

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

December 15, 2009 7 P.M.

Town Board Present:

Mayor Rick Smith, Council members Debbi Renfro, Tom Au, Gabe Candelaria, and Dan Ford.

Councilman Justin Talbot had asked to be excused.

Staff Present:

Justin Clifton, Town Manager, Pat Anselmo, Town Clerk, and Jack McGroder, Management Assistant Intern.

Town Attorney Dirk Nelson arrived at 8:15 p.m.

Media: Patrick Young, Durango Herald, Carole McWilliams, Pine River Times.

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

Town Board Vacancy:

The first matter was to formally seat Mr. Luter as the newly appointed Town Council member.

The Mayor swore Brandon Luter in at 7:03 p.m. Brandon took his place at the dais.

General Public Input:

The Mayor opened the meeting for public comments. Paul Peebles had a question about the new sewer rate increase.

No other comments were received.

The Public Comment portion closed.

Approval of Minutes:

Debbi Renfro asked about the invoice on page two that Justin asked to have approved at the previous meeting. He did not know at the time what the amount would be. Justin responded that he had not yet received an invoice for the work.

Tom Au moved to approve the minutes of the regular Town Board meeting held December 1, 2009 as presented. Debbi Renfro seconded. The vote was six in favor. Motion carried.

Action Agenda:

Item # 1: Approval of Bills:

Justin Clifton said there were, again, two more late invoices that were not included in the packet material. The first one covered repairs on the water line located on the Jack Roe property and the second invoice was to pay for damages to the pavilion in Eagle Park. Debbi asked about the invoice for Southwest Mental Health for Detox services. She asked if the Town gets reimbursed for these costs. Justin C. replied that the Town does not get reimbursed. The cost to Bayfield is based on how their formula is done. Dan Ford moved to approve payment of bills as presented for the period spanning December 3 to December 11, 2009. Tom Au seconded. The vote was six in favor. Motion carried.

Item # 2: Town Updates:

Gabe Candelaria spoke concerning Justin's memo (Sports Park) 'too many mistakes being made'. Justin C. explained that Davidson Construction had been a little difficult to work with, not following plans, specifications, grading, etc. But, he added, they had been good at fixing their mistakes. Scott Key spent a lot of time overseeing the work but he was not on-site constantly.

Justin added, 'the contractor agreed to redo what they have messed up. They have required a lot of oversight'.

Dan asked about the progress on the traffic study, 'what is the next step?' Justin C. said he has been working with CDOT on traffic counts. Justin clarified, 'much more public outreach remains to be done. The meetings are about 55% complete.

It is a traffic study on the intersection at the Shell station. Commerce Drive may or may not be included in this. Most of this information came into his office over the last two days.

Tom Au asked if the Town has heard from the County about finishing the (pedestrian) trail to Dove Ranch road. He thought the Town's original plan was to take it all the way up to the church. Justin C. responded, 'the trail has been taken as far as the original plan. The County said the developer was responsible for continuing the trail if they wanted to'.

Tom questioned, 'we currently have a trail that just stops?' Justin C. answered in the affirmative. Debbi said they (Dove Ranch) couldn't do any further work on the trail because it would have to be torn out when they do their drainage work.

Debbi added, 'getting the trail all the way to the church has always been their goal'. She agreed it is inconvenient as it now stands.

Item # 3: Comprehensive Plan Amendment Discussion:

The developer for Homestead Trails had prepared their presentation for the Boards consideration. They said Homestead Trails will enhance Bayfield's potential to develop toward the west. Development is more likely to occur after the Town acquires 160 B. Justin C. said the last comp plan did not look to the west as comprehensively as it should have.

The developers really want to get the annexation wheels moving forward.

Justin C. asked for feedback from the Board as to whether they want to pursue doing a modified comprehensive plan. It would need to include the Hwy 160 corridor and all properties surrounding the area.

Nancy Lauro, Grant Richards, Paul Peeples and Bob Martin were present. Nancy gave a presentation on Homesteads behalf. She said they incorporated the County's plan to guide their develop strategy. The Town has already approved annexation.

Homestead is currently in a difficult situation with CDOT regarding an environmental issue. Homestead said CDOT does not want a major interchange where Homestead would like to have one. They need to revise the Environmental Impact Statement to determine placement of the intersection. Homestead envisions commercial, industrial, and manufacturing businesses along this corridor. They want to help Bayfield in its effort to grow away from being a bedroom community for Durango.

There is, unfortunately, a wetlands situated in their proposed intersection.

She presented a transportation plan, saying it does not include Hwy.160 B.

She mentioned plans for a park in their development, and a pedestrian trail leading out of Homestead in to the Town.

Rick asked the Board 'are you interested in pursuing an amended comprehensive plan, and if so, how do you want to proceed?'

Dan asked how long the process would take and what it would cost the Town. The cost of resources and time would be extensive. They would need both trail maintenance and road maintenance. Grant said it was not going to happen in 2010. They still have to deal with the EIS, it will take longer than a year to get the EIS approval.

Dan feels the Town definitely needs to go ahead with it. The Board gave nodding heads on their agreement with Dan.

Justin C. said the process would entail involvement with plans for circulation, impacts with intersections, best practices procedures and re-routing C. R. 502.

Mayor Smith recommended that, in all the planning, please include placing a frontage road for the people who live on C. R. 502. The Board agreed, this most definitely will be needed.

Gabe voiced his opinion saying he also is in support of this plan. He asked Paul Peeples why the County has drug their feet on allowing him to do what he wants to do. Paul said it wasn't the County holding him back, it was the Town not being able to annex back then. With the flagpole annexation, his property will meet the contiguity requirements. Gabe added, 'when this comes up, who is going to pay for it? It absolutely will be a major concern'.

Ms. Lauro responded, 'once you begin to build, it will be comparable to a strip mall, you get ancillary businesses that want to fall in as well, businesses that compliment one another. We must pursue every opportunity possible to grow the Town'.

Grant Richards said he has not talked to Gem Village about this plan. He said he would rather not include them because they did not want to be included initially. Grant wanted to keep this as uncomplicated as possible.

This would all start at the Planning Commission level. The P.C. would be integral, pulling most of the weight.

The issues would definitely need to be effectively relayed to educate the community, thoughtfully, thoroughly.

Gabe stated, 'Gem Village would more than likely welcome this plan for growth, we should try to include them. Education and discussion would get rid of the fear component'.

At this point it was determined that Staff had received enough instruction to proceed.

Item #4: Economic Development Presentation:

Jack McGroder gave a presentation to the Board concerning his insight on economic development. He thinks Bayfield will be the fastest growing community in southwest Colorado. Components of his study included the availability of high speed broadband, definitive land use codes, and major labor markets. Jack explained, land use patterns are critical. It costs less to cluster. He added, collaborating agencies working with him have been LEAD, the Bayfield Area Chamber of Commerce, Vallecito, and Colorado Business Development at Fort Lewis College. Tourism entities are stressing the need for a shared position. They feel it is necessary to keep a Chamber of Commerce facility open on a daily basis. Small Business Development currently meets at the local library, linking with the County on current economic endeavors.

He suggested that perhaps Bayfield should change its name to Pine River. He added, 'locals would have to take off their existing pride'.

Mayor Smith encouraged Jack to work very closely with Brandon Luter.

Jacks work (masters thesis) is on the Towns website.

Rick commented that 'what we have known in the past is still true, we need to be self sufficient yet flexible enough to be a larger part of what is going on around us'.

He added, he was not sure how the children of Bayfield would take to Jacks suggestion to change the name of the Town

Dirk arrived 8:15 p.m.

Jack summarized his comments, saying the State expects to grow to twice its size in the next few years. This is 'the most desirable place there is'.

Item # 5: Internship Discussion:

Justin said he would like to pursue having an Intern, adding 'it works for everyone, Jack wants to transition out of the position he now holds. We don't have to change the budget, we will pursue hiring an engineer in the next two years'.

He is asking for a green light to go ahead with the application for participating in the internship program. Elizabeth Jackson is the individual available for internship. 'She wasn't placed with other communities'. Justin C. added, 'the bang for the buck can't be beat'. She lives in Durango. He asked for the Boards nodding of approval. He will ask the Mayor to sign the agreement once the Board gives their approval. The Board was in agreement, asking Justin to proceed with the application process.

Justin said he was excited for the opportunity that has been offered to Jack.

Item #6: Sick Leave Policy Changes:

Justin C. has modified the language in this section of the Personnel manual. He added 'contingent upon the availability of funds', saying, 'the language is strong enough to cover all aspects'.

Currently accrued sick time is not paid out when an employee leaves, except when they have worked twenty years..

Justin continued, 'allowing the accrual is a potential loss of production, when you have to pay them for not being there'. He added, 'perhaps all personnel policies need to be revisited'.

Gabe moved to adopt the Personnel Policy 08-5 (a) as presented by Justin Clifton. Dan Ford seconded. The vote was six in favor. Motion carried.

Item # 7: Liquor License Renewal – Western Refining (Giant Conoco):

Gabe Candelaria moved to approve the request for renewal from Western Refining dba Giant #063 Conoco as presented. The current license, a 3.2 percent beer retail license, expires March 13, 2010. Tom Au seconded. The vote was six in favor. Motion carried.

Item # 8: Senate Bill 232- Fiber Grant Discussion:

The funds come from federal mineral leases. The Department of Local Affairs will expect to see that the grants go to areas where there are federal mineral leases. The fiber will support the foundation for businesses to maintain their stability when mineral leases starts to decline. SWCOG is a finalist. They need a letter of commitment from the Town, stating a symbolic intent to cooperate in this effort. They realize that the Town cannot appropriate funds for more than a year at a time. Justin C. said 'we do not have many capital fund commitments for the next year. 'We recognize, the Towns share would be \$46,875 each year for four years. The public works guys could rent a trencher, and help to install the lines. The grantor will accept 'work in kind' for the Towns portion.

We will probably not get 100% of the awarded funds. About sixty million dollars will be up for grabs.

Should the Town get a lesser portion, that would diminish the cash match from the Town. Do you want to make the statement that 'yes you support a commitment for \$46,875 for the next four years? Take into consideration that every 25 cents spent is a dollar received. It catapults us into a business opportunity'. Fiber will take Bayfield into the modern era, but it comes with a cost.

Rick said the overlay extended from Durango to Ignacio. He added 'the hop scotch method is not a good way to proceed'. He would like to drop fiber within the Town. It would benefit downtown and the business park. It would target businesses. All cable would be placed underground. The Town would own the infrastructure. Residents would have to pay to be connected.

The Town would have to hire someone to run the business, perhaps Durango or Cortez. All the little towns would have to consolidate efforts in getting a company to manage it. Gabe asked 'do we know what it would cost?' Justin answered, \$750,000 is the *conceptual* total cost estimate. The overall grant would be four to five million dollars. Gabe, 'do we have projected revenues?' Justin replied, 'no. We need a letter of commitment on the part of the Town, a symbolic gesture to the grant agency. You need

to be prepared to make the commitment in 2010'. Justin C. thinks the Town could meet the obligation over four years.

Mayor Smith said this is a bold move. He asked the Board 'Do you want to proceed?' Dan said if the economy gets any poorer, we would need to be able to pull the plug if need be.

Justin C. said 'we could back out when ever'. Dan asked, if any one else pulled out, would our cost go up? Justin C. said he doesn't know but 'if there was a compelling reason, we could back out'. Gabe wants to see revenue projections. Rick explained the E rate, saying 'you would develop the revenue plan before you go with the agreement'. Justin C. reiterated, it is highly speculative. Cortez is just now at the phase where they can make viable deals with potential customers. There are not a lot of models. It would be speculative. Setting the rate would depend on the number of vendors that would be willing to participate. It would route through the business park first.

Justin C. said he could work on getting a hypothetical income based on information available from other towns our size.

Brandon asked 'what would the upkeep cost, and who would maintain it?' Rick said it lasts 25 years unless the fiber gets cut. Debbi cautioned, 'you must do due diligence when putting in the lines, making sure to have trace lines, so it would not be cut'. Rick said it costs \$28 to do the locates. Gabe cautioned, 'we need to be sure we would know how to locate the lines'.

Nodding heads by the Board were given for Justin to proceed with the pro-formas.

Item # 9: Public Hearing- Resolution for #245: A Resolution adopting the Supplemental Budget for the year 2009:

The Mayor opened the meeting for a public hearing. No comment was received.

The Public Hearing was closed.

Consideration:

Tom Au moved to adopt Resolution #245, a resolution of the Town of Bayfield to adopt a supplemental budget for the calendar year 2009, and appropriating additional sums of money to the various spending funds for the 2009 budget year. Brandon seconded. The vote was six in favor. Motion carried.

Item # 10: New/ Unfinished Business:

Justin C. leaves for vacation tomorrow. He will not return until January 3, 2010.

He is not leaving anyone in charge. Department heads will work within their areas.

Justin C. asked for confirmation on the current stance regarding what is and is not required by the Fire Code. The committee is working on what needs to be done.

He doesn't know how to deal with the people who are coming to him for clarification of questions concerning the Fire Code. 'What is the standard that needs to be relayed?'

Rick replied, 'we adopted the Fire Code *without* the appendices. Should we adopt the indices, it would be the intent that they served as guidelines only, i.e., no teeth'. He believes that this was and still remains the intent of the Boards decision.

Dirk said, 'we know more now, it doesn't make sense to adopt without a standard. Without a standard, what is being applied?' Justin C. wants to know what to do in the interim. He wants to have more clarification on what he is expected to tell the Fire Chief. Rick reiterated, it was not the intention of the Board to have the appendices included. The desire of the Board has been clearly communicated. Gabe concurred, they are for guidance purposes, the appendices are just for references only. We are not at the point where we could adopt the appendices because we don't have the fire flows to meet the appendices.

Justin C. said the committee is not at all resolved on what the process should be. Rick, 'let it go as is, if they want to appeal, let them appeal. There is no fire flow. If we have to we will pull the Fire Code out until we can meet it. Gabe agreed, this cannot be done tonight. We don't have the fire flow, we can't meet the standard. You could repeal the Code, then come to a compromise. Justin C. will bring this back in January. He added 'the question remains 'What is the standard? No one has said this is what the standard says. The standard we adopt may not be the one in appendix B'.

Dirk said the Board needs to come to a decision on what their standard should be.

Rick instructed Justin, bring back some options in January.

Dan asked how the noon meeting with staff today went. Justin C. replied, 'fairly well. There was a lot of silence.'

Rick commented, his observation was that the department heads had communicated well with their staff. It was stressed that it was important that they work as a team.

Dan Ford, 'how is the snow plowing going?' Justin C. said, 'good for the most part'.

Rick will be gone on vacation starting tomorrow.

It was decided not to have a Board meeting on January 5. Because of his vacation plans, Justin C. will not be here to do the packets on Friday, January 1.

Motion to adjourn 9:25 p.m.