



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

**TOWN COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 2, 2014
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. APPROVAL of MEETING MINUTES FROM AUGUST 21 & 26, 2014
- IV. PROCLAMATION "ROTARY DAYS"
- V. PUBLIC COMMENT – *Please sign in to make public comment*
- 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 Chilee of Pagosa Springs at 565 Village Drive Suite D
 3. Special Event Liquor Permit – Pagosa Springs Association of Realtors Awards Dinner October 1st at the Town Park
 4. Special Event Liquor Permit – Pagosa Springs Area Chamber of Commerce Colorfest Event September 19th and 20th at Town Park Athletic Field
- VII. NEW BUSINESS
 1. Visitor Center Signage
 2. Ordinance No. 815, First Reading, Vacating Public Utility Easements, 209 Harman Park Dr
 3. Direction to Planning Commission regarding potential LUDC revisions regarding the use and placement of Cargo shipping Containers as accessory structures within the Town
 4. Waiving of Attorney/Client Privilege to Release the Davis Engineering Report on Rumbaugh Creek Flooding
 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
- VIII. OLD BUSINESS
 1. Town to Pagosa Lakes Trail Project Review and Update
- IX. PUBLIC COMMENT – *Please sign in to make public comment*
- X. COUNCIL IDEAS AND COMMENTS
- XI. NEXT TOWN COUNCIL MEETING SEPTEMBER 18, 2014 AT 12:00PM
- XII. ADJOURNMENT

**Don Volger
Mayor**



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**TOWN COUNCIL MEETING MINUTES
THURSDAY, AUGUST 21, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM AUGUST 5, 2014** – Council Member Bunning moved to approve the meeting minutes, Council Member Lattin seconded, unanimously approved.
- IV. **PUBLIC COMMENT** – Mayor Volger announced that Deputy Clerk, Rita Prokop, has completed and earned her Certified Municipal Clerk certificate from IIMC. Ms. Crista Munro with Folkwest said this is the 3rd year of a 5 year contract. Folkwest has given the town over \$19,000 toward improvements on Reservoir Hill. She asked the council to consider allowing storage areas on Reservoir Hill for the use by Folkwest during their two events.
- V. **LIQUOR LICENSE**
 1. **Liquor License Renewal – Super America LLC dba Everyday Stores at 300 E Pagosa St.** – Council Member Lattin moved to approve the liquor license renewal for Super America LLC dba Everyday Stores, Council Member Egan seconded, unanimously approved.
 2. **Special Events Liquor Permit – Seeds of Learning Little Black Dress Event October 10th and 11th at the Ross Aragon Community Center** – Council Member Bunning moved to approve the special events liquor permit for the Seeds of Learning little black dress event, Council Member Lattin seconded, unanimously approved.
- VI. **NEW BUSINESS**
 1. **Ice Skate Pavilion Letter of Support** - The Pagosa Multi-Purpose Pavilion non-profit group would like to request a letter of support from Town Council, to demonstrate to prospective donors the level of local support for this community project. A potential sight at Harman Park near Hwy 160 and Piedra Rd could accommodate a large skating pavilion. The proposed Pavilion will be managed and overseen by a highly experienced and knowledgeable staff encompassing management, hockey, figure skating, roller skating and operations maintenance. Ms. Crystal Fortune is the director of figure skating for the proposed pavilion. The group has been donated a rink that will be erected this winter. Council Member Egan moved to authorize the mayor to draft a letter of support for the Pavilion organization, Council Member Lattin seconded, unanimously approved.
 2. **Ordinance 814, First Reading, Vacating a Portion of the 6th/7th Alley** - On July 1, 2014, the applicant, Peter Adams, submitted a “ROW Vacation Application”, requesting the vacation of the 6th/7th Alley between Navajo Street north to the NE corner of Lot 8x. The applicant owns both sides of the proposed vacated alley and is interested in developing his property. The vacation of the alley would allow him to fully utilize his two properties and take advantage of the views from the top of the hill. On July 29, 2014, the Planning Commission conducted a public hearing regarding this matter and approved recommendation of the vacation request. There are no public utilities installed on this property. A right-of-way from the top of the shale cliff down to 6th Street is a possibility in order for the Town to install utility or sidewalks along 6th Street. Staff is researching the

vacation of the alley closer to Piedra Street. Council Member Lattin said the most of the neighbors are in favor of vacating the property and possibly putting an overlook area for all residents in the area. There is a safety issue with people going over the cliff. Council Member Schanzenbaker said the easement does have great views. Council Member Alley said there is a safety issue and kids throwing rocks to the neighbors below. He doesn't see the possibility of a potential trail across the property. Council Member Lattin said the south Piedra portion of the easement was not vacated, the town will continue to maintain the culvert currently installed. She said there will never be a road on this alley. Mr. Franklin Anderson said he is not in favor of skyline development, he said the uniqueness of the neighborhood will change if the vacation is approved. Mr. Peter Adams said the alley south has been vacated to Colorado Housing Inc. He said he will be able to build affordable housing, low impact with great views. He might want to put duplexes; he does not want a 24 to 28 unit development. He would like to take out some of the dirt in order to comply with the 12% driveway slope. Council Member Schanzenbaker asked the vacation of the alley be contingent on development moving forward. Mr. Adams said it may be two or three years before he gets started, he would like to get the 6th Street property lines cleaned up before he begins. Council Member Schanzenbaker moved to approve the first reading of Ordinance 814, vacating a portion of the 6th / 7th Alley public right-of-way and public utility easement between Navajo Street to the NE corner of Lot 8X in Block 50 within the corporate limits of the Town of Pagosa Springs, contingent upon the first building permit issued on any property, Council Member Egan seconded, Council Member Lattin said the planning commission had made 6th Street easement a condition to the vacation. She said access from Piedra Street to a potential trail is not possible behind the three lots along easement. Council Member Egan withdrew his second, motion died for lack of a second. Council Member Egan moved to table this item until the next meeting and more detail provided to council, Council Member Schanzenbaker seconded, Council Member Bunning would like research on south half of Piedra Street completed prior to the next meeting., Council Member Lattin would like details on the access from Piedra Street, Mayor Volger would like 6th Street deed easement, motion passed unanimously.

3. **Legal Research Solution for Municipal Court** - Municipal Court, as the court of original jurisdiction, requires the acquisition of an online legal research solution. A comprehensive and reliable legal research solution will ensure Municipal Court Judges and Municipal Court staff effectively facilitate the filing of civil cases and expand their knowledge of the Colorado Rules of Civil Procedure. In 2014, Municipal Court will absorb the expense of \$2,039 in already encumbered funds. In 2015, Municipal Court will request an annual expenditure of \$8,500. Council Member Schanzenbaker moved to approve the acquisition of WestlawNext as the legal research solution for Municipal Court, Council Member Alley seconded, unanimously approved.
4. **Majestic Drive Paving Project Contractor Award** - Council Member Bunning recused himself and exited the room. Paving Majestic Drive is a high priority project that has had the support of Town Council for quite some time, as evidenced by the council's support of applying for funding and providing matching funds to facilitate the project. The two companies submitting valid bids were Russell Sand and Gravel Inc. based in Los Ojos NM, and Oldcastle SW Group, Inc. DBA Four Corners Materials. The low bidder was Oldcastle with a bid of \$529,532.82 is within the budget currently allocated for this project, although substantially over the original engineer's estimate of \$426,510. \$319,000.00 is available from CMAQ funds. Council Member Lattin is disappointed with the \$100,000 difference between the bids and the engineers estimate. Council Member Lattin moved to Award the Contract to the Low bidder for \$529,532.82, utilizing \$210,522.82 of the currently budgeted \$250,000, Council Member Egan seconded, unanimously approved. Council Member Lattin stressed to Project Manager Scott Frost the need for accurate estimates.
5. **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. 8th Street and S. 10th 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 \$1,100,000.00, 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. 10th Street is approximately 13,000 lineal feet of trail. This section the Council has considered other surface options. These include 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.

6. **Resolution 2014-12, Supporting GOCO Grant for Skate Park Addition** -  On June 19, 2014 Town Council approved setting aside \$32,000 towards funding the Yamaguchi Skate Park Phase 2. The current resolution is to approve the use of \$17,000 as cash match for the current grant request in the 2015 budget. The \$15,000 balance of the budgeted \$32,000 will be used as contingency for the project. Council Member Alley moved to approve Resolution 2014-12 budgeting in 2015 up to \$17,000 cash match; and up to an additional \$15,000 for contingency for GOCO skatepark grant, Council Member Egan seconded, unanimously approved.
7. **Resolution 2014-13, Appointing TTC Member** - One letter of interest was received for the open TTC seat. Criselda Jay Montoya, Marketing Manager at Wyndham, submitted a letter of interest. During the August TTC meeting, the Board interviewed Ms. Montoya. She is extremely interested in marketing and events. The Town Tourism Committee voted unanimously to recommend Criselda Montoya to the open at large seat. With her appointment, the TTC will have 11 board members. Council Member Lattin moved to approve Resolution 2014-13, appointing Criselda Jay Montoya to the Town Tourism Committee for a two (2) year term, Council Member Schanzenbaker seconded, unanimously approved.

VII. OLD BUSINESS

1. **Ordinance 813, Second Reading, Open Burning Requirements** - The adoption of Municipal Code 12.8.15 and amendment 11.1.3(12) is to clarify the process for obtaining an open burn permit, make the Pagosa Springs Fire District the licensing authority, and supplement the International Fire Code as adopted by the Town of Pagosa Springs. Staff has created a fact sheet explaining when an open burn permit is required and defining Bonfires, Recreational Fires, and Portable Outdoor fireplaces. Council Member Lattin moved to approved second reading of Ordinance 813, clearly defining the process and limitations of obtaining an open burn permit for use by the residents of Pagosa Springs, Council Member Alley seconded, unanimously approved.
2. **Sales Tax Brief** - In August the Town of Pagosa Springs' sales tax revenue increased by 8.22% or +\$26,187 compared to August 2014 (base on June 2014 retail sales). Total collections for both the Town and the County for the month equals \$689,798 and the Town of Pagosa Springs portion is half, or \$344,899. For the current year, the Town is seeing an overall increase and, in fact, for year to date in 2014, sales tax revenue is now up 4.99% or \$75,200 compared to the same period in 2013 (\$1,583,378 has been collected to date in 2014 and \$1,508,158 for the same period in 2013).

VIII. DEPARTMENT HEAD REPORTS

1. **Community Center Report** - The 20th Annual Humane Society Auction for the animals will be held August 22nd. RACC will host its second movie night in the multi-purpose room featuring "The Sandlot". August 9th RACC hosted the first annual Summer Sizzler. The Summer Sizzler was a kickball, volleyball and ladder ball tournament followed by a dance held at Yamaguchi Park. There were 17 volleyball teams, 5 kickball teams and 6 ladder ball teams making a total of over 100 participants. There were teams from Ignacio, Durango, Santa Fe, Seattle, Boulder, Los Lunas, Albuquerque and of course Pagosa Springs.
2. **Parks and Recreation Report** - This year's soccer season begins the first week of September and will consist of at least 210 local participants (up 15 from last year's total) ages 5-12, plus an additional three teams from Dulce, N.M. (45 participants ages 5-12). Games will be played Monday through Thursday at the elementary and Yamaguchi Park soccer fields, and the season will conclude in mid-October. The parks crew has been heavily engaged in assisting Folk West with preparations for the annual Folk Festival on Reservoir Hill. The Res. Hill restrooms have finally cleared state inspection and are due to arrive the morning of Aug. 21. Installation will be handled by the manufacturer (CXT) and should be completed the same day. The observation deck foundation piers have been poured; construction on the remainder of the deck should be completed by late fall.
3. **Town Tourism Committee Report** - June 2014 lodging tax collection reflects a 17.14% increase over 2014. Year to date collections are up 19.57%. The Visitor Center staff is working to reorganize brochures and create a 12-month volunteer schedule. The Wayfinding and sign committee has requested the addition of flowers along the downtown bridges in the 2015 budget. TTC is partnering with Chimney Rock to apply for a 2015 marketing match grant through the Colorado Tourism Office. 2016 will be Pagosa's 125th anniversary and the TTC director has begun engaging with various groups to begin planning celebrations for 2016.
4. **Planning Department Report** - The Historic Preservation Board requested to change their sign for a wall sign. They are working on a new Heritage webpage and possible brochures for local distribution. Mr. Cappy White resigned from the Planning Commission board, advertising for the open seat has begun.
5. **Special Projects Manager Report** - Bid opening for the 6th Street Pedestrian bridge had four bidders. An \$880,000 TAP (Transportation Alternatives Program) Grant application was submitted for the Town to Pagosa Lakes Trail, Harman Hill section. The 6th Street riverwalk construction project has been substantially completed. Re-vegetation along the trail, sediment control, and scheduled repair of a portion of the trail that has failed due to cracking are yet to be completed.
6. **Town Manager Report** - The Town and County continue to make progress in the formation of the Geothermal Water and Power Authority. The Town appointed Mayor Volger and Council members Schanzenbaker and Egan as their 3 designated representatives to the Authority, the 3 County Commissioners and Mr. Mike Alley make up the rest of the board. Town Manager and Department Heads have begun planning efforts for preparation of the 2015 budget. A proposed budget is expected to be submitted at the mid-September meeting.

IX. **APPROVAL OF JULY FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS** - Council Member Bunning moved to approve the July financial statement and accompanying payments, Council Member Alley seconded, unanimously approved.

X. **PUBLIC COMMENT** - None

XI. **COUNCIL IDEAS AND COMMENTS** - None

XII. **NEXT TOWN COUNCIL MEETING SEPTEMBER 2, 2014 AT 5:00PM**

XIII. **ADJOURNMENT** - Upon motion duly made, the meeting adjourned at 1:50pm.

Don Volger
Mayor



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**TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY AUGUST 21, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
2:00 p.m. (following PSSGID meeting)**

- I. CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Schanzenbaker
- II. OLD BUSINESS**
- 1. Consideration of Appointment of 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** – Council Member Lattin moved to enter executive session for consideration of appointment of Town manager pursuant to C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, Council Member Bunning seconded, unanimously approved. Entered executive session at 2:04pm. Mayor Volger called the meeting back in regular session at 6:42pm. Council Member Lattin moved to direct Mayor Volger, Council Member Schanzenbaker, and April Hessman to open negotiations with the council's number one choice for town manager, Mr. Gregory Schulte, Council Member Bunning seconded, unanimously approved.
- III. ADJOURNMENT** – Upon motion duly made, the meeting was adjourned at 6:43pm.

**Don Volger
Mayor**



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**TOWN COUNCIL SPECIAL MEETING MINUTES
TUESDAY AUGUST 26, 2014
Quality Resort
3505 Hwy 160
8:00am**

- 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. **NEW BUSINESS**
 1. **6th Street Pedestrian Bridge Contractor Award** - Riverwalk Phase 3 involves the installation of a steel pedestrian bridge over the San Juan River. The bridge will serve to link the recently completed Riverwalk Phase 2 trail with the existing asphalt path on 6th street into Centennial Park. After approving a final design for the bridge, Town Planner James Dickhoff placed the order for construction and delivery of the bridge with “Big R Bridges” in Greeley Colorado. Current delivery date is November 5th, 2014. On August 7th, 2014, a pre-Bid meeting was held in the office of Davis Engineering with six contractors in attendance. On August 19th, three qualified bids were opened; the low bidder was Hart Construction with a bid of \$477,858. The original budget for this project is was \$734,000. When GOCO funding came in under the requested \$350,000 at \$234,000, Town Council approved proceeding with the project and agreed to access reserves. Council Member Lattin moved to award the contract to the low bidder Hart Construction for \$477,858, Council Member Schanzenbaker seconded, unanimously approved.
- III. **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 8:10am.

**Don Volger
Mayor**



WHEREAS: Rotary International, is the largest and most influential humanitarian service club in the world, with more than 1.2 members in over 34,000 clubs located in more than 200 countries and geographical areas with two clubs located in Pagosa Springs in Archuleta County, and

WHEREAS: Members of Rotary are dedicated to Service above Self in serving the community and youth of Archuleta County; in projects such as providing food and service for needy children, funds for special projects in our schools, free dictionaries for all 3rd grade students, financial assistance through scholarship programs for high school students, inbound and outbound exchange student programs, organizing and sponsoring the annual 4th of July parade, financial and volunteer support of many community charities, and participation in world-wide outreach programs, and

WHEREAS: the two Pagosa Springs Rotary Clubs, comprised of over 100 active business and professional leaders, contribute leadership, management, and encouragement in an ever-increasing number of projects promoting Pagosa Springs and Archuleta County to potential visitors and in making the community a better place to live, and

WHEREAS: the Rotary Clubs of Pagosa Springs are providing an open house for all residents of Archuleta County at which the Avenues of Service through which Rotary helps build better communities will be showcased

THEREFORE: *The Town Council of Pagosa Springs* do hereby proclaim September 15, 2014, to be Rotary Day in Archuleta County and encourage citizens to attend the Rotary Open House and support the worthy goals of Rotary to build a better community.

Attest:

Signed:

April Hessman, Town Clerk

Don Volger, Mayor



AGENDA DOCUMENTATION

LIQUOR LICENSES: VI.

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 2, 2014

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. A liquor compliance check was conducted by the Police Department in May 2011 with 15 establishments holding liquor licenses within the Town limits. 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:

Café Colorado LLC dba Café Colorado – Since September 2013, there were no documented police contacts at the Colorado Cafe located at 565 Village Dr, Suite A.

Prasit Muenwong dba Thai Chilie of Pagosa Springs – Since September 2013, there were no documented police contacts at Thai Chilie of Pagosa Springs located at 565 Village Dr, Suite D.

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

NEW BUSINESS: VII.1

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 2ND, 2014
FROM: JENNIFER GREEN, DIRECTOR

PROJECT: PROPOSED NEW SIGNAGE FOR VISITOR CENTER
ACTION: FOR COUNCIL INFORMATION

PURPOSE/BACKGROUND

When the Chamber / Visitor Center building was painted in the summer of 2013, the signage was removed to accomplish the painting, but never re-installed. With the Town's lease purchase agreement of the building in July 2014 staff, in conjunction with 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 a variance to the sign code to allow the additional square footage.

On August 26th, 2014, the Board of Adjustments of the Planning Commission unanimously approved a variance to allow 170 square feet of total signage. The proposed new signage includes:

- A new street sign on Hot Springs Blvd,
- New sign over the front door entrance,
- A sign on the side of the building facing Hot Springs Blvd,
- A building sign facing the river / river overlook side of building, and
- A smaller new sign next to the side door entrance from Hot Springs parking lot.

The designs of the new building signs match the green trim on the building and the color of the street sign is designed to match the gateway / entrance signs. All the signs match the look and feel being incorporated with new Town signage, based on the Town's approved "Streetscape, Furnishings and Signage Plan."

A brief presentation of the new designs will be shown during the Town Council meeting for input and review.

FISCAL IMPACT

The cost of the signs are the covered in the approved 2014 Signage budget (\$50,000 approved for 2014; \$25,000 each from Town Capital funds and Lodging Tax funds).

RECOMMENDATION

None – since the request was approved at the Board of Adjustments, this is for Council information only.



PAGOSA
SPRINGS

VISITOR CENTER

Information • Maps • Restrooms



PAGOSA SPRINGS

AREA CHAMBER OF COMMERCE



AGENDA DOCUMENTATION

NEW BUSINESS: VII.2

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: FIRST READING OF ORDINANCE 815, AN ORDINANCE THE TOWN OF PAGOSA SPRINGS VACATING PUBLIC UTILITY EASEMENTS ON LOTS D-1, D-2, D-3 & D-4 AS SHOWN ON THE HARMAN PARK SUBDIVISION PLAT.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

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. This is a typical request for lot consolidations, which accommodates the entire lot as developable with no interior easements to build around, if PUE's are not already installed. As part of processing plat amendment applications, all public utility providers are requested to provide comments on the proposed plat amendment. Comments received from all public utility providers indicate that there are NO public utilities installed within the PUE's being requested for vacation. The new Consolidated Lot is required to provide perimeter PUE's for the general installation of public utilities by Town approved public utility provider.

Lot Consolidations and Plat Amendments are administratively reviewed and approved by the Planning Director. The Town has historically vacated PUE's with no installed utilities, with a Plat Note on the Plat Amendment, however, this practice has been challenged by some utility providers and from a few surveyors. The challenge is that the Utility Companies believe they own the easement and they should be required to approve and quit claim deed the easement. The Town's attorney disagrees, as the Town in essence controls the PUE's because the Town approves which utility providers operate and install public utilities within Town boundaries. Though the Town's attorney has supported the Plat Note vacation in the past, after further review and the challenge from some utility providers, it is now suggested the Town Vacate PUE's under the same process as vacating Town Rights-of-Way. This vacation process requires the Planning Commission to hold a Public Hearing, and make a recommendation to Town Council for their consideration in approving a vacation with two readings of an Ordinance, at public hearings.

The Planning Commission heard this matter at a public hearing on August 26, 2014 and Approved a recommendation that town Council *"Approve Vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 in the Harman Park Subdivision within the Corporate Limits of the Town of Pagosa Springs, contingent on the dedication of Perimeter Public Utility Easements on the Lot Consolidation plat to serve adjoining properties."*

ANALYSIS

Below is LUDC section 2.4.3.D, outlining the application requirements and the approval criteria for considering an "Application for Vacation of Public Easements". Please note "APPROVAL CRITERIA" set forth below in section 2.4.3.D.2.b.(ii)

LUDC 2.4.3.D. Vacation of Right-of-Way and Other Public Easements

1. Applicability

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any right-of-way (street, road, alley, or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended from time to time.

2. Procedure

Figure 2.4-8 shows the steps of the common development review procedures that apply in the review of applications for vacations. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

a. Step 7: Town Holds Public Hearing(s)

(i) Planning Commission Hearing, Review, and Recommendation

Following a public hearing, the Planning Commission shall consider the comments and evidence presented at the hearing and the Staff Report and recommendation of the Director and recommend that the Town Council approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below.

(ii) Town Council Public Hearing, Review, and Decision

Following a public hearing, the Town Council shall consider the comments and evidence presented at the hearing and the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below. The Town Council shall have the right, in its discretion, to vacate only a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

b. Step 8: Town Issues Decision/Findings

(i) Approval and Recording

The Town Council shall approve the vacation by ordinance. The ordinance shall be recorded in the Office of the Archuleta County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the developer.

LUDC 2.4.3.D.2.b.(ii) Approval Criteria

The Town Council may approve a right-of-way or public easement vacation if it finds that all of the following have been met:

(1) The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan;

Staff's Comments: The Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

(2) The land to be vacated is no longer necessary for the public use and convenience;

Staff's Comments: The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicate on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining to the west and south of the subject properties.

(3) The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road;

Staff's Comments: This condition is not applicable.

(4) The vacation will not leave any land-locked parcels; and

Staff's Comments: No parcel will be rendered land-locked from access to all available Public Utility service.

(5) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.

Staff's Comments: The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.

LUDC 2.4.3.D.2.b.(iii) Conditions of Approval

The approval of a right-of-way or public easement vacation shall be conditioned upon:

(1) The holders of any and all easements granted by the original platting of the subdivision conveying to the petitioner all interest in those easements.

Staff Comments: The current Public Utility Easements are controlled by the Town of Pagosa Springs. Town Councils approval of an ordinance vacating the subject Public Utility Easement, formalizes the release of the previously platted Public Utility Easements.

(2) Such vacation shall not eliminate rights-of-way or easements serving or potentially serving adjoining properties, unless alternate means of access or another easement crossing the property can serve adjoining properties.

Staff Comments: The new dedicated perimeter Public Utility Easements created as part of the Lot Consolidation Process, provide Public Utility Easements serving adjoining properties.

(3) If the vacation is a roadway constituting the boundary line of the Town, the Archuleta County Board of Commissioners has taken action to vacate the roadway.

Staff Comments: This condition is not applicable.

FISCAL IMPACT

There is no fiscal Impact to the Town. All expenses associated with this application are the responsibility of the applicant.

PUBLIC NOTIFICATION

Consistent with LUDC table 2.3-1, Notice Requirements, Public Notice was:

- ~ Published in the Sun Newspaper 15 days prior to the PC and TC public hearings.
- ~ Posted on the property 15 days prior to the PC and TC public hearings.
- ~ Mailed to properties owners within 300 feet, 15 days prior to the PC and TC public hearings.
- ~ Posted at Town Hall 15 days prior to the PC and TC public hearings.

ATTACHMENTS

- ~ Ordinance 815, An Ordinance of the Town of Pagosa Springs Vacating Public Utility Easements on Lots D-1, D-2, D-3 and D-4 as shown on the Harman Park Subdivision Plat, with Preliminary Exhibit A.

PUBLIC COMMENTS

All Town approved Public Utility Providers have been contacted, and have provided comments demonstrating that there are no public utilities installed within the requested PUE vacations.

No General Public Comments have been received as of the creation of this staff report.

Any comments received prior to the TC Public Hearing will be presented at that such public hearing.

RECOMMENDATION

Staff recommends the Town Council consider the comments and evidence presented at the hearing, the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation. Below are three alternate actions for consideration, though Town Council is not limited to these options:

- 1) **Approve the First Reading of Ordinance No. 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.**
- 2) **Approve the First Reading of Ordinance No. 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, with the following additional conditions of Approval) as set forth by the Town Council)**
- 3) **DENY the First Reading of Ordinance No. 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.**

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 815
(SERIES 2014)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
VACATING PUBLIC EASEMENTS ON LOTS D-1, D-2, D-3 & D-4
AS SHOWN ON THE HARMAN PRK SUBDIVISION PLAT**

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, April 23, 2013 and April 22, 2014 (the “Charter”); and

WHEREAS, on July 3, 2014, concurrent with the application to approve the Town of Pagosa Springs plat (“Amended Plat”), the Town’s planning department received an application for Vacation of Public Utility Easements (the “Application”) from Pagosa The Bible Church for the vacation of a public easement for public utilities (the “Easement”) which was created by dedication as shown on the Harman Park Subdivision plat, which was previously approved by the Town and recorded as Plat # 718, at Reception No.20412244 of the records of the Archuleta County Clerk and Recorder (the “Plat”); and

WHEREAS, if the Application and Amended Plat are approved, the Amended Plat will be recorded without the Easement being depicted; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(i) of the Land Use Development Code (“LUDC”), the Planning Commission held a public hearing on the Application on August 26, 2014; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the August 26, 2014 public hearing before the Town Planning Commission, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on August 07, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice of the hearing was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the Easement and any other person who made a written request for such notice, on August 11, 2014, which was no fewer than 15 days prior to the public hearing.
- c. On August 11, 2014, Public Notice was physically posted at 209 Harman Park Drive, and remained on the property for a period of at least 15 days prior to the public hearing.

- d. While not required by the LUDC, public notice was also posted at Town Hall on August 01, 2014, 2014; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(ii) of the LUDC, a public hearing before the Town Council on the Application was held on September 02, 2014 at 5 p.m.; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the public hearing before the Town Council, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on August 07, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on August 11, 2014, which was no fewer than 15 days prior to the public hearing.
- c. On August 11, 2014, Public Notice was physically posted on the property at 209 Harman Park Drive and remained on the property for a period of at least 15 days prior to the public hearing.
- d. Although not required by the LUDC, public notice was also posted at Town Hall On August 01, 2014; and

WHEREAS, the Town Council hereby finds that the criteria of Section 2.4.3.D.2.b(ii) of the Town's Land Use Development Code for vacation of a public easement have been met, as follows:

- a. *The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. The Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.*
- b. *The land to be vacated is no longer necessary for the public use and convenience. The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicate on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining to the west and south of the subject properties.*
- c. *The vacation will not leave any land-locked parcels. No parcel will be rendered land-locked from access to all available Public Utility service.*

- d. *The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.*

WHEREAS, the Town wishes to formally and expressly vacate such Easement within the corporate limits of the Town.

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

Section 1. Incorporation of Recitals and Findings. The above Recitals and Findings of the Town Council are hereby incorporated into this Ordinance.

Section 2. Vacation of Public Easement. The Town hereby divests itself of all of its right or interest in and to the Easement as shown on the Plat, within the corporate limits of the Town, Exhibit A.

Section 3. Recording. In accordance with the requirements of Section 2.4.3.D.2.b(i) of the Town's Land Use Development Code, this ordinance vacating the public easement designated herein shall be recorded in the office of the Clerk and Recorder of Archuleta County.

Section 4. Amended Plat. All remaining rights and easements shown on the Plat and not vacated hereby, whether public or private, are shown on the Amended Plat, to be recorded with this Ordinance.

Section 5. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 6. 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.

Section 7. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading and after the recordation of a lot consolidation plat deeding perimeter public utility easements for the installation of public utilities to adjoining properties.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY 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/SPECIAL] MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF ____, 20__.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY 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/SPECIAL] MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF ____, 20__.

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. ____ (Series 20____) was approved by the Town Council of the Town of Pagosa Springs on first reading at its [regular/special] meeting held on the ____ day of _____, 20__, and was published by title only, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 20__, 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 _____, 20__.

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. ____ (Series 20____) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its [regular/special] meeting held on the ____ day of _____, 20__, 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, on the Town's official website, on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this __ day of _____, 20__.

April Hessman, Town Clerk

(S E A L)



AGENDA DOCUMENTATION

NEW BUSINESS: VII.3

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: CARGO CONTAINER REGULATIONS AND OTHER LUDC REVISIONS CONSIDERED BY THE PLANNING COMMISSION

ACTION: DISCUSSION AND DIRECTION

PURPOSE/BACKGROUND

Over the course of the last two years, the Planning Commission has discussed possible revisions to the Land Use Development Code (LUDC), including the following topics:

- a. Limiting the location and use of Cargo Shipping Containers.
- b. The current prohibition of metal sided buildings in commercial and mixed use zone districts (LUDC section 6.7.3.B.2.b) and the possibility of allowing metal sided buildings with additional design criteria requirements.
- c. The current minimum 12.1 dwelling unit / acre density requirement in the R-18 Zoning District and the possibility of allowing less than the minimum 12.1 dwelling units / acre density requirement.
- d. Consider reducing the current minimum lot size for single family lots (7500 sqft minimum = typical 50' x 150' lot) in residential zone districts and the possibility of allowing smaller lots that would be consistent with the existing maximum density allowance in residential zone districts.
- e. Prohibiting or limiting the use of LED Variable Message Signs.

The Planning Commission decided to bring the Cargo Container matter to Town Council on September 02, 2014, to seek direction whether or not the Planning Commission should work on research and formulating a recommendation to Town Council for possible LUDC revisions. Staff would be happy to briefly discuss the other matters, b-e above, at the TC meeting if time allows.

The Cargo Container matter came before Town Council on October 25, 2012, seeking approval of new LUDC language regulating the use and placement of Cargo Containers as Temporary Structures and Permanent Accessory Storage Structures. Proposed at that time and included in a draft ordinance for consideration was the following proposed additions to the LUDC:

Addition of LUDC section 4.3.4.D.5.

Cargo Containers shall be prohibited in all zoning districts except as allowed under LUDC section 4.3.4.D.5 and as allowed as temporary uses and structures in LUDC sections 4.4.2.G and 4.4.2.H and shall comply with LUDC section 4.3 "Accessory uses and Structures". Cargo Containers are allowed in Light Industrial (LI) Zoned Areas in compliance with LUDC section 4.3 with a maximum of 800 square feet allowed. Cargo Containers shall be screened and painted or sided to match the existing structure and/or surrounding environment. Site placement and painting/screening colors of Cargo Containers within Light Industrial (LI) zoning district, shall be approved at a Conditional Use Permit (CUP) Public Hearing by the Planning Commission as detailed in LUDC section 2.4.4. Cargo Containers shall be used as accessory to a primary structure and the use of such shall be directly associated with the primary structure use, unless as specified in LUDC section 4.4.2.H. Cargo Containers in place in any zoning

district at the time of this code amendment, August 2012, are considered non-conforming and shall comply with LUDC Article 9.

Addition of Section: LUDC section 4.4.2.G.

Cargo Containers may be allowed for temporary use in areas zoned Commercial (C), Mixed Use Corridor (MU-C) and Mixed Use Town Center (MU-TC) for a maximum of 180 days. Cargo Containers shall be screened, painted and/or sided to match the existing structure and/or surrounding environment. Site placement and painting/screening colors of Cargo Containers within the MU-C, MU-TC and C zoning districts, shall be approved at a Conditional Use Permit (CUP) Public Hearing by the Planning Commission as detailed in LUDC section 2.4.4. One additional 180 day extension period may be requested and administratively approved by the Planning Director, if the extension is requested and approved prior to the expiration of the first 180 day period. A maximum of 360 days consecutive use is allowed. Additional approval can be considered in compliance with LUDC section 4.4.2.H below, an approved change of use or change in ownership of the property.

Addition of LUDC section 4.4.2.H.

A Cargo Container may be allowed on a temporary basis in any zoned area for the duration of a issued and current building permit. A Cargo Container shall not be placed on the premise until a Building Permit is issued by the Town of Pagosa Springs Building Department. The Cargo Container shall be removed from the premise, prior to issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) or Certificate of Completion (CC) to occupy the premise or building addition. The Cargo Container use must be relative to the construction project the building permit is issued for. Site placement of the container shall comply with property line set back distances in LUDC article 5.

Proposed Cargo Container definition: A metal container unit manufactured for transporting goods that can be easily loaded from one transport vehicle to another. For purposes of this definition, semi-truck trailers are NOT cargo containers.

The Town Council ultimately tabled the matter until a November 19, 2012 work session, when it was determined to not proceed with the cargo container matter any further at that time.

Staff had conducted research as to how other Colorado communities were handling cargo Containers, and the findings are attached. The response from the communities solicited for information ranged from prohibiting cargo containers to allowing them with very specific requirements.

ANALYSIS

Some of the concerns/issues previously discussed include:

Supporting new regulations:

- Containers are metal sided which is currently prohibited in commercial and mixed use zone districts.
- Containers can be visually unappealing in both residential and commercial zoned areas. Many times used containers that are rusting, are painted a color that does not blend in with the surroundings, and have large painted manufacturer or business logo's on the container.
- Containers are typically placed without Town's knowledge, many times encroaching into setbacks.
- Nationally, there is an increasing number of used containers available for repurposing into storage sheds and other uses. Setting specific regulations now will ensure future standards for their use.
- Cargo containers do not come with an interior exiting latch, creating a safety concern.
- Unless placed on a prepared level ground surface, many times are not level.
- Cargo containers can be considered a blight and effect neighboring property values.

Opposing new regulations:

- Property owners should be able to put whatever they want on their property.
- Containers are an affordable option for an accessory storage structure.
- Current LUDC regulations are sufficient to regulate the use and placement of cargo containers.
- Cargo containers are easily transported from site to site.

Town of Pagosa Springs Staff Analysis of current LUDC and Building Code regulations that can apply to Cargo Containers.

- 1) Building Code:** TOPS can regulate cargo containers with the adopted building code as a permanent accessory structure, requiring an engineer's analysis for snow load, wind load, and anchoring to the ground. As a temporary structure, the use and placement is limited to 180 days, which the planning department uses for the allowed time period for temporary uses. TOPS requires a building permit application for all structures, this allows us to ensure the structure is built to TOPS Building design criteria, and to confirm placement on the lot per LUDC setback requirements. Structures under 120 sqft, are not charged permit a fee.
- 2) LUDC section 2.4.10 describes the Temporary Use Permit process.**

LUDC 2.4.10. TEMPORARY USE PERMITS

 - A. Applicability*

No use that is classified as a temporary use in the zoning district in which it is to be located shall be placed or established on the property without first receiving a temporary use permit, unless exempted from the permit requirements by Article 4, Use Regulations.
 - B. Procedure*

Figure 2.4-17 shows the steps of the common development review procedures that apply in the review of applications for temporary use permits. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

 - 1. Step 3: Applicant Submits Application*

All applications for temporary use permits shall be filed at least four weeks prior to the date the temporary use will commence, or at least six weeks prior to the date the temporary use will commence if enhanced, supplemental, or special public safety support will be required from the Town.
 - 2. Step 8: Town Issues Decision/Findings*
 - a. Action by Director*

The Director shall review each application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Director shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria below.
 - b. Duration of Permit*

A temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this Land Use Code.
 - c. Approval Criteria*

The Director shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the requirements set forth in Section 4.4., Temporary Uses and Structures.
 - 3. Step 10 (Lapse)*

The temporary use permit shall lapse and be null and void upon expiration of the time limit specified in the permit.

3) LUDC section 4.3, regulates permanent accessory uses and permanent accessory structures.

LUDC 4.3.1. PURPOSE

This Section authorizes the establishment of accessory uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this Section.

LUDC 4.3.2. APPROVAL OF ACCESSORY USES AND STRUCTURES

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Section. Section 11.3, Definitions of General Use Categories and Specific Use Types, identifies typical accessory uses associated with principal uses as part of the principal use definition. All accessory uses shall be subject to the standards in this Section 4.3, as well as any use-specific standards applicable to the associated principal use as set forth in Section 4.2 above.

This in essence classifies a cargo container used for storage as a permanent accessory structure to a primary structure, as in a residence or business. Accessory structures are not allowed unless the primary structure is built and in use and the use of the structure must be directly related to the primary structure. All permanent accessory structures are required to apply for a building permit and required to comply with all other LUDC regulations, just as a site built structure would. The total of all Accessory structures on a site is limited to 1000 square feet.

4) LUDC section 4.4, regulates temporary structures and temporary uses.

LUDC 4.4.1. PURPOSE

This Land Use Code allows for the establishment of certain temporary uses for limited duration, provided that such uses comply with the general and specific standards of this Section.

LUDC 4.4.2. TEMPORARY USES AND STRUCTURES ALLOWED

The following temporary uses are allowed provided they comply with the general standards of Section 4.4.3

LUDC 4.4.3. GENERAL REQUIREMENTS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Land Use Code:

- A. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- B. The temporary use shall comply with all applicable general and specific regulations of this Section 4.4. unless otherwise expressly stated.
- C. Permanent alterations to the site are prohibited.
- D. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- E. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
- F. The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as Health Department permits.
- G. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

- H. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- 1. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Official, including fire rating.
- J. Off-street parking shall be adequate to accommodate the proposed temporary use.
- K. Applications for temporary structures to be located in the 100-year floodplain shall be required to submit a plan to the Building Department for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
 - 1. The name, address, and phone number of the individual responsible for the removal of the temporary structures and the property owner;
 - 2. The time frame prior to the event at which a structure will be removed; and
 - 3. A plan to remove the temporary use earlier than the scheduled removal date, if required.

This in essence allows the temporary use and placement of Cargo Containers for up to 180 days.

5) LUDC section 6.7.prohibits metal siding in all commercial and mixed use zone districts.

LUDC 6.7.B.2.b. Building Materials (commercial and mixed use zone districts)

Metal-sided buildings are prohibited, although metal roofing is acceptable. Metal wainscot treatments not exceeding four feet in height is acceptable.

This in essence prohibits the permanent accessory use of cargo containers, unless an exterior other than metal is used to shield the metal sided container, for example the Outfitter Business on Putt Hill.

IN SUMMARY, 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. TOPS 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.

ATTACHMENTS

~ Responses from Colorado communities.

PUBLIC COMMENTS

Staff recommends TC request public comment on this matter. Previous comments received

RECOMMENDATION

Staff and the Planning Commission are requesting that Town Council provide direction whether or not to proceed with developing proposed LUDC language revisions specific to cargo containers, or to enforce the current LUDC as written. Some alternate actions for your consideration include:

- 1) Confirm the current Building Code and LUDC regulations are sufficient for regulating the permanent accessory use and temporary use of cargo containers.
- 2) Confirm the current Building Code and LUDC regulations are sufficient for regulating the permanent accessory use and temporary use of cargo containers, with the exception of additional language that addresses the appearance and condition of cargo containers.
- 3) Appoint members to a task force to further research the matter and bring additional information back to Town Council for further consideration.

CARGO CONTAINER RESEARCH:

RESEARCH FOR DISCUSSION PURPOSES:

CARGO SHIPPING CONTAINER AS ACCESSORY STRUCTURES

QUESTION: We would like to know how each jurisdiction is dealing with metal Cargo Shipping Containers. Specifically, situations when these units are placed directly against a building such as a retail store (sometimes 2 or more deep). These are usually intended to be temporary in nature but have become permanent exterior storage. How are these different from a site built or modular storage building from a code stand point? Permitting? Ignoring? Concerns? (or lack there of?) Does your jurisdiction have Land Use Regulations that prohibit the use of these on a permanent basis?

I haven't had to with the issue but I highly doubt that it would be allowed by our planning and zoning people. City of Westminster

Lakewood does not allow these in other than a temporary basis during construction. So our planning and zoning department keep me from having to deal with it. -City of Lakewood

The Lincoln County zoning resolution does not even mention this type of structure. Your inquiry is very timely in that there ate thousands of these containers in this country and from all I know they are not being reused. Eventually our ordinances are going to have to address this potential problem. -Lincoln County

Cargo storage containers are not allowed in any zoning district except light commercial in the Town of Erie. The light commercial zoning would require a special review for the use of any outside storage including storage containers (Zircons). -Town of Erie

This would be First; a fire department issue, for access etc. Second; a planning department issue, most likely not allowed by land use, and Third; a building department issue because of use, i.e. is this now a S1 or S2 or maybe even an H category ? this is probably not part of the original building plan. Application would need to be submitted for approval for any additional storage and impact to the building site. It sounds like the original building is not big enough for their needs. We would address this with a stop work order and then sort through it. -Town of Avon

In unincorporated Boulder County the can be approved as storage sheds. They need to meet the minimum zoning and Building Code setbacks. If they are for temporary storage and intended to be removed within six months, we issue a temporary building permit. We don't require them to be engineered or tied down. The only concern that we or the citizens have is that they are unsightly. - Boulder County

This would fall under our storage and screening land use regs. It could also be permitted or not permitted under a PUD agreement. -City of Federal Heights

Our Planning/Zoning department handles them, and are very restrictive on length of use.....if they don't comply, our Code Enforcement folks issue violation notices, a trip to court. From a building standpoint, I'm not worried about them. If they can make it over on a ship, and can support the weight of several more above, I shouldn't be too concerned. -City of Greeley

In Englewood temporary structures are only allowed when a permit application for a permanent structure has been submitted. Land Use Regulations prohibit permanent use of temporary structures in all zone districts. -City of Englewood

I believe they are the same as a modular storage building and temporary structures would have to be set less than 180 days (3103.1) and require a permit if over 120 Sq. Ft. (3103.1.1). I would go on to include separation

(602) from the building they are placed against if fire separation was necessary. These cannot be used as permanent structures unless they are on a foundation, have engineering etc. but I suppose it depends on the jurisdiction and number of complaints it takes to get the Mayor's attention. Here, they attract attention and it only takes a few complaints to the Mayor before I hear about it so we don't have much tolerance. We also have Land Use Regulations which makes it difficult to keep these things around for very long. Sometimes we allow them to be used to store merchandise if construction is being done on the retail space they belong to but only temporarily (usually less than 180 days) then the separation may not be a serious issue. -City of Longmont

In Littleton, outdoor storage containers are regulated by the zoning official and not allowed for an extended period -City of Littleton

Thankfully, our zoning regulations were recently changed to prohibit the use of storage/shipping containers as permanent accessory buildings. We do allow them but only for temporary uses. We do though, have lots of them being used around the City for various purposes. Most are located in our industrial zoned districts and do present a myriad of problems.

When we encounter them, we try to treat them like any other building. We require owners to submit engineering information that they meet our design criteria as well as well as foundation/support requirements and hold downs. I don't believe they are any different than pre-built "Tuff Sheds" or other pre-manufactured buildings. Just because they weren't originally constructed or contemplated for building uses, when a person chooses to use them for shelter then they are buildings.

If you are under the I-codes, I believe the definition of "structure" in the IBC may be all that you need to require permitting. You may want to consult with your Town Attorney though and get his take. Apparently, there is some case law on the books regarding the Town of Erie that tried to regulate and deny their use under the UBC. They were sued and lost as the courts took the position that they are not "buildings" and therefore, due to the definition of building in the UBC, could not be regulated under the building code. Personally, if true (I never saw the case) I think that's a load of bull, but it wouldn't surprise me if the courts ruled in that direction.

Until I am told otherwise, we'll treat them as a structure and by definition all structures notwithstanding the exceptions to permit, can be regulated by the jurisdiction.

In my opinion though, changing your land use and zoning regs. to prohibit them would help you. At least then you would have two separate regulations in your back pocket to use. -City of Commerce City

In order for zoning to be able to regulate setback requirements we issue a permit as a modular storage unit. I require engineering for wind and snow load and a tie down system, after that they could set indefinitely. -City of Ft. Collins

In Fort Morgan we are in the somewhat in the same boat as you, nobody here really knows how to handle these storage units (we don't have many). The only thing required at this time is they do not cause a hazard where the unit is set on the property) i.e. blocking emergency vehicles, the City's utility trucks, trash trucks, the flow of traffic on and off the lot and they don't along take up any required off street parking. So I would be interested in seeing what you come up with. -City of Ft. Morgan

We allow storage containers free if under 200 sq. ft. Beyond that they require permits and tie downs like a storage building. -Las Animas County

We treat them like a building and require permits. Mostly, they are just for storage but I have seen web sites where they are adapted to multifamily dwellings stacked on top of each other in various configurations. We have reviewed the structural engineering and they are designed to be stacked 10

high loaded and on a rolling ship at sea. We require that a foundation be provided (could be a level structural fill) and that a tie down method be employed designed by an engineer -Garfield County

Our land use regulations prohibit these boxes to be used unless they have a building permit. -Mountain Village

These are a dilemma – I believe that the County is proposing changes to the LDC (land development code) to attempt to address this issue. Currently the Bldg Dept would allow for 180 days under Section 3103 then would need to become a permanent structure and permitted as such, as would any other type of structure or use of building materials. -Arapahoe County

We are a bit different in Georgetown as the entire town is a historical district. The DRC, a historical review commission, would not allow any of these to be used for anything other than storage on a building site with an active building permit. Makes it easy for us to ignore the real issue of what are they and what should we require. -Georgetown

The shipping cartons are noncombustible unless they add something that is not classified that way. If they set them in place without a permanent foundation at the least they would be of a temporary nature and would have a designated period of use, maybe with a renewable clause. Exits would likely not be of concern under that use. I would likely take them in on a "special use permit" and renew their use every year or so. I have been out of the mainstream for several years so don't pay too much attention to what I say. -Personal regards, Pete Tyree

We have allow a few containers to be used for storage. They're considered a conditional use and must be permitted via our land use regulation. So far we have approved them only on larger tract of land (i.e. 35 plus acres). Some of the standard conditions that are placed on these Condition Use Permits are: They must be set off the ground to prevent rusting, must be adequately anchored, must have ventilation installed, must be painted a color that blends with the area surroundings, and most important they must be modified to allow a person to open them from the inside (in about all of the case they have installed a personnel door). It is also a condition that the work be done and inspected within a specified time frame

-Huerfano County Government

I've had to deal with these "containers" for years. I use our "Z" zoning ordinance combined with the "B" building code ('03) to address the issue.

Detached:

1. "B"-If the unit is under 120 sf no permit is required.
2. If the unit is >120 sf <400 sf. A permit is required but does not have to be on a permanent foundation (frost protection).
3. The unit must meet snow and wind loads per a registered design professional, or approved by the Building Official (me).
4. "Z"-has to meet the City's setback and lot coverage requirements, depending upon which zoning district it is located in, or if variance is requested, approved by Planning Commission.
5. Must be located not less than 10' from the principle structure.

Attached:

1. "B"-Must be on a permanent foundation to match or exceed the existing structure (regardless of sq. footage). or approved by the CBO (me).
2. Must meet the requirements the "Codes", depending on the occupancy, '03 IBC, IRC, IMC, IFC & IECC adopted by the City.

Usually the owner(s), once informed of these requirements, say to heck with it and don't proceed with the project

-City of Alamosa



AGENDA DOCUMENTATION

NEW BUSINESS: VII.4

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 2, 2014

FROM: GREGORY J. SCHULTE, INTERIM TOWN MANAGER

PROJECT: WAIVING OF THE ATTORNEY-CLIENT PRIVILEGE FOR THE PURPOSE OF RELEASING THE DAVIS ENGINEERING REPORT REGARDING THE RUMBAUGH CREEK FLOODING REPORT.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

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 1st Street and Lewis Street. Some businesses along Hwy 160 and some residences near 1st 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.

The report was delivered to Bob Cole and thereby transmitted to the Town Council and Town Manager for review. Subsequently, members of the public and the media have requested access to the prepared report. Upon review of the report, Town staff (including the Town Attorney) believes it is appropriate to release the report to the public. However, since the report enjoys the privilege of Attorney-Client work product, to release the report the Town Council must, by a majority vote, affirmatively waive the Attorney-Client privilege for this work product.

FISCAL IMPACT

There is no direct fiscal impact related to the waiving of the Attorney-Client privilege and release of the report.

ATTACHMENTS

None. The Davis Engineering report was transmitted separately to Town Council via the Town Attorney.

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "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."
- 2) "DENY THE WAIVING OF THE ATTORNEY-CLIENT PRIVILEGE IN REGARDS TO THE DAVIS ENGINEERING REPORT REGARDING THE RUMBAUGH CREEK FLOODING."



AGENDA DOCUMENTATION

NEW BUSINESS: VII.5

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 2, 2014

FROM: APRIL HESSMAN, TOWN CLERK

PROJECT: EMPLOYMENT AGREEMENT FOR TOWN MANAGER POSITION

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town Council selected four finalists from a list of 71 town manager applications. After interviews on August 21st, the Town Council selected to negotiate with Mr. Gregory Schulte, the current Interim Town Manager, for the permanent position of Town Manager. Mayor Volger, Council Member Schanzenbaker and Town Clerk April Hessman were selected to negotiate a contract with Mr. Schulte.

Using the former Town Manager's contract as a template, the team created an agreement beneficial to both the Town and to the Manager. Some of the notable changes include:

- A three (3) year term of employment, with annual reviews, and no automatic renewal.
- Salary for 2014 at \$89,000 with Cost of Living increases per Town policy. The current town manager salary range is \$78,411 (low), \$94,219 (mid), \$110,789 (high).
- A severance benefit for three (3) months, the prior manager's severance was four (4) months.
- The elimination of a housing and car allowance.

FISCAL IMPACT

There is a positive fiscal impact to the 2015 budget

ATTACHMENTS

Draft Town Manager Agreement

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "Authorize the Mayor to Sign the Employment Agreement with Mr. Gregory J. Schulte as Town Manager beginning September 2, 2014."
- 2) "Deny Employment Agreement and Direct Negotiators as to New Direction."

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (“Agreement”) is made this 2nd day of September, 2014, by and between the TOWN OF PAGOSA SPRINGS (the “Town”), a home-rule municipal corporation organized pursuant to Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective November 2003, and GREGORY J. SCHULTE, an individual residing in Pagosa Springs, Colorado (“Employee”) (collectively, the “Parties”), This agreement supersedes prior employment agreement #522 dated June 11, 2014 with Employee for services as Interim Town Manager .

WITNESSETH

WHEREAS, the Town desires to employ the Employee as the Town Manager through this contract, to make provisions for certain benefits, to establish certain conditions of employment and to set working conditions therefor; and

WHEREAS, the Employee desires to accept the appointment as Town Manager.

THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the Town and Employee agree as follows:

1. **Job Responsibilities**. The Employee is employed as Town Manager of the Town of Pagosa Springs to perform the functions and duties specified in the Town of Pagosa Springs Municipal Code and the Town’s Home Rule Charter, as may be amended from time to time, and to perform such other duties, functions and obligations as are legally permissible and proper for the office of Town Manager.

2. **Term**. Subject to the annual budget of the Town and the appropriation of funds related to the Town Manager’s duties hereunder, the term of this Agreement shall be for a period of three (3) years, commencing on September 2, 2014 and ending on September 1, 2017, unless sooner terminated as hereinafter provided. This Agreement may be extended at the end of the initial term for an additional term of three (3) years upon mutual agreement of the Parties, unless sooner terminated. Any provision in this Agreement agreeing to budget for an expenditure is only an agreement for the Town Counsel to consider the expenditure as a budget and appropriation proposal on an annual basis under the Colorado Budget Law, and is not a commitment to approve a budget or appropriation for such expenditure.

3. **Outside Activities**. Employment as the Town Manager shall be the Employee’s primary employment, as further set forth in Exhibit A. The Employee may, with prior written approval of the Town Council only, accept limited teaching, consulting or other business opportunities that do not, in the opinion of the Town Council, create a conflict of interest or the appearance of a conflict with the Town’s interest.

4. Compensation. As a base annual salary (excluding employer-provided benefits), the Town agrees to pay the Employee for the services herein described the sum of \$89,000 per annum, payable in near-equal installments at the same time and by the same method as other management employees of the Town are paid, less necessary or agreed upon withholding for state and federal taxes, retirement contributions, insurance and other deductions, as applicable. Commencing in 2015, the Town agrees to annually consider and if deemed appropriate by the Town Council, to approve an increase in the pay of the Employee for each year that this Agreement, or any extension thereto, is in effect (the "merit increase"). The amount of the merit increase shall be dependent upon the results of the performance evaluation conducted under the provisions of Section 10 of the Agreement. A cost of living increase shall be made effective January 1 of each year per Town policy.

5. Holidays. The Employee shall be entitled to not report to work on the paid holidays established in the Town of Pagosa Springs Personnel Handbook.

6. Personal Time Off (PTO). The Employee shall receive twenty-three (23) days of personal time off (PTO) leave annually, accrued on a pro-rated basis over twenty six (26) pay periods, but which shall not be considered accrued in the event of an early termination of this Agreement. The Employee shall be entitled to a maximum carry over of 248 hours of PTO (i.e., 31 days) from one calendar year to the next and any unused vacation leave in excess of the permitted carry over shall be forfeited by the Employee without compensation.

7. Additional Employee Benefits. The Town additionally agrees to budget for and/or reimburse Employee for the following additional items:

(a) Health Insurance. Health insurance shall be provided by the Town and the Town shall pay the premium for the Employee and his spouse and dependents to the same extent that health insurance is provided to all other employees of the Town. For purposes of this Agreement, health insurance shall include any health, hospitalization, surgical, vision, dental and comprehensive medical insurance as such benefit may be offered to employees by the Town.

(b) Life Insurance; Disability Insurance. The premium for policies for life insurance, short term disability insurance, and long-term disability insurance shall be paid by the Town in accordance with the Town's policies for insurance coverage as provided to all other employees of the Town.

(c) General Business Expenses. In addition, the Town shall reimburse the Employee for his actually incurred and documented general business expenses, to the extent funds are budgeted by the Town Council, including the following:

- Professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state and local

associations customarily enjoyed by municipal managers, including the International City/County Manager's Association (ICMA).

- Reasonable and necessary travel and subsistence, as approved in advance and duly budgeted on an annual basis by Town Council, to attend professional and official meetings, events, and occasions to continue the professional development of the Employee, including but not limited to, the ICMA Annual Conference, the Colorado Municipal League (CML) Annual Conference, and such other national, regional, state and local governmental groups and committees customarily attended by municipal managers for which the Employee or the Town is a member.
- Reimbursement of certain expenses as duly budgeted and approved by Town Council on an annual basis of a non-personal and job-related nature as incurred by the Employee, including a mobile phone, computer, software, fax/modem, personal digital assistant (PDA) device, and pager to perform the functions required of the Town Manager and to maintain communications with the Town.
- Any dues or fees necessary for the Employee to participate and be involved in local civic clubs or organizations which assist the Employee in performing his duties as the Town Manager and maintaining business relationships beneficial to the Town's interests.

8. Retirement Benefits. The Employee shall be eligible to participate in the Town's 401(a) defined contribution plan (or any other, substitute, or additional retirement plan made available to the Town employees) on the same terms and conditions as other Town employees. The vested percentage of the Town's contribution shall be as established in the Town of Pagosa Springs Personnel Handbook.

9. Deferred Compensation Plan. In addition, the Employee shall have the option of directing any portion of his compensation as permitted by law into the Town sponsored 457 Deferred Compensation Plan.

10. Performance Evaluation. The Town Council agrees to perform an annual performance review and evaluation of the Employee at the first regular meeting in August. The evaluation process shall provide opportunity for the Town Council members to prepare written evaluations of the Employee's performance, the Parties to meet and discuss the evaluations and goals, and the Town to prepare a written summary of the evaluation results to be delivered to the employee. The Town Council's failure to provide an annual performance evaluation shall not affect the Town's right to terminate this Agreement as provided in Section 11, or be deemed to represent satisfactory performance by Employee.

11. Termination. Notwithstanding any provision of this Agreement to the contrary, Employee understands and agrees that he is employed by Town at the will

and pleasure of the Town Council. The Town may terminate this Agreement upon vote of a majority of the members of the Town Council for any reason and at any time in accordance with the Town's Municipal Code and Home Rule Charter. Any provisions as to job performance, termination of employment for cause, or hearings for such termination as provided in the personnel policies which apply to the employees of the Town shall not apply to the Employee.

(a) Severance/Termination At Will. The Town acknowledges that the Employee is committing to the exclusive service to the Town for a period of three (3) years. In the event Employee is terminated at will as described above and in this paragraph, the Town agrees to pay the Employee a cash severance equal to three (3) months of Employee's salary and benefits as defined in Section 11(a)(ii) this Agreement.

(i) For purposes of this Agreement, the following shall be considered termination at will: (a) the majority of Town Council votes to terminate the Employee without cause at a public meeting, upon providing two (2) weeks notice to the Employee; (b) if the Town Council, citizens or the legislature acts to amend any provisions of the Town's Municipal Code or other enabling legislation which has the effect of substantively reducing the role, powers, duties, authority, or responsibilities of the Employee's position; (c) if the Employer reduces the base salary, compensation or any other financial benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all department heads; (d) the Employee has notified the Town of a breach of contract and such breach has not been reasonably cured within thirty days of such notice; or (e) the Employee resigns following a formal offer of a majority of the Town Council to accept resignation, whether made verbally or in writing.

(ii) For purposes of this Agreement, and in addition to the salary compensation defined for termination at will, the Employee shall be entitled to the following benefits upon termination at will: (a) payment of accrued and unused PTO hours existing as of the date of the termination at will; and (b) payment of premium for Town sponsored health insurance and any other Town sponsored medical insurance coverage for a period of three (3) months.

(b) Termination For Cause. In addition, the Town may terminate this Agreement and the employment of Employee for cause upon a vote of a majority of the members of the Town Council, effective immediately upon written notice to Employee, with the Town's only obligation being the payment of compensation, including accrued PTO leave, earned as of the date of termination. The Town Council shall permit the Employee to address the allegations against him in an open meeting with the Town Council within fifteen (15) days after the Town Council proposes removal. To the extent permitted by state law, the session may be closed to the public by agreement of the Town Council and the Employee. At the close of the session, the Town Council may, by a majority of its members, decide to terminate or retain the Employee. In the event the Employee is terminated, the termination for cause shall be final. Termination for cause

shall not be subject to any provisions of Section 11(a). For purposes of this Agreement, "cause" shall be defined as including any of the following acts of the Employee:

(i) Any material breach of the terms of this Agreement by the Employee, as defined by this Agreement and the attached Exhibit A, "Performance Standards Constituting Breach," which is incorporated herein by reference;

(ii) Injury to the economic or ethical welfare of the Town by Employee's misconduct or inattention to Employee's duties and responsibilities under this Agreement, including engaging in any activity that the Town Council, in its sole discretion, determines creates a legal conflict of interest with the Town or objectively and reasonably creates the appearance of moral turpitude;

(iii) Engaging in any of the following forms of misconduct: conviction of or a plea of guilty or no contest to any felony; a determination of Employee theft of Town property or funds; the use of controlled substances on Town premises, or appearing on such premises while intoxicated or under the influence of alcohol or drugs not prescribed by a physician; any illegal use of any controlled substance; illegal gambling on Town's premises; a determination after investigation of discriminatory behavior toward, or harassment of, any person; or dishonesty, including, without limitation, falsifying any document prepared in anticipation of, in connection with or as a result of Employee's employment by Town.

(c) Resignation. The Employee may voluntarily resign his employment with the Town upon at least thirty (30) days advance written notice; provided, however, that the Town may require the Employee to discontinue his employment sooner than the full thirty days in the interest of the Town. Voluntary resignation shall be without entitlement to severance benefits.

12. Suspension For Cause. The Employee may be suspended, with or without pay, by a majority vote of the members of the Town Council. Cause for suspension shall be as defined in Section 11(b) and Exhibit A. Such suspension shall operate independently of any procedures for removal.

13. Indemnification. Section 12.10 of the Town's Home Rule Charter allows the Town to indemnify personnel of the Town only by ordinance. Such indemnification is common for municipalities for actions taken by their personnel for the municipalities' benefit when acting within the scope of the person's engagement or appointment. The Town agrees that the Town Council will consider adoption of a comprehensive indemnification ordinance to be applicable to Employee and other Town personnel, for codification in the Town's Municipal Code. Until the Town adopts a comprehensive indemnification ordinance applicable to the Employee in a form acceptable to Employee, Employee may resign and terminate this agreement immediately upon written notice to the Town. If Employee has not provided such notice within 10 days of the Town's adoption of a comprehensive indemnification ordinance applicable to the Employee, the terms of the indemnification shall be deemed acceptable to Employee and Employee's

right to terminate pursuant to this paragraph will expire. The provisions of this paragraph do not negate the responsibilities of the Town for acts or omissions of Employee as set forth in the Colorado Governmental Immunity Act, including but not limited to the provisions of Section 24-10-110, C.R.S.

14. Miscellaneous.

(a) Entire Agreement/Merger/Severability. This Agreement constitutes the entire agreement of the Parties and a complete merger of prior negotiations and agreements. If any court of competent jurisdiction declares any provision of this Agreement invalid or unenforceable, the remainder of the Agreement shall remain fully enforceable. The court shall also have the authority to reform such unenforceable or void provision, so as to render the provision enforceable.

(b) Governing Law. This Agreement shall be governed by the laws of the State of Colorado. Neither Party shall have a right to assign this Agreement, or enforce any other change, deletion, or addition or amendment, except as such assignment, or change, or amendment is agreed to in writing by both Parties.

(c) Date of Signatures not Effective Date. Notwithstanding the date this Agreement is actually signed by any Party this Agreement is intended to and shall be effective as of September 2, 2014.

(d) Residence. The Employee agrees for the term of this Agreement and any extensions thereto to maintain his principal, primary residence for purposes of voter registration and habitation within the boundaries of Archuleta County, as required by Section 7.1(B) of the Town Charter.

IN WITNESS WHEREOF, the TOWN OF PAGOSA SPRINGS has caused this Agreement to be signed and executed on its behalf by the Mayor of the Town Council and the Employee has signed and executed this Agreement, both in duplicate, as of the day and year first above written.

TOWN OF PAGOSA SPRINGS

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

EMPLOYEE

By: _____
Gregory J. Schulte

EXHIBIT A

Performance Standards Constituting Breach Town Manager of the Town of Pagosa Springs

The following inattention to performance standards shall constitute a breach of the Employment Agreement and due cause for termination of the Employment Agreement between the Town of Pagosa Springs and the Employee:

1. Any failure to follow and enforce the laws of the State of Colorado and the County of Archuleta, as those laws apply directly to the office of Town Manager, or failure to follow and enforce any law or ordinance of the Town of Pagosa Springs as those laws or ordinances apply to the person or the office of the Town Manager.

15. Without the consent or approval of the Town Council, any failure to attend three or more Town Council meetings in a row, or failure to designate and ensure attendance by an appropriate designee for the same period of time.

16. Any failure to respond or to properly engage efforts to respond to notification of a Town emergency within an objectively reasonable period of time.

17. Any failure to employ or discharge a Town employee which employment or discharge of employment is objectively required for the efficient and effective operation of the Town as a whole.

18. Any failure to prepare a draft budget for Town Council approval within the time required by Colorado law, or any failure to administer the budget during the year for which it has been adopted, including failure to engage and ensure performance of an audit or to keep the Town Council advised as to the financial condition of the Town at each meeting of the Town Council.

19. Any failure to complete any purchase as approved and directed by the Town Council without advising the Town Council of the reason for an inability to complete the purchase and a recommendation for an alternative purchase approval.

20. Any failure to positively represent the Town's interest at a public meeting, engagement, function or event which attendance is incidental to or required of the office of Town Manager, including publicly disparaging or discrediting the Town or the Town Council as a body or any individual member of the Town Council, or any elected or appointed official of the Town, or otherwise engaging in material and public forms of insubordination.

21. Any failure to abide by the ethical standards established and maintained by the International City/County Management Association (ICMA), the Colorado Code of Ethics, or any other State, federal or local law that governs the conduct of appointed local

public officials in the State of Colorado.

22. Any failure to attend work for one week or more without notification or having first obtained the prior approval of the Town Council.

23. Without express approval of the Town Council after a full disclosure of the facts and circumstances by the Employee, taking or performing any additional employment which is contrary to the best interests of the Town, creates a legal conflict of interest, or otherwise prevents the Employee from performing the duties of Town Manager to a level expected by the Town Council.

24. Failure to maintain a principal and primary residence, and actually residing, within, Archuleta County at all times during the term of this employment and any extension thereto.

25. Any material violation of the Personnel Handbook of the Town of Pagosa Springs, including but not limited to, engaging in harassing behavior; abuse or misuse of Town property; discrimination against any employee, citizen, vendor, contractor, or elected or appointed official of the Town or any organization that the Town is engaged in business transactions with or through, or abuse or misuse of drugs or alcohol leading to an impairment of the function of Town Manager.

26. During periods of the Employee's leave or absence from work due to illness, accident, or incapacity, it shall be the responsibility of the Employee to ensure the Town will be adequately staffed and that the absence of the Employee from work will not result in harm to the Town's interests in continuing and consistent management.



AGENDA DOCUMENTATION

OLD BUSINESS: VIII.1

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 2, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: TOWN TO PAGOSA LAKES TRAIL PROJECT HISTORY, REVIEW AND UPDATE

ACTION: PRESENTATION AND DISCUSSION

PURPOSE/BACKGROUND

Pagosa Springs is fortunate to have many involved residents and property owners that participated in public input meetings and work sessions. During the development of all of the following planning documents, many well attended open public input work sessions were conducted resulting in very extensive and comprehensive plans that incorporated public insight, concerns, recommendations and ideas. The following progression of planning processes, demonstrates the development of the Town to Pagosa Lakes Trail project.

~ **A 2004 "Pagosa Springs Community Survey"** was conducted by RRC Associates in an effort to provide key data to guide decisions related to planning, marketing and economic development. The top objectives identified through this survey included *"Expanding Bike Paths and Walkways"*.

~ **A 2006 "Pagosa Springs Parks & Recreation Survey and Research"** was conducted by RRC Associates, commissioned by TOPS, Archuleta County and the School District, receiving 459 responses from property owners and residents within Pagosa Springs and Archuleta County with the second highest ranking priority being *"The Trail/Bike path from downtown to uptown"*.

~ **The "Town of Pagosa Springs Comprehensive Plan"** was adopted by TOPS in 2006, which identifies *"Goal T-3: Pagosa Springs will support convenient, connected and efficient transportation for all modes of travel"; "Policy T-3(c): Pagosa Springs aims to maintain and expand the existing trail system to connect our neighborhoods, schools, civic centers and shopping areas and to connect east and west Pagosa Springs as shown on the trails plan (figure 11-3 of comp plan)"* and *"Policy T-3(d) Trails System Connected: The town will continue to maintain and build on the existing trails system and expand the system to include trails as shown the trails plan map, including east-west town connections."*

~ **A 2007 "Parks, Recreation and Open Space and Trails (PROST) Master Plan"** was commissioned by TOPS, Archuleta County, School District and partially funded by GOCO. The PROST Master Plan was completed in the fall of 2007 utilizing a participatory planning methodology that involved residents, a specially constituted technical review committee, public open house meetings and an internet-based public opinion survey. Ultimately the Master Plan was adopted by the TOPS, Archuleta County and the Archuleta County School District. The PROST master plan has served as one of our guiding documents for future prioritization of recreation and trail improvements for the entire community.

~ **The "Town of Pagosa Springs Downtown Master Plan"** was created and adopted by TOPS in 2007 which included a *"Pedestrian Circulation Framework Map"* displaying the TTLT connection from downtown to the Pagosa Lakes area.

~ **The "Town to Lakes Trail Master Plan"** was commissioned by Archuleta County in 2010, partially funded by a Colorado State Trails planning grant, awarding Greenways, Inc. as the consultant to prepare the conceptual master trail plan. Using the adopted PROST Master Plan as a platform, Town Council approved the prioritization of a hard surfaced Commuter Trail along the Hwy 160 corridor, as the best initial trail construction phase using the following criteria:

- * Immediate opportunity where logical, usable connections can be made with current or readily available resources.
- * Availability of rights-of-way and permitting.
- * Availability of funding and/or grants to build and maintain improvements.
- * Projects that can be completed using volunteers or in-kind labor and resources.
- * Segments that offer an exceptional experience and/or are highly visible to the public.

CURRENT STATUS

Subsequent to the above progression of planning and direction from Town Council, 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. We have begun specific preliminary and final trail planning and funding for trail segments beginning on both ends of the community. Current funded phases of the TTPL Commuter Trail include the East Phase and the West Phase.

The East phase extends between S. 8th Street and S. 10th 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 Parel 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 is the next commuter trail phase staff is working on. This portion of the commuter trail 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 \$1,100,000.00, due to the extent of the elevation difference and required ramp structures to climb the hill.

Remaining Portion of Commuter Trail: A Topography Mapping Fly Over 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. 10th Street is approximately 13,000 lineal feet of trail.

TRAIL CONSTRUCTION DESIGN OPTIONS

Town Council has recently briefly discussed the potential for constructing non-hard surfaced portions of the commuter trail, as a means to possibly accommodate funding the trail project completion faster with Town funds instead of utilizing restrictive and more complicated grant funding options. For comparison, staff has worked with Davis Engineering to compile estimated costs for varying trail construction designs. The below cost estimates include design, engineering and construction, however, do not include site specific conditions like steep slopes, wetland mitigation, environmental clearances, hard rock excavation, easement acquisition, ect...

Trail maintenance Periodic maintenance of the concrete surface would include; trail sweeping, snow plowing, weed control, litter, sign repair, ect... Other than the general periodic maintenance just described, Specific annual maintenance for each option below is based on 13,000 lineal feet for comparison.

Trail cost estimate includes general anticipated trail surface maintenance and the original design/engineering and construction costs for 13,000 lineal feet of trail between Piedra Road and S. 10th Street.

~ 10 foot wide Concrete trail: \$125/lineal foot

In this design, a minimum 20 foot wide easement is desired, includes drainage facilities, 12-14 foot wide raised trail bed with a 10 foot wide concrete travel surface and 1-2 foot gravel shoulders. Expected useful life of a concrete surfaced trail is 20-40 years. Minimal annual surface maintenance costs are anticipated with Concrete, that would include repairing/filling cracks and minimal surface failures, \$500 per year.

40 year trail cost estimate: \$1,625,000 construction/engineering \$20,000 = \$1,645,000.

~ 10 foot wide Asphalt trail: \$100/lineal foot

In this design, a minimum 20 foot wide easement is desired, includes drainage facilities, 12-14 foot wide raised trail bed with a 10 foot wide asphalt (3") travel surface and 1-2 foot gravel shoulders. Expected useful life of an asphalt surfaced trail is 10-20 years. Annual maintenance would include repairing/filling cracks at approximately \$1,000 the 1st year and increasing to \$2,000 in year 3. Surface sealing would occur every 4-5 years at \$12,500.

20 year trail cost estimate: \$1,300,000 construction/engineering + \$21,000 for crack sealing + \$62,500 for surface sealing = \$1,385,500.

~ 10 foot wide Built-Up Gravel trail: \$70/lineal foot

In this design, a minimum 20 foot wide easement is desired, includes drainage facilities, 12-14 foot wide raised trail bed with a 10 foot wide crushed rock travel surface. This option would be constructed in such a manner that a Hard Surface treatment could be applied over the built up gravel trail bed a later date. The additional cost of applying a hard trail surface at a later date: Concrete would be \$80/lineal foot and Asphalt would be \$50/lineal foot. These prices also include the build-up of the gravel shoulder to the same elevation as the hard trail surface. Annual Gravel trail maintenance would include surface repair and drainage maintenance at \$1,500 - \$2,500 per year.

20 year trail cost estimate: \$910,000 construction/engineering + \$50,000 for surface maintenance = \$960,000.

If applying Concrete at a later date, add \$1,040,000 (40 year total = \$2,000,000).

If applying asphalt at a later date, add \$650,000 (20 year total = \$1,600,000).

~ 10 foot wide Rustic trail: \$40/lineal foot

In this design, a minimum 20 foot wide easement is desired, includes minimal drainage facilities, with a 10 foot wide native dirt travel surface. No imported materials are included. Trail surface would not be raised and be in a natural/rustic state. Water ponding will occur on the trail surface with mud and washouts expected. This option **would not** accommodate a hard surface application at a later date. Annual maintenance costs could be \$1,000 - \$2,000 per year.

20 year trail cost estimate: \$520,000 construction/engineering + \$40,000 for surface maintenance = \$560,000.

Concrete or asphalt could not be applied at a later date.

FUNDING OPTIONS

Current identified Grant Funding entities for Trail Projects include:

- ~ CDOT TAP grant funds.
- ~ GOCO trail grant funds.
- ~ State Trails grant funds.
- ~ DOLA Community Infrastructure funds.

TRAIL PLANS

Hard Copies of the Town to Pagosa Lakes Trail Master Plan are being printed and will be available at the Town Council meeting.



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

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING AGENDA
TUESDAY, SEPTEMBER 2, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM AUGUST 21, 2014**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. OLD BUSINESS**
 - 1. TOWN/PAWSD Pipeline Update**
- V. NEXT BOARD MEETING SEPTEMBER 18, 2014 AT 12:00PM**
- VI. ADJOURNMENT**



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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING MINUTES
THURSDAY, AUGUST 21, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. CALL MEETING TO ORDER** – Board President Volger, Board Member Alley, Board Member Bunning, Board Member Egan, Board Member Lattin, Board Member Schanzenbaker
- II. APPROVAL of MEETING MINUTES FROM AUGUST 5, 2014** – The minutes were approved as read.
- III. PUBLIC COMMENT** – None
- IV. OLD BUSINESS**
- 1. PAWSD/Pipeline Update** - Payment has been requested, and approved for the month of July to the Engineering firm of Bartlett & West in the amount of \$1,925. Pay application #5 to the contractor, Hammerlund Construction, has been requested and approved in the amount of \$294,777. Work on both the phase one and phase two portions of the pipeline continue with blasting on the Trujillo Road portion in progress.
- V. DEPARTMENT HEAD REPORT**
- 1. District Report** - Hayley Goodman was unable to secure approval from the vet clinic property owner to connect her sewer line. She is looking into other options. The average daily effluent flow rate for July was .226 million gallons per day. Excavation of the geothermal leak on the western loop of the geothermal system has begun and the repair will be made as soon as parts arrive. Staff plans to be in attendance at the Pagosa Verde symposium this month as we are a partner in the monitoring of existing wells as progress on the joint project progresses.
- VI. APPROVAL OF JULY FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS** – Board Member Lattin moved to approve the July financial statement and accompanying payments, Board Member Bunning seconded, unanimously approved.
- VII. NEXT BOARD MEETING SEPTEMBER 2, 2014 AT 5:00PM**
- VIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 1:55pm.



AGENDA DOCUMENTATION

OLD BUSINESS:IV.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
SEPTEMBER 2, 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: TOWN/PAWSD PIPELINE UPDATE
ACTION: DISCUSSION

Town/PAWSD Pipeline Update

A bimonthly construction meeting will be held the morning of this PSSGID meeting and any progress from that meeting will be reported at the meeting. An update on change orders is as follows:

CO #1. **Deductive Change Order** for \$43,022.14 issued 7/23/14 to Hammerlund. This is for reimbursement to the PSSGID the cost of the electrical service to Lift Station #1 per the specifications. Hammerlund is trying to argue that it is not their bill to pay, but we are in the process of rejecting their position and requiring them to execute the Change Order.

CO #2. **Deductive Change Order** for \$28,703.21, so far, will be issued in the near future. Included in this Deductive Change Order are the following items;

1. \$9,856.00 for relocating Lift Station #2 20 feet west at Hammerlund's request, and 5 feet to the south at the suggestion of LPEA.
2. \$13,263.09 for electrical service to Lift Station #2. There will be additional costs in the future as this installation is only partially completed. This is similar in nature to Change Order #1 above.
3. \$700.72 for PAWSD standby time at an existing lift station while Hammerlund was bypass pumping at Hammerlund's request.
4. \$4,383.40 for Archuleta County's assistance in re-graveling Dichoso due to Hammerlund's negligence, at Hammerlund's request.
5. \$500.00 for 5 years of weed treatment in 4 areas of Lake Forest due to a 2nd tier sub-contractor not furnishing weed free straw. PLPOA has quoted \$100.00/year.

Potential Change Orders include:

PCO #1. Hammerlund wanted \$5,993.67 for moving from the Mariposa area of Timber Ridge to Meadows Blvd. I rejected their request on 6/19/14.

PCO #2. Hammerlund initially wanted \$24,724.04 for an alignment change in Timber Ridge. They revised their claim to \$26,213.03 due to a "clerical mistake". Bartlett & West and I rejected this claim on 8/16/14.

PCO #3. Hammerlund wants \$15,542.88 for an alignment change in the Mariposa Area of Timber Ridge. We have requested more information for the 3rd time. Bartlett & West & I are going to reject this for the same reasons as #2, but need to go through the proper chain of events first.

PCO #4. At Bartlett & West's suggestion we asked Hammerlund to provide a deduct for downsizing the electrical requirements from 150 hp pumps to 115 hp. ABS has developed a pump that will supposedly meet the specifications, but is slightly smaller than originally discussed. Hammerlund has responded with a \$27,088.00 deduct. While this is somewhat attractive, it should be in the \$60,000.00 range according to our suppliers. We are discussing this, but at this point, are leaning toward having them put the pumps in as originally planned. This should allow for smaller electric bills and give us more expansion potential for the future.

Respectfully submitted,
Gene Tautges, Sanitation Supervisor