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**TOWN COUNCIL MEETING AGENDA
THURSDAY, AUGUST 18, 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 August 2, 5 and 12, 2016 Meeting Minutes**
 2. **Approval of July Financial Statement and Accompanying Payments**
 3. **Liquor Licenses**
 - a. **Liquor License Renewal – Everyday Stores at 300 East Pagosa St**
 - b. **Special Events Permit – Seeds of Learning Little Black Dress Event October 1st at the Ross Aragon Community Center 451 Hot Springs Blvd**
 - c. **Special Events Permit – Geothermal Greenhouse Partnership Members August 18th at the Centennial Park greenhouse lease site**
 - d. **Special Events Permit – John Paul II Catholic Church Parish Picnic at Town Park September 11th on Hermosa Street**
- IV. **REPORTS TO COUNCIL**
 1. **Featured Department Head Reports**
 - a. **Building Department**
 - b. **Police Department**
 2. **Sales Tax Brief**
 3. **Lodgers Tax Brief**
- V. **NEW BUSINESS**
 1. **Locating Ice Rink in South Park for Winter 2016/17**
 2. **Fee Waiver Request for Axis Health**
 3. **Ordinance 847, First Reading, Revised Marijuana Ordinance**
 4. **County Courthouse Location**
- VI. **OLD BUSINESS**
 1. **Selection of Legal Service Firm**
 2. **Hudson vs Hessman with Possible Executive Session Pursuant to C.R.S. 24-6-402(4)(b) for Conference with Attorney to Receive Legal Advice**
- VII. **PUBLIC COMMENT** – *Please sign in to make public comment*
- VIII. **COUNCIL IDEAS AND COMMENTS**

IX. NEXT TOWN COUNCIL MEETING SEPTEMBER 6, 2016 AT 5:00 PM

X. ADJOURNMENT

**Don Volger
Mayor**



AGENDA DOCUMENTATION

LIQUOR LICENSES:III

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 16, 2016

FROM: BILL ROCKENSOCK, POLICE CHIEF

PROJECT: LIQUOR LICENSE RENEWALS

ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

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

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

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

Everyday Stores – Since January 1, 2016, there were no documented liquor violations at the Everyday Store, located at 300 East Pagosa St.

With Regard to Special Events Permits:

Geothermal Greenhouse Partnership – there have been no documented liquor violations associated.

John Paul II Catholic Church Parish Picnic at Town Park – there have been no documented liquor violations associated.

Seeds of Learning Little Black Dress Event – As a preventive measure, Seeds of Learning informed PSPD that all those serving alcohol have been certified in the "ServSafe" program, an instruction course that teaches the essentials of responsible alcohol service, and recognized by federal, state, and local jurisdictions country-wide.

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
AUGUST 18, 2016

FROM: ZACH RICHARDSON, DEPARTMENT OF BUILDING & FIRE SAFETY

PROJECT: DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

COMMERCIAL BUILDING ACTIVITY:

- **Centennial Park, 5th Street** – New restrooms
- **Yamaguchi Park, Hot Springs Blvd** – Phase 2 of the skate park

BUILDING PROJECTS:

The Department issued the following building permits:

	JUNE 2016	JULY 2016	JAN-JULY 2016
<i>Commercial - Addition</i>	1	1	4
<i>Commercial – Improvement</i>	1	1	12
<i>Commercial – New</i>	0	0	0
<i>Misc-Accessory Structures</i>	0	0	0
<i>Residential – Addition</i>	2	0	8
<i>Residential – Improvement</i>	1	0	4
<i>Residential – New</i>	1	1	7
<i>Permits Issued</i>	3	3	35
<i>Total Project Valuation:</i>	\$135,690	\$267,000	\$9,878,119

As of this report, the Department has 125 active building permits.

BUILDING/CODE INFRACTIONS:

The Department continues to work with legal counsel to follow-up on building code and nuisance violations. A municipal court hearing took place on July 21 for one nuisance infraction – trash and inoperable vehicles. It was agreed that the owner complies within 60-days. Staff noted that progress is being made and a follow-up court date is set for 9/29/16. The second nuisance infraction for accumulated trash and debris is scheduled for municipal court on September 15.

The Code Board of Appeals meet in July to hear an appeal received from 56 Talisman Drive-Thompson Village Center for failure to perform inspections and provide reports to the Town for the building’s smoke or fire safety systems. The Board dismissed the case after the appellant withdrew the appeal during the hearing. The property owner discussed with staff of how he could come into compliance and agreed to continue to work with staff to resolve the infractions.

Staff has been very busy with fire code and business license inspections.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV.1B

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 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 July, 2016

Officers responded to 387 calls for service.

Officers responded to 14 agency assist calls

Officers completed 45 incident / offense reports

Officers completed 11 accident investigation reports.

LIQUOR LICENSE COMPLIANCE CHECKS

Officers have been conducting random compliance checks at the Western Slope Break Room.

Four compliance checks were conducted in May

Two compliance checks were conducted in June

Three compliance checks were conducted in July

Officers reported no liquor violations.

OFFICER TRAINING UPDATE

Training for July 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.

The Police Department received a Colorado Peace Officers in Service Training grant for the 2016 / 2017 state fiscal year.

This grant includes funding \$2,923.00 for training in advanced evidence collection. \$3,049.00 for training in homicide investigation. \$2,800.00 for Simunition training weapons. The total POST grant award is **\$8,052.00**.

RECRUITING UPDATE

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

The department is advertising and in the process of hiring for a police recruit to send to the fall law enforcement academy.

COMMUNITY EVENTS UPDATE

The police department has been awarded **\$8,820.00** 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.

CAPITAL IMPROVEMENTS UPDATE

NONE



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV.1.

PAGOSA SPRINGS TOWN COUNCIL
AUGUST 18, 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 July 2016.

Pagosa Springs Municipal Court July 2016 Case Characteristics				Pagosa Springs Municipal Court Current Supervision Caseload August 4, 2016		
Total Cases Docketed	76				Total	% of Caseload
Traffic	27			Cases Under Supervision	74	—
Adults		24		Juveniles	27	36.49%
Juveniles		3		Adults	47	63.51%
Criminal	49			Males	49	66.22%
Adults		25		Females	25	33.78%
Juveniles		24		TOTAL WORKLOAD UNITS	186.84	

CONTINUING EDUCATION

- The Deputy Court Clerk, Amber Johnson, attend the annual E-Force Colorado Users’ Group Conference and Training. Upon her return, the Deputy Court Clerk streamlined the process for entering traffic citations and criminal summonses into the E-Force Records Management System (RMS). The Deputy Court Clerk redesigned the ‘Case Status’ prompts to allow better tracking of open cases. The Deputy Court Clerk provided training to the Court Clerk on all modified procedures.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
AUGUST 18, 2016

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

PROJECT: MAINTENANCE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAINTENANCE UPDATE

TOWN HALL AND COMMUNITY CENTER

Staff is working diligently to fix a new issue with Town Hall's air conditioning unit. We are currently working with the manufacturer of the unit, Trane, to resolve the issue.

We also diagnosed and completed roof repair to Town Hall.

Staff has finished painting for the Community Center renovations.

Staff continues to complete daily tasks.

SANITATION

We covered the Sanitation Department on call for Gene Tautges while he was away on vacation.

VISITOR CENTER

At the Visitor's Center we tore out the old plumbing for the sprinkler system that was located in a crawl space in various spots throughout the center. Staff has replaced the previous PVC lines with copper piping.

Staff has also painted various areas of the Visitor's Center.



AGENDA DOCUMENTATION

REPORT TO COUNCIL

PAGOSA SPRINGS TOWN COUNCIL

August 18, 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 meeting Tuesday, July 12, 2016. Minutes from the meeting are attached.

RECREATION PROGRAMS UPDATE

Youth Volleyball Camp offered this month

Pee Wee Soccer for ages 3-4 started August 8.

Adult Co-ed Volleyball started August 9.

Registration for 5-12 Soccer ended on August 8 and the season will start in September.

PARKS UPDATE

Yamaguchi skate park bowl construction began August 8. Completion six to eight weeks

More trees have been planted at Yamaguchi Park as well as landscaping on the north side of the bathroom.

RFP for the Climbing Boulder in Town Park has been issued. Bids have to be returned by August 17.

Electrical work, new 200 amp service, has been completed on Reservoir Hill.

Landscaping in front of Quality Inn, on Hot Springs Blvd. has been completed.

Volleyball court at South Park has been updated.

Expansion of parking lot at South Park is completed.

Irrigation at Centennial Park partially on. A new restroom is being constructed. First Grow Dome being erected.

Community Center

Summer Youth Camp ends August 19.

Remodel of computer lab with furnishings is complete.

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

Town of Pagosa Springs Parks and Recreation Commission - Minutes

Date-July 12, 2016

Commissioners in attendance- M. Musgrove, D. Pettus, A. Gadowski, Scott Miller, E. Simpson, M. deGraf.

Absent - S. High, J. Highum

Staff- Darren Lewis

Public - B Collabolletta, J Quinn (Ice Park advocates)

Call to order- 5:43pm

Minutes-a motion to approve the minutes from the June meeting was made by A. Gadowski, 2nd M. deGraf

Department head report, from D Lewis:

Rec Update:

- Soccer for ages 5-12 is in process
- Adult Softball is still in process
- Co-ed volleyball starts in August

Park update:

- 16 trees purchased were planted at Yamaguchi, 8 more coming
- S Park volleyball courts are being renovated
- Shade structures for Yamaguchi are being investigated, discussion ensued re shade ideas
- Yamaguchi irrigation discussed, a new vault is critical and may be installed next year

Community Center update

- The summer camp program is getting good review, currently averaging about 30 kids.
- The Computer lab removal is complete, now being used for storage, office is now more like an office

Project updates:

- GGP Update – Development is continuing, with opening projected in September. (note advocate S High was absent)
- Bike racks – most are installed. S Park and Res Hill soon. Discussion ensued re location and orientation, referencing other towns, e.g. Durango. M. deGraff suggested a rack at the Spa Trailhead. M Musgrove noted some minor issues with the Trail signs.
- Skate bowl- (M Musgrove) the sitework is complete. Next is the rest of the work for the pump track by contractor Artisan Skateparks. Completion estimated 8 weeks (October). Expenses were discussed, e.g. pipe costs.
- Skate Rink – D Lewis clarified that we need to vote on the location specifically. Discussion ensued re the need to heat a bathroom, a sidewalk to the rink, etc. Alternative sites are Town Park, Ponds, Spa Trail Head, and South Park. Pros and cons discussed at length. We noted that Public input was critical. These places are zoned for rec use. Noted that the plan is to incrementally build out the site, enabling risk and investment to be managed. S Park is a clear favorite.
M deGraff moved “South 8th Street Park is the best location for the planned Ice Rink.”
E Simpson seconded. The motion passed unanimously.
B Collabolletta noted he hopes to go before Town Council for approval on August 2nd.

Other business:

- Bike Trails on Res Hill – Tristan Richardson has improvement ideas, for which he may need machinery, which raises risk/insurance issues and paperwork. Different volunteer groups are involved, (e.g. Friends of Reservoir Hill). It was noted they will need to get permission from P&R.
- The Boulder RFP will probably need discussion at the next meeting.
- Town Park usage discussed in context of potential. Bike event planning was discussed re approvals and communications.
- E Simpson motioned that the meeting be adjourned, seconded by Scott Miller. Unanimous.

Minutes taken by Dave Pettus



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 16, 2016

FROM: SCOTT LEWANDOWSKI SPECIAL PROJECTS

PROJECT: SPECIAL PROJECTS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

Completed projects:

Front end loader

Riverwalk repaving

1. INFRASTRUCTURE

CENTENNIAL PARK BATHROOMS

The bathrooms are under construction at this time. Foundation and structural walls are being poured over the next few weeks. Due to the fact that the fixtures are on back order, the anticipated completion is slated for October 2016.

YAMAGUCHI SKATE PARK PHASE TWO

Construction is underway and the contractor anticipates that it will be completed by September 15th. This completion date is two weeks before the original completion date of October 1, 2016.

CLIMBING BOULDER

The RFP will be back this week and selection will be made by staff in a timely manner. Project completion is slated by Fall 2016.

2. TRAILS, SIDEWALKS, AND ROADS

TOWN TO LAKES TRAIL

East Phase contract is underway and construction will begin shortly.

West Phase is under review with CDOT. Staff will continue to keep the board updated.

Harman Hill Phase is still seeking funding in order to be poised for construction. In the meantime, staff is in the process of securing a firm for design. Please refer to the safe routes to school project update.

SAFE ROUTES TO SCHOOLS

Staff bundled the design for Safe Routes to Schools and Harman Hill into one Request for Qualifications and is currently reviewing them in order to conduct interviews. Staff will conduct interviews with three firms and proceed with the proposal phase within the next month. Design and construction for Safe Routes to Schools will be conducted in 2017 and 2018.

SOUTH 8TH STREET

Staff is conducting a pre-construction meeting with the contractor this week and a portion of the construction will start by the end of August. It is anticipated that the contractor will start on the 100 and 200 block this season and commit to finishing the remainder of the project in 2017.

HOT SPRINGS PEDESTRIAN BRIDGE

Staff is working with Big R Bridge on design and fabrication in order to be poised for construction in September 2016. Staff is also working on executing a sales agreement and bill of sale on the current bridge with John Hale.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: PLANNING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

HPB meeting minutes from July 27 are attached.

- 1) The HPB successfully sponsored a number of entertainment events during the County Fair in recognition of the Town's 125th anniversary and 100th anniversary of the opening of Wolf Creek Pass. A big thank you to Jeff Layton who took the lead to coordinate the following:

Four performances by the Jicarilla Junior High Drummers from Dulce, NM.

Variety Express performance on Friday Night.

Centennial Ranch Owner Recognition by Don Volger and Michael Whiting during the Chuck Wagon Dinner.

Colorado Thunder performance during the chuck wagon dinner on Saturday night.

The HPB also manned a historic preservation booth in the event tent.

The next regular HPB meetings will be held on August 10, 2016 and August 24, 2016 at 5:45 pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

Meeting minutes from August 9, 2016 are attached.

- 1) The PC approved a conditional use permit for a mini storage business at 24 and 66 Red Ryder Court.
- 2) The PC approved a revised Major Design Review Application for the previously approved climate controlled self-storage development at 341 Harman Park Drive.

The Next Regularly scheduled PC meetings will be conducted on August 23 and September 13 at 5:30pm in Town Hall.

WATER WORKS FACILITY

We were notified of our grant application being fully funded. \$167,

as been awarded from the State Historic Fund (SHF) for the stabilization and restoration of the facility. Congratulations to Rachel Novak who had rewritten the grant application for this grant cycle. We have received the contract documents and will be bringing to Town Council for acceptance in the near future.

The HPB has designated a sub-committee to coordinate a public input work session format 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 is considered for potential future repurposing and use of the Town owned site. The information will be valuable as this site is considered in our 2006 comprehensive plan as an opportunity site. The results will be incorporated into the 2016 Comprehensive Plan Update.

RUMBAUGH CREEK BRIDGE UPDATE

We are waiting in the SHF staff review for our design plans. Their comments will be incorporated into our revised construction plans. Given the number of delays we have experience getting to this point, staff and the HPB will be considering proposing that we go out to bid for the Bridge and Water Works Facility as one project.

MAIN STREET MURAL

The historic Preservation Board has reviewed the RFP and

MILL CREEK ROAD ANNEXATION

Staff is working on the annexation process, currently developing the legal description of the area to be considered for annexation. Local surveyors are very busy currently, thus staff hopes to have the legal ready before the August 2 or 18 TC meeting.

COMPREHENSIVE PLAN UPDATE

We have received 6 consultant responses to our advertised RFP for the 2016 Comprehensive Plan Update. A selection Committee formation has been initiated.

A RFP committee has been formed and RFP reviews are underway. Following is the current timeline for RFP review and award consideration.

August 22, 2016: Town of Pagosa Springs RFP Review Committee to complete initial proposal review and short list recommendations.

August 23, 2016: Selected Consultants for interviews will be notified no later than end of Day.

August 24-31, 2016: Selected consultant interviews will be conducted.

September 13, 2016: Town Planning Commission will consider the committee's recommendation and provide a recommendation for Town Councils consideration on.

September 22, 2016: Town Council will consider awarding the project on at their 5pm meeting.

September 23, 2016: Awarded consultant will be notified.

September 26-

October 14, 2016: Services Contract review and execution.

SMALLER LOT SIZES IN THE R-12 AND R-18 DISTRICT

The Planning Commission has conducted numerous discussions this year regarding the consideration of allowing smaller lot sizes in the R-12 and R-18 residential districts, consistent with the current allowed dwelling unit densities. The PC has also discussed potentially increasing allowable densities for multi-family dwelling units in both of the districts. Discussion also included how Vacation Rentals may affect the smaller lot consideration in relation to available work force housing. Staff had recently prepared ordinances for Town Councils consideration, however, Town Council requested a work session with the PC to discuss the matter further including the effects of vacation rentals. The Planning Commission respectfully requests the work session take place in the near future in an effort to receive direction from Town Council on the matter, in preparation for bringing the matter back to Town Council for a decision.

COUNTY / TOWN PLANNING AND DEVELOPMENT APPLICATION REVIEW

The Archuleta County Planning Department and Town Planning Department have been working together to ensure each entity receives an opportunity to comment on projects that are occurring with each other planning areas. This has helped ensure continuity between the two entity's and consistency within our community. With development at its highest point since 2007-2008, the Town Planning Director has reviewed and commented on approximately 12 County Development projects this year.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV

PAGOSA SPRINGS TOWN COUNCIL
AUGUST 18, 2016

FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR

PROJECT: PUBLIC WORKS DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

STREETS UPDATE

Streets crew worked on pot holes, drainages, signs, and also worked on street lights. We have been working on a street at the cemetery. Helping the parks put a trench at reservoir hill for more electricity power to the gazebo. Maintenance on the sweeper, dump trucks, water truck, and other equipment. Worked on road for skate park construction. Identifying equipment problems.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:IV

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: APRIL HESSMAN, CMC, TOWN CLERK

PROJECT: TOWN CLERK DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

CLERK'S OFFICE UPDATE

Election: The Town Council denied moving forward with a special election this November for the Downtown Development Authority. The Clerk's office will follow Town Council's direction regarding a possible election at a later date to establish a DDA.

Business: Staff received a small amount of sales tax distribution directly from the Colorado Department of Revenue in August. This amount was not from the normal sales tax distribution so the balance was transferred to the Town. The September sales tax deposit should be split evenly between the Town and County avoiding the need for the County Treasurer to direct funds to the Town.

Training: The Town Clerk and Deputy Clerk attended a Budget 101 class held July 27th in Durango and hosted by the CGFOA. Along with Jarrod Biggs with Department of Local Affairs, the Colorado State Auditor and a representative from the State Demography office provided great information on their office.

Staff continues to work with Citizenseve on customizing the user interface to the Town's specifications. Work is nearing completion on the planning and business license modules. The program is being reviewed this Thursday and we will know if we are able to launch the completed program by the end of this month.

PERSONNEL

The Town currently has one open position in the Police Department. Interviews continue to be scheduled to fill the position with a Police Officer Recruit who will be sponsored through the academy by the Town.

The Human Resources Clerk has completed a draft version of the Town Personnel Handbook. Once reviewed by legal and staff, the handbook will be presented to the Town Council for adoption.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: IV.2

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: JUNE 2016 SALES TAX REVENUE REPORT

ACTION: DISCUSSION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the information for June 2016 for sales tax and shows an **increase** of **13.4%** compared to June 2015. Total sales tax revenue for June 2016 for the Town is \$468,925 with that divided equally between the General Fund and the Capital Improvement Fund (\$234,462 going to each). In June 2015, the total amount received was \$413,514. The sales tax received in June 2016 is \$55,411 more than the same month in 2015.

As the Council may recall, in May 2016 there was a slight decrease in sales tax revenue compared to May 2015 (-\$1,519 or -0.5%). That was also the first month where there was a direct comparison, month to month, that included Wal-Mart. While only one month, it might have been an indicator that sales tax is flattening. However, the June sales tax data shows as a strong increase compared to the preceding June 2015.

June 2016 is the best June on record.

For additional comparison, June 2016 is 36% (\$344,899) higher than June 2014 and 48% higher than 2013 (\$318,712).

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 June 2016 yielded \$234,462 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 June for each Fund about \$204,571. The variance for June 2016 is \$29,892 or 15% **more** than budget. Year to date, we are ahead of budget by approximately \$97,342, or 10%. 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>
April	217,095	259,477	238,286	291,462	+22.3%
May	265,652	321,291	293,472	319,772	+8.96%
June	344,899	413,514	379,207	468,925	+23.6%

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	159,886	1,017	7.3%	0.6%
June	204,571	234,463	29,892	9.4%	15%
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	1,041,849	97,342	100.0%	
Percent Ahead of Estimate	10%				



AGENDA DOCUMENTATION REPORTS TO COUNCIL: IV.3

PAGOSA SPRINGS TOWN COUNCIL
AUGUST 18TH, 2016

PROJECT: LODGING TAX UPDATE
ACTION: UPDATE AND DISCUSSION

TOURISM BOARD MEETINGS

The regularly scheduled August meeting was cancelled and a 2017 planning retreat was scheduled for Wednesday, August 24th from 10am - 2pm at the Visitor Center.

LODGERS TAX FINANCIAL REPORT

The most recent lodging tax report has been included in the packet for review. With all payments received, June 2016 reflects a 19.54% increase over 2015, or \$10,167. Year to date, collections are up 10.79%, or \$24,388 over 2015. Furthermore, the 2nd quarter of 2016 (April - June) shows a 13.08% increase over 2015.

VISITOR CENTER UPDATE

Traffic to the visitor center during the month of July was up over 2015 with 17,337 visitors - an increase of 748 over 2015 (2015 saw 16,589 visitors). Daily traffic averaged 559 visitors / day, compared to 423 average / day in June. Another consideration, the visitor center was open 228 hours in 2016 versus 232 in 2015. While only 4 hours, it could've added as many as 300 additional visitors to the monthly total. Below is the average traffic / day of week for June and July 2016:

	June	July
Sunday	402	495
Monday	573	677
Tuesday	441	644
Wednesday	469	622
Thursday	388	558
Friday	398	548
Saturday	327	454

2016 GOVERNOR'S CONFERENCE ON TOURISM

The 2016 Governor's Conference on Tourism will be held in Breckenridge September 14th - 16th. The Hot Springs Loop has been nominated for the "Outstanding Marketing Achievement" award. Additionally, the Director will be speaking during two sessions, a panel discussion on capacity issues during the CADMO meeting and a CTO presentation the Marketing Matching Grant program.

LA SALES MISSIONS

The Director recently attended CTO-sponsored Sales Missions for Chinese and Japanese Tour Operators in Los Angeles. The whirlwind trip provided an opportunity to introduce Pagosa Springs and the Hot Springs Loop to over 50 Chinese Tour Operators and 75 Japanese Tour Operators. Furthermore, on July 23rd & 24th, 3 Japanese Tour Operators visited Pagosa in order to include us on future itineraries. Director met with them at 6:15am on Sun, July 24th before they left town; the visit was well received.

SOCIAL MEDIA PROMOTION & UPDATE

On August 4th, we launched a new summer video on Visit Colorado's facebook page, through the CTO's paid social media co-op. We participate in this program twice each year - winter and summer. We invest \$2500 in a \$1 for \$1 campaign, providing a total campaign of \$5k for each cycle. The Winter 2016 promotion was wildly successful, so the bar was set pretty high for the Summer 2016 promotion. Below are the results for both 2016 promotions:

	Winter 15 / 16	Summer 16
Video Link	https://youtu.be/dKTgr2UuzeA	https://we.tl/gwhMXAUDeT
Views	782000	853649
Shares	6351	6513
Likes	17852	19002

- Facebook - www.facebook.com/visitpagosasprings Facebook: 14,584 fans
- Instagram - www.instagram.com/visitpagosa: 1,815 followers
- Twitter - www.twitter.com/visitpagosa - 1,160 followers

2017 MARKETING MATCHING GRANT - HOT SPRINGS LOOP

The participants of the Hot Springs Loop have been meeting and discussing how to continue promotion of the Loop in 2017 via the CTO's Marketing Matching Grant program. Multiple marketing campaigns have been discussed and given the popularity of the Loop by the CTO and press and media, other destinations / hot springs have inquired to participate. Additionally, the 4 National Parks have also approached the group to include a National Park loop as an additional itinerary to the Hot Springs Loop. The 5 current participants will meet during the Governor's Conference and determine how to proceed.

STAFF & VOLUNTEER ACCOLADES

The Tourism staff has done an amazing job of handling all of the "new" tasks that a busy summer brings. In 2016, for the first time, all fulfillment has been handled by Tourism staff. The volunteers at the visitor center have been extremely helpful and jump in on a variety of tasks. Volunteer activities and events have continued, despite demands at visitor center- in recent months, staff and volunteers have taken ride on Cumbers & Toltec, ATV tour, trainings and upcoming the new Escape Room activity and a picnic at Lobo Overlook on Wolf Creek Pass.

MISCELLANEOUS PROJECTS

The staff has been focused on multiple projects, besides assisting visitors in town:

- New website - most content has been added in CMS; developers focused on Itinerary Builder tool which has recently expanded in scope to provide the ability to develop more customized itineraries; launch date will be set once Itinerary Builder development complete
- Travel Planner Update - reprints of Travel Planner are in development; new content is being added for Airport and Movies filmed in the area. Updated planners should arrive in September.
- Crowdriff Platform - new social media strategy is being launched
- Marketing placement - Marketing Pagosa as a destination is typically a season ahead - recent efforts have focused on Fall and Winter promotions, as well as 2017 planning
- Video Development - an RFP has been drafted to locate a video editor to take our comprehensive library of raw footage to hundreds of videos that we can use for promotions
- Information Kiosks around town - adding rack stands in high traffic areas around town and maintaining inventory distribution
- Event Surveys - new survey in development for event organizers to collect more consistent data for Board to review ROI from event funding efforts

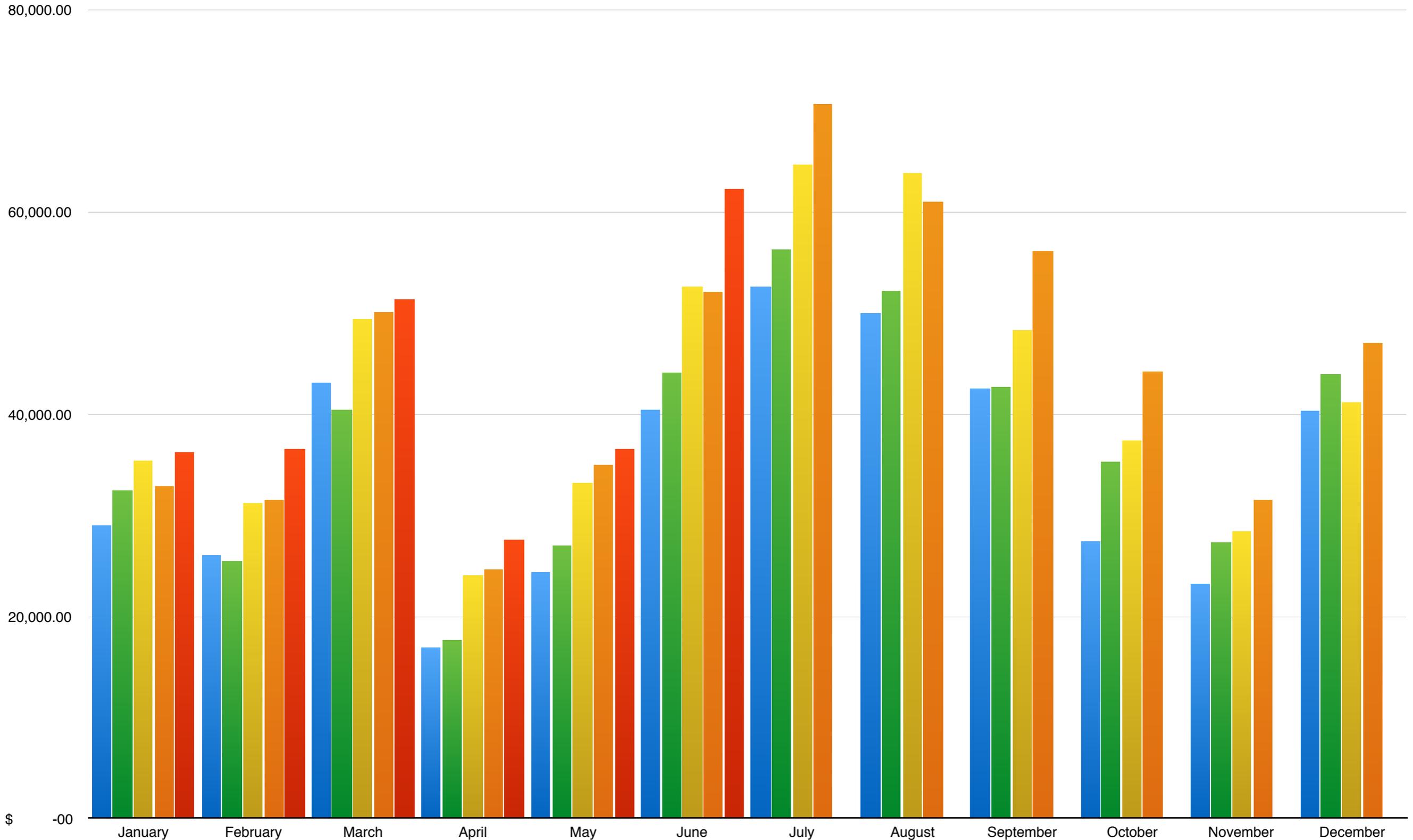
Town of Pagosa Springs Monthly Lodgers Tax Collections												
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% Change 2016 vs 2015	% Change since 2007
January	\$ 22,904	\$ 23,544	\$ 24,228	\$ 27,295	\$ 26,944	\$ 28,916	\$ 32,500	\$ 35,390	\$ 32,822	\$ 36,191	10.26%	58.01%
February	\$ 20,543	\$ 17,002	\$ 19,361	\$ 21,960	\$ 21,825	\$ 26,003	\$ 25,511	\$ 31,222	\$ 31,453	\$ 36,512	16.08%	77.73%
March	\$ 33,516	\$ 31,216	\$ 29,925	\$ 34,929	\$ 37,350	\$ 43,034	\$ 40,383	\$ 49,399	\$ 50,036	\$ 51,380	2.69%	53.30%
April	\$ 15,879	\$ 12,500	\$ 15,186	\$ 15,765	\$ 16,831	\$ 16,912	\$ 17,607	\$ 24,064	\$ 24,692	\$ 27,562	11.62%	73.57%
May	\$ 20,590	\$ 19,276	\$ 21,949	\$ 21,049	\$ 21,758	\$ 24,283	\$ 26,943	\$ 33,230	\$ 34,998	\$ 36,577	4.51%	77.64%
June	\$ 31,804	\$ 29,041	\$ 32,622	\$ 37,539	\$ 36,091	\$ 40,508	\$ 44,148	\$ 52,611	\$ 52,040	\$ 62,207	19.54%	95.60%
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	\$536,635	\$250,429		
\$\$ Difference (over previous year)		\$ (14,921)	\$ 34,414	\$ 31,569	\$ 23,295	\$ 8,470	\$ 28,917	\$64,856	\$27,177	\$24,388		
% Difference		-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	5.33%	10.79%		

		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	\$124,083.00	8.55%
	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	\$142,499.26	1.59%
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	\$111,730.00	\$126,346.00	13.08%
	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	\$128,056.35		
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	\$536,635.00		
	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	\$654,787.39		
% Growth	Town	NA	-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	NA		
	County	NA	2.34%	-3.53%	0.02%	10.04%	7.18%	-2.81%	23.42%	NA		
	Combined	NA	-3.24%	8.07%	7.43%	6.70%	2.92%	5.28%	15.98%	NA		

Town Collections by Month

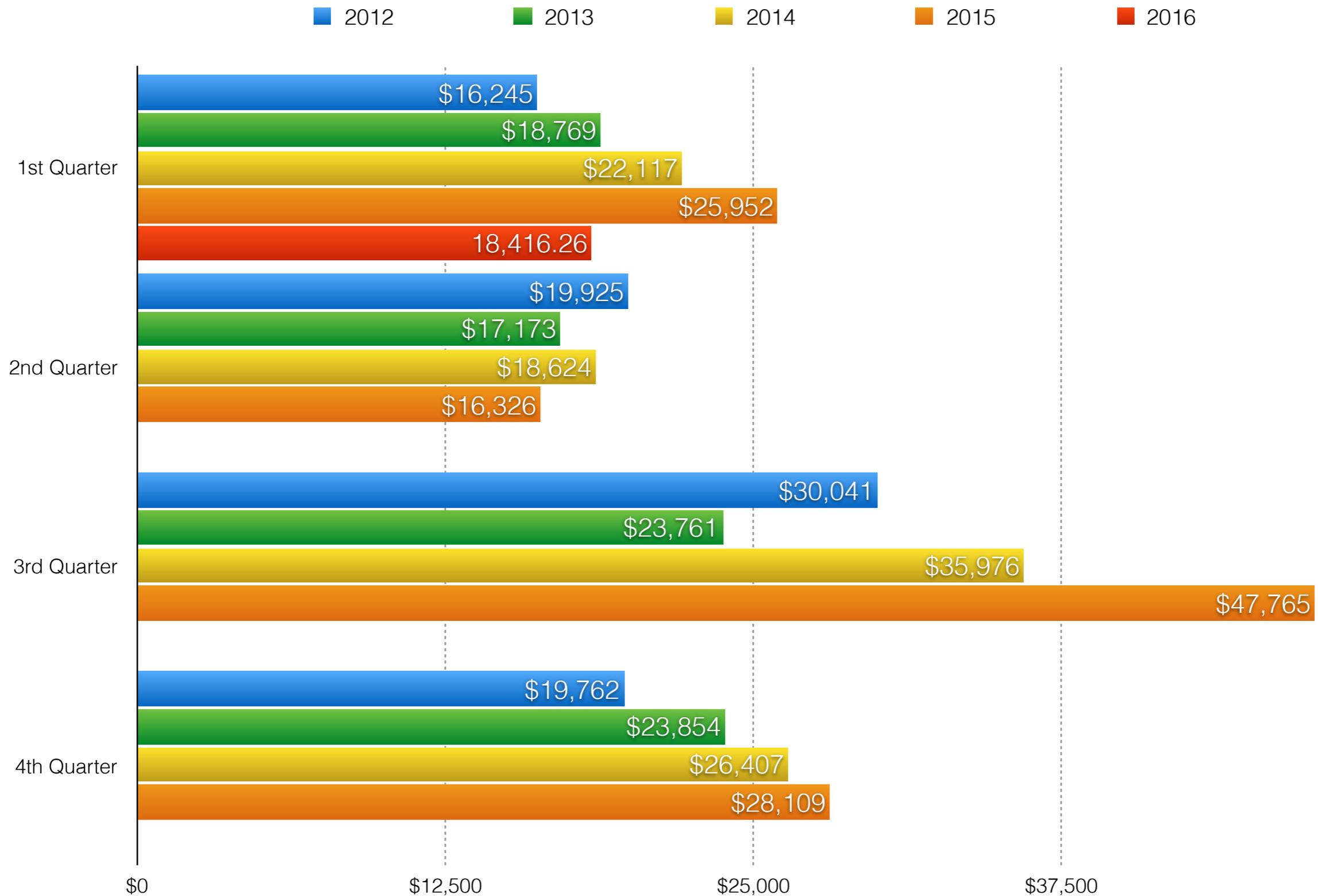
(2012 - 2016)

■ 2012 ■ 2013 ■ 2014 ■ 2015 ■ 2016



County Collections by Quarter

(2012 - 2015)

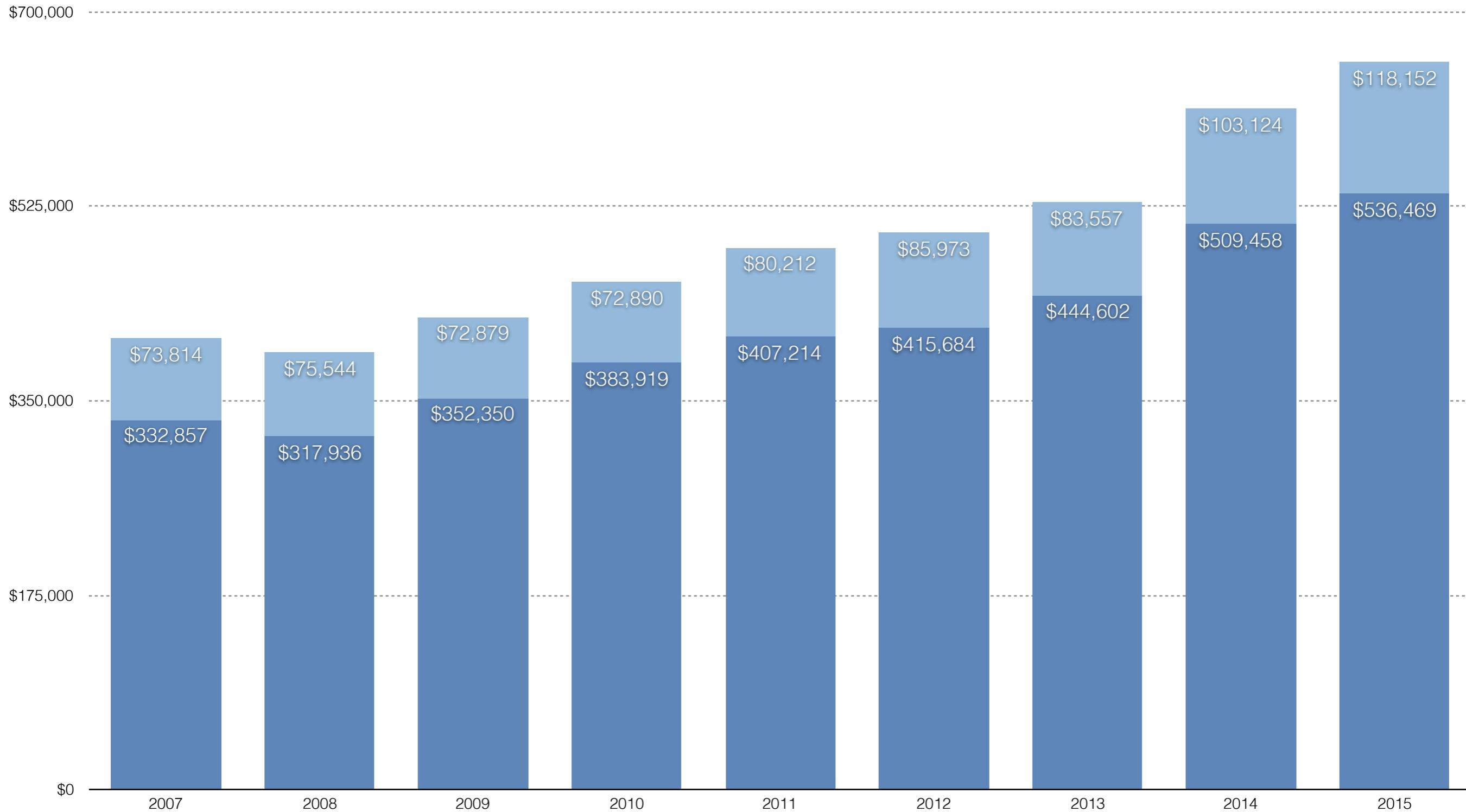


Total Collections by Year

(2007 - 2015)

■ Town

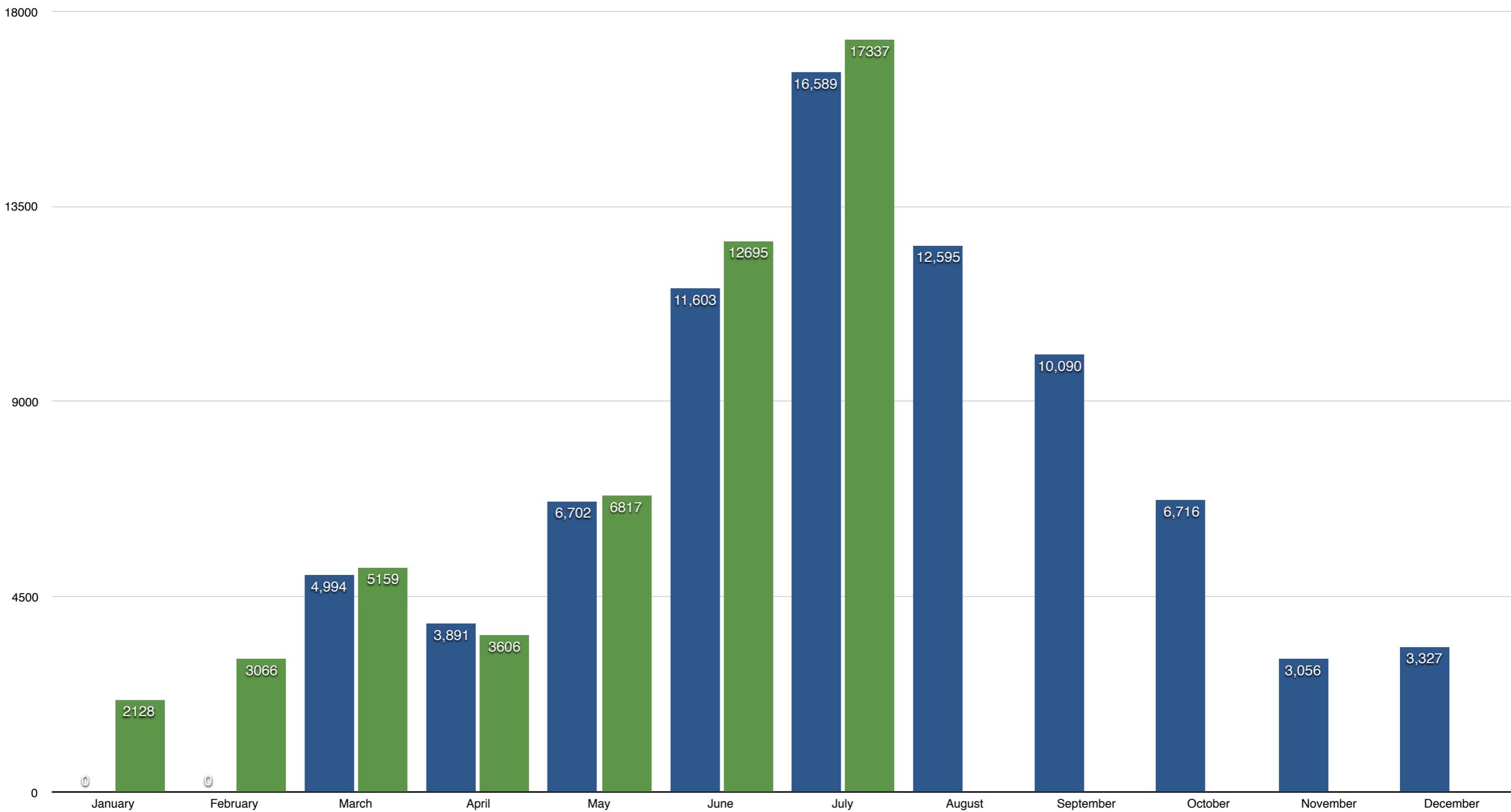
■ County



Visitor Center Traffic

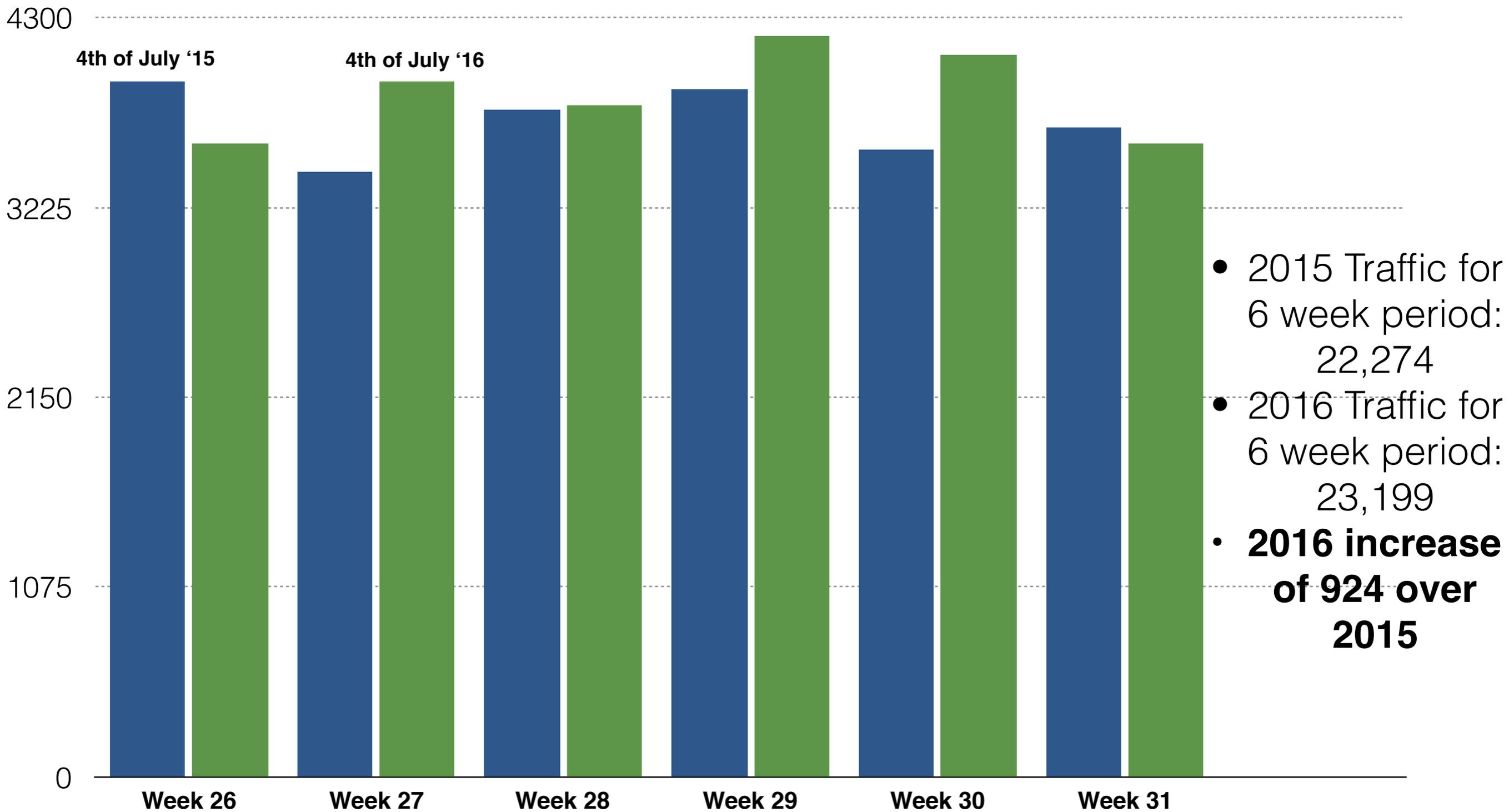
■ 2015 (Traffic less Chamber / Mtgs)

■ 2016 (Traffic less Chamber / Mtgs)

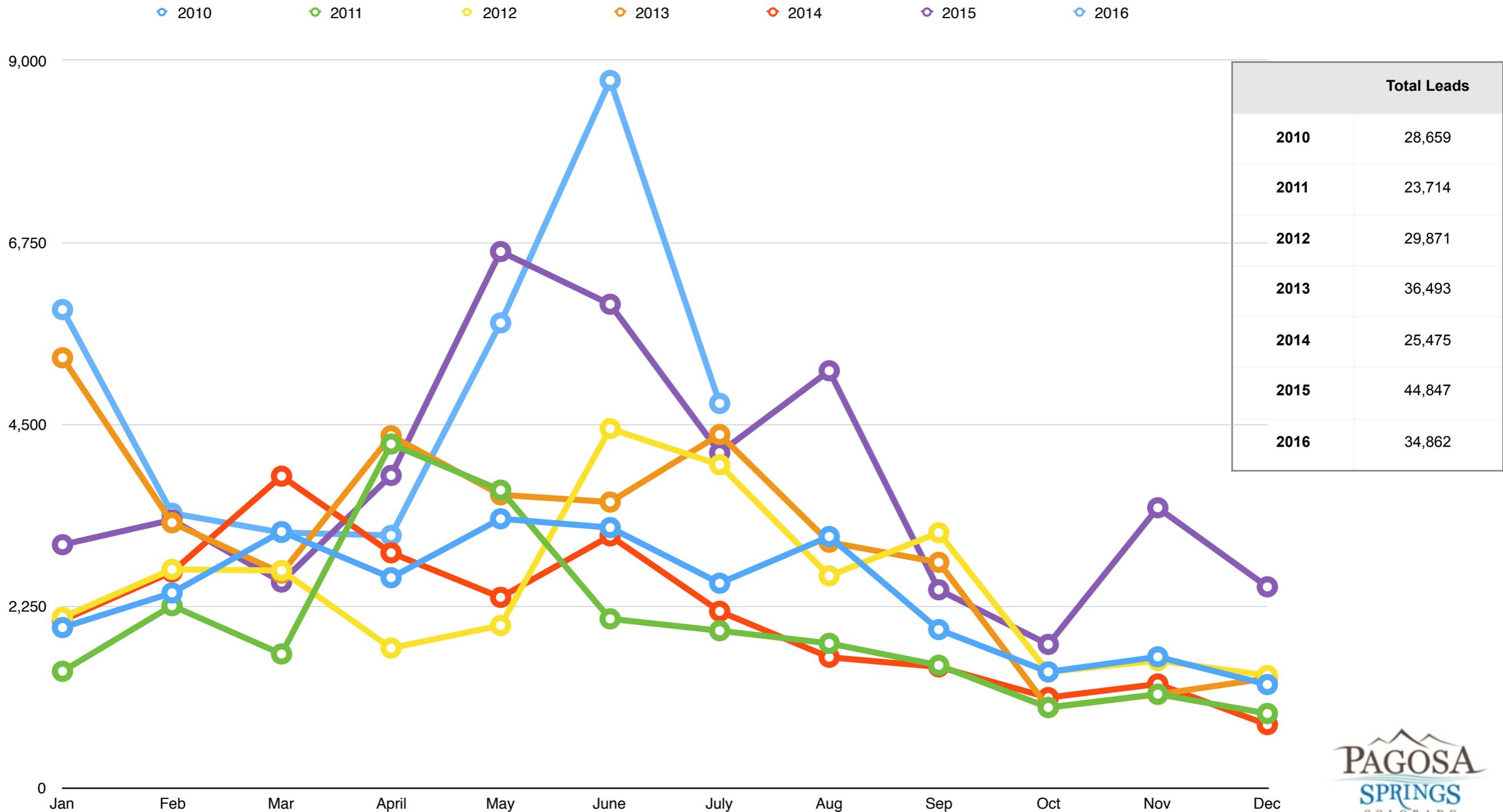


2015 - 2016 Week over Week Visitor Center Traffic

■ 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	3,159	3,124	5,753	8,753	4,757						34,862



AGENDA DOCUMENTATION

NEW BUSINESS: V.1

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: DARREN LEWIS, PARKS & RECREATION DIRECTOR

PROJECT: ICE RINK AT SOUTH PARK
ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

The past two years Town Council has allowed the Pagosa Multi-Purpose Pavilion Coalition (Coalition) to erect and maintain an ice rink at Town Park. The ice rink has been a popular amenity for the community and tourists during the winter. However, Town Park has not been an ideal location for the ice rink. One problem currently is the time it takes to remove the rink walls, liner, and other infrastructure after the ice skating season. The Town is well into our Spring Break season before the ice rink can be removed. This situation reflects poorly on the beauty of the park and its use.

It is the request of the Coalition to locate the ice rink to South Park for a trial basis during the winter of 2016/2017. The rink location is proposed to be on the cement pad where basketball and pickle ball occurs during the summer months. Currently South Park is not used during the winter months for any organized activities.

Additionally, the Coalition is requesting permission to install a storage shed structure in South Park to house equipment and the Zamboni ice groomer during the winter. The Shed is proposed to be on a level gravel surface. It is proposed to be located just north of the restrooms (see diagram – Exhibit A).

The hours of the ice rink operation are proposed to be: _____

Staff is comfortable with locating the ice rink and storage shed at South Park for the 2016/2017 season. However, the concerns are the operational efficiency of locating the ice rink in this particular park and the impact to the surrounding neighborhood. It is recommended the Council consider this winter to be a trial run and then be reevaluated for next year.

LAND USE DEVELOPMENT CODE

South Park is zoned Open Space. The LUDC allows outdoor recreation, commercial, within an Open Space district, with a Conditional Use Permit (CUP). If Town Council approves the use of the South Park as a location for the ice rink, then the Planning Commission will consider a CUP Application on August 23, 2016 at 5:30pm, which will be held as a public hearing.

PUBLIC NOTICE

The Planning Department provided Public Notice for the August 18th Town Council Meeting and the August 23rd Planning Commission Public Hearing as follows:

- 1) Published in the August 4, 2016 addition of the Sun Newspaper.
- 2) Posted in Town Hall on August 2, 2016.
- 3) Posted on the property (PC Hearing Only).
- 4) Mailed to property owners within 300 feet of the subject property on August 2, 2016.

Additionally, on August 1-4, the ice skating organization, "Pagosa Multi-Purpose Pavilion" knocked on doors and handed our door hangers notifying residents of the Town Council meeting and Planning Commission CUP public hearing.

Attachments

- Exhibit A: Diagram of ice rink and storage shed location.

Parks and Recreation Commission

On July 12, 2016, at the Parks and Recreation Commission meeting, the Commission unanimously approved recommending to Town Council locating the ice rink to South Park for the winter of 2016/2017.

FISCAL IMPACT

If directed by Council, staff will create an MOU with the Ice skater's coalition this season for covering utility or any other operational costs incurred from the use of South Park.

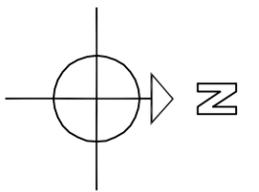
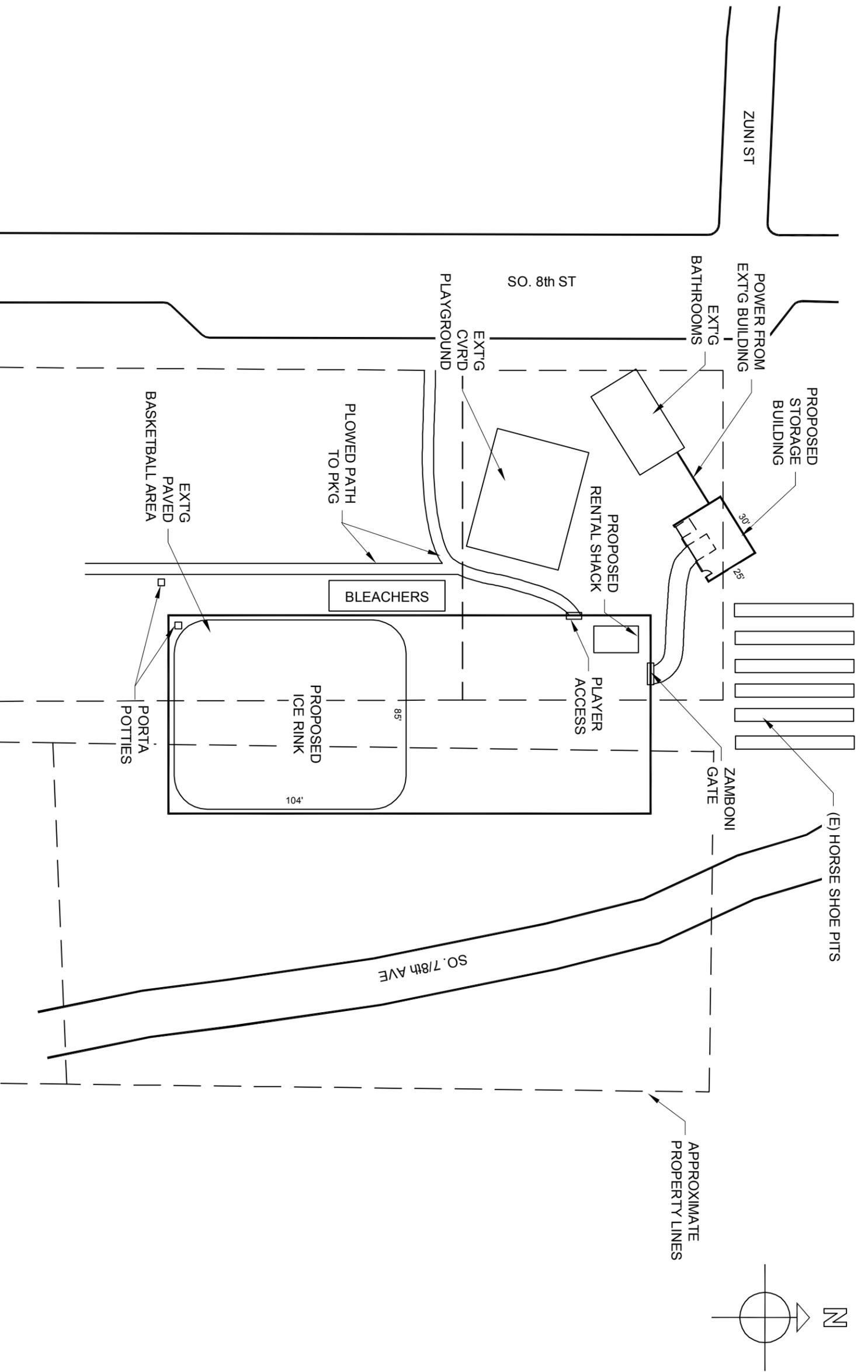
ADOPTED 2016 COUNCIL GOALS & OBJECTIVES

While the Council's Goals & Objective don't speak directly to this effort, it may be inferred this initiative is consistent with "Goal 2: Objective 2.3 Beautification of Downtown core

RECOMMENDATION

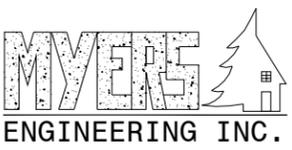
Possible motions for the Town Council to consider are:

- 1. Move to approve the use of South Park for use by the Pagosa Multi-Purpose Pavilion Coalition for an ice rink and temporary placement of a storage shed, subject to the following conditions:**
 - Securing approval of a Conditional Use (CUP) permit by the Town Planning Commission
 - Creation of an MOU to be executed by the Town Council and the Coalition after approval of the CUP by the Planning Commission
- 2. Move to decline approval of South Park as the location for the Pagosa Multi-Purpose Pavilion Coalition ice rink for the 2016/2017 season.**
- 3. Direct Staff Otherwise**



SHEET TITLE:
Site Plan

PREPARED FOR: **Pagosa Multi-Use Pavillion**
 PROJECT: **Storage Building**
 PROJECT LOCATION: **8th St**
Pagosa Spg's., CO 81147



171 Antelope Ave., Pagosa Springs, CO 81147

PH: 530.598.7779

Date: _____
 Scale: As shown
 Proj. #: _____
 Sheet: **3**
 Of 4 Sheets

It is estimated 20-30 hours for the building plan review and another 30-50 hours for building inspections during the life of construction project. If fees are waived, the cost of staff time will not be paid by the applicant, and will be absorbed (expended) in the Town's General Fund Wages Line Item currently budgeted. Any third party plan review expenses will be billed to the applicant for reimbursement.

IMPACT FEES ANALYSIS

Axis is obligated to construct 342 lineal feet of public road curb and gutter (at a cost of approximately \$13,300) and 342 lineal feet of a 5-foot-wide public sidewalk (at a cost of approximately \$14,132). Axis Health has requested crediting a portion of the calculated **\$19,456.60** impact fees due.

Impact Fees are collected for **Regional** Infrastructure improvements needed as a result of impacts new development imposes on the region, they are not collected for improvements within or immediately adjacent to new developments.

Town Council may consider crediting impact fees as described in LUDC Section 10.6 (described below) if the public improvement is one in which an impact fee is collected for. In this case, the curb and gutter could be considered a portion of the road impact fee that is being collected, **however**, sidewalks are not a specified capital improvement that impact fees are collected for, thus may not be considered for a credit. **Again**, Impact Fees are collected for **Regional** Infrastructure improvements, not improvements within or immediately adjacent to new developments.

Article 10 of the LUDC outlines Impact Fees regulations, LUDC Section 10.6 Impact Fee Credit for Improvements:

"Upon approval by the Town Council, any developer obligated to pay an impact fee shall receive a credit against the amounts due or to become due for any site-specific dedication or improvement provided by the developer to meet the same need for capital facilities for which the impact fee is imposed."

FISCAL IMPACT

The fiscal Impact will be equal to the total of any fee reductions and Impact fee credits approved by Town Council. The cost of processing the building permit application, reviewing building plans and conducting on-site construction inspections are incurred staff time commitments. Philosophically, the building and planning functions within the Town should endeavor to be self-supporting from fees for services. Waiver of the fees should be for a demonstrated public purpose.

ATTACHMENT(S)

- 1) Letter of request from Axis Health Systems.

ALTERNATIVE ACTIONS FOR BUILDING PERMIT AND PLAN REVIEW FEES

- 1) Approve a ____% fee waiver on Building Permit and Plan Review Fees.
- 2) DENY the request to waive Building Permit and Plan Review Fees.

ALTERNATIVE ACTIONS FOR IMPACT FEE CREDITS

- 1) APPROVE an Impact Fee Credit of \$13,300 (or other amount as determined) towards the calculated road Impact Fees due.
- 2) DENY an Impact Fee Credit.



August 10, 2016

Pagosa Springs Town Council
PO Box 1859
Pagosa Springs, CO 81147

Dear Pagosa Springs Town Council:

We are excited and thrilled to begin construction on the new healthcare facility at 52 Village Drive in Pagosa Springs. We will be providing outstanding care to the residents of Pagosa Springs and Archuleta County and are excited to strengthen our partnerships with the Town of Pagosa, Pagosa Springs Medical Center, and the residents of Archuleta County. Our experience in working with James Dickhoff and the Planning Department has been outstanding and his assistance through the application process has been critical and much appreciated.

The purpose of this letter is to formally request that the impact fee of \$27,237 assessed for our construction project be waived. We strongly believe that our construction project and resulting healthcare facility will have significant positive economic and quality of life impacts on the community of Pagosa Springs and Archuleta County and will provide a net substantial benefit to the community:

- Archuleta Integrated Healthcare will provide critical geographic and financial access to primary care, and behavioral healthcare services for all residents through its central location and a sliding scale for low-income patients;
- We project that we will provide at least \$85,000 worth of uncompensated care (the difference between the patient sliding fee and our cost of care) to residents of Archuleta County on an annual basis;
- We will be hiring 7.5 FTE new employees (including 1.5 FTE physicians) to staff the facility at the start (this will likely double over the following 3-5 years). The initial 7.5 FTE will put \$577,152 in salaries and benefits back into the local economy;
- Our capacity to address both mental health and substance use issues as well as providing care to the un- and under-insured will help Pagosa Springs Medical Center's primary care payer mix and we will be making appropriate referrals to the Medical Center – reducing their costs for uncompensated care and increasing their revenue.
- We are subcontracting with local Pagosa Springs firms for a minimum of \$455,000 (we have yet to get all subcontract bids back so this number is likely low) bringing those dollars to the local economy;
- During construction, we will not only improve the drainage on the property and surrounding area, which will mitigate the impacts of storm water run-off along Village Drive but also make the property more attractive, consistent with the image of Pagosa Springs; and
- We plan to tie into and improve existing walkways and trails adjacent to the property to provide walking access to and from the surrounding properties.

I would also like to take this opportunity to ask you to consider waiving some portion of the \$23,743.13 in building permit fee in light of both the above information and our not-for-profit status - there is no profit that goes to an individual or collective ownership, only back into the care of residents.

We fully appreciate working with the Town of Pagosa on this project and look forward to our continued partnership. Thank you for taking time to review our requests.

Respectfully,

A handwritten signature in black ink that reads "Bernard H. Heath Jr., Ph.D." in a cursive style.

Bernard H. Heath Jr., Ph.D.
Chief Executive Officer



AGENDA DOCUMENTATION

NEW BUSINESS: V.3

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: ORDINANCE 847 (FIRST READING) – REVISING MARIJUANA ORDINANCE

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

The Town Council is authorized to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law, and provide for the enforcement of such Ordinances. In 2015 by Ordinance No. 825 (Series 2015), the Town adopted specific standards and procedures for local licensing of marijuana-related businesses and establishments. The Town issued its first license in December 2015 and subsequent to that date an additional two applications were submitted for review. The Town, acting as the Licensing Authority, approved both licenses on April 6, 2016.

At that meeting there were significant discussions about the original intent of the Ordinance and how to administer the 70 / 30 rule provided for in the Ordinance in regards to the sourcing of bud leaf product for sale. The Town Council has asked Town staff to study whether certain amendments to the requirements in Article 6 of the Town Code for marijuana-related businesses and establishments are necessary and appropriate, including but not limited to the requirement for marijuana establishments to obtain 70% of their marijuana inventory from a cultivation facility located within Archuleta County.

Consequently, the Council felt it was in the best interest of the community to temporarily suspend the processing of all applications for marijuana-related businesses and establishments until such time as the Town can study the need for additional changes to the Municipal Code related to the application, licensing, and operation requirements for marijuana-related businesses and establishments. Ordinance 839 suspended the process until September 6, 2016

Town staff has worked with the local marijuana business owners as well as Attorney Cole's office to prepare a proposed Ordinance (Ordinance 847) to clarify and modify the 70/30 rule.

In addition, Bob Cole has provided a Memorandum to assist in the discussion of this item.

There are no pending marijuana establishment applications at the time of this writing.

ATTACHMENTS

- Proposed Ordinance 847 (clean and red-lined)
- Summary Memorandum from Collins, Cockrel & Cole

FISCAL IMPACT

There are no immediate fiscal impacts for the Town if the temporary moratorium were put in place. Conceptually, if another valid application were to be submitted, and that applicant had a readily available supply of leaf bud sourced within Archuleta County and the Licensing Authority approved the license, then the Town would lose the sales tax revenue of that hypothetical applicant.

RECOMMENDATIONS

Possible actions by the Town Council include:

- 1. Move to approve the First Reading of Ordinance 847**
- 2. Move to NOT approve the First Reading of Ordinance 847**
- 3. Direct staff**

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 847
(SERIES 2016)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
REPEALING AND READOPTING CHAPTER 6, ARTICLE 5 OF
THE PAGOSA SPRINGS MUNICIPAL CODE REGARDING THE
REGULATION AND LICENSING OF MARIJUANA BUSINESS
ESTABLISHMENTS**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of The Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

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

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

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

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

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

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

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

WHEREAS, by Ordinance No. 825 (Series 2015) adopted on final reading on May 21, 2015, and Ordinance No. 830 (Series 2015) the Town Council enacted and amended Article 5 of Chapter 6 of The Pagosa Springs Municipal Code for the regulation and licensing of marijuana business establishments; and

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

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

I. **Repeal and Readoption of Article 5, Chapter 6.** Article 5, Chapter 6 of The Pagosa Springs Municipal Code is repealed and readopted as provided in Exhibit 1 attached hereto and incorporated herein.

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

III. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

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

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF ____, 2016.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF ____, 2016.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 847 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the _____ day of _____, 2016, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2016.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 847 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the _____ day of _____, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2016.

April Hessman, Town Clerk

(S E A L)

**CHAPTER 6
BUSINESS REGULATIONS**

**ARTICLE 5
PAGOSA SPRINGS MARIJUANA LICENSING REGULATIONS**

Part 1. GENERAL

Sec. 6.5.1.1 Title

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

Sec. 6.5.1.2 Authority

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

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

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

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

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

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

- (2) Comply with the Town’s obligations under The Colorado Medical Marijuana Code;
- (3) Comply with the Town’s obligations under Colorado Constitution Art. XVIII, §16(5)(e);
- (4) Require that medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturing facilities, collectively referred to as “Medical Marijuana Establishments,” shall operate in a safe manner that does not endanger the public welfare and in a manner that conforms to The Medical Marijuana Code;
- (5) Require that retail marijuana stores and retail marijuana cultivation facilities, collectively referred to as “Retail Marijuana Establishments,” shall operate in a safe manner that does not endanger the public welfare and in a manner that conforms to The Colorado Retail Marijuana Code;
- (6) Mitigate potential negative impacts that the medical marijuana establishments and retail marijuana establishments (collectively “Marijuana Establishments”) may cause on surrounding properties and persons;
- (7) Regulate the conduct of persons owning, operating, and using marijuana establishments to protect the public health, safety and welfare;
- (8) Establish a nondiscriminatory mechanism by which the Town appropriately regulates the location and operation of marijuana establishments within the Town.
- (9) Ban marijuana businesses that are not specifically licensed by the Town including retail marijuana infused products manufacturers and retail marijuana testing facilities.

Sec. 6.5.1.4 Applicability of Regulations

- (1) *Applications for local licenses.* The authority shall receive and process all applications for marijuana establishments beginning on September 1, 2015.
- (2) *Dual Licenses.* Operation of a licensed medical marijuana center and a retail marijuana store and/or an optional premises cultivation facility and a retail marijuana cultivation facility is permitted so long as appropriate state and local licenses have been issued and remain valid and active for both operations. No dual medical marijuana center and retail marijuana store is

permitted to sell marijuana to persons younger than twenty-one (21) years of age, except that medical marijuana products may be sold to a person at least eighteen (18) years of age, as allowed by State law.

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

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

Sec. 6.5.1.5 Definitions

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

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

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

- (a) “*Applicant*” means any person making an application for a license under this Article.
- (b) “*Authority*,” “*Pagosa Springs Local Licensing Authority*” and “*Local Licensing Authority*” have the same meaning for the purposes of these Regulations.
- (c) “*Good Cause*”, for purposes of refusing or denying a license issuance, renewal or transfer, means:

- (i). The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of these Regulations, The Colorado Medical Marijuana Code, The Colorado Retail Marijuana Code, as applicable;
 - (ii). The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the state or local licensing authority;
 - (iii). The licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located; or
 - (iv). The licensed premises have been inactive without justification for at least one year.
- (d) “*Licensed Premises*” means the premises specified in a license under these Regulations, which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell or test medical marijuana and/or retail marijuana in accordance with the provisions of The Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, as applicable, and these Regulations. Licensed premises include an off-premises storage facility owned, operated or used by the licensee.
- (e) “*Licensee*” means a person licensed pursuant to these Regulations.
- (f) “*Location*” means a particular parcel of land that may be identified by an address or other descriptive means.
- (g) “*Marijuana*” means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate but shall not include industrial hemp, the fiber produced from the

stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

- (h) “*Marijuana club*” means an entity or place of assembly that allows members and their guests, or any other persons, to consume marijuana or marijuana products whether for-profit or not-for-profit. Marijuana clubs shall not include social gatherings within a residential zoning district of adults twenty-one (21) years of age and older as guests of a resident at the location, where a fee is not charged, goods are not sold, and no profit is made by the individual hosting the gathering.
- (i) “*Marijuana Establishment*” means a medical marijuana establishment or a retail marijuana establishment
- (j) “*Medical Marijuana Establishment*” means a medical marijuana center, medical marijuana-infused products manufacturer, and/or optional premises cultivation operation, each as defined in The Colorado Medical Marijuana Code.
- (k) “*Owner*” means any person having a beneficial interest, as defined by the state licensing authority, in a medical marijuana establishment or a retail marijuana establishment.
- (l) “*Patient*” shall have the same meaning as set forth in Article XVIII, Section 14(1) of The Colorado Constitution.
- (m) “*Premises*” means a distinctly identified, as required by the state licensing authority, and definite location, which may include a building, a room, or any other definite contiguous area.
- (n) “*Primary Care-giver*” or “*Primary Caregiver*” shall have the same meaning as set forth in Article XVIII, Section 14(1) of The Colorado Constitution and Section 25-1.5-106, C.R.S.
- (o) “*Retail Marijuana Establishment*” means a retail marijuana store, and/or retail marijuana cultivation facility, each as defined in The Colorado Retail Marijuana Code.

- (p) “*Retail Marijuana products manufacturer*” shall have the same meaning as set forth in Section 12-43.4-103, C.R.S.
- (q) “*Retail Marijuana testing facility*” shall have the same meaning as set forth in Section 12-43.4-103, C.R.S.
- (r) “*School*” means and includes elementary school, junior high school, high school, charter school, the principal campus of a college, university, or seminary.
- (s) “*Sale*” or “*Sell*” includes to exchange, barter, or traffic in, to solicit or receive and order, to deliver for value in any way other than gratuitously, to peddle or possess with intent to sell, or to traffic in for any consideration promised or obtained directly or indirectly.

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

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

(2) Except where the provisions expressly set forth in these Regulations are inconsistent with or differ from The Colorado Retail Marijuana Code, all of the provisions of The Colorado Retail Marijuana Code, as amended from time-to-time, are adopted herein by this reference, and apply to all applications received and licenses issued by the local licensing authority with respect to retail marijuana establishments.

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

Sec. 6.5.1.7 Licenses and Grant of Authority for Dual Licenses

(1) The authority is authorized to issue the following local licenses should the applicant fulfill the requirements: medical marijuana center license; optional premises cultivation license; medical marijuana-infused

products manufacturing license; retail marijuana store license; and retail marijuana cultivation facilities license. The license requirements in these Regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.

(2) A person may operate a licensed medical marijuana center, optional cultivation facility or medical marijuana-infused products manufacturing facility and any licensed retail marijuana establishment at the same location if the local licensing authority determines that the operations will meet the requirements of these Regulations.

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

Sec. 6.5.1.8 Town Reservations

(1) Adoption of these Regulations is not intended to waive or otherwise impair any portion of the local option available under Colorado Constitution Art. XVIII, §16(5)(f), C.R.S. §12-43.3-106, or C.R.S. 12-43.4-104(3).

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

Sec. 6.5.1.9 Operation Limitations

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

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

(b) Each marijuana establishment shall be operated from a permanent location. No marijuana establishment shall be permitted to operate from a moveable, mobile or transitory location. Notwithstanding anything to the contrary herein,

delivery of medical marijuana is permissible if it complies with state law provided it originates from a non-moveable, fixed, licensed location and such delivery sales account for less than ten (10%) percent of the medical marijuana establishment's total sales.

- (c) A medical marijuana center and retail marijuana store may be open for the sale of medical or retail marijuana only between the hours of 8 a.m. to 7 p.m.
- (d) No marijuana establishment may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes. The authority in its sole and unfettered discretion may, at any time, require an applicant or licensee to engage an industrial hygienist, at the applicant's or licensee's cost, to review the manner in which butane, propane or other solvents or flammable products are stored, used or controlled on the licensed premises for the purpose of opining on the safety precautions in place. Such industrial hygienist may make recommendations which the Town may require the applicant or licensee to implement.
- (e) No retail marijuana establishment is permitted to sell marijuana to persons younger than twenty-one (21) years of age and must post signage that clearly states: "You must be at least 21 years old to enter." No medical marijuana establishment is permitted to sell marijuana to persons younger than eighteen (18) years of age and must post signage that clearly states: "You must be at least 18 years old to enter" where any marijuana products are visible.
- (f) All retail marijuana labels must contain the statement: "It is illegal to transfer or sell retail marijuana or retail marijuana products to anyone under the age of 21." All medical marijuana labels must contain the statement: "Except for licensed medical marijuana centers and primary caregivers, it is illegal to transfer or sell medical marijuana or medical marijuana products to anyone."
- (g) For dual medical marijuana center and retail marijuana stores, the business shall verify the proof of age of every person

entering the business with an electronic ID scanner. An “electronic ID scanner” is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes.

- (h) All cultivation, production, distribution, storage, display, and sales of marijuana and marijuana-infused products must not be visible from the exterior of the business.
- (i) All retail sales of retail marijuana must be in person, directly to the purchaser. No sales may be finalized by telephone, internet, or other means of remote purchase.
- (j) All grow lamps must be recycled and not deposited in a trash receptacle or landfill. The time, date, and location of all lamps recycled must be documented and available for inspection.
- (k) Marijuana establishments may not distribute to a consumer, marijuana or marijuana-infused products free of charge.
- (l) Marijuana establishments are subject to the requirements of The Land Use and Development Code including The Pagosa Springs Sign Code and the restrictions on advertising and marketing under The Colorado Retail Marijuana Code. In addition, no advertisement for marijuana or marijuana products are permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public or private property. This prohibition shall not apply to (1) any advertisement contained within a newspaper, magazine or other periodical of general circulation within the Town or on the internet; or (2) advertising which is purely incidental to sponsorship of a charitable event not geared to or for the benefit of children or youth. Provided, further, no exterior signage shall use the word “marijuana,” “cannabis” or any other word, phrase, symbol, acronym or combination of letters or numbers commonly understood to refer to marijuana.
- (m) A marijuana establishment may sponsor a charitable, sports, or similar event, but a marijuana business must not engage in advertising at, or in connection with, such an event unless the marijuana business has reliable evidence that no more than

thirty (30%) percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of twenty-one (21).

- (n) All marijuana establishments shall collect and remit all applicable sales taxes in a timely manner. The state and Town license to engage in a medical marijuana establishment or retail marijuana establishment shall be posted along with the State sales tax license.
- (o) Any marijuana establishments within the Town shall be required to have a fully operational alarm system which must be properly maintained. Such alarm systems shall have video surveillance coverage of the premises at all times and shall have redundant power supplies and circuitry to prevent deactivation, either intentional or unintentional. If an alarm system is deactivated, the company monitoring the systems must immediately notify the Pagosa Springs Police Department.
- (p) Marijuana establishments shall be equipped with a steel door or a solid wood core door with dead bolts in place and engaged for purposes of securing the space or location where marijuana or marijuana-infused products are stored, or where any marijuana transaction is to take place. In addition thereto, each marijuana business shall be equipped with at least one silent alarm for every five-hundred (500) square feet of interior business space.
- (q) It shall be unlawful for any marijuana business to employ any person who is not at least twenty-one (21) years of age.
- (r) No Marijuana establishment shall be managed by any person other than the licensee or the business manager listed on the application for the license, renewal application, or change of manager application. One such licensee or business manager shall be responsible for all activities within the licensed premises during all times when the business is open and in the case of an emergency, as determined by the Chairperson of the authority available to be on the premises within thirty minutes of a demand for such person to be present being made at the establishment.

- (s) There shall be posted in a conspicuous location in each medical marijuana center and retail marijuana store a legible sign containing the following warnings:
 - (i). A warning that the use of marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or operate machinery when under the influence of or impaired by marijuana;
 - (ii). A warning that possession and distribution of marijuana is a violation of federal law; and
 - (iii). That smoking of marijuana in public is illegal.
- (t) Any and all such records required to be maintained under The Medical Marijuana Code or The Retail Marijuana Code shall be open at all times during business hours for inspection and examination by the Town Manager or his or her duly authorized representative(s). Provided, further, the Town may require the licensee to furnish such information as it considers necessary for the proper administration of these Regulations.
- (u) Medical marijuana centers and retail marijuana stores shall obtain at least seventy (70%) percent, by weight, of the marijuana bud/flower and trim/shake they sell from an optional premises cultivation operation or retail marijuana cultivation facility located within Archuleta County. Such sourcing shall be determined based on each calendar year quarter (January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31) from seed-to-sale tracking system records maintained pursuant to Sections 12-43.3-202 and 12-43.4-202, C.R.S. A newly licensed medical marijuana center or retail marijuana store must establish its initial inventory of bud/flower and trim/shake meets the seventy (70%) percent Archuleta County cultivation requirement as of the first day the center or store is open for business, by providing tracking system reports to the local licensing authority within fourteen (14) days of opening, which confirm initial compliance. Medical marijuana centers and retail marijuana stores that have been approved for licensing prior to the effective date of Ordinance 847 (Series

2016) do not have to comply with the requirements if this paragraph until the beginning of their second licensing term or the opening of the center or store following approval of a transfer of licenses if such transfer is prior to the licensee's first license renewal term.

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

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

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

Sec. 6.5.1.10 Location Restrictions

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

(2) No marijuana establishment shall be licensed to operate at a location that is within one-thousand (1000) feet from any school, alcohol or drug treatment facility or licensed day care facility whether located within or outside the corporate limits of the Town. The suitability of a location for the marijuana establishment shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a marijuana establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect. Nothing within this section shall preclude the establishment of a school or licensed day care facility within one-thousand (1000) feet of a pre-existing marijuana establishment.

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

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

Part 2. LOCAL LICENSING AUTHORITY

Sec. 6.5.2.1 Establishment of Local Licensing Authority

The local licensing authority shall be the Town Council for the Town of Pagosa Springs.

Sec. 6.5.2.2 Powers

The local licensing authority shall have the powers described in The Medical Marijuana Code and Retail Marijuana Code to issue licenses and the power to hear and determine at a public hearing any contested local license denial, any complaints against a licensee, and administer oaths and issue subpoenas to require the presence of persons and the production of

papers, books, and records necessary to the determination of any hearing so held.

Sec. 6.5.2.3 Administrative Action

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

Part 3. LICENSES

Sec. 6.5.3.1 Medical Marijuana Licenses

The local licensing authority shall issue local licenses to applicants only for the purpose of operating a medical marijuana establishment pursuant to The Medical Marijuana Code who fulfill the requirements for one of the following:

- (a) medical marijuana center;
- (b) medical marijuana-infused products manufacturer;
- (c) optional premises cultivation operation.

Sec. 6.5.3.2 Retail Marijuana Licenses

The local licensing authority shall issue local licenses to applicants only for the purpose of operating a retail marijuana establishment pursuant to The Retail Marijuana Code who fulfill the requirements for one the following:

- (a) retail marijuana store; and
- (b) retail marijuana cultivation facility.

Sec. 6.5.3.3 Nature of Local License

A license pursuant to these Regulations shall apply to a specific person, a particular marijuana establishment, and a specific premises, and will not be transferrable to another person, a different marijuana establishment, or different premises except as provided by these Regulations. An application to “convert” a state license for a medical marijuana establishment to a retail marijuana establishment license requires an application for a new license for purposes of these Regulations and, if the medical marijuana

establishment license being converted was issued by the Town, the surrender of that license to the Town.

Sec. 6.5.3.4 Condition of Local License for Release of Town

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

Part 4. LICENSES REQUIRED

Sec. 6.5.4.1 Unlawful Acts

- (1) For any business, establishment, facility or activity which is required by The Medical Marijuana Code to have a state license, it is unlawful and a violation of these Regulations to operate without both a current state license and a current license issued by the local licensing authority pursuant to these Regulations of the same type and for the same activity at the same location.
- (2) For any business, establishment, facility or activity which is required by The Retail Marijuana Code to have a license, it is unlawful and a violation of these Regulations to operate without both a state license and a license issued by the local licensing authority pursuant to these Regulations of the same type and for the same activity at the same location.
- (3) A person shall not have a financial interest in a license issued pursuant to these Regulations that has not been reported to the local licensing authority and state licensing authority. This subsection shall not apply to banks, savings and loan associations or industrial banks supervised and regulated by an agency of the state or federal government.
- (4) It is unlawful for any person to operate, cause to be operated, or permit to be operated, any retail marijuana infused products manufacturing business, a retail marijuana products testing facility or a marijuana club within the Town whether as a primary land use, an incidental use or as a home occupation, and all such uses are hereby prohibited in any location within the Town.
- (5) The conduct of any activity or business in violation of this Article is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of nuisances as provided in Article 2 of Chapter 11 of Pagosa Springs Municipal Code. All violations of this Article

shall be considered an emergency violation as provided in Section 11.2.2 of Pagosa Springs Municipal Code.

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

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

Sec. 6.5.4.2 Coordination of Local and State Licenses

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

(2) Upon denial of a State license for a medical marijuana establishment or retail marijuana establishment which has been issued a license under these Regulations, the local license shall be revoked.

(3) If a license is suspended or revoked by the state licensing authority, the licensee shall immediately cease operation of the marijuana establishment in the Town until the state license is re-instated during the term of a valid local license. The local licensing authority may suspend or revoke the local license upon the suspension or revocation of the State license.

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

Sec. 6.5.4.3 Duration of Local Licenses

(1) Except as provided herein, any local license issued under these Regulations shall, unless sooner revoked, surrendered by the licensee, or otherwise terminated, expire upon the expiration of the corresponding

license of the same type for the same activity at the same location issued by the state licensing authority pursuant to The Medical Marijuana Code or Retail Marijuana Code, as applicable.

(2) A retail marijuana establishment license that was fully converted from a medical marijuana establishment license will assume the balance of the license term previously held by the surrendered medical marijuana establishment license.

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

Sec. 6.5.4.4 License Contents

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

Part 5. LICENSE APPLICATIONS

Sec. 6.5.5.1 Licensing Procedure.

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

Sec. 6.5.5.2 Application forms.

(1) All applications for medical marijuana center licenses; optional premises cultivation licenses; medical marijuana-infused products manufacturing licenses; retail marijuana store licenses; and retail marijuana cultivation facilities licenses shall be made upon forms provided by the state and local licensing authority. Applications shall provide for confirmation of

compliance with all requirements of these Regulations and the approval criteria set forth in Section 6.5.6.1 and shall include the following supplemental materials:

- (a) identity of the owner of the property on which the premises is located;
- (b) confirmation that the location is within the Mixed-Use Corridor, Mixed-Use Town Center, Commercial or Light Industrial zone district, and any necessary Land Use Code approvals have been obtained;
- (c) a site plan of the premises;
- (d) a list of all other uses on the property;
- (e) a list of all proposed changes or modifications to the premises, including any such proposed changes that are purposed because of State licensing requirements;
- (f) the number of vehicle trips per day expected to be generated by the business;
- (g) the expected source and level of water use for the premises;
- (h) permits or other applicable documentation related to well use, septic system use, and water sanitation;
- (i) a copy of the State sales tax license for the business;
- (j) a narrative together with drawings for how the business will manage parking for customers and employees, including overflow parking if demand exceeds the number of spaces at the premises;
- (k) an explanation of any enforcement action taken by the state or any other jurisdiction with respect to any marijuana establishment license held by the applicant during the previous 12 months;
- (l) a description of all toxic, flammable, hazardous or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used,

kept, or created at the premises (or the property of which the premises are a part); Material Safety Data Sheets for each; the location of use and storage of each shall be identified on the site plans;

- (m) a plan for ventilation of the facilities that describes the ventilation systems that will be used to mitigate any odor of marijuana off the premises of the business. For marijuana establishments that grow marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems mitigating odor leaving the premises. For marijuana establishments that produce marijuana products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process. For marijuana establishments that grow marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises;
 - (n) an inspection of the licensed premises fully equipped per the current plan of operation from a state electrical inspector, master electrician licensed in Colorado or electrical engineer registered in Colorado for compliance with applicable electrical codes;
 - (o) for optional premises cultivation and medical marijuana-infused products manufacturing license applications, information about which medical marijuana center is associated with the business;
 - (p) for medical marijuana centers and retail marijuana stores, confirmation that the location of the optional premises cultivation facility or retail marijuana cultivation facility associated with the center or store is located within Archuleta County and that the center or store will be obtaining at least seventy (70%) percent of its bud/flower and trim/shake from that facility; and
 - (q) a detailed drawing, with scale of the floor plan.
- (2) A site plan of the premises will be scaled and show the following:

- (a) The scale used;
- (b) North arrow designating true north;
- (c) Property boundaries of the premises, indicating front, rear and side lines;
- (d) Location of all proposed buildings/structures and existing buildings/structures that will remain;
- (e) Locations and dimensions of all existing and proposed roads, on and adjacent to the premises, driveways, easements, rights-of-way, existing and proposed utilities;
- (f) Setbacks from buildings and structures, measured in feet (measured from the nearest lot line, road right-of-way or platted right-of-way, whichever is closest, to the eaves or projections from the building or from decks, for all sides of a structure);
- (g) Platted building envelope(s), if applicable;
- (h) Parking areas and spaces;
- (i) Location of signs/advertising, outdoor lighting, landscaping and/or fencing, structural screening elements;
- (j) Total acreage or square footage of the premises; and
- (k) Total square footage of all buildings and total square footage of building footprints.

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

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

(5) An applicant must have filed a complete application for a license of the same type for the same activity at the same location to the state licensing authority before it may apply to the local licensing authority.

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

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

Sec. 6.5.5.3 Processing Applications

(1) No application for a license for any type of marijuana establishment may be submitted to the local licensing authority before September 1, 2015.

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

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

(4) Upon a determination that a complete application, including all required forms and fees, for a license has been received, the authority will refer copies of the application or relevant portions of it to the following agencies or departments for the following purposes. These agencies and departments must submit their written findings and conclusions to the Town

Manager as expeditiously as possible, and no later than sixty days after the referral.

- (a) Building Department: For determination of consistency with Town building and fire code provisions. The Building Department also shall conduct the post-approval inspections required by these Regulations as a condition of license approval.
 - (b) Planning Department: For determination of consistency with the Land Use and Development Code.
 - (c) San Juan Basin Health Department: For determination of consistency with sanitation system regulations and whether there are unresolved public health enforcement actions with respect to the premises.
 - (d) Any other Town department deemed relevant in the circumstances: For determination of consistency with its regulations.
 - (e) Pagosa Springs Police Department: For investigation as requested by the local licensing authority
 - (f) Town departments shall review the application and inspect the premises as deemed appropriate or requested by the local licensing authority to confirm consistency with building and equipment standards imposed by The Medical Marijuana Code, Retail Marijuana Code and these Regulations.
- (5) The local licensing authority may request that the state licensing authority advise the local licensing authority of any items the state licensing authority finds in its investigation that could result in the denial of the state license. If the local licensing authority receives such a notice from the state, it shall suspend its review of the local license until it receives a notice from the state licensing authority that the issues have been corrected and the applicant is eligible for a state license.
- (6) The local licensing authority shall endeavor to take final action on a license application within ninety days after a complete application, together with all applicable fees, has been submitted. If Colorado Constitution Article XVIII, §16(5)(h) or (i) apply to require the local licensing authority to issue a license in lieu of license issuance by the state, a final decision on

the application will be taken within ninety days of receipt of a complete application and all fees therefor.

(7) The applicant shall be responsible for submitting any required application, fees and materials directly to the state licensing authority which are required under The Medical Marijuana Code and The Retail Marijuana Code.

Part 6. APPROVAL CRITERIA

Sec. 6.5.6.1 Basic Criteria

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

- (1) The appropriate application is complete and the full application fee, license fee and operating fee have been paid;
- (2) The Town has determined that the use is permitted at the location of the premises and the owner or operator has obtained any required approvals under the Land Use and Development Code;
- (3) No zoning violations exist on the premises;
- (4) All proposed signs meet the requirements of the Pagosa Springs Sign Code and these Regulations;
- (5) All proposed lighting meets the Land Use and Development Code;
- (6) The premises and any structure in which the use is located has been inspected by the Town Building Official or his or her designee and the premises and structure comply with all applicable uniform code provisions including, but not limited to, building and fire codes, or building plans have been submitted that meet the requirements of the uniform codes and all necessary permits have been obtained from the Town;
- (7) The premises complies with any site specific development requirements or applications or plans have been submitted that meet the requirements and all necessary permits or approvals have been obtained from the Town to implement the applications or plans;
- (8) The premises has an alarm and video surveillance systems that comply with these Regulations, or applications or plans have been submitted

that meet the requirements and all necessary permits or approvals have been obtained from the Town to implement the applications or plans;

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

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

(11) The applicant and premises are in compliance with all other applicable Town regulations;

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

(13) The proposed licensed premises are located in a location permitted by these Regulations.

Sec. 6.5.6.2 Applicant Burden of Proof

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

Sec. 6.5.6.3 State License Must Be Issued First

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

Sec. 6.5.6.5 Buildings Must Be Ready for Occupancy Prior to Issuance

An application may be conditionally granted with contingencies associated with completion of improvements and modifications to the building and premises associated with the application so long as plans or applications

have been submitted in compliance with the requirements of the code and any necessary approvals and permits have been issued, as set forth in Section 6.5.6.1 No license shall be issued after approval of an application and no premises may begin operating a marijuana establishment until the building in which the business is to be conducted is ready for occupancy, a building permit certificate of occupancy issued, if applicable, with such furniture, fixtures, and equipment in place as is necessary to comply with the applicable provisions of these Regulations, and an inspection of the premises has been made by the local licensing authority or state licensing authority to determine that the applicant has complied with all conditions, contingencies and requirements, including that the initial inventory of marijuana meets the seventy (70%) percent Archuleta County cultivation requirement.

Part 7. ACTION ON APPLICATION; HEARINGS

Sec. 6.5.7.1 Action on Applications

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

Sec. 6.5.7.2 Public Hearings and Public Notice

(1) A public hearing shall be held to consider every application for a license subject to the limitations with respect to applications to renew licenses as provided in Part 9 hereof.

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

(3) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and phone number of the applicant, and such other information as may be

required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

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

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

Sec. 6.5.7.3 Preliminary Findings

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

Sec. 6.5.7.4 License Findings

(1) Before entering any decision approving, conditionally approving or denying the application, the local licensing authority shall consider, except where these Regulations specifically provide otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, and any other pertinent matters affecting the qualifications of the applicant for operating the type of Medical or retail marijuana establishment proposed.

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

to good moral character previously made by the state licensing authority. The authority shall not be required to perform a criminal background check:

- (a) if the state licensing authority has performed a background check on the applicant to the satisfaction of the authority; or
- (b) if the authority approves a license conditioned on the completion and successful review of the background check by the state licensing authority.

(3) Before entering any decision approving, conditionally approving or denying the application, the authority shall make a specific finding of fact as to whether the proposed licensed premises is located within any distance restrictions established pursuant to Section 6.5.1.10 of these Regulations.

Sec. 6.5.7.5 Decision on Application

(1) The local licensing authority has authority to refuse to approve, renew or transfer any license for good cause.

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

(3) Within thirty days after the public hearing or completion of the application investigation, whichever is later, the local licensing authority shall issue its decision approving, approving with conditions or denying an application. The decision shall be in writing and shall state the reasons for the decision.

Sec. 6.5.7.6 Notice of Decision

The local licensing authority promptly shall notify the applicant and the state licensing authority of its decision. Notice to the applicant will be deemed given upon personal delivery or three calendar days after deposit in a depository of the US Postal Service, first class postage paid.

Sec. 6.5.7.7 Review of Local Licensing Authority Decision

If a license is approved, conditionally approved or denied following the public hearing by the local licensing authority, that decision shall be deemed

final action and the sole remedy is review of the decision pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4).

Part 8. DUTIES OF LICENSEE

Sec. 6.5.8.1 Notice of Changes

(1) A licensee shall notify the local licensing authority in writing of the name, address, and date of birth of any new proposed owner, officer or manager before the new owner, officer or manager begins owning, managing or associating with the operation. The proposed owner, officer, manager and employees must pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification before owning, managing, or associating with the operation. A transfer of ownership of a license shall be subject to Part 10 of these Regulations.

(2) A licensee shall report each transfer or change of financial interest in the marijuana establishment to the state and local licensing authorities and receive approval prior to any transfer or change of the license. A report is required for transfers of capital stock of any corporation regardless of numbers or values of shares or size of the corporation.

(3) A licensee shall report any change of trade name to the local licensing authority before using it.

Sec. 6.5.8.2 Possession of Licensed Premises

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

Sec. 6.5.8.3 Publicly Display Licenses

The licensee shall conspicuously display the local and the state-issued licenses at all times on the licensed premises.

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

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

Sec. 6.5.8.5 Compliance with Laws

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

Sec. 6.5.8.6 Notices of Changes in State License Status

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

Sec. 6.5.8.7 Notices to Public Safety Agencies

Before commencing operation, a licensee shall notify the Pagosa Fire Protection District and the local Office of Emergency Management of the identity of all toxic, flammable, hazardous, or other materials regulated by a federal, state or local government having authority (or that would have authority over the business if it was not a marijuana business), that will be used, kept, or created at the licensed premises, the location of such

materials, how such materials will be stored, and shall provide Material Safety Data Sheets where applicable. Before commencing operation, a licensee also shall notify the local firefighting agency and Archuleta County Office of Emergency Management whether CO₂ or CO₂-generating is used on the licensed premises, the method and the location. A licensee shall promptly, within no more than one week, notify the Pagosa Fire Protection District and Archuleta County Office of Emergency Management of any changes in this information. All notices shall be in writing, with a copy sent to the local licensing authority.

PART 9. RENEWALS

Sec. 6.5.9.1 Time to Apply for Renewal License

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

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

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

(4) The application for any renewal shall contain, at a minimum, all of the information required by these Regulations for an original license application, and any supplemental information requested by the authority. The provisions of Part 5 shall govern the application form and processing as applicable. The application shall include confirmation of the seventy (70%) percent Archuleta County cultivation requirement as of the date of the application, and shall be supplemented with continued confirmation of such compliance as of the date of the hearing on the renewal application.

Sec. 6.5.9.2 Procedures; Action on Application

To the extent applicable, the provisions of Parts 5 and 7 shall govern processing and action on the application for renewal.

Sec. 6.5.9.3 Approval Criteria

The approval criteria in Part 6 hereof for approval of a new license shall be applicable to an application for a renewal. An approval may be granted subject to immediate suspension based on violations during the licensing term prior to the renewal of these regulations, The Medical Marijuana Code, The Retail Marijuana Code, or state regulations promulgated there under.

Part 10. TRANSFERS

Sec. 6.5.10.1 No Transfers or Assignment of Licenses

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

Sec. 6.5.10.2 License Transfers Allowed

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

Sec. 6.5.10.3 License Transfer Application

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

Sec. 6.5.10.4 Approval Criteria

The approval criteria in Part 6 hereof for approval of a new license shall be applicable to an application for a transfer.

Sec. 6.5.10.5 Procedures; Action on Application

The local licensing authority may hold a public hearing on the application. To the extent applicable, the provisions of Parts 5 and 7 shall govern processing and action on the application for transfer.

Sec. 6.5.10.6 Period of Transferred License

Approval of the transfer of a license has the same effect as approval of a new license and the transferred license shall expire upon the expiration of the corresponding license of the same type for the same activity at the same location issued by the state licensing authority.

Part 11. ENFORCEMENT

Sec. 6.5.11.1 Inspection

(1) The local licensing authority shall have the rights of entry upon and into and inspection of the premises and records of a licensee to the fullest extent authorized by The Medical Marijuana Code, Retail Marijuana Code, and the state administrative regulations promulgated pursuant thereto, as applicable.

(2) The local licensing authority shall at all times during the licensee's business hours, upon request, be admitted to the licensed premises, including any limited access or other secured areas within them, to inspect for compliance with these Regulations. The local licensing authority may request to inspect during non-business hours if the licensee's normal business hours are inconsistent with typical business hours.

Sec. 6.5.11.2 Enforcement Actions

To enforce compliance with these regulations, the local licensing authority may pursue any or all of the following actions:

- (1) Deny the renewal or transfer of a license;
- (2) Impose conditions on the renewal or transfer of a license;
- (3) Suspend or revoke a license;
- (4) Pursue the abatement of the violation as a public nuisance, pursuant to Section 1.5.4.1(5) and Article 2, Chapter 11 of the Pagosa Springs Municipal Code;
- (5) Obtain in the Pagosa Springs Municipal Court an order for injunction, abatement, restitution, or other remedy necessary to prevent, enjoin, abate or remove the violation;
- (6) Prosecution of any violator pursuant to Section 1.3.3 of the Municipal Code;
- (7) Prosecution of any violation pursuant to Sections 12-43.4-901, 12-43.3-901 and 18-1.3-501, C.R.S; and
- (8) Fines of not less than \$500 nor more than \$1,000 in lieu of suspension of fourteen (14) days or less, pursuant to Sections 12-43.3-601(3) and 12-43.4-601(3), C.R.S.

Sec. 6.5.11.3 Hearing; Suspension, Revocation of License

(1) A license issued pursuant to these Regulations may be suspended or revoked by the local licensing authority after a hearing for any of the following reasons:

- (a) Fraud, misrepresentation or a false statement of material fact contained in the license application;
- (b) A violation of any Town, county, state or federal law or regulation with respect to the ownership or operation of the marijuana establishment or with respect to the licensed premises – other than a federal law or regulation concerning

the possession, sale or distribution of marijuana that conflicts with Amendment 20 or Amendment 64 to The Colorado Constitution;

- (c) A violation of any of the terms and conditions of the license;
- (d) A violation of any of the provisions of these Regulations;
- (e) The corresponding state license has been suspended or revoked by the state licensing authority; or
- (f) The licensed premises have been inactive without good cause for at least one year.

(2) A licensee shall be given notice in writing of the allegations and of a hearing to consider suspending or revoking its license at least ten days before the hearing. The notice shall be sent by regular mail, postage prepaid. Notice will be deemed given upon mailing.

(3) Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation.

(4) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes that the licensee has engaged in a different violation of these Regulations, The Medical Marijuana Code or The Retail Marijuana Code, as applicable, or an order of the state or local licensing authority, the licensee shall be permitted to give evidence and statement in defense if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his request the hearing may be recessed for not more than fourteen days, and shall then continue under the same procedure as through no recess had occurred.

(5) The burden of proof shall be on the Town to show that grounds exist for suspension or revocation of the license.

(6) Any decision made by the local licensing authority pursuant to this Section shall constitute the final decision of the Town, is effective immediately unless otherwise stated in the decision, and may be appealed pursuant to Rule 106(a)(4) of The Colorado Rules of Civil Procedure.

(7) No fee previously paid by a licensee in connection with the application or license shall be refunded if the license is suspended or revoked.

Sec. 6.5.11.4 These Enforcement Provisions are not Exclusive

The enforcement provisions expressly stated in these regulations are not exclusive. The Town and local licensing authority shall have any and all enforcement powers afforded by the Charter, Municipal Code, state statutes, and state regulations. In addition to all other remedies available to the Town under these Regulations or by other law, including The Medical Marijuana Code, The Retail Marijuana Code and the state regulations promulgated thereto, violations may be prosecuted in the Town of Pagosa Springs Municipal Court or any other court of competent jurisdiction.

Sec. 6.5.11.5 Deference to State Licensing Authority

The authority may defer to the state to enforce compliance with the requirements in The Medical Marijuana Code and The Retail Marijuana Code.

Part 12. FEES

Sec. 6.5.12.1 Fees Set by Resolution

The Town Council may set and revise application, license and operating fees by resolution.

Sec. 6.5.12.2 Medical Marijuana Establishments

The fees and charges shall be pursuant to the Town Fee Schedule.

Sec. 6.5.12.3 Retail Marijuana Establishments – Application Fees

Application fees for retail marijuana establishment licenses are determined by The Retail Marijuana Code and collected by the state licensing authority.

Sec. 6.5.12.4 Retail Marijuana Establishments – Operating Fees

(1) Operating fees shall be set with the objective of offsetting the cost to the Town of administering these Regulations.

(2) Operating fees for any license (including any renewal or transfer of a license) shall be pursuant to the Town's Fee Schedule, in addition to the application fee received by the local licensing authority for the license (but not reduced below zero). Operating fees must be paid in full before a license, including a renewal or transfer of a license, is issued. The full operating fee is due in advance for any retail marijuana establishment license that was fully converted from a medical marijuana establishment license. No operating fee will be refunded even if the license is transferred, revoked, surrendered, suspended or otherwise is not valid for a full year, or if the operation ceases or never commences before expiration or revocation of the license.

(3) If it is deemed reasonably necessary to engage the services of an outside consultant to review an application for a retail marijuana license, including an application for transfer or renewal, the cost of the consultant shall be charged to the applicant as an additional operating fee. Once the estimate is established, the local licensing authority shall notify the applicant in writing of the fee and its amount. Until the fee is paid, the application shall be incomplete and shall not be further processed. The amount of the fee may be increased at any time if it is determined by the authority that the fee is not sufficient to cover all consulting costs associated with the application. If the authority so determines, it shall notify the applicant in writing of the amount of the increase. Not later than ten days following the notice, the applicant shall pay the amount of the increase. If the increase is not timely paid, the application shall be deemed withdrawn by the applicant.

Sec. 6.5.12.5 Retail Marijuana Establishments – Late Filing Penalty

If a complete application for a renewal license is not submitted until after the expiration of a license, and the licensee qualifies for consideration of that late renewal pursuant to Section 6.5.9.1, the renewal application must be accompanied by a late renewal penalty, if any, as stated on the Town Fee Schedule.

Sec. 6.5.12.6 Payment of Fees

All fees are due and must be paid before any application is deemed complete. All funds must be remitted in the form of a business check or certified funds.

Part 13. PATIENTS AND PRIMARY CAREGIVERS

Sec. 6.5.13 Patients and Primary Caregivers.

(1) Nothing in this Article shall be construed to prohibit or otherwise impair the use of medical marijuana by patients, in accordance with The Colorado Constitution and consistent with Section 25-1.5-106, C.R.S. and rules promulgated thereunder, as may be amended from time to time.

(2) Primary care-givers within the Town are authorized to engage only in those activities regarding medical marijuana that are set forth in Section 14 of Article XVIII of The Colorado Constitution, as defined and limited by Section 25-1.5-106, C.R.S. Primary care-givers who engage in the sale of medical marijuana and/or who charge for care-giver services, shall be deemed to be operating a business within the Town and shall obtain a business license pursuant to Section 6.1.3 of the Pagosa Springs Municipal Code.

(3) Primary care-givers and patients who engage in the cultivation of medical marijuana or the provision of care-giver services within the Town, whether for compensation or not, shall comply with all regulations of general applicability within the Town, including zoning regulations and uniform codes.



AGENDA DOCUMENTATION

NEW BUSINESS : V.4

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: COUNTY COURTHOUSE LOCATION

ACTION: DISCUSSION AND POSSIBLE ACTION / STAFF DIRECTION

ANALYSIS / BACKGROUND

Much of the County operations are centered at the County Courthouse located at 449 San Juan Street along Highway 160. In the Spring of 2015, the Courthouse experienced a rain event that flooded portions of the Courthouse, particularly the western part of the building with the jail experiencing the most significant flooding. As a result, the jail has been unusable and inmates are presently housed in the La Plata County Jail.

The present County Courthouse has had several challenges in regards to usable space for many years and the facilities in the Courthouse are old and in many circumstances out of date. The County and the state court system have been in discussions for many years about space requirements and planning for the future. The flood event increased the urgency of the discussions and planning efforts.

Consequently, the County Commissioners and staff have been gathering data and discussing possible options, including new locations for County facilities. The County has been holding meetings to review current information and to solicit feedback. As of this writing, the possible locations are as follows:

1. The Uptown Location (Parelli Building)
2. The County owned property across Hot Springs Blvd from the Community Center/Town Hall
3. A possible land trade of property owned by the Springs Partners also located along Hot Springs Blvd (part of the 27 acres between the Community Center and the Springs Resort) in exchange for the County owned property across the street.

The purpose of this report is to seek guidance from the Council as to whether they, as a body, would like to communicate a preference to the County Commissioners on the location of the County operations.

2016 Adopted Town Council Goals & Objectives

To assist the Council with this particular issue, the following passages from the Town Council's adopted Goals & Objectives are offered for consideration, as follows:

Goal 2: "Recognize and value downtown as the community's heart."

Within Goal 2, there is the following specific objective and action:

Objective 2.3: "Help to revitalize and expand the Downtown Commercial Area."

Action: "Support County Admin facilities in Downtown."

RECOMMENDATION

Possible actions by Council include:

- 1. Move to direct staff to prepare a Resolution indicating the Town Council's preference for County justice and administrative operations facilities to be located in the downtown area.**
- 2. Move to direct staff to prepare a Resolution indicating the Town Council's preference for County justice and administrative operations facilities to be located in the "uptown area."**
- 3. Direct staff otherwise.**



AGENDA DOCUMENTATION

OLD BUSINESS : VI.1

PAGOSA SPRINGS TOWN COUNCIL

AUGUST 18, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: LEGAL SERVICES REVIEW

ACTION: DISCUSSION AND POSSIBLE ACTION

ANALYSIS / BACKGROUND

The Town Council directed staff to issue a request for proposal for legal services in order to test the market for legal services available in the local and surrounding region. Eleven proposals were received from firms in Pagosa Springs, Durango, Denver, Greeley and New Mexico. The Town Council held a Special Meeting on August 5th to determine the five firms who would interview on August 12th.

Potential criteria for attorney services included costs, local appearance and availability, experience in governmental law, staffing to support Town legal needs or if they are solo practitioners, potential conflict of interest and how often conflicted. At the August 5th meeting, the Council selected the following five applicants to interview:

- Collins Cockrel & Cole,
- Eggleston Kosnik,
- Goldman Robbins Nicholson & Mack,
- Rose Walker Starr, and
- Brett Van Winkle

The interviews were held at Town Hall on Friday, August 12th and the interviewers consisted of Town Council members and Town staff.

A motion was made at the August 12th meeting to enter into negotiations with the firm of Eggleston Kosnik, however the motion failed 2-3. A subsequent motion was approved unanimously to defer the decision to the August 18th Town Council meeting to allow more time for the Council to consider the applicants qualifications.

RECOMMENDATION

Possible actions by Council include:

1. **Move to approve the selection of _____ as Town Attorney and direct staff to execute an agreement for legal services consistent with the submitted proposal.**
2. **Direct Staff**



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**PAGOSA SPRINGS SANITATION GENERAL
IMPROVEMENT DISTRICT MEETING AGENDA
THURSDAY, AUGUST 18, 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 August 2, 2016 Meeting Minutes**
 - 2. Approval of July Financial Statement and Accompanying Payments**
- V. REPORTS TO BOARD**
 - 1. Sanitation District Report**
 - 2. PAWSD/Pipeline Update Report**
- VI. NEW BUSINESS**
 - 1. Resolution 2016-02, Amending Sanitation District Board Meeting Dates**
- VII. NEXT BOARD MEETING OCTOBER 4, 2016 AT 5:00PM**
- VIII. ADJOURNMENT**



AGENDA DOCUMENTATION

REPORTS TO BOARD: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

AUGUST 18, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: SANITATION DISTRICT REPORT

ACTION: DISCUSSION

ADMINISTRATIVE

I have just returned from vacation and am attending to many details and issues that occurred in my absence. Currently we have 2 new taps ready to be scheduled and are waiting for the paperwork to be completed and fees to be paid. There was one clog that was discovered last week and I am thankful that the public works staff was able to resolve it in my absence.

Staff met with FEI Engineering on July 27th to work out details on the overflow vault at PS #1. Currently the design is being revised to construct the vault in the most advantageous location, hopefully utilizing a total gravity system.

Several minor small lift station issues also arose in the past 2 weeks and I have resolved those issues as of Monday 8/15/16.

Since it is impossible for the old lagoons to ever discharge again, I have been given approval by the State authorities to terminate the legal discharge permit. I have started the process of filling out the paperwork towards that end and hope to have it completed by months end.



AGENDA DOCUMENTATION

REPORTS TO BOARD: V.2

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

AUGUST 18, 2016

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: PAWSD/PIPELINE UPDATE REPORT

ACTION: DISCUSSION

UPDATE

One of the undesirable side effects of the decommissioning of the old lagoons is that lots of old sludge, grease and solids makes it way to the storage vault at PS #1. This has caused debris to catch on the floats and transducers at the stations. Until the decommissioning process is complete, I will have to do frequent cleaning of those devices to prevent the false alarms that were received recently.

Also, the odor from the air release vents all along the force main is causing complaints to come in from residents in the vicinity of these devices. Staff is hopeful that this will be a short term issue and the odor will subside when the lagoons are completely decommissioned. If not, some type of carbon filtration or other odor reduction system may have to be engineered to eliminate the problem. I am doing everything possible with the timing of the pump station run times to keep the age of the wastewater to a minimum which will hopefully reduce odor as well.

The irrigation system at PS #2 is nearly complete. As agreed to with the Colorado Timber Ridge HOA, 12 spruce trees are being planted to somewhat soften the visual aspect of the station from the surrounding properties.

Respectfully submitted,
Gene Tautges
Sanitation Supervisor



AGENDA DOCUMENTATION

NEW BUSINESS: VI.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

AUGUST 18, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: RESOLUTION 2016-02, SANITATION DISTRICT BOARD MEETING

ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

The Sanitation District has been meeting two times per month at the same time as the Town Council meeting. In order to save staff time, the meetings have begun prior to the Town Council meetings and normally last about fifteen or twenty minutes. During the last year, the Board and staff have been consumed with the construction of the new sewer pipeline. With the imminent completion of the pipeline project, staff information to report to the board is expected to become more routine.

In order to save the Board's time, as well as staff time, it was suggested to discontinue meetings twice per month and hold them once every two months. The Board may call for a special meeting anytime they deem necessary.

Resolution 2016-02, sets the meeting dates and times as the first Tuesday of every other month beginning October 4, 2016. The meetings will commence just before the Town Council regular meeting.

ATTACHMENTS

Resolution 2016-02

RECOMMENDATION

Staff recommends to the Sanitation District Board:

- 1. Move to approve Resolution 2016-02, A Resolution Establishing the Dates, Times, and Location for Regular Board Meetings and A Procedure for Calling Special Board Meetings.**

OR

- 2. Direct Staff**

TOWN OF PAGOSA SPRINGS, COLORADO

RESOLUTION 2016-02

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT

**A RESOLUTION ESTABLISHING THE DATES, TIMES, AND LOCATION FOR
REGULAR BOARD MEETINGS AND A PROCEDURE FOR CALLING
SPECIAL BOARD MEETINGS**

WHEREAS, the Pagosa Springs Sanitation General Improvement District (“District”) is a public or quasi-municipal subdivision of the state and body corporate established by the Town of Pagosa Springs, Colorado (the “Town”) pursuant to the provisions in C.R.S. §§ 31-25-601 *et seq.*, that provides sanitation services to the Town’s residents and those near the Town; and

WHEREAS, the Board of Directors of the District (“Board”) adopted the Amended and Restated Rules and Regulations of the District on November 18, 2010 (“Rules and Regulations”); and

WHEREAS, Section 1.4 of the Rules and Regulations states, “[t]he Board shall hold meetings, on notice to each member of the Board, which shall be open to the public in a place to be designated by the Board as often as the needs of the District require;” and

WHEREAS, the Board hereby finds and determines that establishing the dates, times, and location for regular Board meetings and a procedure for calling special Board meetings is appropriate and necessary to the function and operation of the District.

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

1. **Regular Board Meetings.** Regular meetings of the Board will be held on the first Tuesday of every other month, commencing on October 4, 2016. Meetings will begin before the meeting of the Town Council of the Town. Meetings will be held at the Town Hall located at 551 Hot Springs Boulevard, Pagosa Springs, Colorado. This Resolution serves as notice of regular meetings to each Board member pursuant to Section 1.4 of the Rules and Regulations.

2. **Special Board Meetings.** Special meetings of the Board may be called at any time upon notice to each Board member by the Chair or Vice Chair of the Board and upon posting of notice in accordance with the Colorado Open Meetings Law, § 24-6-401 *et seq.*, C.R.S.

3. **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.

4. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board.

ADOPTED this 18th day of August, 2016.

PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT

By: _____
Don Volger, President

Attest:

April Hessman, Clerk