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**TOWN COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 1, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Bunning, Council Member deGraaf, Council Member DeMarco, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT** – Mr. Mike Heraty suggests the council review the practice of impact fees. He said new development is hindered by impact fees and the market won't stand for it. He asked the council to review the economic and traffic studies for the 5th Street Bridge. Mr. Bruce Dryburgh said to bring the 5th Street bridge project to the vote of the people. Mr. Andre Redstone asked the Council to contact and speak with viable businesses in town. He also would like the Town Council to create a mechanism for the council to discuss cultural diversity in the community.
- IV. **CONSENT AGENDA**
 1. **Approval of the October 14 & 20, 2016 Meeting Minutes**
 2. **Liquor License**
 - a. **Liquor License Renewal – Taberna Borde Rio at 356 E Pagosa St Unit A** – Council Member DeMarco moved to approve the consent agenda, Council Member Bunning seconded, unanimously approved.
- V. **NEW BUSINESS**
 1. **Attorney Engagement Letter** – After issuance of a request for proposals and conducting interviews for attorney services, the Town Council selected Collins, Cockrel & Cole to continue as the Town Attorney. Collins, Cockrel & Cole has been representing the Town since 1992 and appointed Town attorney in 1995. The letter of engagement solidifies the council's decision to retain Collins, Cockrel & Cole until terminated in writing and review of hourly rates of service. Council Member Bunning moved to approve and authorize the Mayor to sign the engagement letter with Collins Cockrel & Cole for legal services for the Town of Pagosa Springs, Council Member deGraaf seconded, unanimously approved.
 2. **2016-2017 Goals and Objectives** – The Town Council met on October 14th to review the current goals and objectives and determine the goals for the coming years. The main goals are similar to prior years with an addition of efficiency to the process. Items included were a possible dog park, recycling assistance, increased bike and pedestrian facilities, and downtown hotel and conference center. Also included were expansion of broadband, housing needs, post-secondary education, and possible shared services with the County. Mr. Mike Heraty encourages the council to speak with downtown businesses and gather the profile of tourist economy. Mr. Andre Redstone would like to see a line item for small business development growth. Council

Member Schanzenbaker said the conference center was the desire that included a hotel. Council Member deGraaf moved to adopt the Town Council 2017 Goals and Objectives matrix as presented, Council Member DeMarco seconded, unanimously approved.

3. **Town To Lakes Trail – West Phase Contract Award** - The West Phase of the TTLT goes along Highway 160 from Pinon Causeway to Aspen Village Drive. The engineers estimated the base project at \$625,160 with additional costs for alternatives for asphalt or concrete trail materials. The Town received two bids from Crossfire LC and Jita Contracting LLC, both substantially higher than the engineers estimate. Staff contacted the Region 5 CDOT staff member requesting suggested steps forward for the CDOT sponsored project. CDOT staff suggested rebidding in the spring when the prices may be less. If selected, staff will work with Davis Engineering to rebid the project in January for an anticipated April start date. Council Member Bunning said there has been frustration over the years from engineers estimated coming in much lower than the actual costs, this makes it tough to budget for projects. Council Member Schanzenbaker moved to reject bids and re-bid in the winter of 2017 to get more favorable pricing, Council Member Bunning seconded, unanimously approved.
4. **Award Design and Engineering Services for Safe Routes to School and Harman Hill Trail Project** – Staff submitted request for qualifications for the design and engineering of the Safe Routes to School project on North 8th Street and the Harman Hill section of the Town to Lake Trail project. Five firms responded with Bohannon Huston selected to be the most qualified. The proposed costs for the projects include design, engineering and construction management services estimated at \$139,930 for the SFTS portion and \$206,790 for the Harman Hill portion. These costs would be spread over 2016 and 2017 and included in the total costs of \$440,000 for SFTS and \$1.4 million for Harman Hill. The Town received federal grants for both projects from CDOT and the Brooks Act requirement is to complete an RFQ for engineering and design. Council Member deGraaf moved to award the design and engineering services contract for the Safe Routes to School (N. 8th Street) and Harman Hill projects to Bohannon Huston, Council Member Bunning seconded, unanimously approved.

VI. OLD BUSINESS

1. **Ordinance 849, Second Reading, Municipal Court Collections** - Ordinance 849 allows the presiding municipal court judge to refer, or cause the Court Clerk(s) to refer, unpaid monetary amounts to collections. The ordinance applies to all Municipal Court fines, fees, costs, restitution, and other amounts imposed by the Municipal Judge permitted by Section 1.3.3 and/or Chapter 10 of the Municipal Code. If approved, the Municipal Court staff will select a debt recovery company and services in place by 2017. Council Member Bunning moved to approve the second reading of Ordinance 849, allowing the presiding municipal judge to refer, or cause the Court Clerk(s) to refer, unpaid monetary amounts to collections, Council Member deGraaf seconded, unanimously approved.
2. **Ordinance 850, Second Reading, Accepting Mill Creek Road Construction Easement** - Staff has been working with the client as they finalize road improvement plans for the western 1800 lineal feet of the Mill Creek Road roadway. Improvements include: on street bike lanes, sidewalk along north side of roadway, drainage facilities, curb and gutter along north side of road, one vehicle drive lane each way and a center turn lane. The intersection Mill Creek Road approach with Hwy 84 will be improved with asphalt, however, the current improvement will not be a full width improvement 150 feet east of the intersection, until the intersection improvement is identified by CDOT and triggered for installation by a CDOT traffic count threshold. The Applicant would like to move forward with the required Mill Creek Road public road improvements however, the annexation process will be delayed as ownership is identified and conveyed. Council Member Schanzenbaker moved to approve second reading of Ordinance 850, accepting a temporary construction easement for the westerly 1800 lineal feet of Mill Creek Road from the Archuleta County Board of Commissioners, Council Member Bunning seconded, unanimously approved.
3. **Approval of Personnel Handbook** - The Town has used a Personnel Handbook to establish

personnel rules and guidelines. The last update to our Personnel Handbook was in February 2009 and as a result, staff was directed by the Town Manager to perform a comprehensive review and update. Although the core of our policies remained the same, the handbook was modified to ensure that the policies were well communicated for both readability and understanding; as well as, to ensure continued compliance with employment laws. Town Manager Schulte explained the current drug policy to the council. All applicants are required to pass a pre-employment drug test. Those employees that are CDL or safety sensitive positions are tested on a quarterly basis. Attorney Cole explained the Federal drug-free workplace act and grants associated with those. He said there are no municipalities in Colorado who have determined they will allow employees to test positive to drugs. Council Member DeMarco said that pre-employment testing should not be mandatory. Council Member Schanzenbaker agrees with Council Member DeMarco and would like to come up with another policy besides mandatory illegal. Council Member Bunning suggests that once a test comes out showing the employee is currently impaired the policy may be changed. Council Member deGraaf said work performance could show use of drugs. Council Member DeMarco moved to table for review by Attorney, Council Member Schanzenbaker seconded, unanimously approved.

- VII. PUBLIC COMMENT** – Mr. Andre Redstone said he as a business owner also faces the same conundrum when it comes to drug testing for employment.
- VIII. COUNCIL IDEAS AND COMMENTS** – Town Manager Schulte said the 5th Street bridge traffic and economic impact study will be presented together sometime after the 28th of November. The housing needs assessment is in process, the proposals from firms will be received November 4th and discussed with the County for their portion of the assessment. The housing work group wants to continue working as an advisory body and the Council supports the efforts of the group. The Council will be consulted on those projects that are town centric. Council Member DeMarco asked if the tourism director could contact Mr. Heraty. Town Manager Schulte said Mr. Heraty has been invited to the tourism meetings on several occasions.
- IX. NEXT TOWN COUNCIL MEETING NOVEMBER 17, 2016 AT 5:00 PM**
- X. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:51 pm.

Don Volger
Mayor