

**Town of Bayfield
Regular Town Board Meeting
1199 W. Hwy 160 B.
Bayfield, Colorado 81122**

December 1, 2009 7 P.M.

Board Present:

Mayor Rick Smith, Council Members Debbi Renfro, Justin Talbot, Tom Au, Gabe Candelaria, and Dan Ford.

Staff Present:

Justin Clifton, Town Manager, Dirk Nelson, Attorney, Pat Anselmo, Town Clerk, Chris Choate, Acting Town Marshal.

Media: Carole McWilliams, Pine River Times

Mayor Smith called the meeting to order at 7:02 p.m.

Approval of Minutes: November 3, 2009 and November 17, 2009:

November 3, 2009:

The minutes of November 3, 2009 were inadvertently not included in the e mailed documents for the packets for the last Board meeting.

Tom Au moved to approve the minutes for the Town Board meeting held November 3, 2009 as written. Dan Ford seconded. The vote was six in favor. Motion carried.

November 17th, 2009:

Debbi Renfro asked that wording be changed in Item # 6, striking 'parking the construction trailer' and inputting 'placing construction materials'.

Dan Ford moved to approve the minutes of November 17, 2009 as amended. Tom Au seconded. The vote was five in favor. Justin Talbot abstained from the vote, citing his absence that evening. Motion carried.

Public Input:

The Mayor opened the meeting for public comment. None was received. The Public Input segment was closed.

Action Agenda:

Item # 1: Approval of Bills:

Justin Clifton interjected at this point, saying there were two items that did not get included in the accounts payable submission with the packet. Both were related to the Gem Village project. The first is a bill in the amount of \$1000 for ditch crossing, and the second would be the permit to cross the County Road. He said he did not know what that amount was going to be, but requested the Board approve payment at this time. Justin added, 'the Town missed it through the engineer'. Justin assumed it included everything. The Inspector said the Town would need a permit to cross this. Justin did not realize these fees would be coming down the pike. Justin added, 'it wasn't Crossfire's responsibility, this was not the engineers fault. The County gave us a Class Two permit'. He thought that covered everything that would be included. Debbi thinks the Town should contest the payment of a fee for crossing the road. Justin added, 'I just got the call today. We do not know what the fee will be'. Tom said 'we are working in the State right of way, and should not owe them (the county) anything'.

Chris was asked if the payments by the Town for Impound fees get reimbursed back to the Town. Chris replied the Town does not get reimbursed, adding 'it has been a topic of discussion'.

Gabe Candelaria moved to approve payment of bills as presented, spanning the period of November 19, 2009 through November 25, 2009, and included the approval for Justin to add the \$1000 fee for crossing the ditch. He requested that Justin work on the other item with the County concerning any billing for crossing a county road. Tom Au seconded. The vote was six in favor. Motion carried.

Item # 2: Public Hearing- 2010 Final Budget:

The Mayor asked the audience if they had any questions on the proposed 2010 budget. None were voiced.

The Mayor opened the official public hearing on the proposed 2010 budget. No comments were received.

The Public Hearing portion was closed.

Rick then asked if the Board had any questions on the proposed 2010 budget.

Dan asked about the \$300,000 grant the Town is losing because Steamworks is closing in Bayfield. Justin replied, the Town is not going to get this funding. The grant was based on the number of employees that worked at this facility.

Justin said he removed the \$300,000 from the capital fund and he re-allocated the debt to the operation fund. He eliminated one expense item for high loading. Justin C. said he made the adjustments 'to make both funds end in the black'. He added, he will watch the expenditures very closely through 2010.

Item # 3: Resolution # 243: Adoption of the 2010 Budget:

Gabe Candelaria moved to adopt Resolution #243, a resolution adopting a budget for the Town of Bayfield, Colorado, for the calendar year beginning on the first day of January 2010, and ending on the last day of December 2010.

Debbi Renfro seconded. The vote was six in favor. Motion carried.

Item # 4: Resolution # 244: Setting Mill Levy For 2010:

Tom Au moved to pass Resolution # 244, a resolution to set the mill levy for the year 2010 to help defray the costs of government for the Town of Bayfield, Colorado, for the 2010 budget year. Dan Ford seconded. The vote was six in favor. Motion carried.

Item # 5: Ordinance # 349: Appropriation of Funds for the 2010 Budget:

Tom Au made a motion to adopt Ordinance # 349, an ordinance appropriating sums of money to the various funds and spending agencies in the amounts and for the purpose as set forth on the ordinance, for the Town of Bayfield, Colorado, for the 2010 budget year. Gabe Candelaria seconded. The vote was six in favor, unanimous. Motion carried.

Item # 6: Town Board Vacancy:

There has been a vacancy on Town Council since Brett Clough's resignation. Justin received an application today from a third interested party. He re-affirmed that the notice said 'open until filled'. He requested that the Board choose to close the application period this evening. He added, 'it may not be appropriate to make a choice tonight because they did not receive the third application, which of course was not included in the packet materials.'

Rick asked the Board how they would care to proceed. They had already had the opportunity to study the other two applications. He asked the Board if they would prefer to wait and study the application received today. He continued, 'do you want it scanned, do you want it copied and distributed tonight?'

Tom Au cautioned, because the vacancy was noticed as 'open until filled, we cannot not consider the third application, LaVonne Elston.'

The Board asked that the application process be closed at this point.

Justin C. responded that he would like to get a notice in next Fridays paper to let the public know. Then it would close Monday.

Rick deferred the issue to Dirk. Dirk responded that the Board can close the vacancy tonight. It was advertised as open until filled.

Justin Clifton again stated he prefers to put a notice in the paper first, then close next Monday.

This position will only be held until April of 2010 when the municipal election is held.

Rick asked that the Board take a ten minute recess to review Ms. Elston's application.

A short break was called at 7:30 for this purpose.

The meeting reconvened at 7: 40 p.m.

At this point, Mayor Smith requested that Agenda be re-arranged to place Item # 7 between Item # 8 and Item # 9.

Then he returned to the Town Board vacancy issue. He asked if the Board members were prepared to deal with this issue tonight or if they preferred to wait two weeks. He questioned Dirk if a motion is necessary on this issue. Dirk replied that consensus will suffice.

The Board replied that they had enough information to take action tonight and that they were in agreement the vacancy should be filled tonight.

James Brandon Luter, Stacy Maxwell, LaVonne Elston are the candidates.

Gabe Candelaria moved to appoint Stacy Maxwell as the new Town Board member.

Dan Ford seconded. The vote was two in favor, Gabe Candelaria and Dan Ford, with Rick Smith, Debbi Renfro, and Tom Au voting in opposition. Motion failed.

Justin Talbot moved to appoint Brandon Luter as the new board member. Debbi Renfro seconded. The vote was five in favor, with Tom Au voting in opposition.

Motion carried.

Rick asked if it would be appropriate for Mr. Luter to take his place at the dais tonight.

Justin Clifton said 'we will be better prepared to seat him next meeting. The packet is received via e mail. The Town will need your e mail. Before you leave, please arrange time with me to go over board etiquette'.

Item # 8: New/ Unfinished Business:

Justin Clifton commented that Ken Charles (DOLA) recently told him that there was a position open by DOLA for filling an intern position with the town. Justin said he would 'prefer getting someone to fill the position of town engineer. This intern would be a fall back to get help if the engineer doesn't happen'. He will bring it more information back to the Board for the next meeting.

Justin C. said the way the budget is right now, it (the engineers position) just can't happen. Debbi said if additional revenue is received via development, this may be the first thing the Town may want to consider.

The intern would serve for two years. The Town and DOLA have been splitting the costs in times past. It costs the Town about \$15,000 a year for an intern. This includes the benefits.

Rick Smith agreed, the engineer position is more necessary, but conceded it probably won't happen in 2010.

Board gave nodding heads on their intent to review the internship proposal by Mr. Charles.

Gabe asked if there was anyone budgeted for planning. Justin C. said no, he thinks he and Jack can handle it. Gabe asked about the 12 months for the intern, which part of the year does it span. Justin C. replied, DOLA works on a calendar year, January through December.

Justin C. will put this on the December 15 agenda.

Justin C. said the fiber grant is pending. Things are rolling quickly. SWCOG has been named one of seven finalists. There will be a total of sixty million dollars available. They want to see an IGA providing a letter of intent.

Justin asked the Board to be thinking about this, in order for it to be considered at the next Town Board meeting. He commented, 'we may get a grant in the amount of \$750,000 for fiber installation'. He thinks they want to get in because of the market. 'We can present the IGA. We can always back out in 2011'.

Rick asked if Ron Saba could provide anything in kind, monetarily speaking.

Justin C. said he was approached today by Homestead. They want a preliminary discussion for a new comprehensive plan. They are requesting a work session, to discuss the geographic scope and what this process would entail.

Justin made the comment that this was just an FYI, for the Board to contemplate in the interim.

He added, we have to pass a supplemental budget on December 15.

Gabe asked about the by laws for the senior center. Justin said they were already in place.

The County is considering hiring someone to work at our recycling facility.

Justin T. asked how things were progressing in getting the leaks on the Jack Roe line fixed. Justin C. replied, we have found eight leaks so far. It is his understanding the leaks have been fixed.

Rick said he would not be available for the Planning Commission meeting next week.

Justin C. said probably no one will be.

Item # 7: Executive Session: C.R.S. 24-6-402 (4) (d) Marshals Department:

This executive session is being requested to discuss security arrangements. The Police department has some disclosures.

Tom Au moved to go into Executive Session, citing C.R.S. 24-6-402 (4) (d) specialized discussions of security arrangements, to include Justin Clifton, Dirk Nelson and Chris Choate. Justin Talbot seconded. The vote was six in favor. Motion carried.

The Board went into executive session.

The regular meeting of Town Board reconvened. No formal action was taken.

Motion to adjourn.

Approved as written, Dec 15 2009