

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

July 21, 2009 7 P. M.

Town Board Present:

Mayor Pro Tem Tom Au, Council Members Brett Clough, Justin Talbot, Debbi Renfro, and Robert Piccoli.

Mayor Rick Smith and Dan Ford were not present.

Town Staff Present:

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

Media:

Jason Gonzales, Durango Herald and Carole McWilliams, Pine River Times

The Mayor Pro Tem called the meeting to order at 7:02 p.m.

Approval of Minutes:

Brett Clough moved to approve the minutes of July 7, 2009 as written. Justin Talbot seconded. The vote was five in favor, motion carried.

Mayor Pro Tem Tom Au opened the meeting for General Public Input: None was received. He closed the General Public Input portion of the meeting.

Action Agenda Item #1: Approval of Bills:

Justin Talbot asked about the progress of the landscaping at the Senior Center. Justin C. replied that they held a Senior Legacy Day. The high school seniors helped out with this, volunteering their time and talents. Justin T. asked if the Gator has been fixed. Justin C. replied that it was his understanding that all damages were to be covered by payment of restitution by the juveniles involved.

Justin Talbot moved to approve payment of the bills as submitted with the July 21 packet. Debbi Renfro seconded. The vote was five in favor, with Tom Au abstaining from the vote regarding invoices that may be due to his business. Motion carried.

Action Agenda Item # 2: Town Updates:

Justin Clifton mentioned he had a short verbal update on fiber (optics). He attended a couple of meetings that addressed the possibility of obtaining grant monies (Federal stimulus fund). Justin added, regarding 'underserved areas', Bayfield doesn't qualify. But he also went to a meeting with Fast Track, which Jo Ann Spina from La Plata County attended as well. The issues that came into the limelight were 1) how do you have a *public private* project? Justin Clifton

commented 'We don't want to pad profits of a 'for profit' entity. Bayfield might build out a portion of its own line. I never got any clear answers. I was told "don't worry about it".' He hesitates to participate based on the answers he received. He is looking into the Tier 3 project. He needs to write a letter of intent to do 'dark networking'. He added 'there is definitely work to be done on this'. He would seek 'preferred rates and a cost model that will work'. He continues to work on this. He explained that on the Tier 3 profile, the local government has to own the infrastructure. 'How would we protect the Towns investment? We cannot get anywhere if we don't protect that interest'. Bob Piccoli asked about current developments on the Mesa Meadows Plat. Justin C. said moving the fence may be the responsibility of the developer. They had the obligation to build a trail. The trail now has a fence across it. The lot line adjustment should be contingent upon the Towns approval of the plat. He does not think he is justified in holding funds that are referenced in the SIA. The path was not referenced in the SIA. Brett Clough made the comment that the HOA and the developer are the same people. Justin C. replied, 'it is the developers responsibility, it is still in their ownership'. Joe Crain told Jim Flint, 'they need to do the gravel trail and remove the fence'. Justin C. added that he is working with Ron on what areas lie within the Towns jurisdiction in relation to the weed situation, i. e. who is responsible for mowing. Tom commented, 'the weeds are three to four feet tall in places'. The company that is installing the SCADA system has, for the most part, completed the work. It will be in operation within a few days.

Action Agenda Item #3: Discussion Regarding Artistic Builders- Presented by Russ Jones:

Justin Clifton wrote a memo for the Town Board packet regarding the issues. Russ Jones was present and was given the floor to address the Board. Russ said he is asking for the Boards help on matters that, in his opinion, contribute to the devaluation of the adjacent properties. He felt the design documents were consistent with higher end properties. Residents have invested in those properties with the expectation that the properties would retain their value. Russ contends that promises that were made by Dove Ranch have not been kept. 'They moved the construction trailer only 100 feet away from its original location. When the developer is the head of the HOA, some of their processes include huge loopholes. The residents need to take a stand and not shy away from decisiveness. Speculators should be allowed to come here on the Towns terms, not theirs. Artistic Builders has continuously and conspicuously violated the rules. Ms Renfro has been contacted about the violations. The marshal has received several complaints about noise and clutter on the streets. Artistic doesn't use local labor or local materials'. He asked that the Town put its foot down, stop issuing CO's and building permits until Artistic Homes come into compliance. The Town needs to review its policies and procedures. He stressed need for the creation of a committee to review the building process. A governmental body should protect the quality of life of the residents. Robert Piccoli asked how much authority the current HOA has. 'Don't they have control over design standards?' Russ, 'some, yes'. Russ cited their lack of ethics, their lack of attention to agreements. Russ added, 'I told people that purchased property in this subdivision that there was to be a park there. It still has not happened'. Construction standards are not being lived up to in the same manner that he was expecting that they would be. Deputy Choate has repeatedly been up to the construction site to tell the sub-contractors to turn their 'music' off. Russ invited the Board to drive thru this area and witness for themselves the mess, the noise, the dumpsters, nails and mud in the streets. He suggested a fee schedule be set for violators.

Tom queried 'don't we have restrictions on construction hours?' Justin C. answered 'yes. The deputies usually don't issue summons if the people come into compliance within a reasonable amount of time. The Town does have a nuisance ordinance'. Bob then asked if this particular ordinance should be more refined. Justin C. said he had not touched base with the marshal's office in the last few days regarding this problem. Tom cautioned, 'we have a room full of people that are present this evening because they feel their quality of living has been negatively affected. Bob Piccoli asked if the HOA for Dove Ranch had a design committee.

The Mayor Pro Tem asked if any owners would like to make a comment. David Hardy, 1603 S Taylor Circle, spoke. His concerns are the hours that they work (well past 7 p.m.) and the condition of the streets. 'The stucco guys work till 9:30 at night. It is not just an inconvenience, it is an offense'. He has picked up nails and screws from off the streets. The dumpsters in the road are a real inconvenience. They restrict parking availability for customers and guests. He took his home off of the market because it has been devalued significantly.

Bob asked 'how many times has the noise been bad?' Dave answered, 'virtually every day except two'.

Mark Iuppenlatz, managing partner for Carbon Lake Partners, spoke on behalf of Artistic Homes. Carbon Lake Partners purchased the lots in the Glen. He said he is the one who is responsible for bringing Artistic Homes to Bayfield. He said that rules for cleanliness of the sites has been adhered to. He agreed that construction hours were set from 7 a.m. to 7 p.m. He will reinforce the regulations on these hours. If they don't follow the rules, they will be cited.

Mark continued 'These are the best quality homes, lead homes, all have refrigerated air, infiltration systems, and high quality stucco exteriors'. He built the stone wall along C. R. 501. The plans allowed for a vinyl fence. They built it out of stone. The dumpsters are placed in strategic locations to protect the sidewalks and curbs.

They have ten sites, all being built simultaneously. They will be done within three months. He apologized for the violations of the hours. They are trying to do the right things.

They bought the block for the fence from Eagle Block in Durango.

He feels they have made an effort to keep the pavement free from debris.

Brad Elder asked that he be allowed to speak, he wanted to address Russ's comments.

He was given the floor. Brad commented that the park is to be built when they (Dove Ranch) move into a specific phase. Because of the moratorium, the phase was put on hold.

He has not 'set on his hands' to stall any phase or agreement. He is upset with the allegations voiced this evening.

Regarding Artistic Homes, he said he called the superintendant letting them know there was a problem with the hours of operations. He was told by the superintendant at that time they would not work outside the hours stipulated.

He drafted an excerpt from the covenants that addressed the hours of work allowed.

He said the subcontractors who were in violation are gone. He has requested that the rules be posted on the job sites. Brad added, we do not require that they comply with the *exact* letter of the construction standards. They may choose to put shrubbery in a different place, four or five feet away from the original plan, for esthetic reasons.

Architectural Plain requirements were discussed. The DRC makes the determination on required dimensions. The original site specific plat was handed in to the Board for approval.

The lots have the same design elements with alternate floor plans, but they meet or exceed the original SIA.

Bob asked Mark if they have a superintendant constantly on site. Mark replied, 'yes, they do'.

Bob suggested perhaps a conversation with the superintendent may be in order. Mark said they are very committed to staying in compliance. He will take every precaution necessary, and make every redemptive effort to ensure the problems are addressed.

Brad Elder is president of the HOA. He voiced his agreement to the 7 a.m. to 7 p.m. construction window, and re-affirmed 'any repeat offender will get cited'.

He needs to know which sub-contractor is in violation, if it is the plumber, the dry-waller, the electrician., i. e. He advised the residents to call Dave Gore, realtor for Artistic Homes, when they have complaints. He is in the sales office from 10 a.m. to 6 p.m. 'call him and voice your frustrations.'

Bruce Elliott, 1622 S. Taylor Circle, spoke. He said he had remained pretty quiet up to this point. He moved to Bayfield because it was 'quiet'. He wishes that builders who come to Bayfield would respect the residents in existing homes. The music was 'loud'. There were a lot of nails and screws in the streets.

He has seen them (builders) sweeping the streets in the evening. He feels the values have certainly dropped on his home.

Brad explained that they have asked that the contractors not park in front of existing homes. Roll-off containers should remain in the street to protect the sidewalks.

Bob asked for a copy of the construction rules. Brad responded 'absolutely'.

Justin T. said he would like to see Russ's request for a committee be revisited at a future date.

Justin C. agreed. He will look for a way to have this conversation with the Board.

The Board can't enforce the HOA rules. But they can intervene if weeds, trash, and other refuse needs to be cleaned up. If Ordinances are being violated, the Town can impose and enforce fines. Regarding the development in the Glen, Justin requested they get their site manager on line with the Town.

Mark was asked if he could move the dumpsters in the alley. He responded that he will move the dumpsters out of the street to vacant lots. Brett cautioned, 'if you move them too far away, the trash stays on the lots. Could you park it in front of an empty lot?' Mark answered 'Sure. The majority of these projects will be finished in the next two months'.

Debbi was asked if she would like to make any comments. She said she would prefer not to.

Bob made the comment that builders should be accommodating to people in the existing homes.

Justin C. said he will touch base with the marshal on what they have been doing to enforce compliance with construction rules.

Brad is to get the rules to Justin. Justin C. is to get the marshals information to Brad.

Action Agenda Item # 4: Review and Discussion Regarding The Budget Process:

Justin C. gave a short outline of the budget calendar.

Last years numbers were not prepared by the department heads as early as they should have been.

This year, however, he said 'we have an early start'.

He asked for each Board member to convey gaps in their understanding in any areas of the budget. 'Do you need an explanation of how each fund works?'

He wants the Board to come out feeling very comfortable with the budget for 2010.

Bob asked if Justin had established a percentage of growth. 'No', replied Justin, 'revenues are going to be flat, or, down'. His instructions to the department heads were for them to do their calculations based on a 'no revenue growth' scenario. They will however present their wish list if there is an increase in revenues. They also need to determine how to cut expenses. The department heads will meet together to establish their draft budget numbers before the information is presented to the Board.

'We will look at a one year budget and a five year plan. There will be generous dialog between the Board and the department heads. August 6 is the first scheduled department head meeting. Any meeting that will include more than two board members will have to be noticed. This year's budget will be a team effort'.

Justin C. added, 'the department heads need to be more interactive on their presentation'.

Brett addressed Justin C. 'you are right on track with what the Board asked you to do.'

Justin C. asked if the Board would like to have one meeting with each department head. It would be less stressful to garner all the information for one department at a time. Bob Piccoli agreed, it would be easier to spread it out over time. It is difficult to cram it all into one night. He would suggest that the meetings be spread out over a period of time..

Brett and Debbi both agreed that the department heads need to congregate to discuss each others needs. Then they could bring the broad overview to the Board.

Justin C. re-enforced, "We will focus on all individual departments needs, not the 'boiler plate' costs. We need to balance the overall expectations".

Action Agenda Item # 5: New/Unfinished Business:

Tom said the weeds at Mesa Meadows are HUGE! 'If the responsibility is ours, we need to clear the weeds' Justin C. explained, 'we are short manpower and equipment.

The owner of the vacant lot is responsible and should be cited.'

Debbi wondered why the (town hall) sprinklers go on during the day. Justin C. said the landscapers have been called to re-program the system.

Justin T. questioned the amount of infiltration and its negative impact on the new sewer system. 'Can we be pro-active on this?'

Justin C. wants to keep the (monthly sewer) rate at \$30. 'We have to de-commission the existing lagoon'. He got bid on this for \$1,500,000. Justin acknowledged, the significant infiltration problem is a result of turning the irrigation ditches on.

The power bill to run the new plant is estimated to run \$85,000 a year.

This is one item that will be addressed in the budget discussions.

Justin C. is looking at all possible alternative avenues on the decommission process.

Motion to adjourn, 8:45 P.M.

Approved As Written August 18, 2009