

Town of Bayfield
Regular Town Board Meeting
1199 HWY 160 B
Bayfield, Colorado 81122

January 6, 2009

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

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

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

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

Approval of Minutes:

December 2, 2008: Debbi Renfro said the minutes need to be changed to reflect the correct spelling of Mac Coker's name on page two. Bob Piccoli moved to approve the minutes of December 2, 2008 as corrected. Brett Clough seconded. Dan Ford asked to abstain from the vote due to his absence that evening. The vote was five in favor and one abstention. Motion carried.

December 18, 2008: Brett Clough moved to approve the minutes of December 18, 2008. Debbi Renfro seconded. The vote was five in favor with one abstention. Motion carried.

General Public Input: James Harrmann was present to voice his complaint about living in the "Bayfield Wal Mart packing lot". He said there is an inordinate amount of light being cast on his residence by the lights that were erected on the new parking lot at 1199 Highway 160 B. He has also had to remove snow that the Towns public work crew has been stockpiling up near the access to his property. He said the excess snow berms are a safety issue and asked that the snow be stockpiled at a different location.

Justin Clifton responded that he had touched base with John at A to Z Electric concerning the lighting situation but that things really slowed down over the holidays. Justin C. will follow up first thing tomorrow morning. Justin C. apologized to Herm for the snowpiles, saying that staff perhaps was not involved in the directions on where to pile the snow. He will address this situation tomorrow morning as well.

Herm also voiced his concern about the lights being left on all night at the bathroom facility in Eagle Park. He feels this is a waste of taxpayer's money. He relayed his frustration, saying he felt he had been 'singled out' for lack of follow through on his previous complaints about the lights. Justin C. reassured Herm this was never the intent. Justin T. commented he may know of a light refractory device that could be installed to correct the excessive light situation.

Public comment closed.

Action Agenda Item # 1: Approval of Bills:

Dan moved to approve the payment of bills as presented. Bob seconded. The vote was seven in favor. Motion carried.

Action Agenda Item # 2: Town Updates:

Justin asked for comments from the Board on the eight items listed in the Updates section. Debbi said he left out some decimals on the \$4 (million). The Board asked about Hwy 160 E. Justin C. explained that technically, what has always been referred to as Hwy 160 B by the Town and neighboring residents is really Hwy 160 E and he wanted to use the technical name in his communications with CDOT.

There were no further comments from the Board.

Justin C. said he wanted to elaborate on a couple of items. Richard Reynolds (CDOT) is considering the four million amount specified in the draft resolution. Mr. Reynolds does not yet know what is happening on a state-wide scale for the ensuing year, monetarily speaking. Justin re-affirmed it is a competitive proposal. He does not feel the amount being requested was excessive.

Debbi mentioned that Telluride had been involved in past negotiations with CDOT and it was her understanding that the Town of Telluride was not pleased with the outcome of the negotiations. She asked that Justin C. contact Telluride to find out why they were not satisfied with CDOT's solution.

Justin said the word on the streets is that there are some issues with the snow plowing that has been done the past several days. He wants to be sure that all the cards are on the table, saying 'we never want to damage anyone's property'. Debbi replied that she certainly had a lot of comments from unhappy people in the Dove Ranch subdivision. Justin C. wanted to be sure that both the Board and the residents know that the public works crew is trying their very best. Justin T. asked 'what will the town do when the snow melts and the damage is much more evident?' He encouraged the Board to consider changing the towns policy that currently states the plowing will not occur until an accumulation of four inches of snow has occurred. He would like to change '4 inches' to a lesser amount, perhaps '3 inches'. Justin C. cautioned against lowering the benchmark, saying it would cost a substantial additional amount to run the crew and the equipment with less snow. Debbi asked about the legal ramifications of the towns responsibility, i.e., 'are they required to plow the parking lanes?'. Justin said it depends upon how much accumulation has already occurred. When significant snowfall happens, sometimes there is no alternative solution as to where to stack the snow. He concurred, 'the best solution is to plow the streets and the right of way and to stack it as high as possible. However, this is not possible when there is excess snow stacked already.' Rick Smith suggested that delineator posts might be placed as a locator for the plows to follow. Justin explained that the tree lawns are the worst areas that exist in town for plowing in a heavy snow year.

Debbi asked if there was a date we might expect a letter from the HOA (to facilitate work on the impact fee). Justin replied that he has not received the necessary documents.

Rick asked Dirk what the solution might be for imposing any impact fees. Dirk answered by stating 'these issues need to be addressed in the annexation agreement'.

The Mayor asked for a motion to put the liquor license renewal for the Giant station on the agenda. This item was inadvertently omitted from the agenda.

Justin Talbot made a motion to place discussion of a liquor license renewal for the Giant station as Item 2 A on the agenda. Dan Ford seconded. The vote was seven in favor. Motion carried.

Action Agenda Item #2 A: Liquor License Renewal for Giant (store) #063 located at 650 Buck Highway.

Brett Clough moved to grant the liquor license renewal for Western Refining Southwest Inc. dba Giant #063 (as listed in the State of Colorado Liquor Authority master file). The address of this license is 650 Buck Highway, Bayfield, Colorado. Dan seconded. Brett moved to amend his motion to include the proper name and address (as reflected on the renewal form). The vote was seven in favor. Motion carried.

Action Agenda Item # 3: Water Rate Study:

This item was listed as a follow up for the water rate analysis submitted to the Board. In prior discussions, it was determined that some rate increase may be substantiated by the cost revenue ratio. Jack McGroder has done an in-depth study on current rates, past water usage, and demographics of Bayfield residents. Justin C. turned the discussion over to the Board and asked that they direct any questions to Jack.

Mayor Smith said, according to his calculations, the increase amounted to basically less than a penny a gallon.

Justin C. re-affirmed, 'the increased rate will serve as an incentive to help people practice needed conservation practices on water usage and will supply the money needed for line replacements throughout town.'

Bob asked for confirmation, 'these fees go strictly for operations and maintenance?'

Justin responded 'yes, only for operations, they will not be used for capital items. Tap fees are the method the Town uses for financing capital projects. The increase will only provide new capacity in the water system itself'. Brett asked if the water fund is running at an 18% deficit. 'No', said Justin, 'you cannot budget in a deficit according to state law. The water fund is an enterprise fund, which means it should be self sustaining, i.e., should pay for itself'. The increased rate will provide for replacement lines. Mayor Smith acknowledged that broken lines must be repaired, regardless. It is a cost of doing business for the water fund.

Jack added, 'if we had to replace everything in the water system, it would cost us approximately 18 million dollars. There is no fluff. The 18% will cover much needed replacement of lines. The town did have a study done on rates. They decided not to implement rates at the time the study was done'.

Brett Clough emphasized 'we need to get the ball rolling, get the necessary paperwork (resolutions or ordinance) prepared, and get the rate increase implemented immediately'.

Bob Piccoli, concurred, 'Bayfield's rates are low compared to other municipalities'.

Justin said our tap fees are very low as well. Jack thinks it advisable to identify the high use commercial entities and come to a reckoning for reasonable rates for them as well.

Bob asked that Jack please explain the term 'flip'. Jack responded that it is the calculated point where one option produces a greater impact.

Jack explained, 'which is more burdensome when the rate is increased'.

Brett again said, 'lets get going'. Dan commented, that 'we certainly have substantial data to make an intelligent decision'.

Conservation will attend increased rates. Justin C, said the current water rates are already tiered, the higher the usage, the higher the rates'. The commercial users will feel the impact most.

The Board will, he stressed, address the tap fee and the rate increase separately.

Jack re-emphasized, 'please be reminded that these rates are for operations only, taking care of what is in the ground now'.

After some discussion, the Board came to an agreement that Option 3 is the most effective. Justin C. 'we will let the public know, through advertising, using the media to let the public know. It (rate increase) will probably be determined sometime in February.

Action Agenda Item # 4: New/ Unfinished Business:

Justin C. said the town was awarded \$200,000 from GOCO to put up lights at the new ball field. Scott Key was instrumental in getting this money for the Town. He wrote the grant.

Dan wanted to compliment the public works crew on their snow plowing. Bob countered, 'they need to cut the snow pack on warm days'.

Brett Clough asked when the trash was going to be picked up. Justin C. said they did work News Years Day, but they had some breakdowns in equipment.

Brett said that they did not go through Mesa Meadows at all. 'Please call'.

Debbi spoke concerning the emotional plea from James Harrmann. She affirmed the Town would replace the ballasts, 'Does he know that we are trying to please him?' Justin replied, 'after we lower the wattage, that should solve the problem. We did contact everyone in the community'.

Bob Piccoli responded, 'the lights are high. However, they are not higher than the street lights'.

Debbi said that a 25' height is industry standard for street lights. She noted, 'but these are not street lights'. Brett counseled, 'we should not be in violation of our own code. Herm does have an issue'. Bob reminded the Board, 'we said we would change the ballasts, turn the bright lights off, and be sure that the timing apparatus is applied when the lights are on. The Town Hall parking lot lights are only functional when night meetings are in process. The light at the Eagle Park facility is to reduce vandalism'.

Justin T. will look for light shield glass globes.

The trash company is to pick up trees this Thursday.

Motion to adjourn, 8:45 p.m..