Town Hall 551 Hot Springs Blvd
Pagosa Springs, CO 81147

AGENDA

Town Council Meeting
Tuesday, December 2, 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/87405978836
   Dial by Phone - 1-669-900-6833 US - Meeting ID: 874 0597 8836

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 November 18, 2025 Meeting Minutes
   Town Council - 18 Nov 2025 - Minutes - Pdf
2. Proclamation for Wreaths Across America Day
   Agenda Brief - Proclamation for Wreaths Across America Day - Pdf

VII. NEW BUSINESS

1. Ordinance 1021, First Reading, Calling for the 2026 Regular Election
   Agenda Brief - Ordinance 1021, First Reading, Calling for the 2026 Regular Election - Pdf
2. Resolution 2025-23, Establishing Expedited Review Policy for Affordable Housing Projects
   Agenda Brief - Resolution 2025-23, Establishing Expedited Review Policy for Affordable Housing Projects - Pdf
3. Ratify NRCS Emergency Watershed Protection Funding Request
   Agenda Brief - Ratify NRCS Emergency Watershed Protection Funding Request for 2025 flooding damages - Pdf
4. Appointments to Committees and Boards
   Agenda Brief - Appointments to Committees and Boards - Pdf
5. Ordinance 1022, First Reading, Schedule Time, Date, Location and Place of Posting of Regular Town Council Meetings
   Agenda Brief - Ordinance 1022, setting time and place of meetings - Pdf

VIII. PUBLIC COMMENT

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

X. UPCOMING COUNCIL MEETINGS

- December 16, 2025 at 5:00 pm: Regular Council Meeting

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

- January 6, 2026 at 5:00 pm: Regular Council Meeting
- January 20, 2026 at 5:00 pm: Regular Council Meeting

XI. ADJOURNMENT

Shari Pierce
Mayor

MINUTES

Town Hall 551 Hot Springs Blvd
Pagosa Springs, CO 81147

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

A regular meeting of the Pagosa Town Council was called to order on November 18, 2025, at 5:05 pm in the Town Hall 551 Hot Springs Blvd.

COUNCIL PRESENT: Mayor Pierce, Council Member deGraaf, Council Member DeGuise, Council Member Lindner, Council Member Martinez, and Council Member Williams

COUNCIL ABSENT: Council Member Bergon

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. DISCLOSURES AND/OR CONFLICT OF INTEREST – None

V. PUBLIC COMMENT – None

VI. CONSENT AGENDA

1. **Approval of the November 6, 2025 Special Meeting Minutes**
2. **October Financial Statement and Payments**

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

Carried.

VII. REPORTS TO COUNCIL

1. **Sales Tax Brief**

a. **Sales Tax Report - September 2025**

September sales tax receipts are up 8.45% compared to September 2024. Receipts show $888,110.74 compared to $818,895.08 in 2024. The Town has one vendor who is on a 13-month payment schedule, and the extra payment come in September and October. There will most likely be a decrease in October 2025 compared to 2026 due to this payment schedule. Marijuana tax is down 71.77% compared to last year. Receipts show $2,547.02 compared to $9,022.84 in 2024.

Town Council would like staff to dig into the downtown district sales tax during the construction timeline and if the Council's efforts assisted with supporting the businesses and what more can be done.

VIII. UNFINISHED BUSINESS

1. **Resolution 2025-21, Adopting the FY 2026 Fee Schedule**

The 2026 budget includes fee changes in the Parks & Recreation, Courts, Liquor and Business licensing, Public Works, and Geothermal Divisions. Discussion will continue to determine a bulk water geothermal rate.

Council Member DeGuise moved to approve Resolution 2025-21, adopting the 2026 fee schedule, with the exception of the bulk geothermal water customers subject to negotiations, Council Member deGraaf seconded.

Carried.

2. **Briefing regarding Willingham Properties Nuisance Abatement Case**

Town Manager Harris worked with Mr. Willingham and his daughter, Desiree Pruitt, to give them until the end of June 2026 to clean up the property before the Town charges them for cleaning up by a third party. The estimate to clean up the property is approximately $175,000.

IX. NEW BUSINESS

1. **Resolution 2025-20, Appointing Beth A. Padilla as Assistant Municipal Court Judge and Approval of Employment Agreement**

Resolution 2025-20 appoints Judge Padilla as the Town's Assistant Judge when necessary.

Council Member Lindner moved to approve Resolution 2025-20, appointing Beth A. Padilla as Assistant Municipal Court Judge for the Town of Pagosa Springs, Colorado, and authorize the Town to enter into an Employment Agreement with Beth A. Padilla as Assistant Municipal Court Judge, Council Member deGraaf seconded.

Carried.

2. **Pagosa Multi-Purpose Pavilion Update**

Mr. Brian Collabolletta and Ms. Jennifer O'Neil with the Pagosa Multi-Purpose Pavilion, requested a one-year extension to hold the property located south of the pickleball courts for the construction of a multi-purpose pavilion. He said their non-profit status has been revoked by the IRS due to a report filing error. He said they hope to be reinstated within 4-6 weeks. They have new bylaws and new board members, and are looking to hit the ground running very soon. He said GOCO is interested in assisting with the project and hopes to apply for funding in the spring. Ms. O'Neil said the vision may change if the location is changed, she said the board has discussed options.

Council Member Williams moved to approve a two-year extension for the Multi-Purpose Pavilion through November 2027 to raise funding for the project, Council Member DeGuise seconded.

Carried.

X. PUBLIC COMMENT – Ms. Rosanna Dufour said she is a downtown business owner and thanked Council Members Lindner, deGraaf, and Martinez by acknowledging the struggle of downtown businesses. She said the downtown businesses are suffering in silence. She said next Saturday is downtown business day and encourages the staff and council to attend.

XI. EXECUTIVE SESSION

1. **Executive Session Pursuant to §24-6-402(4)(e), C.R.S., to Determine Positions Relative to Matters That May Be Subject to Negotiation, Developing Strategy for Negotiations, and Instructing Negotiators, Regarding the Geothermal Water Tap and Economic Development Agreement, as amended**

Council Member deGraaf moved to enter executive session pursuant to 24-6-402(4)(e), C.R.S., to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators, regarding the geothermal water tap and economic development agreement, Council Member Lindner seconded.

Carried.

Town Council entered executive session at 6:00 pm. Mayor Pierce called the meeting back in regular session at 7:00 pm.

Council Member DeGuise moved to direct staff to negotiate a rate for bulk geothermal water, Council Member Williams seconded.

Carried.

XII. MAYOR, COUNCIL, TOWN MANAGER COMMENTS/UPCOMING AGENDA ITEMS – Council Member Williams said the Town needs a plan to use and expand the geothermal system. Council Member Lindner said he is thankful for the Town Council and Town staff. He said a special thanks to the Mayor for her thoughtfulness and running of a great meeting. Mayor Pierce said she would like to suggest not holding a meeting on December 16th to give the Council a break. The festival of trees is December 5th, a town get-together is set for December 18th.

XIII. UPCOMING COUNCIL MEETINGS –

- December 2, 2025 at 5:00 pm: Regular Council Meeting
- December 16, 2025 at 5:00 pm: Regular Council Meeting
- January 6, 2026 at 5:00 pm: Regular Council Meeting
- January 20, 2026 at 5:00 pm: Regular Council Meeting

XIV. ADJOURNMENT – Mayor Pierce called for a recess of the Town Council meeting at 5:30 pm. Mayor Pierce called the meeting back in session at 5:58 pm after the Sanitation District meeting adjourned. Mayor Pierce adjourned the meeting at 7:11 pm.

Shari Pierce
Mayor

AGENDA BRIEF

MEETING: Town Council - 02 Dec 2025
FROM: David Harris, Town Manager

PROJECT:	Proclamation for Wreaths Across America Day
ACTION:	Council action or information

PURPOSE/BACKGROUND:
December 13th is a national day during which wreaths of remembrance are laid on the graves of veterans. A local group of volunteers is coordinating the fifth year of this program in Pagosa Springs, and will be laying wreaths at Hilltop Cemetery. Shawna Snarr with Vets 4 Vets and the Sarah Platt Decker Chapter of the Daughters of the American Revolution are leading this effort. This group has requested that the Town issue a proclamation for December 13th for Wreaths Across America Day in Pagosa Springs. More information about this program is here: https://www.wreathsacrossamerica.org/.

ATTACHMENTS:
Wreaths Across America_12132025.doc

RECOMMENDATIONS:
Read Proclamation for Wreaths Across America Day on December 13, 2025.

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

PROCLAMATION IN SUPPORT OF WREATHS ACROSS AMERICA DAY
DECEMBER 13TH, 2025

WHEREAS, in 1992 Merrill Worchester of Worchester Wreath Company recognized that his services as a businessman were in large part due to the values of this nation and the veterans who made the sacrifices for their country; and

WHEREAS, by early 2002, with so many requests for ceremony wreaths, the Worchester's reached out to the community, and the nonprofit group Wreaths Across America ™ was formed. With the help of the Civil Air Patrol and many others, in 2008, ceremonies were held simultaneously at 300 locations. From the snowy banks of Alaska to the sands of Iraq our nation's heroes were honored. From here Wreaths Across America ™ movement was born; and

WHEREAS, last year over 3 million remembrance wreaths were placed in total at over 4,909 participating locations around the country, in all 50 states and beyond. This was accomplished with the help of thousands of fundraising groups, corporate contributions, and donations of 739 truckloads by 397 trucking carriers, and 4 million helping hands 1/3 were helping children; and

WHEREAS over 440 of our country's veterans are laid to rest at Hilltop Cemetery in Pagosa Springs, Colorado, from the Civil War to our latest conflicts; and

WHEREAS, many thanks are afforded to the Town of Pagosa Springs for permission to participate in the program and to those who donated and who volunteered in this gesture of gratitude and moment of teaching, honoring and remembrance; and

WHEREAS, in this fourth year of participating, wreaths have been sponsored for 100% of the known veterans buried at Hilltop Cemetery and beyond; and

WHEREAS, at 12:00 noon in Arlington, Virginia, simultaneous Remembrance Ceremonies are planned, followed by the laying of wreaths upon veterans' graves across the nation and beyond our shores to *Remember, Honor,* and *Teach*. This three-pronged mission is to REMEMBER the fallen, HONOR those who serve and their families, and TEACH future generations about the sacrifices made to obtain and preserve our freedoms.

NOW, THEREFORE, be it resolved, that we, the Town Council of Pagosa Springs do hereby proclaim December 13, 2025, to be ***Wreaths Across America Day*** as we lay wreaths in honor of our Veterans.

GIVEN under my hand and seal this ____ day of December 2025.

Attest:

____
April Hessman, Town Clerk

Signed:

____

AGENDA BRIEF

MEETING: Town Council - 02 Dec 2025
FROM: April Hessman, Town Clerk

PROJECT:	Ordinance 1021, First Reading, Calling for the 2026 Regular Election
ACTION:	Council discussion and action

PURPOSE/BACKGROUND:
As required by Colorado Election Code, the Town Charter and municipal code, the Council is required to pass an ordinance calling for a municipal election. Ordinance 1021 sets a mail ballot election for Tuesday April 7, 2026 from 7am to 7pm.

The ballot will include the election of the Mayor seat held by Shari Pierce, and three at-large council member seats currently held by Madeline Bergon, Matt DeGuise, and Gary Williams.

Nomination petitions will be ready on January 5th for circulation on January 6th and must be returned to the Town Clerk's office by January 26th. To be eligible to be elected to office (Town Charter Section 2.7), a person must be a citizen of the United States, a registered elector of the town, and a resident of the Town for a period of no less than twelve (12) consecutive months immediately preceding the election. In addition, candidates may not be convicted of a felony and not be an employee of the town.

The Town Clerk shall be designated as the Election Official for the 2026 regular election.

ATTACHMENTS:
Ord 1021 calling for 2026 election - no amendments

FISCAL IMPACT:
Cost of mail ballot election is budgeted for 2026 at $10,000

RECOMMENDATIONS:
1. Move to approve Ordinance 1021, First Reading, Calling for the 2026 Election
2. Move to approve Ordinance 1021, First Reading, Calling for the 2026 Election with the following amendments
3. Direct Staff

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 1021
(Series 2025)

AN ORDINANCE CALLING THE 2026 TOWN OF PAGOSA SPRINGS REGULAR ELECTION TO BE HELD ON APRIL 7, 2026 AS A MAIL BALLOT ELECTION

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 2003 Pagosa Springs Home Rule Charter, as amended ("Charter"); and

WHEREAS, the members of the Town Council ("Town Council") and Mayor are duly elected, chosen and qualified at regular elections held on the first Tuesday following a Monday of April in even-numbered years, in accordance with the Charter; and

WHEREAS, the terms of office of Shari Pierce (Mayor), Madeline Bergon (At-Large), Matt DeGuise (At-Large) and Gary Williams (At-Large) shall expire after their successors are elected at the regular election to be held on April 7, 2026 ("Election") and take office or until a vacancy is declared; and

WHEREAS, in accordance with the provisions of the Charter, the Pagosa Springs Municipal Code ("Municipal Code") and the Colorado Municipal Election Code of 1965 ("Election Code"), the Election must be conducted to elect a Mayor and three (3) Council members to serve for a term of four (4) years, and may be conducted for any other matters as determined by the Town Council; and

WHEREAS, the Charter provides that elections shall be governed by the Election Code, except as otherwise provided by the Charter or Town Ordinance;

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

Section 1. Regular Election. The regular election of the registered voters of the Town shall be held on April 7, 2026, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Charter, Municipal Code, Election Code and other applicable laws. At that time, a Mayor and three (3) Council members will be elected to serve a four-year term.

Section 2. Conduct of Election. The Town Council hereby designates the Town Clerk as the Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this Election. Among other matters, the Town Clerk or assistant shall appoint and train election judges as necessary, arrange for the required notices of election (posted and published), printing of ballots, obtaining all election supplies, and direct that all other appropriate actions be accomplished.

Section 3. Mail Ballot Election. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Code. There shall be no election precinct or polling place. All mail ballots shall be returned to the Election Official's office, located at the Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 4. Candidate Nominations. As required by the Town Charter Nomination Petition forms have been and shall be available at the Town Clerk's office located at the above address no later than January 5, 2026. All candidates must file a valid Nomination Petition with the Town Clerk no earlier than January 6, 2026, and no later than 5:00 p.m. on January 26, 2026. Nomination petitions may be amended to correct or replace invalid signatures not later than 5:00 p.m. on February 2, 2026, in order for their name to appear on the ballot.

Section 5. Write-in Candidates. Affidavits of intent to be a write-in candidate shall be filed with the Town Clerk at the above address no later than 5:00 p.m. on February 2, 2026. No write-in votes shall be counted unless such candidate has filed a valid affidavit of intent with the Town Clerk.

Section 6. Public Inspection. The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Town Clerk.

Section 7. 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 8. Ratifications of Prior Actions. Any and all actions previously taken by the Election Official, the Town Clerk, or any other persons acting on their behalf pursuant to the Election Code or other applicable laws to facilitate the Election which were consistent with this Ordinance are hereby ratified and confirmed.

Section 9. 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 2nd DAY OF DECEMBER, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: ___________________________________
Shari Pierce, 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 __________________, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: ___________________________________
Shari Pierce, Mayor

Attest:

____
April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1021 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 2nd day of December, 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 and on the Town's official website, on December ___, 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 elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1021 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 16th day of December, 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 and 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 - 02 Dec 2025
FROM: James Dickhoff, Development Director

PROJECT: Resolution 2025-23, Establishing Expedited Review Policy for Affordable Housing Projects

ACTION: Council action or information

PURPOSE/BACKGROUND:

Pursuant to Colorado Revised Statute C.R.S. 29-32-105(2), local governments are required to adopt a Fast Track process for expedited development application review for affordable housing projects, before the end of 2026. C.R.S. 29-32-101, C.R.S. 29-32-104 and C.R.S. 29-32-105 attached for reference.

The Colorado Department of Local Affairs is offering communities that adopt a “fast track” expedited review process before the end of 2025, a $50,000 award. The Development Department Director recommends that $50,000 DOLA award is credited to the Workforce Housing Trust Fund, allocating the funds for Housing related matters, including Housing Division staffing.

The “Fast Track” review process was adopted by the State to address large metropolitan areas that have seen review processes that take 1-3 years, however, as a small community, the Town of Pagosa Springs already meets the intent of the “Fast Track” process, with submitted complete applications being processed and considered by the respective board of authority and decisions made within 45 - 60 days. Decisions can include a formal approved motion for Continuation of Consideration, Denial, or Approval with Contingencies.

Colorado Voters approved Proposition (Prop) 123 in 2022, creating a State Affordable Housing Fund that provides local governments with funding opportunities through numerous programs administered through the Colorado Department of Local Affairs (DOLA) and the Colorado Office of Economic Development and International Trade (OEDIT). The Town has opted into Prop 123 through a commitment to provide a minimum of an additional 19 affordable units by the end of 2026. The Timberline Apartments will achieve this commitment for the Town. Opting into Prop 123 opens up eligibility for Prop 123 funding programs to the Town and Developers.

ATTACHMENTS:
Res 2025-23 Expedited Review Process for affordable Housing Projects
CRS 29-32-101 104 105

FISCAL IMPACT:
$50,000 DOLA award. The Development Department Director recommends crediting the awarded funds to the workforce housing trust fund for future workforce housing matters, including Housing Division staffing.

TOWN COUNCIL GOALS & OBJECTIVES:
Affordable and Workforce Housing

RECOMMENDATIONS:
1. Move to Approve Resolution 2025-23, Establishing Expedited Review Policy for Affordable Housing Projects, and Further Dedicating the Awarded Funds to Towards Workforce Housing Expenses.
2. Move to Deny Resolution 2025-23.

TOWN OF PAGOSA SPRINGS COLORADO

TOWN OF PAGOSA SPRINGS, COLORADO

RESOLUTION NO. 2025-23

A RESOLUTION ESTABLISHING EXPEDITED REVIEW POLICY FOR AFFORDABLE HOUSING PROJECTS

WHEREAS, the voters of Colorado approved Proposition 123 in 2022 creating the State Affordable Housing Fund to make certain funds available to local governments as defined by C.R.S. 29-32-104; and

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, Town Ordinance No. 745 adopted the Land Use Development Code (LUDC), establishing zoning, development regulations and as amended, recognizes the importance of affordable and attainable housing to be developed for its workforce and its residents pursuant to section 2.3.3.E.3 which provides Town Council the authority to exempt development application and review fees for eligible workforce housing projects; and

WHEREAS, the Town of Pagosa Springs has opted in to PROP 123 and has set a baseline and commitment to increase affordable housing as defined in C.R.S. 29-32-105; and

WHEREAS, the Town of Pagosa Springs's current process for reviewing proposed housing projects already meets the requirement for a 90-day review process, with affordable housing development application review processes being 45-60 days; and

WHEREAS, the Town of Pagosa Springs also creates this policy for expedited review to ensure that affordable housing projects are reviewed and a decision rendered within 90 days of a complete application in alignment with the requirements of C.R.S. 29-32-105(2) et seq., as determined by the Development Department; and

WHEREAS, The Town of Pagosa Springs recognizes that an affordable housing development project which has at least 50% of the units as affordable, as defined in statute (C.R.S. 29-32-101 and C.R.S. 29-32-105(2)) would be eligible for expedited review; and

WHEREAS, The Town of Pagosa Springs recognizes the following development application types which require expedited review: Density Bonus, Conditional Use Permit, Variance, Site Plans, Major Design Review, Building Permit, and Administrative Modifications; and

WHEREAS, The Town of Town of Pagosa Springs's expedited review process for affordable housing projects does not apply if an applicant chooses to opt-out of the process; and

WHEREAS, The Town of Pagosa Springs recognizes the allowable extensions in C.R.S. 29-32-105(2), both for applicants and for the Town, and recognizes the circumstances under which the expedited review timeline may be extended or the application may be removed from the expedited review process, including circumstances that may include: incomplete applications, lack of Board quorum, matters outside of the Town's control, and unforeseen issues.

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

1. The Town Council creates the following policy to implement a system to expedite the development review process for affordable housing:

   The Town Council hereby establishes a formal policy that any complete development application received by the Town for an affordable housing development will be placed on the next available agenda once it is determined the application is complete, proper public notice has been posted and a decision rendered on the application within 90 days to ensure an expedited and timely review of the affordable housing project, with the intent to comply with the requirements in C.R.S. 29-32-105(2) et seq.

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 Council.

ADOPTED THIS 2nd DAY OF DECEMBER, 2025 BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF ____ IN FAVOR, ____ AGAINST.

TOWN OF PAGOSA SPRINGS, COLORADO

By: ______________________________
Shari Pierce, Mayor

ATTEST:

By: ______________________________
April Hessman, Secretary

C.R.S. 29-32-101

(1) "Administrator" means a political subdivision of the State of Colorado established for the purposes, among others, of increasing the supply of decent, safe, and sanitary housing for low- and moderate-income families, or other third party established for such purposes, selected by the office to administer certain affordable housing programs created in section 29-32-104.

(2) "Affordable housing" means rental housing affordable to a household with an annual income of at or below sixty percent of the area median income, and that costs the household less than thirty percent of its monthly income. "Affordable housing" also means for-sale housing that could be purchased by a household with an annual income of at or below one hundred percent of the area median income, for which the mortgage payment costs the household thirty percent or less of its monthly income. Targets set for the local governments and tribal governments under section 29-32-105 for affordable housing shall be based on the area median income. If a local government or tribal government determines that application of this definition of affordable housing would cause implementation of this article in a manner inconsistent with demonstrated housing and workforce needs within the jurisdiction, it may petition the division for leave to use the calculation applicable to an adjacent jurisdiction or the state median income that better reflects the local government's or tribal government's demonstrated needs.

(3) "Area median income" means the median household income of households of a given size in the municipality, or metropolitan statistical area encompassing a municipality, or county in which the housing is located, as calculated and published for a given year by the United States Department of Housing and Urban Development.

(4) "Division" means the division of housing in the department of local affairs created in section 24-32-704 (1).

(5) "Support fund" means the affordable housing support fund created in section 29-32-103 (1).

(6) "Fund" means the state affordable housing fund created in section 29-32-102 (1).

(7) "Local government" means a municipality, whether home rule or statutory; a county, whether home rule or statutory; a city and county; or a local housing authority.

(8) "Office" means the office of economic development created in section 24-48.5-101.

(9) "Financing fund" means the affordable housing financing fund created in section 29-32-103 (2).

(10) "Rural resort community" means any county classified as a "rural resort" by the division in accordance with section 29-4-1107 (1)(d), or a municipality, whether home rule or statutory, or a local housing authority located within the county so classified.

(11) "Tribal government" means a federally recognized tribal nation that has land within Colorado.

C.R.S. 29-32-104

(1) The office shall contract with the administrator. The office may select an administrator without a competitive procurement process but shall announce the contract opening publicly and select the administrator in a meeting that is open to the public, no less than seventy-two hours after notice of such meeting is publicly available. No single contract may exceed five years in duration. Upon the expiration of any contract term, the office may renew the contract with the same administrator or may select another administrator. The administrator selected by the office shall expend the money transferred to the financing fund in section 29-32-103 (2) that the administrator receives from the office to support the following programs only:

(a) A land banking program to be administered by the administrator. The program shall provide grants to local governments and tribal governments and loans to non-profit organizations with a demonstrated history of providing affordable housing to acquire and preserve land for the development of affordable housing. For purposes of this subsection (1)(a), "affordable housing" means rental housing that has a designated imputed income limit by household size not to exceed sixty percent of the area median income as established by the United States Department of Housing and Urban Development and published by the department or a statewide political subdivision or authority on housing, and regulated units in the project must have a gross rent limit that does not exceed thirty percent of the imputed income limitation applicable to the units and for-sale housing that could be purchased by a household with an annual income of at or below one hundred percent of the area median income. Mixed use development is an allowable use of land purchased under this program if the predominant use of the land is affordable housing. Loans made by the program shall be forgiven if land acquired with the assistance of the program is properly zoned with an active plan for the development of affordable housing within 5 years of date the loan is made and if the development is permitted and funded within 10 years. The lender and borrower may establish additional terms if needed. If land acquired with the assistance of the program is not developed within the timeline above, the loan must be repaid, with interest, as soon as practical, but not more than six months after expiration of said timeline, unless the office agrees to extend all or a portion of the timeline in its reasonable discretion. Land acquired with the assistance of the program that is not developed within the timeline above may be used by the owner for any purpose upon payment of the loan with interest or, in exchange for a waiver of interest, conveyed to a state agency or other entity for the development of affordable housing with the approval of the administrator.

All principal and interest payments on loans made under this paragraph (a) shall be paid to the administrator and used by the administrator for the purposes set forth in this subsection (1). As determined by the administrator, a minimum of 15% and a maximum of 25% of monies transferred to the financing fund annually may be used for the program. The administrator may utilize the funds it receives from the office for the program to pay for the costs of administering the program; except that the total combined annual administrative expenditures of money from the financing fund by the administrator and the office shall not exceed two percent of the funds the administrator receives from the office for the program for the state fiscal year.

(b) An affordable housing equity program to be administered by the administrator. The program shall make equity investments in low- and middle-income multi-family rental developments. The program shall also make equity investments in existing projects which include multi-family rental units for the purpose of ensuring that said projects remain affordable. The average designated imputed income by household size for projects funded by the program must not exceed 90% of the area median income as established by the United States Department of Housing and Urban Development and published by the department or a statewide political subdivision or authority on housing, and regulated units in the project must have a gross rent limit that does not exceed thirty percent of the imputed income limitation applicable to the units. The program shall include a tenant equity vehicle, meaning, in projects funded by the program, tenants who reside in the project for at least one year shall be entitled to a share of the equity growth in the project, if any, in the form of funding from the program for a down-payment on housing or related purposes, which may also include ongoing opportunities for tenants to build up their savings, in an amount determined by the administrator. Equity investments made by the program shall be made with the expectation of returns that are below the prevailing market returns. Returns on program investments up to the amount of the program's initial investment shall be retained in the program and reinvested. Returns on program investments greater than the program's initial investment shall be retained in the program to fund the tenant equity vehicle. In selecting investments under this program, the administrator shall prioritize high-density housing, mixed-income housing, and projects consistent with the goal of environmental sustainability. As determined by the administrator, a minimum of 40% of monies and a maximum of 70% of monies transferred to the financing fund annually may be used for the program. The administrator may utilize the funds it receives from the office for the program to pay for the costs of administering the program; except that the total combined annual administrative expenditures of money from the financing fund by the administrator and the office shall not exceed two percent of the funds the administrator receives from the office for the program for the state fiscal year.

(c) A concessionary debt program to be administered by the administrator. The program shall:

(I) Provide debt financing of low- and middle-income multi-family rental developments,

(II) Provide gap financing in the form of subordinate debt and pre-development loans for projects that qualify for federal low income housing tax credits,

(III) Provide debt financing of existing projects for the purpose of preserving existing affordable multi-family rental units;

(IV) Provide debt financing for modular and factory build housing manufacturers; and

(V) Include the following features:

(A) The average designated imputed income by household size for projects funded by the subprograms specified in subsections (1)(c)(I), (1)(c)(II), and (1)(c)(III) of this section must not exceed 60% of the area median income as established by the United States Department of Housing and Urban Development and published by the department or a statewide political subdivision or authority on housing, and a unit in the project must have a gross rent limit that does not exceed thirty percent of the imputed income limitation applicable to the unit; except that where the subprogram is a secondary source of funding, the affordability threshold required by the primary funding source, if any, may be operative. The subprogram specified in subsection (1)(c)(IV) of this section does not have a designated imputed income or rent limit. Debt financing and loans made by the program shall be made at below market interest rates as determined by the administrator. Returns on program investments up to the amount of the program's initial investment shall be retained in the program and reinvested by the administrator in the program established in this subsection (1)(c). Returns on program investments greater than the program's initial investment shall be retained in the program to fund the tenant equity vehicle of the affordable housing equity program created in subsection (1)(b) of this section.

(B) As determined by the administrator, a minimum of 15% of monies and a maximum of 35% of monies transferred to the financing fund annually may be used for the program. The administrator may utilize the funds it receives from the office for the program to pay for the costs of administering the program; except that the total combined annual administrative expenditures of money from the financing fund by the administrator and the office shall not exceed two percent of the funds the administrator receives from the office for the program for the state fiscal year.

(2) In selecting investments to be made by the programs of subsection (1) of this section, the administrator shall prioritize projects that achieve high-density housing, mixed-income housing, and projects consistent with the goal of environmental sustainability, as appropriate.

(3) The division of housing and the division of local government shall expend the money transferred to the support fund in section 29-32-103 (1) to support the following programs only:

(a) An affordable home ownership program administered by the division or one or more contractors of the division. The program shall offer home ownership down-payment assistance to first-time homebuyers and shall prioritize assistance, to the extent practicable, to first-generation homebuyers. The assistance shall be provided to households with income less than or equal to 120% of the area median income of households of that size in the territory or jurisdiction of local government or tribal government in which the housing is located, as calculated and published for a given year by the United States Department of Housing and Urban Development, and the cost of the monthly housing payment towards mortgage principal, mortgage interest, property taxes, mortgage and homeowner's insurance, homeowner association fees, land lease fees, and metropolitan district fees shall not cost more than 35% of monthly household income. The program shall also make grants to non-profits, local governments, tribal governments, community development financial institutions, and community land trusts to support affordable home ownership. The program shall also make grants or loans to groups or associations of mobile home owners and their assignees to assist them with the purchase of a mobile home park pursuant to section 38-12-217. Said grants and loans shall be used to support affordable home ownership for households with income less than or equal to 100% of the area median income of households of that size in the territory or jurisdiction of local government or tribal government in which the households are located, as calculated and published for a given year by the United States Department of Housing and Urban Development, and the cost of the monthly housing payment towards mortgage principal, mortgage interest, property taxes, mortgage and homeowner's insurance, homeowner association fees, land lease fees, and metropolitan district fees shall not cost more than 35% of monthly household income. All principal and interest payments on loans made under this paragraph (a) shall be paid to the division and used by the division for the purposes set forth in this subsection (3). Up to 50% of monies transferred to the support fund annually may be used for the program. The division shall determine how much of the available funding shall be allocated to each aspect of the program. The division may utilize up to 5% of the funds it allocates from the fund for the program each state fiscal year to pay for the direct and indirect costs of administering the program.

(b) A program serving persons experiencing homelessness to be administered by the division. The program shall provide rental assistance, housing vouchers, and eviction defense assistance, including legal, financial, and case management, to persons experiencing homelessness or at risk of experiencing homelessness. The program shall also make grants or loans to non-profit organizations, local governments, tribal governments, or private entities to support the development and preservation of supportive housing for persons experiencing homelessness, and other homelessness related activities the division determines contribute to the resolution of or prevention of homelessness, including housing programs paid for by non-profit organizations, local governments, tribal governments, or private entities on a pay for success basis, meaning an organization, local government, tribal government, or private entity would receive financial support from the program upon achieving objectives contractually agreed upon with the division. All principal and interest payments on loans made under this paragraph (b) shall be paid to the division and used by the division for the purposes set forth in this subsection (3). Up to 45% of monies transferred to the support fund annually may be used for the program. The division may utilize up to 5% of the funds it allocates from the fund for the program each state fiscal year to pay for the direct and indirect costs of administering the program.

(c) A local planning capacity development program administered by the division of local government. The program shall provide grants to local governments and tribal governments to increase the capacity of local government and tribal government planning departments responsible for processing land use, permitting and zoning applications for housing projects. Up to 5% of monies transferred to the support fund annually may be used for the program. The division of local government may utilize up to 5% of the funds that the division of housing allocates from the fund for the program each state fiscal year to pay for the direct and indirect costs of administering the program.

(4) On or before October 1, 2024, and October 1 of the next two years thereafter, the office and division shall respectively provide to the joint budget committee, the senate local government and housing committee, and the house of representatives transportation, housing, and local government committee, or their successor committees, a report about the disbursements from the financing fund and support fund for the prior state fiscal year. In the reports, the office and the division shall include the following information about each affordable housing program:

(a) The applicants for funding, the projects funded, and the projects that were denied, along with the reason for the denial;

(b) The anticipated or actual number of households served and the number of affordable housing rental units and for-sale units funded; and

(c) The geographic distribution of the funding.

(5) If the Legislative Council Staff's March Economic and Revenue Forecast in any given year projects revenue for the next state fiscal year will fall below the revenue limit imposed under section 20 of article X of the state constitution, the general assembly may reduce the funding allocated to the office required by this section for the next state fiscal year in order to balance the state budget for said state fiscal year.

C.R.S. 29-32-105

(1)

(a) Not later than November 1, 2023, the governing body of each local government, other than local housing authorities, or tribal government desiring to receive funding under this article or desiring to make affordable housing projects within its territorial boundaries eligible for funding under this article shall make and file with the division a commitment specifying how, by December 31, 2026, the combined number of newly constructed affordable housing units and existing units converted to affordable housing, within its territorial boundaries shall be increased by three percent each year over the baseline number of affordable housing units within its territorial boundaries, determined as provided in subsection (1)(c) of this section.

(b) In the case of a county, the requirements of this subsection (1) only apply to the unincorporated areas of the county, except as set forth in subsection (3)(d)(II) of this section.

(c) The baseline number of affordable housing units within the territorial boundaries of a local government or tribal government, as referenced in this subsection (1), shall be determined by the local government or tribal government by reference to:

(I) The 2017-2021 American Community Survey 5-year estimates published by the United States Census Bureau. The baseline number shall reset for 2027, based on the 2020-2024 American Community Survey 5-year estimates, expected to be published in the spring of 2026 and every third year thereafter with the publication of the corresponding American Community Survey 5-year estimates; or

(II) The most recently available Comprehensive Housing Affordability Strategies estimates published by the United States Department of Housing and Urban Development; or

(III) A web-based system created, maintained, and updated by the division with the estimates specified in subsection (1)(c)(I) of this section, or if the division finds that the estimates specified in said subsection (1)(c)(I) would be impractical or deleterious to the efficacious implementation of this section, an alternative source of estimates that the division finds to be appropriate.

(d) By November 1, 2026 and by November 1st of each subsequent year in which the baseline resets, the governing body of each local government, other than local housing authorities, or tribal government desiring to receive funding under this article or desiring to make affordable housing projects within its territorial boundaries eligible for funding under this article shall make and file with the division a commitment specifying how, by December 31 of the third year thereafter, the combined number of newly constructed affordable housing units and existing units converted to affordable housing, within its territorial boundaries shall be increased by three percent each year over the baseline number of affordable housing units within its territorial boundaries determined as provided in subsection (1)(c) of this section.

(e) In drafting and enacting commitments under this subsection (1) local governments and tribal governments should prioritize high-density housing, mixed-income housing, and projects consistent with the goal of environmental sustainability, when appropriate, and should prioritize affordable housing in communities in which low concentrations of affordable housing exist.

(2)

(a) In order to receive financial assistance under this article, or for affordable housing projects within a tribal government, municipality, a city and county, or the unincorporated area of a county to be eligible for funding, the tribal government or local government, other than a local affordable housing authority, must establish processes to enable it to provide a final decision on any application for a special permit, variance, or other development permit, excluding subdivisions, of a development project for which fifty percent or more of the residential units in the development constitute affordable housing not more than ninety calendar days after submission of a complete application, referred to herein as a "fast-track approval process."

(b) A local government's or tribal government's fast-track approval process may include an option to extend the review period for an additional ninety days at the request of a developer, for compliance with state law or court order, or for a review period required by another local government, tribal government, or agency, within the local government or tribal government or outside, for any component of the application requiring that government's or agency's approval.

(c) A local government's or tribal government's fast-track approval process may include extensions to allow for the submission of additional information or revisions to an application in response to requests from the local government or tribal government. Such extensions shall not exceed the amount of time from the request to the submission of the applicant's response plus thirty days. Applicants shall provide such additional information or responses promptly and shall, whenever practicable, provide a response within five business days.

(d) Nothing in this subsection (2) shall be interpreted as requiring an affordable housing developer to utilize a fast-track approval process.

(3)

(a) Beginning in 2027, to be eligible under this article for direct funding, or for affordable housing projects within a local government's or tribal government's territorial boundaries to be eligible for funding, local governments, other than local housing authorities, or tribal governments must satisfy both the requirements of subsection (1) of this section to commit to and achieve annual increases in the number of affordable housing units within their territorial boundaries, and the requirements of subsection (2) of this section to implement a system to expedite the development approval process for affordable housing projects.

(b)

(I) If a local government or tribal government makes and files with the division the commitment required by subsection (1) of this section by November 1, 2023, it shall be deemed to have satisfied the requirements of subsection (1) of this section through December 31, 2026.

(II) If a local government or tribal government makes and files with the division the commitment required by subsection (1) of this section by November 1, 2026, or by November 1st of a subsequent year in which the baseline resets, and it met its commitment to increase affordable housing made under subsection (1) of this section for the previous three-year cycle, it shall be deemed to have satisfied the requirements of subsection (1) of this section through the end of the current three-year cycle.

(III) If a local government, other than a local housing authority, or tribal government fails to make and file with the division the commitment required by subsection (1) of this section by November 1, 2023, or by November 1st of a subsequent year in which the baseline resets, it shall be ineligible to receive financial assistance from the division or administrator during the following calendar year.

(IV) If a local government or tribal government fails to meet its commitment to increase affordable housing made and filed pursuant to subsection (1) of this section for any three-year cycle, it shall be ineligible to receive financial assistance from the division or administrator during the first calendar year of the next three-year cycle.

(V) An ineligible local government or tribal government may apply for a subsequent year with a new commitment under subsection (1) of this section for the balance of the then-current three-year cycle.

(VI) A developer, whether for-profit or nonprofit, or a local government or tribal government developing an affordable housing project within the territorial boundaries of a local government or tribal government that fails to meet the requirements of subsection (1) or (2) of this section shall be ineligible to receive financial assistance from the division or administrator. Notwithstanding this restriction, a project within the territorial boundaries of an eligible municipality shall be eligible for funding even if the county in which the project is located is ineligible.

(VII) Ineligible local governments and tribal governments and developers of projects in ineligible local government and tribal government jurisdictions shall not be required to pay back to the division or the administrator money paid to them under this article prior to ineligibility.

(d)

(I) The division shall be responsible for determining compliance with this section. For the purpose of calculating whether a local government or tribal government has met the requirements of subsection (1) of this section, a new residential housing unit is to be counted at the time it is permitted rather than the time it is constructed. An existing housing unit newly qualifying as affordable housing is to be counted at the time it is permitted and fully funded rather than at the time the conversion is completed. For the purpose of calculating whether a local government or tribal government has met the requirements of subsection (1) of this section, in addition to affordable housing growth achieved through the programs in this article, any new deed restricted affordable housing, newly constructed or converted to affordable, within a local government's or tribal government's territorial boundaries shall be counted toward the local government's or tribal government's growth requirement. For the purpose of calculating whether a local government or tribal government has met the requirements of subsection (1) of this section, all units funded through the programs created in section 29-32-104 (1)(b), (1)(c)(I), (1)(c)(II), and (1)(c)(III) are counted towards the local government's or tribal government's growth requirement.

(II) Regional collaboration and partnership is encouraged. Local governments and tribal governments may enter into written agreements with other local governments and tribal governments that allow each jurisdiction to receive partial credit towards the local government's or tribal government's growth requirement for the purpose of calculating whether a local government or tribal government has met the requirements of subsection (1) of this section. The sum of the total units credited to the local governments and tribal governments shall not exceed the total number of units produced through the collaboration.

AGENDA BRIEF

MEETING: Town Council - 02 Dec 2025
FROM: Kyle Rickert

PROJECT: Ratify NRCS Emergency Watershed Protection Funding Request for 2025 flooding damages

ACTION: Town Council Ratification of Funding Application

PURPOSE/BACKGROUND:
In response to the flooding event of October 10-15, 2025, Town Staff have pursued many avenues to help fund the relief efforts for the damages from this event. One of the avenues is the **United States Department of Agriculture (USDA)** through the **The Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program**, offering technical and financial assistance to help local communities relieve imminent threats to life and property caused by floods, fires, windstorms and other natural disasters that impair a watershed. EWP does not require a disaster declaration by federal or state government officials for program assistance to begin.

Town staff have worked with Engineering affiliates Davis Engineering, Southwest River Engineering, and Flywater, in conjunction with NRCS staff to evaluate the damage from the flooding. Estimates have been formed and evaluated by NRCS staff and submitted to their federal agency to request funding from the EWP Program. The total federal NRCS request submitted on November 18th was $3,337,246.00. There is a Design and Engineering portion that is 15% of the project's total, equaling $556,208 (NRCS also keeps a portion of this amount) that is covered 100% by the Federal funding. The Colorado Department of Homeland Security and Emergency Management has also agreed to cover 12.5% of the EWP Request, reducing our local match to 12.5%. A portion of the EWP request includes three parts of the Pagosa Gateway Project with local match being covered by property owners and the PGP project. Private donor matching funds will cover the remaining 12.5% for those projects. That currently leaves 12.5% for the remaining local financial match totaling $308,779.06. Town Staff is currently looking into additional options to help close the gap in funding.

The attached spread sheet includes the emergency flood response projects that have been submitted for funding consideration. Staff is prioritizing the Museum Bank erosion as a two phase project to ensure the bank is protected during 2026 spring runoff, and then a phase two for a much more robust retaining wall in conjunction with the pedestrian bridge project.

Given the speed at which staff has been working with agencies for funding opportunities, and the uncertainty of receiving FEMA funding, it was important to secure the Town Manager's signature to expedite this EWP fund application for initial flood recover efforts. Once the funding request is approved, execution of a contract will be required. Once the contract is executed, we can begin designs and actual bank stabilization work. Staff recommends Town Council provide the Town Manager with the authority to sign the contract once we receive and review it for accuracy. The EPW program recognizes the need for fast action to proceed with flood recovery efforts, and allows a sole source for using consultants and contractors already engaged by the Town.

ATTACHMENTS:
NRCS EWP Spreadsheet Funding_Oct. 25 flooding_11.26.25
NRCS - EWP Funding Application

FISCAL IMPACT:
$308,779.06 local match. Staff continues to look at funding to assist with cover the local match obligation.

RECOMMENDATIONS:

1. Move to RATIFY the Town Manager's Signature and APPROVE the EWP Flood Recovery Funding Request, and Further Authorizing the Town Manager to Sign and Execute the EWP Funding Contract.

2. Move to DENY EWP Funding request and provide direction to Staff.

NRCS EWP FUNDING REQUEST

*12.5% of cost covered by Colo. DHSEM

SITE	CONTRACTOR	EWP REQUEST (no design or permitting included)	$ Match 25% of COST	12.5% of COST*	MATCH SOURCE
92 N. 1st St. embankment stabilization, next to the San Juan Historic Museum/1st Street & Highway 160 vehicular Bridge (Davis Engineering Museum embankment & SW River Engineering Cost estimates combined)	Southwest River Engineering Davis Engineering	$ 1,118,174.00	$ 279,543.50	$ 139,771.75	$15,000 History CO
80 S. 5th Street, the south/west side of the Centennial Park Pedestrian Bridge abutment embankment stabilization	Davis Engineering	$ 373,750.00	$ 93,437.50	$ 46,718.75	Town / TBD
S. 6th Street bank erosion including downstream of Ped Bridge and upstream of Townhomes. (6th Street erosion A & 6th Street erosion B)	Southwest River Engineering	$ 352,488.50	$ 88,122.13	$ 44,061.06	Town / TBD
Overlook riverbank, River structures	Southwest River Engineering	$ 274,625.00	$ 68,656.25	$ 34,328.13	Town / TBD
2746-2898 W Highway 160, Brad Sidel property (Pagosa Gateway Project); riverbank erosion that breached a levee	Southwest River Engineering	$ 925,325.00	$ 231,331.25	$ 115,665.63	Property Owner
1858 W. U.S. Highway 160, David Thames riverbank erosion (Pagosa Gateway Project); exposed approximately 25	Flywater	$ 248,482.65	$ 62,120.66	$ 31,060.33	Property Owner
1600 E Highway 160 embankment, Fireside Cabins property (Pagosa Gateway Project)	Flywater	$ 64,010.53	$ 16,002.63	$ 8,001.32	Pagosa Gateway Project
Dredging River Center Ponds and Wetland Ponds (Town Hall Wetlands, Pond #1 Cost Estimate, Pond #2 Cost Estimate)	Southwest River Engineering	$ 285,610.00	$ 71,402.50	$ 35,701.25	Town / TBD
Log jams posing future threat to public infstructure behind Town Hall: Apache Street Bridge, Behind Town Hall, upstream of 1st Street Hwy 160 bridge (Debris removal)	Southwest River Engineering	$ 65,585.00	$ 16,396.25	$ 8,198.13	Town / TBD
	TOTAL	$ 3,708,051.00	$ 927,012.67	$ 463,506.34	
	FA$ at 75%	$ 2,781,038			
**NRCS keeps some of this	TA$ at 15% of Total**	$ 556,208			
	TOTAl FED $	**$ 3,337,246**	**12.5% Match (w/o) PGP**	**$ 308,779.06**	Town / TBD

NEW BUSINESS VII.3.

SPONSOR: Town of Pagosa Springs
PROJECT: EWP – Pagosa Springs 2025 Flooding

EMERGENCY WATERSHED PROTECTION PROGRAM
STATEMENT OF WORK

PURPOSE

The purpose of this agreement is for the United States Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as the "NRCS," to provide technical and financial assistance to the Town of Pagosa Springs, hereinafter referred to as the "Sponsor," for EWP Program Project No. 5097 in Archuleta County, Colorado, for implementation of recovery measures that if left undone, pose a risk to life and/or property.

OBJECTIVES

The design and installation of Emergency Watershed Protection (EWP) program measures as detailed in the individual Damage Survey Reports (DSRs) and described below.

- DSR 08-03-25-5097-003– Flooding – Protection of infrastructure from future flooding through streambank protection, debris removal, and other protection measures.

BUDGET NARRATIVE

The official budget described below will be considered the total budget as last approved by the Federal awarding agency for this award.

Amounts included in the Budget Narrative are estimates. Reimbursement will be based on actual expenditures not to exceed the amount obligated.

Total Estimated Project Budget: $4,178,038

The budget includes:
Financial Assistance (FA) Costs:
Construction Costs: $3,708,038.00
75% NRCS: $2,781,028.50
25% Sponsor: $ 927,009.50

Technical Assistance (TA) Costs:
100% NRCS: $ 470,000.00

1. NRCS reimburses up to 75 percent of eligible construction costs and Sponsor pays 25 percent of construction costs. NRCS will contribute up to $470,000.00 of the total construction cost for administration and technical services. It is possible that technical and administrative costs will exceed this amount, requiring the Sponsor to contribute

resources to complete technical and administrative work. Construction, administrative, and technical costs incurred prior to the sponsor and NRCS signing this agreement are ineligible and will not be reimbursed, nor will such costs qualify as Sponsor cost-share/inkind.

2. NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts: one account for financial assistance (FA) and one for technical assistance (TA). FA costs are associated with construction activities; TA costs are associated with services. These expenditures shall be accounted for separately for expenses to be eligible for reimbursement.

3. NRCS will provide FA for actual costs as reimbursement to the Sponsor for approved on-the-ground construction costs, subject to the limits listed. If costs are reduced, reimbursement will be reduced accordingly. Construction costs are associated with the installation of the project measures including labor, equipment, and materials.

4. NRCS will provide TA reimbursement to the Sponsor for technical and administrative costs directly charged to the project, subject to the limits listed. If costs are reduced, reimbursement will be reduced accordingly. These costs shall include:
    a. Engineering costs include, but are not limited to, developing a project design that includes construction drawings and specifications, an Operation and Maintenance Plan, a Quality Assurance/Quality Control/Inspection Plan, and an engineer's estimate of the project installation costs in addition to providing necessary quality assurance during construction.
    b. Contract administration costs include, but are not limited to, soliciting, evaluating, awarding and administering contracts for construction and engineering services, including project management, and verifying invoices and record keeping.

5. The Sponsor will contribute funds toward the total construction costs in either direct cash expenditures, the value of non-cash materials or services, or in-kind contributions. The value of any in-kind contribution shall be agreed to in writing prior to implementation.

RESPONSIBILITIES OF THE PARTIES

SPONSOR RESPONSIBILITIES

If inconsistencies arise between the language in the Statement of Work (SOW) in the agreement and the General Terms and Conditions, the language in the SOW takes precedence.

1. Perform the work and produce the deliverables as outlined in this SOW.

2. Comply with the applicable version of the General Terms and Conditions.

SPONSOR: Town of Pagosa Springs
PROJECT: EWP – Pagosa Springs 2025 Flooding

3. Accomplish construction of the EWP program project measures by contracting, in-kind construction services, or a combination of both.

4. Ensure and certify by signing this agreement that its cost-share obligation is from a non-Federal source.

5. Acquire adequate real property rights (land and water) and acquire permits and licenses in accordance with local, State, and Federal law as necessary for the installation of EWP program project measures at no cost to NRCS prior to construction. This includes any rights associated with required environmental mitigation. Costs related to land rights and permits are the Sponsor's responsibility and ineligible for reimbursement.

6. Accept all financial and other responsibility for excess costs resulting from their failure to obtain, or their delay in obtaining, adequate land and water rights, permits, and licenses needed for the project.

7. Provide the agreed-to portion of the actual, eligible, and approved construction cost. These costs may be in the form of cash, in-kind construction services, or a combination of both. Final construction items that are eligible construction costs will be agreed upon during the pre-design conference. These costs are amounts from contracts awarded to contractors and eligible Sponsor in-kind construction costs for materials, labor, and equipment. The Sponsor shall provide NRCS documentation to support all eligible construction costs. Construction costs incurred prior to the Sponsor and NRCS signing this agreement are ineligible and will not be reimbursed, nor will such costs qualify as Sponsor cost-share/in kind.

8. Be responsible for 100 percent of all ineligible construction costs and 100 percent of any unapproved upgrade to increase the level of protection over and above that described in the DSR and the NRCS State Conservation Engineer's approved plans and specifications.

9. Account for and report FA and TA expenditures separately in order for expenses to be eligible for reimbursement. NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts, one for FA and one for TA, requiring this separation. Separate itemization of FA and TA costs are required on form "Request for Advance or Reimbursement" (form SF-270).

10. Must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other

SPONSOR: Town of Pagosa Springs
PROJECT: EWP – Pagosa Springs 2025 Flooding

interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the Sponsor may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. Reference 2 CFR § 200.318 regarding standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts.

11. For in-kind construction services (materials, labor, and/or equipment supplied by the Sponsor), develop a Plan of Operations describing the construction services to be performed, including estimated quantities and values. The Plan of Operations shall be concurred by NRCS during the pre-design conference. In-kind construction services for equipment shall not exceed published FEMA equipment rates unless otherwise documented and concurred in advance by NRCS.

12. The following documentation is required to support the Sponsor's request for reimbursement of in-kind construction services.
    a. Invoices covering actual costs of materials used in constructing the eligible EWP program project measures.
    b. Records documenting the type, quality, and quantities of materials actually used in constructing the eligible EWP program project measures.
    c. Daily time records for each employee showing name, classification, wage rate, hours, and dates actually employed for constructing the eligible EWP program project measures.
    d. Equipment operating records showing the type and size of equipment, hourly rate, actual hours of operation and dates used to install the eligible EWP program project measures. Equipment idle time is not eligible as in-kind construction services, even if on the job site, and should not be included in the equipment operating records.

13. Ensure that any special requirements for compliance with environmental and/or cultural resource laws are incorporated into the project.

14. Must secure (at its own expense) all Federal, State, and local permits and licenses, and any necessary natural resource rights required for completion of the work described in this agreement. Provide copies of all permits and licenses obtained to NRCS.

15. Will arrange and pay for any necessary location, removal, or relocation of utilities. EWP program regulations prohibit NRCS from reimbursing the Sponsor or otherwise paying for any such costs, nor do the costs qualify as a Sponsor cost-share contribution.

16. Ensure that technical and engineering standards and specifications of NRCS are adhered to during construction of the project as interpreted by the NRCS Program/Technical Contact or if assigned the NRCS Government Representative (GR) for this agreement. Provide the NRCS Program/Technical Contact or (GR) progress reports as agreed to and as

necessary. Progress reports should include technical on-site inspections of work accomplished for the period, work planned, results of material tests, deficient work products and/or tests with corrective actions taken, modifications anticipated, technical problems encountered, contractual issues, and any other relevant information.

17. Ensure that all contractors on NRCS-assisted projects are performing their work in accordance with OSHA regulations and the Contract Work Hours and Safety Standards Act (40 USC 3701-3708) as supplemented by Department of Labor regulations (29 CFR Part 5). The Sponsor is responsible for periodically checking the contractor's compliance with safety requirements.

18. Provide Colorado Registered Professional Engineer (PE) certified as-built drawings which include quantities for the project. Also provide a Colorado Registered Professional Engineer (PE) certified NRCS-CO-ENG-12 Certification of Conservation Practice Completion form. A copy of the as-built drawings and CO-ENG-12 will be submitted to the NRCS Program/Technical Contact or GR.

19. For payment requests, provide a completed "Request for Advance or Reimbursement" (form SF-270) with all documentation to support the request to the NRCS Program/Technical Contact. Payments will be withheld until all required documentation is submitted and complete.

20. Ensure that information in the System for Award Management (SAM) is current and accurate until the final Federal Financial Report (form SF-425) under this award or final payment is received, whichever is later. Payments will not be processed during the time the SAM registration is expired. Processing will only occur when the SAM registration is active.

21. Take reasonable and necessary actions to dispose of all contractual and administrative issues arising out of the contract(s) awarded under this agreement. This includes, but is not limited to, disputes, claims, protests of award, source evaluation, and litigation that may result from the project. Such actions will be at the expense of the Sponsor, including any legal expenses. The Sponsor will advise, consult with, and obtain prior written occurrence of NRCS on any litigation matters in which NRCS could have a financial interest.

22. Must indemnify and hold NRCS harmless to the extent permitted by State law for any costs, damages, claims, liabilities, and judgements arising from past, present, and future acts or omissions of the Sponsor in connection with its acquisition and management of the EWP program pursuant to this agreement. Further, the Sponsor agrees that NRCS will have no responsibility for acts and omissions of the Sponsor, its agents, successors, assigns, employees, contractors, or lessees in connection with the acquisition and management of the EWP program pursuant to this agreement that result in violation of any laws and regulations that are now or that may in the future become applicable.

23. Retain all records dealing with the award and administration of the contract(s) for three years from the date of the Sponsor's submission of the final request for reimbursement or until final audit findings have been resolved, whichever is longer. If any litigation is started before the expiration of the three-year period, records are to the retained until the litigation is resolved or the end of the three-year period, whichever is longer. Make such records available to the Comptroller General of the United States or his or her duly authorized representative and accredited representatives of the Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpts, and transcriptions.

24. Submit Performance Reports and Financial Reports to the NRCS Program/Technical Contact as outlined in the applicable version of the General Terms and Conditions.

    Performance Reports: Semi-Annual
    Financial Reports (form SF-425): Semi Annual

NRCS RESPONSIBILITIES

1. For sites requiring contracted engineering services, assist Sponsor in establishing design parameters. Determine eligible construction costs during the pre-design conference.

2. If applicable, designate a Government Representative to serve as liaison with the Sponsor and identify that person's contact information with this fully signed and executed agreement.

3. For sites requiring contracted engineering services, review, comment, and concur in preliminary and final plans, construction specifications, Operation and Maintenance (O&M) Plan, Plan of Operations (if required), and Quality Assurance Plan (QAP), Quality Control Plan (QCP). For sites designed by NRCS, provide final plans, construction specifications, construction costs estimate, O&M Plan, and QAP/QCP to the Sponsor.

4. Make periodic site visits during the installation of the EWP program project measures to review construction progress, document conformance to engineering plans and specifications, and provide any necessary clarification on the Sponsor's responsibilities.

5. Upon notification of the completion of the EWP program project measures, NRCS shall promptly review the performance of the Sponsor to determine if the requirements of this agreement and fund expenditures as agreed have been met.

6. Make payment to the Sponsor covering the NRCS share of the cost upon receipt and approval of form SF-270 and supporting documentation. In the event there are questions regarding the payment request package, NRCS will contact the Sponsor in a timely manner to resolve concerns.

SPONSOR: Town of Pagosa Springs
PROJECT: EWP – Pagosa Springs 2025 Flooding

SPECIAL PROVISIONS

1. The furnishing of financial, administrative, and/or technical assistance above the original funding amount by NRCS is contingent on there being sufficient unobligated and uncommitted funding in the EWP program that is available for obligation in the year in which the assistance will be provided. NRCS may not make commitments in excess of funds authorized by law or made administratively available. Congress may impose obligational limits on program funding that constrains NRCS's ability to provide such assistance.

2. In the event of default of a construction contract awarded pursuant to this agreement, any additional funds properly allocable as construction costs required to ensure completion of the job are to be provided in the same ration as construction funds are contributed by the parties under the terms of this agreement. Any excess costs including interest resulting from a judgment collected from the defaulting contractor, or his or her surety, will be prorated between the Sponsor and NRCS in the same ratio as construction funds are contributed under the terms of the agreement.

3. Additional funds, including interest properly allocable as construction costs as determined by NRCS, required as a result of decision of the contracting officer or a court judgment in favor of a claimant will be provided in the same ratio as construction funds are contributed under the terms of this agreement. NRCS will not be obligated to contribute funds under any agreement or commitment made by the Sponsor without prior concurrence of NRCS.

4. The NRCS State Conservationist may adjust the estimated cost to NRCS set forth in this agreement for constructing the EWP program measures. Such adjustments may increase or decrease the amount of estimated funds that are related to differences between such estimated cost and the amount of the awarded contract or to changes, differing site conditions, quantity variations, or other actions taken under the provisions of the contract.

5. NRCS, at its sole discretion, may refuse to cost share should the Sponsor, in administering the contract, elect to proceed without obtaining concurrence as outlined in this agreement.

6. Once the project is completed and all requests for reimbursement submitted, any excess funding remaining in the agreement will be de-obligated from the agreement.

EXPECTED ACCOMPLISHMENTS AND DELIVERABLES

1. Prepare design, construction specifications, and drawings in accordance with standard engineering principles that comply with NRCS programmatic requirements. Any design services will be by a professional registered engineer. Sponsor will obtain NRCS review and concurrence on the design, construction plans, and specifications. The Sponsor must

ensure description of work is reviewed, concurred, and approved by NRCS. A copy of the final signed and sealed plans and specifications shall be provided to NRCS.

2. Contract for services and construction in accordance with the Code of Federal Regulations (CFR), 2 CFR § 200.317 through 200.327, applicable State regulations, and the Sponsor's procurement regulations, as appropriate. (See General Terms and Conditions attached to this agreement for a link to the CFR.) In accordance with 2 CFR § 200.327, contracts must contain the applicable provisions described in Appendix II to Part 200. Davis-Bacon Act would not apply under this Federal program legislation.

3. Provide copies of site maps to appropriate Federal and State agencies for environmental review. Sponsor will notify NRCS of environmental clearance, modification of construction plans, or any unresolved concerns as well as copies of all permits, licenses, and other documents required by Federal, State, and local statutes and ordinances prior to solicitation for installation of the EWP program project measures. All modifications to the plans and specifications shall be reviewed and concurred in by NRCS.

4. Prepare and submit for NRCS concurrence an Operation and Maintenance (O&M) Plan, if applicable, prior to commence of work. The O&M Plan shall describe the activities the Sponsor will do to ensure the project performs as designed. Upon completion of the project measures, the Sponsor shall assume responsibility for operation and maintenance.

5. Prior to commencement of work and/or solicitation of bids, submit for NRCS review and concurrence a Quality Assurance Plan (QAP)/Quality Control Plan (QCP). The QAP/QCP shall outline technical and administrative expertise required to ensure the EWP program project measures are installed in accordance with the plans and specifications, identify individuals with the expertise, describe items to be inspected, list equipment required for inspection, outline the frequency and timing of inspection (continuous or periodic), outline inspection procedures, and record keeping requirements. A copy of the final QAP/QCP shall be provided to NRCS prior to commencement of construction.

6. Provide construction inspection in accordance with the QAP/QCP.

7. Arrange for and conduct final inspection of completed project(s) with NRCS to determine whether all work has been performed in accordance with contractual requirements. Provide a Colorado Registered Professional Engineer (PE) certified NRCS-CO-ENG-12 Certification of Conservation Practice Completion form that the project was installed in accordance with the approved plans and specifications. Provide Colorado Registered Professional Engineer (PE) certified as-built drawings which include quantities for the project. A copy of the as-built drawings and CO-ENG-12 will be submitted to the NRCS Program/Technical Contact or GR.

SPONSOR: Town of Pagosa Springs
PROJECT: EWP – Pagosa Springs 2025 Flooding

RESOURCES REQUIRED

See the Responsibilities of the Parties section for required resources, if applicable.

MILESTONES

Milestones shall include, but are not limited to, the following items.

1. Pre-construction design conference within 30 days of signing agreement.
2. Submit to NRCS a schedule with timelines of major items to be completed within 30 days of the pre-design conference.
3. Acquire needed landowner permissions prior to start of construction and provide proof to NRCS.
4. Obtaining permits and provide to NRCS prior to the start of construction.
5. Completing any necessary surveys.
6. Completing draft engineering plans and specifications for NRCS review and concurrence. 30/60/90% designs turned in for review.
7. Completing final engineering plans and specifications for NRCS review and approval.
8. Completing operation and maintenance (O&M) plan for NRCS review and approval.
9. Completing quality assurance plan for NRCS review and approval.
10. Solicit bids and provide to NRCS.
11. Award contract and provide to NRCS.
12. Submit Request for Reimbursement (SF-270) with supporting documentation every 30 days.
13. Submit performance reports: Semi Annually
14. Submit SF425 Financial Reports: Semi-annually
15. Date of estimated completion of construction
16. Complete agreement close-out activities
17. Submit final payment request within 90 days of agreement expiration date.
18. Submit final performance report within 90 days of agreement expiration date.
19. Submit final As Builts within 30 days of agreement expiration date.

OMB Number: 4040-0004
Expiration Date: 11/30/2025

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received: 11/19/2025
4. Applicant Identifier:

5a. Federal Entity Identifier:
5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:
7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Town of Pagosa Springs

* b. Employer/Taxpayer Identification Number (EIN/TIN): 84-6000707
* c. UEI: LT8KFXBNAPD5

d. Address:

* Street1: PO Box 1859
Street2:
* City: Pagosa Springs
County/Parish:
* State: CO: Colorado
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 81147

e. Organizational Unit:

Department Name: Community Development
Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.
* First Name: Kyle
Middle Name:
* Last Name: Rickert
Suffix:

Title: Project Manager

Organizational Affiliation:
Town of Pagosa Springs

* Telephone Number: 970-585-8667
Fax Number:

* Email: krickert@pagosasprings.co.gov

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Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Natural resources conservation Service

11. Catalog of Federal Domestic Assistance Number:

10.923

CFDA Title:

Emergency Watershed Protection program

*** 12. Funding Opportunity Number:**

na

* Title:

na

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Protection of infrastructure from future flooding through streambank protection, debris removal, and other protection measures.

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: 3 | * b. Program/Project: 3

Attach an additional list of Program/Project Congressional Districts if needed.

[ ] Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 12/05/2025 | * b. End Date: 11/15/2026

18. Estimated Funding ($):

* a. Federal	2,781,028.50
* b. Applicant	927,009.50
* c. State	0.00
* d. Local	0.00
* e. Other	470,000.00
* f. Program Income	0.00
* g. TOTAL	4,178,038.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on [ ].

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

[ ] Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. | * First Name: David

Middle Name: J

* Last Name: Harris

Suffix:

* Title: Town Manager

* Telephone Number: 970-585-8451 | Fax Number:

* Email: dharris@pagosasprings.co.gov

* Signature of Authorized Representative: [signature] | * Date Signed: 11/20/25

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ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Town Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
Town of Pagosa Springs	11/20/25

SF-424D (Rev. 7-97) Back

OMB Number: 4040-0013
Expiration Date: 02/28/2025

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

* APPLICANT'S ORGANIZATION

Town of Pagosa Springs

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: Mr. * First Name: David Middle Name: J.

* Last Name: Harris Suffix:

* Title: Town Manager

* SIGNATURE: * DATE: 6/20/25

TOWN OF PAGOSA SPRINGS COLORADO

AGENDA BRIEF

MEETING: Town Council - 02 Dec 2025
FROM: David Harris, Town Manager

PROJECT: Appointments to Committees and Boards

ACTION: Council discussion and action.

PURPOSE/BACKGROUND:
Annually, Town Council will review and appoint new members to various internal and external Committees and Boards. Please find attached a list of recommended appointments and reappointments. Proposed changes are included in the attached document.

ATTACHMENTS:
Committees-Board Appts 2026

RECOMMENDATIONS:
1. Move to appoint members to various internal and external Committees and Boards as presented.
2. Move to appoint members to various internal and external Committees and Boards as presented but with the following changes...

Committee Name	Committee Type*	Committee Area	Meeting Frequency	Current Appointee-Primary	Current Appointee-Alternate	Staff Liaison/ Admin**	Bylaw Requirement?/Notes
Arts Commission	External	County-wide	As needed	**Madeline Bergon**	n/a	Amanda Gadomski	
Board of Adjustments	Internal	Town	As needed	Planning Commission	n/a	James Dickhoff Owen O'Dell Katelyn Tunnell	n/a
Board of Appeals	Internal	Town	As needed	industry members	n/a	Tim Hatch ~~Margaret Gallegos~~	n/a
Colorado Association of Ski Towns (CAST)	External	State	As needed	**Matt DeGuise**	**Madeline Bergon**	David Harris & Jeff Sams	Town Manager also attends meetings; including Housing Task Force
Combined Parks and Rec Advisory Board	Internal	County-wide	Monthly	**Mat deGraaf**	n/a	Darren Lewis	Ord. 906 est.; one town councilmember or appointee
~~Consolidated Emergency Dispatch Board~~	~~External~~	~~County-wide~~	~~Every other month~~	~~David Harris~~	~~Bill Rockensock~~	~~n/a~~	~~Chief and Town Manager specified in bylaws to serve on~~
Geothermal Utility	Internal	Town	As needed	Leonard Martinez Gary Williams		Karl Johnson David Harris	N/A
Historic Preservation Board	Internal	Town	on hiatus	n/a	n/a	~~James Dickhoff~~ Owen O'Dell Katelyn Tunnell	Planning Commission serving as this currently
Housing Committee	Internal	Town	As needed	**Shari Pierce**	**Mat deGraaf**	Jeff Sams David Harris April Hessman James Dickhoff	
Main Street Advisory Board	Internal	Town	Monthly	**Shari Pierce**	Jennifer Green	n/a	
PSSGID-PAWSD Workgroup	External	Town	Monthly	**Leonard Martinez**		Karl Johnson David Harris	
Pagosa Springs Area Tourism Board	External	County-wide	Monthly	**Gary Williams**	n/a	Jennifer Green	Council appointment--does not have to be Councilmember
Planning Commission/Design Review Board	Internal	County-wide	Monthly/ Bi-Weekly	n/a	n/a	James Dickhoff Owen O'Dell Katelyn Tunnell	n/a
PS Community Development Corporation	External	County-wide	Monthly	**Brooks Lindner**	n/a	n/a	Council appointment--does not have to be Councilmember
Region 9* (will combine with SWCCOG)	External, Regional	SW Region	Quarterly	Jennifer Green	David Harris	n/a	Govt reps--elected offical or staff; two seats but only one vote
Southwest CO Transportation Planning Region	External	SW Region	Every other month	David Harris	Karl Johnson	n/a	two seats, but only one vote--does not have to be councilmember
Southwest Opioid Response District	External	SW Region	As needed	Bill Rockensock	n/a	n/a	
Southwest (River) Basin Roundtable	External	SW Region	Quarterly	Renee Lewis (PAWSD)	n/a	David Harris	
Urban Renewal Authority	Internal	Town	As needed	**Town Council and others**	n/a	David Harris & April Hessman	yes--all town councilmembers
Upper San Juan Watershed Environment Partnership (WEP) Board	External	SW Region	Bi-weekly	James Dickhoff	n/a	James Dickhoff	

Revised 12/2/25

AGENDA BRIEF

MEETING: Town Council - 02 Dec 2025
FROM: April Hessman, Town Clerk

PROJECT:	Ordinance 1022, Second Reading, Schedule Time, Date, Location and Place of Posting of Regular Town Council Meetings
ACTION:	Public Hearing, Discussion and Action

PURPOSE/BACKGROUND:
Section 3.1(A) of the Town Charter requires the Town Council to hold regular meetings at least once a month and schedule by ordinance a time, date and place for the regular meetings. Ordinance 1022 sets regular meetings for the first and third Tuesday of each month at 5:00 pm. Special meetings of the Town Council can be called as necessary.

The Colorado Legislature passed HB 19-1087 with the intent that local governments transition from posting physical notices to posting notices on a website to the greatest extent practical. Town staff has successfully moved the public's open meeting information, agenda, and packets, to the meeting website through Civic Plus our website host. This ordinance sets the Town's meeting website to be the designated location where agendas of the Town Council will be posted 24 hours prior to the meeting. Agendas can also be posted at the Town Hall where those without internet can find the meeting information.

ATTACHMENTS:
Ord 1022 Town Council meetings and postings 2026

RECOMMENDATIONS:
1. Move to approve first reading of Ordinance 1022, identifying Town Council regular meeting dates, locations, times, and agenda posting requirements
2. Move to approve first reading of Ordinance 1022, with the following changes...
3. Direct staff

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 1022
(2025 SERIES)

AN ORDINANCE IDENTIFYING TOWN COUNCIL REGULAR MEETING DATES, LOCATIONS, TIMES AND AGENDA POSTING REQUIREMENTS

WHEREAS, in accordance with Section 3.1 of the Pagosa Springs Home Rule Charter, the Town Council is required to establish dates, locations, times and agenda posting requirements; and

WHEREAS, the Colorado Legislature passed House Bill 19-1087 with the intent "…that local governments transition from posting physical notices of public meetings in physical locations to posting notices on a website…to the greatest extent practicable"; and

WHEREAS, the Town Council believes that posting notices on the Town meeting website is an effective means of dissemination and provides more flexibility than the physical location; and

WHEREAS, the Town Council wishes to designate the Town meeting website as the official posting location while continuing to also post at the physical location of Town Hall.

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

1. Meetings Location. Regular meetings of the Town Council of the Town of Pagosa Springs, Archuleta County, Colorado will be held at Town Hall located at 551 Hot Springs Boulevard, Pagosa Springs, Colorado, and whenever possible will be broadcast online via Zoom platform. Remote attendance is at the risk of the attendee as the public meeting will continue in person regardless of the Town's broadcast capability.
2. Regular Meetings. Meetings will be held on the first and third Tuesday of each month at 5:00 p.m., when the Council will conduct regular meeting business for the Town and any other matters of business that may come before the Council.
3. Open to the Public. The meetings are open to the public. The Town does not and cannot guarantee internet service or online broadcasting.
4. Posting of Agendas. The Town of Pagosa Springs meeting website, https://pagosaspringsco.portal.civicclerk.com/ is hereby designated as the place at which notices of regular and special meetings of the Town Council and meetings of the Town's advisory boards and commissions of the Town shall be posted for purposes of the Colorado Open Meetings Law.
5. Exigent/Emergency Postings. In exigent or emergency circumstances that prevents the Town from posting a notice online, the Town Hall will be designated as the place

at which notices of regular and special meetings of the Town Council and meetings of the Town's advisory boards and commissions of the Town shall be posted for purposes of the Colorado Open Meetings Law.

6. Posting Notice. The meeting notice will be posted at the location identified above not less than 24 hours before the commencement of the posted meeting.
7. Effective Date. This Ordinance shall be effective immediately upon its final passage at second reading and shall be recorded in the official records of the Town and kept for that purpose and shall be authenticated by the signatures of the Mayor and Town Clerk. Copies of all of the provisions of the Ordinance shall be available for public inspection in the office of the Town Clerk.

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

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ATTEST: Shari Pierce, Mayor

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April Hessman, Town Clerk

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

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ATTEST: Shari Pierce, Mayor

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April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1022 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of ____________, 2025, and was published by title only, including any penalties for violating 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, 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 elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1022 (Series 2025) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the _____ day of _______________, 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)