

**TOWN OF BAYFIELD
REGULAR TOWN BOARD MEETING
1199 HWY 160 B. BAYFIELD, CO**

JANUARY 20, 2009 7 P.M.

Town Board Present: Mayor Rick Smith, Council Members Dan Ford, Tom Au, Bob Piccoli, Brett Clough and Debbi Renfro.

Town Staff Present: Justin Clifton, Town Manager, Dirk Nelson, Town Attorney, Joe Crain, Town Planner, Pat Anselmo, Clerk, and Jack McGroder, Management Intern.

Press: Carole McWilliams, Pine River Times, Garrett Andrews, Durango Herald.

Carol Blatnick, representing the Bayfield Early Learning program (BEEP) was also present.

The meeting was called to order at 7:03 P.M. by Mayor Rick Smith.

Approval of Minutes: January 6, 2009:

The minutes of January 6, 2009 were presented for approval. Debbi Renfro said it was she, not Brett, who asked for correction on the spelling of Matt (to Mac) Coker's name. Brett Clough moved to approve the minutes of January 6, 2009 as corrected. Debbi seconded. The vote was five in favor, with Tom Au abstaining from the vote. Motion carried.

General Public Input: Brenda Yarina addressed the Board. She confirmed that her concern regarding snow pack had been taken care of. However, she added, she is requesting that she be involved in everything concerning the Towns involvement with Sunrise Estates, Goff Engineering has put a lien on her property. Cindy Smart, Kremer Drive, handed out an easement between Catoff and BP. She commented she needs to know if the Board is aware of this easement agreement. Cindy said 'it was approved by Boyer, who said it would be piped drainage. Randy Baxter' (BP), she continued, told her 'you cannot have anything in our easement, you have room in your own property. You fix the problem.'

She was clearly upset about the \$30,000 bill they received. She commented 'The Town contracted with Goff, the homeowners received the bill. All of these lots have a lien on them'. She was also very upset about the snow being piled on the side of their roads. She wants to see the (written) right of way language that says the Town can put snow on her property. In so doing, 'they damage it extensively.'

No other public comments were received. Public comment closed.

Action Agenda Item #1: Approval of Bills:

Tom Au moved to approve payment of bills as presented. Dan seconded. The vote was six in favor. Motion carried.

Action Agenda Item #2: Town Updates:

Bob Piccoli commented regarding Envirotech's giving their stamp of approval on the work that has been done on David Blacks property. He asked how long Envirotech is going to drag this out. 'It has been going on forever'. Justin's response was that the State wanted pictures, 'I sent the pictures, they said they had never received them, I re-sent them'. He has followed up, but has not received any timely responses. Justin agreed, 'Yes, they are dragging their feet'. Justin said he needs confirmation on the date in order to schedule the work. He will follow up tomorrow.

Dan asked about the change order (#4) on the WWTP regarding charges for programming. Justin C. responded that this system is run by computer. This is the cost for the software. Dan said it should have been included in the original cost. Justin C.

continued 'our system needs to integrate with theirs. Their bid included the hardware. It did not include the software which enables our system to integrate with theirs. The cost of approximately \$33,000 was not in the (contractors) contract'.

Dirk requested that the Board give him direction on the Sunrise Estates issue. 'We are trying to get a handle on what we can and cannot do (working with BP)'. His discussions with BP are not consistent with what Mrs. Smart said earlier. The plans have always been for an open ditch. He tried to contact Randy Baxter, but found Mr. Baxter had been ill and was unavailable for comment. The letter presented was the original agreement with BP. The letter did not establish the easement. He was not aware that the liens had been applied. However, he said, the obligation is the developers, not the Towns.

The agreement between the Town and the developer is still in limbo. He continues to accumulate information. Tom asked if it was legal for Goff to file a lien against these properties. Dirk remarked he was not willing to answer the question without researching it first. He re-affirmed that he will follow through on this. Goff did notice that they were intending to lien, but he was not aware that they had followed through.

CDOT is taking until February 2009 to make a decision (regarding the offer from the Town on accepting the bridges). They have to judge the entire State's needs to see where the money will finally be spent.

Justin C. explained the situation about Telluride's negotiations with CDOT. It was an entirely different situation.

Action Agenda Item # 3: Dove Ranch/ Mountain View Vacation: When Phase I of Dove Ranch was platted, Mountainview Drive ROW was continued to the north to serve additional phases of Dove Ranch. (Refer to Joe Crain memo dated January 16, 2009 for detailed information). Normally when a street is vacated, one half goes back to each adjacent property owner. The staff is asking for direction from the Board on how they want to handle Brad's request for the Town to abandon the ROW, which would allow him to sell (the land) to an adjacent property owner.

Joe explained, 'the land was dedicated for a special purpose. They are not going to use the land for the original purpose, so he is asking for it back'. Rick asked 'wasn't this supposed to be a cross road?' Dirk answered 'yes'.

Debbi wanted to refresh the Boards memory, 'there is a water main and a sewer main on that piece of property. If we give it back, you need to determine that these mains need to be capped off'.

Brad Elder arrived at 7:40.

Joe Crain said this (vacating the ROW) is not reflected in any minutes of either the Planning Commission or the Town Board. Rick interjected, 'there is an issue of the water main and the sewer main'. He asked Dirk for confirmation on his understanding, 'generally, once you have a piece of property dedicated, the Town owns it. This ROW was dedicated for a street. If you keep it, you use it for public purposes. You could vacate it, split it 50/50. The board needs to be very clear if they decide to proceed'. Rick recalled that Brad had given it to the Town as use for streets. Lots that were originally intended along Mountain View have been moved to the location of Knight Street. If the Town vacates the ROW, the two adjacent property owners get the property. He asked if the Board would be willing to give it back to the developer. The Town would never be compelled to get rid of it. Dirk commented, please understand, you do not need to vacate it. It is not contemplated that the Town gets any money when a property is vacated.

Brad says it was agreed all along. He wants it vacated, as he understood. This agreement as he explained it is not supported by any documents that the Town has on record. Dirk said 'it would have to somehow replat the lots'. Brett asked if there would be any financial obligations on the Town's part. Dirk responded, none to the Town. The developer would cover the cost. Dan wants to confirm that the Town would not need to keep the land for any reason before they make a decision on the request to vacate. The Mayor then posed a second question, 'how do you return it to the developer?' Brett said the Town should honor any agreement it made. Dan responded that they need to be cognizant they are not violating the public trust. Dirk 'we would leave it up to the title company, to use whatever methodology necessary to convey it. You specifically need to cover this in the motion. We could draft a resolution to cover the vital components'. Dirk added, just give staff a broad direction to move forward. Justin C. 'just give staff direction to investigate and see if it can or if it can't (vacate the ROW). A formal conveyance would require a resolution'. Debbi asked that staff follow up on the sewer and water mains. Justin C. said he will clear this with the public works director.

Dan cautioned, be sure and put the reasoning in, along with an explanation of the original intent, and leave nothing open (vague) or debatable, to prevent any future liability.

Action Agenda Item # 4: Direction On Southviews Exactions:

Joe Crain said that staff is requesting direction from the Board on any methodology to implement exactions for Southviews developers. He has reviewed the stipulations anticipated for Homestead. However, he needs further direction from the Board for both Brad and the Byrd property.

Rick stressed, 'the one thing that comes to the forefront is the intersection that will be an integral component at Homestead'. Joe commented he has received some pros, some cons on establishing exactions for Brad and Byrd, including but not limited to water lines and dedication of park land, purchase of a snow plow, a patrol vehicle, roads (which will be lengthy) to be taken care of by public works and public safety.

Thoughts expressed by the Board: Brett would like to see the site specific needs. 'If there are none, there should be no exactions'. Justin C. cautioned, 'each situation is unique. Homestead is unique because there is so much road just to get to the homes'.

Debbi commented, (regarding site specific issues), the Board should entertain what monetary requirements may be encountered when planning for a regional drainage system.

Rick added 'we must be careful to treat each developer fairly'. Justin C. stressed, the Board needs to be sure to add trails, open space requirements, etc. in the annexation agreements. Bob asked if the intersection would need to be an exaction that is put into an annexation agreement. Justin replied yes, it would be a condition of access to the property. The developer needs to plan for and produce their own solution to provide access.

Brett, 'what do you think is appropriate for that site?' Justin responded, the Town and the developer need to negotiate until everyone can live with it. Bob added, any development must include a global plan for drainage.

Action Agenda Item # 5: Children, Youth and Family Presentation:

Justin C. said Carol Blatnick was appointed to represent the group. She was in attendance tonight. Justin handed out a packet for the event which will be held here at Town Hall Thursday.

Carol said this is a process on how to serve the community. They developed goals. They encountered a change of county manager, police chief for Durango, and new council members in several cities of La Plata County. The document was turned over to the county to implement. They did not interpret it the way it was originally intended. This meeting will smooth out the bumps and bring everyone to an understanding on how to accomplish the goals.

They surveyed kids from around the communities. The group then brainstormed on the best ways to implement the changes in policies. It entails 'How do we get the community to thrive and bring to pass a positive image of self in youngsters and family members?' They are looking for synergy, local interfacing of companies, charitable organizations etc. They would like to bring the youngsters into the decision making part of the plan. They will be seeking the Boards support for their effort. The meeting will be a governing summit.

She foresees hiring someone at a county level to ultimately take the lead.

Action Agenda Item #6: Public Hearing; Town of Bayfield Economic Development Plan/ Resolution #232- Supporting The Economic Development Councils Strategic Plan:

The Mayor opened the meeting for discussion of this proposal regarding a plan for strategic development. Jack McGroder spoke, saying the document is the culmination of a years work, along with good input from the Mayor and Board. He asked for any questions the Board may have.

Jack said that taking the plan to bona fide interest groups and getting them to take ownership will likely be the most difficult task.

'We need to execute the plan to the best of our abilities'.

He specifically identified the intersection and lift station as major elements.

He added 'Get your work clothes on and get to work!'

The Mayor opened the Public Hearing. Carole McWilliams spoke, saying she has been involved as an active member of the Chamber of Commerce.

No other comments were received.

The Mayor closed the public hearing.

Consideration: Jack will work with the Rotary and Chamber and all others possible.

Rick said our most valuable resource is the seniors. They have time and the initiative, they can use their new building, and they have a wealth of experience. Dan added, the Town can utilize the website to get this information out.

Jack said it is (already) a work in process.

Dan moved to approve Resolution 232, a Resolution of the Board of Trustees of the Town of Bayfield in Support of the Bayfield Economic Development Planning Councils Economic Development Strategic Plan. Bob Piccoli seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 7: Public Hearing- Approval of 2008 Supplemental Budget: Resolution # 231, Adopting the Supplemental 2008 Budget, Ordinance #341, Appropriating Additional Funds for 2008:

The Mayor opened the meeting for public comment. None was received.

He closed the public hearing.

Tom moved to pass Resolution 231, a resolution adopting a supplemental budget for the Town of Bayfield for the Calendar year beginning January 1, 2008 and ending on the last day of December 2008. Brett Clough seconded. The vote was six in favor. Motion carried.

Tom moved to pass Ordinance 341, an ordinance appropriating additional sums of money to the various funds and spending agencies, in the amounts and purposes listed, for the year 2008. Brett Clough seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 8: New and Unfinished Business:

Justin C. mentioned an organization known as Opportunity Builders who does tax credit projects. They asked Justin to write a support letter. Justin said it needs to be approved by the Planning Commission and the Board. The housing project would be located up at the Mesquite area. They would want to build 5-6 units and a community building. The tax credits are sold by them.

Bob Piccoli cautioned, tax credit things have a lot of strings attached. Justin replied that the RHA would probably be the fiscal agent to acquire the land. Justin added, Opportunity Builders have broad experience. Brett, 'does the letter put the town into an obligatory position?' Justin replied that it would not, 'in no way is the Town putting itself into a position of contingent risk'.

The Board then agreed that Justin should write the letter.

Dan asked about the Field properties.

Bob said there are many questions being routed toward board members, 'Can't they get the roads plowed to break up the snow pack?'

Justin said the policy is to scrape up what you can, but they can't do it without damaging the asphalt. Bob countered, 'the big issue is getting to the snow early'.

Justin commented, they are trying their very best.

Debbi emphasized, the HBA needs to get their input to the Town in order for the Town to get going on impact fees. Rick responded to Justin, 'see what you can do'.

Rick announced that the Habitat for Humanity open house is this Saturday between 1 to 3 P.M. at Fox Farm. Please let Justin know, he will let them know how many plan on attending.

All board members said they have plans to go to the Thursday meeting.

Action Agenda Item # 9: Possible Executive Session:

The Board decided not to retire into Executive Session.

The Durango Herald did have an error in the paper. Garrett apologized.

Motion to adjourn. 9 p.m.