



Town Hall 551 Hot Springs Blvd
Pagosa Springs, CO 81147

AGENDA

Town Council Meeting
Tuesday, March 4, 2025 @ 5:00 PM

1. REMOTE PARTICIPATION

A Zoom link is made available, however, the Town does not and cannot guarantee internet service or online broadcasting. Remote attendance is at the risk of the attendee as the public meeting will continue in person regardless of the Town's broadcast capability.

Join Zoom Meeting By Computer - <https://zoom.us/j/85315444697>
Dial by Phone - 1-669-900-6833 US - Meeting ID: 853 1544 4697

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. DISCLOSURES AND/OR CONFLICT OF INTEREST

V. PUBLIC COMMENT

VI. CONSENT AGENDA

1. Approval of the February 18, 2025 Meeting Minutes

[Town Council - 18 Feb 2025 - Minutes - Pdf](#)

2. Proclamation in Support of International Dark Sky Week

[Agenda Brief - Proclamation in Support of International Dark Sky Week - Pdf](#)

VII. UNFINISHED BUSINESS

1. Fourth of July Celebration

[Agenda Brief - July 4th Celebration - Pdf](#)

2. Ordinance 1011, First Reading, Dedicating an Easement to La Plata Electric Association on Town-owned property located at 2140 County Road 500 (Trujillo Rd)

[Agenda Brief - Ordinance 1011, First Reading, Dedicating an Easement to La Plata Electric Association on Town-owned property located at 2140 County Road 500 \(Trujillo Rd\) - Pdf](#)

3. Ordinance 1012, First Reading, Creating a Community Infrastructure and Economic Development (CIED) Account

[Agenda Brief - Ordinance 1012, First Reading, Creating a Community Infrastructure and Economic Development \(CIED\) Account - Pdf](#)

VIII. NEW BUSINESS

1. Potential November Bond Election Discussion

2. Potential Project Financing for the Town's portion of the US 160 Reconstruction Project

3. Yamaguchi South River Improvement Project – 95% Design Approval

[Agenda Brief - Yamaguchi South River Improvement Project – 95% Design Approval - Pdf](#)

4. Time Restricted Public Parking During Reconstruction Project

[Agenda Brief - Time Restricted Public Parking During Reconstruction Project - Pdf](#)

5. Street Light Purchase for Reconstruction Project
[Agenda Brief - Street Light Purchase for Reconstruction Project - Pdf](#)
6. Gravel Purchase for Temporary Parking
[Agenda Brief - Temporary parking lot improvements. - Pdf](#)

IX. PUBLIC COMMENT

X. MAYOR, COUNCIL, TOWN MANAGER COMMENTS/UPCOMING AGENDA ITEMS

XI. EXECUTIVE SESSION

1. Executive Session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice from counsel about pending water rights applications

XII. UPCOMING COUNCIL MEETINGS

- March 17, 2025: Joint Town-County Board Meeting
- March 18, 2025: Regular Council Meeting
- April 1, 2025: Regular Council Meeting
- April 15, 2025: Regular Council Meeting

XIII. ADJOURNMENT

**Shari Pierce
Mayor**



Town Hall 551 Hot Springs Blvd
Pagosa Springs, CO 81147

MINUTES

Town Council Meeting
February 18, 2025 @ 5:00 PM

A regular meeting of the Pagosa Town Council was called to order on February 18, 2025, at 5:00 PM in the Town Hall 551 Hot Springs Blvd.

COUNCIL PRESENT:

Mayor Pierce, Council Member Bergon, Council Member deGraaf, Council Member DeGuise, Council Member Lindner, Council Member Martinez, and Council Member Williams

COUNCIL ABSENT:

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. DISCLOSURES AND/OR CONFLICT OF INTEREST – None

V. PUBLIC COMMENT – Ms. Dena Laterza said a thank you to the council and staff who create and enforce the Town's light pollution regulations. She said lights should be turned off when not in use and timers added to reduce energy.

Ms. Shawna Snarr said if the parade is not on Hot Springs Blvd the American Legion, Daughters of the American Revolution, and Vets for Vets would like to have games and luncheon at Yamaguchi Park during 4th of July. The non-profits are willing to volunteer during with the festivities.

VI. CONSENT AGENDA

- 1. Approval of the February 4, 2025 Meeting Minutes**
- 2. December Financial Statement and Payments**
- 3. January Financial Statement and Payments**
- 4. Approval of a Letter of Support for a Grant Application for a New Ambulance and Power Stretcher by the Pagosa Springs Medical Center Emergency Medical Services**
- 5. Resolution 2025-05, Appointing Austin Marchand to the Pagosa Springs Tourism Board**
- 6. Resolution 2025-06, Regarding Letters of Support**

Council Member Lindner moved to approve the consent agenda, Council Member deGraaf seconded.

Carried.

VII. REPORTS TO COUNCIL

- 1. Sales Tax Brief**
 - a. Sales Tax Report - December 2024**

Sales tax for December received in February was up 10.64% or \$164,002 over December 2023.

Town Council
February 18, 2025

VIII. NEW BUSINESS

1. July 4th Celebration

With the upcoming CDOT Hwy 160 construction project that will take place this spring, staff presented three separate options to help control traffic and public safety. 1) the same parade route as last year from Spring Street down Hot Springs Blvd to Apache and then 5th Street to the high school costing over \$14,000 for staff and need of approximately 26 staff members plus volunteers. 2) A stationary parade with floats lined up on 6th Street for the community to walk along the lined up parade-staff and volunteers needed would be approximately 10-14 people. 3.) A community celebration at Yamaguchi Park no floats. There is a music celebration scheduled from 3pm to 8pm and up to the shooting of the fireworks if weather conditions permit. The police department staff would be needed for every option.

Council Member Martinez said the amount of staff was not reduced from having the parade on the highway or on Hot Springs Blvd. He is concerned with the elderly being able to walk along 6th Street. Council Member deGraaf said visitors understand they need to be downtown early to find parking. Council Member Bergon said she liked the close, intimate parade held in 2024, but sometimes a little too close and a tight location. She is in favor of a stationary parade. The bus loop is not available due to the fireworks area. Council Member Lindner said he would support a stationary parade or celebration in the park. He said he would like to see the parade back on Main Street once again in the future. Mayor Pierce said this parade is for the local people and doesn't want it to go away. She said staff should look into hiring an event company to put on the parade. Council Member Williams said the town staff should be the ones to make the decision.

Staff said the parade was short and the parade was not spaced out well. Staff said a stationary parade on 6th Street is an option. Council asked staff to look at options for a parade and bring back more information at the next meeting.

2. New Hotel & Restaurant Liquor License -Two Chicks and a Hippie dba Two Chicks and a Hippie located at 135 Country Center Dr # B

Two Chicks and a Hippie has applied a new Hotel & Restaurant liquor license for their business located at 135 Country Center Dr # B. The Town's license will coincide with the State's license expiration date.

Council Member Martinez moved to approve a new hotel & restaurant liquor license for Two Chicks and a Hippie dba Two Chicks and a Hippie located at 135 Country Center Dr # B,
Council Member deGraaf seconded.

Carried.

3. Consideration of a variance to the Short Term Rental Code at 584 Oren Road by McCelvey/Smith Family and representative Megan Caler

Ms. Megan Caler and Lindsay Smith, representing the McCelvey/Smith Family short-term rental asked for a variance with regard to the two-year ownership requirement for the STR at 584 Oren Road. Ms. Caler said the STR which allows for 20 guests has been running since 2018. One of the owners passed away and after probate the property will be in the daughter's name, Lindsay Smith. Council Member Williams said the rules were put into place in order to add long-term rentals to the community. Council Member Bergon and DeGuise said they are willing to consider the variance. Council Member Lindner said an existing property should be allowed for consideration of a variance based on certain circumstances. He said an STR should be conveyed as a property right. Council Member DeGuise said the Town is not seeing the STR turnover at this time and this variance should be considered. Mayor Pierce said the rules were put in place with all things considered at the time.

Council Member DeGuise moved to approve a one-time variance to the Town Code 6.7.3 and 6.7.12 with the condition of approving the permit once Ms. Smith becomes the owner of 584 Oren

Town Council
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Road,
Council Member Lindner seconded.

Motion failed with four nays (Council Members Williams, deGraaf, Martinez, and Mayor Pierce)

IX. PUBLIC COMMENT – None

X. MAYOR, COUNCIL, TOWN MANAGER COMMENTS/UPCOMING AGENDA ITEMS – The strategic planning process will begin Wednesday and Thursday this week with Karen Daly. CDOT meetings for the community will begin next week. CDOT will place barriers mid-March on the North side from 1st to 8th Street on the Highway to begin the reconstruction project.
Council Member deGraaf said he met with the postmaster who is not in favor of allowing in-Town mail delivery service. Council Member Lindner said dark sky lighting is important and staff added that updates to the Town code and property maintenance code will enforce compliance with dark sky lighting. Council Member DeGuise said Amazon is not in favor of allowing cluster boxes for Amazon packages.

XI. UPCOMING COUNCIL MEETINGS –

- February 25, 2025: Joint Town-County Board Meeting
- March 4, 2025: Regular Council Meeting
- March 18, 2025: Regular Council Meeting
- March 24, 2025: Joint Town-County Meeting
- April 1, 2025: Regular Council Meeting
- April 15, 2025: Regular Council Meeting

XII. ADJOURNMENT – Mayor Pierce adjourned the meeting at 6:31 pm.

Shari Pierce
Mayor



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: James Dickhoff, Development Director

PROJECT: Proclamation in Support of International Dark Sky Week

ACTION: Council action

PURPOSE/BACKGROUND:

The Town has received a request for a Proclamation supporting International Dark Sky Week.
5 letters of support have been provided.

ATTACHMENTS:

[International Dark Sky Week Proclamation - 03.04.25](#)

RECOMMENDATIONS:

Read Proclamation in Support of International Dark-Sky Week

Request for Recognition of International Dark Sky Week, April 21-28, 2025

02/24/2025

Pagosa Springs Town Council
551 Hot Spring Blvd
Pagosa Springs, CO 81147

RE: International Dark Sky Week Proclamation

Dear Town Council:

I am writing to ask for your support in recognizing International Dark Sky Week, April 21-28, 2025 in order to help us celebrate the night sky. Through education and outreach, we aim to minimize light pollution and protect our dark skies. I have enclosed a sample proclamation with language to facilitate this action.

An estimated 80% of Americans live in places where they cannot see the Milky Way. Astro tourism to stargaze under rural dark skies is on the rise and Colorado is one of the leading states with the number of certified Dark Sky Parks and Communities. Much of our town is rated Class 3 on the Bortle (light pollution) scale with downtown being Class 4. The scale goes from 1 to 9 with nine being inner-city skies and one being pristine dark skies, like in the Wilderness. So Pagosa Springs enjoys fairly dark skies. However, light pollution has gotten worse as we've grown. Across the U.S., there is an estimated 6% increase annually.

The damage of artificial light goes beyond our view of the stars... it disrupts the natural patterns of nocturnal wildlife and bird migration. Light pollution and light trespass affects human sleep patterns as well, which can have a negative affect on human health. We advocate for responsible outdoor lighting that keeps our community safe without using excessively bright lights on the blue end of the spectrum, which scatters more readily into the atmosphere.

International Dark Sky Week raises awareness of light pollution and provides education on solutions to protect dark skies with quality outdoor lighting. IDSW 2024 was a huge success, highlighted by proclamations from Miami-Dade County, Utah, Michigan, and many places across Colorado. Proclamations for 2025 are currently underway. International Dark Sky Week events will be celebrated across the globe to help raise awareness of the benefits of community-friendly lighting and our heritage of dark skies.

I hope you will consider my request for a county proclamation of International Dark Sky Week, and wish you the very best in your efforts to lead the Town of Pagosa Springs. If granted, I request permission to share the digital image of the proclamation online.

With warm regards and gratitude,

Dena Laterza
37 Valley View Dr.
Unit 3140
Pagosa Springs, CO 81147



A Proclamation by the Town Council of the Town of Pagosa Springs

Proclamation in Support of International Dark-Sky Week, April 21-28, 2025

WHEREAS, the Town of Pagosa Springs being located a distance away from any major city, we do not experience far off skyglow and traveling a short distance out of town puts one in the San Juan National Forest or the adjacent Weminuche Wilderness where we have pristine dark skies; and

WHEREAS, the experience of standing beneath a dark sky inspires feelings of wonder and awe and may encourage interest in astronomy, astrophysics, mathematics, and enjoyment of nature itself; and,

WHEREAS, Colorado is home to dozens of nocturnal wildlife species—including ringtails, foxes, mountain lions, bobcats, coyotes, skunks, badgers, porcupines, great-horned owls, nighthawks, and bats —and these species rely on undisturbed night environments to hunt, mate, and thrive; and

WHEREAS, several organizations in Pagosa Springs endorse efforts to educate the community about light pollution and minimize emitting unnecessary light into the atmosphere including the Weminuche Audubon Society, Pagosa Sidewalk Astronomers, Pagosa Springs Photography Club, and the San Juan Stargazers; and

WHEREAS, the majority of town has Bortle Class 3 skies and the Town of Pagosa Springs works with builders to minimize light pollution and its affects on human health, harm to wildlife and the ecosystem, energy waste, crime and safety, and our heritage of night skies; and

WHEREAS, DarkSky International, the globally recognized authority on light pollution, recognizes International Dark-Sky Week to raise awareness of the effects of light pollution, provide free education, resources, and solutions to the public, and encourage the protection of and enjoyment of dark skies and responsible outdoor lighting; and

WHEREAS, following the Five Principles of Responsible Outdoor Lighting including useful, targeted, low-level, controlled, and warm colored lighting can help maintain our unique rural character and improve the quality of life for all citizens.

NOW THEREFORE, be it resolved, that we, the Town Council of Pagosa Springs, Colorado, hereby proclaim **April 21-28, 2025 as International Dark-Sky Week** in the Town of Pagosa Springs, and we ask each resident to join us not only in observing and pondering upon this important week but also in raising awareness and support for protecting our precious dark sky as a resource. Further, Town Council encourages all residents to learn about the benefits of a dark sky in our community and celebrate all that it represents.

Given under my hand and seal the _____ day of March, 2025.

Attest:

Signed:

April Hessman, Town Clerk

Shari Pierce, Mayor

TO WHOM IT MAY CONCERN

This Proclamation is for the birds!

Quite literally, it's for the birds, and that is why Weminuche Audubon supports "International Dark Sky Week" on April 21-28.

Southern Colorado is blessed with many stargazing opportunities for people, but it is also a pathway for migratory birds in the millions. Peak migration time is March to May, Many of these species land to rest and regroup in our very own wetlands, and often stay over in this riparian wonderland. Noise and light clutter is distracting, particularly to the smaller birds. Every chance we have to protect our birds should be on the table.

But it's more than just the wetlands, it's everywhere! Any outside glare, upward facing exterior lights, unnecessary street lighting should be examined. We can all do that at our own homes, and remind the town to do the same.

It's a win-win. Bird populations are in decline and we can help. We can take joy in learning more about our night sky, ever changing and ever expanding. Bird photographers numbers (a growing part of Colorado tourism) is benefitted by our actions.

So let's dig in, make something better for the birds!!!!

Jean Zirnhelt, President
Keith Bruno
Herb Grover
Lisa Tedder
Anne Stevens
Diane Cirkseña
Becky Hermon
Bob Endres



Pagosa Springs Photography Club

February 11, 2025

To Whom It May Concern:

As President of the Pagosa Springs Photography Club (PSPC), I offer my strong support of a proclamation recognizing Dark Sky Week, April 21-28, 2025, in Pagosa Springs and Archuleta County.

Many of the photographers in our Club enjoy nightscape photography, using the beauty of our night skies as a major part of landscape photos. While the quality of night sky viewing in Archuleta County and Pagosa Springs remains relatively good, pressures from our continuing growth is diminishing the experience. Light pollution within developed areas hinders observing and photographing the night sky. Fortunately, much of the outskirts of Pagosa Springs and rural areas of the county remain sufficiently dark to permit observations and photography of the Milky Way, constellations, meteors, comets, and other dark sky phenomenon.

International Dark Sky Week raises awareness of light pollution and provides education on solutions to protect dark skies with quality outdoor lighting. It is imperative that we preserve the opportunity to view and enjoy the night sky for future generations. Dark skies are also crucial for migrating wildlife.

We look forward to celebrating Dark Sky week in late April in the Pagosa Springs area.

Sincerely yours,

Andy Butler, President

Pagosa Springs Photography Club

248 S Squaw Canyon Pl, Pagosa Springs, CO 81147 512-581-1470



To Whom It May Concern,

The Pagosa Sidewalk Astronomers wholeheartedly support the recognition is International Dark Sky Week 2025 in Pagosa Springs and Archuleta County! We plan on celebrating this year by getting outside under the stars.

Without the support of local government in efforts to limit light pollution, amateur astronomers all over the world would not be able to practice their hobby. We are working to raise awareness about preserving our dark skies. This Summer, we will be holding several free, educational public events with our telescopes so everyone can appreciate the night sky.

Dena Laterza, founder Pagosa Sidewalk Astronomers



P.O. Box 3856
Pagosa Springs, CO 81147

To: **Archuleta County Board of County Commissioners**
Town of Pagosa Springs Town Council

Re: International Dark Sky Week

Dear Commissioners and Council members,

The San Juan Outdoor Club (SJOC) would like to express its strong support for community recognition of International Dark Sky Week, April 21 to 28 of this year.

The SJOC is a 501c(3) organization founded in 1997 with 221 members. Our mission includes furthering the enjoyment by our members and others of the wonderful country surrounding Pagosa Springs, including our night skies.

An estimated 80% of Americans live in places where they cannot see the Milky Way. Astrotourism to stargaze under rural dark skies is on the rise and Colorado is one of the leading states with the number of certified Dark Sky Parks and Communities. Much of our town is rated Class 3 on the Bortle (light pollution) scale with downtown being Class 4. The scale goes from 1 to 9 with nine being inner-city skies and one being pristine dark skies, like in our Wilderness areas. Pagosa Springs enjoys fairly dark skies; however, light pollution has gotten worse as we've grown.

The damage of artificial lights goes beyond our view of the stars, it disrupts the natural patterns of nocturnal wildlife and bird migration. Light pollution and light trespass affect human sleep patterns as well, which can have a negative effect on human health. Dark Sky Week is an opportunity to reflect on why responsible outdoor lighting is important for our community.

We hope you will join us in supporting International Dark Sky week. Please contact us if you have any questions regarding SJOC's support.

Best regards,

Steven Earle

Steven Earle
SJOC President

February 24, 2025



To Whom It May Concern,

This is a letter from San Juan Stargazers in support of the International Dark Sky Week, April 21-28 2025.

It supports Astrotourism to help boost our Pagosa Springs and Archuleta County areas economy, and to support the success of migrating birds.

Sincerely,

Joan Mieritz
Maureen Collins



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: Darren Lewis, Parks & Recreation Director

PROJECT: July 4th Celebration

ACTION: Council action

PURPOSE/BACKGROUND:

As staff considers options for this year's parade, traffic congestion, parking limitations, and overall safety remain key concerns—especially with ongoing construction affecting Hwy 160. Staff is concerned having additional road closures, limiting access to parking in order to have a parade may create a more chaotic scene in the downtown corridor. Staff's opinion is to not have a parade and to have an amazing celebration for July 4th at Yamaguchi Park. However, staff continues to look at all options and attached (See Attached Celebration Options) are three potential approaches, each addressing challenges in different ways. Attached you will also find traffic control needed for the options presented and parking identified for the event. You will also find one other option staff has come up with if a Parade Celebration is determined to occur (See Attached Parade Hermosa St.). After discussion staff will be asking Town Council for direction/options for the July 4th Celebration.

ATTACHMENTS:

[Celebration Options](#)

[Springs Construction Parking Lot](#)

[Parade Route Traffic Control 2024](#)

[6th Street Traffic Control 2025](#)

[Parade Hermosa St.](#)

RECOMMENDATIONS:

Direction for staff

Parade & Celebration Options: Addressing Main Street Construction, Safety, Traffic, and Parking Challenges

As we consider options for this year's parade, traffic congestion, parking limitations, and overall safety remain key concerns—especially with ongoing construction affecting Hwy 160. Below are three potential approaches, each addressing these challenges in different ways:

Option 1: Last Years Parade Route (High Traffic & Parking Challenges)

- **Parking & Road Closures:** No parking on Hwy 160 due to construction. Limited parking, road closures start at 9am with 10am parade start. Adjacent to the Hot Springs Resort additional parking has been reserved for construction parking but will not be accessible during the parade for most spectators. Hot Springs Blvd closures causing frustration for residents, visitors, and businesses. Hot Springs Resort staff has voiced concerns about guest access during the parade.
- **Traffic & Safety Risks:** Highway closures create gridlock, requiring significant staffing and enforcement—volunteers often struggle to manage crowds.
- **Construction Impact:** Increased logistical difficulties and parking scarcity near the highway and Town Park.

Key Concern: Is this high-traffic, high-stress experience ideal while our main streets are under construction? If we proceed, a clear plan is needed for parking solutions, additional staffing, and better public communication.

Option 2: Community Celebration at Yamaguchi Park 4-8pm (Less Traffic, More Parking Options)

- **Safer, Controlled Event:** Eliminates street closures and traffic management concerns. Families can enjoy an open, interactive space without safety risks from moving vehicles.
- **Alternative Activities:** Free live music (4-8 PM) put on by outside entity. Staff can organize bouncy houses from an outside company. Water truck by fire department, police cars, and town trucks to add entertainment for kids to walk by.
- **Parking Availability:** Centralized parking at Yamaguchi Park with High school parking lot and surrounding areas, reducing congestion and frustration. Length of time is open to more flexibility to explore Pagosa.

Key Benefit: A structured, family-friendly event in a designated space with better parking availability and reduced staff burden.

Option 3: Stationary Parade on 6th Street (Lower Traffic Impact, Walkable Experience)

- **Minimal Road Closures:** Shifts floats to a stationary setup, reducing highway congestion and eliminating the need for parade-related road closures.
- **Walkable & Interactive:** Spectators walk along displays at their own pace, reducing crowding and traffic conflicts. Can extend float parking option to 2 hours so it spreads out spectator viewing. **Suggested time 10 a.m. - noon**

- **Parking Solutions:** Located near available high school and Yamaguchi parking lots, alternative parking location next to the Hot Springs Resort, Community Center, Library and Centennial Park parking solutions to walk over 6th street bridge from the riverwalk to avoid high-traffic areas affected by construction.

Key Benefit: Maintains a parade experience while removing major traffic concerns and providing more accessible parking options.

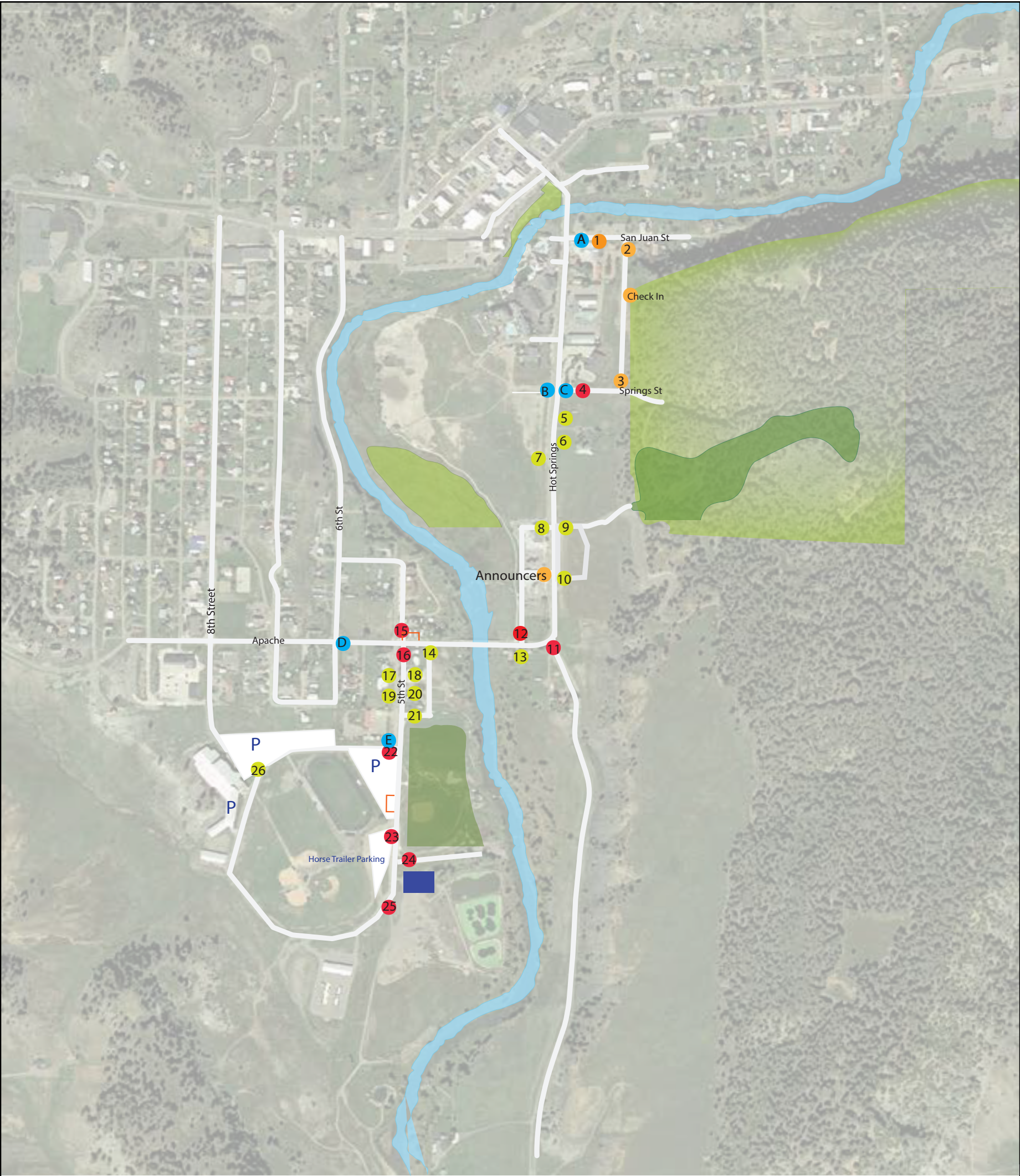
Final Considerations:

Given ongoing construction and parking limitations, Options 2 & 3 provide safer and more manageable alternatives while still fostering community engagement.

EXHIBIT A Licensed Area



Approximately 5 acres of Temporary Parking Area



Line Up 7:30am San Juan St
Put Barricades and Signs out night before

7:30 am A Cop and Line up Crew
8:00 am Traffic Control/ Rangers
9:00 am Marshalls/ KIDS Camp Staff

- Police

A Bishop, Brandon

B Rockensock, Bill

C Calavan, Colton

D Brown, Brooks

E Neagle, Boyd & Civiletto, Cody

Check In Carothers, Jamie

- Marshalls

1 Dickhoff, James

2 Wisezbrod, Andrea

3 Lewis, Leslie

4 Deluche, Katelyn

5 Rivera, Christa

6 Neagle, Brandy

Parade Route

- 1 Gadowski, Amanda

2 Clark, Michelle

3 Porter, Kate Harker, Kathy

4 Lattin, Brad

5 Ranger

6 Ranger

7 Ranger

8 Ranger

9 Ranger

10 Ranger

21 Ranger

23 Moore, Cesar

25 Sroufe, Tyler
- 11 Fletcher, Andrew

12 Lapen, Mark

13 Zaborowski, Matt

14 Schofiled, Ty

15 Johnson, Karl

16 Williams, Wade

17 Ranger

18 Ranger

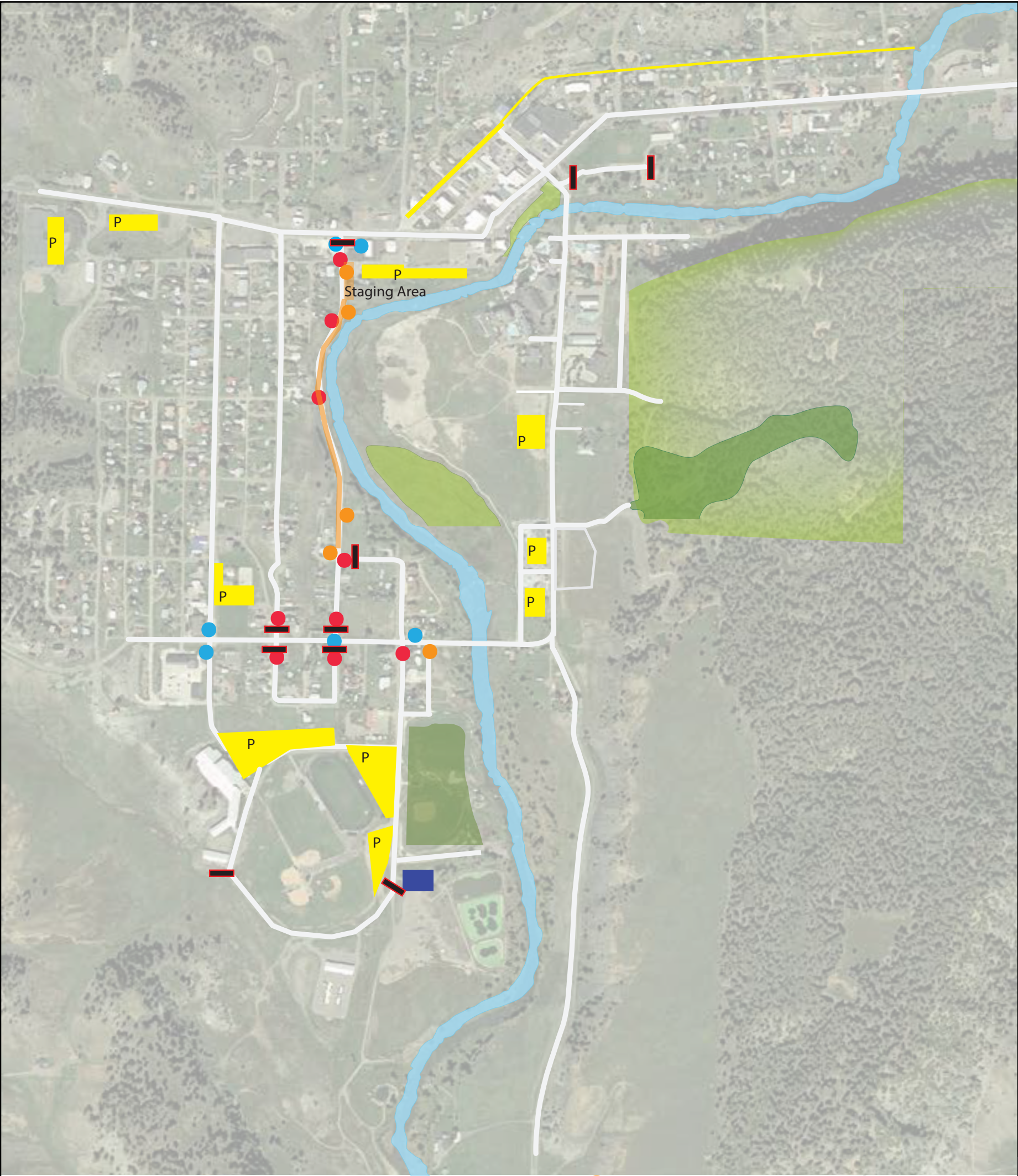
19 Ranger

20 Ranger

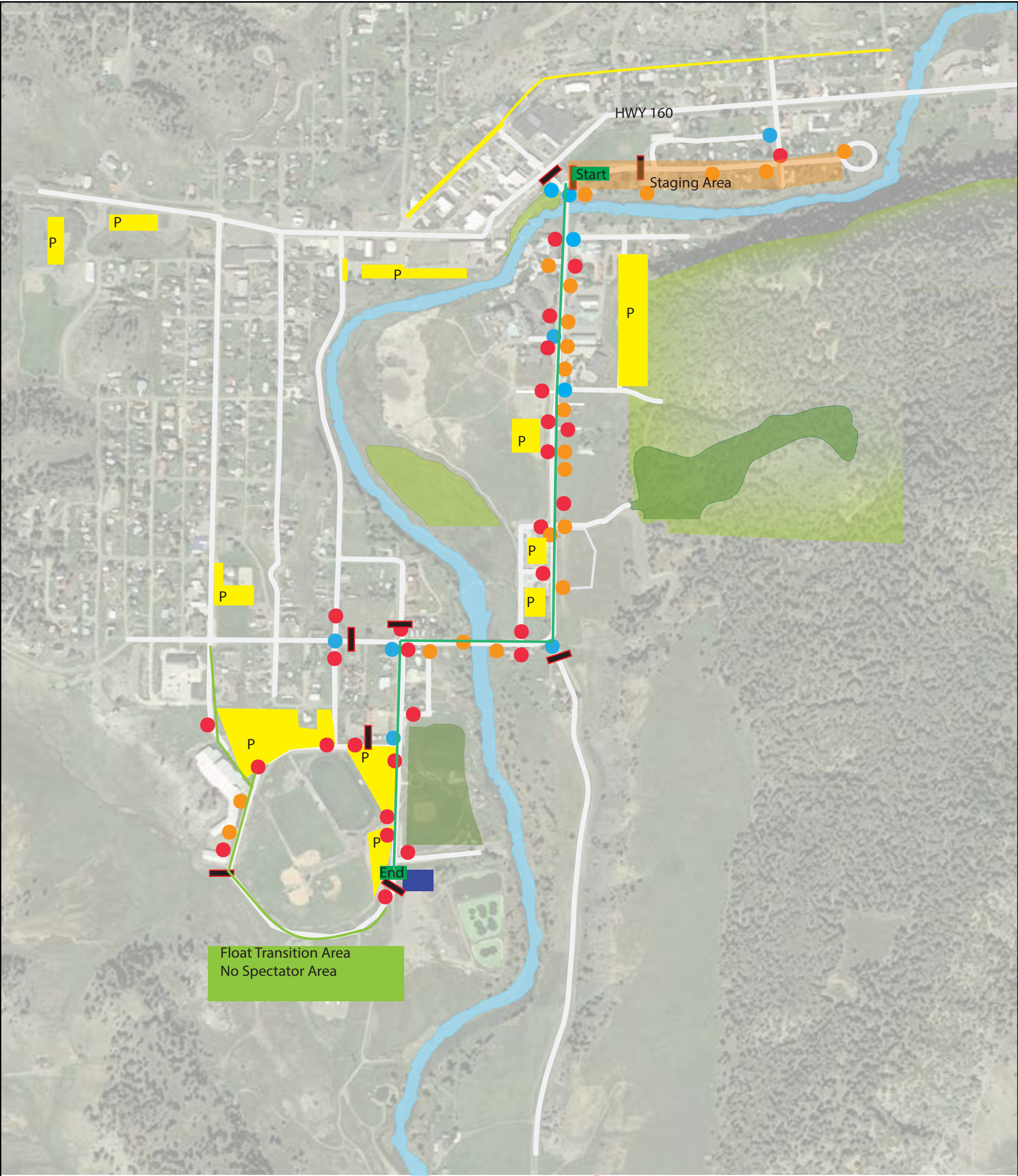
22 Mestas, Frank

24 Haag, Justin

26 Printz, Nick



- 6 Police
- 9 Tier 1 Volunteers
- 5 Tier 2 Volunteers
- 4 Roamer Volunteers



- Police
- Tier 1 Volunteers
- Tier 2 Volunteers
- Roamer Volunteers



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: David Harris, Town Manager

PROJECT: Ordinance 1011, First Reading, Dedicating an Easement to La Plata Electric Association on Town-owned property located at 2140 County Road 500 (Trujillo Rd)

ACTION: Consideration and approval.

PURPOSE/BACKGROUND:

La Plata Electric Association (LPEA) approached the Town to utilize approximately 5 acres for a new electrical substation on the Town-owned property that contains the former landfill and current County Recycle and Transfer station located at 2140 County Road 500 (Trujillo Rd). Last year, Council discussed this topic at four meetings in June, July, and December.

At the June 4, 2024, meeting,

Council Member deGraaf moved to move forward with a lease agreement with LPEA, Council Member Williams seconded, motion failed with 3 nays (Council Members Bergon, DeGuise, and Martinez).

Council Member Williams moved to table the discussion until the July 2, 2024 town council meeting, Council Member deGraaf seconded. Carried with 2 nays (Mayor Pierce and Council Member Bergon)

At the July 2, 2024, meeting,

Council Member deGraaf moved to lease the 5.18 acres to LPEA at an interest rate of 5% with the revenues generated to be earmarked for community infrastructure investment and economic development for 30 years generating \$8,700 per year with no CPI increase, Council Member Martinez seconded. Carried.

The item returned to Council at the July 25, 2024 meeting, with staff seeking clarification on the motion. Council then directed staff as follows:

Council Member deGraaf moved to direct staff to negotiate a lease amount with each party that is amicable and the Town retains ownership of the property, Council Member Martinez seconded. Carried with two nays (Council Members Bergon and DeGuise)

This item was discussed again at the December 19, 2024 meeting.

Staff met and discussed a potential lease with LPEA staff and attorneys including the following terms:

- Land price: \$135,000
- Annual interest: 5%
- Term: 30 years
- Annual payments: \$8,700
- Once the property becomes vacant, it will be restored to a natural state.

LPEA responded with the same terms but using an easement agreement. This route also allows for the Town to retain ownership and receive payment for its use.

Attached is a proposed easement agreement and promissory note that covers the negotiated terms.

In a companion agenda item, staff is recommending the creation of a Community Infrastructure and Economic Development (CIED) account in the Town's Trust Fund for the following uses:

1. To benefit the community and improve the quality of life of residents and/or businesses through the support of electric system and other infrastructure improvements that have a public safety or public welfare benefit, or
2. To expand the economy of the Town and thereby increase net revenues for the economic benefit of the Town, or
3. Any other purpose the Town Council may, in its determination, supports economic activity or infrastructure improvements in the Town of Pagosa Springs.

ATTACHMENTS:

[Ordinance 1011 regarding Easement for Trujillo Substation 3.4.25](#)

FISCAL IMPACT:

\$261,000 over 30 years to the Community Infrastructure and Economic Development account.

RECOMMENDATIONS:

1. Move approval of Ordinance 1011, authorizing the granting of an easement encumbering Town property for the LPEA Trujillo Substation.
2. Move approval of Ordinance 1011, authorizing the granting of an easement encumbering Town property for the LPEA Trujillo Substation with the following amendments...
3. Direct staff....

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 1011
(SERIES 2025)**

**AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT
ENCUMBERING TOWN PROPERTY FOR THE LPEA TRUJILO SUBSTATION**

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 (“Charter”); and

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

WHEREAS, pursuant to Section 12.19 of the Charter, the Town Council of the Town (the “Town Council”) may by ordinance purchase, sell, exchange, receive by donation, enter into a lease for greater than two years, or dispose of any interest in real property including easements; and

WHEREAS, the LA PLATA ELECTRIC ASSOCIATION, INC., a Colorado Corporation (“LPEA”) desires to acquire from the Town an easement interest over a certain 4.98 acre portion of Town property adjacent to County Road 500 (“Trujillo Road”) Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE1/4 SW1/4 NE1/4) and the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE1/4 NW1/4 SE1/4) Section 26, Township 35 North, Range 2 West, New Mexico Principal Meridian, (the “Property”) more particularly described in Exhibit A to the LA PLATA ELECTRIC ASSOCIATION, INC. – ELECTRIC SUBSTATION EASEMENT AGREEMENT (the “Easement”) attached as Exhibit A hereto; and

WHEREAS, in consideration of the grant of the Easement, LPEA shall execute a promissory note, with the Town as Payee, for the principal sum of One Hundred Thirty-Five Thousand Dollars (\$135,000.00) (the “Promissory Note”) attached hereto as Exhibit B; and

WHEREAS, the Town Council hereby finds and determines that grant of the Easement is appropriate and necessary to the function and operation of the Town and the Town wishes to grant the Easement and accept as consideration the Promissory Note.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, AS FOLLOWS:

Town of Pagosa Springs
Ordinance No. 1011 (Series 2025)
Page 2

Section 1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Ordinance by this reference.

Section 2. Authorization of Easement. The Easement, in substantially the form attached as Exhibit A, is in all respects approved, authorized and confirmed.

Section 3. Acceptance of the Promissory Note. Acceptance of the Promissory Note in substantially the form attached as Exhibit B, is in all respects approved, authorized and confirmed.

Section 4. Execution of Miscellaneous Documents. The Town Manager and/or the Mayor are authorized and directed to execute the Easement, and any related documents necessary, in substantially the form attached, for and on behalf of the Town. The Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Council or the Town on the Easement and Promissory Note.

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

Section 6. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 7. Public Hearing. A public hearing on this Ordinance shall be held on the 4th day of March, 2025, at 7:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

Town of Pagosa Springs
Ordinance No. 1011 (Series 2025)
Page 3

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 4TH DAY OF MARCH, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

Town of Pagosa Springs
Ordinance No. 1011 (Series 2025)
Page 4

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 18TH DAY OF MARCH, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

EXHIBIT A

**LA PLATA ELECTRIC ASSOCIATION, INC. – ELECTRIC SUBSTATION
EASEMENT AGREEMENT**

DESCRIPTION AUTHOR: J. NATHAN STRETTON, PLS 38415
 AUTHOR ADDRESS: DAVIS ENGINEERING SERVICE, INC
 188 S. 8TH STREET
 PAGOSA SPRINGS, CO 81147

W.O. No. 2024400021
 LEGAL DESC : SEE ATTACHED EXHIBIT A – NOV. 12, 2024
 DOCUMENT NO. N/A

LA PLATA ELECTRIC ASSOCIATION, INC. – ELECTRIC SUBSTATION EASEMENT AGREEMENT

This Agreement effective the _____ day of _____, 2025 by and between TOWN OF PAGOSA SPRINGS, (“Grantor”), and LA PLATA ELECTRIC ASSOCIATION, INC., a Colorado Corporation whose address is P.O. Box 2750, Durango, Colorado 81302-2750, and its successors and assigns (“Grantee”).

Grantor in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto Grantee, its successors and assigns a perpetual easement on, across, over, through and under Grantor’s Property (“Grantor’s Property”) to: 1) enter upon Grantor’s Property; and, 2) erect, construct and operate, use, patrol, maintain, replace, repair, alter, improve and upgrade on Grantor’s Property, an electric substation together with related equipment and appurtenances for the transmission and distribution of electric energy (“Substation”); and, 3) cut down, clear and trim any trees, brush and shrubbery both within and immediately surrounding the Substation site, which in the opinion of Grantee, may interfere with safe operation and maintenance of the Substation and its related equipment and appurtenances.

The Easement for the Substation granted herein is described in Exhibit “A” attached hereto and made a part hereof.

Grantor agrees that all poles, towers, wires, Substation features and other facilities installed on Grantor’s Property, at Grantee’s expense, shall remain the property of Grantee and removeable at Grantee’s option. Upon termination of this easement Grantee shall restore Grantor’s Property to a natural state, including any environmental remediation of any condition caused by Grantee, and the planting of plants and trees unless mutually agreed in writing with Grantor. “Termination of this easement” shall mean either of the following: (1) permanent deactivation of the Substation by Grantee or its successors or assigns; or (2) the submission in writing of the voluntary termination of this easement from the Grantee, or its successors or assigns, to the Grantor, If the Grantee ceases to actively use the Substation for more than 365 consecutive days with an intention to re-energize it, the parties shall engage in good faith discussions on the timeline for reactivation of the Substation.

Grantor will not use the easements and rights-of-way herein granted for any purpose inconsistent with Grantee’s full enjoyment of the rights herein granted to Grantee. Grantor will not construct any structures, cause any construction to take place, or drill or operate any well within the easements and rights-of-way herein granted without the written consent of Grantee.

Grantor and Grantee each agree that they will not use, generate, store or dispose of any Hazardous Material on, under, about or within Grantor’s Property in violation of any law or regulation. Grantee agrees to defend and indemnify Grantor against any and all losses, liabilities, claims and/or costs (including reasonable attorneys’ fees and costs) arising from any breach of any warranty or agreement contained in this paragraph. “Hazardous Material” shall mean any substance, chemical or waste identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation (including petroleum and asbestos). Grantor understands and agrees that notwithstanding anything contained in this Agreement to the contrary, in no event shall Grantee have any liability whatsoever with respect to any Hazardous Material that was on, about, adjacent to, under or near Grantor’s Property prior to the effective date of this Agreement, or that was generated, possessed, used, stored, released, spilled, treated, transported, manufactured, refined, handled, produced or disposed of on, about, adjacent to, under or near the Grantor’s Property by: (1) Grantor or, its agents, employees, contractors or invitees; or (2) any third party who is not an employee, agent, contractor or invitee of Grantee. Grantee warrants and represents that Grantee has inspected Grantor’s Property to the extent Grantee, in Grantee’s sole discretion, deems necessary, and to Grantee’s actual knowledge, without duty of investigation, there are currently no Hazardous Materials on, in, or about Grantor’s Property. The obligations of Grantee pursuant to this paragraph shall survive the release, termination or expiration of the Agreement and grant of easement.

This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto. Grantee may grant to third-party utilities a license to use the Easement for purposes consistent with Grantee’s use as provided herein.

In a reasonable time after termination of this easement, Grantee or its successors and assigns shall, execute and deliver to Grantor for recordation in the Official Records of Archuleta County, Colorado, a Quitclaim Deed sufficient to remove the encumbrance of the easement granted in this deed at Grantee’s own expense.

The undersigned covenant that Grantor is the owner of Grantor’s Property and has authorized the undersigned to grant the Easements herein without restriction.

This Easement constitutes the entire understanding of the parties. All understanding and agreements heretofore made between the parties whether written or oral are merged into this document.

Signed this _____ day of _____, 2025

TOWN OF PAGOSA SPRINGS

By: Need signature authority name

Title: Need signature authority title

AFTER RECORDING RETURN TO:
 La Plata Electric Association, Inc.
 Attn. Right of Way
 PO Box 2750
 Durango, CO 81302-2750

NAME OF LINE: Trujillo Substation ROW AGENT: Fischer EASEMENT LOCATION | TOWNSHIP: 35N RANGE: 2W SECTION: 26

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by [NAME] as [TITLE] of TOWN OF PAGOSA SPRINGS.

WITNESS my hand and official seal this day.

Notary Public

My commission expires _____

AFTER RECORDING RETURN TO:
La Plata Electric Association, Inc.
Attn. Right of Way
PO Box 2750
Durango, CO 81302-2750

EXHIBIT A



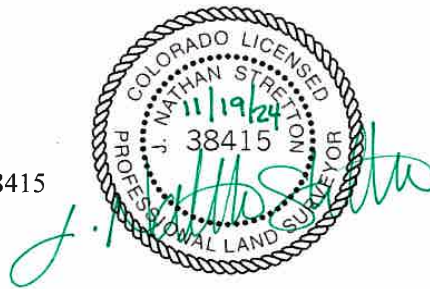
November 12, 2024
Easement Description

An easement for an electrical sub station, being located within the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE1/4 SW1/4 NE1/4) and the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE1/4 NW1/4 SE1/4) Section 26, Township 35 North, Range 2 West, New Mexico Principal Meridian. Said easement being more particularly described as follows, to-wit:

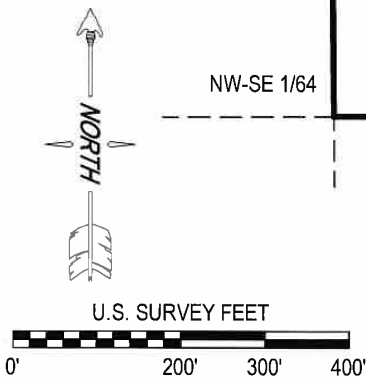
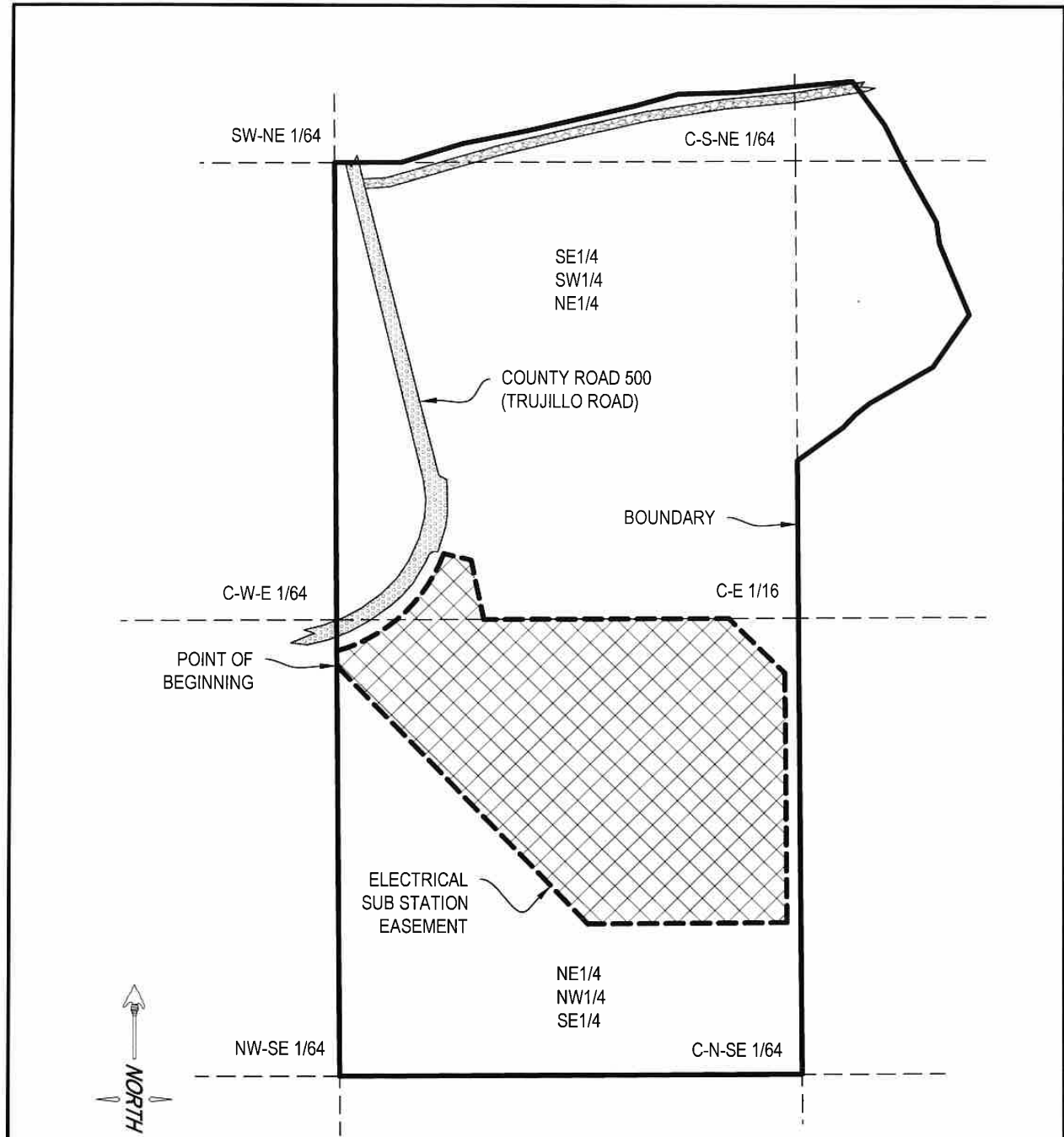
Beginning at a point on the west line of said NE1/4 NW1/4 SE1/4, which point is on the westerly boundary of this easement, from whence the southwest corner of said NE1/4 NW1/4 SE1/4 bears S00°29'10"E, 593.97 feet distant;
Thence N00°29'10"W along the west line of said NE1/4 NW1/4 SE1/4 a distance of 21.63 feet;
Thence along the arc of a curve to the left with an arc length of 215.71 feet and a radius of 229.50 feet, the long chord of which bears N46°57'31"E a distance of 156.82 feet;
Thence S76°54'46"E a distance of 40.27 feet;
Thence S11°54'40"E a distance of 88.01 feet to a point on the north line of said NE1/4 NW1/4 SE1/4;
Thence N89°39'10"E along the north line of said NE1/4 NW1/4 SE1/4 a distance of 347.95 feet to the northeasterly corner of said easement, from whence the northeast corner of said NE1/4 NW1/4 SE1/4 bears N89°39'10"E, 100.00 feet distant:
Thence S45°24'45"E a distance of 113.27 feet
Thence S00°28'40"E a distance of 362.02 feet to the southeasterly corner of said easement;
Thence S89°31'20"W a distance of 283.45 feet to the southwesterly corner of said easement;
Thence N43°43'48"W a distance of 516.91 feet to the point of beginning;

Containing 4.98 Acres, more or less.

Prepared by J. Nathan Stretton—PLS 38415



Page 1 of 1



DES SINCE 1948

DAVIS ENGINEERING SERVICE, INC.

188 SOUTH 9th STREET - P.O. BOX 1208
PAGOSA SPRINGS, COLORADO 81147
PHONE: (970) 264-5055
www.daveng.com

EXHIBIT					
Located in Section 26, T. 35 N., R. 2 W., N.M.P.M., ARCHULETA COUNTY, COLORADO					
REV.	DATE	BY	APVD.	PROJECT	SHEET NO.
				LPEA	1 OF 1
					SCALE: 1" = 200'
				BY MKM	DATE 11/13/24
				CHECKED BY JNS	DATE
				APPROVED BY MKM	DATE
					P09074

Town of Pagosa Springs
Ordinance No. 1011 (Series 2025)
Page 6

EXHIBIT B

PROMISSORY NOTE

PROMISSORY NOTE**\$135,000.00****[Date of note]**

FOR VALUE RECEIVED, upon the terms and conditions set forth herein, La Plata Electric Association, Inc., (the "Debtor"), hereby unconditionally promises to pay to the Town of Pagosa Springs (the "Payee") or order, the principal sum of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), with interest on the unpaid principal balance from [REDACTED], until paid, at the rate of five percent (5%) per annum. Principal and interest shall be payable in annual payments of Eight Thousand Six Hundred Ninety-Six Dollars and Fifty-One Cents (U.S. \$ 8,696.51), due on the [REDACTED] day of [REDACTED], beginning [REDACTED]. Such payments shall continue until the entire indebtedness evidenced by this Note is fully paid; provided, however, the entire principal amount outstanding and accrued interest thereon, shall be due and payable on [REDACTED].

The principal amount of this Note may NOT be prepaid in whole or in part at any time unless upon the mutual agreement of the Parties to amend this Note. Acceptance by Payee of any payment in an amount less than the amount due shall be deemed partial payment only, and any unpaid amounts shall remain due and owing. Failure of Payee to exercise any of the remedies set forth herein, shall not constitute waiver of default.

The Payee shall NOT have the right to pledge or transfer this Note.

The Payee shall have the right, if this Note is due, to demand, sue for, collect or make any compromise or settlement it deems desirable.

An Event of Default shall occur if any payment required under this Note is not received by Payee within thirty (30) days after it becomes due.

Upon the occurrence of an Event of Default, at Payee's option, the outstanding principal balance of this Note, together with all other sums due hereunder shall be immediately due and payable without the necessity of any demand by the Payee. If Payee elects to accelerate the indebtedness pursuant to the provisions hereof, the unpaid principal balance shall bear interest at the maximum rate of interest permitted under applicable law, which shall begin to accrue upon the occurrence of an Event of Default.

Should the indebtedness evidenced by this Note or any portion thereof be collected by action at law, or in bankruptcy, receivership or other court proceedings, or should this Note be placed in the hands of attorneys for collection after default, the Debtor shall pay, upon demand by the Payee, in addition to principal and interest due and payable hereon, court costs, attorneys' fees and other collection charges and expenses whether or not incurred by trials, appeals or bankruptcy actions, unless prohibited by law.

The agreements made by Debtor with respect to this Note are expressly limited so that in no event shall the amount of interest received, charged or contracted for by Payee exceed the highest lawful amount of interest permissible under the laws applicable to this Note. If at any time performance of any provision of this Note results in the highest lawful rate of interest permissible under applicable laws being exceeded, then the amount of interest received, charged or contracted for by Payee shall automatically and without further action by any party be deemed to have been reduced to the highest lawful amount of interest then permissible under applicable laws. If Payee shall ever receive, charge or contract for, as interest, an amount which is unlawful, at Payee's election, the amount of unlawful interest shall be refunded to Debtor (if actually paid) or applied to reduce the then unpaid principal balance of this Note.

The Debtor waives (to the fullest extent allowed by law) all requirements of diligence in collection, presentment, notice of nonpayment, protest, notice of protest, suit and all other conditions precedent in connection with the collection and enforcement of this Note.

NEITHER THE DEBTOR NOR THE PAYEE NOR ANY ASSIGNEE, SUCCESSOR, HEIR OR LEGAL

REPRESENTATIVE OF ANY OF THEM SHALL SEEK A JURY TRIAL IN ANY LAWSUIT, PROCEEDING, COUNTERCLAIM OR OTHER PROCEEDING BASED UPON OR ARISING OUT OF THIS NOTE, ANY RELATED AGREEMENT OR INSTRUMENT. NO SUCH PARTY SHALL SEEK TO CONSOLIDATE ANY SUCH ACTION, IN WHICH A JURY TRIAL HAS BEEN WAIVED, WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THE PROVISIONS OF THIS PARAGRAPH HAVE BEEN FULLY NEGOTIATED BY THE PARTIES HERETO, AND THESE PROVISIONS SHALL BE SUBJECT TO NO EXCEPTIONS. NO PARTY HAS IN ANY WAY AGREED WITH OR REPRESENTED TO ANY OTHER PARTY THAT THE PROVISIONS OF THIS PARAGRAPH WILL NOT BE FULLY ENFORCED IN ALL INSTANCES. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PAYEE TO MAKE THE LOAN OR EXTENSION OF CREDIT EVIDENCED BY THIS NOTE.

This Note shall be governed by and interpreted in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, this Promissory Note has been executed on this ordinal number of day day of name of month identification of year.

La Plata Electric Association, Inc.

By _____
President

Attest _____
Secretary

Town of Pagosa Springs
Ordinance No. 1011 (Series 2025)
Page 7

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. 1011 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 4th day of March, 2025, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2025, 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 _____, 2025.

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. 1011 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 18th day of March, 2025, 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 _____, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2025.

April Hessman, Town Clerk

(S E A L)



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: David Harris, Town Manager

PROJECT:	Ordinance 1012, First Reading, Creating a Community Infrastructure and Economic Development (CIED) Account
ACTION:	Consideration and approval.

PURPOSE/BACKGROUND:

Staff is recommending the creation of a Community Infrastructure and Economic Development (CIED) account in the Town's Trust Fund for the following uses:

1. To benefit the community and improve the quality of life of residents and/or businesses through the support of electric system and other infrastructure improvements that have a public safety or public welfare benefit, or
2. To expand the economy of the Town and thereby increase net revenues for the economic benefit of the Town, or
3. Any other purpose the Town Council may, in its determination, supports economic activity or infrastructure improvements in the Town of Pagosa Springs.

The first contribution to this fund will be associated with the La Plata Electric Association payments related to Ordinance 1011, an easement for the proposed LPEA Trujillo Road substation.

ATTACHMENTS:

[PS Creation of CIED Fund ORD 022625](#)

FISCAL IMPACT:

\$261,000 over 30 years from the LPEA Trujillo Road substation easement promissory note

RECOMMENDATIONS:

1. Move approval of Ordinance 1012, creating a Community Infrastructure and Economic Development (CIED) Account
2. Move approval of Ordinance 1012, creating a Community Infrastructure and Economic Development (CIED) Account with the following amendments...
3. Direct staff.....

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 1012

(SERIES 2025)

**AN ORDINANCE ADOPTING ARTICLE 6 OF CHAPTER 16
OF THE PAGOSA SPRINGS MUNICIPAL CODE ESTABLISHING
THE COMMUNITY INFRASTRUCTURE AND
ECONOMIC DEVELOPMENT ACCOUNT**

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 (“Charter”); and

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

WHEREAS, the Town, by virtue of its home rule status, may adopt such ordinances regarding both local and municipal matters and as are necessary to effectuate the purposes and intent of the powers granted to municipalities; and

WHEREAS, the Town has the authority to control the finances of the Town pursuant to § 31-15-502(a) C.R.S., including the creation of specific accounts to benefit the health and welfare of the residents within the Town; and

WHEREAS, the Town Council wishes to add Article 6, Chapter 16 to the Pagosa Springs Municipal Code, (the “Code”) set forth below, to create a community infrastructure and economic development account (the “Community Infrastructure and Economic Development Account” or “CIED Account”) within the existing Trust/Impact Fund, (the “Trust/Impact Fund”) administered pursuant to Section 9.3 of the Charter; and

WHEREAS, Ordinance 1011, which is anticipated to be finally adopted on March 18, 2025, authorizes the Town to grant an easement to La Plata Electric Association, Inc., a Colorado corporation, for the construction and use of the Trujillo Road electric utility substation on Town-owned property at 2140 CR 500, also known as Trujillo Road (the “Easement”); and

Town of Pagosa Springs
Ordinance No. 1012 (Series 2025)
Page 2

WHEREAS, Ordinance 1011 also approves the Town, as payee, to hold that certain promissory note evidencing the indebtedness of La Plata Electric Association to the Town for the principal amount of One Hundred Thirty-Five Thousand dollars (\$135,000.00) (the “Promissory Note”); and

WHEREAS, the Promissory Note is anticipated to generate payments totaling \$260,895.30 over a term of 30 years; and

WHEREAS, the Town desires to deposit payments received as payee of the Promissory Note, and any other revenues deemed appropriate, into the Trust/Impact Fund, and applied to the CIED Account.

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

Section 1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Ordinance by this reference.

Section 2. Adoption of Article 6, Chapter 16 – Community Infrastructure and Economic Development Account. Chapter 16 of the Pagosa Springs Municipal Code is hereby amended by the addition of Article 6 as follows:

ARTICLE 6. – COMMUNITY INVESTMENT AND ECONOMIC DEVELOPMENT ACCOUNT GUIDELINES

Sec. 16.6.1. - Establishment of Community Infrastructure and Economic Development Account.

- (1) The Town Council hereby establishes the Community Infrastructure and Economic Development Account within the existing Town Trust/Impact Fund.

Sec. 16.6.2. – Accounting of Funds into Community Infrastructure and Economic Development Account.

- (1) The Town Finance Director shall, at direction of the Town Council, and consistent with the Charter and the Local Government Budget Law, Article 1, Title 29, C.R.S., deposit funds into the Town Trust/Impact Fund and account for said funds in the Community Infrastructure and Economic Development Account

Sec. 16.6.3. – Use of Community Infrastructure and Economic Development

Town of Pagosa Springs
Ordinance No. 1012 (Series 2025)
Page 3

Account funds.

- (1) Funds from the Community Infrastructure and Economic Development Account shall be budgeted and appropriated for the following purposes:
 - (a) To benefit the community and improve the quality of life of residents and/or businesses through the support of the electrical system infrastructure and other infrastructure improvements that have a public safety or public welfare benefit, or
 - (b) To expand the economy of the Town and thereby increase net revenues for the economic benefit of the Town, or
 - (c) Any other purpose the Town Council may, in its determination, supports economic activity or infrastructure improvements in the Town of Pagosa Springs.

Section 3. Direction to Finance Director for Payments from Promissory Note.

Town Council hereby directs the Town Finance Director to account for revenues from the Promissory Note in the CIED Account.

Section 4. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. Public Hearing. A public hearing on this Ordinance shall be held on the 4th day of March, 2025, at 7:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 7. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

Town of Pagosa Springs
Ordinance No. 1012 (Series 2025)
Page 4

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 4TH DAY OF MARCH, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

Town of Pagosa Springs
Ordinance No. 1012 (Series 2025)
Page 5

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 18TH DAY OF MARCH, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

Town of Pagosa Springs
Ordinance No. 1012 (Series 2025)
Page 6

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. 1012 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 4th day of March, 2025, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2025, 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 _____, 2025.

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. 1012 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 18th day of March, 2025, 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 _____, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2025.

April Hessman, Town Clerk

(S E A L)



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: David Hilborn, Project Manager

PROJECT: Yamaguchi South River Improvement Project – 95% Design Approval

ACTION: Council action

PURPOSE/BACKGROUND:

Project Overview

The Yamaguchi South River Improvement Project aims to enhance stream and river access for both recreational and ecological purposes. Key objectives include:

- Creating diverse aquatic habitats to support cold-water trout and native fish populations amid drought and climate change.
- Improving river geomorphology for greater resilience to hydrological and sediment deposition changes.
- Enhancing recreational opportunities across various river flows while minimizing user conflicts.
- Upgrading the Yamaguchi Park irrigation system, including a new in-stream rock diversion structure with a headgate and an open water delivery ditch to a wetland pond for irrigation storage and habitat improvement.

Project Status

- Surveys, biological assessments, 95% design plans, and cost estimates have been completed.
- Staff and the project engineer have coordinated with the five private property owners on the east side of the river, securing signed access agreements for work up to 20 feet inland from the ordinary high-water mark.
- The project remains on schedule, with final design and permitting expected by June 2025 and project completion anticipated in November 2025.

Public Engagement

- Two public meetings and three virtual open houses on **MyPagosa.org** were conducted, generating 27 public comments.
- Key public comments included:
 - Preserving dark skies for stargazing.
 - Adding RV pump-outs, potable water, and public restrooms.
 - Incorporating a nature center and interpretive signage.
 - Concerns about wetland disturbance.
 - Concerns about the size of the parking lot near the boat ramp.
- While not all suggestions were feasible within the project scope, staff and the project engineer integrated several changes into the 95% design, including:
 - **Reducing** the parking area size and constructing it below grade to minimize visual and noise disturbance for adjacent landowners.
 - **Planting additional mature trees** around the boat ramp and parking area to serve as a noise buffer.
 - **Adding a public outdoor seating area** along the nature trail for outdoor education opportunities.
 - **Eliminating a sandy beach area** on the north lagoon to help mitigate human disturbance to the wetland area.

Funding

The project is funded through grants from the Colorado Water Conservation Board (CWCB), Southwest Water Conservation District, Archuleta County, and Town matching funds. These grants originate from the State of Colorado and are not subject to potential federal funding freezes. The Town has allocated \$96,000 for matching funds to be expended in 2025.

ATTACHMENTS:

[YamaguchiSouth95 Design 01.27.2025](#)

FISCAL IMPACT:

The Town has allocated \$96,000 for matching funds to be expended in 2025.

TOWN COUNCIL GOALS & OBJECTIVES:

2022-2023 Goals: Parks, Trails, and River Access

RECOMMENDATIONS:

1. Move to Approve the Yamaguchi South River Improvement Project 95% design plans.
2. Move to Deny the Yamaguchi South River Improvement Project 95% design plans and provide direction to staff.

Yamaguchi South River Improvement Project

Prepared for:
Town of Pagosa Springs

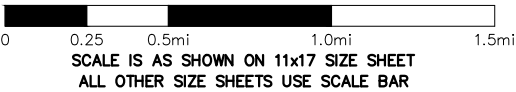
Page 3 of 8



LOCATION MAP

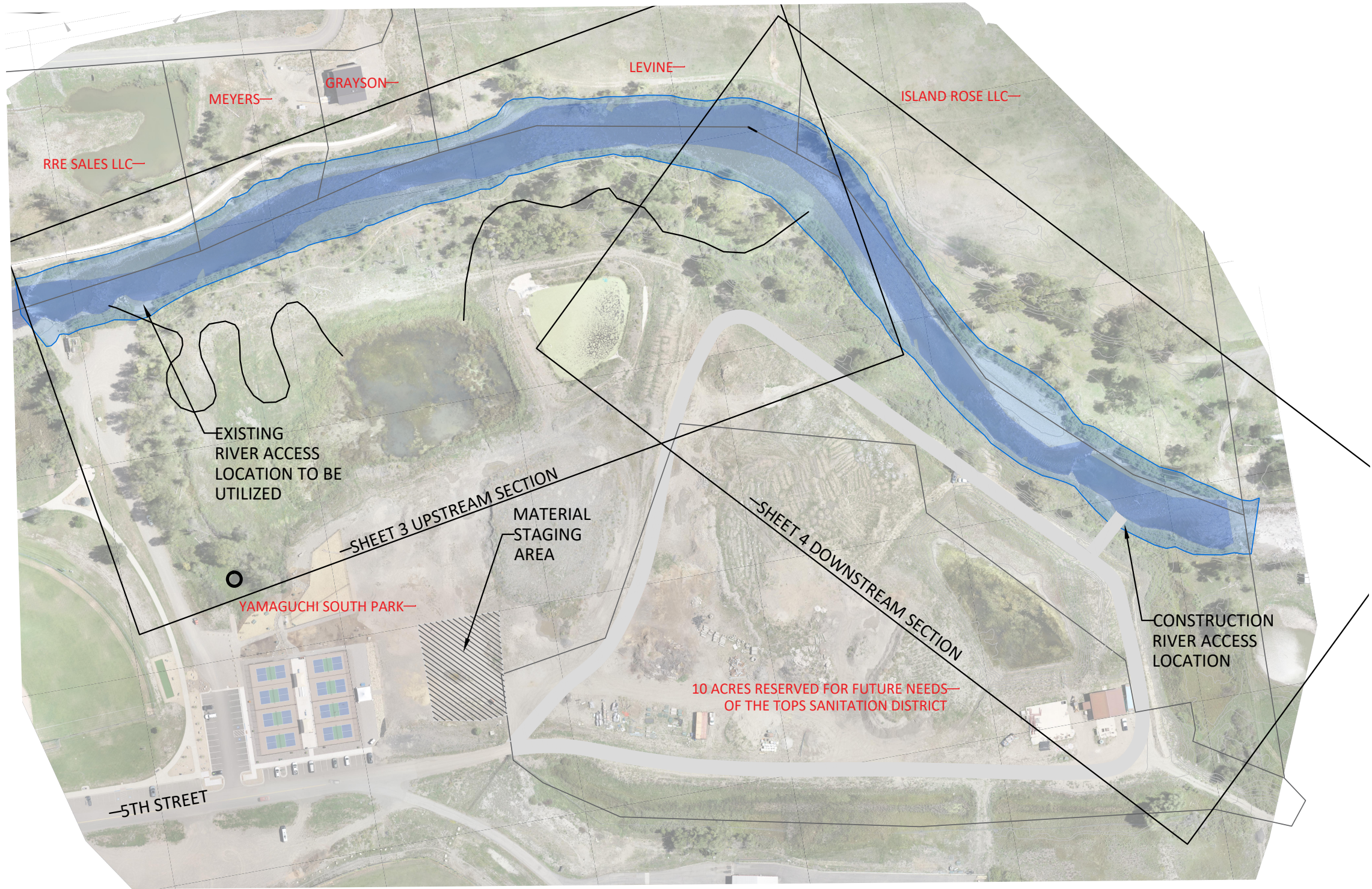
SHEET INDEX

1. COVER SHEET, LOCATION MAP, SHEET INDEX
2. CONSTRUCTION ACCESS AND STAGING, SHEET LAYOUT
3. UPPER SECTION PLAN
4. LOWER SECTION PLAN
5. CONSTRUCTION DETAILS
6. CONSTRUCTION DETAILS

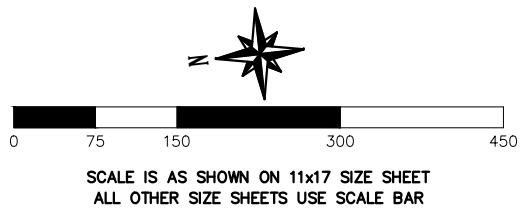


102 N. Third St P. O. Box 5727 Pagosa Springs, CO 81147
Tel: 970.264.1195 FAX: 970.264.1196 Email: cpitcher@swriver.com

YAMAGUCHI SOUTH RIVER IMPROVEMENTS		Sheet
95 % DESIGN PLAN SET		1
PROJECT COVER SHEET LOCATION MAP SHEET INDEX		of
		6
Scale: nts	01/27/2025	

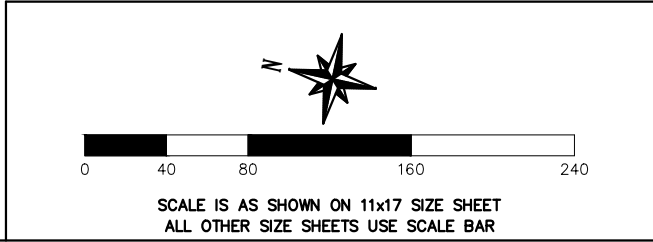
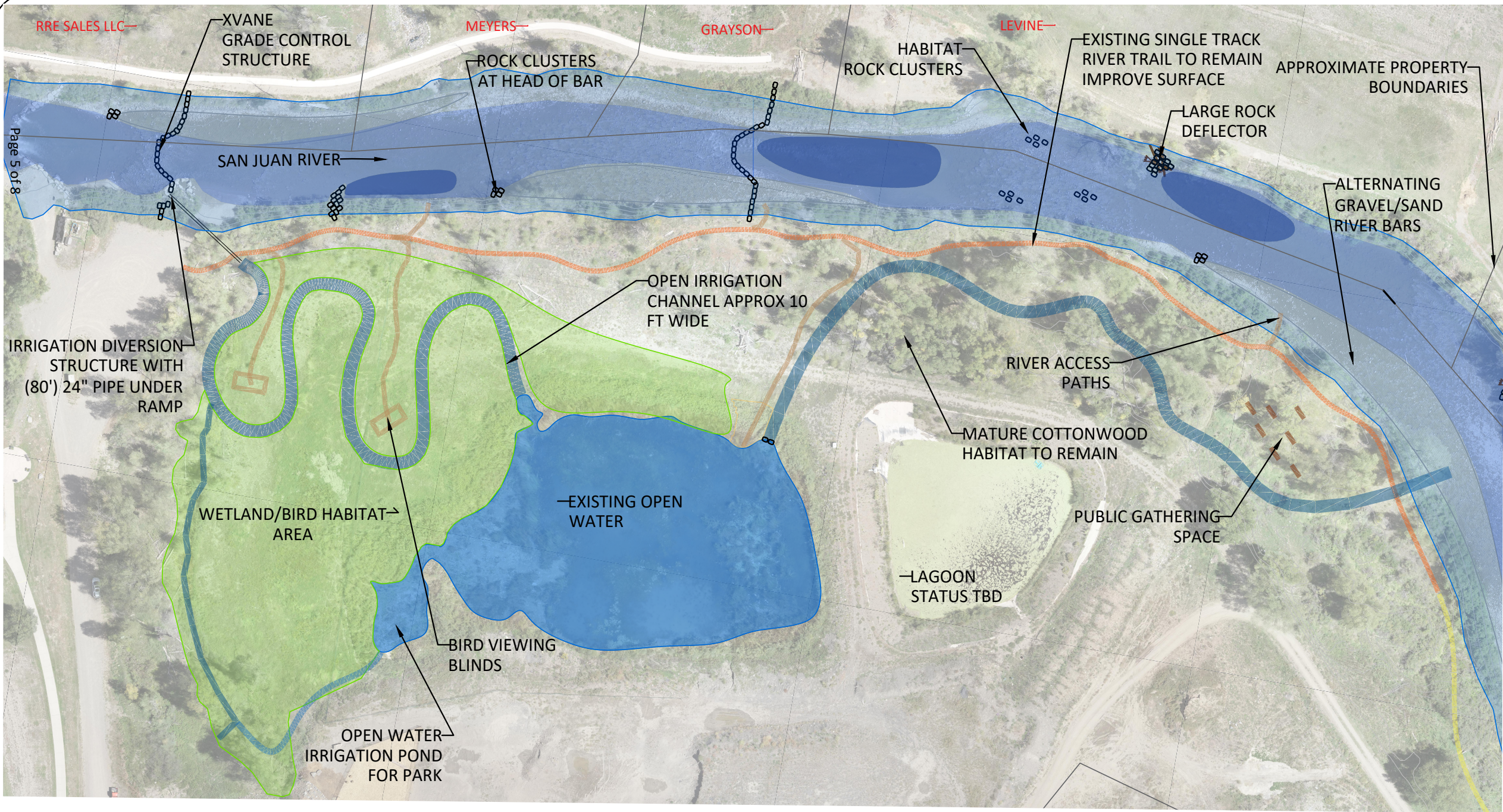


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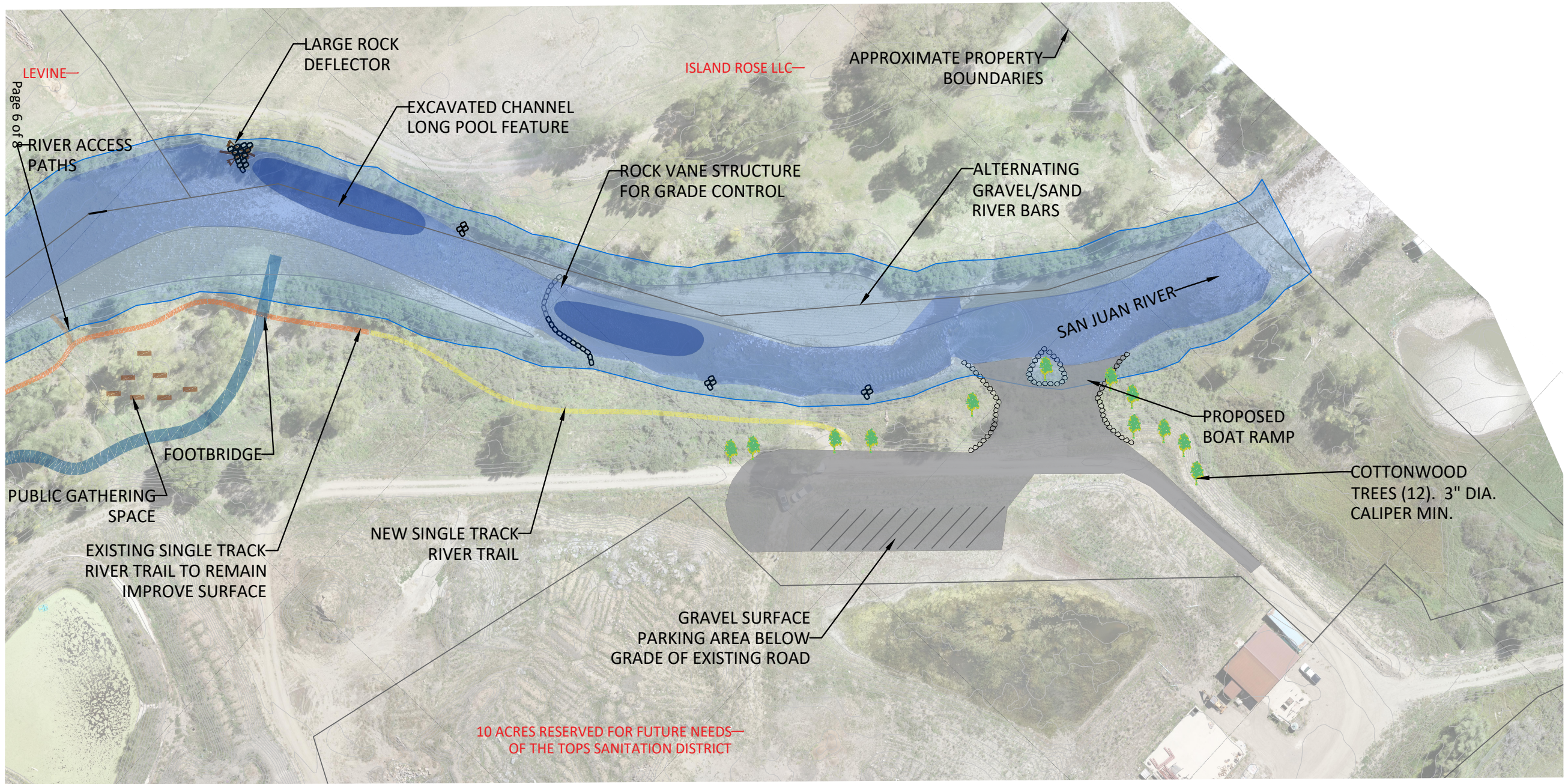
102 Third St., P. O. Box 5727, Pagosa Springs, CO 81147
Tel: 970.264.1195 Email: cpitcher@swriver.com

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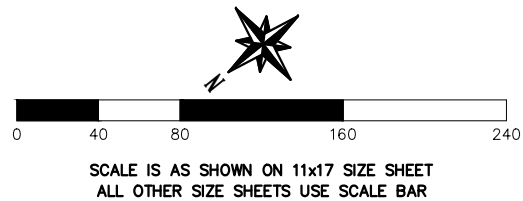


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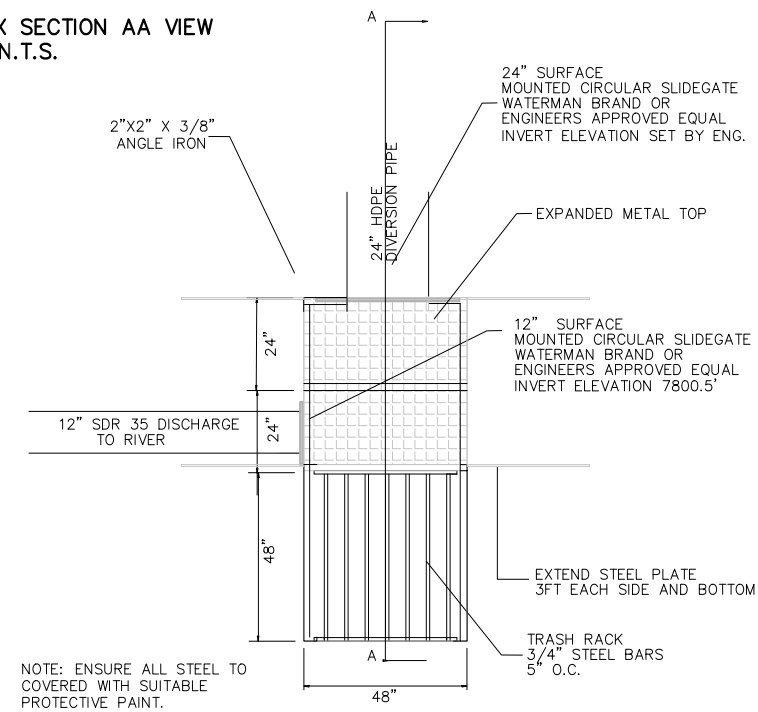
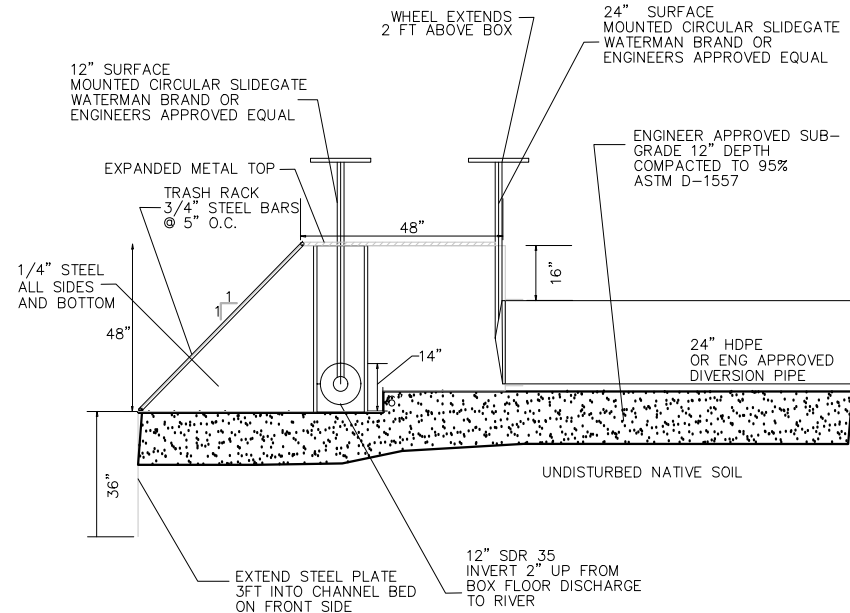
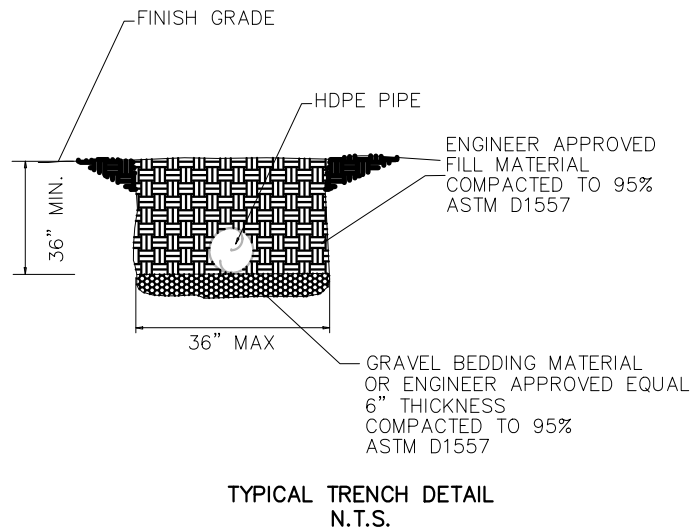
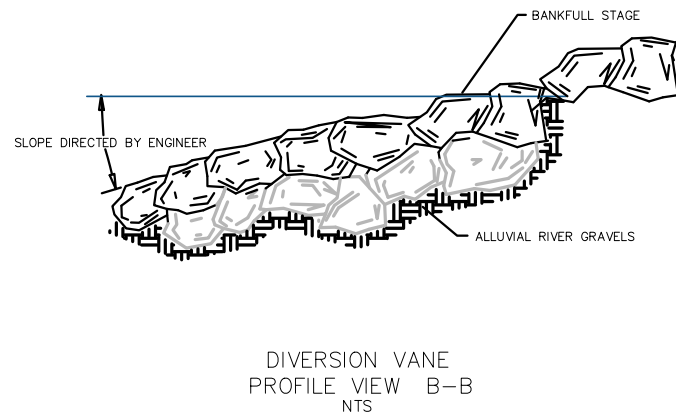
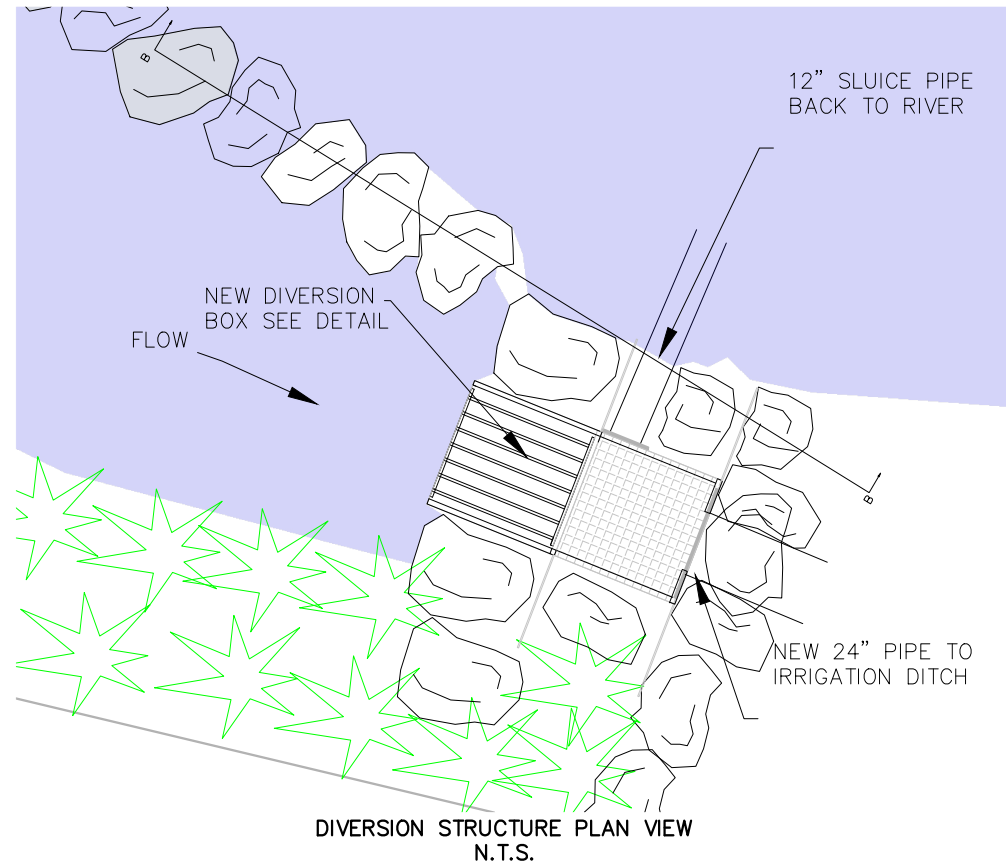


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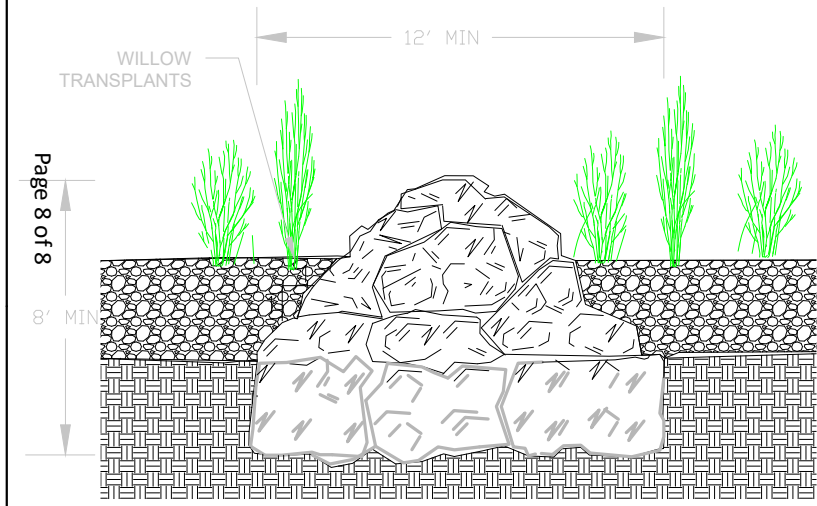
102 Third St., P. O. Box 5727, Pagosa Springs, CO 81147
Tel: 970.264.1195 Email: cpitcher@swriver.com

YAMAGUCHI SOUTH RIVER IMPROVEMENTS		Sheet
95 % DESIGN PLAN SET		4
DOWNSTREAM SECTION		of
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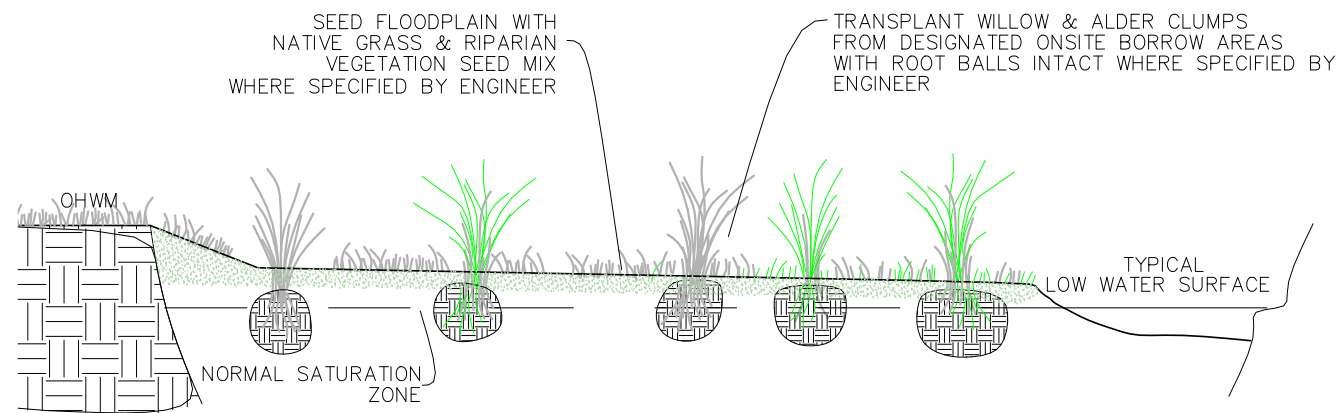


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Tel: 970.264.1195 Email: cpitcher@swriver.com

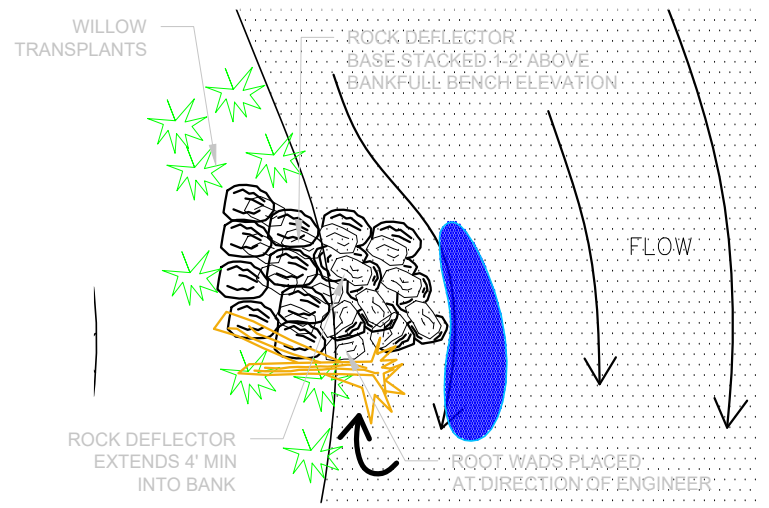
YAMAGUCHI SOUTH RIVER IMPROVEMENTS		Sheet
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		6
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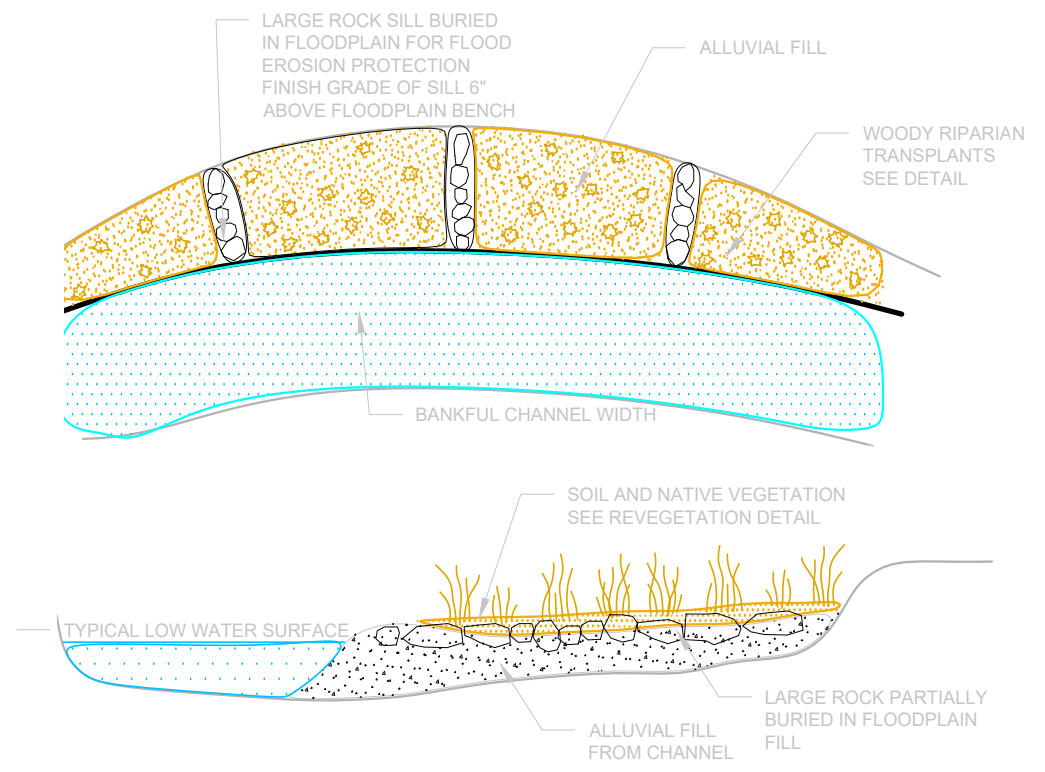
LARGE ROCK DEFLECTOR SECTION VIEW
N.T.S.



GRAVEL BAR PLANTING PLAN
N.T.S.



LARGE ROCK DEFLECTOR PLAN VIEW
N.T.S.



GRAVEL BAR DETAILS
N.T.S.

		 102 Third St., P. O. Box 5727, Pagosa Springs, CO 81147 Tel: 970.264.1195 Email: cpitcher@swriver.com	YAMAGUCHI SOUTH RIVER IMPROVEMENTS		Sheet
			95 % DESIGN PLAN SET		6
			CONSTRUCTION DETAILS		of
					6
			Scale: As shown	01/27/2025	



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: James Dickhoff, Development Director

PROJECT: Time Restricted Public Parking During Reconstruction Project

ACTION: Council action or information

PURPOSE/BACKGROUND:

Staff would like Town Council's review and comments regarding designating public parking areas as time restricted parking during the reconstruction project.

Attached is a map to help orient where time restricted parking is proposed. The intent is to ensure public parking spaces in close proximity to the Downtown main street are time restricted to ensure spaces are available for business customers as much as possible.

Businesses are encouraged to direct their staff to park in more remote parking areas and walk or use the MET bus to access main street.

Under the model traffic code we can regulate time restricted parking.

Section 111. Powers of Local Authorities.

1. Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:
2. Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

The Town Manager, as the signage authority of the Town (per our Town Charter) is able to restrict the parking areas deemed necessary.

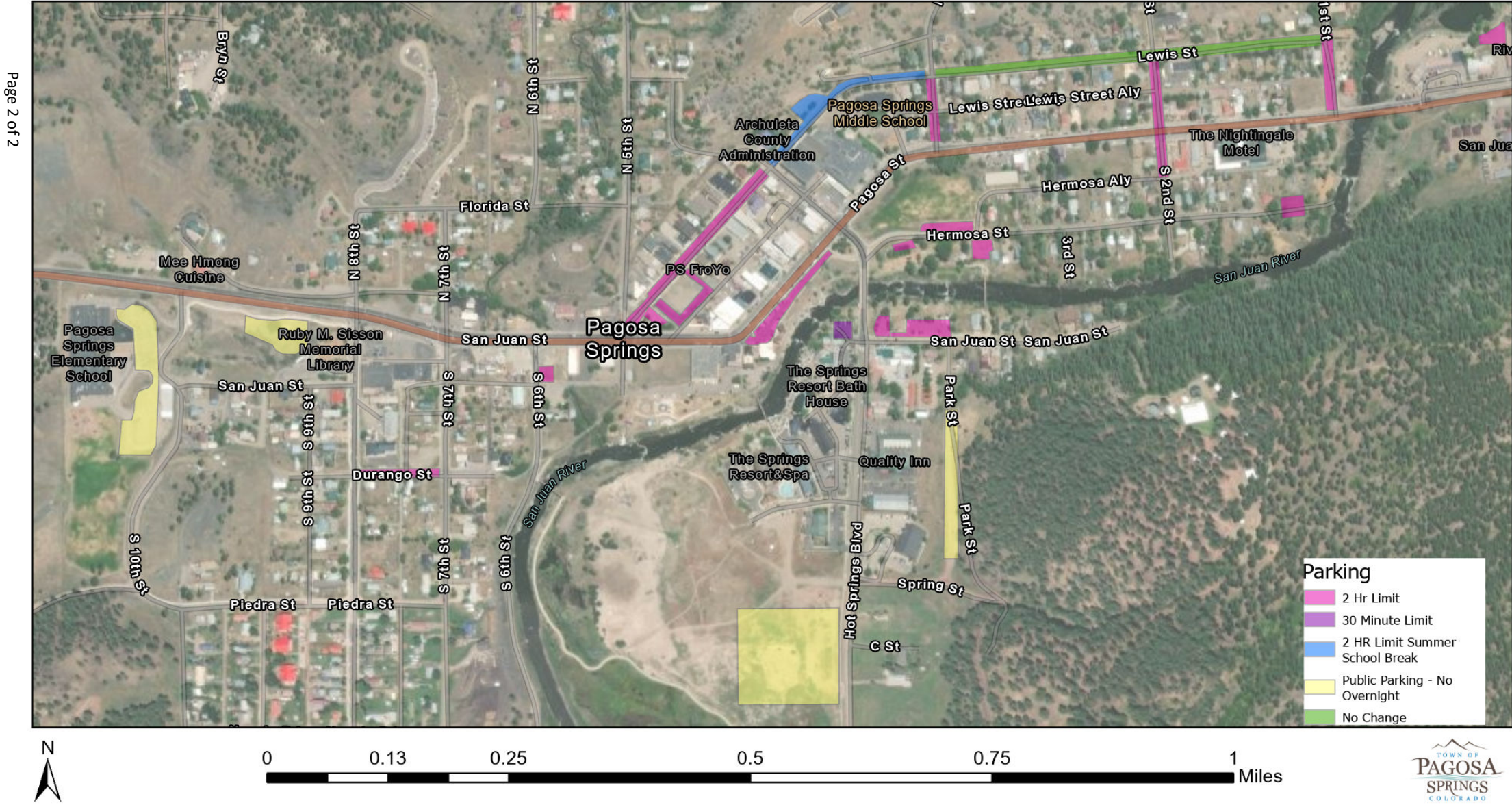
ATTACHMENTS:

[Time Limited Public Parking Map](#)

RECOMMENDATIONS:

Provide direction to staff

Town of Pagosa Springs
Public Parking During Construction





AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: James Dickhoff, Development Director

PROJECT: Street Light Purchase for Reconstruction Project

ACTION: Council action

PURPOSE/BACKGROUND:

As part of the CDOT Reconstruction project, The Town is removing existing utility pole cobra head style street lights and adding our standard street light poles and fixtures through out the project.

In addition, CDOT will use our standard light fixture with a 30' tall pole at the pedestrian crossings and intersections without traffic signals.

The Town will order both the 62 each Town light fixtures and poles and 14 each CDOT light fixtures and poles and CDOT will reimburse the Town for the cost of their fixtures and poles, approximately \$65,000.

The light fixtures will be 3000 kelvin, complying with Dark Sky standards.

Staff has been working with our lighting manufacturer for a current cost estimate for all poles and fixtures which is currently up to \$300,000, with delivery approximately 24 weeks after order.

Though the steel used for the poles are manufactured in Utah with American made steel, the pending 25% tariffs on steel and aluminum will impact American Made steel products, thus price increases of 25% are expected in the coming month.

The Town's specific light poles and fixture style had been identified in the 2008 Town's Streetscape Plan. The street lights along the 400 and 300 block along the north side of Hwy 160 will include flower basket hangers within the purchase.

This purchase is above \$100,000, thus requires Town Council's approval. Additionally, Staff is seeking approval to Sole Source this purchase as a Exclusive Service from Mountain States Lighting who manufactures the Town's standard street light poles and decorative bases and sources the light fixture, banners arms and flower basket hangers for the Town. Both the fixture and poles meet stringent standards for public lighting, and both have proven to be very durable. The order is for approximately 62 street lights/poles and 14 intersection/crosswalk lights and poles. Staff is still finalizing quantities with the manufacturer and CDOT, thus our request for up to \$310,000 will cover any final additions or considerations prior to ordering.

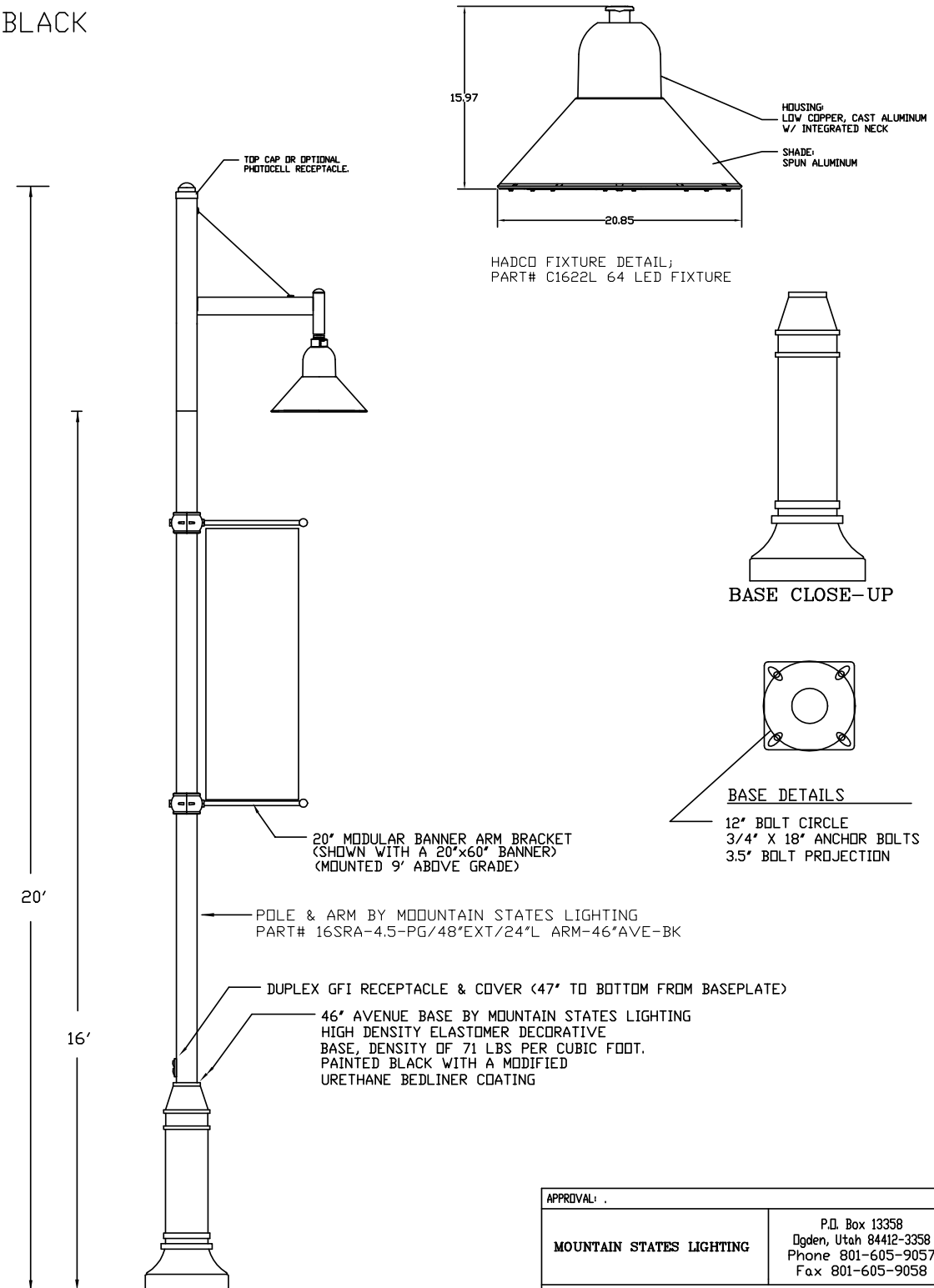
ATTACHMENTS:

[20' Street Pole Height MSL Pole-LED Fixture](#)
[MSL Quote # PMP5442FIN to PS 2-13-25](#)

RECOMMENDATIONS:

1. Move to Approve the Exclusive Service Purchase of street light fixtures and poles in an amount not to exceed \$310,000.
2. Move to Deny the purchase and direct staff.

FINISH: BLACK



NOTICE:
THIS DRAWING IS FOR REFERENCE
ONLY. CHECK FOR LATEST REVISION
PRIOR TO ORDERING

Page 2 of 3

APPROVAL: .			
MOUNTAIN STATES LIGHTING		P.O. Box 13358 Ogden, Utah 84412-3358 Phone 801-605-9057 Fax 801-605-9058	
JOB NAME: Pagosa Springs Ped Pole Straight Arm 12'MH			
SCALE: NTS	DATE: 2/23/12	DRAWN BY: PMP	DRAWING NUMBER: PAG-16MH-SA-2/12
REP: Mountain States		QUOTE #:	DIST:

QUOTE # PMP5442FIN DATE: 02-13-25 PAGE 1



To: James Dickhoff Town of Pagosa Springs P.O. Box 1859 Pagosa Springs, CO 81147 (970) 264-4151			Proj: PAGOSA SPRINGS US160 MAIN 2025 Bid Date: 02/13/25		
Remarks:					
Qty	Type	Mfg	Description	Unit Price	Extd.Price
			** 20'OA SINGLE FIX POLE w/ALL ACC **		
10		MSL	16SRA-4.5-SGLPG/48"EXT/24"L Arm -42"AVE-GFI-BK w/2)AIRFLOW 20" BANNER ARMS & FLOWER BASKET/HUB/IRRIGATION SN21P1-FGC-T3-P30-30K-MVOLT-10KV- DIM-BK-SM-CP4825 FIXTURE	3998.00	\$39980.00
			** 20'OA SINGLE FIX POLE w/SOME ACC **		
51		MSL	16SRA-4.5-SGLPG/48"EXT/24"L Arm -42"AVE-GFI-BK w/2)AIRFLOW 20" BANNER ARMS & GFI ONLY. SN21P1-FGC-T3M-P30-30K-MVOLT-10KV- DIM-BK-SM-CP4825 FIXTURE	3603.00	\$183753.00
			** 30'OA SINGLE FIX POLE w/NO ACC **		
14		MSL	26SRS-5.6-SGLPG/48"EXT/72"L Arm-46"UT-BK SN21P1-FGC-T3MHS-P50-30K-MVOLT-10KV- DIM-BK-SM-CP4825 FIXTURE w/HSS SHIELDS. 5 9/16" OD STEEL POLE-PAINT OVER GALV WITH 6' ARM.	4576.00	\$64064.00
			- QUOTED AS 3000 KELVIN		
			- DELIVERY IS 18-20 WEEKS		
			- FREIGHT ESTIMATE IS \$1950.00 PER LOAD.		
			WILL TAKE TWO OF THESE LOADS FOR THE		
			WHOLE ORDER. CAN BREAK INTO 2 ORDERS.		
			(\$3900 FOR BOTH LOADS TOTAL)		
			Total =====		\$287797.00
F.O.B. Per Mfg			Terms: Standard	Lead time: Various	
Prices firm for entry by: 03-13-25			Shipment by:		
Printed 02/13/25 09:00:00			Per: Paul Plasha		



AGENDA BRIEF

MEETING: Town Council - 04 Mar 2025

FROM: Karl Johnson, Public Works Director

PROJECT: Temporary parking lot improvements.

ACTION: Council approval of unbudgeted expenditures.

PURPOSE/BACKGROUND:

Town staff has secured agreements to utilize vacant portions of land at both the Ruby M. Sisson Memorial Library and the Springs Resort for temporary parking locations to offset the loss of the parallel parking spots that will be impacted during the Hwy 160 project. Each of these locations will need some grading modifications to effectively work as parking lots. Town staff plans on performing the grading, compaction and signage installation in-house. Fuel and additional maintenance costs will be tracked, and will need to be back filled to the 2025 operating budget with none of those items being identified during 2025 budget process and approval.

- **Ruby Sisson Library Lot:** Approximately 450 tons with \$5,800 material costs and \$21,000 delivery charges.
- **Springs Resort Lot:** Approximately 2965 tons with \$ 39,000 material costs and \$139,000 delivery charges.
- **Signage improvements:** \$12,000.

Staff continues to seek out material alternatives to reduce costs of these improvement. Public Works plan on haul a portion of the material needed, but is limited to 14 tons per load with a 42 ton limit per day. With 3,415 tons needed it would take 81 workings day to complete the hauling.

ATTACHMENTS:

[Parking License Agreement - Springs Resort - Executed 01.09.25](#)

[Parking License Agreement Library Final ToPS Signed](#)

FISCAL IMPACT:

\$217,000 from Capital reserves held for the Hwy 160 reconstruction project.

TOWN COUNCIL GOALS & OBJECTIVES:

#4. Traffic Management, Parking, Road Maintenance: Ensure safe and efficient roadways that are well-maintained, explore opportunities for additional road networks, and understand parking needs in order to support a robust economy.

RECOMMENDATIONS:

1. Approve the use of up to \$217,000 to haul in the total amount of gravel needed and purchase signage.
2. Approve staff to use up to \$20,000 to hire local contractor to crush material onsite at Springs Resort , and up to \$151,800 to haul the remainder of material needed for the Springs lot and Library lot plus purchase signage.
3. Advise staff on alternatives.

EXHIBIT A Licensed Area



Approximately 5 acres of Temporary Parking Area

EXHIBIT A
LICENSE AREA FOR PUBLIC PARKING



Approximately .5 acres (2420 sq yds) of usable Temporary Parking Area