

**TOWN OF BAYFIELD
REGULAR TOWN BOARD MEETING
1199 HWY 160 B
BAYFIELD COLORADO 81122
MARCH 3, 2009 7 P. M.**

Town Council Present: Mayor Rick Smith, Council Members Brett Clough, Justin Talbot., Tom Au, Bob Piccoli, and Dan Ford.

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

The Mayor called the meeting to order at 7:00 P.M.

Approval of Minutes: Feb 3, 2009: Dan Ford moved to approve the minutes of February 3, 2009 as written. Tom Au seconded. The vote was five in favor, one abstention, Bob Piccoli. Motion carried.

February 17, 2009: Tom asked that the minutes be changed on page two, third paragraph, to reflect that he spoke with Mr. Byrd 'when he was a new member of the Town Board'. He also suggested the wording be changed at the end of page two to reflect that Justin did not specify a 'width' of the easement, striking 'amount'. Tom Au moved to approve the minutes of February 17, 2009 as corrected. Dan Ford seconded. The vote was five in favor, one abstention, voiced by Bob Piccoli. Motion carried.

Mayor Smith asked the Board if they had any questions for the property owner involved in Agenda Item #10. He advised them that the owner was in attendance at that time. Dan addressed Gabe Candalaria, questioning whether he would be willing to close on the property without title insurance. Gabe replied, saying that would be a liability that neither he nor the Town should want to take on. There are enough problematic issues. He continued, none of the three contracts have been finalized. He just wants it done and done correctly, with everyone involved to carry some accountability. He wants title insurance. He trusts that the Town will come forward with what they said they would do. At the inception the goal was to get the sewer plant started. He added, it is in process, it is being constructed. He is o.k. with this. None of the other board members had any questions for Gabe.

General Public Input: The Mayor opened the meeting to the public for comment. David Black stood to address the Board. He wanted to know if he will be allowed to speak during the agenda item that includes asbestos abatement. He said there was to be clean fill dirt delivered to fill in the low areas. He does not think the dirt that was delivered was as promised. He wants the concrete chunks cleaned up. Joe Mozgai, who resides at 402 Dove Ranch, addressed the Board. He said the snow plow did significant damage to his landscaping this winter. He had installed a sprinkler system and grass last fall. The neighbor's mulch ended up in his yard. He is certain that when he starts the sprinkler system, there will be many problems. Rick said the Town is not prepared to respond to this situation this evening. Justin C. told Mr. Mozgai that,

from a legal standpoint, the Town (taxpayer) should not have liability for the damage. Mr. Mozgai handed out pictures for the Board to see. He continued, 'it is evident the plow scooped up sod'. The Mayor asked staff to schedule an agenda item later on in the spring, perhaps May, to deal with this.

Tom Au felt earlier would be more advisable, and suggested the first meeting in April. Justin C. interposed an alternative, the Board may want to add this issue to the retreat agenda. Mr. Mozgai stressed, he did not want this to happen again next year. Rick thanked him for his comments.

Carol Blatnick voiced her appreciation to the Board, 'I am glad to see that the Children, Youth and Family resolution is on the agenda'. She urged the Board to approve it.

Action Agenda Item # 1: Approval of Bills: Tom moved to approve payment of bills as presented. Bob Picolli seconded. The vote was six in favor, unanimous. Motion carried.

Action Agenda Item # 2: Town Updates: Rick asked if the Board had questions for Justin C. pertaining to the six items listed.

Brett Clough asked about the asbestos abatement not being covered by CIRSA. Justin C. said that prevention would have been the preferred choice. It was a lesson learned. 'We will not do this again'.

Bob Piccoli thinks this non-payment should be addressed with CIRSA. He asked that Justin C. draft a letter. Bob Piccoli said he would like to review the draft before it goes out.

Dan asked about the situation with the Fire Department. They are asking for donations. He wondered if they would use the donations to provide addressing numbers. Justin C. responded, the funds are being used for the promotional campaign only.

The Mayor said there should be no cost for the residents. The banners should have more information.

Action Agenda Item # 2A: Set Public Hearing- La Casita Mexican Restaurant:

Brett Clough moved to set a public hearing to discuss approval of this application for April 7, 2009. Tom Au seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 3: Ed Morlan- CDAP

Ed Morlan introduced himself to the Board and audience. He is the Executive Director of Region 9. They promote economic development via several methods, loans, income tax credits, enterprise credits, etc. He gave a power point presentation explaining their current developments. They assist in certain types of business investments and are actively involved with securing Enterprise credits for businesses within the enterprise zone. Agricultural properties can be included. They get funding from the Federal Economic Development Administration. They work in conjunction with the County, the Workforce Board, SJTC and Pueblo Community College. They facilitate eligibility for federal and state funding. They are in the midst of developing their final plan in order for it to be ready to present to the County Commissioners. The Commissioners make the final determination on the rating. Justin C. sets on the Region 9 Board. Ed explained that each local government has a seat on their board. There are seventeen political

jurisdictions. They implemented the transportation planning. They are the only agency that has all local governments represented. He continued, saying our region does not have a Council of Governments. They formed an ad hoc committee to deal with facilitation of plans, (Regional Cooperation Committee).

They work with GIS census preparation, and with the Census Bureau to be sure that boundaries are as they should be.

By collaborating and cooperating together, the local governments can deliver some programs and services more effectively and efficiency.

He discussed the pros and cons of keeping the ad hoc committee, creating a new standing committee, or forming a new legal entity altogether.

He asked for comments and suggestions. Bob Picolli asked if there is there any conflict with Dr. Cog. (Denver Regional Council of Governments)

‘DRCG gets involved in transportation issues extensively’ commented Robert Piccoli.

Ed said it is definitely a unique situation having two tribes involved in this region.

Funding the GIS is under negotiations, all participants have been asked to finance this project on an equal basis, which is not being received with much enthusiasm. Rick Smith cautioned, the Board would want to be sure that any new organization would not impede or negate any concentration being dedicated to Bayfield.

Because of this factor, Mayor Smith recommended continuing the status quo but with the organization of a standing committee.

Ed added, the Technical Assistance Program requires they get the documentation in to them by September of this year. Ed stressed that as a general rule people advocate the regional organization, it allows more power for lobbying, i.e., vying for an agreeable piece of the economic pie. Ed does not anticipate any thing happening fast. Dan replied that the economy is definitely a strong factor. ‘We don’t want to support anything that would undermine the support for Bayfield’. The government needs to be encouraged to channel money down south instead of spending it all around the Denver area.

The bigger the region, the more political clout they have.

Action Agenda Item # 4: Children Youth and Family Master Plan Resolution:

This item is self explanatory. The resolution is a formal recognition of the fact that the Town supports the program. Bob Piccoli suggested the wording, by definition, (semantically speaking) be changed to read ‘plans to take action’ instead of ‘aim’. Justin Talbot moved to approve Resolution # 234, a Resolution of the Town of Bayfield Colorado in support of the Children, Youth, and Family Master Plan (with the change in wording recommended by Councilman Picolli). Tom Au seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 5: Water Policy Discussion: Justin C. addressed the Board saying he would like to elaborate on a few of the items.

The Town now has radio reads. In light of that, he is suggesting the Town change its current policy of not reading meters during the winter. It is possible for public works to read the meters every month, on a normal basis except for times when there is excessive snow. With that in mind, he is considering changing the due dates as well. He would like to have the policy in the Code state that the Town will issue a second utility billing

statement that reflects a past due before any shut off notice is mailed. There should always be a second billing notice mailed out before a shut off order is anticipated. Regarding the current policy of allowing Utility Release Forms, it appears that the current release form does not make it clear enough to the public that the owner is still ultimately responsible for unpaid utility bills left by renters. Sending the bills to the renters has been a wrinkle in the collection process, to say the least. The simplest solution, he encouraged the Board, is to send the utility bill to the property owner.

After some discussion concerning current procedure, it was determined that reading the meters all year long is preferable. The Board unanimously agreed on this course of action.

On the second issue concerning a possible change in the due dates and sending second billings out before mailing a shut off notice, they also unanimously agreed. Justin C. is going to dedicate time to the implementation of these actions. He will bring back an ordinance for approval in the near future. The Board agreed to establishing a procedure for mailing a shut off notice fifteen days after the date that the second water bill was mailed. Justin Talbot said the charge for turning the water back on should be increased. The third item concerning Waivers, (allowing property owners and property management companies to sign a release, giving the Town direction to send the utility bills directly to the renters) was not as easy to agree on. During discussion, Dirk cautioned 'you do not want to give up your lien power'. The Mayor felt the owner should roll everything into the rent. He is in favor of the owner requiring a large deposit from the renter, then having the Town notify the property owner when the bill is overdue.

Justin C. explained, this would have to be done manually, tracking past due payments and issuing notices to owners. Sometimes the owners are out of town, it is not easy to contact them.

Dan is in favor of holding the owner responsible, period! 'When they collect the rent, they have control'.

Rick said that notifying the owner about the delinquent payment lets them know their renters are not paying the bills. Justin C. responded, it is at that time that owners get aggressive with town staff because the renter has left town and an outstanding bill.

The Town would have to be monitoring bills to two different people. He is asking that it be one way or another, not split. 'It will take more administrative work if we leave it as is and yet are required to notify the owners when payments have not been received'.

Tom Au commented, 'we are not property managers, we do not recover costs incurred as a result of this additional tracking mechanism. If the Town continues allowing owners to sign a release, the form should be crystal clear. Make it finically direct, the owner is ultimately responsible'. Justin C. responded 'staff could make the release form clear cut, strengthen the context concerning the owner's responsibility on the release form, have the signature line reflect their willingness to take full responsibility, and that they will not come back to the Town for redress.

Action Agenda Item # 6: Souder Miller Rates: This agenda item was continued at the last Board meeting. Souder Miller has relayed that they are billing out at 2005 rates. They feel it is time for an increase. Justin C. asked if the Board wants to accept their proposal or go out to bid. Bob Picolli responded, 'we need to go out to bid. It has been 3 years, it is time'.

He is not convinced that the current firm is competitive enough. Brett Clough agreed. Justin C. let the Board know that the Town got at least eight bids the last time. If the consensus is to go out to bid, timing is an issue. He needs to know if he should communicate to Souder Miller that they will be allowed to finish the work they are already involved in. 'Would we honor the current commitment to the existing jobs if they are not the successful bidder?'

The instruction from the Board was to go out to bid.

Action Agenda Item #7: Plateau Environmental Proposal: The Town has used this firm in the past. Plateau has submitted a proposal to the Town to complete the environmental assessment and gain EPA clearance for the Gem Village Lift Station work. The Town has been very satisfied with this firm in prior projects. Justin C. recommends that the Board approve the proposal. A 30 day bid process would delay construction on the project. No formal action was taken.

Action Agenda Item #8: Development Process: Justin C. relayed that the Mayor requested this item be placed on the agenda this evening. At this point, he turned the issue over to the Board for discussion. Rick Smith said he feels like developers take advantage of the Town Board, management and staff, by bringing documentation in late on the day that board packets are being prepared. By this time, Joe Crain has already made his report. Rick posed the question, 'Couldn't we have a cut off day and time for the receipt of packet materials?' He suggested Tuesday or Wednesday prior to 'packet Friday' at the latest. 'The current schedule doesn't allow staff sufficient time to do the necessary reviews. We are growing, both paperwork and work load have increased significantly. We need to set definite deadlines for submittal of paperwork, maps, plats, agreements. Daryl Yost, a prior Board member, suggested some time ago that staff stamp the information with a 'date received' stamp, so everyone knows we know what was submitted, when, by whom, etc'. Tom Au emphasized, 'it must be complete, if it is not all there, it doesn't get put in the packet'.

Joe Crain emphasized that he will not accept anything that has not been reviewed extensively. Period. Tom added, 'our engineer should never even have reviewed this. Brad needs to be turned into the State Board for having a non-engineer do work like this'. The Town discovered a deviation on the plans. Brad presented a revised master plan that wasn't his original master plan.

The Town does not currently have a set procedure for time deadlines for packet material. The Board was adamant about requiring packet materials to be brought in early. This material should be required by the Friday before a packet Friday, at a very minimum. Joe Crain concurred, this is not unreasonable. Also, after the Planning Commission hears a proposal, it should not be presented to the Town Board until the first meeting of the following month.

The Mayor strongly urged staff to get the policy in place and put a time frame on the submissions. 'There should also be a set of guidelines, a checklist for each submitter to follow. If they check the box, they make the commitment, the onus is on them. The re-submittal fee should be higher than the original fee'. Justin Talbot asked if Brad will be required to go back through the Planning Commission. Ricks reply was 'he did not meet the Code, he should have to start over'. Tom Au cautioned, plats must have an engineers

name on them. Surveyed plats must be signed, sealed and dated, or stamped for preliminary review.

Justin C., summarized the discussion, 1) The Town needs to address these policies 2) At the time staff advances material to the Planning Commission, they need to be sure the submitted material follows the Code.

Justin and Dirk are reviewing the legalities of requiring any developer, once they have approached the Board for approval, to re-submit to the Planning Commission as if it were a new submittal altogether.

Joe Crain expressed his support for a requirement that would set a deadline for submittal of packet materials by outside entities as Friday, the week before packet processing.

Justin C. confirmed he will work on setting these policies.

Tom Au mentioned that, in the past, Debbi has communicated having a problem with stipulating an approval contingent upon a plethora of conditions. He definitely agreed with her.

Tom added, 'Brad did not turn in Phase Two but was already building. You can deny submittals if there are too many conditions. The Board can vote to turn it down if they are not comfortable with the plan'.

Tom asked staff to institute the policy of stamping submittals with the date received.

Then, if material is altered from its original state, the Town has record. The Board and staff both expressed that this is an excellent suggestion.

The Town would not have to keep copies, but the developer would be required to bring the last stamped plan in with them when they return.

Action Agenda Item # 9: Senior Center Facility Use Agreement: The Board felt that allowing the serving of alcohol on the premises would require robust policies in place. Justin C. said this was the initial draft of the agreement. He will research other facilities rules, get a legal boiler plate format that includes requiring deposits. Staff will have a rigorous check in and check out procedure, count the inventory, etc. Rick suggested having a 48 hour window (instead of 24 hours) and make it two working days, so Parks and Rec personnel would not have to be called out on Saturday or Sunday. Bob questioned the legality of the request to disallow the use of tobacco. Tom suggested a plan be in place to avoid conflicts of scheduling. And, he stressed, people who want to use this facility should not be allowed to get a discount under the guise of 'the Seniors' scheduling it.

Justin will make it 'stone sure' that the Seniors get to participate in the scheduling of their building, and be involved in setting the rates and times.

Justin T. suggested a non refundable cleaning fee. Justin C. said they already incorporate it in the rental fee.

Action Agenda Item # 9A: New/ Unfinished Business: Greg Monroe from LPEA is requesting that they be allowed to use the new Town Hall facility for their monthly Board meeting. This is in an effort to reach out to the local communities, to invite interested parties to gain information on their plans. They have requested either April 14 or 15, and plan to invite the Ignacio Town Board as well as Bayfield's Town Board. After a short discussion, it was decided that Wednesday, April 15 would work. The Board said this

date is acceptable, but it was acknowledged that it would not be an obligatory meeting for Town Board.

Justin C. asked about dates for the Board retreat. He suggested that the Town Board meeting for April 21, 2009 be cancelled, and set the retreat for Saturday April 18. He will notice it as a public meeting. It will be an all day event, from 9 to 5. The Board asked that it be scheduled here at Town Hall and that it be catered so they could have a working lunch.

Justin's evaluation is on the horizon. He will put the necessary forms in the retreat packet for the Boards use.

Dan Ford said he has been doing extensive research. He suggests the Board entertain the thought of moving the Towns reserves at Colotrust down to local banks.

He has asked his staff to make a proposal to the Town.

Justin C. said he will bring a full report to the Board on this proposal. Staff will need to solicit information from local banks before any formal action could be taken.

Maximum return on investment is the standard policy.

Staff will also check the debt to equity ratio of local banks.

Justin T, asked if someone had looked at the Black property. Justin C. responded that he had, and at the same time had shown David the certification.

Tom Au wants closure on this project. Justin C. responded, absolutely.

The Town has not received any bids from companies on the flapper valve.

Action Agenda Item # 10: Executive Session C.R.S. Sec. 24-6-402 (4) (a) Contract To Purchase Property:

Tom Au moved to go into Executive Session, citing Sec. 24 – 6 – 402 (4) (a) to discuss a contract to purchase property. He requested that Dirk and Justin C. be included. Brett Clough seconded. The vote was six in favor. Motion carried. The Board moved into Executive Session.

The Executive Session concluded. At that time the regular meeting reconvened. Brett Clough moved to approve the contract to purchase property. Tom Au seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 11: Executive Session C.R.S. Sec. 24 – 6 – 402 (4) (e): Sunrise Estates:

No action was taken.

Action Agenda Item # 12: Executive Session: C.R.S. Sec. 24-6-402 (4) (f) Personnel Matter:

Tom Au moved to go into Executive Session, citing C.R.S. Sec. 24 – 6 – 402 (4) (f) to discuss personnel matters. Brett Clough seconded. The vote was six in favor. Motion carried.

The Board moved into Executive Session.

At the cessation of this Executive Session, the regular meeting reconvened. At that time, no formal action was taken.

Motion to adjourn.

Approved as amended, March 17, 2009

