23,221	26,338	-	4,008
Land Use Wal-Mart	3,778	12,569	1,657	-	93,847	-	-
Land Use Springs Partners	2,803	5,677					
Pipeline	767	2,773	59,555	17,820	-	3,359	-
Elections	2,100	144	7,669	2,339	-	-	-
Rec Center	-	-	8,183	220	-	-	-
Brett Van Winkle	12,300	34,962					
Nathan Dumm & Meyer	30,129	6,176					
Geothermal Authority	-	531	-	-	-	-	-
Land Use: Rader			-	-	9,845	-	-
Land Use: Mountain Crossing			-	-	666	-	-
Land Use: Schaflic			-	-	918	-	-
Gross Costs	106,282	106,282	159,967	139,138	215,990	121,395	73,889
Less: Reimbursements					71,584		
Less: One Time Projects	30,129	6,176	69,395	18,040		3,359	
Net Costs	76,153	100,106	90,572	121,098	144,406	118,036	73,889

*Hudson lawsuit costs has been covered by CIRSA to date.



AGENDA DOCUMENTATION

NEW BUSINESS:VI.1

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT

JUNE 23RD, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: 758 RAINBOW DRIVE VARIANCE REQUEST

ACTION: DISCUSSION AND DIRECTION TO STAFF

PURPOSE/BACKGROUND

The future owners of Lot 24, phase 4 in the Pagosa Hills 4 subdivision at 758 Rainbow Drive through their contractor of Colorado Dream Homes are requesting a variance from the District Rules and Regulations. The written request from Colorado Dream Homes, for future owners Roy Thetford and Candice Jones is attached to this brief.

In short, the request is for the PSSGID to allow the owners of this property to **not have to connect** to the public sewer system, which is required in the currently adopted Rules and Regulations if there is a sewer line located within 400 feet. Preliminary calculations show the nearest sewer line is approximately 250 feet away. However, to connect to it, a steep slope and rock excavation would be required within existing easements. It is assumed that the property owners would make application to San Juan Basin Health for the installation of a septic system if this variance was allowed.

Below are citations from the Rules and Regulations that are pertinent to this request.

1.12 Variances

The District reserves the right to waive or modify the provisions of these Rules and Regulations at its sole discretion. Any person seeking a variance of a provision of the Rules and Regulations shall have the burden of proving that the operation of such a provision would cause undue hardship, or should not be applied to the person for another justifiable reason, and such variance shall not endanger the health, safety and welfare of the residents and inhabitants of the District. The Board's decision to grant or to deny the variance shall be final and conclusive.

5.1 Use of Public Sewers Required

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley, sewer easement or right-of-way in which there is located a public sanitary or combined sewer within four hundred (400) feet, is hereby required, at their expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations within ninety (90) days after date of official notice to do so. The deadline to connect such facilities as a result of an assessment project shall be within thirty (30) days after the sewer is in operation and/or accepted by the governmental agency having jurisdiction over the sewer. All extensions and connections shall be in accordance with the practices and conditions hereinafter contained.

5.2 District's Power to Compel Connection

Unless otherwise agreed to by the Board, the owner(s) of all buildings, businesses or other premises situated within the District where domestic or industrial wastes or wastewater are generated, stored, or treated shall be required at the owner(s) expense to install suitable wastewater facilities therein and to make application for and to connect such facilities directly with the District's public wastewater system for the protection of the health, safety and welfare of the inhabitants and visitors of the District in accordance with the provisions of these Rules and Regulation, within 20 days after written notice is sent by registered mail to do so, provided that the public wastewater main is within 400 feet of the owner's property line, pursuant to §31-15-709(1)(b), C.R.S. If such connection is not commenced within such period and completed with reasonable diligence by the owner, the District may thereupon make such connection, and the owner shall be liable for all expenses incurred by the District for the completion of the connection, including any unpaid connection fees. The District shall also have a first and prior lien on the premises for such costs and fees.

If an owner's service line must cross another person's property in order to connect to the District's wastewater system at the point designated by the District, and the owner is unable to obtain the easement(s) required for such service line, the District may in its discretion initiate proceedings to acquire such easement(s). All costs incurred by the District in the prosecution of such proceedings, including without limitation, the amount determined to be payable as just compensation, attorney and legal fees, engineering and survey fees, appraisal fees and expert witness fees, shall be paid by the owner of the premises to be connected. The amount required to be deposited with the court in order for the District to obtain possession of the property included with the easement(s) shall be paid at that time by the owner of the premises to be connected. The District shall have a first and prior lien on the premises to be connected and the land on which they are located for all such costs.

6.8 Denial of Application for Service

The Board retains, in the Board's sole discretion and judgment, the right to deny an application for a connection permit when the granting of the application would not be in the best interests of the District or its residents and property owners. The factors that the Board may consider, not by way of limitation, include:

- 1) Whether sufficient District resources are available and will be available in the future to serve the development or construction proposed for the property;*
- 2) The impact of the proposed service on the District's existing wastewater service treatment, transmission, and storage facilities;*
- 3) The economic effect that the approval of the application would have on the District, its residents and property owners;*
- 4) Whether the granting of the application would adversely affect the public health, welfare and safety of the District's residents and property owners; and*
- 5) Other factors related to the request to provide such service*

There may be factors and aspects of an application that are unique to that application and are not recited above, and the Board retains the right to consider all factors related to an application and make a decision based thereon.

It is our understanding that the previous owner of the property had applied for and received a permit from San Juan Basin Health Department to install a septic system on this property but subsequently decided not to build. It is also our understanding that some neighboring properties already have installed septic systems. Staff believes that the current system of the Board of Directors evaluating each variance request on a case by case basis is a reasonable practice as each request has specific circumstances and should stand on its own merit, and it is within the Board's right to waive or modify the provisions of these Rules and Regulations at its sole discretion.

Attachment(s)

Letter from Colorado Dream Homes dated June 13, 2016

FISCAL IMPACT

Other than the lost opportunity of collection of the Plant investment Fee (PIF), there is no other fiscal impact.

Recommendation

Possible actions by the Sanitation Board include:

1. Move to approve the variance request.
2. Move to not allow the variance request.
3. Direct staff

June 13, 2016

Town of Pagosa Springs

Mr. Gene Tautges, Pagosa Springs Sanitation District

Reference: 758 Rainbow Drive Pagosa Springs, CO 81147

Sewer Connection for Future Owner's Roy Thetford and Candace Jones

Dear Mr. Tautges,

I am writing this letter on behalf of Roy Thetford and Candace Jones who are in a real estate contract to purchase this property on the 21st of June. First thank you for taking the time to meet with me on this project. After exploring the difficulties and expenses of the site with an engineer, we are respectfully requesting that the Pagosa Springs Sanitation District to allow us to install a private septic system in lieu of a connection to public on the above mentioned property for the following reasons:

- 1) The terrain of the land is very steep and we have to go up (2) verticle hill's to reach the existing manhole. There is no access for a track hoe to get up and down the terrain without going outside of easements and scaring the land. In addition if we could get the equipment in we will encounter solid shale and rock coming up the second hill to the sewer connection.**
- 2) This system will require (2) E-One stations. I can get electric to the first, but not the second pump. It will require due to electric line upgrades long distances to power the unit. Again access of terrain.**
- 3) The (2) existing homes on each side of 758 Rainbow Drive are on private systems not connected to public.**
- 4) The expenses of public connection in comparison to private. A private system is estimated to cost \$25,000.00 to access the public system there is estimate of \$70,000.00 or more (If it could be accessed by equipment).**

5) Maintenance of the E-One would be difficult due to (2) up and down verticle hills.

**Thank you for your consideration of this request.
Sincerely,**

**Debra Brown, President
Colorado Dream Homes, Inc.**

Cc: Mr. Greg Shulte, Town Manager



ALPHA ENGINEERING

CIVIL DESIGN-CONTRACT MANAGEMENT-MATERIALS TESTING

Debra Brown
Colorado Dream Homes
P.O. Box 2997
Pagosa Springs, CO 81147

June 13, 2016

Re: 758 Rainbow Drive

Dear Debra,

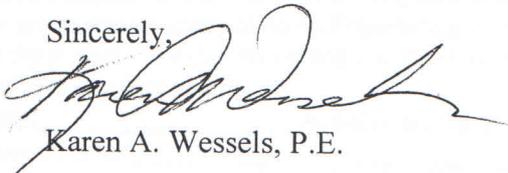
This is to summarize our site visit today regarding wastewater disposal for 758 Rainbow Drive. The property has a wide open meadow which fronts Rainbow Drive. It is divided approximately in half topographically with the back half of the property at a higher elevation than the front half. The slope that divides the front from the back of the property is very steep and is approximately 20 to 30 feet higher in elevation resulting in roughly a 100% slope (45 degree angle). There is a manhole near the northwest corner of the property. That is the closest access to central sewer for the property.

The house is proposed to be located at the base of the steep slope with access from Rainbow Drive below. If the central sewer is tapped into, a line would have to be installed up the steep slope and across the terrain on the upper bench to the existing manhole. A lift station would also have to be installed. The distance is roughly 200' from the house to the manhole. There are a lot of shale outcroppings as the elevation increases which means the line trench would likely have to be blasted for a lot of the distance. Just to get up the steep slope, heavy equipment would have to cut a road across the slope creating a large disturbance to the well established vegetation. This work would potentially be dangerous for the operator and the equipment, not to mention very costly.

My recommendation would be to install an on-site wastewater treatment system. The meadow is ideal for the field as there is fall from the house site and excellent solar exposure. The field can be constructed to blend into the site. I did engineer a like system on the property immediately to the south and east of this property at 425 Rainbow Drive in 2006 for Matt and Lisa Johnson. It is difficult to discern the location of their field since it blends in so well. The minimum size lot allowable for installation of an on-site wastewater treatment system is one acre. This lot is almost 2 acres and has more than adequate space for the field.

If you have further questions or comments please feel free to contact me.

Sincerely,



Karen A. Wessels, P.E.



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**PAGOSA SPRINGS SANITATION GENERAL
IMPROVEMENT DISTRICT MEETING AGENDA
THURSDAY, JUNE 23, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. CONSENT AGENDA**
 - 1. Approval of June 7 & 17, 2016 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. NEW BUSINESS**
 - 1. 758 Rainbow Drive Exemption Request**
- VII. NEXT BOARD MEETING JULY 5, 2016 AT 5:00PM**
- VIII. ADJOURNMENT**



AGENDA DOCUMENTATION

REPORTS TO BOARD: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

JUNE 23, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: SANITATION DISTRICT REPORT

ACTION: DISCUSSION

ADMINISTRATIVE

We now have a fully executed contract with the state for the 2016 Small Community Grant Program for increased storage at PS #1 and the SCADA radio system. The total projected cost for these projects for our matching funds is \$193,065 and grant funding from the state is \$477,465 for a total anticipated project cost of \$670,530. Staff anticipates engineering to begin by the end of the month.

COLLECTION SYSTEM.

We have added three new sewer taps to the system thus far this year with five more scheduled. Looks to be a busy year for new taps if the trend continues.

WASTEWATER TREATMENT PLANT

The old lagoon system stopped receiving wastewater from the town collection system on May 24th. It took a few days for the lagoons to seek a no discharging level and on May 30th the facility ceased to discharge. This is a day we have been waiting on for several years. Over the course of the next several months, I will be submitting paperwork to the state updating them on the progress being made.

For reasons difficult to explain the final samples taken on May 18th did show two violations, one each for Biological Oxygen Demand (BOD) and another for Total Suspended Solids (TSS). I will submit the required paperwork, but due to the system going off line six days later, I suspect it is all a moot point.

GEOHERMAL

Now that there is no more drilling being done by the geothermal partnership with Pagosa Verde, staff has decided to continue to monitor the eight private well sites for historical reasons. The monitoring frequency has been reduced from every 30 minutes to two hours and downloads will happen every quarter instead of monthly reducing staff time.



AGENDA DOCUMENTATION

REPORTS TO BOARD: V.2

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

JUNE 23, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: PAWSD/PIPELINE UPDATE REPORT

ACTION: DISCUSSION

UPDATE

Since turning on the pump conveyance system on May 24th, staff has been extremely busy, fine tuning, monitoring and managing the contractor in the process. There have been a few small glitches which have been managed and fixed to our satisfaction. The team of the contractor, the Supervisory Control and Data Acquisition (SCADA), sub-contractors and staff continues to tweak the system with results showing a more efficient and reliable product.

Currently there are a number of relatively small punch list items for the contractor and SCADA folks to complete, but we are approaching a benchmark called substantial completion which states that when the project is able to be used for its intended purpose and can be "given" to the owner, a series of events can be triggered which includes pay applications and potential release of some, but not all of the retainage funds. We will be meeting this week to discuss those possibilities.

Of course, the old lagoon decommissioning project is still a large part of the project and is nowhere near completion. We anticipate this process will fall under final completion where every last little detail of the project is 100% done. The contractor is working with another subcontractor on how and when the sludge removal portion of this task is to be done.

The tasks that the GID is responsible for and which I am slowly completing as time permits include:

1. Securing all panels, hatches, and tanks at both stations.
2. Writing a Standard Operating Procedure (SOP) for the project
3. Plumbing the redundant spare air compressor in at both pump stations in the event of a main compressor failure.
4. Obtaining bids on landscaping at PS #2 which was a promise made to the Colorado Timber Ridge Homeowners Association at the beginning of the project.
5. Final training and tour of stations and force main.
6. Advice SCADA contractor on notification and alarm details for the monitoring software.
7. Training of key PAWSD personnel to operate and maintain system in my absence.
8. Manage the de-commissioning of the lagoons project into final completion.
9. Finish termination of lagoon discharge permit and reports to Colorado Water Resource and Power Development Authority (CWRPDA), the Us Army Corp of Engineers (USACOE), and Colorado Department of Public Health and Environment (CDPHE).

I don't have enough information from the contractor at this point to give a projected timeline for final completion, but it will certainly go into this fall I suspect. As you know, the third cell of the lagoon will be cleaned but the liner will remain in place until the new additional storage construction is in place, which is anticipated to be sometime in late 2017 or early 2018.

Respectfully submitted,
Gene Tautges
Sanitation Supervisor