

**The Town of Bayfield  
Regular Meeting of The Town Board  
11 West Mill Street, Bayfield Colorado  
May 15, 2007 7 P.M.**

**Town Board Present:** Rick Smith, Russ Jones, Carol Blatnick, Mayor James Harrmann, Tom Au, Niel Hieb, and Daryl Yost.

**Staff Present:** Justin Clifton, Pat Anselmo, Joe Crain, Dirk Nelson, and Ron Saba.

**Planning Commission:** Pamela Smith

**Media Present:** Carole Mc Williams, Pine River Times  
Ted Holteen, Durango Herald.

The meeting was called to order at 7:04 p.m. by Mayor Harrmann.

**Approve of Minutes:** Niel moved to approve, as written, the minutes of May 1, 2007. Rick seconded. The vote was six in favor. Motion carried

**General Public Input:** Input from the audience was invited. None was given. The Mayor closed the public input portion of the meeting.

Rick made a motion to modify the Agenda. He asked that an executive session be held after Agenda Item #9, the purpose of which will be discussion of property. Daryl Yost seconded. The vote was six in favor. Motion carried.

**Agenda Item #1: Approval of Bills:** The Board asked that they would like Justin to ask Jim to hold back on the mileage/ gasoline expenses for his department. Carol moved to approve payment of bills as presented. Rick seconded. Daryl abstained from the vote relating to the bills from his company, as did Tom Au. The vote was six in favor. Motion carried.

**Agenda Item #2: Road Runner Transit:** Peter Tregillus was present and asked the Town Board to renew their intergovernmental agreement. Roadrunner is operating within budget. They hope to get delivery of their new vehicle next month. Schedules have been placed around town.

They will be by to talk to the board next month. They had 316 trips from Bayfield to Durango/ Durango to Bayfield last month.

Daryl made a motion to approve the IGA with Roadrunner Transit. Carol Blatnick seconded. The vote was six in favor, motion carried.

**Agenda Item #3: Sanitation District Update/ Consent Order/ Rescind Resolution #208.**

Justin gave the Board an update on the Sanitation District situation. According to Justin, the State has finally arrived at a consensus in their agreement to lift their moratorium. The Board will need to rescind Resolution 208. The agreement comes with strict compliance criteria. The Sanitation District will need to meet certain milestones. They must pay \$500,000 in improvements and reduce the commercial loading.

Justin said the draft agreement has about 40-50 conditions. The Sanitation District needs to continue making improvements. If they do not meet the milestones, the State will re-institute the moratorium. Justin thinks that compliance with all the conditions will be difficult, but possible. The District did agree to spend 'a lot' of money on the sanitation treatment facility.

Rick asked for reconfirmation on the Statute. He said that if his memory served him correctly, it states that at 80% capacity the planning for a new facility needs to be started, and at 95% capacity, the construction of a new treatment facility needs to be in process. He felt that Justin has done an excellent job, but he wants him to keep pushing for the mechanical plant. Justin replied that the statute is not completely clear. The sewer plant was past capacity when the State issued the cease and desist order, so the statute did not necessarily apply at that time. The State placed additional conditions in the agreement to minimize risk. Russ asked about the design for the treatment facility. Justin replied that they are in process. The town's public work crew will probably be doing the improvements except for the baffle. Justin then mentioned that one year's growth will add about 19 pounds to the treatment facility.

Daryl made the statement that the Town's agreement with the Sanitation District does not include capital projects. The District has to meet compliance regulations from the State, no matter what.

Justin commented that the State has to be expeditious. If they are not, it is highly probable that they would extend the deadlines.

Daryl then asked how the accounting will be handled. Justin is not satisfied with the way the Sewer Board has been handling the accounting. He is going to request a supplemental budget from the Sanitation District. He is also going to research recent financial history. Bayfield and Gem Village records have not been segregated.

The Board would like to phase in doing the legal work and accounting process as soon as possible.

Justin asked for a motion to rescind Resolution 208. Rick Smith moved to rescind Resolution 208. Carol Blatnick seconded. The Mayor questioned if the cost of sewer taps has been increased. Justin replied 'yes, they now cost \$6000', explaining that this increase in cost of sewer taps is an interim measure. Cost of future sewer taps will be based on debt service. The user fee increased from \$20 to \$30 based on incurred expenses. Justin informed the Board that, when a supplemental budget is done for the Sanitation District, he will include the analysis for cash requirements for debt service for the new facility. Justin said the old data (sampling) was not accurate. The current sampling reports are. There is no design data as yet. Construction is supposed to begin late fall. Justin explained that ERTs are sometimes based on seating, square footage, etc. Carol called the question. The vote was six in favor, motion passed.

Justin sent out a compliance order for identified contributors.

#### **Agenda #4: Special Events Permit- Chamber of Commerce:**

Justin addressed the Board, saying that the determination needs to be made on what they (the board) think is appropriate concerning permission of a beer garden on Town property this year. In the past, the Town did not allow liquor to be served on Town property during the Fourth of July festivities. Justin wanted confirmation from them. If they decide to allow a beer garden, Justin said 'we need to agree to their plan concerning security, control, fencing, guarded entrance, etc.'

The Town Board functions as the Bayfield Liquor Authority. Joan Hanna is the committee chair for the Fourth of July event this year and was present to speak on behalf of the Chamber of Commerce. Rick Smith said that, from his personal standpoint, give it to staff for the final decision. He does think it is a good use of public property.

The Board needs to set this for a public hearing. Dirk, the decision to grant the permit will be determined at the hearing. The board needs to make the determination if they want to let the Chamber of Commerce use the property to serve liquor. Neil said he does not think it is a good use of public property.

Rick moved to set a public hearing for June 19 to consider granting a special event permit for the Chamber of Commerce for the Fourth of July and Heritage Day. Daryl seconded. The vote was six in favor. Motion carried.

#### **Agenda #5: Discussion/Consideration: Concrete Water Tank:**

Regarding construction of a new concrete water tank, Justin went over the cost estimates. He said the calculations on adjusted cost options reveal that from \$600,000 to \$730,000 would be necessary to complete a concrete tank. He has been told by the engineer, 'you can build a smaller tank, but it may not be cost feasible (based on possible savings on the concrete and piping)'. Justin spoke with Ken Charles, who told him that *maybe* a supplemental grant is possible. The supplemental grant *perhaps* would split the difference. Justin emphasized 'we would really be stretching the water capital fund to do this'. He is afraid to move forward with this tank because of the financial constraints. He has been working with the fire department regarding fire flow requirements. The steel tank would cost \$200,000 less than the concrete tank. Justin said the Town does not collect enough money to build this tank outright. The cost of the current (new) tank ran a little under \$700,000. Daryl was adamant that the developers need to come up with the money to pay for the additional tanks.

A lengthy discussion on cash flow, revenues, and ways to finance a new tank ensued. Justin said he will be nervous moving forward with plans for a concrete tank, but he will move ahead if so directed by the board.

Rick is in favor of a glass lined tank. Ron wants at least a 250,000 gallon tank. He explained that, although it will be large in diameter, it will only be ten foot high. The pad itself will be cut into the cedar trees, making the tank *almost* invisible. Rick Smith moved to instruct staff to proceed with design and funding and building a 250,000 gallon glass lined steel tank to be the upper tank on the Jack Roe property. Carol seconded. During discussion, Ron mentioned that Homeland Security mandates security fence around the tank. The vote was five in favor, with Daryl casting the opposition vote. Motion carried.

#### **Agenda #6: Sunrise Estates Update:**

Justin let the Board know that the town has received an update from Souder Miller. Brent Adams was invited to tonight's meeting to review his analysis. They looked at the drainage on the eastern perimeter. They did a re-analysis on the drainage swale that had originally been done by Russell Engineer and the revisions of drainage analyses. It was revised because it appeared there was no calculation to provide for drainage flow. The original was 40 cfs, the revised was 18 cfs. He thinks 18 cfs is sufficient. They looked at the drainage swale as finally constructed. They checked the calculated capacity (from the top of the swale) on what the flow would be. They recommend a 6" free board. Brent explained that this is extra space, where the dirt berm sticks up above where the water level would max out, i.e., if the ditch is 18 inches deep, the six inches would be over and above the 18". This keeps the water level below the top, it is basically a safety measure. They recommended the 6" free board. Brent said that the flow is relatively uniform, there are no big changes in grades that would necessitate any change in their numbers. The ditch as it deepens accommodates more flow because the width is increased. They feel it will convey 40 cfs at the current design. To reiterate, the 18" depth plus the 6 inch free board would equate to the same as a 40 cfs. However, the ditch is not compacted which has resulted in water leaking through it. There are six sections that do not have the required free board. Russell Engineering did say that they would re-design the ditch in order to fix the problems. Justin is concerned because the ditch is not compacted. He said that, regardless of the flow requirement, it needs to be redone, and compacted. It needs to accommodate numbers close to 40 cfs. Neil asked why they are not considering piping the ditch. Justin replied 'because of cost'. And, if they can build the ditch that meets specifications, the Town cannot force piping. Justin does not think they can build the ditch to size. The ditch as designed, if built correctly, would work. The Town needs to require that they build the ditch according to the specifications. They did not define compaction. The Town will respond to any formal request. The town is currently dealing with the bonding currently. This report is what the Town needed as leverage to encourage the bonding company to co-operate. Dirk said that he will bring this issue up again in June. According to Dirk, the easement gives the ditch company the authority to use the easement as they see fit. Brent identified the detention pond and the drainage swale. The water enters the pond at the same place that it discharges. There is a lot of sediment accumulating at this point. He recommends that the location of the outlet pipe be relocated at some other point than the input point. It was a design issue. Concerning the outlet pipe, it turns straight down. It needs to be corrected. He recommends some mechanism to *slowly* release water over a 24 hour period, (another design issue). His greatest concern is that there is no emergency outflow for the pond. The only outlet is the 12 inch pipe. There is no secondary outlet. This needs to be addressed, because if the outlet pipe gets plugged, there is no way for water to escape. They recommend some addition riprap where water enters the pond. The water running down the slope will erode the ground and eventually cause more concern. In the case of a hundred year storm, the inlets are not of sufficient capacity to accommodate the inflow. On Kremer, the swale was never constructed. The periodic maintenance needs to occur. There are weeds overgrown, the sediment needs to be removed, and an access needs to be maintained for future use. It is the responsibility of the developer until approved, and then the responsibility inures to individual lots owners

thereafter. Justin said the swales are not adequate. Ron countered that the homebuilders changed the swales. Justin emphasized ‘the drainage needs to be redone, period’. This letter has been sent to the bond company. There were questions on the steepness of the swales. Cindy Smart had questions on the capacity of the drains constructed.

Concerning the irrigation system, Brent Adams said his report is in the packet. His report is somewhat inconclusive because of a lack of data concerning the original specs. The pipe is submerged. He thinks it would accommodate 60 to 90 gpm. The pipes run from the ditch to the cisterns. It appears that the supply will be reasonable. He explained the cistern configuration, saying that there is a 4 inch line going from the first cistern to the second cistern. The first tank was installed to trap sediment, it would be allowed to settle, and then send the water to the second tank. The pump is rated at 30 gpm. It appears that the pipe installed is a 3 inch pipe. The end result is that the pump is not adequate to service irrigation for more than 1 to 3 lots simultaneously. The water rights do not exceed 90 gpm. If the pipe was installed correctly and is in good condition, it would be able to service 6 lots simultaneously. One issue is ‘could the water flow into the cistern fast enough to provide water for all lots’.

The plans do not show the schematic design. There is no control over who is going to turn on water at the same time. Excess use would blow the breaker on the pump. There is a crack in an elbow going into the cistern. If the developer is correct in stating that the pipe was not winterized, that is one thing. If the pipes were not installed corrected, there would be breaks everywhere. There are reports by some residents that the system worked adequately in the past. However, the reports are not consistent.

Developers said they turned it over to the Homeowners Association and it was not winterized. The town cannot prove if the pipe was substandard, or if it was installed incorrectly. Cindy Smart said it was winterized by a professional, they have the receipt. The developer said they instructed the HOA to winterize, the HOA said the developers agreed to winterize.

Justin asked ‘can the irrigation system serve three homes or only one?’

Justin remarked that the developer should pay the extra tap fee if the subdivision cannot use secondary water for irrigation.

Rick Smith asked staff to construct communiqué to the HOA, requesting they formally meet and decide just what they want the board to do.

Ron was asked how they water the common areas. Ron explained that they have an extra tap, and they pay for the water.

Justin explained that the amount of money the developer offered to pay would be adequate to plant smaller trees around the well site. The trees that were put in did not survive. The developer’s attorney has responded.

A short break was called at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

#### **Agenda # 7: La Plata County Update on Planning IGA:**

Joe Crain reviewed the IGA with the Board. It is an agreement with the County stating the Town of Bayfield’s intent to cooperate with the county on land use issues, planning, and growth. He discussed Tier one, Tier two and Tier three. It is of concern because the town standards would have to be applied to those areas. The Board of County Commissioners is trying to control urban sprawl, by guarding growth in these outlying

areas. They will approve private water companies if someone wants to development and the Town cannot supply the development with water. The town would be ok if the developer pays for all infrastructure, installation, water lines, tanks, etc. Joe asked that, 'as you have your dinner with the commissioners next week, please convey the town's concern about the county allowing growth that the town could not supply water to'.

Joe wants to be sure that the growth that occurs fits in with the towns comp plan. The town needs the cooperation of the county during the development on the outskirts of Bayfield. But, *the developers need to pay for water*, and comply with land use specifications as determined by the Town. The county did make the conditions that should be implemented at the Elston subdivision.

**Agenda #8: New/Unfinished Business:**

The joint meeting/casual discussion/dinner with the County Commissioners is scheduled for Tequilas next Wednesday May 23. The Board will need to come up with criteria for choosing a general contractor for the new town hall. Justin will ask Marty and Dennis to come up with a list of questions. The workshop to discuss general manager will start at 4 p.m. at Town Hall. The dinner is to start at 6:30 p.m.

Justin asked if the Board is willing to cancel the first meeting in June. Joe said it would be ok with him as far as planning is concerned. The Board gave nodding heads for canceling the Board meeting scheduled for June 5, 2007.

The Board then asked if Justin could try to limit his updates to written documents that go into the packet. Hopefully this will shorten future meetings.

Rick Smith suggested that the Board enforce segregating the 'public input' portion of the meeting and not allow public comment during Board discussion.

Justin will try to put updates in routine written format in the future.

Carol Blatnick asked about the progress of getting a grocery store. Justin replied there has been no progress. Nothing can happen until the Sanitation issues are solved.

He also said there is no further news on S & S Chemical.

**Agenda # 9: Municipal Court Judge:** Rick Smith moved to go into executive session, citing C.R.S. Section 24-6-402-(4) (b) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions. Russ Jones seconded. The vote was six in favor, motion carried.

Daryl moved to make a counter offer on property. Carol seconded. The vote was 5 to 1. Niel voted in opposition.

Rick moved to go into executive session, citing C.R.S. Section 24-6-402 (2) (f) for managers evaluation. Tom seconded. The vote was 6 in favor. Motion carried.

Executive session was dismissed.

Rick made motion to adjourn.

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Approved

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