

**REGULAR TOWN BOARD MEETING
BAYFIELD TOWN HALL
1199 W. HWY 160 B
BAYFIELD COLORADO 81122**

JUNE 16, 2009 7 P.M.

TOWN BOARD PRESENT:

Mayor Rick Smith, Council Members Brett Clough, Justin Talbot, Debbi Renfro, Tom Au, Robert Piccoli, and Dan Ford.

STAFF PRESENT:

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

Media: Carole McWilliams, Pine River Times

The meeting was called to order by Mayor Smith at 7 p.m.

Approval of Minutes: June 2, 2009:

Debbi Renfro questioned if the amount due to Alpine Construction, Agenda Item #1, was for foundation design only. Justin C. said that it covered a portion of both the design and cost for the metal building. Tom Au moved to approve the minutes of June 2, 2009 as corrected. Brett Clough seconded. The vote was six in favor, with Bob Piccoli abstaining from the vote. Motion carried.

General Public Input:

The Mayor opened the meeting for Public Comment.

Edgar Westbrook, 200 Moon Shadow Lane, Ignacio, Colorado addressed the Board. He spoke against accepting stimulus money from the government. Trudy Kremer spoke regarding the need for additional parking space at the rodeo grounds. She felt that the issue would be alleviated if all the dirt piles were moved away.

Action Agenda Item # 1: Approval of Bills:

Bob Piccoli questioned the invoice from Caselle. This is the Towns quarterly software support payment. The \$112,000 for Musco Sports Lighting is a part of the contract amount for the Joe Stephenson Sports Park lighting project. Justin C. explained 'we are paying a portion, commensurate with project completion'.

Debbi asked about the QWEST bill for the elevator, 'is it a monthly bill or a quarterly bill'. It is a monthly invoice, but there are three lines necessary for the elevator and security.

Brett Clough moved to approve the payment of bills (through June 12) as presented with the packet information. Debbi seconded. The vote was seven in favor, motion carried.

Action Agenda Item # 2: Town Updates:

The Board had no questions for Justin C. on the items listed on this portion of the agenda.

Action Agenda Item # 3: Request For Repairs In Easement:

Concerning the letter submitted by Ryan and Jaimie Hoffman regarding repairs for their driveway, Justin C. requested that the Board allow this item to be moved to a later time on in the agenda.

The Board was in agreement with the proposal, and the Mayor reassigned the item to Action Agenda Item # 7 A.

Action Agenda Item # 4: Public Hearing – Consideration: Ordinance # 343: Residential Density:

The adoption of this Ordinance will change the requirements of lot area per upper residential unit from 6,000 square feet to 2,000 square feet in the Business (B) Zone. It will also reduce the amount of lot area required per residential unit in the Mill Street (MS) Zone from 3,500 square feet to 2,000 square feet. Staff recommends approval.

Public Hearing: The Mayor opened the public hearing on Ordinance # 343. No comments were received.

The Public Hearing was closed.

Consideration: The Mayor asked the Board for their comments. Bob Piccoli said he felt the language is ambiguous, i.e. too broad. He said it should be written to reflect that the business (street) level has one area required and that the second (residential) story would have its separate area requirement. He was amenable to leaving this information as a footnote to the Table. Tom Au moved to adopt Ordinance # 343, an Ordinance of the Town of Bayfield, Colorado amending Table A.A.XXIII (Non-Residential Lot and Dimension Standards) of the Land Use Code Regarding Minimum Lot Areas for Certain Upper Floor Residential Units.

Justin Talbot seconded the motion. The vote was seven in favor, motion carried.

Action agenda Item # 5: Public Hearing – Consideration- Ordinance # 344: Submittal Completeness:

The adoption of this Ordinance would add Section 4 – 10 to the current Land Use Code, which mandates a period not to exceed 15 working days following submittal of documents to verify completeness of such. This review period is necessary in order to allow sufficient time for the Planning staff to review all submitted documents.

Public Hearing: The Mayor opened the Public Hearing for Ordinance # 344.

No public comment being received, the Mayor closed the Public Hearing.

Consideration: Brett Clough moved to adopt Ordinance # 344, an Ordinance of the Town of Bayfield, Colorado, amending the Land Use Code of the Town of Bayfield by the Addition of Section 4-10, Providing For A Finding That An Application Submitted Under the Code is Complete. Tom Au seconded. The vote was seven in favor. Motion carried.

Action Agenda Item # 6: Public Hearing- Consideration- Ordinance #345 – Construction Specifications Code:

Construction Specifications for water, sewer, roads, sidewalks, curb and gutter, and associated materials and procedures for construction have been in the development stage for the past three years. If the Board adopts the new Construction Specification Code presented this evening, it will be the first time the Town will have a written document which establishes standards to be used by

all developments. The Planning Commission voted unanimously at its June 9, 2009 meeting to recommend the Town Board adopt the new Construction Specifications Code. Staff also recommends that the Board adopt it. Dan Ford asked if it contained any areas that would raise concerns in the future. Joe Crain replied, there have been a lot of people involved in the process. Justin C. cited one specification that may need to be amended, (increasing the minimum of asphalt from 3 inches to 4 inches). This may result in a substantial cost increase and will undoubtedly be controversial.

Bob Piccoli said it (the proposed specifications code) is pretty standard. There are no unusual or extraordinary requirements.

Tom Au recounted, 'we took data from Durango, Cortez, Rifle, and Mancos. We sifted through all the information and chose the most appropriate specs for our community'.

Debbi voiced her on-going concern regarding the requirement of using copper line from the (water) main to the meter. She disagrees with the use of copper for this particular function.

Bob Piccoli said he agrees with Debbi. However, Ron (Saba) was adamant about using copper. Justin C. explained 'this is not the builder's line. It is the Town's responsibility from the (water) main to the meter'.

Justin C. added 'there will probably be a lot of amendments to the document being submitted tonight. The Board's adoption of this material will not preclude future amendments to its content. The committee may bring back more specific language later for ratification.

Debbi mentioned several areas she would like to see modified, including specifications for fire hydrants. 'Our water line standard is 4 ft deep. The new code should be 4 ft across the board'.

Dirk re-affirmed that, subsequent to adopting this Code the Board can make slight changes.

Public Hearing: The Mayor opened the Public Hearing for Ordinance # 345.

No one offered comment. The Public Hearing closed.

Consideration: None of the Board was opposed to changing the fire hydrant section to reflect Debbi's suggestion to change the '5 ft' to '4 ft'.

Tom Au moved to adopt Ordinance # 345, an Ordinance of the Town of Bayfield Colorado adopting The Town of Bayfield Construction Specifications Code To Be Comprehensive Construction Standards For Development and Improvement Of Property within the Town, with the one amendment as discussed.

Brett Clough seconded. The vote was seven in favor. Motion carried.

The Mayor expressed appreciation on behalf of the Board for those who were involved with the construction specifications code project.

The design standards and the construction standards address a lot of the same material.

They are cross referenced at times, intertwined and even duplicated in certain areas.

Action Agenda Item # 7: Public Hearing- Consideration – Ordinance # 346: Electric Neighborhood Vehicles:

In researching this issue, staff looked at the City of Durango's regulations.

The Town could require special tracking of the registrations for this type of vehicles for identification purposes. However, the DMV said these vehicles are required to have a plate and all persons operating them shall comply with all State regulations. The license must be displayed at all times. Having the Town issue any sort of permit would be a duplication of effort since the State already requires that they be registered and licensed.

Public Hearing: The Mayor opened the Public Hearing for Ordinance # 346.

No comments were received. The Public Hearing closed.

Consideration: Brett Clough moved to adopt Ordinance # 346, an Ordinance of The Town of Bayfield, Colorado Amending Chapter 7 of the Code of The Town of Bayfield By the Addition of

Section 7-7 Regarding the Use of Neighborhood Electric Vehicles Within The Town, as amended by the Town attorney. Tom Au seconded. The vote was seven in favor, motion carried.

Action Agenda Item # 7 A: Request For Repairs in Easement:

Justin C. received a call from Ryan Hoffman at 333 Meadow Circle regarding damage to his driveway. Justin gave a little history on this particular situation. There is a sewer line under this driveway at 333 Meadow Circle. It was installed before the subdivision was built. The (sewer) line is quite a way up into the lots. The Right of Way extends 60 foot and there is an additional 15 feet of easement, so the manhole is in the easement. The driveway is damaged. It is not easy to determine if the concrete in the driveway was poured to standards. The homeowner told Justin C. that he had seen the jet rodder in his driveway. After receiving the phone call, Justin C. spoke with Joe Stewart, who relayed that he had serviced this sewer line twice since the Town took over operations of the Sanitation District. Joe said he parked on the road both times, not pulling up into the drive.

Mr. Hoffman was present and given the floor. He commented again that he has seen the jet rodder in his driveway. He added, since this is a legal easement, it would be good practice for the Town to mitigate the damage. In his opinion the driveways are worse where the sewer lines run. He submitted pictures of the house as it appeared when they moved into it in 1999. He said there were no cracks in the driveway at that time. He thought the easement from the edge of the curb is 12 feet of Right of Way, and 15 feet of easement.

Mr. Hoffman continued, the Sanitation District cleaned the sewer line in 2000. He said each time the jet rodder came into the driveway, it caused more cracks, which allowed more water to seep in, causing more damage. He would like the manhole moved into the street and the Town to replace the driveway. He asked, 'who is responsible for fixing it? The problem will not go away until the man hole is moved'. Bob Piccoli answered, 'the manhole cannot be moved. Mr. Hoffman retorted, he wants the problem resolved. Mayor Smith re-confirmed, it is impossible to move the manhole. When a subdivision is built, the infrastructure is put in by the developer. Whoever built the house should have taken the easement measurements into consideration and not built over it.

Rick stressed, the Town did not own or operate the Sanitation District at that time, nor was it involved in the sanitation's jet rodder truck. Rick question Mr. Hoffman, 'did you talk to the Sanitation District about backing their truck in your driveway?' Mr. Hoffman replied no, he did not.

The Mayor asked for Board comments. Dan asked if the driveway concrete was reinforced. Mr. Hoffman said he had no idea. Bob Piccoli commented, this is Chris Zoll's development. Those first homes were built by Chris. The concrete was not rebar reinforced. Debbi said she thinks this is a builder issue. The house is 16 years old now. Without further information, the Town should not be held responsible. The manhole was there before the house.

Bob said we need to look into the situation more. There may be an issue that needs to be investigated. We can only go back to the original subdivision. We need an opinion from the town engineer.

Justin C. said the Town has looked into the Clover Meadows subdivision before. There were a lot of things that were open ended. He mentioned subdivision drainage and the detention pond. The documents and the plats are not very revealing. Bob re-enforced, an easement is what it is. After a lengthy discussion, it was decided that the Town could have a geo tech engineer take small core samples in order to determine the thickness of the concrete. The Board wants to get all the factors into the equation. It will be, at best, a vague opinion. They do not want to spend any more than \$500 to obtain the data.

Justin C. reiterated, Town staff left the truck in the street, according to Joe Stewart.

Brett Clough said it *may* be that the first crack was caused by the Sanitation District, *maybe not*. There have been two many years past the point where a reasonable determination could have been made. Brett added, the neighbors drive way has no manhole in it, but that driveway is cracked.

Trautner may be able to make somewhat of a determination with a site visit. Dan Ford feels this damage is a consequence resulting from a 'poor builders plan'. He does not feel the Town should be held accountable. Neither does he think the Town should pay for an opinion from Trautner. 'Our guy says he stayed in the street, we have no reason to dispute this'.

Brett asked Mr. Hoffman 'if the geo tech says the Town is not at fault, what would your response be, would you be satisfied, or would you pursue further action?' Mr. Hoffman said he would not accept the geo tech's response as a solution. He added he would seek professional advice to deal with this situation.

Dirk instructed Mr. Hoffman and explained to the Board that the Governmental Immunity Act specifically states 'a claim needs to be brought to the forefront within 3 years for the Town to bear any responsibility'.

Justin C. commented that the original plat indicates an existing sewer line.

Justin Talbot made a motion to not do a study, but to pay 50% of replacing the concrete drive at a cost not to exceed \$2,000 dollars. Tom Au seconded.

The vote was three in favor, Mayor Smith, Tom Au, and Justin Talbot, with votes in opposition being cast by Dan Ford, Bob Piccoli, Debbi Renfro and Brett Clough.

Motion failed.

Action Agenda Item # 8: Mill Street Brews Annual Liquor License Renewal:

Brett Clough moved to approve the annual liquor license renewal for Mill Street Brews and Pies, 25 W. Mill Street, Bayfield Colorado. Tom Au seconded. The vote was seven in favor. Motion carried.

Action Agenda Item # 9: Public Hearing- Consideration- Ordinance # 347, Vacation of Right of Way:

This proposed ordinance is the culmination of the process to gain access to the new sewer plant. It entails the vacation of certain portions of Rights Of Way currently owned by the Town. Dirk addressed the Board, saying 'we have scheduled closing on the properties by the end of the month. Gabe Candalaria has seen all of the documents and has given no negative response'.

Public Hearing: The Mayor opened the Public Hearing for Ordinance # 347. No comment was received. The Public Hearing portion closed.

Consideration: Dirk affirmed that any vacation of properties must be done by ordinance. Dan Ford moved to approve Ordinance # 347, an Ordinance of The Town of Bayfield, Colorado, vacating portions of the Right of Way for East Street. Debbi Renfro seconded. The vote was seven in favor. Motion carried.

Action Agenda Item # 10: Resolution # 237- Purchase and Conveyance of Property:

This Resolution #237 approves the purchase and conveyance of property, ratifies the closing on the properties and approves the boundary adjustment plat, which will create a new plat. The plat will not get recorded until after closing. Brett Clough moved to adopt Resolution # 237, a resolution of the Town of Bayfield, Colorado, authorizing the Purchase and Conveyance of Certain Real Property To Complete A Right of Way on Lot 1, Pritchard Subdivision, Bayfield, Colorado, and Authorizing Officers of The Town to Execute Appropriate Documents To Complete The Purchase and Conveyance.

Robert Piccoli seconded. The vote was seven in favor. Motion carried.

Action Agenda Item # 11: Discussion Regarding Regional Association Idea:

Justin C. explained that the idea is to establish a regional association, sometimes referred to as Council of Governments, to accumulate data, discuss and deal with regional issues, and expand the potential for collaboration to an area broader than La Plata County. ‘ It is more efficient and effective for a regional association to deal with things, as opposed to letting little communities try to address the issues.

There are resources we can access if there is a regional group. They can do mini grant processes. There is going to be a Tier 3 DOLA grant cycle, the deadline for which is September. Managers from the region will likely form a summit of local governments to discuss this idea. A regional association will have a competitive edge. They have access to more resources, enabling them to glean the information which will help them know what is better for the region. The vulnerability or downside so to speak, is the tendency they have to be more of a venue for argument than for getting work done.

Sometimes communities don’t see eye to eye.

Some associations are very effective. Denver Regional COG is a council of governments, and is a very powerful lobbying entity. There are potential positives. Adversely, there are some drawbacks. DOLA does not have any one association to communicate with. Do we want Region 9 to establish an ad hoc committee? The idea now is to self assemble and contract with Region 9 to provide technical help. We do not have a draft IGA’. Justin C. asked for the Boards input on this vision. He added, (the Town of) Bayfield does not have a building that was not done in cooperation with the County. This is what happens when you work in concert. Brett Clough commented, the commissioners are into pooling resources. He feels this is a most effective way to get things done.

‘Our representation may be limited’, cautioned Dan. ‘Would we have equal footing?’

He gave an example of size having more votes, Wells Fargo Bank versus Pine River Valley Bank, getting lobbying efforts swayed in their direction. Justin replied, ‘the current plan is one entity, one vote, regardless of size. Justin added he ‘would strongly recommend the one entity one vote ideology. Region 9 is a quasi- governmental entity. It’s primary focus is economic development. They can and do spend state money. They make a lot of loans, the repayment money they receive is what they operate on. They do not feel they should be dealing with extraneous things like helping with the census.

The proposed regional association would not take on lobbying efforts.

The census counts are important, the lottery dollars are based on the number of residents in each locale. This group would be working together to compete with the front range for monies available at the State Capital. We want to apply for the grant money in September’.

Action Agenda Item # 12: New/ Unfinished Business:

Justin C. expressed the intentions of the Heritage Society to the Board. They want to install new carpet and want to know, in case they do not get the monies expected to purchase the old Town Hall building, if the Town would be willing to pay for ½ of the cost of the carpet. This would be for carpet in the Board room only. They tore the old counter out without asking permission.

The remark was made ‘if we are asked to pay for things, we would like to keep the vendors local’

Dirk cautioned, you would want to set a time frame on this agreement. You don’t want them in there for 5 years and then have to pay for the carpet. It needs a time limit, either within one year or the terms of the lease.

Justin C. will be on vacation all of next week for the most part. He will be available to staff via e mail.

He met last night with residents from Sunrise and the attorney representing the HOA. Justin C. said the Town may run up against a challenge. If the HOA doesn't accept what was offered, there is a chance that some lot owners may not sign the easement agreements. 'We are not at final, but we are ready to go out to bid on the ditch work which will include the swale'. He is at a stand still on getting the easements signed.

Debbi asked if the Town has the right to take the easement.

Dirk replied in the affirmative, the Town does have the right.

Some individuals may want to deliberately derail this.

The Board asked if we have started mosquito spraying. Justin responded that they have started the trap work. 'We are under contract, we will be spraying soon'.

Tom cautioned, 'we need to be sure that the Towns vehicles are not parked on private properties in order to prevent problems in the future'. Justin C. said he will make sure that this is crystal clear to everyone.

Debbi again mentioned the storm drainage situation in Dove Ranch. She said it is a problem, then asked 'can you think of a good way to attack it?' Justin C. responded the Town does not have the resources. Debbi replied, 'We need to get a plan in place'.

The Town has taken a position not to take the lead on this issue. Justin expects Brad to come up with ways to finance it. The permit that allows Dove Ranch to take drainage to the river expires in September.

Justin C. added, 'we are continually asked by the ditch company to be sure the water does not drain into their ditch.

Justin T. asked if there is a proper amount of water being dispensed by the water salesman. Justin C. replied that it is programmed to deliver so many seconds worth of water, not gallons dispensed. 'Pressure makes a difference on what they will get.

Almost all systems work that way. It is as dialed in as accurately as possible'.

Brett Clough reiterated 'our guys need to know better than to take our equipment onto private property'.

Rick said the area at Roadside Park needs mowed.

Bob asked about plans for the 4th of July. Justin C. replied, any Board members who want to participate are welcome. The Board is not riding in the parade this year.

Motion to adjourn. 9:15 p.m.