



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

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING MINUTES
TUESDAY, AUGUST 6, 2013
Town Hall Council Chambers
5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Board President Aragon, Board Member Alley, Board Member Bunning, Board Member Cotton, Board Member Schanzenbaker, Board Member Volger.
- II. **APPROVAL of MEETING MINUTES FROM JULY 18, 2013** – The minutes were approved as read.
- III. **OLD BUSINESS**
 1. **TOWN/PAWSD Pumping Project** – Mr. Mark Weiler confirmed that the District pipeline submission has been approved by CDPHE. The pipeline committee suggests the District Board dial down and immediately starts the process of eminent domain. Mr. Steve Graham has requested more money from the District for the easement across his property. Mr. Gregg Mayo said the bidding project begins with publication of the project to the Pagosa Springs Sun, official publication and a national publication company to expose the project nation wide. A mandatory pre-bid for contractors and final bids must be received by the deadline of September 26, 2013. Board Member Schanzenbaker advised the Board that he has done work for Steve Graham as a contractor but said this does not affect his ability to perform on this item. Mr. Mark Weiler said the pipeline committee is looking at what is best for the community, instead of throwing rocks request a third party to determine the fair price for Mr. Graham's easement. Board Member Alley is not necessarily in favor or the eminent domain process and would like additional opinions. Mr. Mayo said the lack of the Graham easement is not a road block for the bidding process, but is holding up the issuance of the project contract and documents. He said construction could begin within 10 days after award of contract which could be immediately following the bid opening. Town Attorney Bob Cole said that after an appraisal is obtained, good faith negotiations could begin with the property owner, if they go well great, if they don't then a petition for condemnation would proceed in District court, this may take between 60-90 days to possession. Board Member Cotton said the eminent domain procedure is best. Board Member Schanzenbaker asked about options and Mr. Mayo said the property owners, Quintana will not give an easement, the other property owner after some negotiation has agreed to give an easement. He said the blasting needed on the Graham property will not affect the current buildings on the property. Mr. Steve Graham said he deserves an apology for some things he said were said about him in the past meetings. He said there are more lines in the pipeline drawings than originally proposed, he asked the Board not to move forward with installing the line in the proposed location as drawn and said to move forward would not be fair or just.
- IV. **Possible Executive Session: Pursuant to Section 24-6-402(4)(a),(4)(b), and (4)(e), C.R.S. concerning the purchase or acquisition of property, a conference with the Pagosa Springs Sanitation General Improvement District's attorney for purposes of receiving legal advice, and**

for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, related to easement acquisition for the sewer line to the PAWSD treatment plant - Town Manager Mitchem advised that Town Attorney Cole asked that the Board go into executive session. Board Member Volger clarified that Council will go into executive session Pursuant to Section 24-6-402 (4)(a) ,(4)(b), and (4)(e), C.R.S. concerning the purchase or acquisition of property, a conference with the Pagosa Springs Sanitation General Improvement District's attorney for purposes of receiving legal advice, and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, related to easement acquisition for the sewer line to the PAWSD treatment plant, Board Member Bunning seconded, unanimously approved at 6:55 pm. Board President Aragon reconvened regular session at 8:07 p.m. Board Member Volger moved to direct staff to draft a letter from legal counsel to Mr. Graham advising Mr. Graham that all previous offers made to acquire an easement are removed from the table and advise staff to discontinue any types of negotiations in this matter, Board Member Cotton seconded, motion carried with one nay (Board Member Schanzenbaker).

V. Approve engagement of appraiser for valuation determination of sewer line easement - Board Member Bunning moved to approve staff to engage an appraiser for valuation of sewer line easement and follow legal counsel's advice to contact James Bailey, Board Member Volger seconded, motion carried with one nay (Board Member Schanzenbaker). Board Member Volger moved that based upon results of the appraisal the board make a final reasonably and fair offer of market value to Mr. Graham for easement across property, Board Member Cotton seconded, unanimously approved.

VI. Approve engagement of special legal counsel for sewer line easement acquisition - Board Member Bunning moved to approve engagement of special legal counsel for sewer line easement acquisition, Board Member Volger seconded, motion carried with one nay (Board Member Schanzenbaker)

VII. NEXT BOARD MEETING AUGUST 22, 2013 AT 12:00 PM

VIII. ADJOURNMENT- Upon motion duly made, the meeting adjourned at 8:13 p.m.