



551 Hot Springs Boulevard
Post Office Box 1859
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**TOWN COUNCIL SPECIAL MEETING AGENDA
THURSDAY, OCTOBER 23, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. APPROVAL of MEETING MINUTES FROM OCTOBER 7 & 14, 2014**
- IV. PUBLIC COMMENT – *Please sign in to make public comment***
- V. PROCLAMATION –**
 - 1. San Juan Basin Health - “Substance Abuse Awareness Month”**
 - 2. ACVAP – “Domestic Violence Awareness Month”**
- VI. LIQUOR LICENSE**
 - 1. Liquor License Renewal – Mark D Stauth dba Bear Creek Saloon at 475 Lewis St**
- VII. NEW BUSINESS**
 - 1. Geothermal Greenhouse Partnership Update and Grant Application**
 - 2. 2015 Fireworks**
 - 3. Fiber Optics Lease Agreement with USA Communications**
 - 4. South 5th Street ROW dedication from School District**
- VIII. OLD BUSINESS**
 - 1. Ordinance 814, Second Reading, Vacating 6th/7th Alley ROW in Block 50**
 - 2. Ordinance 817, Second Reading, Accepting Real Property from the Upper San Juan Library District**
 - 3. Sales Tax Brief**
- IX. DEPARTMENT HEAD REPORTS**
 - 1. Community Center Report**
 - 2. Parks and Recreation Report**
 - 3. Town Tourism Committee Report**
 - 4. Planning Department Report**
 - 5. Special Projects Manager Report**
 - 6. Town Manager Report**
- X. APPROVAL OF SEPTEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- XI. PUBLIC COMMENT – *Please sign in to make public comment***
- XII. COUNCIL IDEAS AND COMMENTS**
- XIII. NEXT TOWN COUNCIL MEETING NOVEMBER 4, 2014 AT 5:00PM**

XIV. ADJOURNMENT

**Don Volger
Mayor**



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**TOWN COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 7, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM SEPTEMBER 18 & 22, 2014** – Council Member Egan moved to approve the minutes, Council member Lattin seconded, unanimously approved.
- IV. **PUBLIC COMMENT** – None
- V. **LIQUOR LICENSE**
 1. **Liquor License Renewal – Tejas Brew Pub LLC dba Wolfe Brewing Company 2045 Eagle Drive**
 2. **Liquor License Renewal – Mountain Spirit Inc at 135 Country Center Suite B-1** – Council Member Alley moved to approve the liquor license renewal for Tejas Brew Pub LLC dba Wolfe Brewing Company, Council Member Lattin seconded, unanimously approved.
 3. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Festival of Trees December 5, 2014 at the Ross Aragon Community Center**
 4. **Special Events Liquor Permit – Pagosa Springs Community Facilities Coalition Indoor Tournaments November 15, 2014 at the Ross Aragon Community Center** – Council Member Lattin moved to approve the two special events liquor permit for Pagosa Springs Community Facilities Coalition for the Festival of Trees December 5th and Indoor Tournament November 15th, Council Member Egan seconded, unanimously approved.
- VI. **NEW BUSINESS**
 1. **Ordinance 817, Accepting Real Property from the Upper San Juan Library District - The Upper San Juan Library District developed a new parking lot in 2014 at the Ruby Sisson Memorial Library located at 819 San Juan Street. The library board agreed the new parking lot infrastructure would accommodate a future alley widening project along the San Juan Alley. The board agreed to dedicate a 10 foot strip of land along the southern portion of their 6 lots for a roadway with two 10 foot wide drive lanes, curb/gutter and one 6 foot wide sidewalk. There are expenses of approximately \$1,600 for platting of this property. Council Member Bunning moved to approve first reading of Ordinance 817, an Ordinance of the Town of Pagosa Springs accepting the quitclaim deed for the real property known as the south 10 feet of lots 1, 2, 3, 4, 5 and 6 of Block 38 within the Townsite of Pagosa Springs, Council Member Egan seconded, unanimously approved.**
 2. **Policy Renewal with Cigna for Health Insurance - The Town began coverage with Cigna in November 2010 after RHPI filed bankruptcy. When Cigna stepped in they backdated our claims to help to protect our employees. Each year we have received quotes from several other companies with standard medical inflation ranging from 9%-12% per year, however Cigna**

continues to come in lower than the other companies with the promise of rebates depending on claims experience. This year Cigna has offered the town a 0% increase in premiums. Council Member Lattin moved to approve renewing health insurance with Cigna at a 0% increase for November 1, 2014 to October 31, 2015, Council Member Alley seconded, unanimously approved.

VII. OLD BUSINESS

1. **Ordinance 816, Second Reading, Indemnifying Town Board Members and Employees -** During recent contract negotiations with the Town Manager it came to staffs attention that the town council after approval of the home rule charter in 2003 did not formally follow through with an Ordinance indemnifying Town board members and employees. Ordinance 816 completes that action associated with Section 12.10: Indemnification of Personnel of the Town Charter. The Town Attorney advises approval of Ordinance 816 in order to provide Boards, Commissions, Council Members and employee indemnification by the Town for actions arising out of the normal scope of their duties. Council Member Lattin moved to approve second reading Ordinance 816, indemnifying Town Board, Commissions, Council Members and employees, Council Member Egan seconded, unanimously approved.

- VIII. PUBLIC COMMENT** – Mr. Bill Hudson read the GGP business plan, the Town Council has not received the business plan. Mr. Hudson said the service organization would be allocated \$66,000 at 3.25% and if the town were to give the GGP an additional \$80,000 for the foundation of the greenhouses that would be more than the budget policy.

- IX. COUNCIL IDEAS AND COMMENTS** – Council Member Egan said the SWCOG and TPR meetings were very beneficial. He said the traffic mitigation and calming suggestions by the CDOT representative we very helpful. Council Member Schanzenbaker said the downtown needs a downtown grocery store and direct staff to create an incentive package specifically for a downtown grocery store. The council agrees this is a high priority and staff is working for a more specific package for downtown grocery stores. Council Member Patel suggests other downtown stores be given incentives for moving into downtown. Mr. Mark Weiler suggests the town agree to let the store keeps the town's portion of the sales tax. He said Northern Buffalo has a great incentive program.

- X. NEXT TOWN COUNCIL MEETING OCTOBER 23, 2014 AT 12:00PM**

- XI. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 5:31pm.

**Don Volger
Mayor**



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TOWN COUNCIL SPECIAL MEETING MINUTES TUESDAY, OCTOBER 14, 2014 Town Hall 8:00 A.M.

- I. CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Lattin, Council Member Schanzenbaker
- II. NEW BUSINESS**
 - 1. 5th Street Riverwalk Construction** - The Town approved a Developers Improvement Agreement (DIA) for the River Walk Condo's located at 502 S. 5th Street in 2005 and again in 2013 with new owners. As part of the DIA, an asphalt public riverwalk trail is to be constructed and deeded to the Town for public use. The trail segment the developer is responsible for is approximately 700 lineal feet of 10 foot wide asphalt trail. This trail segment is 205 lineal feet shy of Apache Street. Installing this 205 lineal feet, would provide clear evident public access to the new trail. The 205 lineal foot section of riverwalk would provide connectivity to the Apache Street sidewalk. This segment of trail would require a small easement from a private property owner, who has verbally offered to give the Town an easement for the trail. The engineers estimate for the trail construction is \$44,691. Eventually, as properties develop north of the Condo Development along the river, the trail will continue along the river, then head west to connect with 6th Street, along the southern boundary of the Riverwalk Townhomes located at 408 S. 6th Street. The developer has agreed to complete a gravel trail along the entire length from Apache Street to the 5th Street alley that will be ready for the application of concrete or asphalt at some time in the future, rather than asphaltting the 700 feet and the town finishing the 205 feet connection. Council Member Lattin moved to direct staff to amend the Development Improvement Agreement for the 5th Street Riverwalk Condo Development Project, removing the hard asphalt surface requirement, in exchange for the development to construct the entire 900 lineal feet of trail between Apache Street and the 5th Street ROW, with a compacted finished gravel surface that will accommodate a hard surface application at a later date, and direct staff to look into acquiring the easement necessary to complete the riverwalk trail between 5th Street to 6th Street along the river. Council Member Schanzenbaker seconded, unanimously approved.
 - 2. Town Health Benefit Structure** – (Council Member Egan arrived 8:35am, left at 9:40am) The Town Council has requested a review of the Town's benefits package. Health insurance is one of the benefits provided to town employees. Mr. Brian Hillier with Benefit Health Advisors represents the town as its insurance broker. Great West Health Cigna provides the employees with health insurance, this year Cigna has presented a no increase in premiums to the town. Mr. Hillier presented the Town Council with options to changing the structure of the insurance premiums. One option he suggested was adding a premium for the employee only category of \$45 per month. The national average for premiums in employee only category is \$85. He suggested modifying the family premium to 40% split for dependents. The town opt out benefit of \$322 per month was suggested to be decreased to a \$280 per month. Council Member

Bunning suggests \$40 for the employee, add vision and life, reduce employee opt out \$280. Council Member Bunning moved to change employee only premium structure such that the employee pays \$45 per month, change the family plan employee to pay 40% of the increase, reduce opt out payment from \$322 to \$280 per month, offer vision through VSP and implement life insurance for all employees with premium changes beginning January 1, 2015, Council Member Alley, unanimously approved.

III. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 9:55am.

**Don Volger
Mayor**

DRAFT



WHEREAS, substance use and mental health issues known together as behavioral health issues, affect millions of adolescents and adults in the United States; behavioral health problems, particularly depression, contribute to the burden of disease worldwide, and

WHEREAS, an estimated 24.6 million individuals aged 12 or older were current illicit drug users in 2013, including 2.2 million adolescents aged 12 to 17. In 2013, 60.1 million individuals aged 12 or older were past month binge drinkers, including 1.6 million adolescents, and

WHEREAS, the National Survey on Drug Use and Health assesses dependence on or abuse of alcohol or illicit drugs in the past year using assessment questions based on criteria specified and published by the American Psychiatric Association; individuals with alcohol or illicit drug dependence or abuse are defined as having a substance use disorder; In 2013, an estimated 21.6 million individuals aged 12 or older had a substance use disorder in the past year (8.2 percent of the population aged 12 or older), and an estimated 1.3 million adolescents aged 12 to 17 had a substance use disorder in 2013 (5.2 percent of adolescents), and

WHEREAS, The Substance Abuse and Mental Health Services Administration (SAMHSA) supports preventing behavioral health problems and finding the pathway to recovery for those with behavioral health conditions; SAMHSA's message is that *behavioral health is essential to overall health, prevention works, treatment is effective, and people can and do recover*; recovery support is one of SAMHSA's strategic initiatives to improve the nation's behavioral health, reduce the burden of substance use disorders and mental illness in the United States, and help those with behavioral health conditions reclaim their lives.

THEREFORE, *the Town of Pagosa Springs Town Council do hereby proclaim* that October, 2014 is Substance Abuse Awareness month in Pagosa Springs, Colorado to recognize the burdens of substance abuse and the hope prevention and treatment provide.

Approved and adopted in Pagosa Springs, Archuleta County, Colorado, this 23rd day of October, 2014.

SIGNED:

ATTEST:

Don Volger, Mayor
Town of Pagosa Springs, Colorado

April Hessman, CMC
Town Clerk



Proclamation

DOMESTIC VIOLENCE AWARENESS MONTH October 2014

WHEREAS, domestic violence causes needless physical and emotional pain and injury to many victims in the Town of Pagosa Springs; and

WHEREAS, domestic violence affects every person of the Town of Pagosa Springs in some form whether as a victim, a brother, a sister, a friend, a child, a neighbor, or a co-worker; and

WHEREAS, the act of domestic violence violates an individual's safety and humanity, sense of security, and dignity; and

WHEREAS, the month of October is devoted to increasing public education and awareness about the detrimental effects of domestic violence on victims and their children;

THEREFORE, we, Council Members for the Town of Pagosa Springs, do hereby proclaim the month of October 2014 as DOMESTIC VIOLENCE AWARENESS MONTH in Pagosa Springs, Colorado. We overwhelmingly support victims of domestic violence and believe as a community, we all can do our part in ending this epidemic. Today, we as a board stand united in this proclamation and agree to do our part to support those affected by this devastating crime.

SIGNED:

Don Volger, Mayor
Mayor

ATTEST:

April Hessman, CMC
Town Clerk



AGENDA DOCUMENTATION

LIQUOR LICENSE: VI

PAGOSA SPRINGS TOWN COUNCIL
OCTOBER 23, 2014

FROM: **BILL ROCKENSOCK, POLICE CHIEF**

PROJECT: LIQUOR LICENSE RENEWALS
ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

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

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

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

Bear Creek Saloon - Since January 1, 2014, there were no documented liquor violations at Bear Creek Saloon located at 475 Lewis Street.

ATTACHMENT(S):

None

RECOMMENDATION

It is the recommendation of the Police Chief that the Town Council,

Consider the above information when determining approval of liquor license renewals.



AGENDA DOCUMENTATION

NEW BUSINESS: VII.1

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: 2ND REVIEW OF THE GEOTHERMAL GREENHOUSE PARTNERSHIP (GGP) STATUS UPDATE AND REQUEST FOR SPONSORSHIP OF AN ENERGY IMPACT GRANT APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

This item was originally heard by the Town Council on September 18, 2014. At that meeting, the information below as presented to the Council as background information. We retain the information as reference. The GGP was asked to provide more detailed information on the financial details of the project and what the DoLA money would be used for if granted. The GGP has provided additional information which is incorporated as a packet as Attachment A.

In February 2010, the Town of Pagosa Springs entered into a Ground Lease with the Southwest Land Alliance (SLA) authorizing a lease of a portion of land in the Town’s Centennial Park and the lease of a geothermal water tap. The purpose of the Ground Lease was to allow a dedicated group of individuals to develop and build geothermal botanical greenhouses. The term of the Ground Lease was for a period of nine years beginning February 2010 and continuing through a set of successive renewals until 2019. In 2012, Ordinance No. 769 was passed by the Town Council authorized the termination of the ground lease and water tap with SLA and re-authorizing the same ground lease and water tap with the GGP. The initial term also ends in 2019, but a renewal option was added for another possible 25 years in 5 year successive terms. Last, the Town has committed \$25,000 in seed money for the GGP and is presently a budgeted item in the Town’s 2014 Adopted Budget.

The GGP has spent considerable time in the past two years in organizing as a 501(c)3 entity and seeking funding for the development and the initial design and planning work for the construction of the geothermal greenhouses. The GGP currently has secured approximately \$125,000 consisting of the following commitments:

- \$ 25,000 Town of Pagosa Springs
- \$ 25,000 Laura Jean Musser Foundation
- \$ 25,000 San Juan Basin Roundtable
- \$ 50,000 Colorado Water Conservation Board
- \$125,000 TOTAL

Presently, the GGP would like to attempt to leverage this funding to secure additional funding from the state Department of Local Affairs (DoLA) through the Energy and Mineral Impact Assistance Fund.

DoLA Energy and Mineral Impact Assistance Funds

The purpose of the Energy and Mineral Impact Assistance Program is to assist political subdivisions that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and

mineral fuels. Funds come from the state severance tax on energy and mineral production and from the state's share of royalties paid to the federal government for mining and drilling on federally-owned land.

Eligible entities to receive grants and loans include municipalities, counties, school districts, special districts and other political subdivisions and state agencies. The program includes categorizing grants into three tiers and this project would be a Tier II grant, described as follows:

The Tier II grant program is intended to support a wide variety of community development projects to improve quality of life in communities.

- Grant awards greater than \$200,000 up to \$2,000,000.
- Applications for grant consideration will be expected to include a minimum match of 25%. Larger matching amounts are generally more competitive.
- Applications for this program are reviewed by the Advisory Committee with the final decision by the DoLA Executive Director.

Review/Analysis

Due to the Energy and Mineral Impact Assistance Funds program guidelines, it is a governmental entity that must be the applicant for the funds. Furthermore, it is the applicant (governmental entity) that owns whatever is purchased by the funds. The GGP would like to apply for a minimum of \$200,000 and the grants require a minimum of 25% match funding. However, it is suggested that a dollar for dollar match is helpful to be competitive for an award. To get the dollar for dollar match, there would need to be an additional \$80,000. It has been suggested by DoLA that a commitment to place bathrooms at the greenhouse location by the Town would help improve the chances of the application. Consequently, a placeholder of \$80,000 has been inserted in the Proposed 2015 Budget.

The Town Council needs to be aware of the potential significance is agreeing to be the applicant for the DoLA grant funding on behalf of the GGP: Prior to now, the Town has essentially been in the position of being a “lessor” of land and a water tap as well as a “donor” of seed funding. By agreeing to be the sponsor of the GGP for the Energy Impact funding, and if the funding were awarded, the Town becomes a part “owner” of the project.

In conversations with members of GGP, the discussion was that the Energy Impact funds would be used to create the hardscape portions of the greenhouse project. The hardscape portions would include the sidewalks, greenhouse pads, and the proposed amphitheater. In the event the greenhouses were not placed and the park land reverted back to the Town for more traditional park uses, the investment in the hardscape would still be useful to the Town. *What the DoLA funds would be used for has changed materially from the initial description above. It now partial funding for the hardscape and does not include the amphitheater. Please see the items included in Attachment A for a more detailed description of what is being purchased with the DoLA funding.*

FISCAL IMPACT

The immediate fiscal impact is both direct and indirect. The indirect part is the incremental staff time to review the preparation of the application for the Energy and Mineral Impact Assistance Funds by GGP and Region personnel and then presentation to Town Council for approval. The next application cycle deadline is December 1st. The more immediate fiscal impact is the possible commitment to budget up to \$80,000 for placement of restrooms in Centennial Park. While this is not required to meet the minimum match for the grant application, it has been suggested this would make the application more competitive.

PARKS & RECREATION COMMISSION ACTION

The proposal by the GGP was presented to the Parks & Recreation Commission the evening of September 10th. The GGP requested the Parks & Recreation Commission to endorse the GGP's request to have the Town Council submit the Energy and Mineral Assistance application on their behalf and for the placement of bathrooms in Centennial Park. The action of the Parks & Recreation Commission was unanimous to endorse the Council to approve applying for the Energy and Mineral Impact Assistance Grant and having a placeholder in the amount of \$80,000 for bathrooms in Centennial Park.

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "APPROVE THE SPONSORSHIP OF AN ENERGY AND MINERAL IMPACT ASSISTANCE GRANT APPLICATION AND PLACEMENT OF BATHROOMS IN CENTENNIAL PARK WITH A NOT TO EXCEED AMOUNT OF \$80,000 AND DIRECT STAFF TO ASSIST IN COMPLETION OF THE GRANT APPLICATION FOR TOWN COUNCIL CONSIDERATION PRIOR TO THE DECEMBER 1ST, 2014 APPLICATION DEADLINE."
- 2) "DENY THE SPONSORSHIP OF AN ENERGY AND MINERAL IMPACT ASSISTANCE GRANT APPLICATION AND REJECT THE BUDGETING OF \$80,000 FOR THE PLACEMENT OF BATHROOMS IN CENTENNIAL PARK."



Post Office Box 5333 – Pagosa Springs, Colorado 81147

www.pagosagreen.org - ggp@pagosagreen.org

www.facebook.com/geothermalgreenhousepartnership

October 15, 2014

Dear Mr. Shulte,

The Geothermal Greenhouse Partnership requests that our proposal, first considered on September 18, 2014, be placed on the Town Council agenda for approval on October 23, 2014.

The GGP proposal is that (1) the Town of Pagosa Springs submit a DoLA Energy Impact Assistance grant application for improvements on the GGP leased .7 acre in Centennial Park and (2) the line item in the 2015 budget for bathrooms near GGP property be approved in the overall budget.

The GGP Board, our architect, and our engineer, have answered the questions that the Town Council raised on 9-18-14. We welcome the opportunity to describe the infrastructure and hardscape that an EIA grant will provide for the Town of Pagosa Springs. When the Town Council approves the submission of the grant application, I will work with you to create a timeline of work necessary to meet the December 1, 2014 deadline. Region 9 Economic Development District will also assist in appropriately wording the grant application, before it is submitted to ToPS staff for finalization and submission.

Thank you for your assistance in the process of interacting with the Town Council. The Geothermal Greenhouse Partnership looks forward to continuing a productive relationship with the Town, as we build and operate the GGP park for the people of Pagosa Springs and Archuleta County.

Sincerely,
Sally High
GGP Vice President

Geothermal Greenhouse Partnership

Summary of DOLA Funded Site Improvements

The following scope of work will create the raised pads and infrastructure required for the greenhouses and provide enhancement to the park. This will set the site up as a usable gathering place, functional with utilities.

- 100% of Imported Embankment
- 75% of Total Project Hardscape including concrete plaza, sidewalks, and riverwalk
- 1/3 of Total Project Retaining Walls
- Landscaping
- Modification of Existing Park Irrigation System
- Electric for Riverwalk Lighting
- Relocation of Geothermal line to Springs Resort

Geothermal Greenhouse Partnership

**Overall Site Improvements
Preliminary Estimate - Revised 07/31/14**

Construction Item Description	Quantity	Unit	Unit Price	Extension
Clearing, Grubbing, Topsoil Removal & Replacement	800	c.y.	\$10.00	\$8,000.00
Subgrade Stabilization, Aggregate	100	c.y.	\$60.00	\$6,000.00
Subgrade Stabilization, Geogrid	500	s.y.	\$5.00	\$2,500.00
Subgrade Preparation	2,000	s.y.	\$4.00	\$8,000.00
Excavation & Removal of Unsuitable Material	300	c.y.	\$15.00	\$4,500.00
Excavation & Embankment	100	c.y.	\$10.00	\$1,000.00
Imported Embankment	3,500	c.y.	\$30.00	\$105,000.00
Imported Topsoil	200	c.y.	\$30.00	\$6,000.00
Aggregate Base Course	200	c.y.	\$40.00	\$8,000.00
Asphalt Patching, 3" thick	8	tons	\$200.00	\$1,600.00
Concrete Sidewalk, 4" Thick, Reinforced	4,000	s.f.	\$6.00	\$24,000.00
Concrete Sidewalk, 6" Thick, Reinforced	4,000	s.f.	\$8.00	\$32,000.00
Concrete Flatwork, 6" Thick, Reinforced, Decorative	2,000	s.f.	\$20.00	\$40,000.00
Concrete Catch Basins	2	ea.	\$3,000.00	\$6,000.00
Storm Drain Pipe, 12" Diameter	300	l.f.	\$50.00	\$15,000.00
Water Service Pipe, 2" Diameter	50	l.f.	\$25.00	\$1,250.00
Water Service Pipe, 1" Diameter	150	l.f.	\$20.00	\$3,000.00
Realign or Replace Geothermal Line to Springs Resort	250	l.f.	\$250.00	\$62,500.00
Hot Water Pipe, 2" Diameter (supply & return)	500	l.f.	\$30.00	\$15,000.00
Raw Water Pipe, 2" Diameter	100	l.f.	\$25.00	\$2,500.00
Raw Water Pipe, 1" Diameter	100	l.f.	\$20.00	\$2,000.00
Water Pipe Gate Valves, 2" Diameter	3	ea.	\$1,000.00	\$3,000.00
Water Pipe Gate Valves, 1" Diameter	12	ea.	\$750.00	\$9,000.00
Bedding Material	500	c.y.	\$20.00	\$10,000.00
Compaction of Trenches Across Roads/Parking Lots	200	l.f.	\$20.00	\$4,000.00
Retaining/Landscape Walls	3,250	s.f.	\$50.00	\$162,500.00
Landscaping	1	l.s.	\$40,000.00	\$40,000.00
Modifications to Existing Park Irrigation System	1	l.s.	\$5,000.00	\$5,000.00
Site Lighting	1	l.s.	\$20,000.00	\$20,000.00
Trenching for Electric	300	l.f.	\$5.00	\$1,500.00
Greenhouse, 42' Diameter	3	ea.	\$35,000.00	\$105,000.00
Greenhouse Concrete Foundation	3	ea.	\$10,000.00	\$30,000.00
Greenhouse Interior	3	ea.	\$10,000.00	\$30,000.00
Mob., Demob. & Bonding	1	l.s.	\$30,000.00	\$30,000.00
Construction Subtotal				\$803,850.00
Contingency @ 20%				\$160,770.00
Environmental and Other Clearances				\$10,000.00
Master Plan and Phase 1 Design Engineering				\$25,000.00
Master Plan and Phase 1 Architectural Support				\$7,000.00
Phase 1 Construction Engineering				\$12,000.00
Phase 2 Design Engineering				\$12,500.00
Phase 2 Architectural Support				\$1,500.00
Phase 2 Construction Engineering				\$17,500.00
Phase 3 Design Engineering				\$12,500.00
Phase 3 Architectural Support				\$1,500.00
Phase 3 Construction Engineering				\$17,500.00
Project Total				\$1,081,620.00

Notes:

- Does not include any parking or street improvements outside of the Lease Parcel (±0.7 acres).
- Includes water utilities only (potable, hot from geothermal building, and raw from river). Included trenching for electric, but no other costs associated with dry utilities such as electric, phone, gas, cable tv, etc.; any fees for building, utilities, or other.
- Includes construction of greenhouse domes, foundations, and interiors.
- A 20% Contingency has been included to cover other desired utilities, minor construction items, variations in quantities and unit pricing, etc., and should be incorporated in project budgeting.
- Preliminary Engineering services have not been included in the estimate, as they have been donated thus far. Design and Construction Engineering and Architectural support have been indicated for a three phase project.
- The cost estimate above represents the best judgment of the engineer as a design professional familiar with the construction industry, but in no way guarantees that bids, proposals or construction costs will not vary from the prepared estimate.

Geothermal Greenhouse Partnership

**Master Plan and Phase 1 Site Improvements
Preliminary Estimate - Revised 12/09/13**

Construction Item Description	Quantity	Unit	Unit Price	Extension
Clearing, Grubbing, Topsoil Removal & Replacement	120	c.y.	\$10.00	\$1,200.00
Subgrade Stabilization, Aggregate (as needed)	20	c.y.	\$60.00	\$1,200.00
Subgrade Stabilization, Geogrid (as needed)	100	s.y.	\$5.00	\$500.00
Subgrade Preparation	150	s.y.	\$2.00	\$300.00
Excavation & Removal of Unsuitable Material	50	c.y.	\$15.00	\$750.00
Imported Embankment	400	c.y.	\$30.00	\$12,000.00
Imported Topsoil	20	c.y.	\$30.00	\$600.00
Aggregate Base Course	30	c.y.	\$40.00	\$1,200.00
Asphalt Patching, 3" Thick	8	tons	\$200.00	\$1,600.00
Culvert, 12" Diameter C.M.P.	20	l.f.	\$30.00	\$600.00
Metal End Sections, 12" Diameter	2	ea.	\$250.00	\$500.00
Drainage Swale	150	l.f.	\$6.00	\$900.00
Water (Potable) Service, 2" Diameter	150	l.f.	\$25.00	\$3,750.00
Water (Geothermal) Service, 2" Diameter	300	l.f.	\$25.00	\$7,500.00
Water (River) Service, 2" Diameter	100	l.f.	\$25.00	\$2,500.00
Bedding Material	30	c.y.	\$20.00	\$600.00
Compaction of Trenches Across Roads/Parking Lots	100	l.f.	\$20.00	\$2,000.00
Landscaping (Including Walls)	1	l.s.	\$15,000.00	\$15,000.00
Modifications to Existing Park Irrigation System	1	l.s.	\$1,500.00	\$1,500.00
Greenhouse, 42' Diameter	1	l.s.	\$40,000.00	\$40,000.00
Greenhouse, Interior	1	l.s.	\$10,000.00	\$10,000.00
Mob., Demob. & Bonding	1	l.s.	\$5,000.00	\$5,000.00
Construction Subtotal				\$109,200.00
Contingency @ 20% ¹				\$21,840.00
Utility (or any other) Fees ²				\$0.00
Environmental and Other Clearances ³				\$0.00
Preliminary Engineering ⁴				\$0.00
Master Plan & Design Engineering				\$25,000.00
Construction Engineering (Layout, Mtls. Testing, Review & Contract Admin.)				\$12,000.00
Project Total				\$168,040.00

Notes:

1. A 20% Contingency has been included to cover additional project and architectural details, minor construction items, variations in quantities and unit pricing, etc., and should be incorporated in project
2. No cost associated with installation of dry utilities or sanitary sewer has been included at this time, nor have any utility or other fees. The desire/need (or lack thereof) for these other utilities should be confirmed, and any fees associated determined.
3. Environmental and Other Clearances for the Phase 1 project are not anticipated and no associated cost has been included at this time.
4. Costs associated with Preliminary Engineering has not been included in the estimate above, as those services have been donated thus far.
5. The cost estimate above represents the best judgment of the engineer as a design professional familiar with the construction industry, but in no way guarantees that bids, proposals or construction costs will not vary from the prepared estimate.

Geothermal Greenhouse Partnership

DOLA Funded Site Improvements Preliminary Estimate - 10/11/14

Construction Item Description	Cost
Clearing, Grubbing, Topsoil Removal & Replacement	\$6,000.00
Subgrade Preparation	\$6,000.00
Excavation & Removal of Unsuitable Material	\$3,000.00
Excavation & Imported Embankment	\$105,000.00
Imported Topsoil	\$5,000.00
Aggregate Base Course	\$6,000.00
Concrete Sidewalk, 4" Thick, Reinforced	\$18,000.00
Concrete Sidewalk, 6" Thick, Reinforced	\$24,000.00
Concrete Flatwork, 6" Thick, Reinforced, Decorative	\$30,000.00
Concrete Catch Basins	\$6,000.00
Storm Drain Pipe, 12" Diameter	\$15,000.00
Water Service Pipe, 2" Diameter	\$1,250.00
Water Service Pipe, 1" Diameter	\$3,000.00
Realign or Replace Geothermal Line to Springs Resort	\$62,500.00
Hot Water Pipe, 2" Diameter (supply & return)	\$15,000.00
Raw Water Pipe, 2" Diameter	\$2,500.00
Raw Water Pipe, 1" Diameter	\$2,000.00
Water Pipe Gate Valves, 2" Diameter	\$3,000.00
Water Pipe Gate Valves, 1" Diameter	\$9,000.00
Retaining/Landscape Walls	\$60,000.00
Landscaping	\$20,000.00
Modifications to Existing Park Irrigation System	\$5,000.00
Site Lighting	\$10,000.00
Construction Subtotal	\$417,250.00
Contingency @ 20%	\$83,450.00
Master Plan and Phase 1 Design Engineering	\$25,000.00
Master Plan and Phase 1 Architectural Support	\$7,000.00
Phase 1 Construction Engineering	\$12,000.00
Phase 2 Design Engineering	\$12,500.00
Engineering Subtotal	\$56,500.00
Project Total	\$557,200.00

Notes:

1. Does not include any parking or street improvements outside of the Lease Parcel (± 0.7 acres).
2. Includes water utilities only (potable, hot from geothermal building, and raw from river). Included trenching for electric, but no other costs associated with dry utilities such as electric, phone, gas, cable tv, etc.; any fees for building, utilities, or other.
3. A 20% Contingency has been included to cover other desired utilities, minor construction items, variations in quantities and unit pricing, etc., and should be incorporated in project budgeting.
4. Design and Construction Engineering and Architectural support have been indicated for a three phase project.
5. The cost estimate above represents the best judgment of the engineer as a design professional familiar with the construction industry, but in no way guarantees that bids, proposals or construction costs will not vary from the prepared estimate.



AGENDA DOCUMENTATION

NEW BUSINESS: VII.2

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: PROCUREMENT AND PAYMENT OF FIREWORKS FOR THE 2015 FOURTH OF JULY CELEBRATION

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Traditionally the Town of Pagosa Springs has sponsored a fireworks display for the Fourth of July Celebration. The fireworks are shot off near the high school and it has been the past practice for Town staff to be responsible for actually loading and igniting the shells for the fireworks display. Due to recent forest fires, there has been countywide fire bans in place that has prevented the shooting of fireworks for calendar year 2012 and 2013. This past year was the first year we have been able to have fireworks for the Fourth of July. As the Council is aware, the fireworks are very well received by our visitors and local residents.

For 2014, we were able to use fireworks that had been purchased in prior years, but not used due to the countywide fire bans. As a result the fireworks used in 2014 were paid for in prior fiscal years and stored on Town property. In anticipation of providing a fireworks display in 2015, staff has sought quotes from pyrotechnics vendors that we had worked with in prior years. Unfortunately, we were only able to secure one written quote from Fireworks Internationale West for a total amount of \$23,027.48. This includes \$2,500 for the Fireworks Internationale West staff to set off the shells. As mentioned earlier, it has been Town staff that has been setting of the shells and after careful review we believe it is not in the Town's or Town staff's best interests to continue that policy. We have been offered a prepayment discount of \$3,697.06 from Fireworks Internationale West if we pay in full in calendar year 2014.

Because we were unsatisfied with receiving only one written quote, staff contacted the American Pyrotechnics Association to inquire about other possible vendors. They gave us the name of Fireworks Internationale West as well as two others that were known to do fireworks in Colorado: Western Enterprises and J & M Displays. Both entities declined to provide quotes – mainly because they were already fully engaged for July 4, 2015.

FISCAL IMPACT

The cost of the display, (which includes a shell count of 710 shells which is similar to the 2014 display) is one of two choices, as follows:

Without Prepayment Discount:	\$23,027.48
With Prepayment Discount:	\$19,330.42 (discount of \$3,697.06)

If we were to pay in 2014 in full, we use \$8,000 in TTC funding budgeted and \$9,465 in Trust Account Funds for a total of \$17,465. That would require an additional \$1,865 in funding. Staff would recommend using left over XXXX funding for the difference. If the Town were to not take the prepayment discount, then we would need to utilize the Trust Account Funds and budget the remaining \$13,562.48 from other sources.

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "APPROVE ACCEPTING THE BID OF FIREWORKS INTERNATIONALE WEST TO PROVIDE THE 2015 FOURTH OF JULY FIREWORKS DISPLAY WITH PAYMENT TO COME FROM 2014 FUNDS TO TAKE ADVANTAGE OF THE PREPAYMENT DISCOUNT WITH FUNDING TO COME FROM LODGERS TAX FUNDS, TRUST ACCOUNT FUNDS AND XXXX FUNDS IN THE TOTAL AMOUNT OF \$19,330.42."
- 2) "APPROVE ACCEPTING THE BID OF FIREWORKS INTERNATIONALE WEST TO PROVIDE THE 2015 FOURTH OF JULY FIREWORKS DISPLAY WITH PAYMENT TO COME FROM 2015 FUNDS WITH FUNDING TO COME FROM LODGERS TAX FUNDS, TRUST ACCOUNT FUNDS AND XXXX FUNDS IN THE TOTAL AMOUNT OF \$23,027.48."
- 3) "REJECT THE BID FROM FIREWORKS INTERNATIONALE WEST AND DIRECT STAFF."

Pagosa Springs

July 4, 2015

Sponsor	Pagosa Springs
Date of Display	July 4, 2015
Contact Name	Dennis Ford
Phone Number	970-946-0107
Address	PO Box 1859 Pagosa Springs, CO 81147
Type of Display	Fired by Customer

Total Shell and Effect Count	710
-------------------------------------	------------

Show Value	\$20,527.48
Prepay Discount	\$3,697.06
Final Cost	\$16,834.64

Contract Terms	Prepay by October 15, 2014 for Prepay Discount
-----------------------	--

Buyer Signature

Date



Sept 21, 2014
Date

Fireworks West Internationale

Fireworks West Internationale

Simply the Best

Sponsor agrees to procure and furnish a suitable place to display the said fireworks, and to secure all police, fire, local and state permits, and to arrange for any security bonds as required by law in their community when necessary, and agrees to furnish necessary police, fire and sponsor's protection, for proper crowd control, auto parking and proper supervision in clearing of debris after the display. Buyer agrees to comply with NFPA safety standards. This order is subject to acceptance by Fireworks West Internationale. This merchandise is sold upon the condition that the buyer indemnify the seller from any civil action occasioned from the handling, storage, use or sale of the merchandise, including court costs and attorney fees. Late fees of 2% per month carrying charge, \$50 minimum, will be assessed on all past due accounts, buyer agrees to pay all collection costs.



Dennis Ford <dford@pagosasprings.co.gov>

Pagosa Springs

1 message

Patti Watkins <pattiw@fireworksbywestern.com>
To: dford@pagosasprings.co.gov

Mon, Oct 13, 2014 at 1:10 PM



October 13, 2014

Dennis Ford

Town of Pagosa Springs, CO

Dear Dennis:

Thank you for the information to submit a proposal for Pagosa Springs fireworks for July 4, 2015.

I am sorry to inform you that Western Enterprises, Inc. will not be able to submit proposal at this



Dennis Ford <dford@pagosasprings.co.gov>

Fireworks Display

1 message

Bev Snyder <fireworks@stonebraker.com>

Tue, Oct 14, 2014 at 10:20 AM

To: dford@pagosasprings.co.gov

Dear Dennis,

It was nice visiting with you earlier this month about your plans for a fireworks display on July 4, 2015. As we discussed, we are already committed to existing customers for that date.

If you do not find a company that can provide your display on July 4th, please let us know. There is a good possibility that we could find a crew for the weekend before or the weekend after July 4th.

Thanks for thinking of us. We wish you well in your search and hope you will keep us in mind for the future.

Best regards,

Bev

Bev Snyder

J & M Displays, Inc. and Hi-Tech FX, LLC

Formerly Stonebraker-Rocky Mountain Fireworks Co.

P.O. Box 21181 (*New Address*)

Denver, CO 80221

303-458-7600 (office), 303-455-5824 (fax)

fireworks@stonebraker.com

-

J & M Displays mailing address:

18064 170th Avenue

Yarmouth, Iowa 52660-9772

www.jandmdisplays.com



AGENDA DOCUMENTATION

NEW BUSINESS: VII.3

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: MASTER SERVICE AGREEMENT AND SERVICE ORDER FOR LEASE OF FIBER OPTIC CABLE BY USA COMMUNICATIONS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

In 2010, the Town of Pagosa Springs and Archuleta County participated in a grant application with several other cities and counties in southwestern Colorado to establish a fiber optics network known as "SCAN," or Southwest Colorado Area Network." The original purpose of SCAN was to establish a fiber optic network for use by governmental entities where demand could be aggregated and then bid for a lower price than could be achieved individually. The grant application was administered by the Council of Governments and each participant contributed a match. The grant amount was \$3 million and the match from all sources was \$1 million. However, at this present juncture, the fiber optic cable is not being utilized for its greatest potential as each group that originally participated is less incentivized for their own individual reasons. For example, subsequent to the completion of the fiber optic network, the Town of Pagosa Springs was able to secure free internet service from Skywerx in return for permitting a tower on Reservoir Hill.

Recently, the Town and County were approached by USA Communications to lease a short portion of our fiber to connect from Hwy 160 to Pagosa Springs Medical Center. The length is approximately 900 feet. The pertinent lease terms are as follows:

- \$125 per month for a 3 year term
- \$500 deposit
- The Town bills USA communications for the lease payment and remits back to the County half of the proceeds.

FISCAL IMPACT

The decision point for USA communication was to either trench and lay fiber within their own utility right of way, or pay the Town and County for the use of the existing fiber. This arrangement does allow the Town and County to start to recoup their investment in the SCAN project. The price of \$5,000 is approximately the cost that it would take USA Communications to trench and lay their own line

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "APPROVE THE FIBER OPTIC LEASE AGREEMENT BETWEEN THE TOWN OF PAGOSA SPRINGS AND ARCHULETA COUNTY AND USA COMMUNICATIONS.
- 2) "DENY THE FIBER OPTIC LEASE AGREEMENT BETWEEN THE TOWN OF PAGOSA SPRINGS AND ARCHULETA COUNTY AND USA COMMUNICATIONS.

Town of Pagosa Springs
County of Archuleta

MASTER SERVICES AGREEMENT

THIS MASTER SERVICES AGREEMENT ("Agreement") is made this 23rd day of October 2014 (the "Commencement Date") between Town of Pagosa Springs and Archuleta County with offices located at 551 Hot Springs Blvd (Town) and 449 San Juan St (County) in Pagosa Springs, Colorado 81147 ("Town and County") and USA Communications, LLC, a Nebraska limited liability company, with offices located at 920 E 56th St, Suite B, Kearney, NE 68847 ("Customer").

RECITALS

WHEREAS, Customer and Town and County wish to enter into this Agreement to set forth the general terms and conditions under which Town and County will provide Customer with services and Customer will purchase services from Town and County; and,

WHEREAS, the parties wish to define the specific terms of services purchased and sold hereunder by means of service orders, which will be issued and accepted by both parties.

NOW, THEREFORE,

In consideration of the mutual covenants and agreements contained herein the parties agree as follows:

1. DEFINITIONS

A. "Service(s)" shall mean the services particularly described in each Service Order.

B. "Service Order(s)" shall mean fully-executed orders for specific Services on Town and County standard Service Order forms, including attachments thereto. Each Service Order shall be issued and accepted by the parties in accordance with the provisions of this Agreement. Each Service Order will contain specific provisions with respect to prices, features, locations, descriptions of service, duration and other terms as appropriate.

2. SCOPE AND ORDER OF PRECEDENCE

A. This Agreement establishes general terms and conditions, which apply to Services provided by Town and County to the Customer. Each Service Order issued and accepted hereunder, and the Services ordered thereunder, shall be subject to all of the terms of this Agreement.

B. In the event of conflict or inconsistency between the general provisions of this Agreement and those of an individual Service Order, the conflict or inconsistency shall be resolved in favor of the Service Order.

3. TERM

A. This Agreement shall begin on the Commencement Date and shall continue until the expiration of the last Service Order issued and accepted hereunder (the "Term"). The Term shall not renew automatically. The Parties may negotiate a new Service Order for continued Service prior to the end of the Term.

B. The term of each Service Order shall be specifically stated in the Service Order. If Customer cancels any Service Order before its expiration date, Customer will pay Town and County a termination charge determined as specifically provided in Section 7(C) hereof. All termination charges shall be due and payable within five (5) days after the effective date of termination of the Service Order.

4. PAYMENT

A. **Charges.** Installation and all other non-recurring charges, if any, and monthly recurring charges for the Services will be at the rates set forth by Service type, or as otherwise agreed by the parties for the specific Service Order. Except for usage-based Services, which are billed in arrears, the services are billed one (1) month in advance and the first billing cycle may include a partial month Service and a full month Service charge, if the Service is installed and activated during a partial month of Service. All fees and charges are payable for the duration of the Term, regardless of whether Customer actually uses the Services.

B. **Taxes and Other Fees.** Prices established in this Agreement and the applicable Service Order are exclusive of taxes and other fees which may be imposed on Town and County or Customer for the provision or use of the Services. Customer will pay such taxes and other fees. Tax exempt status will be granted to Customer upon presentation of a satisfactory certificate of exemption.

C. **Assurance of Payment.** At the request of Town and County, Customer will provide an advance deposit or other form of security in amount of \$500 to Town and County. Upon expiration or termination of this Agreement and Customer's compliance with its financial obligations hereunder, all amounts on deposit will be returned to Customer.

D. **Invoicing and Payment.** Customer shall pay \$125 per month for Service as described in the Service Order. Billing will commence for each Service on the date of issue by Town on behalf of Town and County to Customer of a notice of billing commencement (the "Billing Acknowledgment"). Customer will pay all amounts owed under each Service Order within thirty (30) days after the invoice date (the "Due Date"). Town and County reserve the right to charge interest on delinquent amounts at the lower of one and one-half percent (1.5%) per month or such other rate or rates as may be permitted under applicable law.

E. **Disputed Payments.** In the event Customer in good faith disputes any charges invoiced by Town on behalf of Town and County, Customer shall promptly pay all undisputed charges, and shall notify Town, on behalf of Town and County, in writing of any such disputed amounts on or before the Due Date, identifying in reasonable detail its reasons for the dispute and the nature and amount of the dispute. All amounts not timely (by the Due Date) and appropriately disputed shall be deemed final and not subject to further dispute. Town, on behalf of Town and County, will review the amounts in dispute within thirty (30) days after its receipt of such notice. If Town, on behalf of Town and County, determines that Customer was billed in error, a credit for the amount billed incorrectly will be made to the next invoice. If Town and County determine that the amount was billed correctly, Customer will pay the amount by the Due Date of the next invoice.

5. **INTERNET USAGE** To the extent the Services are used in connection with Customer's use of the Internet, Customer warrants and represents to Town and County: (i) that the Services will be used only for lawful purposes, and Customer shall not transmit, retransmit or store material in violation of any federal or state laws or regulations (ii) that Customer will comply with the applicable Acceptable Use Policy ("AUP") as amended from time to time and which is attached herein, and (iii) that Customer will ensure that its end users accept and comply with the applicable AUP.

6. **INDEMNIFICATION** Each party shall indemnify the other from any claims by third parties and expenses (including legal fees and court costs) respecting damage to tangible property, personal injury or death caused by such party's negligence or willful misconduct.

7. **TERMINATION** Either party in accordance with the following may terminate this Agreement and any Service Order (s):

A. **Default by Customer.** If (i) Customer makes a general assignment for the benefit of its creditors, files a voluntary petition in bankruptcy or any petition or answer seeking, consenting to, or acquiescing in reorganization, arrangement, adjustment, composition, liquidation, dissolution or similar relief, (ii) an involuntary petition in bankruptcy, other insolvency protection against Customer is filed and not dismissed within sixty (60) days; (iii) Customer fails to make any payment required hereunder when due, and such failure continues for a period of five (5) business days after written notice from Town and County or (iv) Customer fails to observe and perform any material term of this Agreement (other than payment terms) and such failure continues for a period of thirty (30) days after written notice from Town and County, then Town and County may: (A) terminate this Agreement and any Service Order, in whole or in part, in which event Town and County shall have no further duties or obligations thereunder, and/or (B) subject to Section 13, pursue any remedies Town and County may have under this Agreement, at law, or in equity.

B. **Default by Town and County.** If (i) Town or County makes a general assignment for the benefit of its creditors, files a voluntary petition in bankruptcy or any petition or answer seeking, consenting to, or acquiescing in reorganization, arrangement, adjustment, composition, liquidation, dissolution or similar relief, (ii) an involuntary petition in bankruptcy, other insolvency protection against Town or County is filed and not dismissed within sixty (60) days; or (iii) Town or County fails to observe and perform any material term of this Agreement and such failure continues for a period of thirty (30) days after written notice from Customer; then Customer may: (A) terminate this Agreement and/or any Service Order, in whole or in part, in which event

Customer shall have no further duties or obligations thereunder, and/or (B) subject to Section 13, pursue any remedies Customer may have under this Agreement, at law or in equity.

C. **Early Termination.** If Customer terminates or cancels service under any Service Order prior to its agreed expiration date, Customer will pay Town and County a termination charge (as liquidated damages and not as a penalty) including all non-recurring, disconnection or termination charges reasonably incurred by Town and County on Customer's behalf, and the full amount of the remaining monthly charges for the remainder of the Term.

8. **NON-DISCLOSURE** Any information or documentation disclosed between the parties during the performance of this Agreement shall be subject to the terms and conditions of the applicable non-disclosure agreement then in effect between the parties.

9. **INTELLECTUAL PROPERTY RIGHTS** Neither party shall use any copyrights, patents, trade secrets, software, trade marks, trade names, service marks, license rights or other intellectual property rights (collectively "Intellectual Property") owned, licensed or used by the other party.

10. **FORCE MAJEURE** Neither party shall be liable, nor shall any credit allowance or other remedy be extended, for any failure of performance or equipment due to causes beyond such party's reasonable control ("Force Majeure Event"). In the event Town and County are unable to deliver Service as a result of a Force Majeure Event, Customer shall not be obligated to pay Town and County for the affected Service for so long as Town and County is unable to deliver the affected Service.

11. **LEGAL NOTICES**

A. Notices and communications concerning this Agreement shall be addressed to:

Company:
Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO
81147
Phone: 970-264-4151
Fax: 970-264-4634

USA Communications, LLC
920 E 56th St, Suite B
Kearney, NE 68847

Attn: President
Phone: (308) 236-1512
Fax: (308) 946-7203
Email: sales@usacommunications.tv

or at such other address as either party may designate to the other.

B. Notices shall be sent by registered or certified US Mail, postage prepaid, or by commercial overnight delivery service, by facsimile, or electronic transmission, and shall be deemed delivered either on the date of return receipt acknowledgment (in the case of US Mail), or on the next day after the sending of the notice (in the case of facsimile or overnight delivery service). Notwithstanding the foregoing, in the event of facsimile or electronic transmission notice, the confirming original must be sent by overnight delivery service for notice to be deemed effective.

12. **RIGHTS AND OBLIGATIONS OF USA COMMUNICATIONS: DISCLAIMER OF WARRANTIES**

A. Town and County shall have no liability or responsibility for the content of any communications transmitted via the Service, and Customer shall defend, indemnify and hold Town and County harmless from any and all claims related to such content or for claims by third parties related to Customer's use of the Service. Town and County only provides dark optical fiber and Customer agrees that it shall make no claims whatsoever against Town and County relating to the content of the internet or respecting any information, product, service or software ordered through or provided by virtue of the internet.

B. EXCEPT AS SPECIFICALLY SET FORTH HEREIN OR IN ANY SERVICE ORDER, THE SERVICES PROVIDED BY TOWN AND COUNTY ARE PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF TITLE, NONINFRINGEMENT OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. NO ADVICE OR INFORMATION GIVEN BY TOWN AND COUNTY, ITS

AFFILIATES OR ITS CONTRACTORS, OR THEIR RESPECTIVE EMPLOYEES SHALL CREATE A WARRANTY.

13. **LIMITATION OF LIABILITY.** IN NO EVENT SHALL EITHER PARTY OR ITS AFFILIATES BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OR LOST OR IMPUTED PROFITS OR ROYALTIES, LOST DATA OR COST OF PROCUREMENT OF SUBSTITUTE SERVICES ARISING FROM OR RELATED TO THE SERVICES OR PERFORMANCE OF ITS OBLIGATIONS HEREUNDER. TOWN OR COUNTY LIABILITY HEREUNDER TO CUSTOMER SHALL IN NO EVENT EXCEED AN AMOUNT EQUAL TO THE MONTHLY RECURRING CHARGE PAID BY CUSTOMER FOR THE PARTICULAR SERVICE, OR SERVICE ORDER TO WHICH THE CLAIM PERTAINS.

14. **ASSIGNMENT** Customer may not assign this Agreement or any Service Order without the prior written consent of Town and County, which consent will not be unreasonably withheld or denied.

15. **GOVERNING LAW** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado without regard to its principles of conflict of laws.

16. **GENERAL PROVISIONS**

A. Each party has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement and to execute it and any Service Orders or other attachments hereto on behalf of such party and any of its Affiliates.

B. The relationship of the parties hereunder shall always and only be that of independent contractors. No provision of this Agreement shall be construed to create a joint venture or partnership between the parties.

C. In the event any provision in this Agreement shall be held invalid, illegal or unenforceable, the unaffected provisions shall remain in full force and effect.

D. This Agreement, the Service Order(s) and the attachments and Exhibits to each Service Order constitute the entire agreement between the parties with respect to the subject matter hereof, and supersede any and all prior or contemporaneous agreements, written or oral. This Agreement and any Service Order may be modified at any time only by written agreement of the parties.

E. No waiver of any breach of this Agreement or any Service Order shall be deemed to be a waiver of any other or subsequent breach.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

TOWN OF PAGOSA SPRINGS:

By: _____
Print Name: _____
Title: _____

COUNTY OF ARCHULETA:

By: _____
Print Name: _____
Title: _____

USA Communications, LLC

By: _____
Print Name: _____
Title: _____



Town of Pagosa Springs and Archuleta County
c/o Town of Pagosa Springs
P.O. Box 1859

Pagosa Springs, CO 81147
(970) 264-4151

Service Order

Customer Address

Name: **USA COMMUNICATIONS**
Street: **920 E 56th Street, Suite B**
City, State, Zip: **Kearney, NE 68847**
Attn: **Stuart Gilbertson**

Billing Address

Name: **USA COMMUNICATIONS**
Street: **920 E 56th Street, Suite B**
City, State, Zip: **Kearney, NE 68847**

"A" Location:

Name: **Pagosa Springs Medical Center**
Street: **N Pagosa Blvd & HWY 160 West**
City, State, Zip: **Pagosa Springs, CO 81147**
NPA/NXX:

"Z" Location:

Name: **Pagosa Springs Medical Center**
Street: **95 S Pagosa Blvd**
City, State, Zip: **Pagosa Springs, CO 81147**
NPA/NXX:

Salesperson: **Greg Schulte / Bentley Henderson**

Quote Number:

Order Due Date: **Oct. 7, 2014**

Proprietary and Confidential

Pricing

Order Type	Term (months)	Qty.	Product	MRC Each	MRC Total	NRC Each	NRC Total
Dark Fiber	0	1	Dark Fiber Deposit	\$ 500.00	\$ 500.00	\$ -	\$ 500.00
Dark Fiber	36	1	Monthly Service Charge	\$ -	\$ -	\$ 125.00	\$ 4,500.00
TOTALS				\$ -	\$ 500.00	\$ 125.00	\$ 5,000.00

This Service Order is subject to and governed by the terms and conditions of the Master Services Agreement dated Oct. 7, 2014, including all Exhibits and Attachments thereto executed and in effect between the parties.

By their signatures below the parties acknowledge and accept the terms of this Service Order and certify that the individuals signing below are duly authorized to execute this Service Order on behalf of their respective companies and all of their respective affiliates and subsidiaries.

The above pricing reflects the existing Dark Fiber from "A" Location to the "Z" Location. Any splicing, collocation, building or riser access, equipment or labor to install cable shall be quoted separately.

Company Name **Town and County Representative**

USA Communications

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: **Stuart Gilbertson**

Title: _____

Title: **COO**

Email: _____

Email: stuart.gilbertson@usacomcommunications.tv

Date: _____

Date: _____



AGENDA DOCUMENTATION

NEW BUSINESS: VII.4

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: SOUTH 5TH STREET ROW DEDICATION FROM THE SCHOOL

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

JEM Partners, LLC owns the Parcel of land south of the Town's Sanitation Lagoon property and south of the School District's transportation site.

In August 1974, the Town Sanitation District deeded to the School District, the property now occupied by the High School, School District Sport fields and School District transportation facility. The subject 80 foot wide access easement was dedicated in this warranty deed on the School Property, providing access to the JEM Partner property. This 80 foot wide access easement is unimproved and currently does not provide a usable access to the JEM property. In 2012, the Town's Sanitation District approved a 40 foot wide access easement through the lagoon property, near the western boundary, to JEM Partners, LLC for immediate use for access to their property.

When the School District constructed the new transportation facility in the late 1990's, the improvements encroached into the above mentioned 80 foot wide access easement. The Building encroaches approximately 7.5 feet and the Parking lot and driveway site improvements encroach up to approximately 25 feet into the 80 foot access easement. Typically, the Town Planning and Building Department would approve such site and building plans, however, for public schools in Colorado, A state inspector approves and inspects building and property improvements, not local jurisdictions, thus, the Town was not aware of an easement encroachment, until the JEM Partners brought it to our attention. Staff has been unable to find any files regarding a Town Planning site plan review, which would have identified an easement encroachment.

JEM Partners, LLC is requesting the Town Sanitation District approve an easement area on the Lagoon property, around the School District's encroachment, that would provide a full 80 feet of usable access easement, in exchange for JEM Partners, LLC releasing the 40 foot wide easement on the Lagoon Property, once the 80 foot wide easement is constructed providing access to the JEM Partners, LLC property. The requested easement would be approximately 25 feet wide x 560 feet long, and would be part of the S. 5th Street ROW as described below.

5th Street ROW: The current Town owned 5th Street ROW ends at the Town Shop. The remaining portion of 5th Street south of the Town shop is the subject 80 foot easement. The deeded 80 foot wide access easement does not address public utilities along the 80 foot easement, thus the use of the easement is limited to access only, not the installation of utilities. The dedication of the entire 80 foot wide easement for 5th Street ROW would ensure the full use of the easement for access and public utilities. The School District is agreeable to deeding the 80 foot easement along the eastern edge of the districts property, for the 5th Street ROW, if the additional allocation of the 25' x 560' easement on the Sanitation Districts property is approved. A future major subdivision development on the JEM Partner property would require the developer to provide full public road and pedestrian path improvements, meeting Town standards, along the 80 foot easement (5th Street ROW) at the developers expense.

ANALYSIS

Currently the Road along Yamaguchi Park is not Town owned ROW, it is the subject 80 foot wide access easement. Securing the 80 foot easement for Town owned 5th Street ROW is recommended as it will ensure the full utilization of the roadway for pedestrian facilities and utilities associated with Town roadways into the future.

The requested additional 25' wide x 560' long Easement/ROW area is within a wetland area, that is currently unused, on the Town's Sanitation Lagoon property. The developer of the JEM property will be responsible to mitigate any wetland encroachment as part of the access road improvements. In a separate agreement amending the original 40 foot easement agreement, would release such 40 foot easement back to the Sanitation District, once the 5th Street ROW is improved. The Sanitation property would regain the full use of this 40 foot wide access easement at that time.

At this time, staff would recommend the TC council direct staff on how they would prefer to move forward with this request and land dedication offer.

FISCAL IMPACT

A new Plat Amendment is required for the dedicated land, since it will be subdivided from the Schools property. The Cost of preparing the plat and recording the plat is estimated at approximately \$1600.00.

Preparing a separate agreement that addresses the vacation of the existing 40 foot easement across the sanitation property once 5th Street is improved to provide access, is expected to cost \$300.00

PUBLIC NOTIFICATION

No public notification is required.

ATTACHMENTS

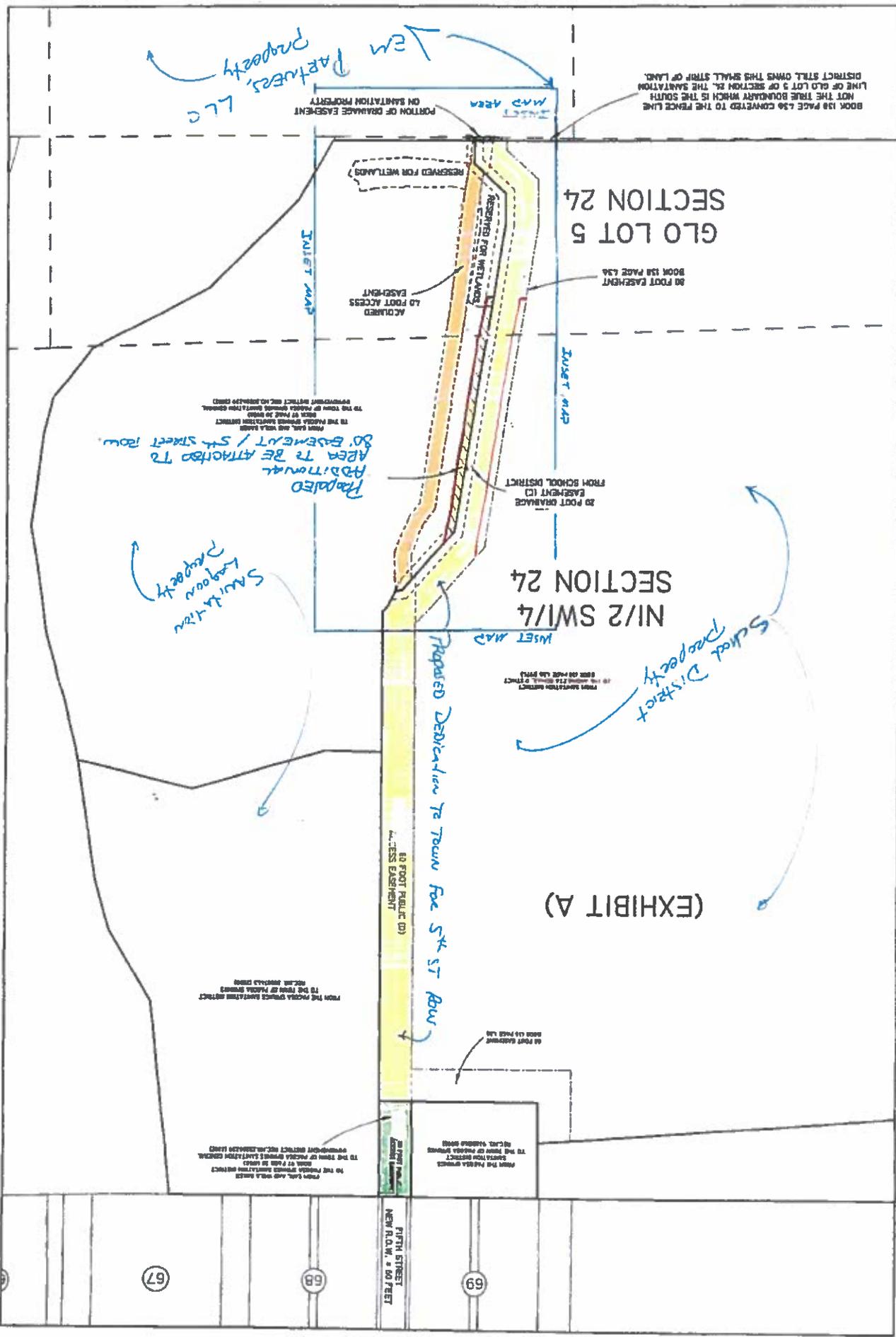
MAP of the 80 foot easement area, noting current easements and the requested additional easement/ROW on the Sanitation District Property.

INSET MAP showing the School District encroachments and proposed new Easement/ROW area.

RECOMMENDATION

Staff recommends that the Town Sanitation District Board consider the easement request from the Archuleta School District and JEM Partners, LLC, staff's analysis and other facts as presented at the meeting for a determination. Alternate considerations include, but are not limited to:

- 1) Direct staff to prepare an Ordinance accepting the land dedication from the School District for South 5th Street ROW, Prepare an amendment to the 40 foot easement recognizing the release of such easement once the ROW access is improved, and prepare documents for the land dedication from the Sanitation District to be attached to the S. 5th Street ROW.
- 2) Direct staff to prepare an Ordinance accepting the land dedication from the School District for South 5th Street ROW, Prepare an amendment to the 40 foot easement recognizing the release of such easement once the ROW access is improved, and prepare documents for the land dedication from the Sanitation District to be attached to the S. 5th Street ROW, with the following additional direction.....
- 3) DENY the additional Easement/ROW request and land dedication offer.



BOOK 138 PAGE 136 CONVERTED TO THE FENCE LINE NOT THE TRUE BOUNDARY WHICH IS THE SOUTH DISTRICT STILL OWNS THIS SMALL STRIP OF LAND.

SECTION 24
GLO LOT 5

80 FOOT EASEMENT
BOOK 138 PAGE 136

SECTION 24
NI/2 SW/4

80 FOOT DRAINAGE
EASEMENT (C)
FROM SCHOOL DISTRICT

80 FOOT EASEMENT
FROM SANITATION DISTRICT

(EXHIBIT A)

FIFTH STREET
NEW R.O.W. = 60 FEET

67

68

69

EM Partners, LLC

Proposed ADDITIONAL AREA TO BE ATTACHED TO 80' EASEMENT / 5th STREET ROW

Sanitation Property

School District Property

Proposed Dedication To Town For 5th St Row

PORTION OF DRAINAGE EASEMENT ON SANITATION PROPERTY

RESERVED FOR WETLANDS

ACQUIRED EASEMENT 40 FOOT ACCESS

FROM SAN. AND WEA. LANDS TO THE TOWN OF PUEBLO UNDER DISTRICT EASEMENT (C) FROM SANITATION DISTRICT (C) (BOOK 138 PAGE 136)

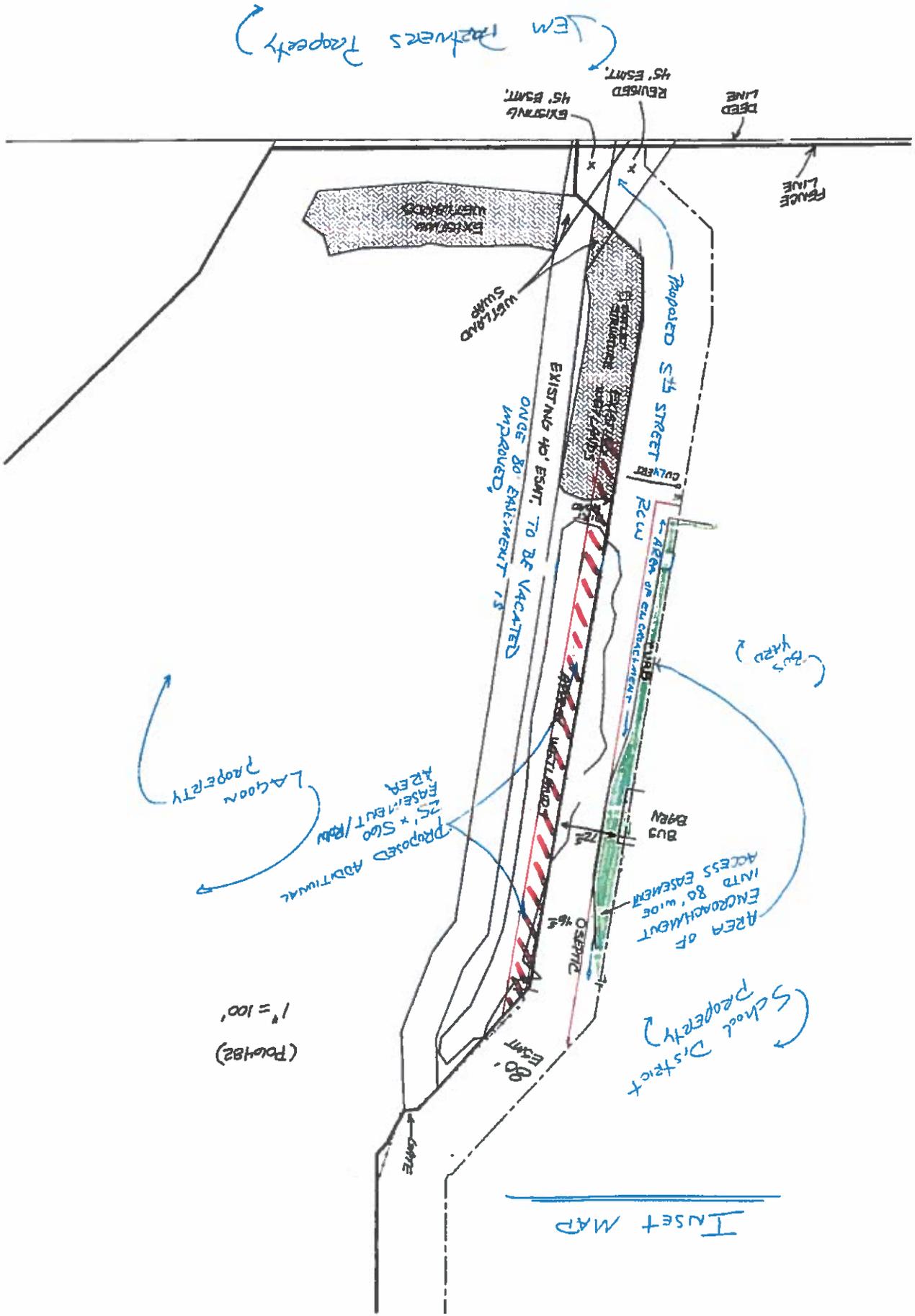
FROM THE PUEBLO SINK SANITATION DISTRICT TO THE TOWN OF PUEBLO UNDER DISTRICT EASEMENT (C) (BOOK 138 PAGE 136)

FROM SAN. AND WEA. LANDS TO THE TOWN OF PUEBLO UNDER DISTRICT EASEMENT (C) FROM SANITATION DISTRICT (C) (BOOK 138 PAGE 136)

FROM THE PUEBLO SINK SANITATION DISTRICT TO THE TOWN OF PUEBLO UNDER DISTRICT EASEMENT (C) (BOOK 138 PAGE 136)

80 FOOT EASEMENT FROM SANITATION DISTRICT

INSET MAP





AGENDA DOCUMENTATION

OLD BUSINESS: VIII.1

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: SECOND READING OF ORDINANCE 814, AN ORDINANCE VACATING THE ALLEY PUBLIC RIGHT- OF-WAY AND ASSOCIATED PUBLIC UTILITY EASEMENT IN BLOCK 50 WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAGOSA SPRINGS.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

On September 18, 2014, Town Council approved the first reading of Ordinance No. 814, contingent on the following language revision to section 6, *"This ordinance shall become effective and in full force upon final passage at second reading, upon the Town approving a development application and/or a building permit demonstrating the use and need of the subject alley vacation and upon the conveyance and acceptance of land from the property owner to the Town necessary to formalize a 6th Street public right of way"*, and to vacate the entire alley in block 50 in this ordinance.

Staff further amended section 6 based on the previous TC direction to ensure the original applicant will actually need and utilize the vacated area for his development. Section 6 now reads: *"This ordinance shall become effective and in full force upon final passage at second reading, upon the Town Approving a development application and/or a building permit demonstrating the use and need of the subject alley vacation from the owner of lots 1, 2, 3, 4, 5, and 6 of Block 50 and upon the conveyance and Town acceptance of land from the above property owner to the Town necessary to formalize a 6th Street Public Right-of-Way"*.

Additionally, since TC elected to change the scope of the vacation, the Ordinance Title has been revised to read: *"An Ordinance Vacating the Alley Public Right-of-Way and Associated Public Utility Easements in Block 50 within the corporate limits of the Town of Pagosa Springs"*.

Ordinance 814 has been revised to include the above amendments.

ANALYSIS

Below is the "APPROVAL CRITERIA" as set forth below in section 2.4.3.D.2.b.(ii)

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

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

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

Staff's Comments: The vacation appears to be consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. There are no trail routes identified along these ROW's or in the near vicinity in the adopted Downtown Master Plan or Comprehensive Plan.

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

Staff's Comments: The alley ROW is not identified in any long range planning documents for a developed alley, trail segment or for utility lines. It appears unrealistic to consider a future Roadway improvement or Utility line installation given the severity of the terrain. Given the incredible views, a trail, however, maybe a possibility, though this is not an identified trail route in any of the Town's Long Range trail plans incorporated in the Downtown Master Plan or Comprehensive Plan.

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

Staff's Comments: All other adjoining parcels of land abutting the alley, have existing accesses from 7th Street. The Alley is currently un-improved and is not used for any access to any parcels of land, nor would the alley serve as a future access.

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

Staff's Comments: No parcel will be rendered land-locked by the proposed vacation of ROW.

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

Staff's Comments: The existing portions of the 6th / 7th Alley ROW being proposed for Vacation, are currently unimproved. The terrain accessing the ROW from Navajo Street and Piedra Street is very steep.

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

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

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

Staff Comments: No easements exist, other than the Town controlled ROW and Public Utility Easement.

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

Staff Comments: No access will be negatively affected. The Alley contains no public utility installations.

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

Staff Comments: This condition is not applicable.

FISCAL IMPACT

There is now a fiscal Impact to the Town due to the vacation of an additional portion of the 6/7th Alley, beyond the applicants request. Anticipated expenses to the Town are now expected to be approximately \$1,500.

PUBLIC NOTIFICATION

Since the ordinance title and the area of ROW vacation have been modified from the previous public notifications, additional public notifications regarding the Town Council public hearing for the second reading of the ordinance have been satisfied. The following public notifications took place at least 15 days prior to the October 23, 2014 TC public hearing, as follows:

- ~ Re-Published in the Sun Newspaper on September 25, 2014.
- ~ Posted on the property on September 19, 2014.
- ~ Mailed to properties owners within 300 feet of the new defined area of vacation, on September 19, 2014.
- ~ Posted at Town Hall on September 19, 2014.

ATTACHMENTS

- ~ Revised Ordinance 814, "An Ordinance Vacating the Alley Public Right-of-Way and Associated Public Utility Easement in Block 50 within the corporate limits of the Town of Pagosa Springs"
- ~ Preliminary DRAFT of Exhibit A. A professionally created exhibit will be ordered after the passage of the second reading of the ordinance.

PUBLIC COMMENTS

Additional Public comments received since the September 18, 2014 Town Council are below:

- * Penny Holmes, called on September 18, 2014, and expressed her opposition to vacating the alley in favor of a private developer.

RECOMMENDATION

Staff recommends that Town Council consider the revised Ordinance No. 814, Public Comments and the facts as presented for the ROW vacation application as it relates to the LUDC approval criteria for the second reading of Ordinance 814. Alternate considerations include, but are not limited to:

- 1) "APPROVE the Second Reading of Ordinance No. 814, "An Ordinance Vacating the Alley Public Right-of-Way and Associated Public Utility Easements in Block 50 within the corporate limits of the Town of Pagosa Springs"
- 2) "APPROVE the Second Reading of Ordinance No. 814, "An Ordinance Vacating the Alley Public Right-of-Way and Associated Public Utility Easements in Block 50 within the corporate limits of the Town of Pagosa Springs" with additional contingencies....."
- 3) "DENY the Second Reading of Ordinance No. 814, "An Ordinance Vacating the Alley Public Right-of-Way and Associated Public Utility Easements in Block 50 within the corporate limits of the Town of Pagosa Springs"

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 814
(SERIES 2014)**

AN ORDINANCE VACATING THE ALLEY PUBLIC RIGHT-OF-WAY AND ASSOCIATED PUBLIC UTILITY EASEMENTS IN BLOCK 50 WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAGOSA SPRINGS

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 in 2012 (“Charter”); and

WHEREAS, pursuant to Sections 43-2-303(1)(a) and 43-2-303(2)(c), C.R.S., the Town may divest itself of all of its right, title or interest in and to any roadway upon the vacation of such roadway by ordinance; and

WHEREAS, on July 01, 2014, the Town’s planning department received an application for Vacation of Public Right-of-Way and Public Utility Easements (the “Application”), for the vacation of the portion of the 6th/7th Alley north of Navajo Street extending to the NE corner of Lot 8X in Block 50; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(i) of the Land Use Development Code (“LUDC”), the Planning Commission held a public hearing on the Application on July 29, 2014; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the July 29, 2014 public hearing before the Town Planning Commission, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on July 10, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on July 08, 2014, which was no less than 15 days prior to the public hearing.
- c. On July 02, 2014, Public Notice was physically posted at the NW corner of the intersection of Navajo Street and S. 7th Street, in close proximity to the proposed right-of-way vacations.
- d. Public notice was also posted at Town Hall on July 02, 2014; and

WHEREAS, on July 29, 2014, the Planning Commission approved a recommendation to the Town Council to “Approve the vacation of the 6th/7th Alley Public Right-of-Way between Navajo Street and the NE corner of Lot 8X of Block 50, with the additional recommendation that Town Council move forward with the property owner to obtain a formalized agreement for the 6th Street road Public Right-of Way from the cliff area down to and including 6th Street.,” and

WHEREAS, pursuant to Section 2.4.3.D.2.a(ii) of the LUDC, a public hearing before the Town Council on the Application was held on August 21, 2014 at 12 noon; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the August 21, 2014 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 July 10, 2014, which was at least 15 days prior to the scheduled August 21, 2014 public hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on July 08, 2014, which was at least 15 days prior to the scheduled August 21, 2014 public hearing.
- c. On July 02, 2014, Public Notice was physically posted at the NW corner of the intersection of Navajo Street and S. 7th Street, in close proximity to the proposed right -of-way vacations. On August 12, 2014, staff noticed the posted sign was no longer on site, and re-posted the sign for the Town Council Public Hearing on August 21, 2014 and September 03, 2014.
- d. Public notice was also posted at Town Hall on July 02, 2014; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the September 18, 2014 public hearing before the Town Council, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on August 28, 2014, which was at least 15 days prior to the scheduled September 18, 2014 public hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on

September 01, 2014, which was at least 15 days prior to the scheduled September 18, 2014 public hearing.

- c. On September 01, 2014, Public Notice was physically posted at the NE corner of the intersection of Navajo Street and S. 7th Street, in close proximity to the proposed right -of-way vacations.
- d. Public notice was also posted at Town Hall on September 01, 2014; and

WHEREAS, on September 18, 2014, the Town Council conducted a public hearing and approved the First Reading of Ordinance 814, with additional contingencies and revisions that included; "*Vacation of the entire alley and associated utility easements in Block 50*", and amending section 6 to read: "*This ordinance shall become effective and in full force upon final passage at second reading, upon the Town approving a development application and/or a building permit demonstrating the use and need of the subject alley vacation and upon the conveyance and acceptance of land from the property owner to the Town necessary to formalize a 6th Street public right of way*".;" and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the October 23, 2014 public hearing before the Town Council, were met, as follows:

- a. Public Notice was re-published in the Sun Newspaper, a newspaper of general circulation in the Town, on September 25, 2014, which was at least 15 days prior to the scheduled October 23, 2014 public hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on September 19, 2014, which was at least 15 days prior to the scheduled October 23, 2014 public hearing.
- c. On September 19, 2014, Public Notice was physically posted at the NE corner of the intersection of Navajo Street and S. 7th Street, and the SE corner of the intersection of Piedra Street and S. 7th Street, in close proximity to the proposed right -of-way vacations, which was at least 15 days prior to the scheduled Town Council Public Hearing on October 23, 2014.
- d. Public notice was also posted at Town Hall on September 19, 2014, which was at least 15 days prior to the scheduled October 23, 2014 Town Council Public Hearing; and

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

- a. *The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. The portion of 6th/7th Alley being vacated is identified in the Comprehensive Plan as Medium Density Residential which defines the primary use as single family and multi-family residences. Vacation of the public right-of-way, and the utility easements therein will not negatively affect vehicular transportation, public safety, public services, or accessibility in the surrounding area.*
- b. *The land to be vacated is no longer necessary for the public use and convenience. There is no longer a need, public use, convenience or beneficial public use for the Public ROW.*
- c. *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. The adjoining lands will maintain current accesses to public roads.*
- d. *The vacation will not leave any land-locked parcels. No parcel will be land-locked and all parcels will have access to a public right-of-way.*
- e. *The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. The right-of-way and utility easement vacation will not adversely affect or impact the health, safety, or welfare of the general community, or the quality of public facilities or services provided, and there will be no adverse effect to police/fire protection or access; and*

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

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

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

SECTION 2 – Vacation of Roadway and Utility Easements. Pursuant to Sections 43-2-303(1)(a) and 43-2-303(2)(c), C.R.S., the Town hereby divests itself of all of its right

or interest in and to the public right-of-way for the Alley and associated public utility easements is block 50 within the corporate limits of the Town, see Exhibit A.

SECTION 3 – Vesting of Title. In accordance with the provisions of Section 43-2-302, C.R.S., title to the lands included within the roadway hereby vacated shall vest in the owner of the abutting property or properties, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.

SECTION 4 - Recording. In accordance with the requirements of Section 43-2-303(2)(f), C.R.S., this ordinance vacating the roadway designated herein shall be recorded in the office of the Clerk and Recorder of Archuleta County.

SECTION 5 – 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 6 – Effective Date. This ordinance shall become effective and in full force upon final passage at second reading, upon the Town Approving a development application and/or a building permit demonstrating the use and need of the subject alley vacation from the owner of lots 1, 2, 3, 4, 5, and 6 of Block 50 and upon the conveyance and Town acceptance of land from the above property owner to the Town necessary to formalize a 6th Street Public Right-of-Way.

[THE REST OF THIS PAGE INTENTIONALLY BLANK]

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

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. 814 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2014, and was published by title only, along with a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on _____, 2014, 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 _____, 2014.

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. 814 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2014, 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 _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

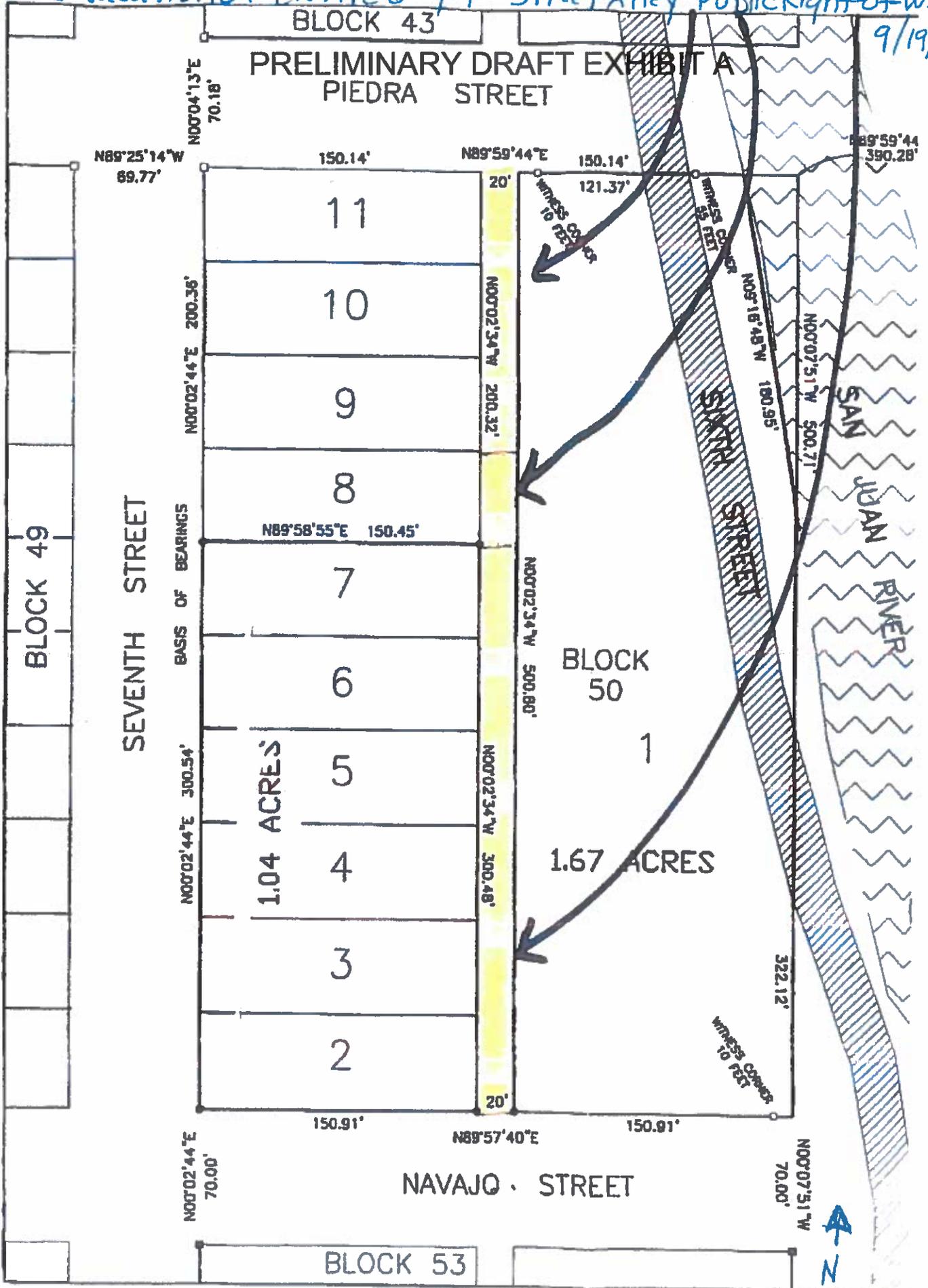
April Hessman, Town Clerk

(S E A L)

Proposed Vacation of Entire 6th / 7th Street Alley Public Right of Way

9/19/14

PRELIMINARY DRAFT EXHIBIT A
PIEDRA STREET





AGENDA DOCUMENTATION

OLD BUSINESS: VIII.2

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: SECOND READING OF ORDINANCE 817, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS, ACCEPTING THE QUITCLAIM DEED FOR REAL PROPERTY KNOWN AS THE SOUTH 10 FEET OF LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 38 WITHIN THE TOWNSITE OF PAGOSA SPRINGS.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Upper San Juan Library District developed a new parking lot in 2014 at the Ruby Sisson Memorial Library located at 819 San Juan Street. As part of the Planning Departments review of the project, the Planning Director worked with the Library Board and Library Staff to ensure the new parking lot infrastructure would accommodate a future Alley widening project. The Library Board and Library Staff agreed to accommodate a 10 foot strip of land along the southern portion of their 6 lots, that would eventually be utilized to accommodate the additional ROW width.

In 2009, the Town, County and CDOT adopted the Hwy 160 Access Control Plan (ACP) between 8th Street west to Vista Blvd. The ACP identifies future secondary roads adjacent to Hwy 160 and intersection improvements, in an effort to provide local traffic routes as a means to reduce traffic on the main hwy 160 corridor. Future Developments will pay for most of the identified roadways and intersection improvements. The San Juan Alley is one of the future secondary road options available, however, the current width is only 20 feet wide, which will not accommodate road design requirements. An additional 10 feet from the Library will accommodate a future San Juan Alley roadway with two 10 foot wide drive lanes, curb/gutter and one 6 foot wide sidewalk.

ANALYSIS

Town Council approved the First Reading of Ordinance 817 on October 07, 2014.

The Town's Home Rule Charter requires Town Council to accept real property via an Ordinance. The LUDC section requires a Minor Plat Amendment process for modifying the boundary of a lot, which is administratively processed. If Ordinance 817 is approved on second reading, Town Staff will employ a licensed surveyor to produce a Plat Amendment Mylar Plat for recordation with the County Clerk.

FISCAL IMPACT

The anticipated fiscal impact to the Town is approximated at \$1600.00 and will include:

- ~ Plat Amendment Plat: \$1500.00
- ~ Recordation of the Ordinance and Plat Amendment: \$100.00

PUBLIC NOTIFICATION

Public Notification will be published and posted following the approval of the first reading of Ordinance 817.

ATTACHMENTS

- ~ Ordinance 817, An Ordinance of the Town of Pagosa Springs Accepting the Quitclaim Deed for the Real Property Known As the South 10 feet of Lots 1, 2, 3, 4, 5 and 6 of Block 38 within the Townsite of Pagosa Springs.
- ~ Exhibit A, Notarized Quitclaim Deed
- ~ Exhibit B, Map of property.

RECOMMENDATION

Staff recommends that Town Council consider approving the second reading of Ordinance 817, accepting real property from the Upper San Juan Library District.

- 1) "APPROVE the Second Reading of Ordinance No. 817, An Ordinance of the Town of Pagosa Springs Accepting the Quitclaim Deed for the Real Property Known As the South 10 feet of Lots 1, 2, 3, 4, 5 and 6 of Block 38 within the Townsite of Pagosa Springs.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 817
(SERIES 2014)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS ACCEPTING THE QUITCLAIM DEED FOR REAL PROPERTY KNOWN AS THE SOUTH 10 FEET OF LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 38 WITHIN THE TOWNSITE OF PAGOSA SPRINGS.

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 Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including streets, and including but not limited to, all power and authority to purchase such property, and section 12.19 of the Charter provides for the acquisition of property by Ordinance; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to accept the Quitclaim Deed attached hereto as Exhibit A, for that certain real property known as the South 10 feet of Lots 1, 2, 3, 4, 5 and 6 of Block 38 within the Townsite of Pagosa Springs, and as illustrated on Exhibit B.

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

I. Acceptance of Quitclaim Deed. The Quitclaim Deed, in the form attached hereto, and the property conveyed by it, is in all respects approved and accepted by the Town.

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

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

IV. Second Reading. Second reading of this Ordinance shall be held on the ___ day of _____, 2014, at __:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

V. **Effective date.** This Ordinance shall become effective and be in force thirty days after final approval.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

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. 817 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2014, 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 _____, 2014, 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 _____, 2014.

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. 817 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2014, 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 _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this __ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)

**EXHIBIT A
QUITCLAIM DEED**

**THE SOUTH 10 FEET OF LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 38
WITHIN THE TOWNSITE OF PAGOSA SPRINGS.**

THIS DEED is made this 30TH day of SEPTEMBER, 2014, between UPPER SAN JUAN LIBRARY whose address is 811 SAN JUAN ST Pagosa Springs, CO 81147, hereinafter referred to as DISTRICT "Grantor" and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described as follows (the "Property"):

**THE SOUTH 10 FEET OF LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 38 WITHIN THE
TOWNSITE OF PAGOSA SPRINGS.**

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

GRANTOR

UPPER SAN JUAN LIBRARY DISTRICT

By:

Title:

[Signature]
BOARD OF TRUSTEES, CHAIR

STATE OF COLORADO)

) ss.

COUNTY OF ARCHULETA)

The foregoing instrument was acknowledged before me this 30th day of September, 2014, by Mark Thompson as Grantor.

Witness my hand and official seal.

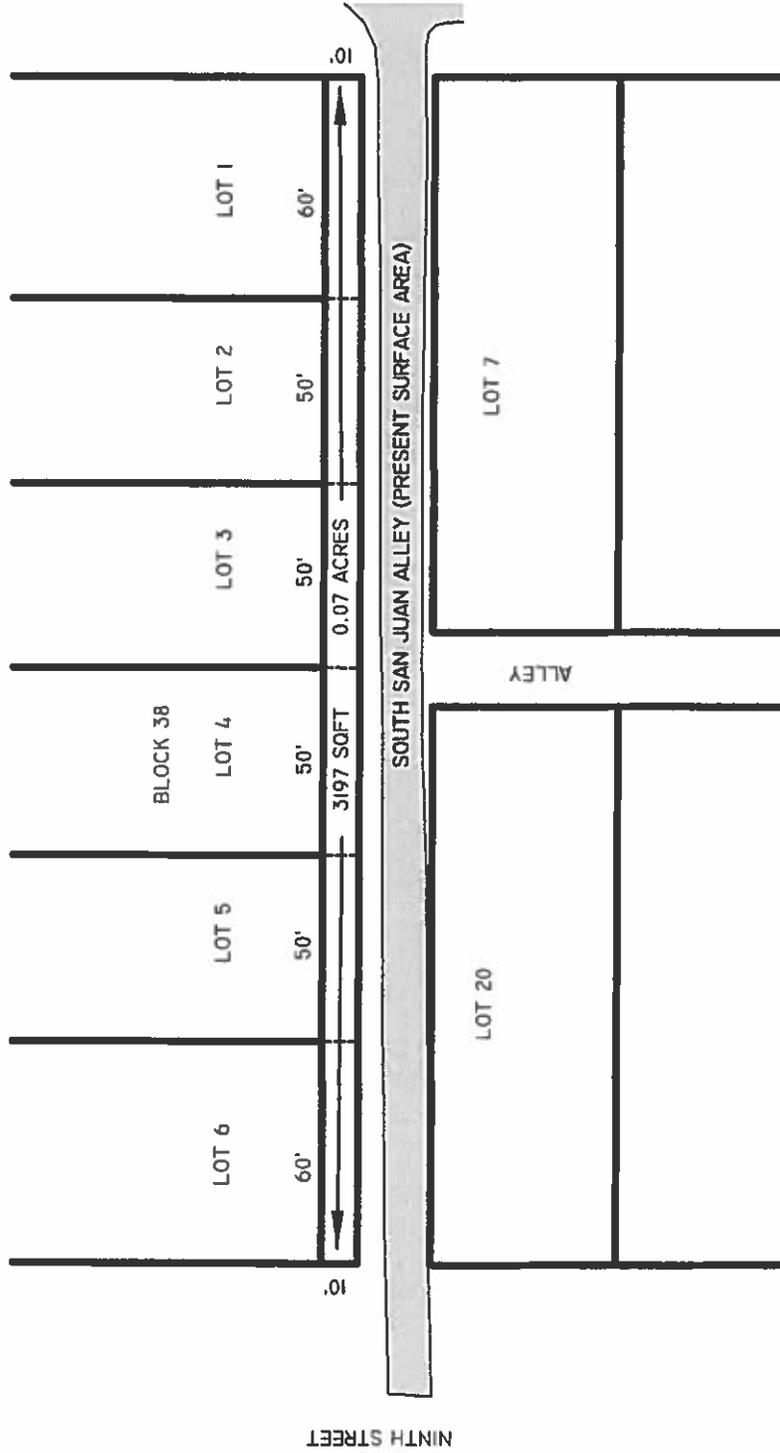
My commission expires:

9-16-17

[Signature]
Notary Public



EXHIBIT B





AGENDA DOCUMENTATION

OLD BUSINESS: VIII.3

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: AUGUST SALES TAX REVENUE ANALYSIS

ACTION: DISCUSSION AND POSSIBLE ACTION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

In October the Town of Pagosa Springs' sales tax revenue received increased by **8.16%** or **\$53,842** compared to October 2013 (based on August 2014 retail sales). Total collections for both the Town and the County for the month equals \$713,415 and the Town of Pagosa Springs' portion is half, or \$356,707. The Town further splits its portion equally between the General Fund and the Capital Improvement Fund with each receiving \$178,354.

Lodgers' tax is covered separately in the report given by Jennie Green, Executive Director of the Town Tourism Commission.

HISTORIC SALES TAX & LODGERS TAX REVENUE

Sales tax received for the month of August 2014 and for the entire year continues to be in impressive amounts. The sales tax amount of \$713,415 for August 2014 was the best August on record based upon historical records dating to 2004. For the current year, we continue to see an overall increase and, in fact, for year to date in 2014, sales tax revenue is now up **7.07%** or **\$153,120** compared to the same period in 2013 (\$2,318,251 has been collected to date in 2014 and \$2,165,132 for the same period in 2013).

For Council's consideration, an analysis is being provided to estimate how sales tax collections are compared to the budgeted amount for 2014. The annual budgeted amount of sales tax for both the General Fund and the Capital Fund is each \$1,687,096. Based upon a 10 year analysis of sales tax collections, it can be estimated what percentage of the whole will occur in each month. For example, the data shows that regardless of the total amount received annually, the Town can expect that approximately 9.4% of that total amount will occur in the month of July.

For example, year to date through August, the Town has received \$1,159,126 for the General Fund. Premised upon the 10 year monthly average, the expectation is the Town should have received about \$1,096,612 based upon the budgeted annual amount of \$1,687,096. The variance is \$62,514 or 6% higher than budget. For more detail, please see Exhibit A.

ANALYSIS

Resolution 2014-01 mandates 2014 expenditure reductions if sales tax revenues decline from the average revenue of the past two years. The application of the Resolution requires a monthly analysis that averages several months/years of revenue, to smooth out the impact of significant swings in sales tax collections:

Application of Resolution 2014-01:

	2012	2013	Avg.	2014	% Change
August	213,498	318,712	266,105	344,899	+ 29.61%
September	231,362	327,186	279,274	378,165	+ 35.41%
October	247,415	329,787	288,601	356,707	+ 23.94%

The average sales tax collections over the past two months is positive $[(35.41\% + 23.94\%)/2 = +29.68\%]$. The average sales tax collections over the past three months is positive $[(29.61\% + 35.41\% + 23.94\%)/3 = +29.65\%]$. Application of paragraphs 5 and 5(b) of the Council's policy calls for **NO** reduction of budgeted expenditures.

Note: For every seven percent (7%) reduction in expenditures, \$236,193 must be trimmed from the budget (\$118,097 from the General Fund and \$118,097 from the Capital Improvement Fund).

ATTACHMENT(S)

Exhibit A

RECOMMENDATION

Informational, no action required.

**Town of Pagosa Springs
2014 Sales Tax Estimate
General Fund**

Exhibit A

<u>Month</u>	<u>2014 Estimated</u>	<u>2014 Actual</u>	<u>Variance</u>	<u>10 Year Ave. % Collection</u>
January	113,035	123,998	10,963	6.7%
February	107,974	107,180	(794)	6.4%
March	124,845	146,689	21,844	7.4%
April	104,600	108,547	3,947	6.2%
May	123,158	132,826	9,668	7.3%
June	158,587	172,449	13,862	9.4%
July	205,826	189,083	(16,743)	12.2%
August	158,587	178,354	19,767	9.4%
September	160,274			9.5%
October	138,342			8.2%
November	124,845			7.4%
December	167,023			9.9%
TOTAL	1,687,096	1,159,126	62,514	100.0%
Est. Jan - Aug 2014:	1,096,612			
Percent Ahead:	6%			



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: IX.1

PAGOSA SPRINGS TOWN COUNCIL

OCTOBER 23, 2014

FROM: SHANE LUCERO
COMMUNITY CENTER

PROJECT: COMMUNITY CENTER UPDATES

ACTION: UPDATE AND DISCUSSION

UPCOMING EVENTS

October 25 -- our Halloween Carnival. This will take place at the athletic field in Town Park from 12-2pm. We are still accepting donations of candy and seeking volunteers to help.

November 1-- RACC is hosting the Holiday Bazaar.

November 3 --RACC will have a yoga class starting at 5:15pm which will give people that work during the day a chance to participate.

November 15-- a ping pong, ladder ball and yard toss tournament will be hosted at RACC.

November 22-- a men's volleyball tournament will be hosted at RACC.

CENTER UPDATES

RACC's Fawl Brawl was a success with 5 teams participating in a day of kickball. Besides a few aches and pains, fun was had by all.

Seeds of Learning hosted its annual Little Black Dress event at our center. There were 200 attendees and we booked them again for next year.

RACC hosted the Colorado Fire Fighters Academy for the 4th year. Firefighters from around the state come and participate in several trainings and rent every room in the center. We booked them for next year as well.

RACC is currently seeking volunteers and donations for the Halloween Carnival.

RACC has started a new youth volunteer program. Marissa Talamante is our new Youth Volunteer Coordinator. She is working closely with National Honor Society, Student Council and Student Advisory at PHS on volunteer efforts.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: IX.2

PAGOSA SPRINGS TOWN COUNCIL
OCT. 23, 2014

FROM: TOM CAROSELLO, PARKS AND RECREATION DIRECTOR

PROJECT: PARKS AND RECREATION DEPARTMENT REPORT

ACTION: UPDATE, DISCUSSION AND POSSIBLE ACTION

PARKS AND RECREATION COMMISSION UPDATE

The latest Parks and Recreation Commission (PRC) meeting was held Oct. 15; the minutes from this meeting will be provided in next month's packet. The minutes from the September PRC meeting are attached for your review. The next PRC meeting will be held Wednesday, Nov. 12 at 5:30 p.m. in Town Hall.

RECREATION PROGRAMS UPDATE

This year's soccer season concluded Oct. 7; registration for the first session of youth basketball (ages 7-8) ended last week. The season for this division, which will include six teams of 9 or 10 players, will begin in early November and run through mid-December.

The fall (fifth) session of gymnastics for ages 3 and up is ongoing and will end Oct. 29. The current session includes 33 participants. There will be one more session of this program offered before the end of the year. This year, the program is averaging 35 participants per session.

Due to lack of available gym space in the community center this fall, the youth volleyball program for ages 9-12 has been postponed and tentatively rescheduled for next spring.

PARKS UPDATE

In addition to routine parks maintenance, the parks crew will be blowing out irrigation lines and shutting down all irrigation systems over the next two weeks.

Over the past few weeks, there have been several minor incidents of vandalism at Yamaguchi Park. Thanks to the cooperation of the Town Police Department and the effectiveness of the security cameras, the perpetrators (all under the age of 16) have been identified and dealt with accordingly.

CAPITAL IMPROVEMENT PROJECTS UPDATE

RESERVOIR HILL OBSERVATION DECK: Construction is ongoing and should be completed by late fall.

RIVERWALK REPAVING: Due to time constraints, repaving of the portion of Riverwalk behind The River Center has been postponed until next spring. The current estimate to complete the project is \$32,000, and funds totaling \$33,000 have been earmarked for this endeavor in the 2015 budget.

RESERVOIR HILL THINNING PROJECT: The first informational meeting regarding this project was held at noon on the hill Oct. 4. Aaron Kimple (of Mountain Studies Institute) would like to have another public meeting within the next month. Additional meetings, if deemed necessary, could be held before the anticipated start date (next spring).

There have been some questions regarding what will happen to some of the wood resulting from this project, and while there will certainly be some wood left over that would be of the appropriate size and quality for firewood, much of the leftovers will be very small diameter and targeted for use as mulch. It is anticipated that not much, if any, of the leftovers will be suitable for saw logs.

However, no specific determinations have been made regarding exactly how the wood will be utilized or made available, and Council will be asked to make such determinations if this project moves forward.

Town of Pagosa Springs Parks and Recreation Commission
Minutes from Wednesday, September 10, 2014

The chair, Mike Musgrove, called the meeting of the Town of Pagosa Springs Parks and Recreation Commission to order at 5:37p.m. The following were present:

Commission Members: Maddie Beserra, Sally High, Scott Miller, Mike Musgrove, John Perea, Ed Simpson, and John Steinert. Mat deGraaf, and Mike Le Roux were absent.

Staff: Tom Carosello, Jim Miller, and Greg Schulte

Members of the Public: Pauline Benetti, Jeff Greer, and Mark Mueller

Announcements: Jim Miller informed the group that Parks and Recreation Director Tom Carosello would be unable to attend the meeting due to scheduling conflicts.

The minutes of the August 13, 2014 Parks and Recreation Commission meeting were reviewed. A motion to approve the minutes was received from Commr. Perea which received a second from Commr. High. It passed unanimously.

Department Head Reports

Jim Miller first gave the Rec report, stating that youth soccer was a third of the way complete, that gymnastics was underway, and that youth basketball registration would take place at the end of the month. He reported that although the cleanup efforts of FolkWest had been exemplary, some items remained to be removed from the hill. He then noted that a small fire had been discovered and put out by FolkWest staff. He stated that FolkWest has decided to impose a fire ban on the hill for all future festivals. Mr. Miller expressed his gratitude for the conscientious stewardship of Dan Appenzeller and Crista Munro. He went on to state that the refinement of the reservation policy and procedure would hopefully include a "penalty clause" that would impose a fee on event producers who don't remove their equipment (tents, dumpsters, etc.) in a timely manner from the event site. He asked the Commissioners to begin thinking about ways such a clause could be phrased for discussion at a subsequent meeting.

New Business

Commr. Musgrove then began a discussion of a template he'd developed to be provided to applicants for support from the Commission for capital projects or long-term lease requests. Jim Miller stated that such a template would be a valuable tool, giving citizens presenting projects to the Commission an idea of the questions they would likely be asked.

Old Business

Commr. High presented a request that the Parks and Recreation Commission recommend that the Town Board of Trustees apply for an Energy Impact Assistance Grant on behalf of the Geothermal Greenhouse Partnership. She stated that the allocation of funding for a bathroom at the GGP site would enhance the application by providing a higher percentage of matching funds. A discussion of the evolving relationship between the Town and the GGP and the duties and responsibilities of those two entities resulted in the following motion from Commr. Beserra: That the Parks and Recreation Commission recommends the Pagosa Springs Town Council submit an application for an Energy Impact Assistance Grant through the Dept. of Local Affairs to provide funding for the first phase of the Geothermal Greenhouse Project, and that the Town Council include \$80,000 in the 2015 budget to fund the construction of a bathroom in Centennial Park. The motion received a second from Commr. Steinert and was passed with unanimous consent. Then Commr. Musgrove led a discussion of the results of a work session held by commission members to address potential changes to the group's mission statement with an emphasis on the conservation of the primitive character of Reservoir Hill. Town Manager Greg Schulte clarified the distinction between the protections afforded by emphasis in the Board's mission statement and a Charter Amendment through a ballot initiative. He also mentioned the difficulty of anticipating the sentiment regarding development over time, given a changing board membership. It was decided that the Commission would consider the revision of their mission statement. Then Jim Miller gave a brief overview of the planned thinning of the Reservoir Hill forest scheduled to take place the coming winter. He mentioned the savings in money and time that would be achieved by the grant-funded work, but also acknowledged the unpopularity of cutting too much too quickly. He solicited input from the Commission to help him find a balance between effective forest management, fiscal restraint, and public attachment to the forest as it is. Finally Mike Musgrove stated that the grant application for phase two of the skatepark had been submitted.

Other Business

Then Greg Schulte briefed the group on the ballot initiatives developed by the Town Council and the Board of County Commissioners to solicit public opinion regarding the expansion of the existing Parks and Recreation system into a Rec District. He suggested that the cooperation between the Town and County was steadily improving.

At 7:18p.m. a motion was received from Commissioner Beserra that the meeting be adjourned. It received a second from Commissioner Steinert and passed with unanimous consent. The next regularly-scheduled meeting of the Town of Pagosa Springs Parks and Recreation Commission will be at 5:30p.m. on October 8, 2014 at the Pagosa Springs Town Hall.

Mike Musgrove, Chair



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: 1X.3

PAGOSA SPRINGS TOWN COUNCIL
OCTOBER 23RD, 2014

JENNIFER GREEN
DIRECTOR, TOWN TOURISM COMMITTEE

PROJECT: TOWN TOURISM COMMITTEE
ACTION: DISCUSSION AND POSSIBLE ACTION

TTC MEETING ACTIVITY

The Town Tourism Committee held its October meeting on Tuesday, October 12th at 4pm at the Community Center. Multiple subcommittee meetings have been scheduled to continue 2015 planning discussions. The next TTC meeting will be held on Tuesday, November 11th at 4pm at the Community Center.

TTC FINANCIAL REPORT

2014 lodging tax collections continue to show impressive growth. July 2014 was up 14.28%, or \$8,025.94, over July 2013. August 2014 was up 21.42%, or \$11,175.73, over 2013. There are two small payment outstanding for both July and August at the time of this report. Year to date, lodging tax is up 19.64%, or \$58,025.23. A complete report has been included in the packet.

VISITOR CENTER UPDATE

- 34 active volunteers - 20 year round and 14 seasonal; new volunteers are joining weekly; all shifts are covered by volunteers and staff is scheduled during all open hours.
- Tours of all lodging properties conducted in September, October tour to hot springs facilities and Aspen Grove businesses on October 14th, with Appreciation Dinner held afterwards - dinner catered by Farrago's / Todd Stevens
- Volunteers have name tags and coffee available (Keurig with pods)
- iPad sign in station in place - replaced paper sign in station requiring data entry; content is now added directly into Internet Honey to capture visitor demographics and link it to leads
- New door counters have arrived - door counters will provide traffic counts into VC; traffic can be reviewed in 30 minute increments
- Water bottle refill station installed; water bottles being handed out to visitors
- Kids play area in place with small table / chairs, rug, coloring books / washable markers, chalk board, puzzle, large legos (safe for age 1.5+); Kids activity booklet in development featuring educational activities based on local attractions, such as treasure falls, wildlife, etc.
- All brochures from other communities featuring activities that Pagosa offers have been removed - visitor guides of other communities in stock, but if we offer an activity (rafting, horseback ,etc), only local brochures in stock - we are not sending visitors to other communities for activities we offer in Pagosa
- Touch screen start screen completed; will be in place soon - visitorcenter.visitpagosasprings.com
- Brochures reorganized in lobby; two wooden racks were removed
- Updated hiking / driving tour brochures distributed to lodging properties - initial print run of 10,000
- New Reservoir Hill brochure completed; in place at trailheads, along with new trailhead signage, distributed to lodging properties and available at visitor center
- Building signage to be installed Oct 16th; bids being solicited for new street sign

LEAD COLLECTION (VISITOR GUIDE REQUESTS)

History of Leads / Visitor Guide Requests by month:

	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2010	1984	2413	3171	2601	3330	3221	2533	3110	1959	1436	1622	1279	28,659
2011	1443	2255	1657	4255	3684	2092	1945	1789	1518	995	1160	921	23,714
2012	2111	2704	2690	1730	2010	4445	3998	2624	3157	1435	1575	1392	29,871
2013	5322	3281	2658	4357	3626	3537	4372	3040	2791	995	1158	1356	36,491
2014	2,074	2,672	3,857	2,909	2,358	3,118	2,185	1,617	1,498	587*			21,263

* October leads through October 15th

SOCIAL MEDIA UPDATE

- Facebook - www.facebook.com/visitpagosasprings Facebook: 9,757 fans
- Instagram - www.instagram.com/visitpagosa: 899 followers
- Twitter - www.twitter.com/visitpagosa - 651 followers

PRESS / MEDIA UPDATES

- Hosted two German writers on October 15th; lead through Colorado Tourism Office - article focused on comparisons between Iceland and Colorado; hot springs was a huge aspect, writers were specifically interested in town's use of geothermal waters for heating and potential power plant; writers were also especially fond of Riff Raff
- Two writers confirmed for winter months - working with Wolf Creek Aki Area /Colorado Ski Country to host
- PR team focused on recruiting media writers to visit during 2014/15 winter season
- TTC Director going to NYC Dec 15-17th to meet with strategic media outlets to pitch Pagosa; appointments are being scheduled; TTC Director will also meet with website vendor during trip to scope out 2015 enhancements, including version 2 of itinerary builder

CTO MARKETING MATCH GRANT

- The Town Tourism Committee was included in two 2015 Grant applications: (1) Partnership with Chimney Rock National Monument, Mesa Verde Country and Durango-Silverton Train to target international tourists, primarily in Germany, France, Nordic Countries, the UK and Japan through Brand USA opportunities, and (2) Southwest Colorado Travel Region to produce updated brewery guide and various advertising to attract more visitors to SW CO
- 2014 Final Report was submitted on October 14th - CTO Grant in 2014 specifically targeted Texas and Illinois to promote outdoor adventure; results were impressive, with an increase of 26.8% in website visitors from TX and 59.93% increase in visitors from IL between January 1st and August 31st. The click through rate on advertising efforts exceeded industry standards, with Pandora Audio / Online ads performing the strongest in both markets

GROUP TRAVEL

- Joined Tour Colorado, Grand Circle (TTC Director attended meeting on September 29th) and National Tour Association
- Committed to attending NTA (January 18th-23rd in New Orleans), Go West Summit (February 10th-13th in Colorado Springs) and IPW (May 20th - June 3rd)
- New 2-page overview in development, to be translated in French, German, Japanese and Mandarin

VIDEO

- The TTC now has a video library (high definition, b-roll video) featuring winter and summer scenery and activities, including snowboarding / skiing, snowmobiling, hot springs, mountain biking, lake kayaking, fishing, horseback and more; footage also includes a sunrise timelapse video filmed from the scenic overlook on Wolf Creek Pass; Director working on editing footage into various videos for multiple upcoming opportunities
- Video / content piece completed through Brand USA; content piece will be translated in 7 languages and will live on www.discoveramerica.com and available for use on www.visitpagosasprings.com, allowing us to reach an international audience

DRAFT Minutes

Pagosa Springs Town Tourism Committee

Tuesday, October 14th, 2014

Ross Aragon Community Center

4 pm

Meeting called by: Bob Kudelski

Attendees: Voting Members; Larry Fisher, Chirag Patel, Stephen Durham, Nick Tallent, Matthew Boyle, Steve McKain, Matt Sprowls

Absentees: Criselda Montoya, Bob Kudelski, Jim Smith

Non Voting Attendees; Jennifer Green

Please review: August Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
2. Determination Of Quorum (6)
3. Approval of Minutes - August
 - a. Steve Mckain motioned to approve, Nick Tallent seconded, all approved
4. Chair Report - Bob Kudelski (Chirag Patel provided update)
 - a. Open at large seats (1)
 - i. Carla Shaw moved to Phoenix
 - ii. Group discussed keeping seat open as discussions with County continue; group will await potential restructure of board for seats to reduced through attrition
5. Treasurers Report

- a. Monthly Town Lodging Receipts report – Update (provided by Jennie Green)
 - i. July and August both show significant growth, with two payments outstanding
 - 1. July was up at least 14.28% or \$8,033.73
 - 2. August was up at least 21.42% or \$11,175.73
 - 3. Year to date, lodgers tax is up 19.64%, or \$58,025.23
- b. Current finances

6. Subcommittee Reports

- a. Budget – Update from Town Council Work Session
 - i. Jennie Green provided an update to 2015 budget based on recent work session with Town Council
 - 1. External marketing has increased from \$315k to \$330k
 - 2. Compliance expenses have been increased in order to perform initial complete effort
 - 3. Fireworks for 2014 budget have been re-added, in order to assist in 2015 advance payment
- b. Fulfillment – Jim Smith
 - i. Winter guides will be delivered in the next week
 - ii. Cassio Group will continue to handle fulfillment in 2015, based on cost, performance and lack of space for internal staff to handle
- c. Marketing – Chirag Patel
 - i. 2015 Planning
 - 1. Meeting scheduled for Monday, October 20th at 11am at Quality Resort; Jennie asked for attendees to plan for 2 hours
 - ii. Group Travel Market Update
 - 1. In order to launch effort in 2015, some expenses will be incurred in 2014, such as registration for Go West and NTA

- 2. Appointments for NTA are being requested
 - iii. 2014 Final Report for CTO grant submitted
 - iv. Brand USA
 - v. Video Update
 - 1. TTC hosted Anton Fresco on September 25th to capture video footage
 - 2. Jennie provided show and tell with clips of various video captured; weather was perfect to capture both summer and fall scenery
 - 3. Winter footage should arrive any day; Jennie to work on video editing and see what we can produce on our own, in order to save expenses
 - d. Events & Events Infrastructure - Larry Fisher
 - i. Deadline for 2015 applications is October 24th; most applications will be delivered on Oct 24th
 - e. Special Projects - Jim Smith
 - i. No update
 - f. Wayfinding and Signage - Steve McKain
 - i. Visitor Center Signage to be installed Thursday, October 16th
 - ii. landscaping for gateway signs; bids being solicited; work to be completed in Spring 2015
 - g. Visitor Center subcommittee
 - i. Tour of visitor center and enhancements scheduled for 5:45pm; many new additions, including water bottle refill station, iPad sign in station, kids play area, door / traffic counters, new touch screen start screen, brochure reorganization, etc
 - h. Catch & Release - Larry Fisher
 - i. Educational catch and release signage has been printed; will work with Parks & Rec to install new signs on posts with other fishing regulation signs
7. TTC Director Report - Jennie Green
- a. Report provided throughout meeting

b. Board had no additional questions

8. Old Business

9. New Business

a. Public Comment

i. No comment

b. Any other new business to come before the Committee

i. None

10. Adjournment

a. Larry Fisher motioned, Nick Tallent seconded, all approved



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: IX.4

PAGOSA SPRINGS TOWN COUNCIL, OCTOBER 23, 2014

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: PLANNING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

At the October 15, 2014 HPB meeting, the HPB approved a sign permit application for 434 Pagosa Street, for Elevation Custom Apparel. The Board also reviewed the successful "Alteration Certificate" completion at 480 Lewis Street, recognizing the applicants success in providing a thorough application and providing the building modifications as approved.

The Next Regular HPB meeting is on November 12, 2014, 2014 at 5:15pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

At the October 14, 2014 PC meeting:

- 1) The PC discussed the following matters further and present their initial finding to the TC for direction to pursue these issues further.
 - a. The current prohibition of metal sided buildings in commercially zoned properties, and the possibility of allowing metal sided buildings.
 - b. The current minimum lot size for single family lots in residential zone districts and the possibility of allowing smaller lots that would be consistent with the existing maximum density standards.
 - c. Limiting the location and use of Cargo Containers.
 - d. Prohibiting or limiting the use of LED Variable Message Signs

To discuss the above matters in more detail before bringing to Town Council, The Planning Commission has scheduled an additional work session after their November 11, 2014 5:30pm meeting.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT:IX:5

PAGOSA SPRINGS TOWN COUNCIL, OCTOBER 23, 2014

FROM: SCOTT FROST, SPECIAL PROJECTS DIRECTOR

PROJECT: SPECIAL PROJECTS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAJESTIC DRIVE PAVING PROJECT

Four Corners Materials is on schedule with construction

On Thursday, Oct 16, CDOT Engineer Robert Shanks performed a site walk-through and identified some concerns with culverts and silt fence. TOPS Project Mgr will follow up with contract administrator Davis Engineering to insure concerns are dealt with.

TOPS Street Superintendent Chris Gallegos has been notified of concerns and will tour the site next week with Scott Frost.

6th Street Pedestrian Bridge

Hart Construction requested and was granted permission to close 6th street until October 20th.

Work on the 6th street side has progressed according to plan with a few days lost to weather and an unexpected break in the sewer line.

Work commenced on the Riverwalk side on Monday October 13.

Excavation equipment reached a standstill on Wednesday when hard shale was reached; No activity took place on Thursday while Hart Construction sought to bring in equipment to break through the shale. As of Friday October 17, the large hole that was excavated has filled with water from Loucks ditch and will need to be pumped out before further excavation is possible.

The reinforcing bar is on site.

Tap Grant

In August 2014, T.O.P.S Applied for a TAP (Transportation Alternatives) Grant for the Harman Hill portion of the TTPL. Last week, Project Manager Scott Frost received "official notice of award" from CDOT that \$260,000 Has been granted for FY 2017. These funds will most likely be leveraged as matching funds for other grants from State Trails and GOCO to fully fund the 1.1 Million dollar project that includes numerous switchbacks climbing Harman Hill from Centerpoint Church to Harman Park and includes provision for pedestrian crossing at Piedra Road and 160.

8th to 10th street trail

Construction has begun on the portion of the path directly in front of the Library. The purpose of doing this portion now is to coordinate with the ongoing project at the Library and avoid duplication of effort with regard to the Landscaping scheduled to be completed this year.

Town Construction Crew

A feasibility meeting was held on Tuesday, October 14 to discuss possible projects and determine if an in-house Construction Crew would be beneficial. Attendees were asked by Town Manager to compile a list of budgeted projects that might be appropriate for proposed crew.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: IX.6

PAGOSA SPRINGS TOWN COUNCIL
OCTOBER 23, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN MANAGER'S REPORT
ACTION: UPDATE AND DISCUSSION

GEOTHERMAL WATER AND POWER AUTHORITY

The Geothermal Authority met recently on October 13th for the Regular Meeting and took action to adopt a revision to the proposed budget. The main part of the discussion of the meeting was regarding the dilemma of creating an LLC or using a concession agreement to administer the grant funding, particularly the \$1.9 million in Energy Impact grant funds. At first there was concern by DoLA that the LLC option would be difficult since use of the funds was restricted to a governmental entity and ownership of the assets purchased with the funds would have to stay with the governmental entity. It was suggested that a concession agreement would be a better vehicle and that option was explored, but subsequently the recommendation was to continue with the LLC option, which was done with DoLA staff concurrence. Staff is presently working with DoLA to write the contract scope of work for the \$1.9 million grant. As of this writing (10/16), we should be within days of all parties signing the ground lease with Fairway Trust for use of their property for the drilling site. The final item for the Geotherma Authority was there was a Special Meeting held on October 15th to authorize designated representatives to sign up to 3 contracts in an amount not to exceed \$943,000 with DOSECC Exploratory Services to begin the exploratory drilling by the early part of November.

FRANCHISE AGREEMENT WITH LA PLATA ELECTRIC ASSOCIATION (LPEA)

This item has not moved forward since the last report, but after attending the LPEA – sponsored public meeting with concerned citizens on October 8th, it is apparent that the development and execution of the Franchise Agreement needs to move up in staff priority and after conversations with LPEA staff, we are mutually agreeing to make this item a top priority.

FRANCHISE AGREEMENT WITH USA COMMUNICATIONS

USA Communications has come forward to propose a modification to their franchise agreement related to the timing of the renewal of the required bond. After reviewing the language, both Bob Cole and I agree the language is sufficient but offered them the option of providing a letter of credit. USA Communications has not responded to this offer. However, the bond company (The Hartford) has provided notice to the Town that they intend to cancel the bond effective October 25th. We have informed USA Communication that unless they provide a substitute bond prior to the cancellation date, we intend to exercise the bond. The bond is in the amount of \$10,000.

PAGOSA SPRINGS COMMUNITY DEVELOPMENT CORPORATION UPDATE

The Transition Team continues to meet with representatives from Region 9, Ed Morlan and Laura Lewis. Since the last update, the CDC has elected a new Board of Directors and elected Officers of the Board as well. In addition, the CDC board has signed an MOU with Region 9 to provide assistance in operations of the CDC for a period of 6 months. It is the intent of the CDC Board to approach both the Town and County for their participation and, presumably, financial contribution. It is envisioned that the CDC would make a presentation to a joint Town and County meeting to make the case for a financial contribution.

JOINT TOWN AND COUNTY MEETING AND ISSUES

As the Town Council is aware, the Town and Board of County Commissioners supported the placement of the three advisory questions for the November ballot and that was done on September 2nd. There was the idea of having an educational meeting at a joint Town and County meeting on October 13th. However, upon advice of counsel, it was believed the meeting could be interpreted as an “advocacy” effort and could cause legal problems. As a result, the joint meeting was cancelled. The next joint Town / County meeting will probably be scheduled for early November.



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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
SPECIAL MEETING AGENDA
THURSDAY, OCTOBER 23, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM OCTOBER 2, 2014**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. OLD BUSINESS**
 - I. PAWSD/Pipeline Update**
- V. DEPARTMENT HEAD REPORT**
 - I. District Report**
- VI. APPROVAL OF SEPTEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- VII. NEXT BOARD MEETING NOVEMBER 4, 2014 AT 5:00PM**
- VIII. ADJOURNMENT**



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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING MINUTES
TUESDAY, OCTOBER 7, 2014
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, Board Member Egan, Board Member Lattin, Board Member Patel, Board Member Schanzenbaker
- II. APPROVAL of MEETING MINUTES FROM SEPTEMBER 18, 2014** – The minutes were approved as submitted.
- III. PUBLIC COMMENT** – None
- IV. OLD BUSINESS**
 - 1. TOWN/PAWSD Pipeline Update** - Now that power is being requested at Pump Station #2, staff have contacted LPEA to get on their construction schedule and have demolished the small concrete block building which was in the path of the power line. Hammerlund began the gravity sewer installation from Pump Station #1 upstream to the locked gate at the end of South 5th Street the week of September 29 and is 80% complete. The last 200 feet may be delayed until next year, but if done this year, contact has been made with the school district to ensure the safe flow of traffic for the school busses. Trenching for the power should be completed and connected in the next 30 days. Board Member Bunning commended Mr. Tautges and Town Manager Schulte for their hard work with Hammerland making sure all sides are heard and communication remains open.
- V. NEXT BOARD MEETING OCTOBER 23, 2014 AT 12:00PM**
- VI. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 5:38pm.



AGENDA DOCUMENTATION

OLD BUSINESS:IV.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
OCTOBER 23 , 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: TOWN/PAWSD PIPELINE UPDATE
ACTION: DISCUSSION

Town/PAWSD Pipeline Update

Pay application #7 was received and approved for \$107,654

A meeting has been scheduled for Thursday 10/16/14 after the construction meeting to find solutions to the change order issues that have emerged. We hope to be able to mitigate these requests and avoid further delays on the project.

All pipeline work has been suspended for the year with road repairs and remediation of easement properties taking place before the weather prevents further repairs. Although the sewer pipeline would have very little impact on Trujillo Road, the PAWSD waterline will, and since they were bid as one project and the county will soon cease allowing work in road right of ways, installation will continue next year.

Both Pump stations 1 & 2 have passed their exfiltration tests and are being backfilled and compacted. Work will continue on both stations throughout the winter with the building structures going up and mechanical and electrical work continuing.

Trenching for the 3 phase power line, which the PSSGID is responsible for, started on 10/14/14 and it is anticipated that backfill, transformer setting, and J box connections will be finished on 10/21/14.

Respectfully submitted,
Gene Tautges, Sanitation Supervisor



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
OCTOBER 23, 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: DEPARTMENT HEAD REPORT
ACTION: DISCUSSION

Administrative

Submitted the required monthly paperwork to the state health department and ordered parts for inventory as we were running low in several areas.

Wastewater Treatment Plant

The average daily effluent flow rate for August was .238 million gallons per day with no violations reported for September and October results are looking favorable as well.

Collection System

Parts have been received for construction of the bypass pumping for the chamber lift station while it is being replaced. Installation is scheduled for 10/17/14 and the delivery date for the new pump station is still anticipated on or near November 6th. The 6 foot diameter concrete vault that supports the pumping station is badly corroded and will be rehabilitated by a sub-contractor before the new station is installed. We will notify the visitor's center before work begins and minimize any inconveniences as much as possible.

Two collection system clogs were encountered this month with one being the customer's responsibility. The other was unclogged and is now functioning properly.

Geothermal

The geothermal heating facility has been running in the test mode for several weeks with an acceptable low leak rate. However, a leak inside the building several weeks ago sprayed water all over and caused corrosion on the monitoring device which failed last week. A new one was ordered and is expected to arrive and be installed the week of 10/20/14.