

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

November 3, 2009

Note: A Worksession for The Traffic Study For 160 B Intersection was held from 5 p.m. to 6:30 p.m. this evening.

Town Board Present:

Mayor Rick Smith, Council Members Justin Talbot, Debbi Renfro, Tom Au, Gabe Candelaria, and Dan Ford.

Town Staff Present:

Justin Clifton, Town Manager, Dirk Nelson, Town Attorney, Pat Anselmo, Town Clerk.

Press: None

The regular meeting of Bayfield Town Board was called to order at 7 p.m. by Mayor Rick Smith.

Approval Of Minutes:

Tom Au moved to approve the minutes of the regular meeting held October 20, 2009. Debbi Renfro seconded. The vote was six in favor, motion carried.

General Public Input:

Dan Dvojack, Site Manager for the Senior Center spoke. He asked is there was a set of rules on what they can and cannot do. Justin C. replied, the Town does not have a set of rules per se. He added, 'I will encourage Parks and Rec to get this finalized. It may be a joint effort with members of the senior committee. They need by laws and rules to govern elections. It needs to be created, it has not been done'.

Rick asked Justin to see that Scott calls Dan to arrange this. Justin said Tracy Reuther would be doing the work in conjunction with the seniors.

Action Agenda:

Item # 1: Approval of Bills:

Gabe asked about the invoice from Daylight Badgers for work at 811 Olmstead. Ron Saba replied it was for work done to repair a water leak (on the Town's side of the meter) at Fox Farm.

Dan Ford moved to approve payment of bills dated October 22 through October 30, 2009. Tom Au seconded. The vote was six in favor, motion carried.

Item # 2: Town Updates:

Capital Projects Updates: Gabe had a question concerning the damage that was done on Park Street, which resulted in needed repairs. He asked who was responsible for the damages. Justin C. replied that the damage was incurred when the detour was established. Heavy trucks caused most of the damage. The repairs are being paid through the funds that were available for the Sidewalk Project on 160 B.

Dan asked if the leaks on the water line on the Jack Roe property were causing the problem in water pressure. Ron Saba replied, 'as soon as we fix the (Jack Roe) line, all of Dove Ranch will be on the upper tank. This should solve the water pressure problem. The cost to fix the leaks will run between four to six thousand, if there are only three leaks. It should be fixed by next week'. He has three bids for getting this work done.

Dan asked 'did we inspect the work as the pipes were being laid?' Ron said, 'for the most part, yes. There are issues. He (Jack) didn't want to play by the rules, it made it tough. The property is still in the County. The upside is, even without the SIA, he did put the line in. We don't have an entire line to install'.

Fire Flow Committee: Justin said they met to discuss critical issues which, for the most part, dealt with how complex the situation is.

'In short' Justin C. said 'it all boils down to "Should we adopt the fire flow appendix as it relates to new construction?"'

Dan Ford commented that the committee's discussion 'just scratched the surface'.

Tom Au agreed, saying 'yes, that about covers it'.

Item # 3: Use Tax:

Justin C. said he continues to vacillate in his stance on this issue.

He feels a use tax is for the most part closing a tax loophole, not imposing a new tax. He wonders if it is fair to collect a tax that should be collected in another community.

A Use Tax basically becomes a component of the building permit.

He also wondered how many builders are paying a tax at all.

From an administration standpoint, the Town can't control how much tax has been paid.

His instinct tells him that the Town is not receiving this amount of sales tax currently.

Gabe asked if aggregate material was subject to use tax. Justin replied, normally they are not.

Dirk explained that anything that doesn't require a building permit doesn't fall into the Use Tax category.

Gabe asked 'how do the exempt certificates time out?' Justin replied, 'that is a good question'.

Rick said he does not have a good feeling about imposing an additional tax.

He cited the downturn of the economy and the slump in the building industry. The builder would have to include the tax in his loan amount.

Dan agreed with Rick. He is not comfortable with supporting an additional tax.

He does not think it would pass.

Tom Au does not think it will pass (if an issue is placed on the upcoming ballot).

Gabe commented, 'it is not going to happen, even if your educational endeavor is thorough. Not this year, or next year'.

Justin C. said according to his research, this issue doesn't have more than a 30% chance of passing.

Rick added, 'it met with miserable defeat the last time it went to the voters. In today's economy, we do not stand a chance'.

Dirk cautioned, from a legal standpoint, the Town could not promote its own campaign. It cannot urge people to vote for or against an issue. It needs to remain impartial in the dissemination of information.

Rick asked for a motion to either proceed with the accumulating of more information or scrap it.

Debbi moved to proceed with the Use Tax issue, and asked that the Town schedule a public hearing to gain more public input. Justin Talbot seconded.

During discussion, Dan Ford said he thinks 'we would be spinning our wheels'.

The vote was two in favor, Debbi Renfro and Justin Talbot. Tom Au, Gabe Candelaria, Mayor Rick Smith and Dan Ford voted in opposition. Motion failed.

Staff is not to proceed with scheduling a public hearing.

Item # 4: Holiday Schedule:

The Board prefers to adopt the 2010 budget on December 1 as noticed. It will need the resolution to adopt the budget and an ordinance for the appropriation of funds prior to that date.

They also want to hold the regularly scheduled Town Board meeting on December 15, 2009.

They asked that the January 5, 2010 meeting be cancelled.

Item # 5: Mesa Meadows Plat and Trail (Possible Executive Session)

This issue arises from a property line dispute. There has been a long standing issue.

Starting at the intersection of Clover at Louisiana, heading south, there was initially an agreement with the developer for a pedestrian trail. Although the trail was reflected in the original sketch plan, it was omitted in the later plats.

Justin C. recommended to the Board that they approve an administrative variance if the developer is willing to work to get the parcels of land in question open, and not require the developer to make the gravel improvements on the trail. Be it noted that he wants a commitment from the developer to open these parcels, but will concede on demands that they build the gravel trail. The parcels would be dedicated to the HOA, they would do the mowing/ maintenance.

Justin T. asked if there are utilities along the area included in the variance. Tom Au said there is a pipe for irrigation, but no other utilities are located there. Dirk commented, 'the parcel is in the HOA's name. We are not changing the fundamental dedication'.

The Town will not sign the plat until they (the developer) agree to open the parcels for a trail. They (the developer) just don't want to spend the money on building the trail.

They (the developer) felt the requirement was changed as the development progressed. The area involved is fifteen feet wide.

Gabe moved to present the Mesa Meadows plat extension to staff to change the use through an administrative process to change the lot lines and to tie that in with opening up the 15 foot trail easement without the requirement for gravel improvement. Debbi seconded.

The vote was six in favor, motion carried.

Item # 6: New/ Unfinished Business:

Dan loves the new electronic system. (The staff is sending paperless packets via e mail) Debbi talked to Melanie Mazur at the newspaper. They (the Pine River Times) are going to print one more edition. She wondered if the Town should do some sort of appreciation for the newspaper. Rick felt they should.

Justin will do a little write-up document, tomorrow, on behalf of the Board to thank Pine River Times for their years of service.

Debbi was asked 'Did Brad move his trailer?' She replied it would be done this week.

Motion to adjourn. 8:10 p.m.

Approved as written, December 1, 2009