

**TOWN OF BAYFIELD
REGULAR BOARD MEETING
11 WEST MILL STREET
BAYFIELD, COLORADO
JULY 1, 2008**

Town Board Present: Russ Jones, Justin Talbot, Debbi Renfro, Tom Au, Mayor Pro Tem, and Dan Ford

Staff Present: Justin Clifton, Town Manager, Joe Crain, Planner, Pat Anselmo, Clerk, Dirk Nelson, Town Attorney, Jack McGroder, Management Intern.

Planning Commission: Not represented.

Media: Carole McWilliams, Pine River Times
Karen Bosche, Durango Herald

Mayor ProTem Tom Au called the meeting to order at 7:15 P.M.
(concerned citizens met at 5 P.M. to discuss the new sanitation facility, they were not quite ready to stop their discussions).

General Public Comment: Some residents that oppose the proposed access to the new sewer plant were in the audience. Kathy Rhodes 798 S. East Street, Bayfield, spoke concerning the notification to the public regarding this project. She would like to see notifications extended. She said she felt the notification was not sufficient. David Black turned in his letter regarding the work that was to be done on his property to remove the asbestos shards. He said the Town has not done the work they promised. Kathy spoke again, asking that the Town make an effort to keep the dust down as the road is constructed. She said the Town should work harder with the School District to make different arrangements for the road placement. She would prefer that the Town place the access on Schiller Street instead of S. East Street. She then said she felt the County did not notify the residents in a timely fashion, saying they did not have enough time to prepare their arguments against using S. East Street for the access to the new waste water treatment facility. She also felt that if the Town would have worked more diligently with the School, they could have found a more workable solution. Dale Valencia, 810 E. East Court spoke concerning the same issues. He said they were aware of what was transpiring, and that he is not really opposed. He just thinks the Town should find a different street for the access. He also said Schiller would be a better route. Donna Horn, 290 E. Drive, 282 E. Drive, said she agrees with what has been expressed by her neighbors. Gabe Candelaria, 795 E. East, said the community should thank the Town for putting in a new seven million dollar sewer treatment facility. He said the growth of the Town depends upon the waste water treatment facility being constructed. He said 'I am in the construction business. My friends in the construction business are almost out of work. They are feeling the repercussions of the State's moratorium on building pending the work on the treatment facility'.

David Black, 308 E. E. Drive (which is the closest property to the sewer plant) said putting the road through the wetlands is bad. There has to be a better alternative. He said the town is 'stepping on the neatest place in Town'.

(It should be noted that Mr. Black no longer lives at 308 E. East Drive)

Approval of Minutes: Justin Talbot moved to approve the minutes of June 17, 2008 as written. Debbi Renfro seconded. The vote was five in favor. Motion carried.

Action Agenda Item #1: Approval of Bills: Justin Talbot inquired about the \$112,000 for removal of contaminated soils at the Senior Center site. Justin C. said this was the final bill for hauling away contaminated materials.

The invoices for the water hydrants appeared twice because the hydrants that were received were the wrong ones. Ron had to send them back and get the correct ones. Russ moved to approve payment of bills as presented for June 27, to be paid July 1. Justin T. seconded. The vote was five in favor, with Tom Au abstaining from the vote pertaining to invoices due to his company.

Action Agenda Item #2: Town Updates:

Justin explained that the current town hall building suffered a direct hit by lightning. There are several invoices that are related to replacement of equipment. The damage was significant, it is a miracle that no one was hurt.

Concerning Sanitation treatment: there is still a continuation of problems due to increased flows (this is for the Gem Village area). The Bayfield plant has been doing ok. He and Ron are speculating on causes and sources of the problems. He said 'Something is eating the chlorination'.

Regarding Sunrise: he is involved in communications with the owners and the HOA to discuss amenable solutions based on information received from the engineer.

Regarding Cinnamon Heights: the Town called the letter of credit. The work is ongoing. The sidewalks have been repaired; work has been done on the valve box and the irrigation pond. The developer has sold the property.

Justin wants to make sure the new developer is aware of the problems, including all issues that are unresolved.

Regarding Wells Fargo: (refinancing) Justin spoke to Jim Lanier. He has not heard back.

Action Agenda #3: Public Hearing- Hongs Garden Liquor License Application:

Tom opened the meeting for public comment. None was received. He asked Yan if she had any comments. She said they were excited about having this business in Bayfield.

Consideration: Russ moved to approve the application for a Beer and Wine Liquor License for Hongs Garden, at 480 Wolverine, Bayfield, Colorado. Dan Ford seconded. The vote was five in favor, motion carried.

Action Agenda Item #4: Temporary Liquor License – Mill Street Brews and Pies:

Justin Talbot moved to approve a temporary liquor license for Mill Street Brews and Pies (previously known as Mill Street Brews) 25 W. Mill Street, pending their license application for change of ownership, to be in effect for ninety days. Dan Ford seconded.

During discussion, it was stressed that this temporary license was only in effect for ninety (90) days. The vote was five in favor, motion carried.

Action Agenda Item #5: New/ Unfinished Business:

Approve Tequilas Request for Change of Location:

Tequilas is in the process of moving from 118 E. Mill Street, Bayfield, to 14 & 16 W. Mill Street, Bayfield. They originally intended to move July 1, 2008, but ran into some snags in the construction process. They are requesting that the date of transfer of location be moved to August 1, 2008. Dan moved to approve Tequilas request to stay at the present location for another month. Russ seconded. The vote was five in favor, motion carried.

Dan Ford had some questions about the access being proposed for the new sewer treatment facility.

Justin said 'the access will not be a detriment to the residents in close proximity; we will only go there once a day. It generates less traffic than residents do. Schiller has school traffic, a heavy load. The School District was adamant that we put the access where it is planned. The current plan is the plan with least impact. There is not even a close alternative. They said they were not notified. We went through the process, notifying everyone (that lives) within 200 feet. The County interpreted this to mean every resident within 200 feet from the perimeter. It (notice) did not come late in the game; it has been on several agendas. We did the required notices, in timely fashion. The decision was made in a judicious manner.' They had ninety days of notification, according to Joe Crain, through the County. Russ stated 'their argument is based on paranoia; it will not be a freeway! It is an eighteen foot (wide) gravel road. They hinted at collusion, we have negotiated with the new owner. Negotiation, yes, collusion, no!'

Justin remarked, 'this is a classic case of 'Nimbyism'. Dirk said 'the property owners were concerned about traffic. The Town specified that this easement will not be dedicated as a road. The developer would access any developed property from Schiller Street. Choosing the access was an extremely exhaustive process. We did not come to this decision perfunctorily. The chosen path was the shortest path.

In addition, the existing right of way is due to expire. The owner has made it clear that he is not interested in renewing it', (speaking of the right of way for the existing access road to the sewer plant).

Debbi asked about Goff's report. Justin replied that the developer rejected what the Town suggested. The Town suggested the 40 cfs. The developer opted for 18 cfs. This information is in the original drainage report.

The Goff report addressed stabilization, erosion, capacity.

Debbie is concerned about the detention pond. The outlet should be 9 inches above the bottom of pond. She wanted to know what the volume is up to the 9 inches. Justin said Bruce can answer her questions.

Some of the problems may not have occurred because of any fault of the developer. The developer had planned a swale, the homebuilder may have changed it.

Tom asked if branches lying along Town streets are the owners responsibility, or the Towns. Justin replied, branches are the property owner's responsibility.

Gabe said it is a negligence thing. The property owners have not taken care of them every year.

Justin reported that he has submitted a supplemental grant application for \$126,000. (for water storage and line replacement). He asked for a motion to approve his action. Dan made a motion to approve the supplemental grant application. Russ seconded. The vote was five in favor, motion carried.

Action Agenda Item # 6: Possible Executive Session C. R. S. 24 – 6 – 402 (4) (c), Settlement Negotiations:

Russ moved to go in to Executive Session, citing the aforementioned statute. Justin Talbot seconded. They asked that the session include Justin C. and Dirk.
Vote was five in favor. Motion carried

The regular meeting reconvened. No formal action was taken.

Motion to adjourn.