

**Town of Bayfield
Regular Town Board Meeting
11 West Mill Street Bayfield, CO 81122
February 6, 2008**

Special Meeting:

A special meeting of the Town Board was held @ 6:00 p.m. to discuss the preliminary engineering report for the Gem Village sewer plant.

Regular Meeting:

Town Board Members Present: Mayor James Harrmann, Niel Hieb, Daryl Yost, Tom Au, Carol Blatnick, & Russ Jones

Town Board Members Absent: Rick Smith

Staff Present: Justin Clifton (Town Manager), Joe Crain (Town Planner), Jack McGroder (Management Intern), Marianne Jones (Deputy Town Clerk), Jim Harrington (Town Marshal), Dirk Nelson (Town Attorney), & Marty Zwisler (Project Manager)

Media Present: Karen Boush - Durango Herald

The meeting was called to order @ 7:30 p.m.

Minutes: There were three corrections to the minutes. Carol Blatnick moved to approve the minutes as amended. Tom Au seconded the motion. All were in favor, motion passed unanimously.

Public Input: Pamela Smith (65 East North Street) thanked the Town of Bayfield & Jim Harrington for helping out with the Martin Luther King parade. She also thanked the Town for doing a good job with all of the snow removal.

Bill Miller (1351 Cactus Drive) stated that he has lived in the Town for 20 years and has never seen the streets as bad as they are right now. The streets are extremely narrow & they haven't been plowed properly. He is concerned that the Town has had to spend a lot of money on this snow removal, a lot of equipment has been damaged, and the streets are still not being plowed correctly or to good enough standards. He explained that it started snowing at 4:00 a.m. and he did not see a snow plow until 2:00 p.m. When the plow truck did go by, it plowed his driveway and his neighbors' driveways in. He also expressed concern that the trucks were not out clearing street until after the Super Bowl.

Justin answered that he was checking in with the Public Works crew throughout that entire day. They were out clearing the streets as early as 11:00 a.m. They did take break because they were putting in close to 30 hours in a 48 hour period. If a snow storm lasts for 3 full days, the snow plow drivers cannot plow for 3 days straight. The time frames for plowing have to be staggered. Justin explained that he has met with several Town Managers in the area and all the residents in each of those communities have complaints regarding the snow plowing being done in their areas. However, this is not a typical snow year and he asked for patience. He agreed that driveways have been plowed in but unfortunately that is one of the things that happen when there is this much snow on the ground. The public works crew is working around the clock (including throughout the night) to clear out the snow and get the roads as good as possible. Justin said that he is not saying that they couldn't do better but everyone in the area is having these problems and is getting the same criticism. The snow cannot be pushed back with the equipment that the Town has so they are looking to rent some heavier machinery. However, right now it's very difficult to find this type of equipment because it's just not available. Justin said that he realizes that the streets need to be wider and they are putting in a lot of hours to get it done.

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Russ Jones stated that he rode in the snow plow truck from 8:00 p.m. to 1:00 a.m. on Saturday night. He said that the Town really needs to look at revamping their snow route policies to help keep cars off the streets. It's very difficult to widen the streets when cars are in the way.

Justin said that the Town definitely needs to get the roads more clear but there are a lot of other problems that need to be addressed also. He said that the Town's first priority is to get them all passable and then they'll deal with widening and additional clearing once that is taken care of. He stated that he read a statistic that this area hasn't had this much accumulation in a 6 week period since the year 1915.

It was asked if the Town is going to do more sanding on the roads.

Justin answered that the Town has been getting sand from CDOT but they are no longer able to do this. The Town is looking into other avenues for getting sand.

Russ suggested discussing this item in New/Unfinished Business since there are a lot of items to be addressed regarding snow/removal

Pamela stated that Durango is in much worse shape than Bayfield.

David Black (606 Buck Highway) stated that patience is important during this sort of situation. He has had to shovel his own driveway from top to bottom 5 times. He said that he thinks the Town has really been trying to make things right for the residents. He complimented Joe Stewart with the Public Works department for doing a very good job. He said that this much snow is a tough thing for everybody and the Public Works crew is doing the best they can with the equipment they have.

The Mayor expressed that the Town has three or four miles of new roads that have to be taken care of due to all the new growth and all of these new developments make it even more difficult to maintain.

Public Input was then closed.

Justin explained that Commissioner Kellie Hotter was supposed to be in attendance of this meeting but was unable to make it. The County is voting on an Intergovernmental Agreement and she felt that she needed to be there for that vote. She is going to try to attend the next meeting.

Action Agenda Item #1: Approval of the Bills

Daryl asked if Coolwater Construction is still in business. He thinks that this company has been listed as in "default" for quite some time. He does not want to pay a company that is not in good standing with the State of Colorado.

Justin said that he will make sure that is researched.

Daryl also commented that the Source Gas bill at the Joint Maintenance Facility is extremely high. He requested that Justin look into getting thermostats for that building.

Carol Blatnick moved to approve the bills as presented. Russ Jones seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Daryl asked about the Expense Approval Form that was included in the packet.

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Justin informed him that this was something that had been discussed by the Board and Justin wanted them to know that he had followed through and gotten it completed. He has also given this form to all the department heads.

Russ suggested doing some sort of recognition for Lewis Mercantile & First National Bank for the money that they donated towards the senior center.

Justin explained what is being done to commemorate them. There is a whole donor recognition program that includes plaques, ads in the newspaper, etc.

Carol requested a presentation on the Senior Center at the next Board meeting.

Justin said that he would do that.

Tom clarified to the representative from the Durango Herald (Karen Boush) that the Town has not been fined \$150,000.00.

Karen explained that the headline was wrong but that the article detail actually did give the correct detail on the fines.

Tom brought up the sewer problem on Juniper. He requested that this item not be forgotten once all of the snow is removed.

Justin said that this problem is still on the radar screen and will be addressed as soon as possible.

Tom asked for an update on Sunrise Estates.

Justin apologized that this update was not included in the packet. He explained that there are some disagreements between the Home Owner's Association (HOA) and the developer's attorneys. However, Justin thinks that these issues have finally been resolved. Unfortunately, due to the weather nothing can be done on this project right now. The main issues that will be addressed will be the pond on the southeast of the property, the irrigation ditch, & the drainage swale. Right now, the Town is trying to work out an agreement that is agreeable to everyone that is involved.

Daryl asked about the winter condition fees for the Town Hall. He was concerned that they were at 100%.

Marty Zwislner explained that FCI has made excellent progress on the Town Hall even with the extreme weather conditions. Marty stated that they over-budgeted on the dirt work for the site so they feel that they will not have to use any contingency money even though they have exhausted the winter conditions fund. He said that he is confident that the overall budget is in very good shape even with the overages in the winter condition fees. The steel erection process continued even with all the snow.

Action Agenda Item #3: Executive Session {C.R.S. Sec. 24-6-402(4) (d)}
Jim Harrington with Bayfield Marshals

Daryl moved to go into executive session for discussion of specialized details of security arrangements or investigations under C.R.S. Sec. 24-6-402(4) (d). Carol seconded the motion.

Justin requested that he, Jim Harrington, & Dirk Nelson be included in the session.

Daryl so moved. Carol seconded the motion.

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All were in favor, motion passed unanimously.

The meeting was called back into session after the executive meeting.

Action Agenda Item # 4: Eli Max (David Black) Easement Agreement

Justin explained that he gave an updated agreement to David Black.

David responded that he and Justin worked out a few minor details on the agreement. He stated that he is willing to come in and sign it tomorrow morning if the Board approves it.

Carol requested detail on exactly what was changed in the agreement.

The following changes were made to the original agreement (that was included in the Board packet).

Item # 5 was deleted.

Item # 9, sub-section a was changed to read as follows:

- a. The Town will provide the Owner with a two year guarantee of the compaction, workmanship and materials installed to repair the Owner's asphalt driveway where the new water line was installed the warranty shall run from the original date of completion and *acceptance from the Town.*

Item # 9, sub-section b was changed to read as follows:

- b. The Town will provide weed mitigation the area disturbed by the installation of the new water line through the 2008 growing season by spraying or by other reasonable means to help establish the grass planted in that area. *All herbicide shall be approved by the owner prior to application.*

Item # 9, sub-section c was changed to read as follows:

- c. The pre-existing Pressure Reducing Valve and vault on the old water line shall be completely removed by the Town and all old piping into that valve shall be sealed with concrete no later than June 30, 2008 in an attempt to keep any water from seeping onto the Property from the old lines. All disturbed areas shall be finished with good top soil and re-seeded. *Soil used for fill shall be free of rocks and be properly compacted.*

Item #9, sub-section d was changed to read as follows:

- d. The Town will mitigate the disturbed areas with exposed Concrete Asbestos Piping (CAP) by removing the CAP shards no later than June 30, 2008, and those areas shall be finished with good topsoil and reseeded. *Soil used for fill shall be free of rocks and be properly compacted.*

Justin explained that these minor changes added further definition so there is no argument later on.

Russ moved to except the Agreement For Dedication Of Easement between the Town of Bayfield & Eli-Max, LLC.

Tom seconded the motion.

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All were in favor, motion passed unanimously.

**Action Agenda Item #5: Extension of Vested Rights
Bay Heights Re-Subdivision Of Lot 119 - Eli-Max, LLC (David Black)**

Joe gave his staff report. He explained that the Town Board extended the vested rights for the Bay Heights Re-subdivision until Wednesday, February 6th, 2008 @ 12:00 a.m. In order for the subdivision's vested rights to continue, the Town Board must act this evening to extend them. He stated that if the Town Board desires to extend these vested rights, the staff would recommend a 6 month/180 day extension (expiration date would be August 6th, 2008).

Russ so moved. Tom seconded the motion.

David Black asked the Board if it would be possible to get a 2 year plat extension.

Dirk Nelson explained that this item isn't actually vested rights; it's an extension of the Final Plat approval.

Joe suggested that it would not be a good idea to change the criteria outline in the Bayfield Land Use Code.

Russ amended his motion to add that the approval would be contingent upon the signing of the Easement Dedication & the Agreement For Dedication Of Easement. Tom seconded the amendment.

All were in favor, motion passed unanimously.

Action Agenda Item #6: East Side Developments

Joe gave his staff report. He explained that the Town envisions a new intersection at the Highway 160/Highway 160B intersection (by the Shell Station). This intersection will connect the north & south residential & commercial areas. This intersection will also allow access for the properties located north of Highway 160.

He explained that the Town has been attempting to establish Right of Way/Easements for the north Arterial Road that will feed the intersection from the north. An easement on the Bynum property has been obtained and Scott Fleming has indicated that he is willing to place an easement in escrow. It has been indicated that other property owners are willing to do the same.

The landowners in this area have approached the Town to request being allowed to come up with a Master Plan for this area. Staff has indicated that they are willing to study the landowners conceptual Master Plan.

The landowners have been discussing land use, density, & regional approaches to circulation, water, sewer, drainage and park facilities. They are now ready to bring in preliminary land uses and densities. Within a couple of months, staff hopes to present the Master Plan for discussion and processes to incorporate it into the Bayfield Comprehensive Plan.

CDOT has indicated that the Town must request the access permit. Staff feels that it is an appropriate time for the Town to file that request with CDOT. This process will require a traffic study to be done.

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Joe asked for the Board approval to approach CDOT to file for an access permit at the future Shell station intersection at Highway 160B.

Daryl asked who will pay for the traffic study.

Joe answered that the landowners will have to pay for it.

Joe informed the Board that he got a telephone call from Chrissy Moiseive. She wanted to make sure that the Board knows that she and her husband do not want to be a part of the development. They only want to build one house on their property. They are not interested in being included in the land use at this point.

Carol moved to direct Town staff to approach CDOT to file for an access permit at the future Shell station intersection. Russ seconded the motion.

Pamela Smith mentioned that this intersection could cause the closing of the Commerce Drive access onto Highway 160.

Justin responded that he thinks this new intersection would actually diminish the bottleneck on Commerce Drive. It's more likely that it would be closed sooner if the intersection is not constructed. The pressure needs to be taken off Commerce to keep it open.

All were in favor, motion passed unanimously.

Action Agenda Item # 7: Joint Facility Intergovernmental Developments

Justin explained that the Town does not have a signed copy of the Third Amendment to the Intergovernmental Between The Town of Bayfield & La Plata County for the Joint Maintenance Facility. Justin said that these documents have been scrutinized by Dirk. The Town needs to get the signatures and get it recorded.

Niel moved to accept the Third Amendment to the Intergovernmental Agreement Between the Town of Bayfield & La Plata County including the Quit Claim Deeds. Carol seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #8: Oil & Gas Regulations

Justin gave his staff report. He explained that there is a need to write & adopt some oil & gas regulations. He requested approval from the Board to schedule a public meeting work shop. The Town would invite all stakeholders, including landowners, industry representatives & environmental advocacy groups to hear their concerns. This will allow the Board to hear what is liked and disliked about neighboring government's regulations and decide what would be the best regulations for Bayfield to adopt. The Town would then need to post the draft regulations for a period of time to allow for the collection of additional comments. Finally, a public hearing would be scheduled to adopt the regulations. He asked the Board for their approval to use staff time to schedule these work shops & public hearings.

The Board gave their approval for the staff to move forward on this item.

Action Agenda Item # 9: Homestead Annexation Letter

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Joe gave his staff report. He explained that the Developer of Homestead Trails Subdivision has engaged a Denver legal firm to investigate and determine the status of the policy adopted by the Transportation Commission. This firm has indicated the policy is just a policy. It is not law. Informal meetings with the CO AG's office indicate that the date placed into the policy has expired and that CDOT would probably remain neutral.

It is necessary to have a letter of support from the Town as well as La Plata County to allow this process to be initiated at the state level with CDOT. The County will be approached to write a similar letter. The Town & County will also need to formally adopt a Resolution indicating that the Town wishes to use this type of annexation.

Jack McCarthy with Homestead Subdivision was then given the floor.

Jack stated that he has been working with lawyers in Denver to move this annexation process along. He's been trying to get this parcel annexed into the Town of Bayfield for the past two years but has continually been road blocked by CDOT. He is hoping that this letter of support from both the Town & the County will help move their annexation request forward. He is going to take both letters to the chairman of CDOT and is hopeful that there won't be any opposition from CDOT on this item.

Action Agenda Item #10: Public Hearing - Resolution # 216 For Flagpole Annexation

Mayor James Harrmann opened the public hearing for Resolution #216 for flagpole annexation.

No public input was given.

Niel moved to approve Resolution #216 supporting the consideration by the Town of Bayfield of an annexation proposal for the Homestead Trails Subdivision, including such portion of U.S. Highway 160 as may be necessary to establish contiguity. Daryl seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #11: New/Unfinished Business

Russ asked the staff to publicly thank Wal-mart for their donation of Christmas decorations.

Daryl mentioned that it might be wise to wait on a few of the capital projects that are listed in the budget due to over expenditures that are occurring due to snow removal.

Justin responded that he is watching the capital projects very closely. The vehicle for the marshal's office is the only expenditure that will happen right away.

It was asked if the Town could get federal funding due to the emergency snow removal.

Justin explained that the Town has not expended their TABOR reserves yet. Therefore, those are still available if this weather continues. In order to get federal funds, the TABOR reserve would have to be depleted and a state of emergency would have to be declared. The Town is not in the position yet where they need to do either one of those items.

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Justin also mentioned that the ordinance pertaining to snow removal will need to be revamped. Currently, the snow route can only be declared by the Public Works Director between 3:00 a.m. & 7:00 a.m. in the downtown area. The ordinance needs to be redrafted with more flexibility and more definitions on policy & procedure for snow removal.

Justin and Dirk are going to come up with a draft ordinance and bring it to the Board for approval. The ordinance will give specifics on towing vehicles, snow routes, etc. The more detailed ordinance will give the Town more capability for enforcement. Justin also suggested putting in a clause that would indemnify the Town (in case of property damage to mail boxes, trash cans, etc).

Carol Blatnick suggested that the biggest problem is the lack of communication with the residents. She thinks that the Town needs to get all pertinent information out so the residents know the protocol and possibly look into signage.

It was mentioned that the fire hydrants need to be dug out of the snow.

Justin said that will be next on the list once all the streets are in better shape.

Russ asked about the Request for Proposal for a new magistrate.

Justin answered that he hasn't put it together yet.

Carol asked that Ryan Orendorff, the new employee in Parks & Recreation be brought in for the Board to meet. She also suggested that it would be nice for all new employees to be brought in for introductions.

Niel reiterated that he wants the staff to make sure that Coolwater Construction is in good standing with the State of Colorado. He doesn't think the Town should do business with those companies that are not in good standing.

Niel also suggested that the Town should look into putting security cameras in the police vehicles. He thinks that these types of cameras have made a big difference in law enforcement and he would like to see the Town consider adding this into the 2009 budget.

Dirk stated that these cameras also cut down on liability claims.

**Action Agenda Item # 12: Executive Session {C.R.S. Sec. 24-6-402(4) (a)}
Property Acquisition**

Russ Jones made a motion to go into Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R. S. Section 24-6-402(4)(a). He also requested to include Dirk & Justin in the meeting. Tom seconded the motion.

All were in favor. Motion passed unanimously.

The meeting was reconvened.

There was a motion to adjourn @ 9:40 p.m.

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Approved:

James Harrmann
Mayor

Marianne Jones
Deputy Town Clerk