



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

**TOWN COUNCIL MEETING MINUTES**  
**TUESDAY, SEPTEMBER 2, 2014**  
**Town Hall Council Chambers**  
**551 Hot Springs Blvd**  
**5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM AUGUST 21 & 26, 2014** – Minutes were approved as submitted.
- IV. **PROCLAMATION “ROTARY DAYS”** – The Mayor proclaimed September 15<sup>th</sup> 2014 as Rotary Days. Mrs. Livia Lynch thanked the town council and encouraged the public to attend the open house at First Southwest Bank on September 15<sup>th</sup>.
- V. **PUBLIC COMMENT** – None
- VI. **LIQUOR LICENSE**
  1. **Liquor License Renewal – Café Colorado LLC dba Café Colorado at 565 Village Drive Suite A**
  2. **Liquor License Renewal – Prasit Muenwong dba Thai Chile of Pagosa Springs at 565 Village Drive Suite D** – Council Member Alley moved to approve the liquor license renewal for Café Colorado and Thai Chile of Pagosa Springs, Council Member Lattin seconded, unanimously approved.
  3. **Special Event Liquor Permit – Pagosa Springs Association of Realtors Awards Dinner October 1<sup>st</sup> at the Town Park**
  4. **Special Event Liquor Permit – Pagosa Springs Area Chamber of Commerce Colorfest Event September 19<sup>th</sup> and 20<sup>th</sup> at Town Park Athletic Field** – Council Member Lattin moved to approve the special liquor permit for Pagosa Springs Association of Realtors awards dinner and Pagosa Springs Area Chamber of Commerce Colorfest, Council Member Bunning seconded, unanimously approved. Council Member Lattin asked for an update on liquor compliance checks.
- VII. **NEW BUSINESS**
  1. **Visitor Center Signage** - The Chamber/Visitor Center building was painted in the summer of 2013, the signage was removed but never reinstalled. The Town Tourism Committee (TTC), began working on an overall plan for signage designed to attract more visitors to the building. The current Town sign code allows for a total of 70 square feet of signage for both the street and building. The proposed square footage for signage on the building and on the street totaled 170 square feet. Therefore, the TTC was required to seek and was approved a variance to allow the additional square footage. The new signage should be installed in the next few months.
  2. **Ordinance No. 815, First Reading, Vacating Public Utility Easements, 209 Harman Park Dr** - The Town has received an application for a Lot Consolidation for Lots D-1, D-2, D-3 & D-4 of the Harman Park Subdivision, 209 Harman Drive, the location of the Pagosa Bible Church. As part of the lot consolidation, the perimeter Public Utility Easements (PUE) for Lots D-1, D-2, D-3 & D-4 of the Harman Park Subdivision are being requested to be vacated. Public utility providers indicate that there are no public utilities installed within the PUE’s being requested for vacation. Mr. Lynn Stewart with the Pagosa Bible Church said the property owners association do not believe there are any utilities, but will get with staff regarding sewer collections. Council Member

Bunning moved to approve the first reading of Ordinance 815, an ordinance of the Town of Pagosa Springs vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 as shown on the Harman Park Subdivision Plat, contingent on the dedication of Public Utility Easements on the lot consolidation plat to serve adjoining properties, Council Member Egan seconded, unanimously approved.

- 3. Direction to Planning Commission regarding potential LUDC revisions regarding the use and placement of Cargo shipping Containers as accessory structures within the Town** - The Planning Commission is seeking direction whether or not the Planning Commission should work on research and formulating a recommendation to Town Council for possible LUDC revisions. As currently written and adopted, the LUDC would allow cargo containers on a temporary use basis in mixed use and commercial zoned districts and allow as a temporary use structure or permanent use structure in all other districts. The town can continue to regulate under the current adopted LUDC and Building Code. Staff believes the current LUDC regulations are sufficient, except for a possible provision to regulate the color and or condition of a cargo container and any additional concerns not yet identified. For existing cargo containers placed on a property that have not applied for a Building Permit and/or Land Use Development permit, depending on the year they were placed, they are either in violation of the LUDC or are considered a non-complying structure, as defined in LUDC section 9.3 and 9.4, which use can continue unless there is a change that triggers compliance with the LUDC. Council Member Alley does not want cargo containers in the downtown and residential area. Council Member Egan agrees with no permanent cargo containers in residential, commercial with possible restrictions. Council Member Schanzenbaker does not want it in the residential area as an accessory structure, but leave open the option for the container to be used as a residence if it meets the code. Mayor Volger said enforcing rules gets complicated. He said interpretation needs to be specific. He said if it meets the standards of the neighborhood and visually acceptable then let the neighborhood decide. Mr. Mark Weiler said there are several commercial and residential properties that have junk yards in their front yards. He would like to see the current ordinances and codes enforced. Mr. Bill Hudson would like to keep the containers off Hwy 160. He said the council should grandfather in the current containers. He doesn't want the government to dictate how our town should look. Council Member Bunning said staff would be in an easy position if the town council determined to not allow cargo containers.
- 4. Waiving of Attorney/Client Privilege to Release the Davis Engineering Report on Rumbaugh Creek Flooding** - On the evening of July 15, 2014, the Pagosa Springs area was subjected to a significant rain storm. As a result of the rainfall, localized flooding occurred, particularly on the east end of Town along Hwy 160 and in the vicinity of 1<sup>st</sup> Street and Lewis Street. Some businesses along Hwy 160 and some residences near 1<sup>st</sup> Street and Lewis Street sustained flooding damage. Town staff was contacted by residents of the area and it was suggested that the work commissioned by the Town for the reconstruction and realignment of Lewis Street in 2010 may be responsible for flooding incurred by the residents. As a consequence, Town staff contacted Davis Engineering, who designed and supervised the project, to review, analyze, and prepare a written response. The report was prepared and transmitted to the Town Attorney, Bob Cole, to establish and preserve an Attorney-Client work product due to threatened liability for the Town. Members of the public and the media have requested access to the prepared report. Council Member Egan moved to approve the waiving of the attorney-client privilege for the purpose of releasing the Davis Engineering report regarding the Rumbaugh Creek flooding and direct staff to make the report available to the public, Council Member Schanzenbaker seconded, unanimously approved.
- 5. Consideration of Employment Agreement for Town Manager with Possible Executive Session pursuant to Section 24-6-402(4)(e) C.R.S., to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators** - Mr. Greg Schulte is completely satisfied with the agreement and does not want to go into executive session. The Town Council selected four finalists from a list of 71 town manager applications. After interviews on August 21<sup>st</sup>, the Town Council selected to negotiate with Mr. Gregory Schulte, the current Interim Town Manager, for the permanent position of Town Manager. Mr. Schulte has agreed to a three year agreement, an \$89,000 salary, no housing or car allowance, and a three month severance package. Council Member Schanzenbaker moved to authorize the mayor to sign the employment agreement with Mr. Gregory J. Schulte as Town Manager beginning September 2, 2014, Council Member Bunning seconded, unanimously approved.

## **VIII. OLD BUSINESS**

**1. Town to Pagosa Lakes Trail Project Review and Update** - Town Staff began coordinating efforts for defining potential phases for the commuter trail route, and worked with Archuleta County, PLPOA, State Trails, GOCO and CDOT for securing funding. The East phase extends between S. 8<sup>th</sup> Street and S. 10<sup>th</sup> Street along the south side of Hwy 160. This phase is currently estimated to cost \$329,000, and is fully funded with \$261,000 in awarded CDOT enhancement funds and \$68,000 in Town matching funds. The West phase extends between the Village Drive trail termination at Pinon Causeway and Village Drive, extends south crossing the Hwy at the Pinon Causeway lighted intersection, then heading east along the south side of Hwy 160, skirting along the western boundary of the Parelli Office building, connecting with Aspen Village Drive, where the Town currently has on-street bike lanes and sidewalks. This phase is estimated to cost up to \$700,000 and is fully funded with \$200,000 of CDOT enhancement funds awarded to Archuleta County, \$45,000 from PLPOA, \$200,000 in awarded State Trails Funding, \$200,000 in County PROST funds, and \$35,000 from the Town. The Harman Hill phase will begin at the Cornerstone Drive cul-de-sac in front of the Centerpoint Church, and extend east up Harman Hill, providing a pedestrian crosswalk, crossing Hwy 160 at Piedra Road. This trail segment has been broken into two phases as a means to apply for CDOT TAP funds, recently applied for in September 2014. The estimated cost for both phases is \$1,100,000, due to the extent of the elevation difference and required ramp structures to climb the hill. For the rest of the trail, a topography mapping flyover is the next phase of planning staff recommends the Town pursue. This phase would provide 1-2 foot interval topo mapping for trail alignment planning, as a means to identify the needed trail easements that will require negotiations with private property owners. The estimated lineal footage of commuter trail between Piedra Road and S. 10<sup>th</sup> Street is approximately (2.5 miles) 13,000 lineal feet of trail. This section has been considered as an area for other surface options. These options might include a 10 foot wide concrete trail: \$125/lineal foot; 10 foot wide asphalt trail: \$100/lineal foot; 10 foot wide gravel trail: \$70/lineal foot; and 10 foot wide rustic trail: \$40/lineal foot. The concrete trail to last 40 years would cost \$1,645,000, a 20 year asphalt trail \$1,385,000, 20 year gravel trail \$960,000, 20 year rustic trail \$560,000. These rough numbers do not include any type of easement acquisition, signs or amenities. Staff recommends the concrete or asphalt option for the commuter route. Town Manager Schulte said the Town is ready to begin but CDOT has timing requirements that has held the project back. The Town will begin the east and west phases next year and the middle commuter portion hopes to follow the next few years. Council Member Egan would like to include stops for transit along these trails. Council Member Alley would like to consider financing options and help from the PLPOA and County entities. Council Member Bunning wants to make sure that both ends, uptown and downtown, portions of the trail are tied together. He wants staff to pursue easements after the design is complete. A flyover needs to be done very soon in order to accommodate design and easement. Mayor Volger would like a cost for a project manager to focus strictly on this project.

**IX. PUBLIC COMMENT** – Mr. Bill Hudson said if the Town finances these projects the voters need to approve. He said streets and sidewalks need to be priority even over the grand trails.

**X. COUNCIL IDEAS AND COMMENTS** – Council Member Lattin asked about the rock near the library. Staff said the parks department was supposed to install landscaping areas in this section, but they have been very busy and a contractor has been asked to complete the area. Council Member Lattin asked about the planters on Main Street. Staff said the curbs would need to be cut out, and accommodate larger tree wells with grates. Council Member Lattin asked about the very narrow switchback from the riverwalk to the overlook area. Staff said the TTC has submitted a proposed change to that walk and would need to be ADA compliant. The original project included decking expansion at the overlook and group discussions need to be done first. Council Member Schanzenbaker asked about modifying the ramp without getting into ADA requirements. Staff will look into the costs and possibility. Council Member Egan asked if there was a public entity interested in fundraising for the trail and maintenance of the trails. Council Member Egan said there is a need for speed mitigation in town after he and his wife came in close and dangerous vicinity of a speeding truck along the 2<sup>nd</sup> Street crosswalk.

**XI. NEXT TOWN COUNCIL MEETING SEPTEMBER 18, 2014 AT 12:00PM**

**XII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 7:15pm

**Don Volger**  
**Mayor**