

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

September 15, 2009 7 P.M.

Town Board Present:

Mayor Pro Tem Tom Au, Council Members Justin Talbot, Debbi Renfro, and Dan Ford.

Town Staff Present:

Justin Clifton, Town Manager, Pat Anselmo, Town Clerk, Dirk Nelson, Town Attorney, and Deputy Chris Choate.

Press:

Carole McWilliams, Pine River Times

Mayor Pro Tem Tom Au called the meeting to order at 7 p.m.

Approval of Minutes:

Justin Talbot moved to approve the minutes of September 1, 2009 as written. Dan Ford seconded. The vote was four in favor. Motion carried.

General Public Input:

Tom opened the meeting for general public input. Rich Graeber, Upper Pine Fire District spoke. He commented that a big event is scheduled for October 15, 2009. It is when their insurance company comes to re-rate the community.

Fifty per-cent of the rating depends upon the Fire District, ten per-cent is based on the community and forty per-cent is based upon the available water supply for the Town and surrounding areas.

He said the rating is on a one to ten scale, with a 10 saying there is no fire protection, and 1 is indicative of very good fire protection response capability. He also mentioned the 5.4 million dollar bond that was awarded to the Fire District several years ago.

He wants to portray to the community that they are utilizing the funds judiciously. He said the Fire District is willing to lend the Town a portion of money necessary to install a looping system up to the Elston location but did not delve into the particular details.

Action Agenda:

Item #1: Approval of Bills:

Justin Clifton explained to the Board that one invoice had been omitted from those presented for payment with the packet last Friday. Jack and Justin have been administering the sidewalk project. Justin continued, it was in the amount of \$32,XXX, due to Schlessman Concrete Inc. and is associated with the contract that has already been approved. The Board asked if this was the final payment, Justin replied that it was not. The total project will cost over \$100,000. The Board said they were o.k. with authorizing payment if the engineer and manager reviewed the work thoroughly. Dan Ford moved to approve the payment of bills as presented, dated September 4 thru September 11, 2009, adding that the motion include authorization to pay the invoice to Schlessman in the amount of \$32,XXX. Debbi Renfro seconded. The vote was four in favor. Motion carried.

Item #2: Town Updates:

Justin Clifton asked the Board if there were questions for him regarding the items listed under this agenda item. Tom Au spoke of his concern that developed when Snooks told him there was no (planned) re-bar in the cement (Sports Park Project, commons area and sidewalks). Justin Clifton explained that Snooks was correct. However, the concrete is going to be four inches deep. The bleacher pads will be reinforced. The cement will serve well, as designed, for light duty. Justin C re-confirmed, 'there will be no heavy duty equipment on it'.

Justin Talbot asked if Crossfire Construction was the apparent low bidder (Gem Village Lift Station Project). Justin C. replied, 'essentially, yes. It will be critical to monitor them to ensure they attain an even slope and install proper connections. The Town will need to stipulate that they hire a contractor that will remain on site regularly to oversee this project. It will be Crossfire's responsibility to provide that specific person. Tom Au commented that Crossfire does have, currently, a qualified person to oversee the project. Justin C. added, the Town will have a quality control person there as needed, especially when they are burying the pipe'.

LAPLAWD: Tom asked how Ron feels about this. Justin C. replied, 'there is a lot to cover. We are already at 80% capacity at the new plant'. Justin C. is not certain that there will be funding available to make this proposal a reality. 'We are a year away from having serious talks. Cost sharing will be a vital factor in the final decision.

Tom Au had questions about the 501 trail, 'why is it short of reaching Dove Ranch by about 40 feet. Justin explained, the County required a match by the Town. The length of the trail was determined by available funding. When it is finished, the Town will do the maintenance. They have discussed using various construction materials. Justin C. said the County had already spent more than they intended to.

The long range plan is to have it connect to Dove Ranch.

Tom asked how the Town planned to plow the trail. Justin C. replied, 'we don't have the appropriate equipment right now', referring to the skidster.

Tom doesn't feel the Town should put a pickup on the trail to do plowing. It will break the trail down because of the weight. This needs to be considered when the Board looks at the budget for 2010.

Debbi asked what weight the trail was designed to accommodate.

Justin C. said he is not sure. He will contact Jim Davis to get the answer to this question. Justin C. spoke concerning the design for snow load on the new metal storage building. Souder Miller said the storage building needed 50 lbs per square foot. 'This is a problem for the contractor. They were the experts. If there is culpability, it will fall on them'.

Item # 3: Discussion Regarding Spillman Program:

Chris Choate, representing the marshal's office, prefaced his comments saying he is not an IT guy.

He has spent a great deal of time in budget meetings. The intention all along has been to work this into the 2010 budget. Perhaps it will extend into 2011.

He has met cost deadlines on cost savings commitments. Their current files management system consists of word documents created by deputies. It is cumbersome. It is antiquated. 'We have grown to the point where we can't continue to operate with this system'.

Spillman provides for a comprehensive data base. Now that the city of Durango and the sheriff's office are using Spillman, he feels that the Town should be on the system to gain seamlessness throughout the entities. 'They (Spillman) are willing to forego costs of the system, if we carry the maintenance. The big cost is the lap tops, docking stations and mobile programs. The Upper Pine Fire District donated note books to run the mobile system. 'All information that we input will be immediately accessible by Durango and the sheriff's office. If we continue to operate the current way, it will take three days. It will cost approximately \$1000 to get fiber optic on line for records management. They have waived the first twelve months.

After a year has passed, the Town would pay \$5420 a year. After that, fees increase 7% a year.

The District Attorneys office and dispatch have asked the Bayfield marshal's office to get to template forms.

Dan Ford asked 'are we in danger of lost lives if we do not go with the Spillman system?' Chris said not loss of life necessarily, but there have been some very serious situations. Not having it does not create a risk to the citizens. However, continuing as we are currently demands huge amounts of manpower.

Dan continued, 'we're getting \$86,000 worth of goods for free?' Chris replied, that it correct. Chris added 'the other agencies are going to go ahead with it, regardless of Bayfields decision. This offer will not be there next year. All of this will operate on Durangos server. If the Board decides to accept the offer, it will cost about \$5,000 right now to do the RMS and the mobile. Next year it will run about \$5420, and then accelerates 7 % a year from then on. A basic RMS package runs an average of \$92,XXX. The Board gave nodding heads of approval for this proposal, citing 1) safety of officers 2) saving time for officers doing paperwork, filling out reports 3) the fact that sharing information (and getting the information instantaneously) is essential in this day and age. Justin C. said the Board has the authority to appropriate the funds.

He is proposing a flat budget, with an attending 'wish list'. When the department heads did the budget initially, it showed between \$150,000 to \$300,000 in the red.

This (Spillman) can only happen through cuts, they can spend the additional money if they cut spending in other places. His goal is at minimal to get the RMS system. He summarized, the availability of money now is fiction.

The Board confirmed, they want to go ahead with this, they just need to find the money.

Chris thanked both Upper Pine and La Plata County Sheriffs for their support.

Tom ended with, 'it should cut down on overtime'.

Debbi added, it may delay the necessity of hiring a new deputy down the road.

Item #4: Funding on Recycling Center:

Justin C. made an effort to provide sufficient background on the ditch piping issue. Gabe Candalaria (Alpine) has met with Gerald Ludwig and verified the distances between the fence and the high water level. They agreed that it will be 20-25 feet from the center of the ditch.

The trash company needs 35 feet of driving circumference in which to navigate.

There is no precedent on the Town requiring piping. The Cinnamon Heights problem evolved when the ditch began leaking.

Justin provided copies of capital budgets for the various options.

Forty yard containers did not mean they were 40 feet in length, as the contractor thought.

Justin C. conceded, the Town could do the asphalt/concrete at a later date. He feels the pad should be a priority. The total parking area will run \$30,000. The Board could

choose any options in between. Justin C. anticipated taking money that had gone into capital before and use it for operating. "We could spend \$85,000 to set it up. We

anticipate \$50,000 right now (without allocated personnel). We need to justify the position that the Town is doing a reasonable effort to avoid the fines or penalty for non-compliance.

Justin C. has been working with the school to dove tail the energies, 'so we avoid doing any duplication of efforts'.

Tom Au asked Gerald Ludwig if he had any comments. He said he would like to have the ditch piped. His easement is 30 ft. He suggested piping a portion of the ditch, which would run roughly \$30,000 based on the engineers estimate.

Justin C. the goal is to keep it clean.

Dan asked what Gerald's main concern was. He replied, 'seepage, drainage off of adjacent properties'.

Dan suggested the Town keep the costs as minimal as possible right now and wait and see what impact the trucks will have on the all weather surface.

The pad is under the rolloffs. Justin Talbot voiced concern about setting a precedent regarding the piping of ditch, for any developer that may come back on the Town. Justin C. agreed, 'we need a comprehensive policy on this. If we adopt a policy, it would need to address the differences between the properties themselves, i.e., if the (elevation of the) ditch is above or below, additional seepage if you dig too close to the ditch. Debbi would not support the Town piping this segment of the ditch.

The appropriateness of piping depends on the circumstances of the properties.

Dan moved to 1) put a fence up 2) monitor the activity of the recycling process 3) do not include asphalt or concrete at this time. Debbi seconded. The vote was two in favor, Dan Ford and Debbi Renfro, and two opposed. Motion failed.

Dirk cautioned ‘you need a comprehensive policy. You are in a tentative position if you ask a developer to pipe a ditch the way things are right now. A policy would make inconsistencies more unlikely. The rigidity of the policy would be determined by the Board. The Board can revisit this issue at any time.

Justin C. continued, saying the budget did not include his recent requests for asphalt and concrete. It had been previously approved. None of that is changed, so it is not necessary for the Board to take action.

Gerald does not want a fence along his, because the fire department cautioned him to not fence along the ditch.

Item #5: Local Preference:

Justin C. explained, ‘this is very preliminary’. He tried to address all pertinent issues. ‘We have to be very careful on how we define ‘local’. It is inevitable that the Town will come up needing certain services that are not available by local companies. One major factor is how much it would cost the Town to support ‘local’. He asked the Board for more direction.

Tom queried, ‘do you have to take the lowest bidder?’ Dirk responded, ‘you can reject someone who is not qualified. You have to have a very compelling reason to reject the lowest bid. On most grants, it stipulates, you will take the lowest bidder.

If the prerogative is prohibited by the source of funds, it is a different situation.

Dan concurred, the definition of ‘local’ is difficult.

Debbi is inclined to go more global with her definition of local.

Dan asked, ‘do we go out to bid only on big contracts?’

Quality is prime factor.

Dirk added, the issue of imposing a use tax will need to be placed on the ballot.

‘If the Town uses its own money, you can choose to not take the lowest bid’.

Debbi and Justin T. would like more information on the use tax alternative.

Justin C. will bring back additional information on use tax. The Town is not letting any contracts right now.

The stimulus money has minority restrictions.

Dan cautioned, ‘you don’t want to sacrifice quality’.

The Board requested more information on use tax

Item #6: Enhancement Grant:

Justin C. commented, ‘this is an extension. It is less than \$10,000. We are not committed to spend the money. It may not even be awarded.’ He will move forward with the application.

Item #7: Resolution 240:

This resolution addresses the formalized authorization to enter into a loan agreement between the Town of Bayfield and the Colorado Water Resources and Power Development Authority. The ARRA loan is structured as a loan, not a grant. However, the principal is forgiven.

Dirk commented, the resolution provides for approval of the loan. If you want the money, pass the resolution.

Dan Ford moved to pass Resolution # 240, a resolution of the Town of Bayfield approving and authorizing the Loan Agreement between the Town and the Colorado Water Resources and Power Development Authority. Debbi Renfro seconded. The vote was four in favor. Motion carried.

Item # 7 a: Liquor License Renewal - AJ's Pizza:

Deputy Choate confirmed that AJ's has posed no problem in the past. Justin Talbot moved to approve the request for renewal of the liquor license for AJ's Pizza. Dan seconded. The vote was four in favor. Motion carried.

Item #8: Executive Session: (C.R.S. Sec 24-6-402 (4) (e) Heritage Society / Town Hall Contract:

Dirk gave direction on this 'If it is the Board's preference to deal with this when there is a full Board, it is ok. The Town has a year lease in place. Justin added, 'this is no big issue. There is nothing specific on the table. They were denied their first grant. The next cycle is the end of October. The Board agreed to move this item to the next meeting.

Item #9: Executive Session: (C.R.S. Sec 24-6-402 (4) (e) Sunrise Estates:

Justin C. commented, from a staff level, we are trying to push these negotiations. Nothing has happened on their end. We can continue to keep the board updated, but we are in limbo until their lawyers take some sort of action. Dirk confirmed, 'we are working on it. We are trying to schedule a meeting...soon'.

Justin C. said the probability is 10% or less, that it will happen this year. The property owners do not want to approve the easement

Tom, confident that he spoke on behalf of the Board, said they are ready for a last resort action. The Town cannot take ownership until the agreement is signed.

Item # 10: New/Unfinished Business:

Justin C. reminded the Board that the Ribbon Cutting Ceremony for the new sewer plant is scheduled for next Thursday. He asked if 4 p.m. would be a good time, workable for all concerned. Justin is inviting Riverside RV Park, the school, and board members to be at the new plant, September 24 at 4 p.m.

An FYI for the Board: Regarding Dove Ranch, the last extension is set to expire. The developer does not want to extend his rights at this time. Tom said 'make sure that we pursue the promised park. Mr. Elder will be back at square one now.

Justin is taking on the administration of the H1N1 plan, the administering of vaccinations, in coordination through the Fire District. They are taking ownership of overseeing the vaccination plan for the eastern part of the county.

Dan expressed his appreciation to Dirk and Justin C. on getting the sewer plant done. This was a monumental task!

Dan voiced concern about the job site trailer that is still located in Dove Ranch. The developer is through developing. The lot that the trailer is on is not in Brads development. 'Can you step this up?'

Debbi asked about the Shell intersection issue. Justin C. said he is at the doorstep of awarding the contract. The big impact is the financial aspect. The study award should happen by the next meeting.

She asked if the Board wants to take action regarding the Fire District's loan proposal. Justin C. replied, 'this will fall under the budget discussion. The water fund is already hugely in debt. He is scared of any additional debt. The fees coming in dictate what we can pay. Rates would have to be increased to pay increased debt.

Regarding the requested guidelines for a policy on piping ditches, Justin C, this would have to go through the Planning Commission first. Ditch riders could definitely be invited.

They will need to 1) Line out a process, 2) study all considerations, 3) map them out. 4) Make a determination as to how the stakeholders fit in.

The meeting for the department heads to strategize their budget plans will be this Thursday, noon to four o'clock. If two or more of the Board are planning to attend, it needs to be noticed. Justin wants all department heads to be involved more than ever before.

The Town only has one current employee carrying a CDL drivers license at this time. Justin C. has talked about this with the department heads that are affected.

The marshal is on sick leave. His health issues came to the forefront. It is a delicate situation. Justin C will consult with Dirk to see what the course of action will be. Negotiations are taking place currently.

Move to adjourn 9: 40