

**TOWN OF BAYFIELD
REGULAR TOWN BOARD MEETING
1199 HWY 160 B. BAYFIELD COLORADO 81122**

OCTOBER 21, 2008 7 P.M.

TOWN BOARD PRESENT: Tom Au, Mayor Pro-tem, Robert Piccoli, Justin Talbot, Dan Ford and Debbi Renfro. The Mayor was out of town.

STAFF PRESENT: Justin Clifton, Town Manager, Pat Anselmo, Town Clerk, Dirk Nelson, Town Attorney, and Joe Crain, Town Planner. Marty Zwisler, Project Manager, was also present.

PRESS: Carole Mc Williams, Pine River Times

Mayor Pro-tem Tom Au called the meeting to order at 7:05 P.M.

APPROVAL OF MINUTES:

October 7, 2008: Bob Piccoli moved to approve the minutes of October 7, 2008 as corrected. Justin Talbot seconded. The vote was four is favor, motion carried.

Corrections were:

- 1) Include a paragraph on page three, directly under 'No formal action was taken on Sunrise Estates' for the discussion regarding Mesa Meadows.
- 2) Page 3, the discussion regarding the First Baptist Church should be separated by insertion of a paragraph, and listed as Action Agenda Item # 6: Water Line At First Baptist. Debbi Renfro also requested that wording be changed to say 'the Town will be provided with an eight inch line and an easement through their property *as reflected on the map*'.
- 3) Tom asked that the quote by him (bottom of page four) be changed to read '*it will stymie growth and economic development. It was really a tax and should be reflected as such.*'

GENERAL PUBLIC INPUT: David Black spoke, thanking the Board for completing the cross walk at Buck Highway and Mill Street. He asked the Board if they would consider adding more designated handicap parking spaces along Mill Street. He feels there is a great need for more of them, especially at the restaurants and at Crazy Horse (hair salon).

There were no further comments. Public Input closed.

ACTION AGENDA ITEM #1: Approval Of Bills:

After a short discussion, Bob moved to approve the payment of bills as presented. Debbi Renfro seconded. The vote was four in favor, motion carried.

The Towns new website is completed. It is now Bayfieldgov.org

The microphone at the podium has been replaced.

ACTION AGENDA ITEM # 2: Town Updates:

Justin C. asked if the Board had any question regarding the three items listed under Agenda Item #2. He explained that the asbestos contamination remediation (David Black property) is now on schedule. They (Envirotech) have made a determination that the area that needs cleaned measures twenty feet by twenty feet, six foot deep.

They (Envirotech) are revising their scope. The Town has been told they do not need to dig into native (undisturbed) material. Bob asked why it was necessary to hire a project designer. He commented ‘all they are doing is removing shards; the contamination has to be bagged. Why would they need a project designer?’ It has been his experience that having a ‘project designer’ has never been necessary before when doing this type of work..

Tom asked if there were further questions. Justin T. asked ‘what about Sunrise?’ Justin C. replied that the Town still needs to schedule a meeting with the liaisons. ‘We need to get some options, it needs to be coordinated’. Justin C. said he is working on it.

Tom asked if the developer has been contacted. Dirk replied in the affirmative.

ACTION AGENDA ITEM # 3: BayHeights Resubdivision Lot 119, Eli Max, David Black, Managing Partner:

Joe Crain explained that the validity of the Final Plat of the Bayheights Resubdivision will expire on November 6, 2008. David Black is requesting a 180 day extension of vested rights, which would set the expiration date at April 6, 2009. Staff is recommending that the Board allow this extension. The Board had no questions. Justin T. moved to extend the expiration date for the Resubdivision final plat, Lot 119, for 180 days, to April 6, 2009. Bob Piccoli seconded. The vote was four in favor. Motion carried.

ACTION AGENDA ITEM # 4: The Highlands @ Dove Ranch Request For an Easement Across Town Property:

This item concerns Jack Roe, dba The Highlands at Dove Ranch, asking that his development be granted an easement from the Town, to span the property where the water tank is located. Originally, Mr. Roe intended to use the first three lots on the south side of Dove Ranch Road for a detention pond area. Subsequently, the developer felt it may be more workable to do a more ‘regional solution’. Neighbors in the area, particularly those who have property downstream, have threatened legal action.

Consequently, the plans are back to those originally agreed upon. Jack would need an easement through the water tank property in order for him to access Tamarack.

They are looking for drainage solutions. Joe cautioned, ‘by State law you have to know exactly where it is’.

In the initial presentation, Lots 33, 34, and 35 were designated for drainage. Mr. Roe originally intended to take some (drainage) to the east, some to west. The Board, at that time, did approve the Highlands subdivision contingent upon approval of the Town’s engineer. When they contacted people downstream below Highway 160, some threatened lawsuits. The town engineer did approve the 30 inch drainage pipe but has not approved the completed drainage and detention plans for Highlands.

It was stressed, the Board approved the Highlands subdivision contingent upon approval of the town engineer for the drainage plans.

BP installed a 30" drainage pipe under one of their gas pipelines, the drainage pipe was to eventually tie to the detention pond. BP insisted that they lay the pipe. Jack is going to need an easement from the Town to go through the (water) tank property. Brent (Souder Miller) has not approved any final drainage. Joe added, if Brent finds that it (easement piping) will work, staff recommends approval.

Justin C. commented, 'they have gone back and forth, there have been several iterations. Staff has repeatedly indicated *no work is to be done until the drainage plan is approved*. If Jack wanted to run the risk of putting them on his property, so be it. He scheduled the work to go under the BP pipe. Staff became involved because the drainage pipe and the BP pipeline were both exposed. They cannot do the drainage from the 30" pipe unless he gets an easement. The Town said he could not proceed without the Town first granting an easement'.

The Board needs to be aware that staff did intervene before any improvements were put on the Town property.

There was some discussion about over all grading. Staffs concern is that, overall, the development still has grading issues. Brent still feels there are issues to be put before the Board in order to get approval of the drainage plans.

All work has ceased pending the approval of the final drainage and detention plan.

Jim Flint talked about the two existing reservoirs (referring to the Town water storage tanks). He commented, 'It is an extremely complicated situation. It was supposed to be worked out'. He added, 'it happened quicker than he anticipated'. He understands the necessity of appropriate approval. It is now being formally reviewed by Brent.

The drainage now is intended to (go to) Tamarack. He is asking for an easement from the Town and said they need to know 'if it is going to be a public or a private line'. Jim 'didn't realize the Phelps property bisects the two town properties'. He thinks 'it can be straightened out'.

Bob Picolli recounted, the question tonight is to allow for this easement. Jim Flint re-affirmed that Brent (Souder Miller) has not approved the drainage plan.

The Town will not proceed until Brent approves the drainage plan according to Justin C. Bob asked if the survey has been done. Jim Flint responded, yes.

Dirk interjected, the easement needs to be specific as to widths, property descriptions, etc.

Tom asked 'are you looking for a 15 foot easement?' Jim responded, yes.

Justin T. asked about the original intent, and what was discussed.

It is a given that the plat cannot be approved without a drainage plan. Justin C. said they were anticipating the three lots would be reserved for the drainage. Tom inquired about the point of release. Originally, it was planned for the N.W. corner of Southview.

Now they are proposing a direct piping route that would not affect the northwest corner of Southview. Justin C. said there was never a commitment, it was always pending the final approval of the town engineer. Tom Au asked who would maintain the (detention) pond. The response was the HOA.

Justin C. said this has been problematic in the past, referring to Sunrise.

Joe Crain emphasized 'you have to address the drainage before approval of the plat'.

This land will always be the water tank site. Justin C. cautioned the Board, *you need to very carefully consider any action before encumbering the property or giving an*

easement. The consideration needs to be inclusive, where it (easement) will be located, how it affects the surrounding areas.

Bob asked if the area proposed for the easement across the tank site is all going to be piped.

Justin C. responded, 'having the piped ditch may be an impediment to any future use of the tank site'. Staff has struggled with this, i. e., to what extent can you burden a particular property owner. The developer needs to come to the table. Highlands was initiated long before other properties were considered.

Justin C. added, it would be a *permanent* easement. The towns engineer would look at current standards and current law.

Jim Flint said they foresee drainage going along Mesquite, down Cedar and ultimately into the Los Pinos ditch. He added it would all be culvert, there is no detention or retention facilities.

Justin C. responded, the ditch companies have come to the Town before with huge issues about drainage water going into their ditch.

Tom asked about the historical flows.

Bob moved to approve granting this easement across the Town property, but cautioned that it would not be recorded until the Town receives the engineer's approval. Justin C. suggested the motion include 'there will be no additional use of the easement for any other purposes outside this intent'. Justin C. said 'no improvements can be done until Brent, Joe, and Justin have all looked at it and approved it The easement would be contingent upon the town engineers approval of the final drainage plan'. Bob did not move to amend his original motion. The motion died for lack of a second.

Justin T. said he thinks that granting this request could impact a lot of people. He would like to see more facts before taking action. He then asked that the matter be rescheduled for a future agenda after Brent has reviewed and approved the drainage plan.

Bob Picolli withdrew his motion.

The Board will wait on a decision until after they see what the impacts will be to the surrounding parties.

ACTION AGENDA ITEM # 5: Budget Discussion:

Budget information was included in the packet. Justin reviewed the General Fund numbers with the Board. He then spoke concerning the numbers reflected in the Capital Fund.

Discussion followed about funding for future equipment purchases and necessary replacements of vehicles, etc.

The Board is in favor of the progressive investment plan.

Justin C. said that after ten years, the payment on the Town Hall will be available for other capital projects.

Bob Piccoli wanted to know if the Town has applied for gaming impact funds. He added, 'we should be doing that'. Justin C. replied, 'absolutely'.

Justin C. said the Town applied for cameras (Marshal's department) through Energy Impact Grants. He added, it should be an entitlement program.

The recycling center is the only new proposal for use of capital funds.

He commented, the Town will not be doing any projects without grant leverage.

A short break was taken.
The regular meeting reconvened.

ACTION AGENDA ITEM # 6: Town Board Vacancy Criteria:

Some suggested Criteria was included in the packet. Justin is asking for more Board input, or at least a verbal consensus on what they deem appropriate.

They will make their appointment based upon the candidate meeting the criteria. Justin T. said he was comfortable with using the questions that were developed for the prior interviews. Tom Au said he was as well. Debbi Renfro made the comment that the level of community activity is important, no matter what their prospective is concerning the Board.

Dan Ford felt that longevity, ergo, the candidate's intent to stay in Town for the long term and their dedication to the position was imperative.

Bob Piccoli was emphatic, 'let's get someone that does not represent any certain constituent group'.

The application itself will tell a lot about the individuals. They (the Board) do not want to do interviews. A consensus was voiced, no interviews.

Dirk explained that these discussions need to be done in a public forum. It cannot be discussed in executive session.

The Board needs to make their decision no later than December 3.

ACTION AGENDA ITEM #7: Pine River Arena:

The Board was not sure what the map that was presented in this application indicated.

The property lines are not well marked. Tom said he would contact Trudy. They can not have it on town property if they don't have insurance. The Boards approval will be contingent upon keeping the (beer) tent on their property.

Justin T. moved to approve the Special Events permit contingent upon it being on Pine River Rodeo Arena land. Bob Picolli seconded. The vote was four in favor. Motion carried. Staff will call Trudy tomorrow and ask for a more detailed map.

ACTION AGENDA ITEM # 8: New / Unfinished Business:

Dave Trautner has finally finished the infrastructure proposals. Justin C. is now ready to reconvene the group. He is asking that Bob, Tom and Debbi meet to review the draft to see if it is ready to come back to the Board.

Justin will notice this meeting as soon as it is scheduled.

Action Agenda Item #11 from October 7, 2008 will come back for consideration when the full Board is present.

Justin T. asked what the progress was concerning the renewal of the Cable TV franchise agreement. Justin C. would like to have Wayne Vestal come in to make a presentation to the Board. They can then decide whether they want to renew the contract or not.

The Board can go out to bid. The telephone poles and wires are available for use by any one, i.e., another company. The Town could ask for a lot more when they renegotiate.

The trash contract is also up for renewal again, it was a two year franchise agreement.

This needs to be discussed as well. It is more cost effective to keep the current company but he doesn't know if it is the best investment for the Town.

Justin T. asked about David Black's request for more handicap parking. Justin C. said this would be very difficult. If the Town allows an additional one for one or two businesses, all may come to request additional handicap parking spaces.

Every business will want one. 'If you put one by the hair salon, the dentist wants one. Having a handicap parking space requires ADA access to enable them to get out of their car and onto the sidewalk. The DBA knows you have to be very careful. It needs a global solution for the business district'.

Tom Au asked if the ownership of Mesa Park had been resolved. Justin replied it had not. 'Parks and Rec has been working on the Mesa Park, but ownership still needs to be changed on the County's records. We have not resolved this'.

It was noted that Southwest Ag has donated a 'bunch of stuff' for the ball field. The Board wondered if the Town could do a plaque or something to give honorable mention to SWAG. Justin cautioned it would have to be addressed using a holistic program. The Town would need to be sure that all contributors received mention.

Justin mentioned his intent to add a 'code enforcement officer' for discussion on a future agenda. He wants to include this line item on the last iteration of the budget.

Motion to adjourn. 9:55 P.M.

Approved _____