551 Hot Springs Boulevard
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# TOWN COUNCIL MEETING AGENDA
# TUESDAY, JUNE 2, 2015
# Town Hall Council Chambers
# 551 Hot Springs Blvd
# 5:00 p.m.

**I. CALL MEETING TO ORDER**

**II. PUBLIC COMMENT –** *Please sign in to make public comment*

**III. CONSENT AGENDA**

1. **Approval of the May 21 & 28, 2015 Meeting Minutes**
2. **Liquor Licenses**
   a. **Liquor License Renewal _ River Sports Bar & Grill at 358 E Hwy 160**
3. **Request to Move the Town Council meeting of June 18th, 2015 to June 15th, 2015**

**IV. NEW BUSINESS**

1. **Request for Allowing Additional Tourist Oriented Directional Signs for Aspen Village**
2. **Recommended Electronic Message Center Sign Regulations**
3. **Direction Regarding Vacating remaining Portion of Piedra Street Between 7th and 6/7th Alley**
4. **Pradera Pointe Preliminary Subdivision Plan Approval Extension Request Application**
5. **Ordinance 826, First Reading, Revising Tourism By-Laws**
6. **Ordinance 828, First Reading, revising LUDC Regarding Use and Placement of Cargo Shipping Containers**
7. **Appointment to the Geothermal Greenhouse Partnership Board**
8. **Appointment to the Community Development Corporation Board**

**V. OLD BUSINESS**

1. **Ordinance 827 , Second Reading, Vacating a portion of River's Edge Townhouses PUD**

**VI. PUBLIC COMMENT –** *Please sign in to make public comment*

**VII. COUNCIL IDEAS AND COMMENTS**

**VIII. NEXT TOWN COUNCIL MEETING JUNE 15, 2015 AT 5:00 PM**

**IX. ADJOURNMENT**

**Don Volger**
**Mayor**

Public comment and agenda comment item sign-up sheets are available at meeting
Copies of proposed Ordinances and Resolutions are available to the public upon request to the Town Clerk

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# TOWN COUNCIL MEETING MINUTES
# THURSDAY, MAY 21, 2015
# Town Hall Council Chambers
# 551 Hot Springs Blvd
# 5:00 p.m.

**I. CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker

**II. PUBLIC COMMENT –** Mr. Mark Weiler congratulated the Town Council for their commitment on economic development. He thanked the Council for their financial support of the pipeline.

**III. CONSENT AGENDA**

1. **Approval of the May 5, 2015 Meeting Minutes**
2. **Approval of April Financial Statement and Accompanying Payments**
3. **Liquor Licenses**
   a. **Liquor License Renewal – The Junction Restaurant at 401 East Pagosa Street**
   b. **Liquor License Renewal - Pagosa Bar Inc at 460 Pagosa Street**
4. **Letter of Support for Region 9 Enterprise Zone Areas**
5. **MOU Amendment with Folk West for New Parking Lot** – Council Member Egan moved to approve the consent agenda, Council Member Alley seconded, unanimously approved.

**IV. REPORTS TO COUNCIL**

1. **2014 Annual Audit Report – Michael Branch, CPA** – Mr. Michael Branch, CPA, presented the 2014 audit to the council during the sanitation district meeting.
2. **Featured Department Head Reports**
   a. **Building Maintenance** – The geothermal system has been turned off for the summer months. Maintenance at the community center has included stucco repairs, hand railing repainting, gymnasium repainting, and refrigerator repairs. Staff assisted with the installation of the fountain at Pinon Lake. The fountain is running due to several donations from local businesses and will run until the end of the summer.
   b. **Town Manager** – A hearing for the first summons on a civil prosecution will be held June 3, 2015. The wood planks on the springs resort pedestrian bridge were replaced and it was discovered that the bridge is in need of structural repair to the metal frame. Assessment and work is in progress. The municipal court is sharing space with the County and District court while they are out of the flooded county courthouse. Tom Carosello, Parks and Recreation Director, is leaving the town, a national recruitment is underway. The City Market has begun a $3.2 million dollar renovation of its store. The downtown grocery store should be open in mid-July if all goes well. The McCabe Creek CDOT project is delayed due to funding with expected start date of March 2016.
3. **Sales Tax Brief** - The February 2015 sales tax revenue showed a good increase of **+8%** compared

to March 2014. Total sales revenue for February 2015 was $317,594, with that divided equally between the General Fund and the Capital Improvement Fund ($158,798 going to each). In March 2014, the total amount received was $293,377. The 2015 March sales tax received was $24,218 higher than in 2014.

4. **Lodgers Tax Brief** - While there are a few small payments outstanding, January will be down over 2014, but still represents 2nd strongest Jan on record; February will be down, but when all payments are received, we should down by very little; March will be flat, and might be slightly up once all payments are received; Mar 2015 maintained the massive growth seen in 2014. Training sessions for volunteers were held May 11th and 12th, with 17 volunteers participating; the focus of training was summer activities, with a focus on itinerary building. A barbeque on Reservoir hill on June 13th will be held for visitors center staff and volunteers

**V. OLD BUSINESS**

1. **Ordinance 825, Second Reading, Marijuana Establishment Licensing and Regulations –** The first reading was approved at the May 5th town council meeting. This ordinance allows retail and medical marijuana business licensing inside town limits. This is the second reading for the marijuana ordinance. Mr. Byron Greco said this is against Federal Law and hopes the council understands the Federal law overrules the State law. He said the youth will be affected. Mr. Clifford Lucero said there are locations in the county making marijuana available to those in need, but he doesn't want to see the shops in town limits. He would like a compromise to not allow retail in town limits. Mr. Eric Hittle said putting a shop along Hwy 160 will be distasteful to tourists and residents. Mrs. Kendra Hittle doesn't agree with it as a mom with four kids she asked to not allow it in the town. Mr. Larry Fischer agrees with keeping it out of town limits. His customers have concerns with it in town. Ms. Laurie Williams needs medication to allow her to walk around the community and appreciates the council's progressiveness. Mrs. Shari Pierce said the police chief is against this in town and said the impacts will fall on his shoulders. Mr. Morgan Murri said a conservative family he knows is excited about finding marijuana allowed in Pagosa, however he said they felt dirty to have to find marijuana off the beaten path. Mr. Andre Redstone said the ballot language of Amendment 64 doesn't state that this business should be put on Main Street in view of the general public. He said the 55% who approved this amendment didn't vote to put it on Main Street. He said there is a financial cost to the behavior that goes along with this decision. Mr. Chris Liverett appreciates the council decisions to grow the town, but he speaks with customers from conservative states that are opposed. He doesn't want to make Pagosa's banner the acceptance of marijuana. Ms. Mary Cocke doesn't want to see it downtown. Mr. Peter Adams said that a local developer decided not to develop in the community because of the county's acceptance of marijuana. He said to allow the county to have the marijuana and to leave the town without this type of business. He said the research says it harms our kids. Mr. Bill Delaney said the product is helpful to humanity, he said there is no addictive property to it. He said marijuana sales are improving the county sales tax receipts. He wants to see a live and let live attitude here. Council Member Bunning said the council represents the citizens of Pagosa Springs; he said vote of the town residents was not separated from the total county vote of 55% to 45%. He said the other 45% need a voice and suggests keeping the Town marijuana free to support those 45%. He said the boards and commissions who work for the town are urging the council to not approve this ordinance. He said the Town Council's goals and objectives were unanimously approved, but this ordinance does not foster Pagosa's unique character and sense of place. He suggests delaying to find out how other towns are dealing with this issue. Council Member Egan suggests further limiting the area where it can be sold. He wants to continue to talk about it and other drugs in the community. Council Member Alley said it is time to address this issue instead of pushing it down the street. He said this is a good ordinance that the council worked hard to create but he does agree to limit more areas of operation. Council Member Lattin said the board has put in a lot of work into this issue, and whether they are for or against, the majority of the council approved moving forward with appropriate regulations. Council Member Schanzenbaker said the core commercial area has been excluded. He said the regulations are appropriate. Mayor Volger said he appreciates the

arguments for and against marijuana regulations, and knows that no matter the vote the council will move forward with respect for each other. Town Manager Schulte said the ordinance sets criteria and the council must use those regulations to decide to approve or disapprove an application. Town Manager Schulte read the title for the record. Council Member Egan moved to approve the second reading of Ordinance 825, an ordinance of the Town of Pagosa Springs amending Chapter 6 of the Pagosa Springs Municipal Code by the addition thereto of a new Article 5 for the regulation and licensing of marijuana establishments, Council Member Schanzenbaker seconded, motion passed with three nays (Mayor Volger, Council Members Bunning and Lattin). Business license applications for this issue will not be accepted until September. Recess taken and reconvened at 7:54pm.

**VI. NEW BUSINESS**

1. **Town's 125th Anniversary Logo Contest** - The TTC has been discussing the creation of artwork for a 125th anniversary logo, which can be used to promote the Town's upcoming 125th birthday in 2016. A logo contest would be a great way to begin promoting the anniversary and engage our creative community members. Council Member Alley moved to coordinate a contest for the solicitation of artwork for the Town of Pagosa Springs 125th anniversary logo artwork; develop a judging panel to comprise of at least one member from the following entity's; Historic Preservation Board, Town Tourism Committee, Town Council, Chamber of Commerce, and one more, maybe from the artist community; and form a subcommittee representing all relative stakeholders in the development of potential events and celebrations during 2016, which subcommittee could include representation from all town advisory boards, Council Member Egan seconded, unanimously approved. Mr. Bill Hudson said artists are treated poorly and suggests having a professional artist complete this logo through an RFP process.
2. **Approval of Participation in DoLA Grant Application for Downtown Task Force Actions** - In partnership with a group known as the Downtown Development Group, the Town of Pagosa Springs allocated $10,000 to hire DCI in 2012 to perform the assessment with a focus of exploring the possibility of forming a Downtown Development Authority (DDA) which was completed in 2014. After reviewing possible communities Pagosa Springs, along with Bayfield, Ignacio, and Silverton, have all had DCI assessments done and have expressed interest in partnering to hire either a consultant or part-time help to assist in the execution of their respective DCI assessments. The COG will be the fiscal agent for this grant application and if approved 25% would be the matching requirements split between the participating entities. Of a $100,000 grant, $25,000 would be split between the four towns. Mr. JR Ford said the work the task force has done so far has been spinning wheels so this is grant a great help. Council Member Alley moved to approve the participation of the Town in the DoLA grant application for funding to further the exploration of the development of a downtown development authority and authorize $6,250 from the funding line of general economic development activities, Council Member Schanzenbaker seconded, unanimously approved.
3. **Request to Operate Vending Cart in Town Parks** - On May 07, 2015, The Town Planning Department Received a Temporary Use Application from Mr. Jerry Hilsabeck of Lifestyle Services, LLC requesting Town Council give permission to operate a vending cart in Town owned park spaces. Vendors are permitted to operate on private property, with an administratively approved Temporary Use Permit (TUP) and Business Licenses with property owner permission, thus this request for Town Councils consideration, since the Town is the owner of the property proposed for use. Mr. Hilsabeck successfully operated a cart in the parks in 2014. Several recommendations by town staff include conditions of locations on sidewalk and riverwalk, trash receptacles, business and health department licenses, hours of operation and more. Council Member Schanzenbaker moved to approve a revocable temporary use permit for Lifestyle Services, LLC to operate a vending cart on Town Property with town staff's recommended conditions of approval to be included in the Temporary Use Permit, Council Member Egan seconded, unanimously approved.
4. **Request to Operate Trikke Tours on Town Sidewalks and Trails** – Council Member Patel recused himself from discussion and left the room. The applicant, Chirag Patel of the Quality Inn

located at 158 Hot Springs Blvd., proposes to utilize Town sidewalks and trails for downtown historic tours, with participants riding electric Trikkes. There is not a specific regulation for electric Trikkes, however, in the planning directors opinion, the proposed trike is most similar to the "Electric Assist Bicycle" defined as a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of twenty miles per hour. If Town Council decided to allow such an operation, posting of signs would be expected to communicate the regulations regarding allowable motorized vehicles. The parks and recreation commission opposed the operation of motorized vehicle on town trails and sidewalks. Town Planner Dickhoff said it would be very important to educate the public on the regulations of use on trails. He said there are several municipal code revisions necessary to allow this request. Mr. Matt Sprowls said the trikke is not made for streets, but uses bike lanes, sidewalks and trails. They will be insured in case of accidents and are limited to the speed of the guide. Mayor Volger said that nailing down a definition on this type of unit regulations is important. Mr. Andre Redstone said there are issues in the historic district with congestion. He said there is a walking tour already. Council Member Egan moved to deny a permit for Trikke Tours in downtown at this time until further review from staff to include the effigy of tours of this nature in the future, Council Member Bunning seconded, unanimously approved.

5. **Ordinance 827, First Reading, Rivers Edge Townhouses PUD, Partial Vacation of PUD Plat** - The Town has received an application requesting a Plat Amendment for the River's Edge Townhouses Planned Unit Development (PUD), located at 250 & 268 San Juan Street. The original PUD included two - 4 unit townhome buildings, however, only one 4 unit building was constructed with no plans to complete the 2nd building. The applicant intents to subdivide off the undeveloped western portion of the previously platted PUD, and to consolidate the undeveloped townhome foot prints and associated common property into one vacant lot. Before the ordinance goes into effect, a new plat has to be recorded with the County Clerk's office. Ms. Shelley Low said the owners have no intention to develop the second phase. Ms. Williams intends to purchase the property beautify it and perhaps construct a home in the future. Mr. Bill Hudson said a PUD is in place and should be used. Town Planner Dickhoff said PUD's are going by the wayside and the Town has removed the PUD from the LUDC in 2009. Ms. Kathy Keyes supports this ordinance. Council Member Alley moved to approve the first reading of Ordinance No. 827, an ordinance of the Town of Pagosa Springs vacating a portion of the Rivers Edge Townhouses Planned Unit Development Subdivision, Council Member Lattin seconded, unanimously approved.
6. **Broadband IGA between County/Town/School** - The School District presently gets their intra and internet service through Century Link and it's the Town's understanding the monthly charges are approximately $2,500 for all service at all locations. The School District has been informed by Century Link the cost for service is going to increase to approximately $10,000 per month effective July 1, 2015. As a result, the Town and County were approached by the School District to see if it were possible to utilize the existing under-utilized SCAN Network for intranet purposes and for a pathway to outside internet service. The School District is requesting from the Town and County the use of 2 strands of dark fiber from the SCAN Network. Mr. Eric Hittle with Echo IT said that the Town has some dark and lit fibers and at this time a limited amount is being used. Council Member Lattin moved to approve authorizing the mayor to execute the proposed intergovernmental agreement between the Town, County and School District for the School District's use of the SCAN network fiber, Council Member Bunning seconded, unanimously approved.
7. **Geothermal Greenhouse Project Funding Update and Request** - In 2012, Ordinance No. 769 was passed by the Town Council authorized the termination of a previous ground lease and water tap with Southwest Land Alliance and re-authorizing the same ground lease and water tap with the Geothermal Greenhouse Partnership (GGP). The initial term ends in 2019, but a renewal option was added for another possible 25 years in 5 year successive terms. The Town has committed $25,000 in seed money for the GGP and is presently a budgeted item in the Town's 2015 adopted budget. The GGP currently has secured approximately $125,000 for their

Centennial Park dome project from the Town ($25K) Laura Jean Musser Foundation ($25K), San Juan Basin Roundtable ($25K) and Colorado Water Conservation Board ($50K). An Energy Impact grant application was submitted and the GGP through the Town was awarded $275,000. Because the DoLA and CWCB grants are on a reimbursement basis, the GGP is requesting the Town to front $75,000 to get the project started. These grants are used for below ground work and above ground work for sidewalks for the Centennial Park project. Ms. Pauline Bennetti said the PAWSD board supported the GGP in giving them a waiver of installation costs and all connection fees. Council Member Schanzenbaker moved to approve the appropriation of up to $350,000 from general fund reserves to serve as funding for the Phase 1 construction costs for the Geothermal Greenhouse project to be reimbursed by DoLA Energy Impact and CWCB grant funds totaling $350,000, Council Member Alley seconded, unanimously approved.

8. **Fee Waiver Request for Use of Community Center** - Council Member Patel recused himself from discussion and removed himself from the room. The Town Council is being requested by Chirag Patel to waive the fees for the use of the Community Center in the month of August 2015 for the use by the Colorado Assessors Association. The total cost for the use of the facility for the time and spaces requested is $3,300. Council Member Alley suggests the TTC fund this event. Town Manager Schulte said the original conference was to be held at the Quality Resort, but due to construction the resort is not able to support the group. The community center was a second option but the costs are too much for the assessors group. Council Member Bunning and Alley doesn't feel comfortable approving a waiver from a council member. Mr. Bill Hudson asked why the Assessors Association isn't willing to pay for the community center. Town Manager Schulte said the original agreement was for the Quality Resort to provide the conference room however due to remodeling the facility will not be available and the owner is required to find another place to hold the conference. Council Member Schanzenbaker moved to disapprove authorizing the request by Quality Inn Downtown to waive community center rental fees in the amount of $3,300, Council Member Bunning seconded, unanimously approved.
9. **Purchase of Real Property Lots 6 & 7 Block 33 with Possible Executive Session Pursuant to C.R.S. Section 24-6-402(4)(a) Concerning the Purchase, Acquisition, Lease, Transfer, or Sale of any Real, Personal, or other Property Interest and C.R.S Section 24-6-402(4)(e) Determining 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 pursuant to C.R.S. Section 24-6-402(4)(a) concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest and C.R.S. Section 24-6-402(4)(e) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding the purchase of real property lots 6 & 7 Block 33, Council Member Bunning seconded, unanimously approved at 9:15pm. Mayor Volger called the meeting back in regular session at 9:30pm. Council Member Bunning moved to reject the counteroffer and confirm to Mr. Wilsey the original offer still stands, Council Member Schanzenbaker seconded, unanimously approved.

**VII.** **PUBLIC COMMENT** – Mr. Bill Hudson asked if council has been given a copy of the GGP business plan. Town Manager Schulte will confirm this has been sent to the council.

**VIII.** **COUNCIL IDEAS AND COMMENTS** - Council Member Lattin said there are properties at the top of Zuni Street that need clean up.

**IX.** **NEXT TOWN COUNCIL MEETING JUNE 2, 2015 AT 5:00 PM**

**X.** **ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 9:36pm.

**Don Volger**
**Mayor**

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# TOWN COUNCIL SPECIAL MEETING MINUTES
# THURSDAY, MAY 28, 2015
# Downstairs Conference Room
# Town Hall
# 551 Hot Springs Blvd
# 12:45 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. PUBLIC COMMENT** - None

**III. NEW BUSINESS**

1. **Consideration of Amendment No. 1 to the Economic Development Agreement between the Town of Pagosa Springs and Hometown Food Markets, Inc.** - The Town Council agreed to provide an economic development incentive agreement to Mr. Ed Sowards of Hometown Food Markets for a grocery store in the former downtown City Market. Due to loan application processing timelines, Mr. Sowards is not going to be able to close on the subject property by May 31st, 2015 which is the deadline in the original economic agreement. Hometown is required to open a store within six months of closing on the property. Mr. Sowards is requesting additional time to complete the purchase of the property. The First Amendment to the Economic Development Agreement permits additional time changing the date to July 31, 2015. Council Member Bunning said the closing is still going forward but not in time for the required timeline. He said the SBA loan documentation is the delay for this closing. Council Member Bunning recused himself prior to the motion. Council Member Lattin moved to approve authorizing the Mayor to sign Amendment No. 1 to the Hometown Food Market Economic Development Agreement, Council Member Egan seconded, unanimously approved.

**IV. PUBLIC COMMENT** - Mr. Hudson asked about Council Member Bunning recusing himself. Council Member Bunning said he is involved in the closing of the subject property.

**V. COUNCIL IDEAS AND COMMENTS** – Council Member Egan said Mountain Express will begin a fixed route on June 8th. Council Member Bunning asked about the fencing along the Hometown Market parking area and staff explained the walkway will be along the asphalt. Council Member Egan suggests a large X area on 8th Street to keep folks from stopping in front of the entrance to the market. Council Member Schanzenbaker would like to add appointment of a council member to the GGP board on the June 2nd meeting. Mayor Volger would like to include the appointment to the CDC meeting on the June 2nd meeting as well. The public county courthouse meeting will be held tonight at the commissioners building, Council Member Lattin will give an update regarding the courthouse

meeting at the June 2nd meeting. Council Member Bunning said the county clerks office will be closed June 6, 7, & 8.

**VI. NEXT TOWN COUNCIL MEETING JUNE 2, 2015 AT 5:00PM**

**VII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 1:02pm.

**Don Volger**
**Mayor**

# AGENDA DOCUMENTATION

# CONSENT AGENDA: III.3

PAGOSA SPRINGS TOWN COUNCIL
JUNE 2, 2015

**FROM: GREGORY J. SCHULTE, TOWN MANAGER**

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**PROJECT: MOVING THE TOWN COUNCIL MEETING OF JUNE 18, 2015 TO JUNE 15, 2015 AT 5:00 P.M.**
**ACTION: POSSIBLE ACTION**

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**PURPOSE / BACKGROUND**
The Town Council meetings are normally held twice a month: The first Tuesday and the third Thursday with both meetings starting at 5:00 p.m.

For the month of June 2015, the scheduled dates are June 2nd and June 18th. Due to the scheduling of the Colorado Municipal League (CML) Conference there is a conflict on the dates. Two Council Members and the Town Manager would like to attend the CML Conference and to accommodate that desire, the suggestion is to move the Town Council meeting of June 18th to Monday, June 15th at 5:00 p.m.

Council meeting dates and times are set at the beginning of the year and to change the date for a regularly scheduled meeting requires a motion and majority vote.

**FISCAL IMPACT**
None

**ATTACHMENTS**
None

**RECOMMENDATIONS**
Possible courses of action by the Town Council include:

1) **Approve this item with the consent agenda approval**

2) **Move this item off the consent agenda, discuss and approve changing the June 18th, 2015 Town Council meeting to Monday, June 15th at 5:00 p.m.**

3) **Move this item off the consent agenda, discuss and disprove changing the June 18th, 2015 Town Council meeting to Monday, June 15th at 5:00 p.m.**

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.1

PAGOSA SPRINGS TOWN COUNCIL
JUNE 02, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: REQUEST FOR ADDITIONAL TOURIST ORIENTED DIRECTIONAL SIGN (TOD'S) FOR THE ASPEN VILLAGE SUBDIVISION**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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## PURPOSE/BACKGROUND

The Town's LUDC prohibits off site signage. In 2015 the Planning Commission approved a recommendation for the Town Council to allow Tourist Oriented Directional Sign (TODS) at three specific locations in Town, the east approach to N. Pagosa Blvd and the east and west approaches to Piedra Road.

On May 12, 2015, Town Council approved ordinance 761, amending the sign code to allow for the recommended locations. The LUDC was amended as follows:

*"New section: Section 6.12.4.E. Tourist Oriented Directional Signs (TODS)*

*1. Tourist Oriented Directional Signs (TODS) require an annual approved town sign permit as pre-approval to the Colorado Department of Transportation TODS annual application approval.*

*2. Only one TODS assembly of 4 business plaques will be allowed at approved intersection locations.*

*3. TODS are approved only in the following travel directions and intersection locations; North Pagosa Blvd (west bound only) and Piedra Road (west and east bound).*

*4. TODS locations are prohibited between 1st Street and 10th Street.*

*5. Eligible tourist oriented businesses for TODS are restricted to Service Businesses (defined as: Gas, Food, Lodging & Camping), Cultural Businesses (defined as Drama, Amphitheater & Galleries) and Commercial Businesses (defined as Antique Shops, Farm Markets & Gift Shops).*

The TODS program is administered by a CDOT contracted third party, "Colorado Logo's Inc". Currently any requests they receive for placement on the current three TODS locations, are forwarded to the Planning Department for approval. The TODS program generally operates as follows:

a. Only four signs per TODS location,
b. Businesses are permitted on an annual basis.
c. If the TODS location has four signs, the next applicant is installed at the next change out cycle, and the oldest sign gets bumped. The bumped business can reapply for the next change out cycle.
d. The applicant pays the Town's $25 sign permit fee, and pays Colorado Logo Inc., the cost of the sign and $300 annually.
e. TODS are generally meant to accommodate business that do not have exposure along the Hwy corridor.

On April 28, 2015, the PC approved a recommendation for Town Council to ***"DENY the requested TODS locations for the Aspen Village Commercial Subdivision".***

## ANALYSIS

TODS are generally meant to accommodate business that do not have exposure along the Hwy corridor. The current request is from the "Boulder Coffee Café" which is located along Hwy 160, with access from the Hwy via Boulder Drive and Aspen Village Drive.

During the Major Design Review application process in 2005, The Aspen Village Commercial subdivision was allowed to install off-site signs located at the three entrances to the development, two at Boulder Drive, two at Aspen Village Drive and one at Alpha Drive (The Alpha Drive sign is now a Wal-Mart Sign, which is now located on Wal-Mart property).

## FISCAL IMPACT

If directed to do so, staff will draft an ordinance and LUDC revisions, which will require legal counsel expenses for reviewing and drafting such documents, which could total $750.

## RECOMMENDATION

Staff recommends the TC consider the PC's recommendation and the information provided. Staff recommends Alternative Action Item #1 below.

1) **DENY the request for an additional TOD Sign location for the Aspen Village Commercial Subdivision.**

2) DIRECT staff to develop LUDC code revisions and an ordinance to allow for two more offsite TOD Sign locations for the Aspen Village Subdivision.

3) DIRECT staff to develop LUDC code revisions and an ordinance to allow for two more offsite TOD Sign locations for the Aspen Village Subdivision, with the following additional contingencies.

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.2

PAGOSA SPRINGS TOWN COUNCIL
JUNE 2, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: PROPOSED REGULATIONS FOR ELECTRONIC MESSAGE CENTER SIGNS**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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## PURPOSE/BACKGROUND

The Planning Commission has been considering regulations for Electronic Message Center (EMC's) signs for some time now. On April 28, 2015, the PC approved a set of EMC sign regulations for Town Councils consideration and approval, prior to Staff drafting LUDC revisions and associated Ordinance.

After the first EMC sign was installed at an uptown lodging establishment, it became apparent the Town may need to revise the LUDC to clarify and define the allowable operation of such EMC signs to ensure compliance with the intent of the existing LUDC sign regulations. Though the Town's sign code could be interpreted as allowing EMC's with the above restrictions, it is recommended that the Town develop specific standards so that applicants understand what is allowable and what type of sign and software should be included with the sign order.

As currently written, in essence, the Town's sign code would allow the installation of EMC signs, as long as they do not create the following effects:

LUDC sections 6.12.3.C, Prohibited Signs, does prohibit:
*"Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations."*
LUDC section 6.12.4.4.d, illumination:
*"No sign shall have or contain blinking, flashing, fluttering or intermittent lights or other devices that create a change in color, brightness, direction or intensity of lighting."*

The Town's sign code identifies 4 sign zones:
1) Residential districts.
2) Historic district.
3) Sign zone 1, commercial areas downtown between 1st and 10th Street.
4) Sign zone 2, commercial areas east of 1st Street and west of 10th Street.

The PC reviewed a number of other Colorado Town's sign codes for EMC regulations as well as industry standards for EMC operation. Staff's research into this issue included regulations adopted by other communities and national electronic message center sign best practices. The PC approved the following regulations for Town Councils consideration, consistent with the Planning Directors recommendations, with the exception of allowing EMC's in sign zone, which staff recommended prohibiting EMC's in sign zone 1.

On April 28, 2015, The Planning Commission deliberated on each recommended regulation item with the following results:
1) Allow EMC's within sign zone 2 (Unanimous PC support).
2) Allow EMC's within sign zone 1 (PC-3 in favor and 2 opposed).
3) Prohibit EMC's in residential districts and the Historic district (Unanimous PC support).
4) Limit to no more than one message change each 5 minute period. (PC-3 in favor and 2 opposed)
5) Require a 5 second phase-out and 5 second phase-in for changing messages (Unanimous PC support).
6) Limit the light level output to 0.3 Foot-candles. (Unanimous PC support).

7) Exemption for Temperature/Time display signs, meeting light level to 0.3 Foot-candles (PC-All in favor).
8) Exemption for Gas Station pricing signs, meeting light level to 0.3 Foot-candles (PC-All in favor).
9) Limit ECM's to freestanding and wall signs only (PC-All in favor).
10) Restrict EMC signs no more than 30% of total wall sign or freestanding sign (PC-All in favor).
11) EMC's shall not be the predominant element of any sign (PC-All in favor).
12) Provide a LUDC definition for ECM's (PC-All in favor).
13) EMC sign regulations shall apply to all EMC signs located inside a building and visible from a public sidewalk or public street (PC-All in favor).
14) Limit to no more than one EMC sign per property (PC-4 in favor and 1 opposed).
15) No Limit on number of Colors used (PC-4 in favor and 1 opposed).
16) Text shall be the lighter color and the background shall be the darker color (PC-All in favor).
17) EMC signs shall have automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light (PC-All in favor).
18) EMC messages shall be static. Moving messages and Animation shall be prohibited (PC-All in favor).

<u>In Addition:</u>

19) Staff would also suggest the use of an EMC, disqualifies a business from displaying temporary signage as allowed and permitted by the Town, as the EMC serves that purpose.

There was also discussion and PC support for Town Council to consider special provisions for public service announcement EMC's, that may include for example; the School District, TTC and other community service organizations to notify the public of school and sporting events, Special events in Town, and other community and civic notifications and alerts. Staff believes these special circumstances be reviewed and considered as they arise.

## ANALYSIS

During the many PC meetings, staff referred to the Comprehensive Plan, Downtown Master Plan and stated purposes within the LUDC for guidance in developing specific regulations for Electronic Message center signs.

*<u>The Comprehensive Plan (CP)</u>*

- ≈ *Identifies and promotes healthy and attractive neighborhoods and need to protect character of neighborhoods by promoting quality developments, compatible with existing and proposed developments.*
- ≈ *CP Policy G-4(b) Infill and Redevelopment Designed to be Compatible:*
- ≈ *Ensure compatible infill & redevelopment by considering aspects such as scale and massing of buildings, setbacks, relationship of entrances to street and public spaces, landscaping, sidewalks, and other broad design issues that provide consistency & compatibility of new structures with older structures.*
- ≈ *Policy G-6(a) Development Contributes to Positive Image and Livability of Town ensure new private development (residential +nonresidential) contributes to furthering development of Pagosa Springs as a sustainable and livable community and fosters the town's eclectic and unique architectural qualities. Characteristics may be different for specific parts of the community, and new development should not lead to standard "sameness" for all buildings or all parts of town.*

*<u>The Downtown Master Plan</u>*

- ≈ *Generally supports building design compatibility. FP7. Ensure new infill and redevelopment contains site and architectural elements that reflect the desired character of the community, by employing design Guidelines. Chapter 6: Design Guidelines:*
- ≈ *Supports architectural character of buildings relative to the existing context, and maintaining the character of an authentic rural mountain Town.*
- ≈ *New buildings, redevelopment and building renovations should respect the small town character of Pagosa Springs. In General, buildings should have a high degree of visual interest that derives from the use of a traditional building material palette.*
- ≈ *A new building should be compatible with the traditional architectural features exhibited by existing buildings in town, reinforcing traditional building patterns.*

*<u>Land Use Development Code, Article 6: Development and Design Standards: 6.1.1. PURPOSE</u>*

*This Section includes standards that must be followed when developing property or establishing new uses of property within the boundaries of Pagosa Springs, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. The development and design standards in this chapter shall apply to the physical layout and design of all development, unless exempted by this Land Use Code. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.*

*LUDC 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS: 6.7.1 PURPOSE*

*This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.*

**FISCAL IMPACT**

There will be expenses associated with the review of proposed LUDC revisions by the Town's attorney.

**ATTACHMENTS:**

1) EMC sign research results with responses from other jurisdictions regarding EMC sign regulation.

**RECOMMENDATION**

Staff recommends the TC provide direction to staff regarding the proposed Electronic Message Center Sign regulations, based on the recommendation of the Planning Commission, as to proceeding with drafting LUDC revisions and associated ordinance. Below are 3 alternative actions for consideration purposes. It may also be worth considering each regulation item proposed by the PC, one by one, instead of a general approval of the recommendation unless TC concurs with the entirety of the recommendation.

1) Concur with the PC's recommendation for Electronic message Center signs and direct staff to draft LUDC revisions and associated Ordinance for consideration by the Planning Commission and town Council at future public hearings.

2) Concur with the PC's recommendation for Electronic message Center signs and direct staff to draft LUDC revisions and associated Ordinance for consideration by the Planning Commission and town Council at future public hearings, with the following revisions……..

3) DENY the PC's recommendation and direct staff accordingly.

ELECTRONIC MESSAGING CENTER (EMC) SIGNS RESEARCH:

Town Staff Conclusions:

1. Only larger jurisdictions specifically regulate EMCs
2. Other jurisdictions usually prohibit any sign that is illuminated especially moving, rotating, flashing or the like
3. EMCs are usually prohibited under those more general sign regulations but may be allowed by not specifically prohibiting them
4. The most common limitation is on refresh rate. Prohibiting signs that change image more than once per 24 hours or more than once per second are the most common standards.
5. The other common concern is that LEDs are bright when night falls. Programmed dimmers may be required to either limit the strength of the lights themselves or the glare measured at some defined point.
6. Time and temperature signs are exceptions. Sometimes gas station signs are as well.

Durango: Regulated the same as any electronic signs:

1. Electronic signs are not allowed.
2. No flashing, moving, changing, blinking, chasing or other animation.
3. Time, temperature and gas station signs are exempted.

Frisco:

1. Not allowed.
2. Time and temperature are exceptions.

Steamboat Springs:

1. No regulations now.
2. Think they will regulate: "can't change more than once every 24 hours, dimmer program – or outright ban".
3. They allowed it in one motel and are getting complaints.

Silverthorne:

1. Not allowed.
2. No signs that flash, scintillate, blink, flicker, vary in intensity or color, or pulse.

Boulder:

1. Not specifically regulated
2. Regulated with other illuminated signage including: "can't change more than once per minute, cannot exceed certain brightness measured at ground level, lights must be full cutoff so there is no glare above or below the sign"….

Breckenridge: Do not allow LED signs.

Colorado Springs: allows EMCs with conditions:

1. EMC's only allowed as part of freestanding signs.
2. Prohibited in residential zoned areas.
3. Limited to static messages only, changed only through dissolve or fade transitions which otherwise shall not have movement or the appearance or optical illusion of movement, on any part of the sign structure, design or pictorial part of the sign, including the movement of any illusion or the flashing scintillating or varying of light intensity.
4. Commercial messages displayed shall only direct attention to s business product, service, activity or entertainment that is conducted, sold or offered on the premise on which the sign is located.
5. Shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard. Lighting shall not exceed five hundred NITS or 0.3 foot candles between dusk to dawn as measured from the face of the sign.
6. Documentation shall be required from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
7. Temporary Signage shall be prohibited on any property that has an approved EMC sign.

8. Any property that wished to add an EMC component to an existing freestanding sign must comply with the current sign code standards before the EMC is approved.

Grand Junction: revised sign regulations to further address moving signs:

1. Revolving Signs (Not EMC's) that change move, blink, change color, chase or have other animation effects except those that revolve less than seven times per minute … are prohibited.
2. EMCs that change more than once every 24 hours are prohibited
3. Time and temperature signs are exempted.

Fort Collins: allows EMCs with conditions (see attached code section):

1. No animation
2. Only fade in/out no more frequently than 1 minute.
3. Only 2 colors allowed including the background.
4. Dimming software required.
5. Not allowed in downtown.
6. Can be no more than 50% of the face of the sign and must be on the bottom half.

*From FT Collins Sign Code:* (M) ***Electrical Signs and Electronic Message Center Signs.***

**(4)** Signs that contain an electronic message center shall be subject to the following limitations.

**(a)** The electronic message center must be programmed so that the displayed message does not change more frequently than once per minute and so that the message change from one (1) static display to another occurs instantaneously without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete in itself without continuation in content to the next message. Electronic message centers that display ONLY time and temperature do not need to comply with the above-described time limitations, but shall not change more frequently than once per three (3) seconds.

**(b)** The electronic message center must be provided with automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light. Lighting from the message center shall not exceed three-tenths (0.3) foot-candles over the ambient light as measured using a foot-candle meter at the following distances from the face of the message center: thirty-two (32) feet for a sign face greater than zero (0) square feet and not more than ten (10) square feet per side; thirty-nine (39) feet for a sign face greater than ten (10) square feet and not more than fifteen (15) square feet per side; forty-five (45) feet for a sign face greater than fifteen (15) square feet and not more than twenty (20) square feet per side; fifty (50) feet for a sign face greater than twenty (20) square feet and not more than twenty-five (25) square feet per side; fifty-five (55) feet for a sign face greater than twenty-five (25) square feet and not more than thirty (30) square feet per side; fifty-nine (59) feet for a sign face greater than thirty (30) square feet and not more than thirty-five (35) square feet per side; sixty-three (63) feet for a sign face greater than thirty-five (35) square feet and not more than forty (40) square feet per side; and sixty-three (63) feet for a sign face greater than forty (40) square feet and not more than forty-five (45) square feet per side. Lighting measurements shall be taken with the meter aimed directly at the message center face, with the message center turned off, and again with the message center turned on to a full white image for a message center capable of displaying a white color, or a full amber or red image for a message center capable of displaying only an amber or red color. The difference between the off and the white, amber or red message measurements shall not exceed three-tenths (0.3) foot-candles. All such signs shall contain a default mechanism that will cause the message center to revert immediately to a black screen if the sign malfunctions.

Prior to the issuance of a permit for a sign containing an electronic message center, the permit applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above. Prior to acceptance of the installation by the City, the permit holder shall schedule and inspection with the City Zoning Department to verify compliance. The permit holder and the business owner, business manager or property manager shall be in attendance during the inspection.

**(c)** A displayed message must be presented in a single color, value and hue and the background must also be a single color, value and hue.

**(d)** The maximum allowed size of an electronic message center shall be fifty percent (50%) of the total area of the sign face.

**(e)** Electronic message centers shall be integrated harmoniously into the design of the larger sign face and structure, shall not be the predominant element of the sign, shall not be allowed on a freestanding pole sign, and if located

at the top of the sign, must include a substantial cap feature above the electronic message center which consists of the same material, form, color or texture as is found on the sign face or structure.

**(f)** With respect to sign permits issued after December 30, 2011, the pixel spacing of an electronic message center shall not exceed sixteen (16) mm, except that the maximum pixel spacing for a message center that is manufactured as a monochrome-only sign shall not exceed twenty (20) mm.

**(g)** In the Downtown (D) District, wall signs with electronic message centers are not permitted on properties located within the boundaries of the Portable Sign Placement Area Map.

**(h)** With respect to sign permits issued after December 30, 2011, no more than one (1) electronic message center sign shall be allowed to face each street abutting or within any property and/or site specific development plan. The minimum horizontal distance between electronic message center signs located on the same side of a street shall be one hundred (100) feet measured in a straight line.

**(i)** An electronic message center located inside a building but visible from a public sidewalk or public street is subject to all of the regulations contained in this subsection.

**(j)** Signs that contain an electronic message center which do not comply with the provisions of this Section shall be removed or made to conform by the dates specified in subparagraphs 1., 2. and 3. below and provided that such signs otherwise comply with Subparagraph 3.8.7(A)(3)(b).

**1.** Electronic message centers that contain dimming software or solar sensors capable of meeting the brightness levels described in subparagraph 3.8.7(M)(4)(b) shall be required to comply with such levels by January 31, 2012, and all electronic message centers located inside a building but not visible from a public sidewalk or public street shall be required to comply with paragraph 3.8.7(M)(1) and subparagraphs 3.8.7(M)(4)(a) and (c) by January 31, 2012.

**2.** Except as otherwise required in subparagraph (j)1. above, all signs that do not comply with the requirements of subparagraphs 3.8.7(M)(4)(a), (b) and/or (c) shall be made to comply with those requirements by December 31, 2015.

**3.** Structural changes or sign removal that may be required in order to comply with the requirements of subparagraphs 3.8.7(M)(4)(d), (e) and/or (g) shall be completed by December 31, 2019.

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.3

PAGOSA SPRINGS TOWN COUNCIL
JUNE 2, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: DIRECTION TO STAFF REGARDING THE VACATION OF THE SOUTHERN HALF OF PIEDRA STREET, BETWEEN 7TH STREET AND 6TH / 7TH ALLEY**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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## PURPOSE/BACKGROUND

During the consideration by the Planning Commission and Town Council (08.21.14) of vacating a portion of the 6th – 7th Alley between Piedra Street and Navajo Street, staff was directed to bring forward more information regarding the previous vacations of Piedra Street along Lot 6 of Block 43, for considering the vacation of the remaining southern portion of Piedra Street along Lot 6 of Block 50.

On September 02, 2014, the Planning Director included a history of the vacation in the staff report for the 6th / 7th alley vacation between Navajo and Piedra Streets, however, did not received direction from Town Council on how to proceed regarding vacating the remaining portion of Piedra Street. The reported history of the subject vacations included the following:

1) On September 4, 1984, The Town Board considered and approved **Ordinance 374**, vacating the alley in Block 43. The ordinance reserved unto the Town, right-of-way easements for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations.

2) On June 20, 1989, The Town Planning Commission heard a request to have the Town consider vacating the Piedra Street ROW between the Lucero's Lots, Lot 11 in Block 50 and Lot 6 in Block 43, eluding to the drainage ditch encroaching onto their lot. It was determined that town staff members would look into the matter further and report back their findings.

3) On October 3, 1989, The Town Board considered and approved **Ordinance No. 417**, Vacating the northern 25 feet of Piedra Street between 6th and 7th Street, along the southern boundary on Lot 6 in Block 43. The ordinance reserved unto the Town*, "right-of-way easements for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations"*. Ordinance and meeting minutes are attached.

4) On February 27, 1996, the Planning Commission approved a side yard setback variance allowing Norma Lucero to place a new mobile home up to their southern property line, at 274 S. 7th Street that was created by the Town's vacation of the northern 25 feet of the Piedra Street ROW approved in Ordinance 417. The Planning Commission also recommended that the Town Board (Council) consider vacating the Piedra Street ROW. Meeting minutes are attached.

5) On March 5, 1996, the Town Board (Council) meeting minutes represent that the Town Board considered the Planning Commission's recommendation from their meeting on February 27, 1996, to approve a side yard setback variance and to vacate the Piedra Street ROW between 6th and 7th Street. The Town Board (Council) approved the setback variance and agreed to draft an ordinance to vacate only an additional 10 feet of the Piedra Street ROW (south of the previously vacated northern 25 feet of the Piedra Street ROW), and retaining the southern 25 feet of the Piedra Street ROW for access to a neighboring property. This was agreeable to both property owners. On March 5, 1996, The Mayor signed **Ordinance No. 478**, vacating a 10 feet wide strip of Piedra Street between 6th and 7th Street, just south of the previously vacated 25 foot northern portion of the Piedra Street ROW between 6th and 7th Street, previously vacated under ordinance No. 417 approved on October 3, 1989. Ordinance and meeting minutes are attached. **PLEASE NOTE:**

The Piedra Street ROW was and is actually 70 feet wide, not 60 feet wide as may have been thought at the time Ordinance 417 was approved, thus, the southern 35 feet of the Piedra Street ROW between 6th and 7th Street remains as Town Public ROW.

It should also be noted that the Lucero's request included vacating the entire Piedra Street ROW, which was not approved by the Town Council.

## ANALYSIS

The Town's Street's supervisor recommends the Town retain the Southern half of Piedra Street for maintenance operations for the storm drainage facilities that run under the Piedra Street ROW and then over the 6th Street cliff. In addition, the prospect of receiving a 6th Street ROW dedication as contemplated in Ordinance 814 that will vacate the 6th / 7th Alley between Navajo Street and Piedra Street once conditions of approval are satisfied, retaining the remaining Piedra Street ROW would provide the Town Streets department some access for maintaining a portion for the 6th Street cliff area.

The Planning Director recommends the Town retain the subject ROW for maintenance access and for future public use. The ROW could also provide public access to a future overlook area. Generally the Planning Director does not support ROW vacations unless there is a true need for the vacation, for example a development. Many previous vacations did not contemplate potential, and many times unknown, future public uses and many based on proposed developments that never occurred, leaving former Town owned ROW un-usable for future and legitimate public uses. There have been many instances that former vacations have compromised or limited future public projects that were not contemplated during the original vacation proceedings.

If Town Council directs staff to move forward with the vacation of the subject ROW, staff will initiate professional services to draft an ordinance and develop a mylar plat and ordinance exhibit for presentation to the PC and TC during public hearings for considering the subject ROW vacation.

Procedures and eligibility for Vacation of Right-of-way and other public easements is outlined in LUDC section 2.4.3.D. Generally, the process includes a Planning Commission public hearing for consideration of a recommendation for Town Councils consideration, followed by two Town Council public hearings to consider two readings of an ordinance. Approval Criteria for vacations includes:

**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;
(2) The land to be vacated is no longer necessary for the public use and convenience;
(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;
(4) The vacation will not leave any land-locked parcels; and
(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.

**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.
(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.
(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.

## ATTACHMENTS:

1) Ordinance 417, Vacating the north 25 feet of the Piedra Street ROW along the southern boundary of lot 6 of Block 43, and the corresponding TC meeting minutes from October 3, 1989.
2) Ordinance 478, Vacating an additional 10 feet of the Piedra Street ROW, along the previously vacated 25 feet and the corresponding TC meeting minutes from .

## FISCAL IMPACT

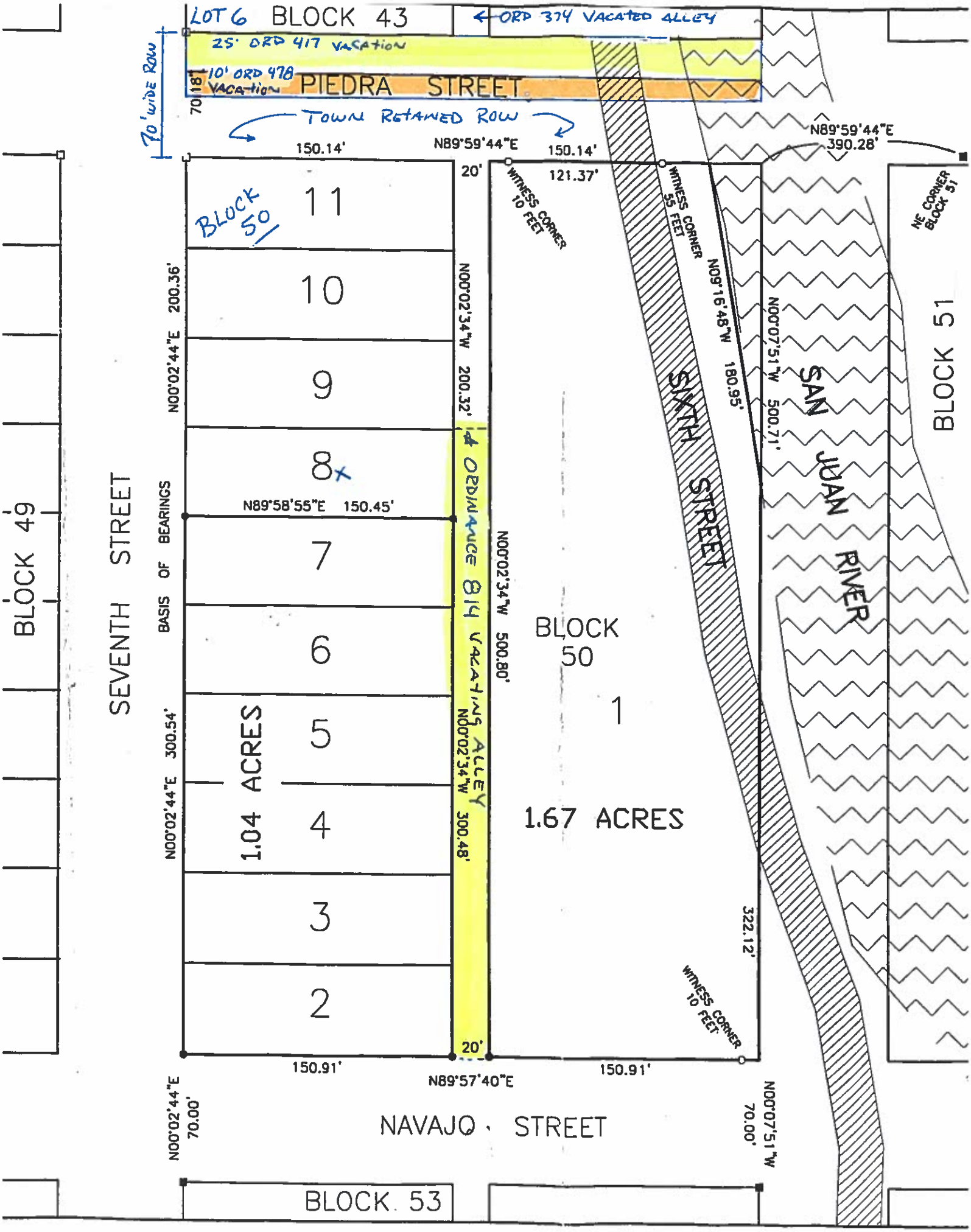
There is not an applicant for this vacation consideration, thus, the Town's fiscal impact is associated with professional services to create an ordinance, map exhibit, mylar plat and expenses associated with recordation of an ordinance, with total expenses approximated at $2,250. Typically the property owner that would be receiving the added value of the vacated property would pay for expenses associated with vacating ROW.

## RECOMMENDATION

It is staff's recommendation the Town Council provide direction to staff as to proceeding with vacating the remaining portion of Piedra Street. If directed to do so, staff would initiate ordering a survey and plat and direct legal counsel to prepare an ordinance for consideration.

1) **Move to "Retain the remaining southern portion of Piedra Street as Town Right of Way."**

2) **Move to "Direct staff to draft an ordinance for the Vacation of the remaining southern portion of Piedra Street along Lot 11 of Block 50."**


LOT 6 BLOCK 43
ORD 374 VACATED ALLEY
25' ORD 417 VACATION
10' ORD 478 VACATION
PIEDRA STREET
70' wide ROW
TOWN RETAINED ROW
N89°59'44"E 390.28'
150.14'
N89°59'44"E
150.14'
121.37'
20'
WITNESS CORNER 10 FEET
WITNESS CORNER 55 FEET
N09°16'48"W 180.95'
NE CORNER BLOCK 51
BLOCK 50
11
10
9
8
7
6
5
4
3
2
1
N00°02'44"E 200.36'
N00°02'34"W 200.32'
N00°07'51"W 500.71'
SAN JUAN RIVER
BLOCK 51
BLOCK 49
SEVENTH STREET
BASIS OF BEARINGS
N89°58'55"E 150.45'
ORDINANCE 814 VACATING ALLEY
SIXTH STREET
N00°02'34"W 500.80'
BLOCK 50
1.67 ACRES
1.04 ACRES
N00°02'44"E 300.54'
N00°02'34"W 300.48'
322.12'
WITNESS CORNER 10 FEET
20'
150.91'
N89°57'40"E
150.91'
N00°02'44"E 70.00'
NAVAJO STREET
N00°07'51"W 70.00'
BLOCK 53

ARCHULETA COUNTY, CO 0165932 10/04/1989 01:45
BK 266 PG 247 JUNE MADRID, RECORDER

Record – Archuleta Cty Clerk

①

ORDINANCE NO. 417

AN ORDINANCE VACATING A PORTION OF PIEDRA STREET
LYING BETWEEN SOUTH 6TH AND SOUTH 7TH STREETS,
TOWN OF PAGOSA SPRINGS, COLORADO

WHEREAS, it appears to the Board of Trustees that there is no longer a necessity for maintaining as a street that portion of Piedra Street lying between South 6th Street and South 7th Street as more particularly described herein, and

WHEREAS, the vacation of a portion of said Piedra Street would be in the best interests of the general public, eliminating future maintenance costs and liability and placing said property on the tax rolls.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Pagosa Springs, Colorado:

Section 1. That portion of Piedra Street lying between South 6th Street and South 7th Street, and more particularly described as follows:

Beginning at the SW corner of Lot 6, Block 43, Town of Pagosa Springs, thence Southerly 25' to a point, thence Easterly 170' to a point, thence Northerly 25' to the SW corner of Lot 5, Block 43, thence West 170' to the point of beginning, is hereby vacated.

Section 2. Said vacated portion of the street, pursuant to the provision of Chapter 43-2-302, Colorado Revised Statutes, Sub-Section (1)(B), shall vest in the owners of the land abutting such vacated portion on the North.

Section 3. The provisions of Section 1 notwithstanding, the Town of Pagosa Springs does hereby reserve unto itself right-of-way easements in the above described portion of the street for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations.

Read, passed and adopted this 3rd day of Oct[illegible]

Mayor

Attest: I hereby certify that the foregoing Ordinance was adopted by unanimous vote of the Board of Trustees of the Town of Pagosa Springs, Colorado.

Town Clerk

October 3, 1989

The regular meeting of the Board of Trustees of the Incorporated Town of Pagosa Springs was called to order by the Mayor with the following answering roll call:

Mayor: Ross Aragon

Trustees: Smith, Whitbred, Worden, Marquez, Cornellisson, Cotton

The minutes of the September 5 was read and approved.

LIQUOR LICENSE: Larry Holthus was present represnting the democratic party for a special beer license for special event on October 14 for 6 hours between 6 and 12, to be held at the Catholic Parrish Hall. Trustee Whitbred moved to approve the special event, seconded Trustee Marquez. By voice vote 6 ayes. Motion carried.

The renewal of the Papagosa Liquor Store was read. Trustee Cornellisson moved to approve the renewal. Seconded Trustee Whitbred. By voice vote 6 ayes. Motion carried.

The paper work was not in for the transfer from Al's West to the Chuck Wagon Cafe.

Larry Lister was not present on the school for drug free red ribbon campaign.

Bob Hand of the Chamber of Commerce was present to ask about moving the Chamber of Commerce building across the river on Town property south of the river. He felt it would not be necessary to vacate San Juan Street, and wanted authorization to sell the C of C building to use the proceeds for building a new building.

Trustee Marquez stated he was not pleased with the C of C the past few months and he felt Bob Hand had split up the Town on the geothermal election pool issue and caused problems for all involved. He wanted him to treat everyone the same so he stated he could not back him up on this, or felt we need a new director. Trustee Smith asked about parking for the new site, and Hand explained he could use some of the area below the building for parking. Hand also asked for water and sewer lines to be put in now so that the new paving would not have to be torn up. Trustee Whitbred asked what the cost of this would be, and J. D. explained approximately $3000 for this. The Chamber will share the cost of this.

A. J. Williams, who was present in the audience, asked if we would be purchasing the C of C building and the Mayor stated "no". Attorney Hoover asked what the Chamber was asking for and Bob Hand stated use of the land not ownership. He stated they have indefinite use of the land now and that is what they would like on the new property. Hoover stated that we would need an ordinance if they used it over a year's time or a year to year resolution for yearly use. If we sold the land we would need an appraisal and vote of the people. Trustee Marquez asked if the building was erected and the lease was rejected what happens to the building? Hoover also stated that the Town Board cannot bind future Town Boards over a five to six year period.

Mayor Aragon asked the Board for their input so the Chamber will know how to proceed. Hand felt this location was in the best interest of the community. Trustee Cornellisson stated the Chamber should sell the existing building as the Town cannot use it at this time. Trustee Cotton stated we should talk this over regarding the Attorney's assessment but that he was in favor of this location if we can work out all legalities. Mayor Aragon stated the C of C is an asset to the Town and stimulat business in town and we should pursue this further on a positive note. Bob Hand stated he will come back with a contract, and the Attorney suggested one possible solution would have the building revert back to the Town after a reasonable period of time. The Board did discuss the water and sewer lines and Trustee Cornellisson moved to go ahead with the water and sewer lines so the asphalt paving would not have to be cut. Seconded Trustee Whitbred. By voice vote 6 ayes. 1 nay. Motion carried.

NEW BUSINESS: Trustee Marquez asked where the top soil came from that was used on the bridge and why the people in Pagosa don't know where it was purchased? Mayor Aragon stated it came from his property and no money exchanged hands. Bleeker had some top soil but it did not pass inspection so they used the Mayor's land as it wa only less then two minutes away, and he has been giving away top soil for years Marquez asked why that can't landscape other people's property? J. D. Martinez reported that the contractor did the soil testing at several areas and the decision was made by them, not any town employee or board member as it is the contractor's responsibility to test. Mayor Aragon stated he didn't sell it due to conflict of interest and Trustee Marquez said things have to be kept up front so the public kno what is going on.

NEW BUSINESS: Attorney Hoover read the resolution declaring the obsolete police pension fund defunct which can be used for law enforcement purposes. There is approximately $150,000 in the fund. Trustee Worden moved to adopt said resolution, seconded Trustee Whitbred. By voice vote 7 ayes. Motion carried unanimously.

Larry Lister came in and discussed the "red ribbon week for the drug-free proclamation." He asked for a unified effort of the Town Board and Town's people and

declared the week of October 22, drug-free red ribbon week. All kids will wear the red ribbons as well as businesses and employees. Lister stated a meeting will be held Thursday at 7 o'clock at the REA building and all are invited to attend. He also stated that the Jr. High kids are at the drug level nationally and we need more education.

Ordinance No. 417 was introduced, read AN ORDINANCE VACATING A PORTION OF PIEDRA STREET LYING BETWEEN SOUTH 6TH AND SOUTH 7TH STREET. Trustee Smith moved to pass this ordinance to vacate this area. Seconded Trustee Cornellisson. By voice vote 7 ayes. Motion carried.

DEPARTMENT HEAD REPORTS: J. D. stated he gave the PWD report to TA Sherman and he would present this. TA Sherman reported on the police department meeting with the schools in conjunction with the above drug-free week and the problems at the schools and asking for more police enforcement. He reported the police received the DUI grant and it is not contingent upon the 5th officer. The skateboard and bike signs are in and the Chief is to get with Att. Hoover to comply with the legal requirements on posting these signs. The firearm range will not come into fruitation this fall due to the commitment made to the school on the soccer fields for PE. Parks and Recreation - The river walk was worked on in advance of the governors visit so we would have positive feed back on funding riverwalk projects. He stated he is trying to make an impact and visual aspect of the riverwalk showing it as an amenity of the community. On the budget, TA stated the department heads will start on their preliminary figures within the next few weeks.

Sherman stated he was appointed to the interim executive committee of the San Juan Economic Development District, comprised of five counties and had attended the meeting last night. They are working on a revolving loan fund to benefit businesses.

PUBLIC WORKS: The bridge should be completed in approximately three weeks. He found out today that the lights have not been ordered. J. D. has contacted the company and they will get here asap.

Sherman reported on the letter from J. D. stating two people have left the street department, one retired and another quit and they had reviewed the applications and would like to replace the 2. He stated he will save $3000 on the budget as he will be giving smaller salaries. When asked about advertising for the positions, Attorney Hoover stated it was not necessary as far as he knew. J. D. stated the pay would fit in the structure established but we have not adopted a scale within the job classifications. Trustee Cotton asked if he could hire one person at this time instead of two until the end of the year. Trustee Smith concurred. Trustee Marquez felt we should not hold back on one employee and we should not harness J. D. in the PWD if he feels we need two people. The salaries would be $16,500 and $16,000 Trustee Cornellisson stated if there was no budget increase and he needs them he should hire two. Trustee Cornellisson moved to hire two people for PWD. Seconded Trustee Marquez. By voice vote 5 ayes. 2 nays. Motion carried.

Trustee Smith was concerned about the posting of the "no skateboards" on the sidewalks and riverwalk. He opposed restricting skateboards and bikes as he feels it is in conflict with the drug/alcohol program mentioned earlier. TA will check with CIRSA on the insurance. A skateboard ordinance was passed earlier and attorney Hoover will review this ordinance which is in conjunction with the model traffic ordinance and give a legal opinion.

Nell Clark was present and stated the employees do not stop for the stop sign at her corner on 6th and Apache. J. D. stated he will inform his employees. A. J. Williams was concerned about a 18 wheeler getting down the road by the bridge project.

The following bills were read: Trustee Cotton moved to pay the bills, seconded by Trustee Cornellisson. By voice vote 7 ayes. Motion carried unanimously.

On motion duly made, the meeting adjourned at 8 o'clock p.m.

Jacquelyn M. Schick, Town Clerk

Ross Aragon, Mayor

October 3, 1989

The regular meeting of the Board of Trustees of the Incorporated Town of Pagosa Springs was called to order by the Mayor with the following answering roll call:

Mayor: Ross Aragon

Trustees: Smith, Whitbred, Worden, Marquez, Cornellisson, Cotton

The minutes of the September 5 was read and approved.

LIQUOR LICENSE: Larry Holthus was present represnting the democratic party for a special beer license for special event on October 14 for 6 hours between 6 and 12, to be held at the Catholic Parrish Hall. Trustee Whitbred moved to approve the special event, seconded Trustee Marquez. By voice vote 6 ayes. Motion carried.

The renewal of the Papagosa Liquor Store was read. Trustee Cornellisson moved to approve the renewal. Seconded Trustee Whitbred. By voice vote 6 ayes. Motion carried.

The paper work was not in for the transfer from Al's West to the Chuck Wagon Cafe.

Larry Lister was not present on the school for drug free red ribbon campaign.

Bob Hand of the Chamber of Commerce was present to ask about moving the Chamber of Commerce building across the river on Town property south of the river. He felt it would not be necessary to vacate San Juan Street, and wanted authorization to sell the C of C building to use the proceeds for building a new building.

Trustee Marquez stated he was not pleased with the C of C the past few months and he felt Bob Hand had split up the Town on the geothermal election pool issue and caused problems for all involved. He wanted him to treat everyone the same so he stated he could not back him up on this, or felt we need a new director. Trustee Smith asked about parking for the new site, and Hand explained he could use some of the area below the building for parking. Hand also asked for water and sewer lines to be put in now so that the new paving would not have to be torn up. Trustee Whitbred asked what the cost of this would be, and J. D. explained approximately $3000 for this. The Chamber will share the cost of this.

A. J. Williams, who was present in the audience, asked if we would be purchasing the C of C building and the Mayor stated "no". Attorney Hoover asked what the Chamber was asking for and Bob Hand stated use of the land not ownership. He stated they have indefinite use of the land now and that is what they would like on the new property. Hoover stated that we would need an ordinance if they used it over a year's time or a year to year resolution for yearly use. If we sold the land we would need an appraisal and vote of the people. Trustee Marquez asked if the building was erected and the lease was rejected what happens to the building? Hoover also stated that the Town Board cannot bind future Town Boards over a five to six year period.

Mayor Aragon asked the Board for their input so the Chamber will know how to proceed. Hand felt this location was in the best interest of the community. Trustee Cornellisson stated the Chamber should sell the existing building as the Town cannot use it at this time. Trustee Cotton stated we should talk this over regarding the Attorney's assessment but that he was in favor of this location if we can work out all legalities. Mayor Aragon stated the C of C is an asset to the Town and stimulate business in town and we should pursue this further on a positive note. Bob Hand stated he will come back with a contract, and the Attorney suggested one possible solution would have the building revert back to the Town after a reasonable period of time. The Board did discuss the water and sewer lines and Trustee Cornellisson moved to go ahead with the water and sewer lines so the asphalt paving would not have to be cut. Seconded Trustee Whitbred. By voice vote 6 ayes. 1 nay. Motion carried.

NEW BUSINESS: Trustee Marquez asked where the top soil came from that was used on the bridge and why the people in Pagosa don't know where it was purchased? Mayor Aragon stated it came from his property and no money exchanged hands. Bleeker had some top soil but it did not pass inspection so they used the Mayor's land as it was only less then two minutes away, and he has been giving away top soil for years Marquez asked why that can't landscape other people's property? J. D. Martinez reported that the contractor did the soil testing at several areas and the decision was made by them, not any town employee or board member as it is the contractor's responsibility to test. Mayor Aragon stated he didn't sell it due to conflict of interest and Trustee Marquez said things have to be kept up front so the public knows what is going on.

NEW BUSINESS: Attorney Hoover read the resolution declaring the obsolete police pension fund defunct which can be used for law enforcement purposes. There is approximately $150,000 in the fund. Trustee Worden moved to adopt said resolution, seconded Trustee Whitbred. By voice vote 7 ayes. Motion carried unanimously.

Larry Lister came in and discussed the "red ribbon week for the drug-free proclamation." He asked for a unified effort of the Town Board and Town's people and

declared the week of October 22, drug-free red ribbon week. All kids will wear the red ribbons as well as businesses and employees. Lister stated a meeting will be held Thursday at 7 o'clock at the REA building and all are invited to attend. He also stated that the Jr. High kids are at the drug level nationally and we need more education.

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Sherman reported on the letter from J. D. stating two people have left the street department, one retired and another quit and they had reviewed the applications and would like to replace the 2. He stated he will save $3000 on the budget as he will be giving smaller salaries. When asked about advertising for the positions, Attorney Hoover stated it was not necessary as far as he knew. J. D. stated the pay would fit in the structure established but we have not adopted a scale within the job classifications. Trustee Cotton asked if he could hire one person at this time instead of two until the end of the year. Trustee Smith concurred. Trustee Marquez felt we should not hold back on one employee and we should not harness J. D. in the PWD if he feels we need two people. The salaries would be $16,500 and $16,000. Trustee Cornellisson stated if there was no budget increase and he needs them he should hire two. Trustee Cornellisson moved to hire two people for PWD. Seconded Trustee Marquez. By voice vote 5 ayes. 2 nays. Motion carried.

Trustee Smith was concerned about the posting of the "no skateboards" on the sidewalks and riverwalk. He opposed restricting skateboards and bikes as he feels it is in conflict with the drug/alcohol program mentioned earlier. TA will check with CIRSA on the insurance. A skateboard ordinance was passed earlier and attorney Hoover will review this ordinance which is in conjunction with the model traffic ordinance and give a legal opinion.

Nell Clark was present and stated the employees do not stop for the stop sign at her corner on 6th and Apache. J. D. stated he will inform his employees. A. J. Williams was concerned about a 18 wheeler getting down the road by the bridge project.

The following bills were read: Trustee Cotton moved to pay the bills, seconded by Trustee Cornellisson. By voice vote 7 ayes. Motion carried unanimously.

On motion duly made, the meeting adjourned at 8 o'clock p.m.

Jacquelyn M. Schick, Town Clerk

Ross Aragon, Mayor

Town of Pagosa Springs
Planning Commission Meeting
February 27, 1996

The meeting was called to order at 5:20 P.M. Present were Ross Aragon, Mike Haynes and Chairman Rice Reavis. Staff Present: Jay Harrington.

The minutes of the 7/18/95 meeting were approved with a correction being made by Ross Aragon concerning the appointment of Jeff Jones to the Planning Commission.

*The project discussed was the Lucero request for a variance from the 10 foot corner setback requirement. The applicant is Norma Lucero and the house is located at 274 South 7th Street. The owner wishes to build to the edge of the Piedra Street right of way. A previous request to vacate Piedra Street was continued because of issues with a neighboring lot owner. The lot in question is presently zoned B-1 residential.*

Jay Harrington reviewed the variance request.

Norma Lucero stated that she needed the variance to place a 70' wide home on the property but that she still would like the land (Piedra Street) vacated so that an 80' wide home would fit on the lot.

Leroy Lucero stated that a road would be impossible to build to the lot 1 and that the road should be vacated.

Jay Harrington explained that the Town Board discussed the vacation at the last meeting and usually does not vacate a road if the neighbors claim it might be future access.

Ross Aragon stated that the board might not have been familiar with Piedra Street and thought that we might still vacate it. He encouraged Leroy to discuss this proposal with each Board member.

Jay Harrington stated that the Town legal staff would have to make a recommendation on the legal issues of vacating the road when a neighbor claims future access.

Jay Harrington recommended that the variance be granted in case the road

is not vacated by the board. He stated that the neighboring landowner did not oppose the ~~vacation.~~ variance

Ross Aragon moved to grant the variance from the zoning ordinance and to recommend that the Town Board consider vacating the Piedra Street ROW.

Mike Haynes seconded the motion and the motion passed 3-0.

Jay Harrington asked if March 12, 1996 was okay for the next meeting.

Rice Reavis agreed to that date at 5:00 P.M.

Jay Harrington stated that we should have a fairly full agenda over the next few months.

The meeting adjourned at 6:15 P.M.

approved on _____

_____

Rice Reavis, Chairman

ORDINANCE NO. 478

AN ORDINANCE VACATING A PORTION OF PIEDRA STREET BETWEEN SIXTH STREET AND SEVENTH STREET.

WHEREAS, it appears that there is no longer a necessity for maintaining as a street all that portion of Piedra Street between Sixth and Seventh Streets in Pagosa Springs, Colorado, and

WHEREAS, the Board of Trustees have previously vacated the Northerly 25' of Piedra Street between Sixth Street and Seventh Street extending from the SW corner of Lot 43 to an extension of the West line of the alley in Block 43, which 25' has previously been vacated, and

WHEREAS, the Board of Trustees desire to vacate an additional 10' adjoining the said previous 25' vacation.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Pagosa Springs, Colorado:

Section 1. The 10' area lying immediately South and adjacent to the previously vacated 25' section of Piedra Street between Sixth and Seventh Streets is hereby vacated.

Read, passed and adopted this 5th day of March, 1996.

Ross Aragon
Mayor

Attest: I hereby certify that the foregoing Ordinance was adopted by a unanimous vote of the Board of the Trustees of the Town of Pagosa Springs, Colorado, on March 5, 1996.

Jacquelyn M. Schick
Jacquelyn M. Schick,
Town Clerk

March 5, 1996

The regular meeting of the Board of Trustees of the Incorporated Town of Pagosa Springs was called to order by the Mayor with the following answering roll call:

Mayor: Aragon

Trustees: Cotton, Delyria, Hamilton
Levitan, Lucero, Whitbred

The minutes of the February 6, 1996 meeting were approved as written.

LIQUOR LICENSE: Renewals for La Cantina Bar, Silver Dollar Package Store, Riverside Restaurant and Copper Coin Package Store. Trustee Whitbred moved to approve the renewal of the four licenses. Seconded Trustee Cotton. By voice vote 6 ayes. Motion carried.

A hearing was set for Kim L Ruf/Gray for the Oakridge restaurant and bar. A hearing was also set for a transfer of the Curly's II Bar to Robert and Laura Chestnut for Castangas new restaurant. The hearing was set for Thursday, April 4 at 5 o'clock p.m. due to the election on the regular meeting night of April 2.

Mike Branch presented the 1995 audit, stating he will be present at the next meeting for any explanations. He reported on the single audit act due to the compliance of federal grant monies on all issues such as the envir o mental issues.

TODD SHELTON SPECIAL USE PERMIT FOR A TRAILER PARK. There were approximately 30 people present to protest this. The Mayor asked for one spokesperson for the group. Mr. Shelton spoke first, stating this would be placed in Pagosa Hills #1 which is zoned for manufactured homes. He will put in all utilities, roads etc. and will use this for rentals only and not sell the spaces. He plans to put in 15 spaces on 2.8 acres and is trying to have affordable housing for young families and plans to make this a family atmosphere park. He stated the main opposition was the impact of traffic. He presented a letter to the people present stating the R & S manufactured home park regulations, concerning skirting, blocked up, utilities in before occupancy, cleanliness, storage etc., also with a site manager on the property. There will be a 25' road thru the property and each lot will be 40' frontage and 100' deep. He also stated if this was in the county they could not keep it out as the county does not have zoning. Todd felt he could prove any opposition wrong if questioned. Questions concerning "what if you sell"? and what about the covenants? The Pagosa Hills convenants does not apply to this park. Windson Chasey questioned the special use permission, citing the high density, and access to highway, stating both cemetery road and the road by the Pizza hut were congested now, and the impact to the infrastructure, and stating the impact on town and county (money wise), and impact on the schools and roadways. Mr. Macdonald asked if there was a "need"? in the area, and stated he would like to see an impact study completed.

TA Harrington stated the Sanitation District can use the revenue from the plant investment fees for upgrade the sewer system. Robert Goodman, spokesperson, stated this is z oned residential, but this is a commercial venture and he did not feel we need a commercial in a residential area. He also felt it would lower values of their property, and this would adversely effect everyone on cemetery road. Rocky Day also cited that the trailer park in town limits in south Pagosa has not been watched by the Town as it is very run-down and trashy and cited the dangerous situation on the roadway. Also the problem of traffic at 5th and Lewis Street. Harrington responded that the CDOT has studied this intersection and it warrants a traffic light, also a re design of this intersection is under study. Another gentlemen asked about the enviromental impact, wetlands and if a study was made? Ken Bennett stated he was concerned about the character of the park, and it would not be part of the covenant restrictions in Pagosa Hills.

TA Harrington stated he will set up a neighborhood meeting before making the decision. Neighbors within 300' were notified two weeks ago of a meeting and no one showed up at that meeting, so another will be held at a later date.

LUCERO VARIANCE REQUEST. TA reported the Planning Commission recommended that this street be vacated, and one landowner has concerns, but the Planning Comm. reviewed the project and recommended the variance for the road vacation.

Mr. Peter Adams the adjacent landowner had protested and was present to report what he plans to do with his property, such as build two store homes in the area for affordable housing. This issue tabled his plans due to access to the property if the street is abandoned. If we abandon another 10', which would still give Mr. Adams 25' access he would be comfortable with that, as would the Lucero's and they could still accomodate the 80' mobile home. This was agreeable to both parties and an ordinance will be drawn up for the abanonment. Trustee Cotton moved to grant the side set back variance on Piedra street for the Lucero's. Seconded Trustee Hamilton. By voice vote 7 ayes. Motion carried.

TA reported we will have annexation 96-1, 96-2, and 96-3, fill-in annexation ready for adoption at the next meeting. This will include Garretts Appliance, lots in Rock Ridge by Circle T fill-in. These will not interfere with our annexation review committee project.

Special conditional use for a fishing trailer for the Ski and Bow Rack by Larry Fishers to operate Colorado Fishing Adventures. There was no response from the neighbors on the letters sent. This would be a seasonal placement. Trustee Cotton moved to allow this trailer to set at this location for six months. Seconded Levitan. 7 ayes. Motion carried. The Town will watch that no vendors or selling from the trailer take place.

Paving of the Riverwalk, Gutters and Sidewalk along a portion of Hot Springs Blvd was discussed. The estimated cost is $15,634 and would be a 5' walkway, which TA felt was vital for access to the post office. The walkway would be on street right of way and we have an easement from Dawsons. Lucero moved to to the 5' walkway on Hot Springs Blvd., seconded Hamilton. 7 ayes. Motion carried.

Ray Lattin requested a minor subdivision on lot 3 by the Napa bldg. in the Western Addition into two lots. CDOT requested that we do not approve this subdivision because of lack of improvements at the existing highway access. The two lots would use the same entrance and Lattin will be putting in a deacceleration lane. The lots would be 3.2 acre and 3.35 acres. A restriction on the plat for the improvements prior to developing the lot may meet our access requirements. Trustee Cotton moved to approve the minor subdivison for Lattin. seconded Hamilton. 7 ayes. Motion carried.

OLD BUSINESS: The Town did not receive the grant for the Apache Street Bridge. The Energy Impact Review Committee liked the project but it did not relate closely enough to energy impacts. If the state gets CDBG money we may apply later. TA recommended we complete the engineering this year so we could undertake the project next year. TA stated we can do additional paving with the capital improvements money this year. Mayor Aragon wanted to go on record stating we need a study of the traffic, flood plains and he is not in favor of the bridge. TA reported the engineering would cost around $40,000 to $60,000, and money is available for existing bridges, more so than new ones. The efficiency rating of the existing bridge on Hot Springs Blvd. is at 50% now. Whitbred asked the impact if the school bond issue is approved and moves in south Pagosa area. Mayor Aragon felt there would be major traffic problems. The Board recommended waiting until the school bond issue vote is completed and will look at this after that. TA will get prices of the project for the next meeting.

1996 PAVING PROJECT. Estimates were presented for the 96 project. This would include 14th street, 15th street, Eagle Drive, the downtown parking lot, 4th street, and entrance to the elementary school, and Mesa Drive. The Rock Ridge access Road and 4th street alley designs will be completed since the Apache bridge project was put on hold. TA requested the CDOT pay additional costs due to the heavy trucks on 14th street, and the school district pay the costs of improving the access to the elementary school. The cost for these items is $327,893, and Rock Ridge and Pagosa Hills at $103,827.

Mayor Aragon asked TA to check the paving on 8th street which was done two years ago. TA stated we will be working on chip-seal repair this summer..

GUARDRAIL ISSUE: TA presented a list of locations in Town where guardrails may be needed. Total cost would be $56,491, and the 96 budget does not provide for this. The CIRSA insurance does not have any guidelines on this. The issue of snow removal was discussed. Trustee Lucero felt safety is an issue, and the Board agreed to start the project this year by 10th street at the Eddie Archuleta residence.

Valley Gutter along NE Section of Hermosa Street. The town has received various complaints on the drainage, parking areas east of 2nd street. TA warned if we decide to install this gutter, other areas of Town may request similar improvements. Questions and answers on the Hermosa street project were received from Davis Eng. The Board agreed to do the project on Hermosa street.

TOWN ADMINISTRATOR REPORT: Geothermal pipeline update, they are continuing slowly to supply waste water across the river.

Red Iverson requested a replat of lots 4 and 5, block 37. This is being processed as a replat and will be ready for recording soon.

Update on the County Road Users Appeal. A letter from Collins and Cockrel was presented on the court scheduling on the denial of election for re-distribution of sales tax.

Update on Annexation Review Commitee. They met on February 20 and are continuing evaluating the pros and cons of annexation of large tracts of residential property. They will have a recommendation in ten months.

STREET SWEEPER We are demonstrating a new sweeper and if it meets air quality standards we will purchase this one on a four year lease TA has contacted the local banks for a quote on the lease purchase. TEMCO will train the men and the cost of the street sweeper is $97,000. Bank of SW will loan at 5-1/2%. The Board agreed to have Mayor Aragon sign the agreement.

The Town received a special honorable mention in the 1996 Urban River Restoration awards in the category of Economic Revitalization.

TA reported a lady fell again in the same area as the last time in front of the Pagosa Mall. TA has told the Woods to do the work and the Town can do the removal work.

J.R. Ford is building a 1000 acre reservoir in Mountain View Estages in Hidden Valley and asked the town for approval on the permitting issues. TA stated this can establish some level of flood control, which would provide protection to the Town. The Board agreed.

SW Mental Health requested $779 for payment of 1994 budget which was not received by them, due to their quarterly billing. The Board agreed to pay the 96 budget figure of $2500. only.

Todd Shelton asked for a minor subdivision in Pagosa Hills of 17 acres. They were given only 3 minor subdivision, and will request "this is the last minor subdidivion in this area". The Board agreed.

ORDINANCE 478 on the Road vacation of 35' off Piedra street will be prepared, and will be ready for adoption. This will leave 25' for Mr. Adams. Trustee Cotton moved, seconded Lucero to approve the ordinance. 7 ayes. Motion carried.

Trustee Cotton moved, seconded Hamilton to authorize the Mayor to sign the least for the street sweeper (after Jay gets a few bucks more off). 7 ayes. Motion carried.

Trustee Lucero moved, seconded Trustee Levitan to grant a temporary license to Robert and Laura Chestnut for Castangas liquor license. Mr. Chestnut appeared and asked for this. 7 ayes. Motion carried.

THE FOLLOWING BILLS WERE READ: Trustee Whitbred moved, seconded Trustee Lucero to pay the bills. 7 ayes. Motion carried.

TA presented a letter to the Board written to the School District on use of the public facilities, in which we are having problems with our recreation scheduling.

On motion duly made, recorded and passed, the meeting adjourned at 7:15 p.m.

Jacquelyn M. Schich, Town Clerk

Ross Aragon, Mayor

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.4

PAGOSA SPRINGS TOWN COUNCIL
JUNE 2, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: PRADERA POINT SUBDIVISION PHASE ONE PRELIMINARY PLAT APPROVAL EXTENSION APPLICATION**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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**PURPOSE/BACKGROUND**

On March 10, 2015, the Planning Department received an application for the extension of the previously approved Pradera Pointe Preliminary Subdivision plan for phase one. The Applicant, Bill Herebic of Gazunga, LLC, has provided a complete application packet for the Town's consideration. In the applicant's letter of request, Mr. Herebic states that they are seeking an investor to initiate phase one, as previously approved, and they are requesting a 3 year extension for their previously approved Phase One Preliminary Subdivision Plat/Plan.

Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of 119 single-family residential lots. The final plat for phase one includes twenty (20) lots. This plan continues to be consistent with the Town's adopted Comprehensive Plan.

Previous approvals include the following:

≈ Town Council originally approved the phase I Final Plat on May 6, 2008. Per the Land Use & Development Code section 2.4.3.C.b.(i), preliminary plan or partial final plat approval shall be valid for one (1) year unless otherwise approved by Town Council.
≈ On 03/03/09, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
≈ On 03/25/10, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
≈ On 04/14/11, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
≈ On 05/17/12, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
≈ On 04/18/13, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.
≈ On 04/01/14, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat, with the following conditions of approval:

1) The Inclusion of Current Plat language as required under the current LUDC adopted in 2009.
2) A current completed utilities checklist submitted prior to recordation of the Final Plat.
3) Signed Developer Improvement Agreement for phase one to include all phase one public and private improvements with required performance bonding.
4) Revised engineering plans & engineering cost estimates to include street lighting as required by the Planning Commission.

On February 19, 2015, Town Council approved Ordinance 823, revising the LUDC requiring a formal application for preliminary plan extensions. In the past, staff brought requests to the PC and TC without a formal application process. The new application process requires the applicant to provide the following:

1) A completed Preliminary Subdivision Plan Extension application.
2) Payment of application fee of $300.
3) Agreement of Payment of fees (for reimbursing Town for expenses associated with processing application).
4) Evidence of Good Title.
5) Taxes and list of taxing entities.
6) General development information, formal request for an extension.

On May 12, 2015, the Planning Commission approved a recommendation that Town Council:

*"Approve a Three (3) year Extension of the Pradera Point Subdivision, Phase One, Preliminary Plat Approval, contingent on the following:*

*A) Inclusion of Current Plat language as required under the current LUDC,*
*B) a current utilities checklist submitted prior to recordation of the Final Plat,*
*C) Signed Developer Improvement Agreement,*
*D) Revised engineering plans compliant with the current Land Use Development Code,*
*E) Revised engineering cost estimates and*
*F) to include street lighting consistent with the current Town regulations"*
*G) Final Plans shall comply with the current LUDC provisions at the time of submittal."*

**ANALYSIS:**

The applicant has provided the following:

1) A completed Preliminary Subdivision Plan Extension application.
2) Payment of application fee of $300.
3) Signed Agreement of Payment of fees, agreeing to reimburse the town for expense associated with processing their application.
4) Evidence of Good Title for all three parcels.
   a. Demonstrating Gazunga, LLC as the current owner of all three parcels.
5) Taxes and list of taxing entities, for all three parcels.
   a. Documents demonstrate all property taxes are current.
6) General development information.
7) The applicant further provided verification from their loan officer at Citizens Bank, certifying their loan is, and has always been, in excellent standing, which was received on March 16, 2015.

Staff has not identified any concerns or issues with the extension request. It is important to note, at the time the Final Plan application is submitted, that all LUDC development regulations in place at the time of submittal shall be required to be met. Staff would recommend including such language in the considered motion.

**ATTACHMENT(S):**

≈ Letter of request from applicant.
≈ Map showing extent of original approved residential subdivision development and phase one.

**FISCAL IMPACT**

There is no direct fiscal impact associated with the three year extension of the Pradera Point Subdivision, Phase One Final Plat Approval.

**RECOMMENDATION**

Staff recommends the TC consider the PC's recommendation, the information provided and the applicants request for a three year extension for the Pradera Point Subdivision Phase One Preliminary Plan.

1) **Approve a Recommendation for Town Council to Approve a Three (3) year Extension of the Pradera Point Subdivision, Phase One, Preliminary Plat Approval, contingent on the following:**
   **A) Inclusion of Current Plat language as required under the current LUDC,**
   **B) A current utilities checklist submitted prior to recordation of the Final Plat,**
   **C) Initiate a Development Improvement Agreement,**
   **D) Submit revised engineering plans compliant with the current Land Use Development Code,**
   **E) Submit revised engineering cost estimates,**
   **F) Provide street lighting consistent with the current Town regulations,**
   **G) Final Plans shall comply with the current LUDC provisions at the time of submittal.**

Gazunga, LLC
270 Lodgepole Way
Monument, CO 80132

719-651-9152

herebic5@msn.com

March 7, 2015

Pagosa Springs Town Council and Planning Commission
Mr. James Dickhoff, Town Planner

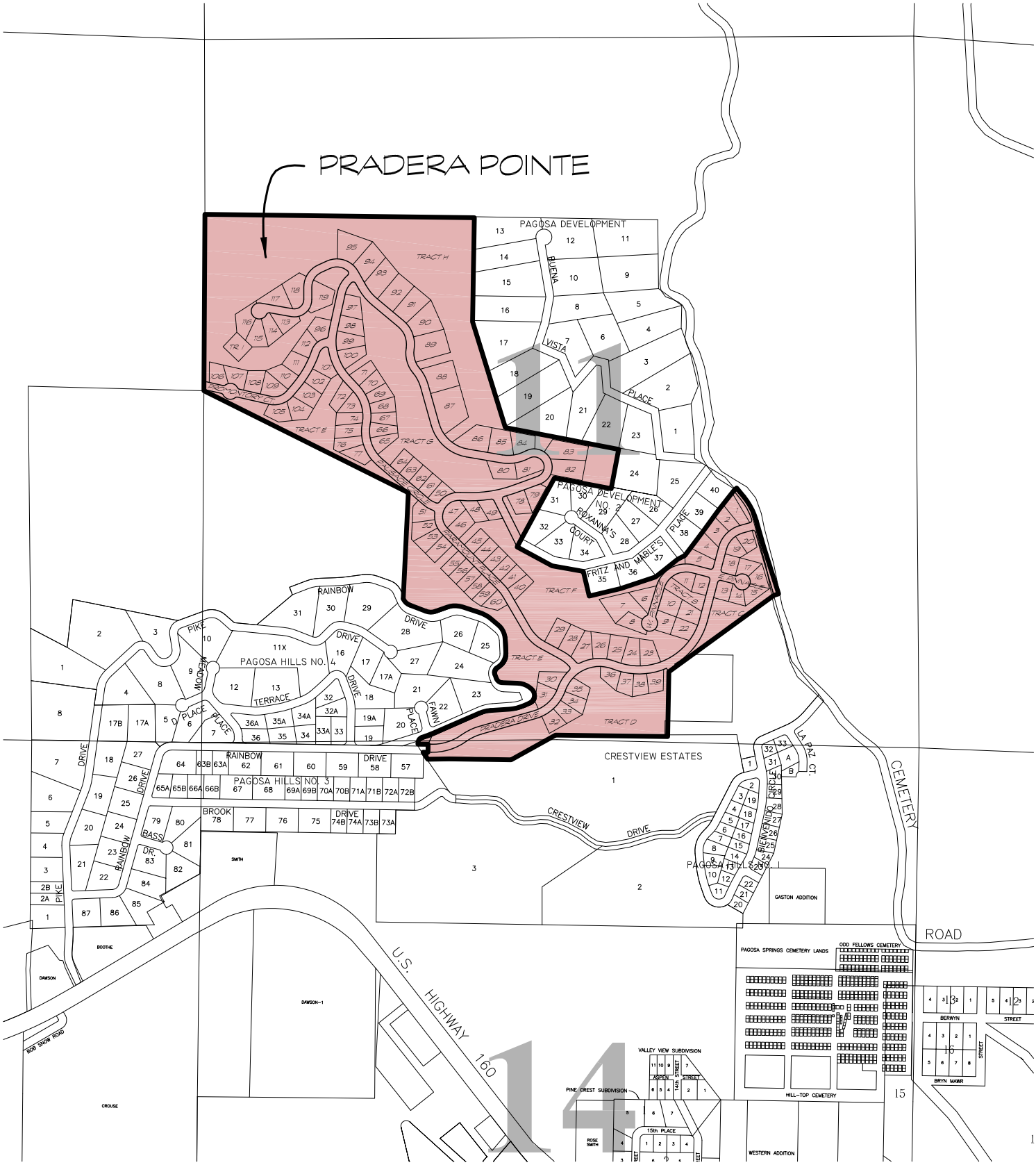
James,

We are requesting up to a three year plat extension for the previously obtained plat approvals for the Pradera Pointe Subdivision. We continue to be committed to this project as evidenced by our record of on-time full loan and property tax payments.

Our plan for 2015 is to not seek to replat the first phase into only ten lots but rather seek an investment partner to help fund development of the currently platted first phase. If we are successful in finding such a partner then we would attempt to build at least one cabin for sale.

Sincerely,

William F. Herebic II, Manager




Sheet 1 of 1

P05307

CLIENT

GAZUNGA, LLC

17430 Lamplight
Monument, CO 80132

Pradera Pointe

Vicinity Map

THIS DRAWING IS THE PROPERTY OF DAVIS ENGINEERING SERVICE, INC., AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN APPROVAL OF DAVIS ENGINEERING SERVICE, INC.

SINCE 1948

DAVIS ENGINEERING SERVICE, INC.

| REV. | DATE | BY | APVD. |
|---|---|---|---|

| DESIGNED | CHECKED | SCALE |
|---|---|---|
| --- | SMS | 1" = 1000' |
| DRAWN | APPROVED | DATE |
| MMD | PRELIM. | 11/19/07 |

DAVIS ENGINEERING SERVICE, INC.
188 S. 8th STREET - P.O. BOX 1208
PAGOSA SPRINGS, COLORADO 81147
PHONE: (970) 264-9055
FAX: (970) 264-9055

0' 1" 1.5" 2"

ELEVATION BASE ASSUMED

NORTH

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.5

PAGOSA SPRINGS TOWN COUNCIL
JUNE 2ND, 2015

**FROM: JENNIFER GREEN, TOURISM DIRECTOR**
**LARRY FISHER, BOARD MEMBER**

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**PROJECT: APPROVAL OF ORDINANCE 826, REPEALING AND READOPTING SECTION 16.4.12, OF THE TOWN OF PAGOSA SPRINGS MUNICIPAL CODE**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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**PURPOSE/BACKGROUND**

During the February 19th, 2015 Town Council meeting, Town Council approved the Memorandum of Understanding between Archuleta County and the Town regarding the administration of lodgers tax funding contingent upon successful revision of the bylaws. Staff, along with both the Town and County representatives to the Tourism Board, have reviewed and amended section 16.4.12 of the Town's municipal code, or Lodgers' Tax. The Board of County Commissioners, during their May 5th meeting, and the Town Tourism Committee, during their May 12th meeting, reviewed and approved the changes to the bylaws for the Tourism Board. The Town's attorney has also reviewed. The proposed changes in the bylaws include the following:

- Change name of the Board from Town Tourism Committee to the Pagosa Springs Area Tourism Board, which oversees Visit Pagosa Springs
- Annual Budget will be approved by both Town Council and the Board of County Commissioners
- Reduces Board members from 11 to 9
- At-large seats will reduce through attrition
- Changes seat allocations to the following:

| | |
|---|---|
| Board of County Commissioners | 1 |
| Town Council | 1 |
| Lodging Association | 1 |
| Realtors' Association | 1 |
| Chamber of Commerce | 1 |
| At-Large | 4 |

- Both Town Council and the Board of County Commissioners will appoint their representative annually

**FISCAL IMPACT**

There is no fiscal impact.

**RECOMMENDATION**

It is staff's recommendation the Town Council by motion:

**Approve the first reading of Ordinance 826, Repealing and Readopting Section 16.4.12 of the Municipal Code**

# TOWN OF PAGOSA SPRINGS, COLORADO

## ORDINANCE NO. 826
## (SERIES 2015)

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS REPEALING AND READOPTING SECTION 16.4.12 OF THE PAGOSA SPRINGS MUNICIPAL CODE TO RENAME THE TOWN OF PAGOSA SPRINGS TOURISM COMMITTEE TO BE THE PAGOSA SPRINGS AREA TOURISM BOARD WHICH WILL ACT AS A JOINT COMMITTEE WITH ARCHULETA COUNTY, TO REVISE THE MAKEUP OF THE BOARD, AND TO MAKE OTHER RELATED MODIFICATIONS

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; and

WHEREAS, pursuant to Article 4 of Chapter 16 of the Town of Pagosa Springs Municipal Code ("PSMC"), the Town is authorized to impose a lodgers' tax; and

WHEREAS, pursuant to Section 16.4.12 of the PSMC, the Town has established the Town of Pagosa Springs Tourism Committee, a citizen's advisory committee to the Pagosa Springs Town Council, to make specific recommendations to the Council relative to expenditures of the lodgers' tax; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to rename the Committee to be the "Town of Pagosa Springs Area Tourism Board" (the "Board"), to provide for the Board to operate as a joint Board of the Town and Archuleta County, to revise the makeup of the Board members, and to make other related modifications to Section 16.4.12.

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

**1.** **Repeal and Reaction of Section 16.4.12 of the Municipal Code.** Section 16.4.12 of the Pagosa Springs Municipal Code is hereby repealed and readopted in its entirety as set forth on Exhibit A, attached hereto and incorporated herein.

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

**3.** **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.

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

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 2ND DAY OF JUNE, 2015.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

_____
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 15TH DAY OF JUNE, 2015.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

_____
April Hessman, Town Clerk

## CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ___ (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 2nd day of June, 2015, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code (P.S.M.C.), and specifically Section 1.3.3, which provides for a fine not exceeding $2,650 or incarceration not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website, on June _____, 2015, 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 June, 2015.

_____
April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ___ (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 15th day of June, 2015, 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, and on the Town's official website, on _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of June, 2015.

_____
April Hessman, Town Clerk

(S E A L)

# **EXHIBIT A**

**Sec. 16.4.12 Pagosa Springs Area Tourism Board (aka Visit Pagosa Springs)**

(1) Duties and Authorities. The Pagosa Springs Area Tourism Board (Tourism Board) is an advisory board to the Pagosa Springs Town Council (Council) and Archuleta County Board of Commissioners (County). The purpose of the Tourism Board is to make specific recommendations to the Council and County relative to expenditures of both the Town and County Lodging Tax. The Tourism Board shall insure that all requests for funding from the Town's Lodging Tax revenues meet the criteria established by Section 16.4.11 of the Town of Pagosa Springs Municipal Code and County Ordinances, are appropriately marketed within the community theme, and contain an inherent "tourism element". For the purpose of this Article, "tourism" is focused on bringing visitors to our community for the purpose of increasing both lodging and sales tax revenues. The powers and duties of the Tourism Board include, but are not limited to the following:

(a) The Tourism Board will operate in a prudent manner and expenditures and investments that are recommended by the Tourism Board and approved by the Town Council and County Commissioners will be measured and frequently reviewed relative to the expected outcomes.

(b) Measurement standards will be utilized by the Tourism Board to track and evaluate the Board's efforts.

(c) The Tourism Board may recommend to Council and County the use of consultants or other professionals as determined to be prudent relative to specific and necessary expertise.

(d) The Tourism Board will attempt to work with other groups, across the State of Colorado, regionally and in the community, in an effort to both unify and promote efficiency in the community's tourism efforts.

(e) Capital Expenditure projects may be considered, provided that they are tourism related in that the project will directly improve the experience of the visitor, i.e. signage, etc.

(f) The majority of annual expenditures will fall into the category of "external marketing. An annual budget will be created by the Tourism Board, dividing projected expenditures into the categories of 1) External Marketing, 2) Event Promotion 3) Capital Expenditures and 4) Visitor Center Services. The Tourism Board will present this budget to the Town Council and County Commissioners for approval, annually in October for funding the following fiscal year.

(g) The Tourism Board may form subcommittees, as necessary.

(h) Adopt rules and regulations, consistent with the provisions of this Article, which govern procedures and operations of the Tourism Board.

(2) Members and Terms of Office.

(a) The Tourism Board shall consist of 9 members all of whom shall be appointed by the Town Council by resolution with representatives as follows, except for the County representative who shall be appointed by the County:

- Board of County Commissioners 1
- Town Council 1
- Lodging Association 1
- Realtors' Association 1
- Chamber of Commerce 1
- At-Large 4

(b) The members of the Tourism Board shall serve in such capacity without compensation. The terms of office of the Tourism Board shall be two (2) years, with the exception of the Town and County Representatives. Members may be reappointed to any number of consecutive terms.

(i) Both Town Council and the Board of County Commissioners will appoint their representative annually.
(ii) The Lodging Association, Board of Realtors and Chamber of Commerce will recommend their appointments to the Tourism Board when the term expires or a vacancy occurs.
(iii) Open at large seats will be advertised through local media to solicit letters of interest from residents of Archuleta County; applicants will be interviewed by the Tourism Board and a recommendation will be made to both Town Council and the Board of County Commissioners for appointment.

(c) The office of any member of the Tourism Board shall be deemed vacant if:

(i) any member misses three (3) consecutive regular meetings or a total of four meetings over a 12 month period, unless the absences are excused by the Chairman;
(ii) Town Council and the Board of County Commissioners may remove an at-large member, based on the recommendation of PSATB.
(iii) a member submits a written resignation; or
(iv) a member representing an association no longer is a member of that association for which that member was originally nominated to represent.
(v) a member dies or is incapable of performing the duties of a member.

Any appointment to a vacant position shall be for the remainder of the unexpired term of that position.

(3) Meetings and Public Hearings.

(a) Election of Officers. Annually, at the first regular meeting of the year, the Tourism Board shall elect the following officers by the majority of a quorum present: Chairperson, Vice-Chairperson, Treasurer, and Secretary.

(i) The Chairman of the Tourism Board shall preside at all meetings and public hearings,, shall decide all points of order and procedure and shall notify all members of times and dates of meetings; and

(ii) The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman. Should the Vice-Chairman and the Chairman be absent from a meeting or public hearing, the majority of the Tourism Board shall appoint a member to be the presiding officer; and

(iii) The Secretary shall take minutes of all official meetings of the Board. The Town Clerk shall retain all official copies of all official minutes and notices of meetings.

(iv) The Treasurer shall work with the Town's Tourism Executive Director to the Lodger's Tax Fund's current balance and budget and shall report to the Tourism Board at the regular monthly meetings.

(v) Any vacancy from an officer position shall be filled in the same manner as such positions are established or as vacancies occur.

(b) Establishment of Meeting Schedule. The Tourism Board shall establish annually a meeting schedule that meets frequently and regularly.

(c) Notice of Meetings. All meetings shall be open to the public and agendas shall be posted no less than twenty-four (24) hours in advance of the meeting.

(d) Special Meetings. The Chairman or a majority vote of the Tourism Board at any regular meeting may call special meetings as necessary. Any special meeting shall comply with Section (c), above in regards to Notice of Meetings.

(e) Executive Session. Executive sessions may be called at the discretion of the Chairperson in accordance with State Laws and the Town of Pagosa Springs Charter.

(f) Quorum. Official meetings will only be held when a quorum is present, determined and defined by a majority of the members in attendance.

(4) Voting

(a) A member of the Tourism Board may be excused from voting on a particular issue only if it has been determined that the member would have a conflict of interest or he or she would be violating the Code of Ethics as adopted by the Town.

# AGENDA DOCUMENTATION
# NEW BUSINESS: IV.6

PAGOSA SPRINGS TOWN COUNCIL
JUNE 02, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: FIRST READING OF ORDINANCE 829, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS, AMENDING THE LUDC FOR ESTABLISHING REGULATIONS REGARDING THE USE AND PLACEMENT OF CARGO SHIPPING CONTAINERS CARGO**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

---

## PURPOSE/BACKGROUND

The Planning Commission has been considering potential regulations for the allowable Use and Placement of Cargo Shipping Containers (CSC's) for some time now.

The Parks & Recreation Board was asked to comment on the allowable placement within Town Parks, and on August 13, 2014 unanimously approved the following recommendation: *"That the Parks and Recreation Commission decline to allow the placement of such a container on Reservoir Hill and recommend that the Town Council take the same position."*

Over the course of discussing the potential regulations, staff brought many recommendations for the PC's consideration, most of which were accepted by the PC. The one item the PC disagreed with was staff's recommendation to prohibit CSC's in residential zoned districts. The PC voted 3 in favor and 2 opposed for allowing CSC's in residential districts.

## TOWN COUNCIL DIRECTION

On May 5, 2015, staff presented the PC's recommendations to the TC for direction prior to drafting LUDC revisions and the associated ordinance. TC approved the recommendations presented by the PC with the exception of directing staff to consider the feasibility of a Conditional Use Permit process for the Mixed Use Corridor, Mixed Use Town Center and Commercial zone districts that would permit additional CSC's above the allowable limit. In essence, the approval included the following guidance for developing LUDC revisions:

1. *Require all permanent accessory structures to be consistent in design and appearance as the primary structure.*

2. *Require a Building Permit for all permanent accessory structures, with no fee charged for structures under 120 sq ft.*

3. *Allow the Permanent placement of Cargo Shipping Containers in Light Industrial Zoned districts.*

4. *Allow the Temporary Placement for up to two-180 day periods, with an administratively approved Temporary Use Permit (TUP), in all districts. Use must be associated with the primary structure of the property.*

5. *Allow the Temporary placement of CSC's relative to an active building permit, with an administratively approved TUP. Use must be associated with construction activities.*

6. *Unless otherwise approved with a conditional use permit, Allow the Permanent placement and use within the Commercial (C), Mixed Use Corridor (MU-C) and Mixed Use Town Center (MU-TC) districts (with the overlay district exception in #7 below), limiting to no more than 25% of the primary structure square footage and no more than 320 square feet of Cargo Containers (Two 8' x 20' containers or one 8' x 40' container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure.*

7. *Within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, Allow the Permanent placement and use, limiting to no more than 25% of the primary structure square footage and no more than 160 square feet of Cargo Containers (one 8' x 20'container). As in #1 above, the CSC shall be consistent in design and appearance as the primary structure.*

8. *Prohibit the permanent placement and use in the Open Space District (Parks).*

9. *Allow the Permanent Placement and use within the Public/Quasi Public District, Limiting to no more than 160 square feet. As in #1 above, the CSC shall be consistent in design and appearance as the primary structure."*

**PLANNING COMMISSION CONSIDERATION AND RECOMMENDATION**

With this guidance from the TC, on May 26, 2015 the Planning Director presented LUDC revisions for consideration including the CUP provisions as directed by Town Council, at which time the PC approved the following recommendation for TC's consideration:

*APPROVE the followings additions to the Land Use Development Code:*

*Addition: LUDC Article 12, Definitions:*

*Cargo Shipping Container: A Cargo Shipping Container is defined as a large, usually rectangular-shaped, steel constructed unit that is built and used to carry goods for transport by sea, road, rail or air.*

*Addition: LUDC section 4.3.3.A.3.*

a. *All Accessory Structures shall be consistent in design and appearance as the principal structure on the property, including color, materials, roofing, orientation, ect…*
b. *All Accessory Structures require a Building Permit prior to construction or placement.*

*Addition: LUDC section 4.4.2.G. (Temporary Uses and Structures Allowed). Cargo shipping containers may be allowed for temporary use and placement in all districts, with an approved temporary use permit, issued pursuant to section 2.4.10. A temporary use permit shall be valid for a maximum of 180 days, with a maximum of 360 days consecutive use allowed. The applicant must demonstrate the need for such temporary use in their application.*

*Addition: LUDC section 4.3.4.D.5. (Outdoor Storage).*

**a.** *Cargo Shipping Containers shall be prohibited for permanent placement and use in Open Space districts.*
**b.** *Cargo shipping containers shall be permitted within the Light Industrial district and in compliance with sections 4.4 and 4.5.*
**a.** *Cargo shipping containers may be allowed in the Commercial District, Mixed Use Corridor District and Mixed Use Town Center district with and approved conditional use permit pursuant to section 2.4.4., limiting the maximum size to no more than 320 square feet, unless located within the within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, where the size shall be limited to no more than 160 square feet.*
**b.** *Cargo shipping containers shall be allowed in the Public/Quasi Public District, Limiting to no more than 160 square feet in size.*
**c.** *Cargo shipping containers shall be allowed in residential districts, however, limited to no more than 80 square feet in size and compliant with section 4.3.3.A.3.*
**d.** *Cargo shipping containers in place in any zoning district at the time of this code amendment, are considered non-conforming and shall comply with Article 9, unless the container was placed in violation of the code adopted at the time of placement.*

**ANALYSIS**

During the many PC meetings, staff referred to the Comprehensive Plan, Downtown Master Plan and stated purposes within the LUDC for guidance in developing specific regulations for CSC's.

*The Comprehensive Plan (CP)*

- ≈ *Identifies and promotes healthy and attractive neighborhoods and need to protect character of neighborhoods by promoting quality developments, compatible with existing and proposed developments.*
- ≈ *CP Policy G-4(b) Infill and Redevelopment Designed to be Compatible: Ensure compatible infill & redevelopment by considering aspects such as scale and massing of buildings, setbacks, relationship of entrances to street and public spaces, landscaping, sidewalks, and other broad design issues that provide consistency & compatibility of new structures with older structures.*
- ≈ *Policy G-6(a) Development Contributes to Positive Image and Livability of Town Ensure new private development (residential +nonresidential) contributes to furthering development of Pagosa Springs as a sustainable and livable community and fosters the town's eclectic and unique architectural qualities. Characteristics may be different for specific parts of the community, and new development should not lead to standard "sameness" for all buildings or all parts of town.*

*<u>The Downtown Master Plan</u>*

- ≈ *Generally supports building design compatibility.*
  *FP7. Ensure new infill and redevelopment contains site and architectural elements that reflect the desired character of the community, by employing design Guidelines.*
  *Chapter 6: Design Guidelines:*
- ≈ *Supports architectural character of buildings relative to the existing context, and maintaining the character of an authentic rural mountain Town.*
- ≈ *New buildings, redevelopment and building renovations should respect the small town character of Pagosa Springs. In General, buildings should have a high degree of visual interest that derives from the use of a traditional building material palette.*
- ≈ *A new building should be compatible with the traditional architectural features exhibited by existing buildings in town, reinforcing traditional building patterns.*

*<u>Land Use Development Code, Article 6: Development and Design Standards: 6.1.1. PURPOSE</u>*
*This Section includes standards that must be followed when developing property or establishing new uses of property within the boundaries of Pagosa Springs, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. The development and design standards in this chapter shall apply to the physical layout and design of all development, unless exempted by this Land Use Code. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.*

<u>LUDC 6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS: 6.7.1 PURPOSE</u>
This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.

<u>6.8.1 PURPOSE</u>
Purpose of these standards is to ensure that multi-family and townhome developments exhibit creativity and variety in design features to avoid the creation of bleak, monotonous streetscapes and neighborhoods.

**<u>FUTURE ENFORCEMENT</u>**

There are a few ways staff can enforce previously placed cargo shipping containers. All placements were most likely required to have some sort of Building Permit approval (either as a temporary Structure or a permanent structure) or a Land Use Development Permit (CUP or TUP). In addition, since 2009, metal siding was not allowed in the Mixed Use Corridor, Mixed Use Town Center and the Commercial districts.

Staff proposes, as time allows, to identify all CSC's, and to notify the property owners of any violation that may exist, and possibly issuing them a temporary use permit for up to 1 year, in essence giving them one year to comply with the Town's requirements, by either submitting a building permit application or land use development permit.

## FISCAL IMPACT

There will be some expenses associated with the review of proposed LUDC revisions by the Town's attorney.

## RECOMMENDATION

Staff recommends the TC consider the PC's recommendation and the first reading of Ordinance 829.

1) APPROVE the First Reading of Ordinance 829, An Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code, Establishing Regulations Regarding the Use and Placement of Cargo Shipping Containers.

2) APPROVE the First Reading of Ordinance 829, An Ordinance of the Town of Pagosa Springs Amending the Land Use Development Code, Establishing Regulations Regarding the Use and Placement of Cargo Shipping Containers, with the following revisions……..

3) Deny approving the First Reading of Ordinance 829.

# TOWN OF PAGOSA SPRINGS, COLORADO

## ORDINANCE NO. 829
## (SERIES 2015)

## AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS AMENDING THE LAND USE DEVELOPMENT CODE FOR ESTABLISHING REGULATIONS REGARDING THE USE AND PLACEMENT OF CARGO SHIPPING CONTAINERS

**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**, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

**WHEREAS,** pursuant to Article XX, Section 6 of the Colorado Constitution and Section 11.2 of the Charter the Town has the power to adopt and amend land use and development ordinances; and

**WHEREAS**, the Town Council has, by Ordinance, adopted the Pagosa Springs Land Use and Development Code, including Article 4 regarding "Use Regulations"; and

**WHEREAS**, the Town Council hereby determines that for the protection of the health, safety and welfare of the Town, it is in the best interest of the residents and visitors of the Town to amend the Land Use Development Code regarding the allowable use and placement of Cargo Shipping Containers.

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

Section 1. Amend the Land Use and Development Code to include the following additions:

LUDC Article 12, Definitions:
Addition of Definition of Cargo Shipping Container: A Cargo Shipping Container is defined as a large, usually rectangular-shaped, steel constructed unit that is built and used to carry goods for transport by sea, road, rail or air.

Addition of LUDC section 4.3.3.A.3.

a. All Accessory Structures shall be consistent in design and appearance as the principal structure on the property, including color, materials, roofing, orientation, etc.
b. All Accessory Structures require a Building Permit prior to construction or placement.

Addition of LUDC section 4.4.2.G.

Cargo shipping containers may be allowed for temporary use and placement in all districts, with an approved temporary use permit, issued pursuant to section 2.4.10. A temporary use permit shall be valid for a maximum of 180 days, with a maximum of 360 days consecutive use allowed. The applicant must demonstrate the need for such temporary use in their application.

Addition of LUDC section 4.3.4.D.5.

a. Cargo Shipping Containers shall be prohibited for permanent placement and use in Open Space districts.
b. Cargo shipping containers shall be permitted within the Light Industrial district and in compliance with sections 4.4 and 4.5.
c. Cargo shipping containers may be allowed in the Commercial District, Mixed Use Corridor District and Mixed Use Town Center district with and approved conditional use permit pursuant to section 2.4.4., limiting the maximum size to no more than 320 square feet, unless located within the within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, where the size shall be limited to no more than 160 square feet.
d. Cargo shipping containers shall be allowed in the Public/Quasi Public District, Limiting to no more than 160 square feet in size.
e. Cargo shipping containers shall be allowed in residential districts, however, limited to no more than 80 square feet in size and compliant with section 4.3.3.A.3.
f. Cargo shipping containers in place in any zoning district at the time of this code amendment, are considered non-conforming and shall comply with Article 9, unless the container was placed in violation of the LUDC or building code adopted at the time of placement.

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 3. 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 4. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

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 MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2015.

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 MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2015.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

_____
April Hessman, Town Clerk

## CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 829 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ___ day of _____, 2015, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically Section 1.3.3 which provides for a fine not exceeding $1,000 or incarceration for not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____ ___, 2015, 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 _____, 2015.

_____
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. 829 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the __ day of _____, 2015, 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 _____ __, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

_____
April Hessman, Town Clerk

(S E A L)

# AGENDA DOCUMENTATION
# OLD BUSINESS: V.1

PAGOSA SPRINGS TOWN COUNCIL
JUNE 02, 2015

**FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR**

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**PROJECT: SECOND READING OF ORDINANCE NO. 827, AN ORDINANCE OF THE TOWN OF PAGOSA SPRIGS VACATING A PORTION OF THE RIVERS EDGE TOWNHOUSES PLANNED UNIT DEVELOPMENT SUBDIVISION.**
**(PUBLIC HEARING - QUASI-JUDICIAL MATTER)**
**ACTION: DISCUSSION AND POSSIBLE ACTION**

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## PURPOSE/BACKGROUND

*On May 21, 2015, the Town Council Approved the First Reading of ordinance 827,* An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision."

On May 12, 20154, the Planning Commission considered this item and approved the following recommendation: *"Approve a Recommendation for Town Council to APPROVE the Vacation of the Un-Developed portion of the Rivers Edge Townhouses Planned Unit Development, and to amend the PUD Plat".*

The Town received an application requesting a Plat Amendment for the River's Edge Townhouses Planned Unit Development (PUD), located at 250 & 268 San Juan Street. The original PUD included two - 4 unit townhome buildings, however, only one 4 unit building was constructed with no plans to complete the 2nd building. The undeveloped portion of the PUD is the western portion of the PUD subdivision property.

The applicant, Ken Schuman of Frescan 9, LLC., is a joint owner with NM Airport Hospitality, LLC., of the un-developed 4 townhome unit sites. NM Airport Hospitality has provided a notarized statement of authority giving Ken Schuman the Authority to execute the subject application with the Town. The two owners are coordinating the acceptance of the associated common property through an "Amended Association Declaration" which will give the Rivers Edge Townhome Association, Inc., the subdivisions property owners association, the authority to transfer the common property elements to Frescan 9, LLC and NM Airport Hospitality, LLC., by way of a "Bargain and Sale Deed". The "Amended Association Declaration" requires notarized approval from all unit owners, certifying their approval of the property transaction.

The applicant intents to subdivide off the undeveloped western portion of the previously platted PUD, and to consolidate the undeveloped townhome foot prints and associated common property into one vacant lot.

The subject property and neighborhood is zoned R-18, High Density Residential, and there is NO proposal to change the zoning.

The Town originally approved the development under a Planned Unit Development process, required under the LUDC adopted at the time. Since the original approval, the newest version of the Town's LUDC, does not outline a PUD process, however, the previous LUDC required that to vacate all or a portion of a previously approved PUD, Town Council must vacate through two readings of an ordinance. The original plat # 815 was recorded on November 13, 2006 under reception No. 20610988. Since the original Subdivision was platted as a Planned Development, vacating all or a portion of the previously approved PUD, requires Vacation via an Ordinance.

## ANALYSIS

The original PUD plat included two- 4 unit townhome buildings, however, only one building was completed and the second building will not be built. All private and public improvements associated with the completed 4 unit building have been completed and accepted by the Town. All public and private improvements associated with phase one have been completed and accepted by the Town when phase one was completed.

The 8 foot wide easement for a future 5 foot wide pedestrian walkway along the river bank, that was established as part of the original PUD plat approval, will remain intact on both the developed and the undeveloped parcel of land, for future public improvements and use, and will be noted on the PUD vacation and plat amendment as an existing easement.

Staff has not identified any concerning issues with this request to Vacate the western portion of the Rivers Edge Townhouses PUD or with amending the Rivers Edge Townhouses PUD plat, reflecting the partial PUD vacation. This vacation process is basically a formality, required prior to any amendments to the Plat for lot subdivision and consolidation.

**ATTACHMENTS:**

1) Original platted PUD lot layout from recorded on Plat #815.
2) Preliminary proposed new plat, which once finalized, will serve as Exhibit A for Ordinance 827.
3) Ordinance 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision.
4) Public comment received from neighbors Francine and Mike Morris

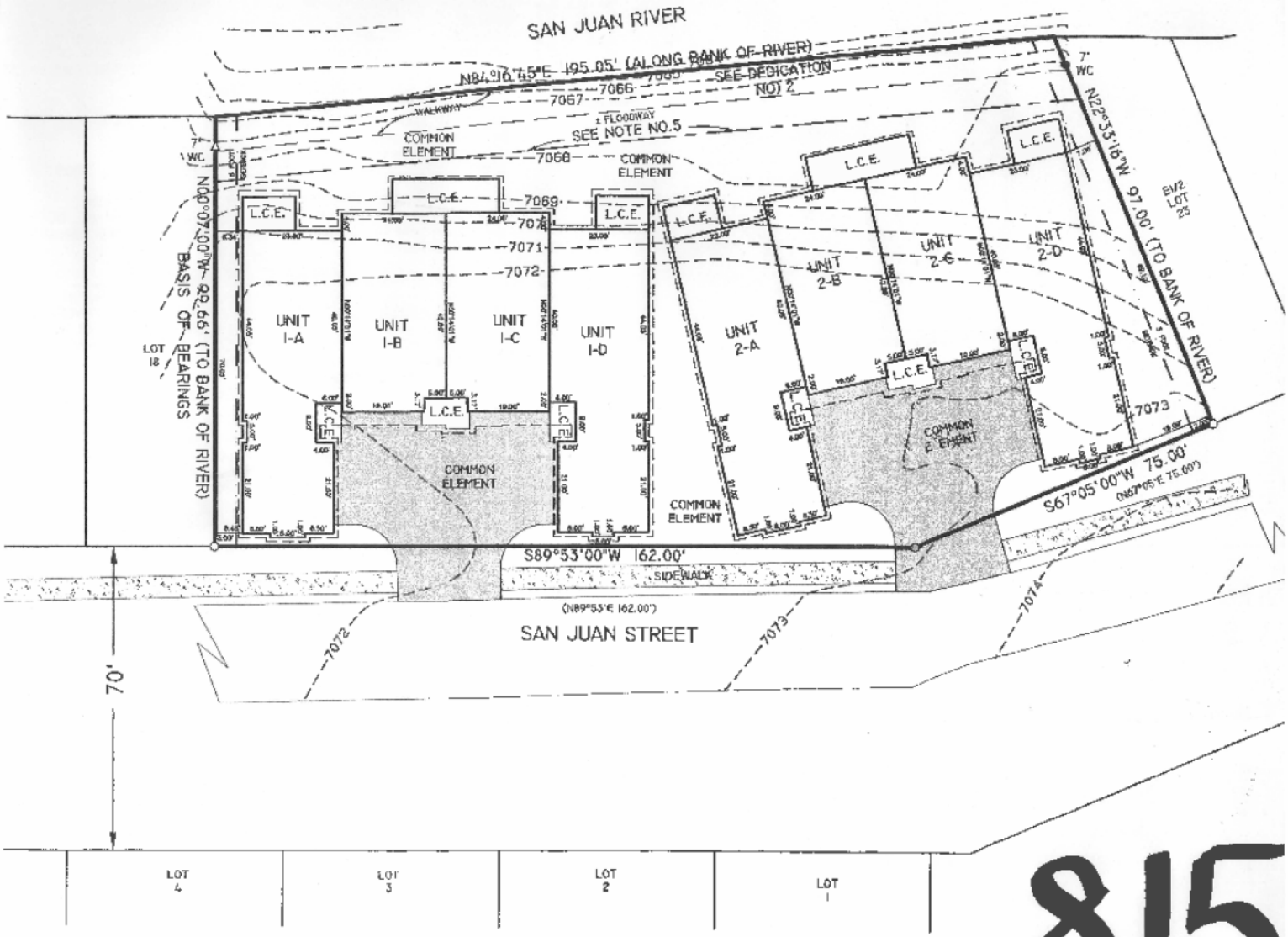
**FISCAL IMPACTS**

- ≈ The applicant is required to reimburse the Town for all expenses associated with processing the application, including costs of public notification, recordation of Ordinance and Plat Amendment.
- ≈ Consolidating the 4 townhome Lots into one lot, will reduce future property tax collections.

**RECOMMENDATION**

It is the Planning Director's and the Planning Commission's recommendation that the Town Council consider the applicants request and the information provided at the public hearing and further recommend the Town Council Approve Alternative Action #1 below. Following are 3 alternative actions for Town Council's consideration.

1) **"APPROVE the Second Reading of Ordinance No. 827, An Ordinance of the Town of Pagosa Springs vacating a Portion of the Rivers Edge Townhouses Planned Unit Development Subdivision."**




815

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three

# TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01

## VACATING A PORTION OF THE RIVER'S EDGE TOWNHOUSES - A PLANNED UNIT DEVELOPMENT LOCATED WITHIN LOT 20X OF BLOCK 29 AND SUBDIVIDING LOT 20X INTO TWO NEW LOTS BY CREATING LOT 20Z WHICH CONSISTS OF COMMON ELEMENT AND UNITS I-A, I-B I-C AND I-D AND ALSO CREATING LOT 21Z WHICH CONSISTS OF ONLY OF COMMON ELEMENT

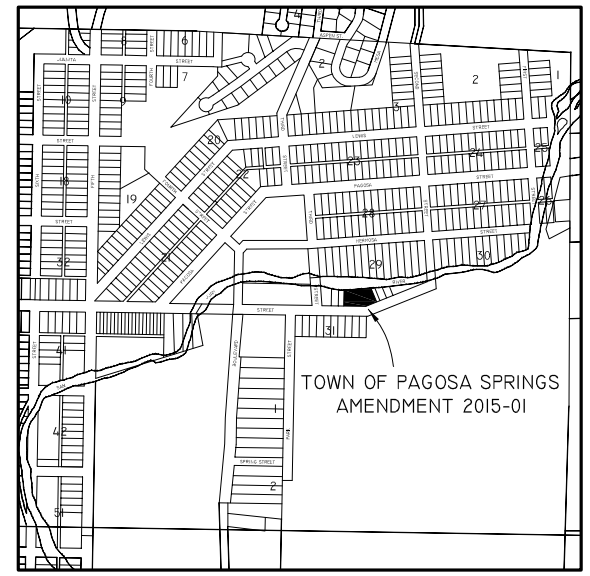
## TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO

LEGEND:

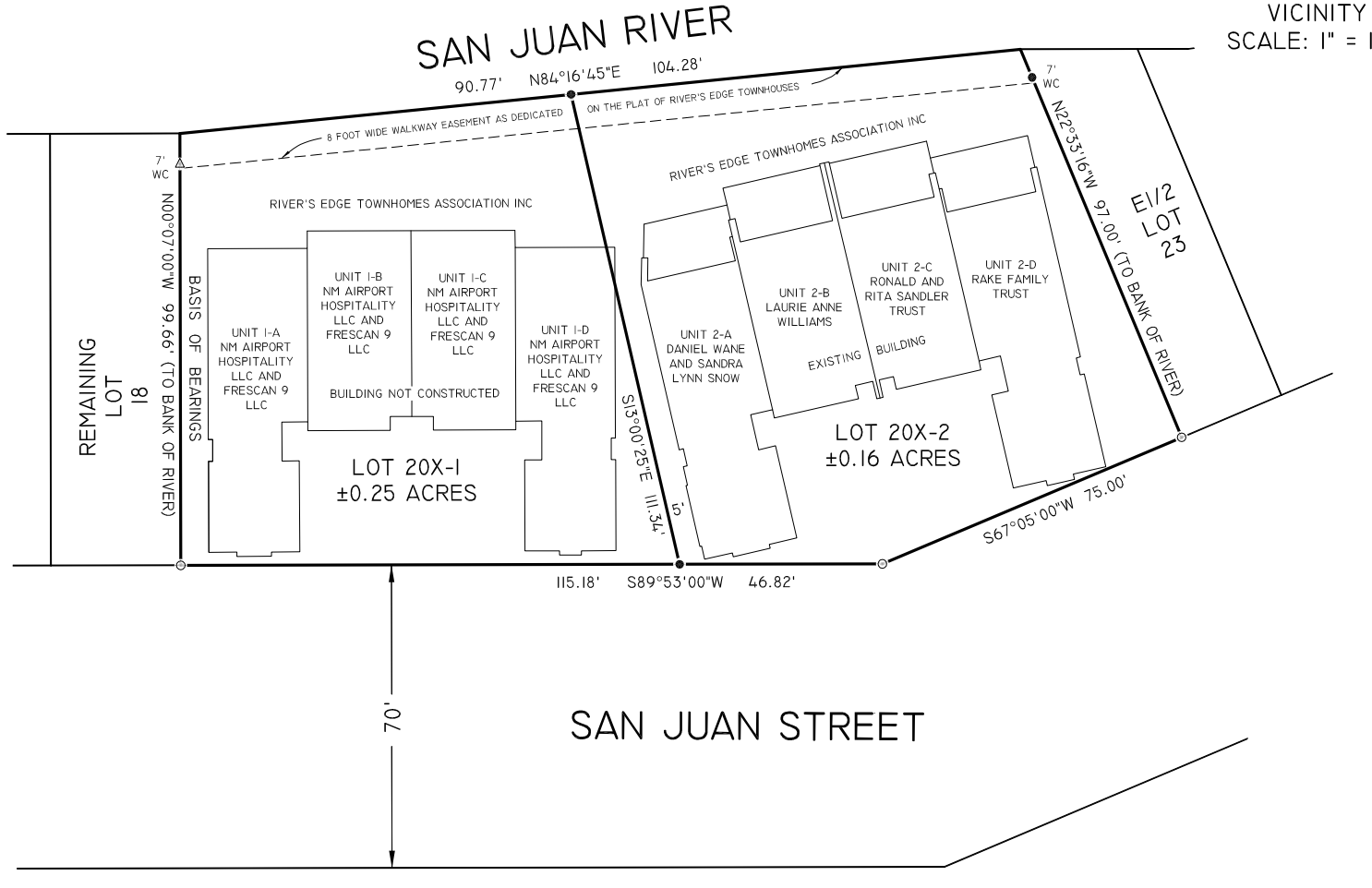
- ▲ FOUND 1 1/2" IRON POST WITH 2" ALUMINUM CAP PLS 20691
- △ FOUND 3 1/4" ALUMINUM CAP FLUSH WITH CONCRETE OR ASPHALT CDOT
- ○ FOUND 1/2" REBAR WITH 1 1/2" ALUMINUM CAP PLS 23894
- ● FOUND OR SET 1/2" REBAR WITH 1" PLASTIC CAP PLS 26973
- ■ SET 1" BRASS DISK IN CONCRETE
- □ FOUND 2 1/2" IRON POST WITH CAP MISSING

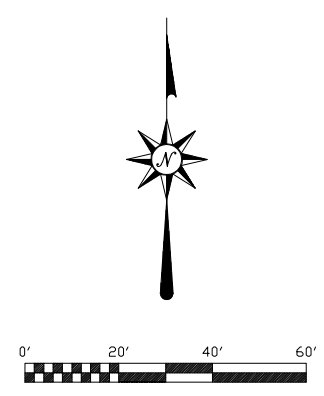
NOTES:

1) ALL BEARINGS ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF LOT 20X-1, MONUMENTED AS SHOWN HEREON, BEARS BEARS N00°07'00"W - S00°07'00"E.
2) OTHER THAN SHOWN HEREON IF ANY, THE CLIENT DID NOT WISH TO HAVE EASEMENTS AND/OR RIGHTS OF WAY RESEARCHED BY DAVIS ENGINEERING SERVICE, INC.
3) CONSOLIDATION PLAT CREATING LOT 20X OF BLOCK 29 WAS RECORDED UNDER RECEPTION NO. 20610990 AS PLAT NO. 817. THE PUD PLAT CREATING RIVER'S EDGE TOWNHOUSES WAS RECORDED UNDER RECEPTION NO. 20610988 AS PLAT NO. 815.
4) THE VACATION OF THE PLANNED UNIT DEVELOPMENT PORTION OF THE RIVER'S EDGE TOWNHOUSES AND THE CONSOLIDATION OF LANDS WITHIN LOT 20Z OF THIS REPLAT WERE APPROVED BY TOWN ORDINANCE NO. 827.
5) UNIT 2-A, 2-B, 2-C, 2-D, THE LIMITED COMMON ELEMENT AND THE COMMON ELEMENT WITHIN NEWLY CREATED LOT 21Z IS STILL TO BE KNOW AS THE RIVER'S EDGE TOWNHOUSES.




VICINITY MAP
SCALE: 1" = 1/8 MILE




TOWN COUNCIL CERTIFICATE:

THIS PLAT AND THE STATEMENTS HEREON ARE CONDITIONALLY APPROVED, PENDING COMPLETION OF SPECIFIED IMPROVEMENTS,

THIS _____ DAY OF _____, 2015.

BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO. THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS, OR ANY OTHER SERVICE FACILITY AND DOES NOT CONSTITUTE ACCEPTANCE OF ROADS, UTILITIES, OR SERVICES BY THE TOWN FOR MAINTENANCE OR OPERATION.

BY MAYOR: _____

ATTEST BY TOWN CLERK: _____

APPROVAL TO RECORD CERTIFICATE:

HAVING ASCERTAINED THAT THE CONDITIONS OF APPROVAL HAVE BEEN SATISFACTORILY COMPLETED ON

THIS _____ DAY OF _____, 2015.

THE TOWN COUNCIL APPROVES THIS PLAT FOR RECORDING BY THE ARCHULETA COUNTY CLERK AND RECORDER.

BY MAYOR: _____

ATTEST BY TOWN CLERK: _____

CLERK AND RECORDERS CERTIFICATE:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE

AT _____ O'CLOCK, THIS _____ DAY OF _____, 2015.

RECEPTION NUMBER: _____

PLAT FILE NUMBER: _____

DEDICATIONS:

KNOW ALL PERSONS BY THESE PRESENTS:
THAT FRESCAN 9 LLC, A NEW MEXICO LIMITED LIABILITY COMPANY AND RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. BOTH OF 9833 BASS LAKE ROAD, SANDSTONE, MN 55072 AND NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY OF 11750 HOLLY AVENUE NE, ALBUQUERQUE, NM 87122 BEING OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT:

RIVER'S EDGE TOWNHOMES UNITS I-A, I-B, I-C, I-D ALONG WITH THEIR ADJOINING LIMITED COMMON ELEMENT AND THE ENTIRE COMMON AREA. LESS AND EXCEPT AND NOT INCLUDING UNITS 2-A, 2-B, 2-C, 2-D AND THEIR ADJOINING LIMITED COMMON ELEMENT OF THE RIVER'S EDGE TOWNHOUSES AS SHOWN ON THE PLAT OF RIVER'S EDGE TOWNHOUSES WHICH IS RECORDED UNDER RECEPTION NO. 20610988. ALSO LOCATED WITHIN LOT 20X OF BLOCK 29, ACCORDING TO THE CONSOLIDATION PLAT RECORDED UNDER RECEPTION NO. 20610990. TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.

CONTAINING 0.41 ACRES MORE/LESS.

AND HAS CAUSE THE SAME TO BE AMENDED AND DESIGNATED AS TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01 AND HAS CAUSED THIS PLAT TO BE MADE, FILED:

CERTIFICATE OF OWNER:

I CERTIFY THAT I AM AUTHORIZED AS PRESIDENT OF THE RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. (THE ASSOCIATION) TO EXECUTE THIS PLAT AS AN AMENDMENT TO THE RIVER'S EDGE TOWNHOUSES RECORDED A RECEPTION NO.20610988 PURSUANT TO AUTHORITY OF THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION FOR RIVER'S EDGE TOWNHOMES RECORDED AS RECEPTION NO. _ _____ AND AS RESOLVED AND APPROVED BY THE ASSOCIATION AND THE REQUISITE CONSENT OF THE MEMBERS AS SET FORTH THEREIN.

THIS _____ DAY OF _____, 2015.

_____
KENNETH L. SCHUMANN, PRESIDENT
RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. A COLORADO NONPROFIT CORPORATION

CERTIFICATE OF OWNER:

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT AMENDMENT, THE DECLARANTS HEREBY WAIVES ANY AND ALL CLAIMS OF DAMAGE AGAINST THE TOWN OF PAGOSA SPRINGS OCCASIONED BY THE ALTERATION OF LAND SURFACES TO CONFORM TO THIS PLAT AMENDMENT, IN WITNESS THEREOF, THIS INSTRUMENT IS EXECUTED.

THIS _____ DAY OF _____, 2015.

_____
KENNETH L. SCHUMANN, MEMBER
OF FRESCAN 9, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY _____OF_____ 2014 BY KENNETH L. SCHUMANN AS PRESIDENT OF THE RIVER'S EDGE TOWNHOMES ASSOCIATION, INC. A COLORADO NONPROFIT CORPORATION AND AS A MEMBER OF FRESCAN 9, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

CERTIFICATE OF OWNER:

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT AMENDMENT, THE DECLARANTS HEREBY WAIVES ANY AND ALL CLAIMS OF DAMAGE AGAINST THE TOWN OF PAGOSA SPRINGS OCCASIONED BY THE ALTERATION OF LAND SURFACES TO CONFORM TO THIS PLAT AMENDMENT, IN WITNESS THEREOF, THIS INSTRUMENT IS EXECUTED.

THIS _____ DAY OF _____, 2015.

_____
KARIM KASSAM, MANAGER
NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY _____OF_____ 2014 BY KARIM KASSAM AS MANAGER OF THE
NM AIRPORT HOSPITALITY, LLC A NEW MEXICO LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

SURVEYOR'S CERTIFICATE:

I, DEAN P. SCHULTZ, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01 WAS PREPARED BY ME OR UNDER MY DIRECTION, AND IT IS NOT A MONUMENTED LAND SURVEY PLAT/MAP, AND WAS PREPARED TO MEET LAND USE CODE 21.7.15 OF THE TOWN OF PAGOSA SPRINGS.

COUNTY SURVEYOR'S CERTIFICATE:

THIS PLAT HAS BEEN REVIEWED AND APPROVED FOR STATUTORY COMPLIANCE, LEGIBILITY, FORM AND CONTENT ONLY AND MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF COLORADO. THIS CERTIFICATE DOES NOT REPRESENT A THOROUGH REVIEW OF CALCULATIONS, METHODOLOGY, OR THE CORRECTNESS OF THE BOUNDARIES DEPICTED HEREON.

_____
ARCHULETA COUNTY SURVEYOR (OR DEPUTY) DATE

PLANNING COMMISSION CERTIFICATE:

THIS ANNEXATION PLAT AND THE STATEMENTS HEREON ARE RECOMMENDED FOR APPROVAL BY THE TOWN COUNCIL.

THIS _____ DAY OF _____, 2015.

BY THE PLANNING COMMISSION OF THE TOWN OF PAGOSA SPRINGS, COLORADO. THIS RECOMMENDATION OF APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS OR ANY OTHER SERVICE FACILITIES.

BY CHAIRPERSON: _____

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

| REVISIONS | TOWN OF PAGOSA SPRINGS AMENDMENT 2015-01<br>VACATING A PORTION OF THE RIVER'S EDGE TOWNHOUSES - A PLANNED UNIT DEVELOPMENT LOCATED WITHIN LOT 20X OF BLOCK 29 AND SUBDIVIDING LOT 20X INTO TWO NEW LOTS BY CREATING LOT 20Z WHICH CONSISTS OF COMMON ELEMENT AND UNITS I-A, I-B I-C AND I-D AND ALSO CREATING LOT 21Z WHICH CONSISTS OF ONLY OF COMMON ELEMENT<br>TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO | | |
|---|---|---|---|
| 10/04/06 | SCALE 1" = 20' | DAVIS ENGINEERING SERVICE, INC.<br>P.O. BOX 1208<br>PAGOSA SPRINGS, COLORADO 81147<br>PHONE: (970) 264-5055<br>FAX: (970) 264-9210 | SURVEYED BY DPS |
| | DATE 02/04/15 | | DRAFTED BY DPS |
| CLIENT | | | FILED P06626 |

# TOWN OF PAGOSA SPRINGS, COLORADO

## Ordinance No. 827
## (Series 2015)

## AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS VACATING A PORTION OF THE RIVERS EDGE TOWNHOUSES PLANNED UNIT DEVELOPMENT SUBDIVISION

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, pursuant to Section 11.2 A) of the Town's Home Rule Charter the Town Council may adopt land use and development ordinances, including but not limited to, zoning and subdivision ordinances; and

WHEREAS, pursuant to the Pagosa Springs Land Use and Development Code, the Town Council is authorized to vacate an existing subdivision by ordinance adopted upon proper application and public hearing before the Town Council; and

WHEREAS, an application has been received for the partial vacation of the Rivers Edge Townhouses Planned Unit Development subdivision located within the corporate limits of the Town, as recorded on Plat #815, with Reception No. 20610988 in the records of the Clerk and Recorder of Archuleta County, and following a public hearing of the Town Council convened on May 21, 2015, upon notice as required by Section 2.3.6 of the Land Use and Development Code, the Town Council has determined that the conditions for approval of subdivision vacation have been met; 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 May 7, 2015.
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 May 1, 2015.
c. On May 1, 2015, Public Notice was physically posted on the property at 250 San Juan Street.
d. Although not required by the LUDC, public notice was also posted at Town Hall On May 1, 2015; and

WHEREAS, the Town Council deems it necessary and in the best interest of the health, safety and welfare of the public it serves to formally and expressly vacate within the corporate limits of the Town, a portion of the subdivision plat for the Rivers Edge Townhouses Planned Unit Development subdivision, as represented on Exhibit A, herein attached;

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

Section 1. **Partial Vacation of Planned Unit Development Subdivision Plat.** Town Council hereby vacates the western undeveloped portion of the Rivers Edge Townhouses Planned Unit Development subdivision, as represented on Exhibit A, herein attached, within the corporate limits of the Town, originally recorded on Plat No. 815, with Reception No. 20610988 in the records of the Clerk and Recorder of Archuleta County.

**Section 2. Public Inspection.** The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Town Clerk.

**Section 3. 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 4. **Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading, and upon the recordation of an amended Rivers Edge Townhouses plat, indicating the approved partial vacation of the planned unit development contemplated in this ordinance.

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 MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 21st DAY OF MAY, 2015.

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 MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF JUNE, 2015.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

_____
April Hessman, Town Clerk

## CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 827 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 21st day of May, 2015, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code (P.S.M.C.), and specifically Section 1.3.3, which provides for a fine not exceeding $2,650 or incarnation not to exceed one year, or both, that violation of the ordinance constitutes a public nuisance that may be abated pursuant to Article 2, Chapter 11 of the P.S.M.C., that the Town may seek injunction, abatement, or restitution in case of violation, and any other remedies provided by law or equity, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015, 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 _____, 2015.

_____
April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 827 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the __ day of June, 2015, 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 _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

_____
April Hessman, Town Clerk

(S E A L)

**From: Mike and Francine Morris**
**286 & 274 San Juan St.**
**Pagosa Springs, CO**

**Regarding the Vacation of the un-developed portion of the previously approved Rivers Edge PUD.**

**We are requesting that the following letter be allowed as input from the adjoining property owners in the public hearing with Town Council on May 21, 2015.**

**We are opposed to the vacation request for the following reasons:**

**1) The PUD, as is, assures some continuity to a plan.**

**2) A PUD has the advantage that the community takes care of common area maintenance. This usually enhances the appearance and maintains property values.**

**3) The PUD provides the best guarantee for future development to meet the high standards established by the four-plex that has already been built.**

**Thank you for your consideration.**

**Mike and Francine Morris**
**286 & 274 San Juan St.**
**Pagosa Springs, CO**

**Sent from my iPad**

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, JUNE 2, 2015
# Town Hall Council Chambers
# 551 Hot Springs Blvd
# 5:00 P.M.

**I. CALL MEETING TO ORDER**

**II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**III. PUBLIC COMMENT –** *Please sign in to make public comment*

**IV. CONSENT AGENDA**

1. **Approval of May 21, 2015 Meeting Minutes**

**V. REPORTS TO BOARD**

1. **PAWSD/Pipeline Update Report**

**VI. NEW BUSINESS**

**VII. NEXT BOARD MEETING JUNE 15, 2015 AT 5:00PM**

**VIII. ADJOURNMENT**

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

# PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT MEETING MINUTES
# THURSDAY, MAY 21, 2015
# Town Hall Council Chambers
# 551 Hot Springs Blvd
# 5:00 P.M.

**I. CALL MEETING TO ORDER** – Board President Volger, Board Member Alley, Board Member Bunning (5:10), Board Member Egan, Board Member Lattin, Board Member Patel, Board Member Schanzenbaker

**II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**III. PUBLIC COMMENT** – None

**IV. CONSENT AGENDA**

1. **Approval of May 5, 2015 Meeting Minutes**
2. **Approval of April Financial Statement and Accompanying Payments** – Board Member Alley moved to approve the consent agenda, Board Member Lattin seconded, unanimously approved.

**V. REPORTS TO BOARD**

1. **2014 Annual Audit Report – Michael Branch, CPA** – Mr. Mike Branch, CPA, presented the financial report. He said the general fund reserves represent 11 months of operations. He suggests the Town use impact fees before capital funds for projects. In the General Fund, revenues were above budget and expenditures were under budget. The sanitation fund had a large revenue over the expenditures budgeted. After the pipeline is finished, the district will have $1 million in reserves. The geothermal fund is upside down $30K and it looks like the general fund will have to subsidize geothermal operations. Sales tax represents the majority of the revenues for the town.
2. **Sanitation District Report** – The $363K Small Communities Grant was executed May 16, 2015, this grant will be applied to the pipeline project leaving a substantial amount in the reserves for other projects. Cleaning, televising and some lining of the collection system started this week and staff has identified approximately 4,000 feet of work to be completed this year. The average daily effluent flow rate for April was .225 million gallons per day with the typical violation for ammonia. With the recent wet weather, flows are back up slightly.
3. **PAWSD/Pipeline Update Report** - Pipeline excavation has begun on the section from pump station #1 uphill onto school district property. Blasting areas along Trujillo Rd is expected to begin in June. Representatives from the biological consultants at Ecosphere have visited the sight and approved work in sensitive areas near wetlands and Pagosa Skyrocket locations. As soon as a workable solution between the county, PAWSD, and the PSSGID is reached, work on Trujillo Road will commence going southerly around the curve and to the bottom of the hill past the transfer station. The roofs are nearly complete on both pump buildings now and more mechanical and

electrical work continues. Hammerlund will be hiring a new Project Manager specifically for this project to see it through to completion. We are still on track to meet the contract completion date in October this year.

**VI. NEW BUSINESS**

a. **Dormant Sewer Accounts** - Staff has been requested to research what options are available for customers whose properties are no longer occupied and are perceived to have no impact on the District's collection or treatment system. Staff checked with PAWSD to find out what their fees were when an account goes dormant. PAWSD does not have a classification for this type of service, however any account that uses no water or produces no sewer is charged $23.50 per month for water which includes 2,000 gallon of water in that tier, and in addition they pay $32.00 per month for sewer service. Most research done on this item showed dormancy was not an option without complete disconnection (excavation and plugging of the line). Some items for the board to consider include how often this might be allowed each year, how to handle cracked pipes and ground water coming into the system, property owner agreements and what options the board might consider. Board Member Bunning said he believes a list of shut offs from the District and then a request to PAWSD for confirmation of water usage should be easily accessible. Board Member Lattin said there should be quarterly checks and allow it only once per year and a fee to request this status. Board Member Schanzenbaker said to stay away from seasonal shut offs, but make it available only as a permanent shut off, and ask the customer to request to remain dormant, also a small monthly fee would be appropriate. Board Member Schanzenbaker moved to direct staff to work with the Town Attorney to propose revisions to the PSSGID Rules and Regulations that would allow the permitting of dormant sewer accounts and to explore and recommend an appropriate pricing structure for dormant accounts, Board Member Egan seconded, unanimously approved.

**VII. NEXT BOARD MEETING JUNE 2, 2015 AT 5:00PM**

**VIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 5:48pm.

# AGENDA DOCUMENTATION

# REPORTS TO BOARD: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
JUNE 2, 2015

**FROM: GENE TAUTGES, SANITATION SUPERVISOR**

**PROJECT: PAWSD/PIPELINE UPDATE REPORT**
**ACTION: DISCUSSION**

**ADMINISTRATIVE**

Certified payrolls are up to date. Staff is in the process of working with Ecosphere Environmental to revise the services contract for the pipeline project. Due to unanticipated work done last summer and extended work yet this year, an additional expenditure not to exceed $2,000 will be required for Pagosa skyrocket and wetlands monitoring. The GID will only be invoiced for actual hours spent on the project. In addition, the services agreement currently only covers segment A of the pipeline so it needs to reflect that both segments should be invoiced to the PSSGID since all costs are now being covered by the district.

There is a construction meeting scheduled for Thursday 5/28/15 where an update will be given on the project. The contractor has brought in pipe laying crews and also continues structural, mechanical and electrical work on both pump stations.

Pay application #13 for both segments of the project was approved and processed on 5/22/15 in the amount of $326,457.40

Staff is still analyzing the data PAWSD provided to try and predict when any facility upgrades that may be needed in the future are required. This subject is mentioned in the newly revised IGA and it would be prudent to make sure the District has a figure to put into a long range capital plan which is a part of the Sewer Revolving Fund 2016 Eligibility survey. (See below)

## 2016 Annual Wastewater Eligibility Survey

**Survey Instructions**

1) *This survey is to be used to identify public sanitation system capital improvements necessary for purposes of protecting public and environmental health, and for adherence with the Clean Water Act. Improvements and associated costs anticipated within the next 20 years should be identified. Eligible construction activities include new infrastructure and expansion, rehabilitation, or upgrades of existing infrastructure.*

**The deadline for submission of the survey to be put on the list for grants and low interest loans is June 30th and staff will make sure to meet that deadline.**

Respectfully submitted,

Gene Tautges

Sanitation Supervisor