



551 Hot Springs Boulevard  
Post Office Box 1859  
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**TOWN COUNCIL MEETING AGENDA  
THURSDAY, DECEMBER 18, 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 DECEMBER 2, 2014**
- IV. PUBLIC COMMENT – *Please sign in to make public comment***
- V. DELEGATIONS**
  - 1. Safe Routes to School – Annie Sewell**
- VI. NEW BUSINESS**
  - 1. Ordinance 818, First Reading, Amending the LUDC to Provide for a Code Board of Appeals**
  - 2. Resolution 2014-17, Amending 2014 Budget**
  - 3. Agreement for Prosecutorial Services for Civil Cases in Municipal Court**
- VII. OLD BUSINESS**
  - 1. Sales Tax Brief**
- VIII. DEPARTMENT HEAD REPORTS**
  - 1. Community Center Report**
  - 2. Parks and Recreation Report**
  - 3. Town Tourism Committee Report**
  - 4. Planning Department Report**
  - 5. Town Manager Report**
- IX. APPROVAL OF NOVEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- X. PUBLIC COMMENT – *Please sign in to make public comment***
- XI. COUNCIL IDEAS AND COMMENTS**
- XII. NEXT TOWN COUNCIL MEETING JANUARY 6, 2015 AT 5:00PM**
- XIII. ADJOURNMENT**

**Don Volger  
Mayor**



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

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan (5:10pm), Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM NOVEMBER 20, 2014** – Council Member Bunning moved to approve the meeting minutes, Council Member Schanzenbaker seconded, unanimously approved.
- IV. **PUBLIC COMMENT** – Mr. Edward Bennett talked about Archuleta Seniors Inc. taking over the senior meals. He said the cost is \$270,000 per year donated from AAA \$88,000, Archuleta County \$140,000, fundraising and membership, and just \$10,500 from the Town. Mr. Bennett said the \$36,000 ASI pays in rent to the Coalition is taking away from the quality of meals and availability for extra meals to the seniors. He said the seniors are needful of these meals.
- V. **LIQUOR LICENSE**
  1. **Liquor License Renewal – Nellos Inc. dba Nello's Bistro at 135 County Center Dr Ste A** – Council Member Alley moved to approve the liquor license renewal for Nellos Inc dba Nello's Bistro, Council Member Bunning seconded, unanimously approved.
- VI. **NEW BUSINESS**
  1. **Public Hearing on 2015 Budget** – Town Manager Schulte explained the addition of the community center revenue and expenses in the general fund for 2015. The Town will become the fiscal agent for the community center in 2015. He commended the Coalition and Ross Aragon for the cooperation during the transition. The community center requires approximately \$150,000 to balance the community center budget each year. Should the Coalition agree to reduce the rent to ASI, the Town would have to make up the shortfall. Mayor Volger opened the item up for public comment. Mr. Bennett said the Town should make up the difference and give ASI an additional \$36,000 to pay the Coalition the rent. Mr. Mark Weiler believes the original agreement obligation between the Town and Coalition reads the Coalition will reimburse the Town for the employee expense. He said the Coalition has not held up their end of the agreement. He would like to see the Town Attorney look at the agreement before the Town subsidies' any more for the Community Center. Town Manager Schulte said the Coalition has not been able to reimburse the Town for the employee costs due to the limited revenue. He said the Town has been engaging the Coalition in a new relationship, they are reviewing the bylaws and agreement between the Town and Coalition. Mayor Volger closed the item to public comment.
  2. **Resolution 2014-15, Approve 2015 Budget, Set Mill Levies, Appropriate Funds** – The projected 2015 General Fund reserves are estimated at \$1,473,589. The proposed 2015 budget reflects a 2.771% cost of living increase for every employee. The mill levy of 1.576 includes 1.557 mills for general operating expenses plus .019 mills for refunds and abatements. The County Assessors assessed value is \$237,275 over the 2014 values. The projected 2015 Capital

Fund reserves are estimated at \$653,706. The budget reflects an aggressive utilization of Capital Fund reserves to fund the Town's infrastructure and new projects. Council Member Alley moved to approve Resolution 2014-15, approve and adopt the 2015 budget, set the mill levies for 2015, and appropriate funds for the 2015 budget, Council Member Schanzenbaker seconded, unanimously approved. Mayor Volger thanked the staff and council for their participation and great effort in the budget process. Council Member Egan appreciates Mr. Weiler's questions and how it plays into the end process, he said the agreement to be made with the Coalition need to be very clear.

3. **Direction to Planning Commission and Staff Regarding Potential LUDC Revisions for Regulating Allowable Uses of Cargo Shipping Containers for Accessory Structures -** In 2012, town planning staff presented to the planning commission a developing issue and concern with cargo shipping containers. These containers were being placed around town for permanent use without a building permit and without regard to property line setbacks and many were in poor shape and not set level. On August 16, 2012 and again on September 17, 2012 work sessions were held with two members from the Planning Commission and two members from Town Council. The work sessions resulted in proposed LUDC language revisions that have not been approved by the Town Council. Mayor Volger said there needs to be regulations that are consistent with our other buildings regulations. Mr. Ron Maez and Mrs. Heidi Martinez both serving on the Planning Commission were in attendance. Mrs. Martinez said there must be a regulation on these containers. Mr. Maez said there is a list of items the commission would like the council to give direction on. Council Member Egan said this item needs to be addressed and specific rules and regulations put in place. Council Member Alley said the regulations help with the long term value and appeal of our committee. Mr. Dickhoff said there are about 25 cargo containers, eight set in the last four months, in the Town limits. He said there are three that are permitted under a temporary use permit. They are currently not allowed in mixed use and commercial districts because of the metal siding. These containers have been placed in residential areas as well as commercial. Council Member Bunning suggests not allowing the containers at all, or approve them on a case by case basis. Regulations, set backs, and screening through the permitting process need to be put in place. Council Member Egan suggests the neighbors be notified prior to placing a cargo container, as well as a plan for blending and concealment. Mayor Volger said the planning commission should discuss the cargo containers and bring recommendations back to council.
4. **Direction to Planning Commission and Staff Regarding Potential LUDC Revisions for Current Prohibition of Metal Sided Buildings in Mixed Use and Commercial Districts -** The Town's LUDC prohibits metal sided buildings in all mixed use and commercial districts within the Town. The Town has received a number of inquiries over the last few years regarding constructing metal sided buildings. Many of these requests came from property owners that want to expand their existing metal sided building or from those that wanted to build near existing metal buildings. On November 12, 2014, the Planning Commission held a work session on the matter and discussions revolved around considering incorporating architectural design guidelines instead of prohibiting metal siding. Architectural design guidelines would set a standard for building design features like; roof overhangs, defined entrances, broken roof lines, modulated facades, window/door trim, multiple material use, etc. Mayor Volger asked why there are regulations on metal siding and no regulations on other types of siding. Planner Dickhoff said the north sides of the metal sided buildings are bent in because of the snow load. He said requiring design standards and criteria would help the buildings not get damaged and to look more appropriate for our town. Council Member Schanzenbaker said there should be standards to set what the Town needs to look like. The Town Council would like the planning commission to look into design standards.
5. **Mountain Crossing Subdivision Preliminary Plan Extension Request -** The proposed Mountain Crossing commercial subdivision development is located on 70 acres at the southeast corner of Hwy 160 and Hwy 84. On November 13, 2014, the planning director received a request to extend the Mountain Crossings commercial subdivision preliminary plan for one year with several contingencies; complete annexation and zoning process for Strohecker minor subdivision lot IIB, and combine this lot into the final plat, provide a geotechnical report, wet stamped and signed by a Colorado licensed engineer, provide drainage report, wet stamped and signed by a

Colorado licensed engineer, provide proof of CDOT access permit approval, provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required, provide 20 foot wide utility easements as requested by and negotiated with utility providers, provide trail dedication language and all other corrections to the preliminary plat as directed by the planning director to be incorporated on the final plat, Town shall hire a third party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan, Mountain Crossing Codes, Covenants and Restrictions (CC&R's) shall be recorded and provided to Town, proceed with annexation petition for the first 1,800 lineal feet of Mill Creek Road and provide engineering plans for required right-of-way improvements, and any other conditions. Council Member Schanzenbaker is not happy with Walmart only having to complete the curb and gutter on one side of Alpha Drive. He suggests before annexing Mill Creek Road, the council requires bringing it to Town specifications with curb, gutter and sidewalk on both sides of the road. Council Member Schanzenbaker moved to approve a one year extension for the previously approved Mountain Crossings development preliminary plan, including all contingencies approved by Town Council on December 4, 2012 with additional direction to staff to ensure the neighboring property owners are contacted regarding considering cost sharing for the south side curb, gutter and sidewalk improvements on Mill Creek Road, Council Member Egan seconded, unanimously approved.

**VII. PUBLIC COMMENT – None**

**VIII. COUNCIL IDEAS AND COMMENTS -** Planning director Dickhoff said Walmart is still waiting to stripe Alpha Drive as well as the sidewalk along the Aspen Village Drive. They are waiting for a riser for a sewer manhole to replace a large drop in order to open the road. Staff will encourage Walmart to open Alpha Drive as soon as possible. Council Member Egan would like to have some education on municipal finance before the next budget session.

**IX. NEXT TOWN COUNCIL MEETING DECEMBER 18, 2014 AT 12:00PM**

**X. ADJOURNMENT –** Upon motion duly made, the meeting adjourned at 6:30pm.

**Don Volger  
Mayor**



## **ARCHULETA SCHOOL DISTRICT 50 JT.**

309 Lewis Street · Pagosa Springs, Colorado 81147 · Phone (970) 264-2228

November 21, 2014

Dear Members of the Board of County Commissioners,

Safe routes to School (SRTS) is a program sponsored by the Colorado Department of Transportation (CDOT). Safe Routes to School is designed to assist communities in developing safe routes for children to walk or bicycle to school. Archuleta School District is partnering with CDOT to develop safe routes to Pagosa Springs Elementary School.

Not long ago, children routinely moved around their neighborhoods by foot or by bicycle and that was often how they traveled to and from school. Today, for a myriad of reasons, that is not the case. There is now more than ever, a need to provide thoughtfully-planned options that allow all children to walk and bicycle to school safely. Increases in the number of people living and driving in Pagosa Springs as well as the distance to school, have created many challenges for children walking and bicycling safely to school.

-In 1969, 48% of children 5-14 years old walked or bicycled to school

-In 2009, 13% of children 5-14 years old walked or bicycled to school

The SRTS Coalition is working together to provide education, encouragement, and thoughtful input about safe routes to school in Pagosa Springs. This process will involve gathering data, assessing the current state of safe routes to school, and formulating innovative ideas and solutions.

The SRTS Coalition will keep the Board of County Commissioners informed as we gather information and identify issues related to the children of Pagosa Springs walking and bicycling to school. As the coalition moves forward in this process we would like to request representation from the Board of County Commissioners to work toward solutions for safe routes to school in Pagosa Springs.

We believe that our goals align with the Parks and Recreation Master Plan and that our focused efforts toward safe routes to school will prove to be mutually beneficial to the overall goals laid forth in the Master Plan. The SRTS coalition plans to keep you informed and updated as we evaluate our progress and move toward a bright future for our children walking and bicycling to school.

Thank you for your consideration,

  
Annie Sewell  
Safe Routes to School Project Manager  
[southsanjuan@me.com](mailto:southsanjuan@me.com)

  
Sandy Lane  
Health and Wellness Coordinator  
[slane@pagosa.k12.co.us](mailto:slane@pagosa.k12.co.us)



# AGENDA DOCUMENTATION

## NEW BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL  
DECEMBER 18, 2014

FROM: ZACH RICHARDSON, TOWN BUILDING OFFICIAL

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**PROJECT: FIRST READING, ORDINANCE 818 OF THE TOWN OF PAGOSA SPRINGS AMENDING SECTION 6.13 OF THE LAND USE AND DEVELOPMENT CODE TO PROVIDE FOR A CODE BOARD OF APPEALS**

**ACTION: DISCUSSION AND POSSIBLE ACTION**

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**PURPOSE/BACKGROUND:**

The Town Building Department, in conjunction with the Pagosa Fire Protection District, recommends that a single Code Board of Appeals be created to hear all appeals related to fire and building codes.

The International Code Council Codes (ICC Codes), including both the Building and Fire Codes have both been adopted by the Town, including provisions regarding the Fire Code's own board of appeals and appeals process. Therefore, in order for the Town to establish the Board of Appeals with the Fire District, an ordinance is required to amend the Town Code. As recommended by legal counsel, the Town Council must also adopt a new Resolution appointing the member of the Board of Appeals – reference agenda item VI.2.

It is proposed that the Code Board of Appeals would hear and decide on appeal requests based on Section 6.13 of the Land Use and Development Code. The membership would consist of five regular members and three alternate members appointed or removed jointly by Town Council and Pagosa Fire Protection District Board Resolutions. Members shall be qualified electors and residents of Archuleta County for a minimum of two years prior to appointment. Holding the member to a higher standard, they shall be experienced and knowledgeable about ICC Codes and hold a certificate, credential and/or license.

**ANALYSIS:**

**Authority and Scope:** The Pagosa Area Building and Fire Appeals Board is a professional team established to hear and decide on appeals of order, decisions, or determinations regarding building and fire code enforcement within the Town of Pagosa Springs and Archuleta County. The Appeal Board will hear witnesses, review evidence and interpret the International Code Council (ICC) building and fire codes as adopted and/or amended by each respective jurisdiction. Decisions of the Appeal Board are final and binding upon all parties involved in the hearing process.

**Membership of the Appeals Board:** The Appeals Board shall have a membership of not less than eight (8) members – five (5) regular and (3) alternate members appointed or removed by the Town Council and Pagosa Fire Protection Board of Directors. The members shall be chosen to broadly reflect the various standards of the building and fire codes.

The five regular members shall be as follows: two experienced in building construction, two in engineer of design professional and one fire protection professional or fire experience contractor or engineer. The terms of office are for five years with the initial appointment staggered from one to five years and then five-year terms thereafter.

The three alternate members must have experience in a) building construction; b) engineer/design professional; or c) fire protection professional or fire experienced contractor/engineer. The initial appointments will be staggered – one for three years; one for two years; and one for one year terms. The terms thereafter will be for three years.

**Qualifications:** Members shall have experience in, and be knowledgeable about, procedures and policies of each respective jurisdiction and International Residential, Building, and NFPA 72, 13, 13D and 13R Codes. All Members shall hold current professional credentials, certificates and/or licenses.

**Policies and Procedures:** The Code Board of Appeals may establish and adopt its own policies and procedures to address meeting locations, taking minutes and appointing a chairperson.

**ATTACHMENT(S):**

Ordinance No. 818, an Ordinance of the Town of Pagosa Springs

**RECOMMENDATION:**

The Town has received appeal requests, and may receive additional future requests; therefore, it is the recommendation of the Town Building Official that the Town Council by motion:

**Approve the First Reading of Ordinance No. 818, Amending Section 6.13 of the Land Use and Development Code to Provide for a Code Board of Appeals.**

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**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 818  
(SERIES 2014)**

**AN ORDINANCE OF THE TOWN OF PAGOSA  
SPRINGS AMENDING SECTION 6.13 OF THE LAND  
USE AND DEVELOPMENT CODE TO PROVIDE FOR  
A CODE BOARD OF APPEALS**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

WHEREAS, pursuant to Ordinance No. 795, Series 2013, the Town adopted, by reference the International Fire Code, 2009 Edition (the “Fire Code”), including Appendix A which establishes a board of appeals; and

WHEREAS, pursuant to Ordinance No. 675, Series 2006, the Town adopted, by reference, the International Building, Energy, Residential, Fire, Mechanical and Fuel Gas Codes, 2006 Edition (the “Building Codes”); and

WHEREAS, the Town desires to establish a single board of appeals to hear all appeals related to Chapter 6.13 of the Land Use and Development Code, with board members appointed jointly by the Town and the Pagosa Fire Protection District.

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

Section 1. Amendment of Chapter 21, Article 6, Section 6.13.6. INTERNATIONAL FIRE CODE. Chapter 21, Article 6, Section 6.13.6 of the Pagosa Springs Municipal Code is hereby amended so that Appendices Chapters B, C, D, F, H and I of the International Fire Code, 2009 Edition, are adopted.

Section 2. Adoption of a new Section 6.13.13. Board of Appeals. Chapter 21, Article 6 of the Pagosa Springs Municipal Code is hereby amended by the adoption of a new Section 6.13.13, BOARD OF APPEALS, as follows:

### 6.13.13 BOARD OF APPEALS

There is hereby created a Code Board of Appeals (“Board”) for the purpose of hearing and deciding appeals of orders, decisions or determinations made pursuant to this Chapter 6.13.

**A. Membership.** The membership of the Board shall consist of five regular members and three alternate members, none of whom are employees of the Town or Fire District, and all of whom meet the qualifications established by this Section. All regular and alternate members shall be appointed jointly by the Town Council and Pagosa Fire Protection District’s Board of Directors. In the event of a resignation, death, or retirement of any member, or removal of a member for good cause, a replacement shall be appointed jointly by the Town Council and Pagosa Fire Protection District (“Fire District”). Members and alternate members may be removed for any or no reason by joint action of the Town Council and District Board of Directors.

**B. Member Qualifications.** All alternate and regular members shall be qualified electors and residents of Archuleta County for a minimum of two (2) years prior to appointment. Members shall have experience in, and be knowledgeable about, the International Residential, Building, Fire, NFPA 72, 13, 13D and 13R Codes. All members shall hold current professional credentials, certificates and/or licenses, as well as meet the following criteria:

1. If any such persons are available in Archuleta County, regular board members shall consist of the following individuals:
  - a. Two members experienced in building construction;
  - b. Two members who are engineer or design professionals; and
  - c. One fire protection professional or fire experienced contractor or engineer.
2. If such persons are available in Archuleta County, alternate board members must meet at least one of the following qualifications:
  - a. Having experience in building construction;
  - b. An engineer or design professional; or

- c. A fire protection professional or fire experienced contractor or engineer.
3. If individuals with the above qualifications are not available, the Town Council and Fire District may appoint individuals deemed qualified by both entities.

**C. Term of Office.**

1. Regular Members. Initial appointments of regular members shall be as follows: one member shall be appointed to a term of five years; one member shall be appointed to a term of four years; one member shall be appointed to a term of three years; one member shall be appointed to a term of two years; and one member shall be appointed to a term of one year. Thereafter, appointments shall be for a term of five years.
2. Alternate Members. Initial appointments of alternate members shall be as follows: one member shall be appointed to a term of three years; one member shall be appointed to a term of two years; one member shall be appointed to a term of one year. After these initial terms, each alternate member shall be appointed to a three-year term.

**D. Alternate Members.** In the event that any regular member of the Board is temporarily unable to act owing to absence, illness, interest in the case before the Board, or any other cause, the Chairperson of the Board shall designate an alternate member to take the place of the absent member and the alternate member shall have all the powers of a regular member while serving in the place of a regular member. The Chairperson shall make every effort to rotate the alternate member who replaces an absent regular member.

**E. Duties.**

1. The Board is authorized to establish policies and procedures necessary to carry out its duties. Copies of any policies and procedures shall be provided to the Town and the Fire District.
2. The Board shall make reasonable interpretations and may waive requirements of the Building and Fire Codes when such decisions are (i) in conformity with the intent and purpose of the applicable code; (ii) the relief does not lessen

any fire-protection or health and safety requirements or any degree of structural integrity; and (iii) the material, method or work offered is, for the purpose intended, comparable to that prescribed in the applicable code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

3. The Board shall review proposed changes or amendments to the codes and advise the Town Council with respect to the desirability and necessity for any such changes and may formulate suggested amendments to the codes for consideration by the Town.

#### **F. Appeals.**

1. Any order, decision, or determination made by the building official or fire code official may be appealed to the Board by filing a written Notice of Appeal with the Town Clerk no later than ten (10) calendar days from the date of the decision being appealed.
2. A hearing shall be scheduled within 30 days after receipt of a Notice of Appeal; or, if the Board has adopted a regular schedule of meetings regular meeting following receipt of the Notice. Written notice of the date, time and place of the hearing shall be mailed to the appellant, the Town and the Fire District.
3. Three members of the Board shall constitute a quorum. In rendering any decision on an appeal, not fewer than three affirmative votes shall be required.

**G. Decisions.** The Board shall issue its findings and rulings thereon in writing not later than thirty days after the hearing, or not later than the second regular meeting following the hearing, if the regular schedule of meetings has been adopted by the Board. Copies of the findings and rulings shall be mailed to the appellant, Town Clerk, and Fire District administrator. The decisions of the Board shall be final and there shall be no further administrative review. Decisions of the Board shall be subject to review by the Municipal Court by filing a complaint that includes the specific allegations of error no more than fourteen (14) days after the final decision by the Town Council. The Municipal Court's review shall be limited to a determination of whether the Board exceeded its jurisdiction or abused its discretion, based on the evidence in the record before the

Board. Any appeal of the decision of the Municipal Court shall be brought in District Court as a civil matter pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

Section 3. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 4. 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 5. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

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

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

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

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

Attest:

\_\_\_\_\_  
April Hessman, Town Clerk

**CERTIFICATE OF PUBLICATION**

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. \_\_\_\_ (Series 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, 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 appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. \_\_\_\_ (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)



# AGENDA DOCUMENTATION

## NEW BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL

DECEMBER 18, 2014

**FROM: GREG SCHULTE, TOWN MANAGER**

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**PROJECT: RESOLUTION NO. 2014-17 AMENDING 2014 BUDGET**

**ACTION: REVIEW, PUBLIC COMMENT AND ACTION**

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### PURPOSE/BACKGROUND

#### EXPENDITURES

During the 2014 year, several budgeted items have been amended by council to improve the Town's functionality, capital structure improvement and others. Below is a review of the amended items.

In March, Council approved the expenditure of up to \$3,000 from the General Fund to support an elementary school crossing guard in cooperation with the County and School District.

In the April election, the Town Council Compensation question was passed by voters by one vote. The compensation amount of \$300 per month for the mayor and \$200 per month for council members increased the town council line \$15,000 including FICA and miscellaneous costs beginning in May. In May the Town Council approved supporting the downtown development group up to \$10,000 for DCI (Downtown Community Inc.) to continue research on creating a downtown development plan. These amounts are budgeted in the General fund.

In June, the council agreed to move forward with building the 6<sup>th</sup> Street pedestrian bridge with a reduced GOCO grant, the balance of \$108,000 provided from the Capital fund reserves. In July council agreed to a cost of up to \$2,100 for the bridge style. The Town gave the staff direction to move forward with reconstruction of 8<sup>th</sup> Street along with an additional \$150,000 from Capital fund reserves for the 8<sup>th</sup> Street and Piedra Street intersection.

In July, the Town purchased the Visitor Center building at 105 Hot Springs Blvd from the Pagosa Area Chamber of Commerce. The \$90,000 purchase price was taken from Capital fund reserves.

A few items from the Capital fund that were not spent in 2013 were eventually spent in 2014. These include Reservoir Hill Park Development line item for the new gazebo \$46,000, as well as the Town Manager DoLA Fiber Optics line item \$55,800. Reimbursement from the DoLA grant offset any funds expended in 2014 for the fiber optics grant.

The County Treasurer, as required by the state, began charging treasurer's fees on the sales tax passed through the county account in February. The estimated amount of \$100,000 was not budgeted with hopes to have the funds returned once the State of Colorado began directly depositing the funds to the town, however this is taking much longer than anticipated. The County has agreed to reimburse the Town for the fees the Treasurer must assess, this revenue is reflected in general fund revenues. The treasurer fees are located in the Town Clerks budget in the General Fund.

The State requires the council approve a budget amendment should a particular fund spend more than the original budgeted amount. The Capital fund will not be expending more than the budgeted amount of \$4,990,556, this is due to the delay in the west side Town to Pagosa Lakes trail and the reconstruction of 8<sup>th</sup> Street. However, due to the large amount in the unbudgeted sales tax fund fees, the General fund will be expending more than originally budgeted.

The amendment to the general fund expenditures of \$128,750 and general fund revenues of \$100,000 will leave the amended budget year end cash reserves at \$1,235,924.

No amendment to the Capital fund is necessary.

**ATTACHMENT(S):**

Resolution No. 2014-17

**FISCAL IMPACT**

Approval of the proposed 2014 budget amendment increases the general fund expenditures by \$128,750 and increase the revenues by \$100,000 thereby decreasing general fund reserves by \$28,750.

**APPLICABILITY TO TOWN OF PAGOSA SPRINGS HOME RULE CHARTER**

Section 3.9 of the Home Rule Charter specifies the Town Council's authority and responsibility to anticipate revenues [Section 3.9(A)2] and adopt a balanced annual budget [Section 3.9(B)].

**RECOMMENDATION**

It is the recommendation of the Town Manager that the Town Council, by motion

**Approve Resolution 2014-17, amending the Town's 2014 approved budget to include increases in expense and revenue items, thereby decreasing general fund end of year budgeted reserves by \$28,750.**



**TOWN OF PAGOSA SPRINGS, COLORADO**

**RESOLUTION NO. 2014-17**

**RESOLUTION TO AMEND SUMS OF MONEY FOR THE 2014 BUDGET**

WHEREAS, the Town Council has conducted a Public Hearing to review the proposed 2014 budget in accordance with the Home Rule Charter and approved the 2014 budget on December 12, 2013; and

WHEREAS, the Town of Pagosa Springs has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law and the Town of Pagosa Springs Home Rule Charter, but also if necessary amend the revenues and expenditures provided in the budget and for the purpose described below, as not to impair the operation of the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town Pagosa Springs:

1. Amend the Appropriations of Funds. The following sums are hereby appropriated for the sanitation fund:

GENERAL FUND SUMMARY OF REVENUES AND EXPENDITURES					
	2012 Actual	2013 Budget	2013 Estimate	2014 Budget	Previous
<b>REVENUES</b>					
Total All Revenues	3,951,200	3,219,022	3,634,755	3,785,851	3,685,850
<b>EXPENDITURES</b>					
Total Expenditures	2,675,170	2,150,286	2,096,296	2,549,926	2,421,176
Year End Cash Reserve	1,276,030	1,068,736	1,538,486	1,235,924	1,264,674

2. **Severability**. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. **Effective Date**. This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

Approved this 18<sup>th</sup> day of December, 2014, by the Pagosa Springs Town Council, by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Mayor

ATTEST:

By: \_\_\_\_\_  
April Hessman, Town Clerk



# AGENDA DOCUMENTATION

## NEW BUSINESS: VI.3

PAGOSA SPRINGS TOWN COUNCIL

DECEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

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**PROJECT: APPROVAL OF INDEPENDENT CONTRACTOR AGREEMENT WITH BRETT VAN WINKLE, ATTORNEY AT LAW, FOR CIVIL PROSECUTION SERVICES RELATED TO THE PASSAGE OF BALLOT QUESTION 2 IN APRIL 2014.**

**ACTION: DISCUSSION AND POSSIBLE ACTION**

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### PURPOSE/BACKGROUND

On January 17, 2014, the Town Council passed Ordinance 802 submitting to the registered voters of the Town of Pagosa Springs a ballot question amending Article 6, Section 6.2 of the Home Rule Charter regarding the powers of the Town of Pagosa Springs Municipal Court. This placed on the April 8, 2014 ballot and was known as Ballot Question #2.

Prior to Ballot Question #2, the purpose of the Municipal Court was try hear and try criminal matters that were not subject to the County Court or the District Court. The question posed to the electorate was whether to amend the Home Rule Charter to expand the jurisdiction to the municipal court to hear and try all matters arising under the Town Charter, the Town ordinances, and other enactments of the Town. Ballot Question #2 passed by a vote of 322 to 242.

One of the results of the passage of Ballot Question #2 is the need for the Municipal Court to try civil matters that are a violation of the City Code, including the Building and Land Use Development Codes, resulting in the need for an attorney to act as the Town's prosecutor for these matters. Currently the Town engages Brett Van Winkle to act as the Town's prosecutor for criminal cases in the Town's Municipal Court and it is staff recommendation that the Town engage Mr. Van Winkle to act as the Town's prosecutor for the new civil actions. The proposed contract is attached as Exhibit A

### FISCAL IMPACT

The proposed hourly rate for Mr. Van Winkle to act in this capacity is \$100 / hour. Mr. Van Winkle would also be entitled to expenses associated with acting in this capacity including photocopying, telephone toll charges, postage, messenger service, mileage reimbursement at the current Federal General Services Administration (GSA) Privately Owned Vehicle (POV) mileage reimbursement rates, or other out-of-pocket expenses required in the representation of the Town.

For a further description of potential expenses, please see Sections 5 and 6 of the proposed agreements.

Funding to pay for these services is budgeted in the Planning & Building Department in the amount of \$10,000. Since 2015 will be the first year the Town will be prosecuting civil matters, there is a certain amount of uncertainty of what the annual cost will be ongoing.

**RECOMMENDATION**

Possible actions by the Town Council include:

- 1) "APPROVE AN INDEPENDENT CONTRACTOR AGREEMENT WITH BRETT VAN WINKLE AND AUTHORIZE THE TOWN MANAGER TO EXECUTE SAID AGREEMENT.
- 2) "REJECT THE INDEPENDENT CONTRACTOR AGREEMENT WITH BRETT VAN WINKLE AND DIRECT STAFF."

**Attachments**

Exhibit A – Independent Contractor Agreement

**INDEPENDENT CONTRACTOR AGREEMENT**  
*Special Legal Counsel*

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the TOWN OF PAGOSA SPRINGS, COLORADO, hereinafter referred to as "Town", whose mailing address is PO Box 1859, Pagosa Springs, CO 81147 and David Brett Van Winkle, hereinafter referred to as "Attorney", whose mailing address is PMB10 Town Plaza #504, Durango, CO 81301.

**WITNESSETH:**

**WHEREAS**, Town Council of the Town of Pagosa Springs has authorized the Town Manager to retain the professional consulting services of an attorney for performance of special legal counsel for the Town; and

**WHEREAS**, the services to be performed by the Attorney are those of an independent contractor and not of an employee of the Town; such professional services to be rendered by the Attorney in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, the Town and Attorney do hereby agree as follows:

1. **Term.** This Agreement is effective December 18, 2014, through December 31, 2015. This Agreement may be renewed for additional one-year terms upon mutual agreement of the parties.
2. **Independent Contractor.** It is expressly agreed and understood that the position is that of an independent contractor and is not that of an employee of the Town and, as such, is not subject to the provisions of the personnel systems of the Town. Attorney is obligated to pay federal and state income tax on any moneys earned pursuant to this Agreement. The Attorney is not entitled to workers' compensation benefits from the Town for the performance of the services specified in this Agreement.
3. **Legal Services to be Provided.**
  - (a) The Attorney will represent the Town in the following matters: Legal representation of the Town in Municipal Court civil matters relating to compliance with and enforcement of the Town Charter and Municipal Code, and related special legal counsel functions (the "Legal Services"), except for such cases as may be retained by the Town Attorney. The Legal Services include all necessary court appearances, legal research, investigation, correspondence, preparation of legal documents, trial preparation, appeals to municipal and District Court and all related work required to properly represent the Town in this matter.
  - (b) Coordination and case preparation leading up to the Attorney filing a complaint or other case initiating pleading, or a responsive pleading in civil matters in Municipal Court shall be as set forth on **Exhibit A**, attached hereto and incorporated herein, which may be amended from time to time in writing signed by the Attorney, the Town Manager and the Town Attorney.
  - (c) The Attorney will not provide any additional Legal Services other than those specified above without first consulting with the Town and obtaining authorization from the Town.

4. **Legal Services Not Covered by This Agreement.** This Agreement requires that the Attorney represent the Town with respect to the above subject matter only. Any other matters, except those incidental to and necessarily included with the above matter, must be the subject of a separate agreement between the Attorney and the Town.

5. **Calculation of Legal Fees.**

(a) **Fixed Fee Arrangement.** The amount of legal fees for all Legal Services, except the additional costs and expenses under paragraphs 6(a) and 6(b), is \$100.00 per hour. If at any time either party feels it is necessary to review or change the hourly amount, it may be negotiated by the parties with a fifteen (15) day notice.

(b) It is understood and agreed that the hourly time charges for Legal Services include, but are not limited to, the following: court appearances, conferences, telephone calls, correspondence, legal research, preparing for and conducting depositions, preparation of pleadings and memoranda, reading and reviewing of file materials, preparation for pre-trial hearings and trial, and post-trial proceedings, including appeals. Telephone calls and correspondence shall be billed at a minimum rate of one quarter of one hour.

6. **Costs and Expenses Payable by the Town.**

(a) **Cost to be Payable to the Attorney.** The Town agrees to compensate the Attorney for the costs of photocopying, telephone toll charges, postage, messenger service, mileage reimbursement at the current Federal General Services Administration (GSA) Privately Owned Vehicle (POV) mileage reimbursement rates, or other out-of-pocket expenses required in the representation of the Town, but not including overhead or personnel, whether employee or contractors of Attorney.

(b) **Other charges Payable by the Town.** In addition to legal fees, the Town is required to pay the following costs and expenses: charges for experts, court costs, fees for accountants or appraisers, fees for services of process, fees for investigators, costs of depositions, messenger service fees, and other necessary expenses in this matter. Expenses for experts, accountants, appraisers, and investigators shall be approved by the Town in advance, only after the Town has been unable to provide personnel for those services.

(c) The Town shall provide no benefits to the Attorney other than the compensation stated in Sections 5 and 6 herein.

7. **When Payments are Due.**

(a) **Minimum Fee.** The Town agrees to pay the Attorney for legal services on a monthly basis, on the last day of the month following the month in which services are rendered.

(b) **Billing Practices.** The Attorney will send the Town itemized bills on a monthly basis, no later than the Wednesday prior to the third Thursday of the month in which payment shall be due.

(c) **Costs and Expenses.** The Attorney may also require that costs and expenses of litigation be paid in advance. All such bills for costs and expenses are due upon receipt.

8. **Authorization and Decision Making.** The Attorney shall coordinate all case preparation through the Town Attorney, and all legal positions shall be subject to approval by the Town Attorney. Subject to this coordination and approval of legal positions, the Attorney is authorized to take all actions which the Attorney deems advisable on behalf of the Town. The Attorney agrees to notify the Town promptly of all significant developments in this matter and to consult with the Town with respect to any significant decisions related to those developments. Attorney shall not appeal any decision of the Municipal Court without the Town Attorney's prior consent.

9. **Town's Responsibility.** The Town agrees to do the following:

(a) To pay the Attorney pursuant to paragraphs 5, 6 and 7 of the Agreement; and

(b) To fully cooperate with the Attorney and provide all information known to the Town or available to the Town which, in the opinion of the Attorney, would aid the Attorney in representing the Town in this matter.

10. **No Guaranteed Result.** The Attorney agrees to use his best efforts in representing the Town in this matter. However, the Town recognized that the Attorney cannot guarantee a particular outcome of any matter.

11. **Insurance.** The Attorney represents, warrants, and agrees that it has and shall maintain State minimum workers' compensation insurance coverage for its employees, if any. The Attorney shall also maintain broad form general liability, property damage, and automotive liability insurance in the minimum amount of \$350,000 for bodily injury, death, or damage to property of any person and \$990,000 for bodily injury, death, or damage to property of more than one person, or the maximum amount that may be recovered under the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended (the "CGIA"), whichever is higher. At the request of the Principal, the Contractor shall provide the Principal with documentation evidencing such coverages.

12. **Annual Appropriation.** Pursuant to Article X, Section 20 of the Colorado Constitution and Section 29-1-110, C.R.S., the Town's obligations hereunder are subject to the annual appropriation of funds necessary for the performance thereof, which appropriations will be made in the sole discretion of the Town Council.

13. **Termination of Services.** Either party has the right to terminate this Agreement, with or without cause, upon written notice to the other party. Such notice shall be delivered at least three (3) days prior to the termination date contained in said notice unless otherwise agreed in writing by the parties. Upon such termination, the Attorney shall be paid for Legal Services rendered and costs and expenses occurred pursuant to paragraph 7 prior to the date of termination. Such payment shall be the Contractor's sole right and remedy for such termination.

14. **Information to be Made Available to the Town.** The Attorney agrees to make every effort to inform the Town at all times as to the status of the matter and as to the acts which are being taken on behalf of the Town. The Attorney will make all files created and maintained on behalf of the Town available to the Town, upon request, and when possible will send copies of materials to the Town at the Town's expense. Attorney shall maintain files of all cases, which shall be the property of the Town.

15. **Complete Agreement.**

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(a) This writing includes the entire agreement between the Town and the Attorney regarding this matter. This Agreement shall be binding upon the Town and the Attorney and their respective heirs, legal representatives and successors in interest.

(b) This Agreement may not be amended except by the written and mutual agreement of the parties.

16. **Other Employment.** The Attorney shall not be prevented from engaging in other employment or independent contractor services by reason of the Legal Services provided to the Town, provided that such other work does not create any conflicts of interest or other ethical considerations with the Attorney's representation of the Town. Nevertheless, the Attorney agrees to devote all necessary time to properly represent the Town in accordance with the terms of this Agreement.

17. **Non – Assignability.** This Agreement is one for personal services and as such may not be assigned or delegated, by either party, in any manner, without the express written consent of the other party.

18. **Signatures.** Both the Town and the Attorney have read and agreed to this Agreement. The Attorney has provided the Town with answers to any questions and has further explained this Agreement to the complete satisfaction of the Town. The Town has also been given a copy of this Agreement.

19. **Illegal Aliens – Public Contracts for Services.** The Attorney certifies that the Attorney shall comply with the provisions of Section 8-17.5-101 et seq., C.R.S. The Attorney shall not knowingly employ or contract with an illegal alien to perform work under this Agreement or enter into an agreement with a subcontractor that knowingly employs or contracts with an illegal alien. The Attorney represents, warrants, and agrees that it has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement through participation in the E-Verify Program or the Department Program described in Section 8-17.5-101, C.R.S. The Attorney shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed. If the Attorney obtains actual knowledge that a subcontractor performing work under this contract knowingly employs or contracts with an illegal alien, the Attorney shall: (i) notify the subcontractor and the Town of Pagosa Springs, Colorado, within three days that the Attorney has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (ii) terminate the subcontract with the subcontractor if within three days of receiving such notice, the subcontractor does not stop employing or contracting with the illegal alien, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien. The Attorney shall comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If the Attorney fails to comply with any requirement of Section 8-17.5-102(2), C.R.S., the Town may terminate this Agreement for breach and the Attorney shall be liable for actual and consequential damages to the Town. If Attorney participates in the Department Program, Attorney shall provide the affirmation required under Section 8-17.5-102(5)(e)(III), C.R.S., to the District.

20. **Verification of Lawful Presence in U.S.** Attorney, if operating as a sole proprietor, hereby swears or affirms under penalty of perjury that Attorney (i) is a citizen of the United States or legal permanent resident or otherwise lawfully present in the United States pursuant to federal law, (ii) shall comply with the provisions of Section 24-76.5-101 et. seq., C.R.S., and (iii) shall produce one of the forms

of identification required by Section 24-76.5-103, C.R.S., prior to the performance of any of its other obligations hereunder.

21. **Notices.** All notices which are required or which may be given under this Agreement shall be effective when mailed via registered or certified mail, postage prepaid and sent to the address first set forth above.

22. **Counterparts, Electronic Signatures and Electronic Records.** This Agreement may be executed in two counterparts, each of which shall be an original, but all of which, together, shall constitute one and the same instrument. The parties consent to the use of electronic signatures and agree that the transaction may be conducted electronically pursuant to the Uniform Electronic Transactions Act, § 24-71.3-101, et seq., C.R.S. The Agreement and any other documents requiring a signature may be signed electronically by either party. The parties agree not to deny the legal effect or enforceability of the Agreement, solely because it is in electronic form or because an electronic record was used in its formation. The parties agree not to object to the admissibility of the Agreement in the form of an electronic record, a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature on the grounds that it is an electronic record or an electronic signature or that it is not in its original form or is not an original.

23. **No Third Party Beneficiaries.** The parties to this Agreement do not intend to benefit any person not a party to this Agreement. No person or entity, other than the parties to this Agreement, shall have any right, legal or equitable, to enforce any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

THE TOWN OF PAGOSA SPRINGS, COLORADO

BY \_\_\_\_\_  
Gregory J. Schulte, Town Manager

Date

[SEAL]

ATTEST:

By: \_\_\_\_\_  
April Hessman, Town Clerk Date

BY \_\_\_\_\_  
David Brett Van Winkle, Attorney Date

**Exhibit A**  
**Case Filing and Defending Procedures**

1. The following steps shall be taken prior to the Attorney filing a complaint or other case initiating pleading in the Pagosa Springs Municipal Court:

- (a) Town staff identifies Municipal Code compliance issues and attempts informal resolution with responsible parties.
- (b) If it appears that informal resolution may not be successful, and/or or an issue will be appeal to the Municipal Court, staff consults with Town Attorney regarding substantive basis for potential Municipal Court complaint.
- (c) If resolution appears unlikely, Town staff consults with Town Attorney and assures procedural pre-requisites to filing a Municipal Court complaint are met. Case summary is placed on running list that is provided to Attorney, Town Attorney and Town Manger on a monthly basis. Case summary shall include at a minimum substantive factual allegations, specific Municipal Code sections of alleged violation, and procedural history.
- (d) Town staff recommends in writing to Town Attorney and Town Manager that Municipal Court complaint be filed. Recommendation shall include an updated case summary.
- (e) Town Attorney and Town Manager approve in writing that Municipal Court compliant be filed.
- (f) Attorney, Town Attorney and staff consult as necessary to prepare case for filing of complaint.
- (g) Attorney files and prosecutes complaint in Municipal Court.

2. For Municipal Court civil matters in which the Town may be named as the Defendant, the following steps shall be followed leading up to the filing of a responsive pleading:

- (a) The Attorney shall provide the Town Attorney, the Town Manager and Town Clerk with copies of any complaints immediately upon receipt by the Attorney.
- (b) The Town Attorney shall notify the Town's insurer if there are potentially insured claims and seek insurance defense.
- (c) The Town Manager shall assign a lead staff liaison to assist with coordinating defense.
- (d) If the claims are not covered by insurance defense, the Town Attorney, Town Manager, Town staff liaison, and Attorney shall consult as necessary for the Attorney to file a response to the complaint and defend the case.

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# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VIII.1

PAGOSA SPRINGS TOWN COUNCIL  
DECEMBER 18, 2014

**FROM: SHANE LUCERO**  
**COMMUNITY CENTER**

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**PROJECT: COMMUNITY CENTER UPDATES**  
**ACTION: UPDATE AND DISCUSSION**

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### UPCOMING EVENTS

Free gift wrapping (donations are accepted) is being offered through Dec. 22 at RACC.

January 3<sup>rd</sup> RACC will be hosting a volleyball tournament. There will be teams from Alamosa, Albuquerque, Santa Fe, Durango participating.

### CENTER UPDATES

There was a volleyball tournament on Nov. 22<sup>nd</sup>. 7 teams from around the region participated. Members of the Junior Class ran the concession stand in an effort to raise money for prom. They also volunteered as officials and line judges during the games.

The center added yoga one night a week and also a Zumba style fitness class at night as well. Both are highly attended.

The 9<sup>th</sup> Annual Festival of Trees was held on Dec. 5<sup>th</sup>. It was a very successful event which raised \$19,791 for 20 local non-profits which is the most it has raised at the tree auction in several years. Organizations are already trying to enter next year's festival.

The youth volunteer program is still successful. There were 25 high school volunteers helping at the Festival of Trees and about 7 middle school volunteers as well. It is great to have a working relationship with these students. They are eager to help with more activities and are appreciative at being able to provide community service.

The gym is currently being used 4 nights a week for town basketball.



# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VIII.2

PAGOSA SPRINGS TOWN COUNCIL  
DEC. 18, 2014

FROM: TOM CAROSELLO, PARKS AND RECREATION DIRECTOR

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**PROJECT: PARKS AND RECREATION DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### PARKS AND RECREATION COMMISSION UPDATE

At the request of the Commissioners, this month's Parks and Recreation Commission (PRC) meeting has been postponed until January 14; the minutes from the November meeting are included for your review.

### RECREATION PROGRAMS UPDATE

Youth basketball season for 7- and 8-year-olds will end this week. Registration for the second season of youth basketball (ages 9-12) will continue through the end of the week; the season for ages 9-12 will begin in early January and run through early March.

Registration for next year's first session of gymnastics for ages 3 and up is ongoing; the program will begin Jan. 5 and run through Jan. 26.

### PARKS UPDATE

In addition to routine assignments and snow removal duties, the parks crew has started the annual process of refurbishing the remaining, wooden picnic tables collected from town parks.

The crew has also been monitoring the ice depth at the River Center skating pond, and the recent warm spell has prevented the ice from reaching a safe thickness. As a result, the pond has not yet been opened to the public for skating. Provided the ice reaches adequate thickness (a minimum of four inches) within the next week, the skate pond should be open for public use by Dec. 20.

### CAPITAL IMPROVEMENT PROJECTS UPDATE

**RESERVOIR HILL THINNING PROJECT:** The second public meeting regarding this project was held Nov. 17 at 5 p.m. in the community center arts and crafts room. Aaron Kimple (of Mountain Studies Institute) has indicated he will provide staff with a draft MOU which incorporates feedback from the meeting within the next few weeks. The MOU is expected to be presented to Council for review in January.

## Town of Pagosa Springs Parks and Recreation Commission

### Minutes from Wednesday, Nov. 12, 2014

The chair, Mike Musgrove, was absent. Therefore the meeting was called to order by Commr. Miller at 5:32 p.m. The following were present:

*Commission Members:* Sally High, Scott Miller, John Perea, Ed Simpson, and Mat DeGraaf. Mike Le Roux, Mike Musgrove, and John Steinert were absent (excused).

*Staff:* Tom Carosello and Jim Miller

*Members of the Public:* None

*Announcements:* Tom Carosello announced that Mike Le Roux had emailed him to tender his resignation from the Commission, effective immediately. The number of Commissioners now stands at seven.

The minutes of the October 2014 Parks and Recreation Commission meeting were reviewed. A motion to approve the minutes was received from Commr. Perea. Commr. Simpson offered a second and the motion passed unanimously.

### Department Head Reports

Tom Carosello first gave the Rec report, stating that youth basketball was in its second week, and that the final session of gymnastics for the year is underway, with 38 participants. He also noted that registration for the final round of youth basketball would begin the week of Thanksgiving. Jim Miller then briefly stated that the Parks Dept. was preparing for snow removal, hanging Christmas lights, and top-dressing and reseeded lawns.

### New Business

The Commissioners asked a variety of questions about the ice rink being staged in Town Park. Jim Miller answered that the rink had been moved to a flatter spot, that the Friends of the Pavilion were hoping to pump the necessary water from the river utilizing an existing culvert as a sleeve for a hose, and that a proposed shade over the rink would have to pass an inspection by the Town's building inspector. A discussion followed of the results of the questions on the prior week's ballot to determine the voters' wishes regarding the formation and funding of a Rec District. No suggestions on a course forward were received from the Commissioners, as the election results indicated that the citizens of the County were unwilling to levy a tax on themselves to pay for a district.

### Old Business

Commr. High presented an update on the Geothermal Greenhouse Partnership, stating that the matching funds and in-kind pledges for the grant they were seeking were equal to the amount they were requesting. Jim Miller spoke about projects on Reservoir Hill, saying that the gazebo had been power-washed and sealed, that the observation platform was almost complete, and that a public meeting on the proposed forest thinning would be held the following Monday. Then Tom Carosello reported that the Town Council had approved his request for the creation of a new position for an events coordinator. He added that the position was part-time, and that it was an experiment for the summer of 2015. .

### Other Business None

At 6:12 p.m. a motion was received from Commissioner Simpson that the meeting be adjourned. It received a second from Commissioner DeGraaf 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 Dec. 17, 2014 at the Pagosa Springs Town Hall.

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Mike Musgrove, Chair



# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VIII.3

PAGOSA SPRINGS TOWN COUNCIL  
DECEMBER 18TH, 2014

JENNIFER GREEN  
DIRECTOR, TOWN TOURISM COMMITTEE

**PROJECT: TOWN TOURISM COMMITTEE**  
**ACTION: DISCUSSION AND POSSIBLE ACTION**

### TTC MEETING ACTIVITY

The Town Tourism Committee will hold its December meeting on Tuesday, December 18th at 4pm at the Quality Resort. The meeting was rescheduled due to various travel schedules. The December meeting will be followed by a holiday party at the View, beginning at 5:30pm, for visitor center volunteers and TTC Board members. Town Council members are welcome to stop by and thank all of the amazing volunteers for their continued efforts to promote Pagosa as a tourism destination. The January TTC meeting will be held on Tuesday, January 13th at 4pm at the Visitor Center.

### TTC FINANCIAL REPORT

Through October, the 2014 lodging tax collections continue to show impressive growth. September 2014 was up 12.41%, or \$5,289.80, over September 2013. September 2011 had set the previous record collections at \$44,944.49. Collections in 2014 totaled \$47,904.80. October 2014 is currently up 5.05%, or \$1,780, over 2013, with a few small payments outstanding. October 2013 had shown huge growth over all previous Octobers, and 2014 grew modestly from the large increase seen last year. October marks the 11th month in a row with record-breaking tax collections. Expectations should be tempered for November and December given recent "non-winter" weather. Year to date, lodging tax is up 17.69%, or \$66,065.03. A complete report has been included in the packet for review.

### VISITOR CENTER UPDATE

- TV with video loop has been installed and has been well received
- Children's activity book is being printed to provide free giveaway to kids that introduce them to the many activities / features in the area
- Visitor Center was decorated by staff and volunteers on the day after Thanksgiving, Nov 28th
- Santa was scheduled to be at the visitor center four times between Thanksgiving and Christmas; all have been well received with hot cocoa and cookies provided

### SOCIAL MEDIA UPDATE

- Facebook - [www.facebook.com/visitpagosasprings](http://www.facebook.com/visitpagosasprings) Facebook: 10,112 fans
- Instagram - [www.instagram.com/visitpagosa](http://www.instagram.com/visitpagosa): 915 followers
- Twitter - [www.twitter.com/visitpagosa](http://www.twitter.com/visitpagosa) - 691 followers

### PAID SOCIAL CAMPAIGN

The TTC partnered with the Colorado Tourism Office on a co-op paid social campaign, which they began offering in 2014. The campaign was highly targeted, with custom content. The CTO offers a \$1 for \$1 match; the TTC invested the max amount of \$2000, for a total paid campaign of \$4000. It ran from November 19th - 22nd. The results were outstanding, and the best the CTO had seen on any paid campaign.

*"I wanted you to know that this was the best performing co-op post to date, well done!"*

Dave Fluegge, the Director of Social and New Media for the CTO

The campaign was content driven; TTC Director wrote copy and created a landing page for "5 Ways to Beat the Winter Chill (Hint: Hot Springs!)" which highlighted hot springs while also promoting most of our winter activities (<http://www.visitpagosasprings.com/cam->

[paign/winterchill.html](#)). As a direct result of the campaign, we received 12,657 click to our website and we gained 250+ fans on our Facebook page. Stats according to the @visitcolorado Facebook page:

- Total Reach: 588,800
- Likes: 21,618
- Comments: 1,670
- Shares: 2,580
- CPA: \$0.10
- CTR: 5.92%

The TTC Director takes over the @VisitColorado Instagram account December 19th - 25th

**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
<b>2010</b>	1984	2413	3171	2601	3330	3221	2533	3110	1959	1436	1622	1279	28,659
<b>2011</b>	1443	2255	1657	4255	3684	2092	1945	1789	1518	995	1160	921	23,714
<b>2012</b>	2111	2704	2690	1730	2010	4445	3998	2624	3157	1435	1575	1392	29,871
<b>2013</b>	5322	3281	2658	4357	3626	3537	4372	3040	2791	995	1158	1356	36,491
<b>2014</b>	2,074	2,672	3,857	2,909	2,358	3,118	2,185	1,617	1,498	1,118	997*		24,403

\* Through November 13th

Tourism Intelligence Group switched our account from salesforce to their own system in the last week; TTC Director did not have time to re-search how to access new account in order to pull the data in time for this report. However, please note, that visitor guide leads are down significantly for December. Miles (via [www.colorado.com](http://www.colorado.com)) has recently changed lead entry forms to no longer make address a required field. This is now the 3rd significant change in the last 12 months that has impacted overall leads.

**PRESS / MEDIA UPDATES**

- TTC Director going to NYC Dec 15-17th to meet with 3 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 responsive site update and new enhancements
- Winter Lodging Deals press release sent out week of Dec 8th
- Media writers scheduled to visit again in Jan / Feb, including one that was unable to meet with TTC Director in NYC

**CTO MARKETING MATCH GRANT**

- As previously reported, the Town Tourism Committee was notified that the CTO awarded \$21,000 towards the Pagosa Springs partnership with Chimney Rock National Monument, Mesa Verde Country and Durango-Silverton Train
- Additionally, the CTO granted the request via the Southwest Colorado Tourism Region, of which the TTC is an active member; the grant allows for additional marketing opportunities through the SW region and our match is covered through our annual dues into the organization

**UPCOMING MEETINGS / CONFERENCES**

- TTC Pagosa Springs will be hosting the annual CADMO (Colorado Association of Destination Marketing Organizations) retreat in late June 2015; the retreat is attended by Tourism Directors / CEOs across the state. We anticipate 25-30 participants. TTC Director volunteered to be host during 2014 Governor's Conference on Tourism
- In April 2016, Pagosa will host the Southwest Tourism Summit; the event should bring upwards of 150-200 regional tourism representatives and tourism-related businesses; TTC Director submitted an RFP in fall 2013 to host the event

**GROUP TRAVEL UPDATE**

- TTC Director has been requesting appointments for upcoming NTA Show (New Orleans, Jan 18th - 23rd) - 60 appointments were requested for a max of 20 appointments during the event; 7 tour operators directly requested appointments with us.
- Pop up banners and translated brochures have been developed to serve the group travel audience.
- Meeting requests for GO West will begin on December 29th (conference is Feb 10th - 13th)





# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VIII.4

PAGOSA SPRINGS TOWN COUNCIL, DECEMBER 18, 2014

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

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**PROJECT: PLANNING DEPARTMENT REPORT**

**ACTION: UPDATE AND DISCUSSION**

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### HISTORIC PRESERVATION BOARD (HPB) UPDATE

The November 12<sup>th</sup> and December 3<sup>rd</sup> HPB meeting minutes are attached for TC's review. Unless signed by the board chair, these minutes are in DRAFT form and have not yet been reviewed and approved by the HPB.

The HPB encourages one Town Council member attend the Saving Places conference. The Town Planning Department has budgeted funds to cover the cost of registration, meals, travel and lodging.

The annual "Saving Places Conference" is on February 4-5, 2014 in Denver, Colorado. Saving Places information is available at: <http://coloradopreservation.org/saving-places-conference/>. In addition, the History Colorado Office of Archaeology and Historic Preservation (OAHP) brings the National Alliance of Preservation Commissions (NAPC) CAMP (Commission Assessment and Mentoring Program) to Colorado during the Colorado Preservation, Inc. Saving Places Conference. This signature commission and staff training opportunity will be held on Friday, February 6, 2015 at the History Colorado Center. NAPC's link to the CAMP program is: <http://www.napcommissions.org/camp/>. This three day event is considered one of the best Historic Preservation conferences in the nation and is an excellent opportunity to learn how to embrace historic preservation in our community and the many economic development and tourism benefits preservation provides communities around Colorado. Planning Staff and the Historic Preservation Board highly recommend a representative from the Town Council, Planning Commission, Town Tourism Committee and Recreation Board, consider attending the conference. HPB members attending the conference are willing to accept some of their own expenses, freeing up budgeted conference attendance dollars for others to attend.

The Next HPB meeting is on January 14, 2015 at 5:15pm in Town Hall.

### PLANNING COMMISSION (PC) UPDATE

The November 18<sup>th</sup> PC meeting DRAFT October 21<sup>st</sup> and November 11<sup>th</sup> PC meetings were cancelled. Unless signed by the board chair, these minutes are in DRAFT form and have not yet been reviewed and approved by the PC.

The Next Regularly Scheduled Planning Commission meeting is on January 13, 2015 at 5:30pm in the Town Council Chambers.

### MAJESTIC DRIVE CMAQ PAVING PROJECT

The Majestic Drive paving project has been completed with lane stripping to occur in 2015. Town staff selected an upgraded re-vegetation product to experiment with a better product and application for future use on Town projects. We have had very limited success with other means for re-vegetating our disturbed areas associated with projects in the past. We should have some indication of the performance of this product by next summer.

### 6TH STREET PEDESTRIAN BRIDGE

The 6<sup>th</sup> Street bridge project is in place. The contractor has begun work on the south side ramp. With a few more two weeks of good weather, it is possible the project could be open for pedestrian use by the end of the year, or shortly thereafter, with landscaping and ground improvements to be completed in 2015.

### **WAL-MART**

The Town Planning Department has been working on a resolution to an issue that was identified once the Walmart Screening Wall and Truck egress driveway was installed, regarding the sight line from an adjacent residence to the southern loading dock. Staff is working with the parties involved to find a resolution to the issue, that most likely will include additional landscaping. Walmart still has the substantial landscaping to install on the property, with pines trees being planted this year and the remaining to be completed in the Spring 2015.

Alpha Drive has been re-opened for public traffic. There is still sidewalk work to occur along the eastern side of the street, where barricades are expected to be placed until the work is complete.

The Development Project is still on schedule and the store opening is still expected sometime in March 2015.

### **SOUTH 5<sup>TH</sup> STREET ROW DEDICATION**

Staff has initiated title work for the formalization of the South 5<sup>th</sup> Street ROW. Once title work is received we will initiate a Plat Amendment designating the 5<sup>th</sup> Street ROW and preparing a resolution for the PSSGID Board consideration for deeding property to the Town, and an Ordinance for Town Counsel's consideration for accepting the land from the PSSGID.

### **COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE**

The Cobblestone Townhome project located on the improved 4<sup>th</sup>/5<sup>th</sup> Alley is progressing. The two newer buildings are currently being sided and interior construction is well underway.

Yamaguchi Lane, Formerly the S. 4<sup>th</sup> / 5<sup>th</sup> Alley, has been improved with curb, gutter and pavement. Some sidewalk replacement is occurring and tie in's with property driveways along the west side of the alley are taking place. Signage for the to be one-way alley is expected in the near future.

### **RIVER WALK CONDO PROJECT AND 4<sup>TH</sup>/5<sup>TH</sup> STREET RIVER WALK TRAIL**

Staff continues to work with the developer for the construction of 900 lineal feet of gravel surfaced trail on the west side of the San Juan River between Apache Street north to the 5<sup>th</sup> Street ROW. Construction will be deferred until 2015. The Development Improvement Agreement requires financial security be accepted prior to the Certificate of Occupancy (CO) of additional units in the development. It is expected the Town will receive the financial security in the next few months, allowing the developer to continue the construction project and receiving CO's. Staff is working with an adjacent property owner to receive a small easement where the trail exits Apache Street.

### **PEDESTRIAN PATH BETWEEN S. 8<sup>TH</sup> STREET AND S. 7<sup>TH</sup> STREET ON SOUTH SIDE OF HWY 160**

Staff continues to work with the property owner of the former City Market building and Citizens bank for installing a pedestrian path along these properties. This will provide connectivity to the 8<sup>th</sup> Street Intersection traffic light and pedestrian crossing from S. 7<sup>th</sup> Street. The streets department may still have good enough weather to delineate the 10 foot wide path in 2014. If the weather becomes challenging, the project will be installed in early 2015.

### **CDOT QUARTERLY MEETING**

The next CDOT quarterly meeting has been postponed until Tuesday, January 27, 2015. Any issues or thoughts for consideration at this meeting should be directed to the Planning Director or Town Manager.



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
Wednesday, November 12, 2014  
Town Hall Conference Room Located at 551 Hot Springs Boulevard  
Pagosa Springs, Colorado 81147

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I. **Call to Order / Roll Call:** The meeting was called to order at 5:15 pm by Chair Brad Ash. Present were Board members Peggy Bergon, Judy James, Chrissy Karas and Andre Redstone, Planning Department Director James Dickhoff, and Associate Planner/Permit Technician Margaret Gallegos.

II. **Announcements:** None

III. **Approval of Minutes:** Motion made by Member James, seconded by Member Karas and unanimously carried to APPROVE the October 15, 2014 and October 22, 2014 Historical Preservation Board meeting minutes as presented.

IV. **Public Comment:** None

V. **Sign Review:**

A. **New Sign Proposal for 482 Lewis Street Ooh La La Spa & Salon:** The Town Planning Department received an application for a sign permit for 482 Lewis Street for the Ooh La La Spa & Salon. The applicant, Natalie Ortega, proposed to add new signage to the building by mounting individual letters on the front elevation. The proposed two sign sizes are 8.99" x 53.38" (3.34 sq. ft.) and 6.33" x 58.15" (2.56 sq. ft.) for a total of 6.90 sq. ft. The subject property has 25 lineal feet of street frontage, which equates to 25 sq. ft. of total allowable signage for the entire property. There is a current 7.13 sq. ft. projecting sign on the front of the building. The total proposal for all permanent signs equals 14.03 sq. ft. After approval of this application, future signage of 11 sq. ft. could be added to the subject property under the current code. Mounting foamed plastic lettering "flush" on the trim above the two front windows will create the proposed sign. The proposed sign color is black. No illumination is proposed at this time. The Board discussed and noted that the letter style and color previously approved for Goodman's Department Store and the Overlook Spa. The Board concluded that the color was acceptable to be finished in a basic semi-gloss or flat matt so that it is not "shiny" and blends with the exterior of the building.

**MOTION MADE BY MEMBER BERGON, SECONDED BY MEMBER KARAS AND UNANIMOUSLY CARRIED TO APPROVE THE SIGN APPLICATION FOR THE 6.90 SQUARE FOOT SIGN FOR 482 LEWIS STREET, TO BE LOCATED ON THE FRONT ELEVATION ABOVE THE TWO WINDOWS WITH THE CONTINGENCY THAT THE COLOR IS NOT HIGHLY REFLECTIVE BUT RATHER FINISHED IN BASIC SEMI-GLOSS OR FLAT MATTE APPEARANCE.**

VI. **Landmark Designations:** None

VII. **Alteration Certificate Review:** None

VIII. **Tax Credit Review:** None

IX. **Project Review:** None

**X. Decision Items:**

**A. Land Use and Development Code (LUDC) Revision Discussion regarding Cargo Containers, Metal Sided Buildings, Smaller residential lot sizes, and Variable Message Center Signs:** This discussion was tabled until the October 29<sup>th</sup> HPB work session.

The Planning Commission is preparing to present the following potential LUDC revisions to town Council, to seek direction on how they would like the Planning Commission to proceed. These items will be discussed further by the Planning Commission on Tuesday November 18, 2014 at 5:30pm in Town Hall.

- a. Prohibiting or limiting the use and location of Cargo Shipping Containers.
- b. The current prohibition of metal-sided buildings in commercial and mixed-use zone districts (LUDC section 6.7.3.B.2.b) and the possibility of allowing metal sided buildings with additional design criteria requirements.
- c. Consider reducing the current minimum lot size for single-family lots (7500 sq. ft. minimum = typical 50' x 150' lot) in the R-12 and R-18 residential zone districts, that would be consistent with the existing maximum density allowance in residential zone districts.
- d. Prohibiting or limiting the use of LED Variable Message Signs.

The HPB is asked to consider if they would like to make recommendations regarding these matters, for consideration by the Planning Commission and Town Council. During its October 15, 2014, the HP Board agreed to review the proposed LUDC changes and provide its recommendation to the Planning Commission prior to its next meeting – November 18, 2014.

**MOTION MADE BY MEMBER REDSTONE, SECONDED BY MEMBER BERGON AND UNANIMOUSLY CARRIED TO SUBMIT A LETTER TO THE TOWN COUNCIL OUTLINING THAT, BASED ON THE POTENTIAL GROWTH AND EXPANSION OF THE HISTORIC DISTRICT OR LISTING OF FUTURE DESIGNATED LANDMARKS, THE HISTORIC PRESERVATION BOARD SUPPORTS THE PROCESS OF EXPLORING THE PROS AND CONS OF THE LAND USE AND DEVELOPMENT CODE TOPICS – CARGO CONTAINERS, METAL SIDED BUILDINGS, SMALLER RESIDENTIAL LOT SIZES AND VARIABLE MESSAGE CENTER SIGNS. THE BOARD ALSO RESERVES THE OPTION TO PROVIDE COMMENTS AFTER TOWN COUNCIL HAS PROVIDED A DEFINITIVE DIRECTION FOR EACH SUBJECT MATTER.**

**B. Consider approving recommendations to Town Council regarding Reservoir Hill Forest Health Tree Thinning Project.** The HPB was invited to attend an October 3<sup>rd</sup> Forest Health presentation on Reservoir Hill. Members Redstone & Karas attended the community presentation and presented their findings to the Board. On October 15, 2014, the Board concluded that it would finalize a letter and present it to Town Council outlining the Historic Preservation concerns and/or support of the project. In addition to its previous concerns, the Board expressed concern with the conflict between the Town's grant support letter to utilize the removed trees as public fuel and the actual plan that the trees may be used for private use. The Board commented that this topic is relevant because of its historic significant to the community and its potential designation as a landmark.

**MOTION MADE BY MEMBER JAMES, SECONDED BY MEMBER REDSTONE AND UNANIMOUSLY CARRIED TO AUTHORIZE BOARD CHAIR ASH TO DRAFT AND SUBMIT A LETTER TO THE TOWN COUNCIL OUTLINING THE CONCERNS OF THE**

**HISTORIC PRESERVATION BOARD AND TO REQUEST CLAIRFICATION ABOUT THE INTENDED EFFECTS AND USE OF THE REMOVED TREES.**

**C. Scheduling Meet and Greet mid-December or mid-January.** The HPB discussed during its last meeting a possibly of scheduling a Community Meet and Greet with the HPB possibly in mid-December or mid-January. The Board discussed several ideas to network with the Historic District merchants and business owners. The Board expressed concerns about the District's sidewalks and the need for streetscape improvements. Other discussions included hosting an open house for newly completed projects and the showing of The West film documentary series co-produced by Ken Burns.

**MOTION MADE BY MEMBER REDSTONE, SECONDED BY MEMBER KARAS AND UNAMIMOULSY CARRIED TO CORDINATE AND HOST AN OPEN HOUSE TYPE EVENT AND PUBLICIZE THE EVENTS DURING THE HISTORIC PRESERVATION MONTH OF MAY 2015. ALSO, OFFER THE KEN BURN'S "THE WEST" DOCUMENTARIES AS A MULTI-WEEK EVENT BEGINNING AS EARLY AS APRIL 2015.**

**D. 2015 Saving Places Conference Attendance.** The 2015 Saving Places conference is on Wednesday – Thursday, February 4-5, 2015 with the CAMP program on Friday, February 6<sup>th</sup> in Denver. The Town of Pagosa Springs budgeted for two HPB members to attend the conference in 2015. It was recommended that the Board determine who will go to the conference. Planning Director Dickhoff reported that every other year the History Colorado Office of Archaeology and Historic Preservation (OAHP) brings the National Alliance of Preservation Commissions (NAPC) CAMP (Commission Assessment and Mentoring Program) to Colorado during the Colorado Preservation, Inc. Saving Places Conference. This signature commission and staff training opportunity are set for Friday, February 6, 2015 at the History Colorado Center and not at the Colorado Convention Center as in the past. NAPC's link to the CAMP program is <http://www.napcommissions.org/camp/>. Unlike past years, attendees are not required to register for the conference if they plan to participate only in CAMP. However, it is strongly encouraged to register for and attend the Saving Places Conference on Wednesday and/or Thursday because there is a great line up of tours and sessions planned for 2015. CAMP is available at no cost to participants in Colorado and fulfills your annual CLG requirement for education/training. It will be limited to 50 persons with a waiting list if necessary. OAHP will be paying NAPC \$150 per registrant so please take your registration seriously and the Planning Department know immediately if plans change. The available slots will go fast, so early RSVP is highly recommended.

**MOTION MADE BY MEMBER BERGON, SECONDED BY MEMBER KARAS AND UNAMIMOULSY CARRIED TO TABLE ACTION UNTIL THE DECEMBER MEETING TO ALLOW EACH MEMBER TIME TO REVIEW THEIR CALENDARS AND COMMIT TO THE SAVING PLACES CONFERENCE AND/OR CAMP DATES.**

**XI. Discussion Items:**

**A. Heritage Tourism Brochure Discussion.** The Town Tourism Committee Heritage Brochure deadline is February 2015. The HPB has developed a DRAFT outline of topics for the development of factual historic information that can be used for a variety of Medias – Visitors' Brochure, Interpretive Signage, Web Page, ect. As of October 26, 2014, the progress is as follows:

Research In Process:

- Geological - Brad
- Skiing - Chrissy
- Education/Schools - Margaret

Research Completed:

- Fort Lewis - Peggy
- Logging Mill Sites - Margaret
- Platting - Peggy
- Railroads - Peggy
- Wolf Creek Pass - Chrissy & Judy

Research Needed:

- Indigenous/First Nation - Migration, Dine'tah, land, natural herbs/plants
- Spanish/European - Migration, Mission Pilgrimage
- Frontier - Trappers, Mountain Men & Prospectors
- Homesteaders - Homestead Act, Subsidence Living
- Historic Trails and Roads - toll road, stagecoach, Hwy 160
- Industry - Agriculture, ranching,
- Hot Springs - US and private ownership
- Town Infrastructure - Social, architecture, historic structures/buildings
- Geothermal Interface - heating, economic driver
- Government - formation, courthouse, public officials
- War Era/Military - economic, family
- Natural Disasters - flood, fire
- Trade and Commerce - tourism, logging

**The Board agreed that each Member should select at least one additional topic for research and report its findings by e-mail to the Planning Department. The Board scheduled a work session for December 3, 2015 at 5:30 PM to meet and discuss the brochure layout and plan for the content and photographs.**

**B. Economic Incentives to Fill Empty Spaces in District.** The HPB briefly discussed during its last meeting how the HPB could assist with Downtown economic incentives/development to fill empty spaces in Downtown. The HPB continued its discussion at this meeting. The Board agreed that its greatest impact is to continue providing information for renovation grants. It was also suggested that staff make contact with the local realtors and Pagosa Sun's Relocation Guide to help distribute the information.

**XII. Public Comment: None**

**XIII. Reports and Comments:**

**A. Planning Department:** Planning Director Dickhoff provided the following reports: The Majestic Drive CMAQ paving project is on schedule. Pavement is expected to be installed during the week of November 10<sup>th</sup>. The 6<sup>th</sup> Street pedestrian bridge grant project is on schedule. The bridge is expected to arrive on Tuesday November 18<sup>th</sup> for placement on the bridge abutments. The contractor will then begin work on the south side ramp.

**B. Historic Preservation Board:** Discussion was opened to provide the Board with an opportunity to discuss subjects of interest. The following inquiries were made by Members Ash and Karas:

1. **Historic property support posts:** It was noted that, pursuant to the previous approval, Staff plans to finish the support post color in white to match the deck rail color. Chair Ash agreed to locate the matching post cap and provide them to staff for installation.
2. **Historic property plaques:** The remaining eight historic property plaques are ready to order; however, prior to production a photo or illustration is needed for the Old Courthouse and Colton House.
3. **Mary Fisher Statue:** The Town is moving forward with the project and plan to submit a grant proposal for the April 2015 deadline.
4. **Water Treatment building and bridge:** The Town is moving forward with the project and plan to submit a grant proposal for the April 2015 deadline.

**C. Upcoming Town Meetings Schedule is as follows:**

Planning Commission Meeting:

- Tuesday, November 18, 2014 at 5:30pm in Town Hall –
- Tuesday, December 9, 2014 at 5:30pm in Town Hall

Historic Preservation Board meetings:

- Wednesday, December 10, 2014 at 5:15pm in Town Hall.
- Wednesday, January 14, 2015 at 5:15pm in Town Hall.

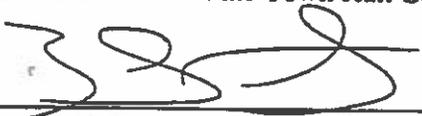
Town Council Meetings:

- Thursday, November 20, 2014 at noon in Town Hall.
- Tuesday, December 02, 2014 at 5pm in Town Hall.

Parks and Recreation Board Meeting:

- Wednesday, November 12, 2014 at 5:30 pm in Town Hall
- Wednesday, December 10, 2014 at 5:30 pm in Town Hall

**XIV. Adjournment:** Motion duly made, the meeting adjourned at 7:30 pm. The next work session is scheduled for Wednesday, December 3, 2014 at 5:30 PM and the next regular meeting is planned for Wednesday, December 10, 2014 at 5:15 PM in the Town Hall Conference Room.

  
By: Brad Ash, Historic Preservation Board Chair



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Minutes**  
**November 18, 2014**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to Order / Roll Call:** Commission Vice Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Peter Adams, Heidi Martinez and Cameron Parker were present. Commissioners Kathie Lattin and Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner/Certified Permit Technician Margaret Gallegos and community member Andre Redstone.
- II. **Announcements:** Planning Director Dickhoff announced that the 6<sup>th</sup> Street pedestrian bridge was put in place today – work will continue to complete the ramp and walls (see full staff report below).
- III. **Approval of Minutes:** Motion made by Commissioner Cameron, seconded by Commissioner Adams and unanimously carried to approve the October 14, 2014 Planning Commission meeting minutes with a correction on page 2, last paragraph– striking comment referenced by Commissioner Adams requesting that the definition be further reviewed.
- IV. **Public Comment:** Opportunity for the public to provide comments and to address the Commission on items not included as an agenda item – none received.
- V. **Board of Adjustments:** None
- VI. **Planning Commission:**
  1. **Recommendation for Town Council to Provide Direction Regarding Potential Land Use and Development Code (LUDC) Revisions:** The Planning Commission has been discussing a number of possible LUDC revisions and concluded that it needs Town Council to provide direction on how it would like the Planning Commission and staff to proceed.

Planning Director Dickhoff noted that the Historic Preservation Board (HPB) reviewed the LUDC revisions as it relates to the properties within and surrounding the Historic District. The HPB approved sending a letter to Town Council outlining that it supports the process of exploring the pros and cons of the Land Use and Development Code - cargo containers, metal-sided buildings, smaller residential lot sizes and variable message center signs. The HPB also reserved the option to provide comments after Town Council has provided a definitive direction for each subject matter.

Planning Director Dickhoff answered several questions and provided the Commission with information pertaining to historic districts and individual properties and the opportunity for owners to apply and receive grants and/or tax monies available for restoration.

Planning Director Dickhoff also provided an overview of the national standards in comparison to the local market. The Commission concluded that prioritizing of the referenced topics might be at the discretion of Staff and/or Town Council. It was also noted that the code enforcement should be addressed by Town Council.



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Minutes**  
**November 18, 2014**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

MOTION BY COMMISSIONER ADAMS, SECONDED BY COMMISSIONER PARKER AND UNANIMOUSLY CARRIED TO APPROVE A RECOMMENDATION TO THE TOWN COUNCIL THAT IT PROVIDE DIRECTION TO THE PLANNING COMMISSION AND STAFF AS TO PROCEEDING WITH POTENTIAL LUDC REVISIONS FOR THE FOLLOWING TOPICS: 1) ALLOWABLE USES OF CARGO SHIPPING CONTAINERS: PROHIBITING OR LIMITING THE USE OF CARGO SHIPPING CONTAINERS; 2) THE CURRENT LUDC PROHIBITION OF METAL SIDING IN COMMERCIAL AND MIXED USE ZONE DISTRICTS AND CONSIDERATIONS IN RESIDENTIAL ZONED DISTRICTS FOR DESIGN CRITERIA; 3) CONSIDER SMALLER SINGLE FAMILY DWELLING LOT SIZES IN THE R-12 AND R-18 DISTRICTS; AND 4) ELECTRONIC VARIABLE MESSAGE SIGNS, PROHIBITING OR LIMITING THE USE.

VII. Design Review Board: None

VIII. Public Comment: Opportunity for the public to provide comments and to address the Commission on items not included as an agenda item. Mr. Andre Redstone speaking as community member, not as a Member of the Historic Preservation Board, expressed concern about the gross inadequacies with the placement of cargo containers and requested that the Commission take a quick remedy to provide equal opportunities. Mr. Redstone also commented that the metal siding should not be the issue but rather reviewed as part of the design criteria. In closing, Mr. Redstone, requested that the inequities be corrected for equal rights especially within the commercial area.

IX. Reports and Comments:

A. Town Manager – None.

B. Planning Department Report – Planning Department Director Dickhoff provided the following report to the Commission:

HISTORIC PRESERVATION BOARD (HPB) UPDATE: At the October 15th, 2014 HPB meeting,

- 1) The HPB approved a new Sign Permit Application for Elevation Custom Apparel at 434 Pagosa Street.
- 2) The HPB approved a Certificate of Alteration revision for the Riff Raff Brewing Co at 274 Pagosa Street. The property owner intends to complete the improvements in 2014 for final approval of their Alteration Certificate.
- 3) The HPB also discussed the San Juan Historical Museum, former Town Water Treatment Plant, and the disrepair and safety concerns with the reservoir walls and the old stone bridge north of the building. The HPB will be looking into costs estimates for proposing pursuing grants for the needed repairs.

The annual "Saving Places Conference" is on February 4-5, 2015 in Denver, Colorado. Saving Places information is available at: <http://coloradopreservation.org/saving-places-conference/>. In



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
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addition, the History Colorado Office of Archaeology and Historic Preservation (OAH) bring the National Alliance of Preservation Commissions (NAPC) CAMP (Commission Assessment and Mentoring Program) to Colorado during the Colorado Preservation, Inc. Saving Places Conference. This signature commission and staff training opportunity will be held on Friday, February 6, 2015 at the History Colorado Center. NAPC's link to the CAMP program is <http://www.napcommissions.org/camp/>. This three-day event is considered one of the best Historic Preservation conferences in the nation and is an excellent opportunity to learn how to embrace historic preservation in our community and the many economic development and tourism benefits preservation provides communities around Colorado. Planning Staff and the Historic Preservation Board highly recommend that a representative from the Town Council, Planning Commission, Town Tourism Committee and Recreation Board, consider attending the conference. HPB members attending the conference are willing to accept some of their own expenses, freeing up budgeted conference attendance dollars for others to attend.

The Next HPB meeting is on December 3, 2014 at 5:15pm in Town Hall.

PEDESTRIAN CROSSING SAFETY: There has been renewed interest in pursuing improved pedestrian safety and slower traffic speeds in downtown. The Town Council has suggested a small committee to work on suggestions for improvements. Staff will be preparing information collected over the course of the last 5 years to present to the committee for consideration. The first committee meeting has yet to be determined.

8TH - 10 STREET SIDEWALK AND TRAIL PROJECT: At the request of the Library, Town Council approved installing the trail segment along their property this year, and awarded the 200 lineal foot concrete trail project to Hart Construction. The remaining portion of the trail between 8<sup>th</sup> Street and 10<sup>th</sup> Street will be constructed in early 2015.

WEST PHASE TOWN TO PAGOSA LAKES TRAIL PROJECTS: The West Phase trail segment is between Village Drive and Aspen Village Drive. Preliminary CDOT plan review is November 19, and Final Plan review in mid-winter. Advertisement for construction should occur by February 2015 with construction to begin in early 2015.

MAJESTIC DRIVE CMAQ PAVING PROJECT: The Majestic Drive paving project is on schedule. Pavement is expected to be complete by the week of November 17<sup>th</sup>.

6TH STREET PEDESTRIAN BRIDGE: The 6<sup>th</sup> Street bridge project is on schedule. The bridge arrived on Tuesday November 18<sup>th</sup> and was placed on the bridge abutments. The contractor has begun work on the south side ramp. With two weeks of good weather, it is possible the project will be open for pedestrian use by the end of the year, with some landscaping and site improvements completed in 2015.

WALL MART: The Town Planning Department has been working on finding a solution to an issue identified by a neighboring property owner, regarding their sight line to one of the loading



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Minutes**  
**November 18, 2014**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

docks. Staff is working with a few entities including Wall Mart to find a resolution, which most likely will include additional landscaping.

Alpha Drive should fully paved by this Town Council meeting. Paving for the Hwy modifications and widening should occur the week of November 17<sup>th</sup>.

SOUTH 5<sup>TH</sup> STREET ROW DEDICATION: Staff has initiated title work for the formalization of the South 5<sup>th</sup> Street ROW. Once title work is received we will initiate a Plat Amendment designating the 5<sup>th</sup> Street ROW and preparing a resolution for the PSSGID Board consideration for deeding property to the Town, and an Ordinance for Town Council's consideration for accepting the land from the PSSGID.

COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE: The Cobblestone Townhome project located on the improved 4<sup>th</sup>/5<sup>th</sup> Alley is progressing. The two newer buildings are currently being sided and interior construction is well underway. Yamaguchi Lane, formerly the S. 4<sup>th</sup> / 5<sup>th</sup> Alley has been paved. Some sidewalk replacement is occurring and tie in with property driveways along the west side of the alley are taking place. Signage for the one-way alley is expected in the next two weeks.

CDOT TAP FUNDS AWARDED: The Town has been awarded approximately \$250,000 in CDOT TAP funds for the Town To Pagosa Lakes trail segment between Centerpoint Church and Piedra Road intersection with Hwy 160. Staff will be looking at additional grants to partner with this award, for the full estimated 1.1 million dollar project.

RIVER WALK CONDO PROJECT AND 4<sup>TH</sup> / 5<sup>TH</sup> STREET RIVER WALK TRAIL: Staff continues to work with the developer for the construction of 900 lineal feet of compacted gravel surfaced trail on the west side of the San Juan River between Apache Street north to the 5<sup>th</sup> Street ROW. Construction will most likely be deferred to 2015. The Development Improvement Agreement requires financial security be accepted prior to the Certificate of Occupancy of additional units in the development. It is expected the Town will receive the financial security in the next few months, allowing the developer to continue the construction project and receiving Certificates of Occupancy.

PEDESTRIAN PATH BETWEEN S. 8<sup>TH</sup> STREET AND S. 7<sup>TH</sup> STREET: Staff continues to work with the property owner of the former City Market building and Citizens Bank for installing a 10' wide pedestrian path along these properties on the north side of the parking lot. This will provide connectivity to the 8<sup>th</sup> Street intersection traffic light and pedestrian crossing. The streets department may still have good enough weather to delineate the 10-foot wide path in 2014. If the weather becomes challenging, the project will be installed in early 2015.

CDOT QUARTERLY MEETING: The next CDOT quarterly meeting is on Tuesday, December 9, 2014. Council member Egan and staff are confirmed to attend. Any issues or thought for consideration at this meeting should be directed to the Planning Director.



**Town of Pagosa Springs**  
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**C. Planning Commission** – Discussion was opened for comments and discussion of non-agenda items – none received.

**D. Upcoming Scheduled Town Meetings** are as follows:

Planning Commission Meeting:

- Tuesday, December 09, 2014 at 5:30pm in Town Hall
- Tuesday, January 13, 2015 at 5:30pm in Town Hall

Historic Preservation Board meetings:

- Wednesday, December 03, 2014 at 5:15pm in Town Hall.
- Wednesday, December 10, 2014 at 5:15pm in Town Hall.
- Wednesday, January 14, 2014 at 5:15pm in Town Hall.

Town Council Meetings:

- Thursday, November 20, 2014 at noon in Town Hall.
- Tuesday, December 02, 2014 at 5pm in Town Hall

Parks and Recreation Board Meeting:

- Wednesday, December 10, 2014 at 5:30 pm in Town Hall

**X. Adjournment**- Upon motion duly made, the meeting adjourned at 7:20 PM.

Ron Maez, Planning Commission Vice-Chair



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
Wednesday, December 3, 2014  
Town Hall Conference Room Located at 551 Hot Springs Boulevard  
Pagosa Springs, Colorado 81147

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- I. **Call to Order / Roll Call:** Chair Brad Ash called the meeting to order at 5:25 pm. Present were Board Members Peggy Bergon, Judy James, and Andre Redstone, Associate Planner/Certified Permit Technician Margaret Gallegos, and community member Ed Fincher. Member Chrissy Karas was absent.
- II. **Announcements:** None
- III. **Approval of Minutes:** Motion made by Member James, seconded by Member Redstone and unanimously carried to APPROVE the November 12, 2014 Historical Preservation Board meeting minutes as presented.
- IV. **Public Comment:** None
- V. **Sign Review:** None
- VI. **Landmark Designations:** None
- VII. **Alteration Certificate Review:** None
- VIII. **Tax Credit Review:** None
- IX. **Project Review:** None
- X. **Decision Items:**

**A. Consider amending previous approval for providing Recommendations to Town Council regarding Reservoir Hill Forest Health Tree Thinning Project:** The Historic Preservation Board (HPB) was invited to attend an October 3<sup>rd</sup> Forest Health presentation on Reservoir Hill. Members Redstone & Karas attended the community presentation and presented their findings to the Board. On October 15, 2014 and November 12, 2014, the Board concluded that it will finalize a letter and present it to Town Council which outlines the Historic Preservation concerns and/or support of the project. The November 12, 2014 motion was as follows: *MOTION MADE BY MEMBER James, SECONDED BY MEMBER Redstone AND UNANIMOUSLY CARRIED "to authorize Board Chair Ash to draft and submit a letter to the town council outlining the concerns of the historic preservation board and to request clarification about the intended effects and use of the removed trees"*.

Since the above approval, additional discussions took place with the Town Manager, Town Mayor, HPB Chair and Planning Director. Through these discussions, it was determined that if the HPB would like to submit any concerns or considerations in writing for the Town Council to consider, then the best route for submitting a letter from the HPB, is to address the letter to the Town Manager, who will bring forward such information to the Town Council at the time they



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
Wednesday, December 3, 2014  
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---

discuss the matter further during open public meetings. The Town Council has to approve a Memorandum of Understanding (MOU) between all parties for the tree-thinning project. The MOU shall outline specific requirements of each entity and the specifics of the actual operation and the use of materials removed from the Hill. These discussions in preparation of approving a MOU (still to be drafted) will take place at noticed Town Council public meetings, where public comment will be requested. After discussing the events that transpired and the direction of the project, the Board made the following motion:

**MOTION MADE BY MEMBER JAMES, SECONDED BY MEMBER BERGON TO RECORD THE BOARD'S NOVEMBER 12, 2014 MOTION TO SUBMIT A LETTER TO TOWN COUNCIL. MOTION CARRIED WITH MEMBER REDSTONE OPPOSING.**

**B. 2015 Saving Places Conference and/or CAMP (Commission Assessment and Mentoring Program) Attendees:** During the November 12, 2014 meeting, the Board tabled action until the December meeting to allow each member time to review their calendars and commit to the saving places conference and/or CAMP dates. The annual "Saving Places Conference" is on February 4-5, 2015 in Denver, Colorado. This two-day event is considered one of the best Historic Preservation conferences in the nation and is an excellent opportunity to learn how to embrace historic preservation in our community and the many economic development and tourism benefits preservation provides communities around Colorado. Staff has encouraged Town Council and the Planning Commission to attend the two-day conference with some interest expressed. Currently PC member Cameron Parker has expressed interest in attending. Others are looking into their calendars for availability. **At this time, HPB Members Ash, Bergon or James, Redstone are not available; however, Member Karas is available to attend the conference.**

In addition, the History Colorado Office of Archaeology and Historic Preservation (OAHP) brings the National Alliance of Preservation Commissions (NAPC) CAMP (Commission Assessment and Mentoring Program) to Colorado during the Colorado Preservation, Inc. Saving Places Conference. This signature commission and staff training opportunity will be held on Friday, February 6, 2015 at the History Colorado Center. **Members Ash and Redstone plan to attend the CAMP on Friday, February 6.**

**XI. Discussion Items:**

**A. Town Tourism Committee (TTC) Regional Heritage Tourism Brochure:** The "Pagosa Springs Heritage" brochure was prepared by the TTC and developed as a general tourism product for the region around Pagosa Springs. The original request from the TTC was to review the brochure for simple edits. This request is a courtesy to the HPB to have the opportunity to provide simple edits. The intent was not to have the HPB re-write or format the TTC brochure. At this time, the HPB is again asked to review the brochure for simple edits, and to forward the edits to the TTC, **before December 31<sup>st</sup>, 2014.** The HPB may also submit photos for the TTC's consideration to use. The Board had concerns with the brochure's content and concluded that the



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
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Pagosa Springs, Colorado 81147

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new deadline would not allow enough time to provide factual details and/or correct the inadequate content. The Board also expressed concerns that the brochure, in its present form, would not adequately represent "Pagosa Springs Heritage". After discussion, the Board made the following motion:

**MOTION MADE BY MEMBER REDSTONE, SECONDED BY MEMBER BERGON, AND UNANIMOUSLY CARRIED TO REQUEST THAT STAFF DRAFT A LETTER TO THE TOWN MANAGER WHICH OUTLINES THAT THE BOARD IS CONCERNED WITH THE INADEQUATE FACTUAL INFORMATION AND HISTORICAL CONTENT CONTAINED IN THE TTC'S "PAGOSA SPRINGS HERITAGE" BROCHURE. THE BOARD FURTHER RECOMMENDS THAT THE TOWN TOURISM COMMITTEE (TTC) RESEARCH THE CONTENTS OF THE BROCHURE SO THAT IT CONVEYS FACTURAL ACCURACY ABOUT PAGOSA SPRINGS HISTORYT AND THAT THE INFORMATION BE CULTURALLY SENSITIVE.**

Pursuant to the present historical research project, consensus of the Board, as originally determined, **plans to move forward, research and develop factual information and content for future heritage brochures and other educational pieces** like interpretive signage and web page content. The work that has been conducted thus far as follows:

Research In Process:

- *Geological - Brad*
- *Wolf Creek Pass - Chrissy & Judy*
- *Skiing - Chrissy*
- *Education/Schools - Margaret*
- *Homesteaders - Homestead Act, Subsidence Living-Judy*

Research Completed:

- *Railroads - Peggy*
- *Logging Mill Sites - Margaret*
- *Fort Lewis - Peggy*
- *Platting - Peggy*

Research Needed:

- *Indigenous/First Nation - Migration, Dine'tah, land, natural herbs/plants*
- *Spanish/European - Migration, Mission Pilgrimage*
- *Frontier - Trappers, Mountain Men & Prospectors*
- *Historic Trails and Roads - toll road, stagecoach, Hwy 160*
- *Industry - Agriculture, ranching,*
- *Hot Springs - US and private ownership*
- *Town Infrastructure - Social, architecture, historic structures/buildings*
- *Geothermal Interface - healing, economic driver*
- *Government - formation, courthouse, public officials*
- *War Era/Military - economic, family*
- *Natural Disasters - flood, fire*
- *Trade and Commerce - tourism, logging*

XII. Public Comment: None



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
Wednesday, December 3, 2014  
Town Hall Conference Room Located at 551 Hot Springs Boulevard  
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**XIII. Reports and Comments:**

**A. Planning Department:** Planning Director Dickhoff provided a written report as follows:

- WEST PHASE TOWN TO PAGOSA LAKES TRAIL PROJECTS: The West Phase trail segment is between Village Drive and Aspen Village Drive. Preliminary CDOT plan review is November 19, and Final Plan review in mid-winter. Advertisement for construction should occur by February 2015 with construction to begin in early 2015.
- MAJESTIC DRIVE CMAO PAVING PROJECT: The Majestic Drive paving project is on schedule. Pavement is expected to be complete by the week of November 17<sup>th</sup>.
- 6TH STREET PEDESTRIAN BRIDGE: The 6<sup>th</sup> Street bridge project is on schedule. The bridge is expected to arrive on Tuesday November 18<sup>th</sup> for placement on the bridge abutments. The contractor has begun work on the south side ramp. With two weeks of good weather, it is possible the project will be open for pedestrian use by the end of the year, with some landscaping and site improvements completed in 2015.
- WALL MART The Town Planning Department has been working on finding a solution to an issue identified by a neighboring property owner, regarding their sight line to one of the loading docks. Staff is working with a few entities including Wall Mart to find a resolution, which most likely will include additional landscaping. Alpha Drive should fully paved by this Town Council meeting. Paving for the Hwy modifications and widening should occur the week of November 17<sup>th</sup>.
- SOUTH 5<sup>TH</sup> STREET ROW DEDICATION: Staff has initiated title work for the formalization of the South 5<sup>th</sup> Street ROW. Once title work is received we will initiate a Plat Amendment designating the 5<sup>th</sup> Street ROW and preparing a resolution for the PSSGID Board consideration for deeding property to the Town, and an Ordinance for Town Counsel's consideration for accepting the land from the PSSGID.
- COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE: The Cobblestone Townhome project located on the improved 4<sup>th</sup>/5<sup>th</sup> Alley is progressing. The two newer buildings are currently being sided and interior construction is well underway.
- Yamaguchi Lane, Formerly the S. 4<sup>th</sup> / 5<sup>th</sup> Alley has been paved. Some sidewalk replacement is occurring and tie in with property driveways along the west side of the alley are taking place. Signage for the to be one-way alley is expected in the next two weeks.
- CDOT TAP FUNDS AWARDED: The Town has been awarded approximately \$250,000 in CDOT TAP funds for the Town To Pagosa Lakes trail segment between Centerpoint Church and Piedra Road intersection with Hwy 160. Staff will be looking at additional grants to partner with this award, for the full estimated 1.1 million dollar project.



Town of Pagosa Springs Historic Preservation Board  
Regular Meeting Minutes  
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- RIVER WALK CONDO PROJECT AND 4<sup>TH</sup> / 5<sup>TH</sup> STREET RIVER WALK TRAIL: Staff continues to work with the developer for the construction of 900 lineal feet of gravel surfaced trail on the west side of the San Juan River between Apache Street north to the 5<sup>th</sup> Street ROW. Construction will most likely be deferred to 2015. The Development Improvement Agreement requires financial security be accepted prior to the CO of additional units in the development. It is expected the Town will receive the financial security in the next few months, allowing the developer to continue the construction project and receiving Certificates of Occupancy.
- PEDESTRIAN PATH BETWEEN S. 8<sup>TH</sup> STREET AND S. 7<sup>TH</sup> STREET ON SOUTH SIDE OF HWY 160: Staff continues to work with the property owner of the former City Market building and Citizens bank for installing a pedestrian path along these properties. This will provide connectivity to the 8<sup>th</sup> Street Intersection traffic light and pedestrian crossing. The streets department may still have good enough weather to delineate the 10 foot wide path in 2014. If the weather becomes challenging, the project will be installed in early 2015.
- CDOT QUARTERLY MEETING: The next CDOT quarterly meeting is on Tuesday, December 9, 2014. Council member Egan and staff are confirmed to attend. Any issues or thought for consideration at this meeting should be directed to the Planning Director or Town Manager.

**B. Historic Preservation Board: None**

**C. Upcoming Town Meetings Schedule is as follows:**

Planning Commission Meeting:

- Tuesday, December 9, 2014 at 5:30pm in Town Hall
- Tuesday, January 13, 2015 at 5:30pm in Town Hall

Historic Preservation Board meetings:

- Wednesday, December 10, 2014 at 5:15pm in Town Hall.
- Wednesday, January 14, 2015 at 5:15pm in Town Hall.

Town Council Meetings:

- Thursday, November 20, 2014 at noon in Town Hall.
- Tuesday, December 02, 2014 at 5pm in Town Hall.

Parks and Recreation Board Meeting:

- Wednesday, December 10, 2014 at 5:30 pm in Town Hall

**XIV. Adjournment:** Motion duly made, the meeting adjourned at 7:10 pm. The next regular meeting is planned for Wednesday, December 10, 2014 at 5:15 PM in the Town Hall Conference Room.

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By: Brad Ash, Historic Preservation Board Chair



# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VIII.5

PAGOSA SPRINGS TOWN COUNCIL  
DECEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

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

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### GEOTHERMAL WATER AND POWER AUTHORITY

The Geothermal Authority met recently on November 10, 2014 and heard updates on several items as follows:

- Agreement between Pagosa Verde and Fairway Trust: This agreement has been executed and is now in place.
- Update on Contract with DoLA for \$1.9 million: The contract was forwarded to the Authority staff on November 26<sup>th</sup> and the Geothermal Authority Board was convened in Special Session to approve the contract document on December 1<sup>st</sup>. It was then immediately sent up to Denver and as of this writing is in the Controller's hands for final approval. That approval is expected by December 15<sup>th</sup>.
- Drilling Update: As the Council is aware, drilling has commenced at both the site for the school and on the Levine property. The results of the drilling to date have been favorable and the geology is said to be encouraging.

### FRANCHISE AGREEMENT WITH LA PLATA ELECTRIC ASSOCIATION (LPEA)

This item is in progress. The Town's representative is Scott Frost and we are currently in negotiations with LPEA on language in the agreement and the two outstanding issues at this juncture are easement language and the possible imposition of a franchise fee. The issue of the franchise fee will need to come back to the Town Council for review and comment as it is an important issue and a potential cost to the consumer. The Town presently has franchise agreement with the other utilities and a franchise fee is assessed for those other utility..

### 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. At the last Transition Team meeting on November 20<sup>th</sup>, the discussion was that both the County and the Town would have a place on the new CDC Board as a consequence of their financial participation. We have received notification it is the intent of the CDC Board to approach both the Town and County for their financial participation, however it has not be scheduled for them to come forward to make their pitch to the Town Council.

### COMMUNITY FACILITIES COALITION TRANSITION

Town staff continues to work with the Coalition on making the transition of fiscal stewardship from the Coalition, through Archuleta Housing Inc., to the Town. We have worked with the Coalition representatives, in coordination with Mike Branch, to have the revenues and expenses run through the Town beginning January 2015. There will probably be about a month's transition period. As of this writing, the Coalition is presently trying to schedule a Board meeting to assess the organizational presence of the Coalition and the future relationship with the Town in operating the Community Center.

## **TOWN SPACE PLANNING NEEDS**

With the approval of the 2015 budget and the addition of the new HR/Records Clerk and part-time Parks Use Administrator positions, we are engaging a space planning exercise. We are doing this exercise within the context that other positions considered in the budget process may be added at some future date and we should take that into consideration. Related to that discussion, it was discovered that the lease between the Town and the County Department of Human Services was going to expire at the end of calendar year 2014. The lease does permit a month-to-month arrangement if necessary. After enquiring with DHS reps, it is their desire to continue leasing space for a period of 2-3 additional years. However they did state that they are outgrowing the space and would probably need to relocate at the end of that period. Furthermore, as the Council is aware, the Chamber of Commerce lease space at the Visitor's Center and that lease does expire December 31<sup>st</sup>, 2014, but provides for another 6 months or a month-to-month arrangement as well. We have heard informally that the Chamber may want to consider relocating as well, but wants to wait until such time a new Executive Director is hired.

## **BANKING SERVICES FOR THE TOWN**

Pursuant to direction from the Town Council, the Town Manager and Town Clerk have been soliciting proposals from area banks to be our provider of banking services. We currently bank at Citizens Bank, but do not receive any interest on our accounts. We are also interested in ascertaining what other services are available including investment, online services, credit cards, electronic deposits, and payroll. We expect to bring an item before Council for a decision at the January mid-month meeting.



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**PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
MEETING AGENDA  
THURSDAY, DECEMBER 18, 2014  
Town Hall Council Chambers  
12:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM DECEMBER 2, 2014**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. NEW BUSINESS**
  - 1. Resolution 2014-07, Amending 2014 Budget**
- V. OLD BUSINESS**
  - 1. PAWSD/Pipeline Update**
- VI. DEPARTMENT HEAD REPORT**
  - 1. District Report**
- VII. APPROVAL OF NOVEMBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- VIII. NEXT BOARD MEETING JANUARY 6, 2015 AT 5:00PM**
- IX. ADJOURNMENT**



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**PAGOSA SPRINGS SANITATION  
GENERAL IMPROVEMENT DISTRICT  
MEETING MINUTES  
TUESDAY, DECEMBER 2, 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 Schanzenbaker
- II. **APPROVAL of MEETING MINUTES FROM NOVEMBER 20, 2014** – Board Member Bunning moved to approve the meeting minutes, Board Member Schanzenbaker seconded, unanimously approved.
- III. **PUBLIC COMMENT** – None
- IV. **NEW BUSINESS**
  1. **Public Hearing on 2015 Budget** – Board President Volger opened the item for public hearing. No public comment. Board Member Volger closed the item to public comment.
  2. **Resolution 2014-05, Approve 2015 Budget, Set Mill Levies, Appropriate Funds** -The Pagosa Springs Sanitation General Improvement District Fund (the District) reserves are projected to be \$735,983 at the end of 2015. Based on the proposed build out of the pipeline and decommissioning of the lagoons, the District is budgeting to spend into reserves approximately \$650,000 in 2015. The mill levies of 2.479 includes .9 mills for general operating expenses plus 1.559 mills for the CWRPDA loan from 1997 that will be paid in full in 2016, as well as .02 mills for refunds and abatements. The County Assessors assessed value is \$231,784 over the 2014 values. Board Member Alley moved to approve Resolution 2014-05, approve and adopt the 2015 budget, set the mill levies for 2015, and appropriate funds for the 2015 budget, Board Member Bunning seconded, unanimously approved.
  3. **Resolution 2014-06, Supporting Submission of a CDPHE Small Communities Grant Application** – Resolution 2014-06 gives staff support for a grant package application with the intent of obtaining additional funding for the pipeline project and the goal of keeping reserve fund balances as healthy as possible. The PSSGID meets all the requirements to apply for the grant and the amount being requested is \$750,000 with an additional \$150,000 of reserve funds being used at matching funds, for a project total of \$900,000. Board Member Bunning moved to approve Resolution 2014-06, authorizing the submittal of a Small Communities grant application to the Colorado Department of Public Health and Environment, Board Member Schanzenbaker seconded, unanimously approved.
- V. **OLD BUSINESS**
  1. **TOWN/PAWSD Pipeline Update** – The pipeline installation has ceased due to the weather and

all focus now for the rest of the winter will be on the two pump stations. Material submittals are being reviewed by the engineers and the contractor is working on the structural, mechanical, and electrical aspects of the project. Town Manager Schulte said some change orders have been approved and others are still outstanding and staff is working on a resolution.

**VI. NEXT BOARD MEETING DECEMBER 18, 2014 AT 12:00PM**

**VII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:43pm.

DRAFT



# SANITATION AGENDA DOCUMENTATION

## NEW BUSINESS:IV.1

PAGOSA SPRINGS TOWN COUNCIL  
DECEMBER 18, 2014

**FROM: GREG SCHULTE, TOWN MANAGER**

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**PROJECT: RESOLUTION 2014-07 AMENDMENT FY 2014 BUDGET**

**ACTION: REVIEW, PUBLIC COMMENT AND ACTION**

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### PURPOSE/BACKGROUND

The Town Auditor asked that the budget include the expenditure and revenue from the PAWSD portion of the pipeline project (Phase 2) in the 2014 budget in which the District is receiving a loan from PAWSD. The amount we are expecting to receive and to expend in 2014 for Phase 2 through the PAWSD loan is \$2,585,815 which is the balance of the \$2,835,745 loan amount. \$249,930 was expended on our PAWSD loan in 2013.

### ATTACHMENT(S):

Resolution No. 2014-07

### FISCAL IMPACT

Approval of the proposed 2014 budget amendment increase the Sanitation District revenues and expenditures by \$2,585,815, the budgeted sanitation fund reserves remain the same.

### APPLICABILITY TO TOWN OF PAGOSA SPRINGS HOME RULE CHARTER

Section 3.9 of the Home Rule Charter specifies the Town Council's authority and responsibility to anticipate revenues [Section 3.9(A)2] and adopt a balanced annual budget [Section 3.9(B)].

### RECOMMENDATION

It is the recommendation of the Town Manager that the Town Council, by motion

**Approve Resolution 2014-07 amending the Sanitation District's 2014 approved budget to include increases in revenue and expense of \$2,585,815, retaining the same budgeted reserves in the Sanitation District Fund of \$2,472,274.**



**PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT  
PAGOSA SPRINGS, COLORADO**

**PSSGID RESOLUTION NO. 2014-07**

**RESOLUTION TO AMEND SUMS OF MONEY FOR THE 2014 BUDGET**

WHEREAS, the Town Council, acting as the ex officio Board of Directors for the Pagosa Springs Sanitation General Improvement District (Sanitation GID Board), has conducted a Public Hearing to review the proposed 2014 budget in accordance with the Home Rule Charter and approved the 2014 budget on December 12, 2013; and

WHEREAS, the Sanitation District has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law and the Town of Pagosa Springs Home Rule Charter, but also if necessary amend the revenues and expenditures provided in the budget and for the purpose described below, as not to impair the operation of the Town; and

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Pagosa Springs Sanitation General Improvement District:

1. Amend the Appropriations of Funds. The following sums are hereby appropriated for the sanitation fund:

<b>PSSGID SUMMARY OF REVENUES AND EXPENDITURES</b>					
	<b>2012 Actual</b>	<b>2013 Budget</b>	<b>2013 Estimate</b>	<b>2014 Budget</b>	<b>Previous</b>
<b>REVENUES</b>					
<b>Total All Revenues</b>	898,785	4,006,454	765,282	6,588,738	4,002,923
<b>EXPENDITURES</b>					
<b>Total Expenditures</b>	514,545	3,319,140	799,896	5,566,717	2,980,902
<b>Year End Cash Reserve</b>	1,484,821	2,154,690	1,450,252	2,472,274	2,472,274

2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Sanitation District Board.

Approved this 18<sup>th</sup> day of December, 2014, by the Sanitation General Improvement District Board, by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Don Volger, Board President

ATTEST:

By: \_\_\_\_\_  
April Hessman, Secretary



# AGENDA DOCUMENTATION

## OLD BUSINESS: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS  
DECEMBER 18, 2014

**FROM: GENE TAUTGES, SANITATION SUPERVISOR**

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

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### Town/PAWSD Pipeline Update

Pay application #8 for the pipeline project was received and approved in the amount of \$239,542.50

Work continues on both pump stations now as the structures are above ground level. Hydraulic testing of the piping is being performed per specifications as well.

The contractor is applying to the state electrical inspector for a permit to get electric meters set and power for construction purposes at both locations.

Respectfully submitted,  
Gene Tautges, Sanitation Supervisor



# AGENDA DOCUMENTATION

## DEPARTMENT HEAD REPORT: VI.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

DECEMBER 18, 2014

---

**FROM: GENE TAUTGES, SANITATION SUPERVISOR**

---

**PROJECT: DEPARTMENT HEAD REPORT**

**ACTION: DISCUSSION**

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### **Administrative**

With short notice over the thanksgiving holiday we were able to put together a grant application from the Small Communities Grant Program with the Colorado Department of Health and Environment. The amount being requested is \$900,000 to be used to help defray the construction costs for the pipeline conveyance project. The possibilities are no, partial, or full funding of the request and the decision will be made sometime in March 2015.

### **Wastewater Treatment Plant**

The average daily effluent flow rate for November was .229 million gallons per day with no violations reported for November.

### **Collection System**

The Chamber pump station rehabilitation project was essentially completed on Friday 12/5/14. The project that was managed in house went very smoothly and the concrete vault was restored with an epoxy coating that should last for several decades. All that remains is a small amount of telemetry wiring and a power wash to make it look brand new. I'm waiting for all the final invoices to come in, but it looks as though we will be under budget on the project.

Two four inch service lines were unclogged recently with tree root intrusion once again causing the problem. I have budgeted for some equipment to help me deal with this ongoing problem next year.

### **Geothermal**

The geothermal facility is up and running smoothly with no alarms reported this month.