

**TOWN OF BAYFIELD
WORK SESSION AND
REGULAR TOWN BOARD MEETING
1199 HWY 160 B.
BAYFIELD, COLORADO 81122
MAY 5, 2009**

A general work session of the Bayfield Town Council was held at 6 p.m. to discuss the Town taking possession of Highway 160 B, aka Highway 160 E., to discuss calling a possible Executive Session for the purpose of negotiations with the Heritage Society on the old Town Hall building, and to discuss calling a possible Executive Session for the purpose of negotiations on the Eli Max property.

Town Board Present:

Mayor Rick Smith, Justin Talbot, Debbi Renfro, Tom Au and Brett Clough.

Staff Present:

Justin Clifton, Town Manager, Pat Anselmo, Town Clerk, Dirk Nelson, Town Attorney, Joe Crain, Town Planner and Ron Saba, Director of Public Works.

Discussion Of Acquisition of U.S. Hwy 160 E:

Richard Vick, Consulting Engineer spoke first. He performed, at the Towns request, a review of the 'Twin Bridges' located on the Highway 160 E Business Route.

Dave Trautner, representing Trautner GeoTech, followed Mr. Vick. Dave spoke concerning his letter dated April 30.

Brent Adams, Souder Miller submitted the 20 year cost estimates.

Ron Saba put together a report which shows a worst case scenario, reflecting the potential for new equipment. He emphasized that the cost sheet does not include operations cost, labor, etc. It contains the capital costs only.

An estimation of somewhere between six and seven million dollars would be a fair starting point for money required by the Town in order for them to take over the bridges. Justin C. said, regarding the CDOT maintenance program, we are ranked #1 in the State. But, he continued, would the Town be agreeable to bear the cost of re-locating an intersection. The paperwork submitted by Mr. Vick, Mr. Trautner and Mr. Souder were placed on the dais this evening. Costs covering a twenty year span, reflecting cost each year, were also submitted. Justin explained, tonight's discussion was just that, a discussion only. Justin added that if the offer was made to the State, it would have to be in by the tenth of May.

Discussion Regarding The Heritage Society Contract:

Justin C. asked the members of the Heritage Society if they have anything to add to the information in the paperwork previously submitted. They replied, saying their letter covered everything.

The price follows the original appraisal. Marv Conrad said they expect to hear from the State by the first of August. They want to maintain the historical appearance of the existing building. Dennis Hillyer came up with idea of hosting an antique auction in connection with Heritage Days to raise money for their cause. They anticipate having the ability to come up with matching funds. In the interim, they would like to lease the building. They would also like to be in it before the Fourth of July.

The Board will take formal action on Agenda Item #12. Then they will let the Historical Society group know.

Discussion of Eli Max Easement:

Justin C. said the Board could go into an Executive Session if they need to discuss this further. BEEP is to close with Eli Max tomorrow.

Opening Ceremonies:

The Regular Meeting of the Bayfield Town Board was called to order at 7 P.M. by Mayor Rick Smith.

Approval of Minutes: April 7, 2009

Tom Au wanted the language changed on page two, Agenda Item #2. Strike 'even though the property line is on the dike, the track hoe should not be located there' Change towithout damaging the chain link fence which is on the property line which is on the dike. The fence needs to be moved lower, to accommodate the track hoe which needs to sit on the dike Tom moved to approve the minutes of the Town Board meeting held April 7, 2009 as amended. Debbi Renfro seconded. The vote was five in favor, unanimous. Motion carried.

General Public Input:

Grace Shirard spoke. She wanted to let the Board know that the issues she had voiced were taken care of, Mr. Saba was right there to do everything properly. The people who did the landscaping did a wonderful job, she commended Mr. Au and Mr. Talbot, saying said they were extremely kind and there for her. Brenda Yarina, asked about the 35 mph sign and the sign referencing 'school zone' that were placed by CDOT on 160 B just across from Eagle Park. She questioned whether there is a real need for double yellow lines in residential area. Justin C. said some residents wanted them, so we painted them. We will look into it, said Justin C. Debbi Renfro said it was probably overkill. Trudy Kremer spoke. Although she lives outside of Town, she is involved with the Rodeo Club. There are dirt piles that prevent their access to the loading chutes at the rodeo ground. Two parking areas have been blocked off.

Justin C. responded, 'in the past people have been parking wherever it was most convenient, we are working on keeping vehicles off of the park itself'. We have a soccer field and have blocked the soccer fields to discourage parking on them.

Rick suggested it was only during simultaneous events that parking problems arise. The area between the two fields, according to Justin, is not a good place to park. The ruts in the fields that have been caused by parking there are ankle breakers, they need to be prevented. Grace Schirard responded that the parking has been used for 37 years. Is this new dirt? Trudy said she does not want this to snowball into a big issue. They just want the dirt moved. Rick replied, staff can work with Trudy to alleviate the problem. Moving the dirt piles might be the answer.

The bathroom facilities will be open from Memorial Day to Labor Day because of the frost danger to the water pipes.

Bill Miller spoke concerning the ball field. He worked for Colorado Lottery which generates money for parks. He confirmed that 25 cents out of every dollar goes for parks. He thinks the Town should have the ball field ready.

Scott Fleming, spoke to the RFP for the traffic study that is to be discussed later on the agenda. He said there are maps on the wall that reflect affected properties. Harry Goff, Oscar Byrd, Bradley Elder, BP and Scott Fleming are willing to contribute financially to help pay for the study. He appreciates the fact that the Town is willing to do the traffic study. He suggested that the cost of the study be divided into 3 parts, 1/3 from private, 1/3 impact fees, and 1/3 from the Town.

Action Agenda Item #1: Approval of Bills:

Rex Howard had submitted a bill for reimbursement on having his landscaping fixed. Tom Au moved to approve the payment of bills as submitted with the May 5, 2009 packet. Justin Talbot seconded. The vote was five in favor, with Tom Au abstaining from the vote on invoices due his company. The vote was four in favor, one abstention. Motion carried.

Action Agenda Item # 2: Town Updates:

The Town will discuss a letter from Sunrise Estates during the next meeting. It will be taken out of updates and placed as its own agenda item. Tom said Ron did a good job on following through on the snow plow problems.

Justin C. asked if the Board got a chance to look at Goffs new estimate. Their answer was 'Yes, they had'.

Action Agenda Item #3: La Plata County Comprehensive Plan Presentation:

The County and the Town met recently, the new direction is that the County will do the codification in their offices. This means the Town needs to keep careful watch on the processes, and make sure that we endorse what they are doing. It will

become a replacement of the current plan. The County will adopt the changes of the Comprehensive Plan as their own. The Town's priorities need to be included in their planning.

Jason Meininger, Senior Long Range Planner, will be leading the comprehensive community plan. He gave a power point presentation to bring the Town up to date before the County officially begins. It involves core strategies. They are creating a County Vision. The Comprehensive Plan depicts where the County has been, where it is presently, where it wants to go, and how it plans to get there.

The plan will look 20 to 30 years into the future. It started January 2009. It, it will be completed in December 2010.

The County has shelved their Land Use Code. They are using it in the transition, but are working on a new, more articulate version. They are using the 2007 version as a skeleton guideline. They want to be sure the Town and the County both have their visions implemented in the new land code. Rick interjected, Homestead Development and the properties to the east are components of what factors both the County and the Town need to include in the endeavor. The Town is currently working very closely with the County in this planning process.

Action Agenda item # 4: Elston Commercial Subdivision Amendment to Subdivision Improvements Agreement:

The Elston subdivision was recorded late last year. The time for completion is November 2, 2009. Because of unanticipated and other extraneous complications, i.e. the pedestrian bike path, Doug Leming is requesting that the Town grant an extension, giving Mr. Leming until November 2011 to complete improvements other than the water main. Staff recommends the extension to November 2011.

The reality is, the economics are not there to make this development happen according to the previous plan. \$300,000 of the bond is for work 4 to 5 years out. Doug said it is not fair for the Town to require the full \$ 440,000 letter of credit. Joe Crain replied, it is just like a subdivision, if you are able to sell lots, the people who buy the lots expect pavement and drainage, Joe does not agree with Doug. It is regrettable that the economy is as it is, but we should not dismiss anything that is currently required. If people bought the hayfield, expecting infrastructure improvements are already included, this would reflect negatively on the Town.

It is staff's intent to explore different avenues for a workable solution; bending to Doug's request is not an acceptable solution. Dirk can work on getting something together before the next town board meeting. Doug is willing to continue the issue until the next Town board meeting.

Rick reprimanded Doug, whose remarks were being directed to staff. Doug should be addressing the Board. Doug is asking to continue this to a date uncertain. The Bike path should start in August. Doug has June and July to come into agreement. Tom Au moved to continue this item until a date uncertain. Justin Talbot seconded. The vote was five in favor, unanimous. Motion carried.

Action Agenda Item # 5: Highlands Final Plat Extension:

The validity of the Final Plat for the Highlands @ Dove Ranch is set to expire on May 20, 2009. In order to keep the plat valid, an extension must be granted. Staff is suggesting that an extension be granted for 180 days which will set the expiration date as November 20, 2009. Jim Flint, representing Mr. Roe said it is due to tough economic times. Debbi asked if the list of conditions has been complied with. Jim replied, the list has not been complied with. Jim is reluctant to finalize the subdivision because of the economy. The easement is in place, the tank is in place, the water line is in place. Debbi asked who was to be responsible for overseeing this project. There are private lines which are uncapped. These are water lines that will in time be given to the Town. Jim responded, saying Jack should be in charge of overseeing the project. Dirk commented to the Board, 'you are under no obligation to extend it if you are not comfortable doing it'. The reservoir has not been built, the tank is not being used. The Town is waiting for the telemetry, which is a factor of the SCADA system, according to Justin C.. The bids were opened today on the SCADA system.

Tom Au moved to grant the 180 extension for final plat for Highlands @ Dove Ranch until November 20 2009. Brett Clough seconded. Debbi would like the conditions met before this 180 days are expired. Dirk commented, 'it would not be unreasonable to hold a bond without knowing the plat will be recorded. Rick wants the list of the conditions finished before the 180 day extension is expired. The vote was five in favor, motion carried.

Action Agenda # 6: Eastwood Annexation: Applicant Scott Eastwood, 871 County Road, Sec. 2 T 34 N, R 7 W NMPM, Parcel # 5677- 024-00-004:

Public Hearing Eastwood Annexation: Scott submitted a petition for annexation. This is property north of Bayfield Realty. The Public hearing was scheduled for tonight. Scott is requesting business land use classification.

The property is currently being served by well and septic. One concern is the cost of getting the sewer system lines bored under CR 501. They will need to run the sewer across the highway, this will require the placement of two manholes and pulling an eight inch sewer line to the north side at an estimated cost of \$16,400. The San Juan Basin Health Department has indicated that the proposed use of the second story of the structure cannot take place until the structure is connected to a central sewer system. No more expansions will be allowed until they are connected to central sewer. The Planning Commission considered this item on April 14, 2009, at which time they voted 6 to 0 in favor of allowing the annexation. The Planning Commission stipulated 5 conditions. The staff recommends one addition, that this property be connected to the sewer system within one year. It should be hooked up as soon as possible, then consider annexing 871 CR 501, and designate the property as business with a revision to the plat map. An annexation agreement will be developed prior to plat recordation. All fees will be paid prior to plat recordation. No additional construction will be allowed until central sewer service is connected, and that one year after annexation the property must be connected to the Bayfield sewer system.

Debbi asked about meeting Fire Department Code. Joe said they would have to be met. Scott Eastwood said he was curious to know what the fire department requirements are. Joe replied, the fire department would not send one to an applicant. Scott responded, 'all

the conditions can be met over time, but it will take time to spread the costs out. He would ask for a year to get sewer across the road. He wanted to annex because he has had difficulty dealing with the county.

Debbi asked 'will you share the cost with Dave Hardy?' Scott said he would like Davids help financially in getting the sewer line under the highway. Justin C. commented, 'since we adopted the fire code, it is understood the developer will have to meet the fire code. Hence, the fire dept does not mail their restriction to the developer. Rick asked that staff please let the applicant know they can come back to the town hall and look at the responses.

Public Hearing:

The Mayor opened the meeting for Public Hearing. David Black commented he approved of this action. Carol McWilliams commented that Scott has really improved the appearance of the building.

The Public Hearing closed.

Consideration:

Brett Clough moved to approve the petition for annexation from Scott Eastwood for the property located at 871 Cr 501, Parcel # 5677-024-00-004, Sec. 2, Township 34 North, Range 7 West, NMPM contingent upon meeting the 5 conditions from the Planning Commission and the one added by staff.. Debbi Renfro seconded. The vote was five in favor, motion carried.

Action Agenda Item #7: Liquor License Renewal- Hongs Garden:

Brett Clough moved to approve the annual renewal of the liquor license for Hongs Garden, located at 480 Wolverine Drive, Bayfield, Colorado. Tom Au seconded. The vote was five in favor. Motion carried.

Action Agenda Item #8: Resolution # 136: CDOT Enhancement Grant:

This Resolution is to provide for an enhancement grant to build a sidewalk along Hwy 160 B. Approval of the resolution would also be approval of the contract. Dirk said the paperwork is lengthy but if you want to go ahead with the sidewalk, you need to approve it, boilerplate style'.

Tom said he has a problem with the Federal and State governments tossing money around, putting a burden on our children. Do you want the sidewalk to be completed up to 8 Corners?' 'yes'. Do you approve of the way it is paid for? 'No'.

Justin Talbot moved to approve the Resolution # 136, CDOT Enhancement Grant. Debbi seconded. The vote was four in favor, Tom Au opposed. Motion carried.

Action Agenda Item # 9: Traffic Study RFQ:

Mr. Fleming spoke of the people who are willing to participate. Justin does not particularly like the RFQ. Brett would like to see something concrete from the public sector. He asked Scott to have them bring something solid that we can work with. Communication up to this point has been verbal. He wants something in writing to state what they would contribute.

Tom said they need to read the statement of qualifications so they would be advised beforehand.

This is just the cost of the study alone.

The reimbursement agreements can be controversial.

The study will justify to CDOT that the intersection is needed.

Brett moved to table the traffic study until the private sector can review the paperwork, and a written agreement as to how the costs will be shared between Town and private parties can be finalized. Tom seconded. The vote was five in favor. Motion carried.

The Board moved Action Agenda Item # 11 , Action on Eli Max Properties to this Position on the agenda, before number 10.

Action Agenda Item # 11: Action on Eli Max Easement:

The Board discussed this earlier during the work session. If the terms offered by Mr. Black are agreeable, the Board can go ahead and act on this.

The water tap credit will be equal to a residential tap, on lot 119 B contingent upon the deed being recorded to BEEP and the check being received for \$10. Brett Clough moved to approve the action with Eli Max. Debbi seconded. The vote was five in favor, unanimous. Motion carried.

A short recess was called.

The regular meeting reconvened.

Action Agenda Item # 10: Discussion Regarding Project Priorities:

This is a hold over from the work session in April. Justin is asking for more direction from the Board.

Brett Clough still wants to concentrate on building a rec center.

Justin Talbot spoke to road overlays and the road repairs that need to be dealt with.

Tom Au wants the east side intersection brought to fruition.

He also mentioned the intersection in the business park at Wolverine and Center. The Town could probably improve that for around \$10,000.

Rick Smith would like to see the round about go away.

Mill Street revitalization, and overlay of the street is important. The Board needs to address the water line to the Chamber of Commerce building. The building could probably be staffed with senior citizens who know the history of the valley.

Rick would like to gather more information on in house engineering, basically for construction oversight.

Action Agenda Item # 12: Action on Heritage Society Contract Regarding Old Town Hall:

The Board concurs, 'let's get them in there. They suggested coming in with the amount of the appraisal, but are asking that they be credited for the money they spend on fixing it up. The contract price is \$255,000. The Town could perform the work and then they would give us the contract price. The contract as is does not specifically address who does the necessary work, and to what extent. Justin can get estimates in one or two months.

Debbi asked if they want to lease it immediately. Justin C. responded, 'if they don't get the grant, we would have to move them out. If we are going to do a lease, it should be comprehensive. We can lease it to them, for \$1 a month, but they would have to pay the utilities. They want to keep the building historical'.

Dirk said he needs to clean up the open ended things in the contract. Dirk remarked, the Town should reserve the mineral rights under that property. They are proposing closing on November 30, 2009.

The Town can draw up a Lease agreement, \$1 a month, with a cost neutral to the Town. The Town would do a one year lease.

Agreement:

The Town will try to get them in before the 4th of July celebration.

Brett Clough moved to instruct staff and Dirk to tighten up the contract, proceed with repairs necessary, and set forth a lease that is cost neutral, \$1 a month, they pay the utilities, and get them in as soon as possible. The lease will go away as soon as the purchase is finalized. Tom seconded. The vote was five in favor. Motion carried.

Action Agenda Item # 13: New/ Unfinished Business:

The Town is building a trail on C. R 501. In order to do this, we will have to cross a ditch. Gerald Ludwig is requesting a fully enclosed bridge. He is still concerned about safety. It is the County's project. Justin C. would like further direction. Joe Crain met on site with the County engineer. If we have to comply with a totally enclosed bridge, it would be cost prohibitive. We have a deadline of May 30. We will need a resolution to enter an agreement with the County. If the ditch company refuses to sign, the project will go ahead.

The ditch company is looking for some sort of liability to be accepted by the Town. We have agreed to pay \$35,000, the County is providing the design, but they will be reluctant to pick up additional costs. The Board wants to go with the regular bridge.

Tom moved to approve setting the hearing for the Chamber of Commerce Special Events Liquor Permit for June 2. Brett Clough seconded. The vote was 5 in favor. Motion carried.

Debbi asked Justin C. to do research on the streets that need double yellow lines.

Rick Smith said he would be absent for the next Town Board meeting. Tom is Mayor Pro Tem and will run the next meeting. Rick will be out of town

Rick stressed that on the Towns policies for annexations, 'we need to be sure that most conditions listed during the approval of annexation are met before the plat is ready for recordation.

During discussion of acquiring Hwy 160 E, Justin C used \$650 per square foot for his initial numbers. This is extraordinarily generous. Justin C. feels 7 million is a good number. Rick feels \$6,954,691 is better. Justin agreed to \$6,800,000. Tom moved to go into Executive Session, citing C.R.S. 24-6-402-(4) (f) to complete the Town Managers Evaluation. Debbi seconded, and asked that they include Justin. The vote was five in favor. Motion carried.

The Board moved into Executive Session at 10:15 p.m.

The regular meeting reconvened.

Motion to adjourn.

Approved as written, May 19, 2009

