

**The Town of Bayfield
Regular Town Board Meeting
11 W. Mill Street Bayfield, Co 81122**

June 17, 2008

Town Board Present: Mayor Rick Smith, Tom Au, Bob Piccoli, Dan Ford, Debbi Renfro, and Justin Talbot. Russ Jones was absent due to illness.

Staff Present: Justin Clifton, Town Manager, Joe Crain, Planner, Pat Anselmo, Clerk, Jack McGroder, Management Intern, and Dirk Nelson, Attorney. Marty Zwisler, Project Manager, was also present.

Media: Carole McWilliams, Pine River Times

Planning Commission: Not represented.

Mayor Smith called the meeting to order at 7:04 p.m.

Approval of Minutes: June 3, 2008:

Bob Piccoli moved to approve the minutes of June 3, 2008 as written. Dan Ford seconded. The vote was six in favor, motion carried.

General Public Input: No one had any comments. General Public Input closed.

Justin Talbot asked that the Board entertain adding an item to the agenda to discuss an extension of a plat amendment approval for Dove Ranch. Tom Au moved to add Agenda Item 7 A to discuss an extension of the Unit 3 plat amendment approval for The Glen for Dove Ranch. Bob Piccoli seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 1: Approval of Bills:

After a short discussion, Tom Au moved to approve the payment of bills as submitted. Bob Piccoli seconded. During discussion, Justin mentioned that the 'Notice to Proceed' will happen July 10 for the Waste Water Treatment Facility. The vote was six in favor, motion carried.

Action Agenda Item # 2: Town Updates:

Justin asked for any comments or questions on the update documentation that was included in the packet.

Sunrise Estates: Tom asked about the Honisch report analysis.

Justin will get copies of the analysis for the Board. Honisch agreed with Souder Miller's analysis. It covers the drainage capacity, stating that the ditch should carry at least 18 CSF. It should also be constructed with six inches of freeboard. They recommend the swale be reconstructed. The soils are not stable, a presage of significant erosion. Soil stabilization needs to occur on the south where the slope is steep.

They estimated the pond will hold 34,000 C.F. of water.

Debbi asked when the copies of the analysis would be available. Justin responded he could have them ready tomorrow.

Rick commended Russ, Tom and Joe for their accomplishment of obtaining the Counties endorsement of allowing a road for the new sewer plant. He acknowledged it was a long arduous meeting, but highly successful.

Refinance: Dan Ford feels it would be efficacious to contact Wells Fargo to see if the Town can negotiate a better lease purchase arrangement for the new town hall. Justin responded that Jim Manire, James Capital Advisors, feels that getting a better deal is unlikely. However, he (Jim) told Justin that he would keep an eye on things, but the 4 % is not currently available. Dan would still like Justin to contact Wells Fargo.

Miscellaneous: Justin spoke concerning furniture for the new town hall. The company that is supplying furnishings has submitted a proposal for an upgrade on the chairs for the Board room. The nicer chairs would have thicker upholstery and would have arms. The upgrade would cost about \$100 per chair. The Board room will accommodate forty audience chairs. This equates to \$4,000 additional cost. Because Justin felt this was a substantial additional investment, he wanted the board's approval.

Bob Piccoli made a motion to accept the upgrade and approve the additional expenditure of \$4,000 for the more comfortable chair. Debbi seconded. The vote was six in favor. Motion carried.

Dan asked about the old church bell, 'does the Town intend to keep the bell unattached in order for it to be in the annual Fourth of July parade? Will the bell be a permanent fixture at the new Town Hall?' Dan was adamant, it should be bolted down. When questioned if this was a motion, he said 'yes! This is a motion!' Tom seconded. The vote was six in favor. Motion carried.

Fence: The costs for the cedar fence came in under Marty's estimate. However, the cost to stain the fence will bring the total up to the original estimate. The neighbor has been contacted and is o.k. with the placement of the wooden fence.

Action Agenda # 3: Regional Housing Authority:

Justin apologized, saying it is no longer the Regional Housing Authority, it is Regional Housing Alliance. This was an item discussed at the recent Board retreat. Justin recalls that the discussion included that, if the Board decides to be a part of the Alliance, the RHA would serve at the direction of the Town Board and they would not any authority to impose additional taxes on the residents of Bayfield.

Rick reiterated, there will be no additional taxes, nor will the Town allow them to dictate policy within town limits.

The Town could also bow out at any time if it became burdensome or otherwise not attractive. This agreement with RHA would be an annual budget appropriation. Since the current Board would not legally be able to stipulate or incur appropriations for a period of longer than the fiscal year, the agreement with RHA would only be viable for that amount of time. RHA is asking between \$16,000 and \$17,000 annually.

Justin needs a motion to move forward on budget discussions with the RHA if it is the inclination of the Board to be involved. Justin is willing to set on their board to represent the Town's interests. Rick mentioned that it may be advisable to involve one Town Board member to also attend their meetings. He said that such trustee would be excused from the rotating assignment to attend the Planning Commission meetings.

Dan Ford made a motion to move forward in becoming involved as quasi partners with the Regional Housing Alliance for the remainder of 2008, with costs being pro-rated based on the months remaining in the year, with the stipulations as aforementioned. Tom Au seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 4: Liquor License – Chavolos Mexican Restaurant / Public Hearing:

Justin included documentation in the packet because of the unusual circumstances surrounding this request. Chavolos had come in for a renewal of their liquor license, but because they were late, the Denver office declined to renew. Justin also advised the Board about some of the difficulties that have occurred based on building code issues. The renewal was not processed in the allotted time. One deputy found that they were serving liquor after the license has expired. There are multiple code compliance issues. Justin has approached Dirk about this. Dirk reviewed the Boards responsibilities in making determination on approval of liquor licenses. According to the State liquor code the Town Board, acting as the Bayfield Liquor Authority, is required to make a determination based on the reasonable needs of the neighborhood and the character of the applicant. The applicant must be of good moral character. In addition to the stipulations set forth in the liquor code, the building itself must meet the Towns building Code in order to remain operable as a public restaurant. There are definite provisions that the building needs to meet code. Edgar Ortiz, applicant, apologized to the Board. He explained that he has been involved with opening another new restaurant and was extremely busy. He just over-looked the expiration date. This was not deliberate. That was the reason he did not reapply in a timely fashion. The oversight was not deliberate, he repeated.

Mike Shave, Town Building Inspector, had told Edgar what the landlord (Paul Peeples) needed to fix. Edgar said that he has ‘pretty much cleared all this up’.

The Mayor opened the meeting for a Public Hearing on the liquor license application. No one commented. The Public Hearing closed.

Action:

Tom moved to approve the application for a new liquor license for Chavolos Mexican Restaurant, 637 Colorado Drive, Bayfield, Colorado contingent upon all building code violations being remedied. The liquor license will not be issued until the conditions of the Building Code have been complied with. Bob Piccoli seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 6: Eagle Park, Joe Stephenson Park:

Justin commented there have been cost overruns at Eagle Park. It had been originally estimated that the costs to complete the restroom facility would run \$70,000. It is now estimated that costs will run ten to fifteen thousand more. In light of this, Justin is recommending that the Town postpone the ballfield lights until next year. He has received preliminary quotes for the lights at \$145,000. (ouch!). The field *may* be playable this year. Staff has reseeded the field and kept irrigation water on it. He has contacted the Office of Community Service. The Town definitely needs a Master Plan for the Parks. Perhaps the Town can do the lights over two or three years. Justin could write some grants to help finance this. Reducing expenditures by \$100,000

(budgeted for lights) will help in this year since the costs are at a substantial overrun already. Justin definitely plans to complete the bathroom facility in Eagle Park this year. Justin Talbot moved to delay the installation of lights on the ball field, citing existing cost overruns on this year's budget, and reconfirming the Board's wish to complete the restroom facility this year. Tom seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 5: Set Public Hearing- Hongs Garden Restaurant, Application for a Beer and Wine Liquor License:

Staff is requesting that the Board set a public hearing for a Liquor License application submitted by Aley Hong dba Hongs Garden, 480 Wolverine Drive, Bayfield, Colorado for July 1, 2008.

Tom so moved. Bob seconded. Motion carried.

Action Agenda Item # 7: Sewer Contract:

The agreement/ contract with Southwest Contracting to do the Town of Bayfield Wastewater Treatment Plant Expansion was included in the Board packet. The work will be substantially completed in 244 days. The amount of the contract is \$5,399,424.00 in accordance with Bid Form Section 00300 and the Notice of Award Section 00580.

There is a Cost Share mechanism with value engineering clause in the contract. This basically states that if the contractor or the engineer can find reasonable cost savings, they benefit on a percentage basis. Justin has given the contract to

Dirk to review. Dirk said he had no comments ready for the Board, although the issues are bonding and insurance. Bob said paragraph 4.2 includes language that 'gets cumbersome' on how to handle change orders. Both he and Dirk concur the language can be simplified. The Board was given paperwork containing Bob's recommended changes in the language of the contract. The Town will hold 5% retainage (of total contract) until the project has been accepted by the Town. Dirk said the retainage issue is addressed in State statutes. Bob's recommendations will be incorporated in the contract. Tom moved to approve the contract with Southwest Contracting Inc. for work on the Bayfield Wastewater Treatment Plant expansion, contingent upon the inclusion of changes proposed by Bob Piccoli, any revisions made by the town attorney, and compliance with other conditions mentioned in tonight's discussion. Justin T. seconded. The vote was six in favor. Motion carried.

As an FYI, Justin included the cost update in the packet for the Bayfield Wastewater Treatment Facility, which included the sludge removal and all the capital costs, utilities, design, etc. His original estimate of \$7,100,00 is going to be really close.

Action Agenda Item 7A: Extend Validity of Final Plat Dove Ranch Unit 3:

According to Joe Crain, the Board previously approved an amendment to Unit 3 to allow set backs. As of today Brad has not filed this plat. A final plat is valid for 90 days after the Board approves it. The plat has no SIA associated with it. Brad told Joe today that he will get it recorded before the end of this week.

There is a foundation that is going in on property that is included in the revised plat, (which has not been recorded at the County). Joe said 'maybe we over-looked it. It didn't require anything but the filing fees to be paid. The costs for Brad to file it would be nominal. Joe told the Board that, procedurally, Marianne sends a letter out to the

developer. She inadvertently used the date of the letter she sent out, instead of the 17th, so, theoretically it may have been the Town's error. Bob Piccoli said Brad knew he had ninety days at the inception of the process.

Bob says he doesn't have a problem giving Brad an extension this time, 'as long as we know it won't happen again'. Joe said he was not aware of a building permit being issued on an unrecorded plat.

Tom asked 'when does the set back take affect?' Joe responded, 'It is valid when it (the plat) is filed. Marianne put the wrong date in the tickler file'.

The Town needs to reclaim the process of delivering the plats to the County to have them recorded.

Dan moved to extend the validity of the Final Plat for Unit 3, First Plat Amendment for Dove Ranch, for 30 days, as a final effort to make sure it gets recorded. Justin T. seconded. The motion was amended to reflect that the Town will not allow another extension again. Dan feels an obligation on the part of the Town to the developer because something slipped through the cracks on the Town's part. Justin seconded the amended motion. The vote was six in favor. Motion carried.

Action Agenda Item # 8: Work Session- Late July:

Justin said that almost every other month for the rest of the year has an extra Tuesday or Thursday. This would allow for extra work sessions in Board so chooses.

The Board says it is a great idea. They would like to start earlier though, 6 p.m. or so.

Dan cautioned 'just make sure that it does not appear to be a private meeting, it should be timely noticed and the public should be invited'.

They chose to meet the last Tuesday in July, the 29th. Justin will make a list of items to discuss.

Regarding the regular meeting on July 1, Justin will be gone the week before. He will get the scheduling and paperwork done before he leaves, but it will probably be a pretty short meeting.

Action Agenda Item # 9: New Unfinished Business:

Dan asked about the progress on the PRV that Public Works is installing on Mountain View Drive. Justin replied that it is in, service should be improved.

Tom asked if the Town has an ordinance regarding semi tractor trailer parking in subdivisions. Justin said there is something that deals with this issue. He will research it.

Tom was told 'if one of your neighbors is parked in wrong lane or is impeding traffic, call the marshal. They will ticket them.'

Construction crews are blocking the residential house down at the senior center project. Justin will intervene and see that it is taken care of.

David Black had informed one of the Board members that the Town has not taken the asbestos out as was promised. Justin said 'that is correct. Gabe Candalaria will do it, but they are doing the trench for the electric service right now'.

The Board asked about the communication they had received from Core Insights regarding lottery funds. Justin is not certain the company is legitimate.

He advised the Board to ignore it.

The Town still needs to resolve obtaining legal ownership of Mesa Park. It is listed as Sower property according to the County tax records.

Rick said he was approached by Mark Newell, who is requesting a check for the Connie Mack baseball team. Mark did not get his letter in to the front office in time for his request to be included in the A/P run last Friday. The amount is \$750.00. It is a budgeted item. The Board gave their approval.

Dan Ford is going to be the announcer for the Fourth of July parade.

Rick has found a man who owns draft horses who is willing to lend his team to pull a wagon for the Town Board to ride on in the parade. The gentleman will let Rick know tomorrow for sure.

Rick will not be here on the 1st of July. He asked the Mayor Pro-tem to officiate at the meeting.

Motion to adjourn 8:39 p.m.