

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

March 17, 2008 7 p.m.

Town Board Members present: Rick Smith, Russ Jones, Carol Blatnick, Mayor James Harrmann, Tom Au, and Niel Hieb.

Staff Present: Justin Clifton, Town Manager, Joe Crain, Town Planner, Pat Anselmo, Town Clerk, and Dirk Nelson, Town Attorney.

Planning Commission: Joan Hanna (Chairperson) and Bob Piccoli.

Press: Carole McWilliams, Pine River Times.

The Mayor called the meeting to order at 7.04 p.m.

Approval of Minutes: March 4, 2008: Carol requested that the minutes be amended to say “Daryl (strike ‘she did ask’) asked that the LPEA bills be explained at the next Board meeting”. Fromm (page 4) is incorrect. It should be spelled ‘Frahm’. Carol moved to approve the minutes as corrected. Rick seconded. The vote was five in favor. Motion carried unanimously.

General Public Input: The Mayor opened the meeting for Public Input. None was given. Public input closed.

Action Agenda #1: Approval of Bills: The Board had questions about the attorneys fee (Bud Smith) for work he did during the dissolution of the Sanitation District. Justin has asked Bud to reduce his hourly rate for work done on behalf of the Sanitation District. Rick moved to approve the payment of bills as presented. Carol seconded. The vote was five in favor. Motion carried unanimously.

Action Agenda #2: Town Updates:

Justin asked the Board if they had any specific questions on his updates that were included in the packet.

Water Tank: Tom Au asked about Jack Roe filing his plat. Justin replied that he spoke to Jack yesterday. Justin intends to meet with Jack after he (Justin) returns from Denver at the end of this week. Tom emphasized ‘we are getting close on the water lines, and we are getting close on the road’, referring to the initial dates the Board had wanted the work completed by. Tom asked Justin if the water pipes would be placed along side the road or if they would be placed under it. Justin said he was not sure if the pipe will run adjacent to or under the road.

Town Hall: Niel asked about heated sidewalks, and about the decoration of the columns by the marshals offices.

Planning Commission Report: There was no Planning Commission report.

Water Tank: Justin informed the Board that they had closed the bidding on the tank. It came in at \$480,000. The Town had two bids that were in 1% of each other. One was from a Colorado company, the second was from a New Mexico contractor. Justin said, according to State Statute, the Town can opt for in-state contractors. It was the recommendation of the engineer to go with the second lowest bid, which was the in-state company. They have a very good reputation. Because it wasn't the lowest bid, Justin wanted confirmation from the Board that they were o. k. with accepting the company that submitted the second highest bid. He stressed that the engineer wants to let the bid go to the Colorado company. The Board concurs with the engineer. The contract will be awarded to the Colorado company.

During discussion, it was confirmed that the price quoted does not include the mechanical mixer.

Action Agenda #3: Liquor License Renewal – Quaking Aspen Café & Gallery:

Rick moved to approve the annual renewal of the liquor license for Quaking Aspen Café and Gallery. Niel seconded. The vote was five in favor. Motion carried unanimously.

Mr. Edgar Ortiz from Chavolos Mexican Restaurant was in the office today. He explained that his establishment had never received their annual renewal forms in the mail from the State. The Denver office instructed Edgar to fill out a form 8404, which is normally used for new applications. He did so, and turned in the paperwork this afternoon. Staff is presenting these forms to the Board tonight in order for them to approve the renewal of the annual liquor license for Chavolos. Rick so moved. Niel seconded. The vote was five in favor. Motion carried unanimously.

Staff checked with Jim Harrington regarding both establishments to re-affirm the marshal had no incidents at either establishment during the past year that would have negative repercussions on the renewals.

Action Agenda #4: Owen Psomas Proposal:

Mr. Psomas is the engineer that Justin has been working with to try to locate the sources of the violations at the Gem Village sanitation treatment facility. There have been multiple spikes in both influent and effluent loading.

Justin said Mr. Psomas had not quoted a firm price. Just recommended waiting until a GNP for the new plant is procured, to control costs. Rick agreed, adding 'the costs could escalate substantially. Mr. Psomas' proposal, as it stands is not a good business plan'. Rick wants to see the plant under construction before the Board agrees to contracting with Mr. Psomas. Rick suggested, 'let's delay this item'. Tom Au questioned, 'would Psomas be looking for unfiltration at Bayfield or Gem Village?' Justin replied 'Bayfield'. Justin explained that, overall, the loading is roughly twice what it should be. That is why he thinks the study should be done.

Russ commented, 'when we discuss the final contract for the sewer plant, we will re-visit this contract work'. Carol added, 'we need to put posters up to let the public know we are still offering rewards for information about illegal dumping, especially at Gem Village'.

Herm suggested the Board could put a 'not to exceed' clause in the contract with Psomas, to ascertain that costs would not run higher than anticipated.

Action Agenda #5: Public Hearing Resolution 217: Gem Village Tap Fees:

Justin said this hearing has been well publicized, posters were placed in Gem Village, a notice was published in the Pine River Times and the Durango Herald, and a Public Service announcement was aired over the radio. The Mayor opened the public hearing. No one responded. The public hearing was closed.

Consideration: Niel moved to approve the adoption of Resolution 217, a resolution of the Town of Bayfield, Colorado amending rates and charges for sewer service provided by the /town. Exhibit A, pertaining to this resolution, was included in the motion. Tom Au seconded. The vote was five in favor. Motion carried unanimously.

Action Agenda # 6: Extension of Final Plat Approvals:

Joe Crain addressed the Board. The Town has three final plat approvals for development that were set to expire last Friday, March 14, 2008. Scott Trinklein, T & M Minor Subdivision recorded his plat today.

Dove Ranch is asking for a six month extension for Unit One, Phase 3 (a), Central Park.

Valcor has signed the annexation plat, but they have not recorded it because the water rights that need to be transferred to the Town have not been determined. Joe is recommending that the Board extend this ninety days, which would be June 17.

Rick moved to follow the Planning Commission and Town Planner recommendations, allowing the extension of requirements for final plat recordation for Dove Ranch, Unit 1, Phase 3 (a) Central Park for six months, i.e., September 20, 2008. Russ seconded. During discussion, Brad Elder mentioned that he will start work on the park when he has a total of fourteen (14) pre- sales. They have sold eleven, which leaves a balance of three. The vote was five in favor. Motion carried unanimously.

Rick moved to follow the Planning Commission and Town Planner recommendations concerning the Valcor property to extend the deadline for the final plat recordation to June 17, 2008. Carol seconded. The vote was five in favor. Motion carried unanimously.

Action Agenda #7: Public Hearing -Dove Ranch Unit 3 “The Glen” Plat Amendment:

Unit 3, The Glen @ Dove Ranch is designated as a M-F (multi-family) land use zone. Dove Ranch, Unit 3 was created originally as the high-density area for the Unit. This parcel was approved under site specific for multi family, but required single family dwelling units to be constructed on 4000 sq. ft. lots. The front yard set back was originally set at 20 feet. It was subsequently reduced to fifteen feet. The Tierra Group, a real estate development company of the Southern Use Growth Fund purchased lots in Block 8 and 9. The developer and the Tierra Group are requesting that the front yard set backs now be reduced from fifteen feet to ten feet in order to accommodate the model homes they are planning to build. Their request to put duplexes on the lots has been withdrawn. The town engineer has determined that the proposed changes would not have any significant impact on the engineering design of the subdivision.

The portion of the memo pertaining to ‘building official’ is inefficacious, as the request for duplexes has been withdrawn.

The Town attorney verbally expressed he had no concerns with the request.

LPEA relayed that they have some problems with the request. However, they have been working with Mr. Elders staff to come to an amenable agreement.

During the Planning Commission meeting, Mr. Elder requested that the request for duplexes be withdrawn. After the request for duplexes had been withdrawn, the Planning Commission gave their approval regarding the reduction of the set-back requirements, changing the fifteen feet to ten feet at the front of the houses.

Staff now recommends the Board approve the reduction in set-backs as discussed, changing the fifteen feet set back to ten feet on Blocks eight and nine, as long as the following takes place:

That the errors in the present recorded plat be corrected.

That LPEA and Dove Ranch reach an agreement on the easements prior to recordation. Joe re-affirmed that any stipulations or discussions pertaining to the duplexes are now defunct.

Brad Elder was given the floor. He explained that tonight's discussion applies only to the interior lots that are located adjacent to the alleys. There will be no driveways.

Niel expressed concern, regarding safety issues, because pedestrians would be closer to traffic.

When questioned about snow removal, Brad said they will provide on- site sidewalk snow removal.

Andy Saunders, representing the Tierra Group, displayed pictures of some of the models they have built at Three Springs. The model homes have eight foot front porches.

Carol queried, 'will you be building the exact same houses?' Andy replied "yes". Carol asked, 'Will they be selling at the same price as those in Durango?' Andy said, no, they will not, Durango homes will be selling at a higher price. He added, there will be two or three different models available.

The Mayor opened the meeting for the Public hearing. No one had any comment. The Public Hearing closed.

Consideration:

Carol moved to accept staffs recommendation, and approve the reduction of the front set-backs from fifteen to ten feet, contingent upon having the errors on the plat corrected, and that LPEA and Dove Ranch reach an agreement on the easements, both prior to plat recordation. Russ seconded. The vote was five in favor. Motion carried unanimously.

Action Agenda # 8: Public Hearing – Fox Farm PUD Subdivision Amendment #1, Creation of Separate Lot For The Fox Farm Tower:

The Board was about twenty minutes ahead of the agenda schedule. Reid Ross had not arrived. The Board decided to skip ahead to Agenda Item # 9, Amendment To Personnel Policy- Travel Policy.

Action Agenda #9: Amendment To Personnel Policy: Travel Policy:

Justin has been reviewing the personnel policy, particularly, the travel policy. Mileage reimbursement is currently at 30 cents. The IRS allows 50 cents a mile. Justin feels the Town should raise the mileage reimbursement to at least 45 cents a mile. Rick so moved. Russ seconded. The vote was five in favor, motion carried unanimously.

Action Agenda #10: Bond Opinion For Authority Loan Transfer:

Justin informed the Board that the last thing that needs to be finalized concerning the Sanitation District dissolution is the debt assumption. Justin said that although the Town has assumed the loan, the District has not transferred the loan. It will cost \$7,500 if the Town uses Sherman Howard. Justin said, 'it is possible to shop around. But, if we use Blake T. Jordan, who has been involved and knows the situation, the cost will be less.' Justin said the Water and Power Authority is requiring engagement of bond counsel for this debt assumption. Rick so moved. Tom seconded. The vote was five in favor. Motion carried unanimously.

Action Agenda #11: New and Unfinished Business:

Justin mentioned that the Board had passed other personnel policies quite a while back but the policies on record were never signed. There were some policies that were passed in prior town board meetings but the policies were never signed by the mayor. According to Justin, CIRSA mandated these personnel policies. Justin is asking the board to approve them and asking the Mayor to sign them. Herm said he recalled the nepotism policy and the senior deputy policy. He does not remember the one regarding violence in the workplace. Justin told the Board that he had discovered these policies in Brett's files. Neil asked that staff touch base with CIRSA, and see if they still encourage the adoption of these policies. "If the policies are still recommendations from CIRSA, go ahead with them." The Board concurred.

Rick said that a few of his neighbors have inquired concerning what the town is doing to help its residents get rid of all of the broken tree limbs and branches. Justin said he is putting a short note about yard clean up in the spring newsletter. Niel wondered if the residents could have a week-end set aside just for cleaning up branches and deadfall. Justin said it was possible, but he was concerned that people would continue to bring limbs after that week-end had passed. They discussed May 1 as a tentative date for this project. Niel asked if the town would pick up limbs at peoples yards. Justin replied no, they would not. Justin said the public works crew is working on cleaning up the rights of way. Brad Elder spoke up, saying that he has a chip pile. He uses the mulch for landscaping. He would be happy to help the Town out. Justin is to coordinate the logistics with him.

Herm said 'the town's chipper should not be *toast*'. All it needs is regular maintenance. Joe let the Board know that the Planning Commission is having a special worksession on March 25. He included a note in this evening's packet to remind everyone. This will be the first of four sessions planned to discuss development for east Bayfield. It will start at 6 p.m. Neil noted, 'please invite all candidates'.

Justin will be gone the rest of the week. He is going to Denver to take part in Energy Impact Grant presentations. Mike Branch will be invited to give his audit report the evening of April 2.

Brad is hosting an economic development brainstorming session from 3 p.m. to 5 p.m. on March 20. This will be at the local library.

Justin reminded the Board of the Colorado Rural Development meeting that will be held at the Strater Hotel on March 25.

Action Agenda # 12: Executive Session – C. R. S. Section 24 – 6 - 402 (4) (b) Town Liability Issues:

Rick Smith moved to go into executive session for the purpose of receiving legal advice on specific legal questions, citing C. R. S. Section 24 – 6-402 (4) (b). Russ seconded. The vote was five in favor. Motion carried unanimously. The Board convened into executive session. They requested that the town manager and town attorney be included. The Board reconvened into regular session.

**Action Agenda Item # 13: Executive Session C. R. S. Section 24-6-402 (4) (a)
Property Acquisition:**

Rick moved to go into executive session, citing C. R. S. 24- 6- 402 (4) (a) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest. Tom Au seconded. The vote was five in favor. Motion carried unanimously. The Board convened into executive session at 8:20 p.m. The Board reconvened into regular session at 8:30 p.m.

Action Agenda Item # 8: Public Hearing – Fox Farm PUD Subdivision Amendment #1 Creation of Separate Lot for the Fox Farm Tower:

Joe Crain commented that CDC originally set up the PUD for the Fox Tower to dedicate it's use to open space. Fox Farm had received direction from the Board that they would like to see the Fox Tower saved. They (CDC) had it surveyed. They now are requesting that the Town allow them to create a lot for the Tower, and add a new 'fair market lot. They have decided that it would be economically unfeasible to rehabilitate the Tower for use as a public meeting area, They feel the only way to preserve the existing building would be to create a lot and offer a smaller than average lot with the Fox Tower remodeled into an artist studio/residence. The common area will still meet the requirement that 30% of the land area in the PUD be 'open space'.

The Planning Commission voted 7 – 0 to recommend to the Town Board the approval of the new lot, the waiver of one off street parking space, the waiver of the ten foot side yard setback to 7.5 feet, and specification for an agreement as to when the CDC will pay the Town \$38,800 in Park Impact Fees.

Jay Lynch brought in a sketch for the Planning Commission, to show what the building would look like. The Planning Commission liked the design.

Niel asked if this lot would be part of the HOA. Joe replied 'no, it will be a fair market lot.' Neil asked if Town ordinances would apply. The answer was yes. Neil asked about the access, and 'what about the parking'. He wants to be sure they would not intrude on the public walk way. Joe said no vehicle would cross the existing path.

Russ questioned, 'once the lot is sold, how can you enforce the park fee? Could you put a lien on it to be sure the town gets the park impact fee?' Dirk replied, 'you make it part of the plat conditions'.

Justin commented 'a lien would make sense. The Board needs to make sure that there is some sort of security in place'. Tom thought perhaps a lien might negatively impact the sale of the property. The comment was made that CDC already collected the money for the lots. Russ cautioned 'if we don't get it now we may never get it'.

Dirk added 'you need to have it indicate a date certain (for the payment of the park impact fee). Russ feels that one year would be fair.

Neil asked 'if a buyer backs out, do you still want to do(grant) variances?'. The Board answered 'yes'.

Carol moved to approve Fox Farms subdivision PUD amendment #1, contingent upon meeting staffs four conditions, but adding that payment of the park impact fee must be made within one year. Tom seconded. The clock starts ticking at the time they record the plat. The vote was five in favor, motion passed unanimously.

Justin commented that the basketball endeavor was a great success.

Action Agenda # 14: Executive Session C. R. S. Section 24 – 6 – 402 (2) (f)

Town Manager Yearly Evaluation:

Rick moved to go into executive session, citing C. R. S. Section 24 – 6 – 402 (2) (f), for discussion of a personnel matter, the annual evaluation of the town manager. He asked that this session include the town manager. Russ seconded. The vote was five in favor.

Motion carried unanimously.

The Board convened into Executive session.

Executive session ended.

Motion to adjourn.