

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012  
1199 Bayfield Parkway, Bayfield CO 81122**

**Town Board Members Present:** Mayor Smith, Trustee Au, Trustee Renfro, Trustee Morlan, Trustee Davenport, Trustee Nyberg, Trustee Nelson

**Town Board Members Absent:**

**Staff Present:** Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Joe McIntyre (Marshal), Erin Dunavant (Finance Director), Dirk Nelson (Town Attorney), Brenda Jones (Senior Center Coordinator), Maureen Cleveland, Chris Choate, Holly Cashwell, Dan Cyr, Dan Abdella

**Media Present:** Carol McWilliams (Pine River Times)

The meeting was called to order @ 7:00 p.m.

**Roll Call:** 7 present 0 absent

**Pledge of Allegiance:**

**Approval of Minutes:** Trustee Au made a motion to approve the minutes as presented Trustee Nelson seconded. Motion passed unanimously.

**Approval of Bills:** Trustee Nelson made a motion to approve the bills dated October 3rd through October 16th, Trustee Renfro seconded. Motion passed unanimously.

**Public Input:** None was offered.

**Town Updates:** No comments were offered by the board.

**Action Agenda Item #1: Corporal Appointments – Dan Cyr & Dan Abdella**

Marshal McIntyre introduced newly promoted Corporal Dan Cyr and Corporal Dan Abdella.

Sandy Cyr wife of Corporal Cyr and Brooklyn Abdella daughter of Corporal Abdella were present to pin the Chevrons on the collars of the new Corporals.

Mayor Smith thanked Marshal McIntyre and stated that we have a quality department and that it is an honor to have the officers move up in rank.

**Action Agenda Item #2: Presentation Regarding 550 W. North Street – James McNichol**

Town Manager La May stated that Mr. McNichol is here tonight to speak to the Board about the property that was deeded to the Town of Bayfield by La Plata County. This property has created some issues along North Street. Mr. McNichol is interested in purchasing 550 W. North Street and has some requests of the Town.

Attorney Andrew Craig stated that Mr. McNichol is under contract to purchase the property at 550 W. North Street. We have a title commitment from Land Title. One of their requirements is that the Town of Bayfield relinquish it's interest in this easement. The easement in question was created on Saturday January 13<sup>th</sup>, 1900 by the La Plata County Board of Commissioners. Mr. Craig shows on a map where this easement is and explains that it encompasses most of a house at 550 W. North Street. He also explains that this does not only affect Mr. McNichol but several other properties along North Street. He states that according to Colorado Statue 43-2-113 if a roadway is abandoned the property reverts back to the underlying property owner. In this case

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012**

**1199 Bayfield Parkway, Bayfield CO 81122**

with this roadway, if it ever existed, has long been abandoned and it should revert back to the underlying property owners along W. North Street.

Mayor Smith stated that he had read the packet and looked at this item. He asked if this needs to have an action tonight?

Town Manager La May stated that essentially what is being asked is that the Town vacate it's interest in the property that was deeded from the County. At this point I think that we should look at this, at the staff level, and have them produce a little more substantiated information and we can make some recommendations to you.

Attorney Nelson stated that he has not seen the title commitment. He is a little confused because the maps that he has seen actually show the house being south of the line in question. There are some factual issues that we need to look at. His understanding was that the issue with the title commitment was access to North Street. It might be possible to clear up some of the issues by allowing access across that parcel without vacating the whole thing. The vacation that Mr. Craig spoke of is an action that would have been taken by the County in relocating the road or some how acknowledging that this property is no longer required. We should probably spend some time looking at this and come back to the Board with recommendations.

Mayor Smith asked if there were any other questions from the Board. He suggested that they take Attorney Nelson's legal advice and have staff look at this and come back with recommendations on how to deal with this situation.

Attorney Nelson stated that we will agree that this affects more properties than just this one. It appears that there is probably several properties that may be impacted by this. The inquiry might need to be broader than just this one property. The map that he has seen from the County shows that it might impact three to four properties.

Mayor Smith asked if the next regular Board Meeting would be unreasonable to discuss this again.

Attorney Nelson stated that he does not know what kind of contract limitations the buyer has but he thinks that they can have some information put together and have some recommendations by the next regular Board Meeting.

Mayor Smith stated that our next regular Board Meeting will be on a Monday because of Election Day.

**Action Agenda Item #3: Consideration of License Agreement with Church of Jesus Christ of Latter-day Saints**

Town Manager La May stated that the Church of Jesus Christ of Latter-day Saints constructed a new monument/identification sign adjacent to the property located at 1690 Bayfield Parkway. This is a replacement for the old sign that was in the same location. The problem is that the location of the sign is in the Town's right of way. The Church has gone before the Planning Commission and sought a variance for the size of the sign. The Planning Commission approved the variance for the sign with a 4 to 1 vote, on the condition that there is a license agreement stating that should the need arise to remove the sign they recognize that it is in the Town's right of way. The Church is also required to insure the sign with the Town as additional insured. We have prepared a license agreement and they have agreed to the terms of the agreement. It is staff recommendation, that while this is not optimum or something that we want to advocate, we do believe that through this license agreement we can protect the Town's interest.

Mr. Vaughn Johnson introduced himself. He stated that the intent of the sign was to have some unanimity with all of the signs at their different congregations. He was not aware at the time of construction that it was located in the Town's right of way.

**Town of Bayfield**  
**Regular Town Board Meeting**  
**October 16, 2012**  
**1199 Bayfield Parkway, Bayfield CO 81122**

Mayor Smith asked Mr. Johnson if he had seen the license agreement?

Mr. Johnson replied that he had seen the agreement.

Trustee Nelson made motion to approve the license agreement between the Town of Bayfield and the Church of Jesus Christ of Later-day Saints, Trustee Renfro seconded.

5 – 2 motion carried. Trustee Au and Trustee Nyberg voted against.

**Action Agenda Item #4: Discussion and Possible Action Regarding Bayfield Fiber Installation Project**

Town Manager La May stated that we are at a point in the fiber build where we are seeking clear direction. You may recall that LAPLAWD agreed to let us participate in their water line installation contract and include fiber conduit as part of that build. Bids on that contract were opened on Friday. The contract was awarded to Crossfire today. The project bid included the installation of fiber conduit from County Road 509 across 160 and up County Road 501 to approximately the Upper Pine River Fire Administration building. Those figures came in at approximately \$268,000.00. We would also need to participate in the costs for traffic control, environmental management and mobilization. That would make the cost approximately \$290,000.00. We budgeted \$407,855.00 for the anticipated cost of the fiber build, 25% is Town match and 75% is from a grant from the Department of Local Affairs. We have incurred some exploratory costs in getting to this point. To date we have spent close to \$82,000.00 on this project leaving \$276,292.00. To get this portion of the project done at \$290,000.00 we would be exceeding that \$276,000.00 budget that we had laid out for the project in 2009. We also anticipated some additional extensions of that fiber to the waste water treatment plant, the water treatment plant, a little further east of town, we also want to make sure the fiber gets from Town Hall across Joe Stephenson Park and ties in with the Fast Track Fiber. We need to make a decision to move forward with LAPLAWD as far as installation of the conduit. A map was included in the Board packets. The blue line indicates what was to be billed as part of the water line installation. The green lines are extensions that we were going to make, the critical one being the one from Town Hall to the alley behind Mill Street. The other extensions are to the water treatment plant and the waste water treatment plant. To the east it will pick up the Fire District, the School District and the Maintenance Shops. To the west Fast Track is planning on bringing fiber up County Road 509 that we would be able to tie into to get a back haul into Durango. The other green line goes to the substation. The idea being that when Eagle Net comes through using the 160 right of way we would potentially have another way of getting traffic back to Durango.

Mayor Smith stated that some of the decisions that were made were to avoid city streets whenever possible and to tie into Fast Track where possible, to help cut costs. Some of the add ons that would be nice to have but do not necessarily have to happen right away would be from CR 509 West to 160, we could take advantage of wireless connection to both the Water Treatment Plant and the Waste Water Treatment Plant on a short term basis. Eventually as the Town of Bayfield and LAPLAWD work towards the future and the Water Treatment Plant is improved we could link that fiber with that project. The question is do we want to take some of the green lines off for now and use wireless? Or do we go ahead and use some of our money to get the project done? Every community within the region is having the same problem, because the project is two years beyond when the money was granted.

Trustee Nelson asked what kind of an impact the green lines have on the budget.

Town Manager La May responded that the blue line is conduit being installed as part of the district. Those numbers are \$267,000.00 and some administrative costs. We have had an initial quote of \$140,000.00 for those extensions. That quote was not broken down as a cost per extension. If we look at this as a phase project, this would be phase 2. The first phase being the water line. Phase 2 is where we would likely have to make some of the decisions as to what we can fund and what we can not.

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012**

**1199 Bayfield Parkway, Bayfield CO 81122**

Mayor Smith stated that he believes the most important would be getting the line from the Fire Station out to County Road 509. This is the portion that is in question tonight. Should we move ahead and have LAPLAWD's contractor put the conduit in and only dig up the road once or do we do it later and dig up the road a second time?

Trustee Morlan stated that the blue line on the map is like the backbone of the project.

Mayor Smith agreed.

Trustee Morlan asked if this conduit was going to have more than one compartment?

Mayor Smith answered, yes.

Trustee Morlan asked if this could be a commodity that we could get some cost sharing on?

Mayor Smith replied that Eagle Net has said that they would be interested in using our conduit. Another vendor has also contacted Town Manager La May and stated that they would be interested as well.

Trustee Morlan asked if we have spoke to the County and asked if they would share in this cost?

Town Manager La May replied that the County is a part of the project already.

Trustee Renfro asked if the conduit that is represented by the blue line would be owned by the Town?

Mayor Smith replied, yes.

Trustee Davenport asked if we decide to vote to move ahead, where will the money come from? And do we have it?

Town Manager La May replied that we have approximately \$500,000.00 in reserves in the Capital Fund.

Trustee Davenport asked if getting another grant to offset these costs would be a possibility?

Town Manager La May stated that he does not think DOLA will give more money until we have demonstrated that we have accomplished what we told them we would.

Trustee Morlan stated that might be a possibility in the future in a different phase of the project.

Trustee Nelson asked if she was correct in understanding that to get the blue line installed we would need to spend \$14,000.00 over budget. Then to get the green lines we need to spend approximately \$138,000.00.

Town Manager La May replied, yes.

Trustee Morlan asked if we have been in contact with Fast Track? And is this essential to this project?

Mayor Smith replied yes. In fact Fast Track came and walked the project with us and showed us where the connections need to be made.

Town Manager La May stated that he believes one of the reasons Fast Track wants to work with us, is that this provides them redundancy. Right now they have one route going across 160. They would be able to use the 501/Bayfield Parkway route as a second which would give them a loop. This will put them 5 to 10 years ahead of their capital improvement plan.

Mayor Smith stated that this will help us in the long run.

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012**

**1199 Bayfield Parkway, Bayfield CO 81122**

Trustee Morlan stated that there is a possibility to recoup some of the revenue spent and he would encourage us to follow that.

Mayor Smith asked what exactly Town Manager La May was looking for? A motion or direction.

Town Manager La May replied that he was looking for a specific motion to authorize to reimburse LAPLAWD for the portion of their contract that is related to the fiber installation.

Trustee Renfro made a motion to reimburse LAPLAWD not to exceed \$295,000.00 Trustee Davenport seconded.

Trustee Au stated that he thinks he may have a conflict of interest in this vote and maybe he should abstain.

Attorney Nelson asked Trustee Au if this was because of survey work that he will be doing?

Trustee Au replied yes.

Town Manager La May stated that Trustee Au would not gain from the reimbursement of the \$292,000.00.

Trustee Renfro stated that she will be doing work for Crossfire. She will be doing the discharge permitting and the storm water management permitting.

Attorney Nelson stated that Trustee Renfro may benefit indirectly from this motion and should let someone else make it.

Trustee Renfro retracted her motion.

Trustee Davenport retracted her second on the motion.

Trustee Morlan made a motion to participate with LAPLAWD in this contract not to exceed \$295,000.00, Trustee Nyberg seconded.

Roll Call 6 – 0 (Trustee Renfro abstained)

**Action Agenda Item #5: Consideration of Changing The Tuesday, November 6, 2012 Regularly Scheduled Board of Trustee Meeting To Monday, November 5, 2012**

Trustee Nelson made motion to change the meeting on Tuesday, November 6<sup>th</sup> to Monday, November 5<sup>th</sup>, Trustee Nyberg seconded.

Motion passed unanimously.

**Action Agenda Item #6: Discussion and Possible Action – Employee Handbook Chapters 1- 6**

Town Manager La May stated that we would like to revise the employee handbook. He would like to present it to the Board in sections and then approve it in a resolution at a later date.

Town Manager La May goes through chapters 1 – 5

Trustee Nelson asked if in section 4.4 do you need something that says you are not required to give an annual evaluation?

Trustee Au asked if this has been discussed with staff?

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012  
1199 Bayfield Parkway, Bayfield CO 81122**

Town Manager La May replied yes.

Mayor Smith asked that since Trustee Nelson suggested a change, what should we do?

Town Manager La May stated that before the Board is asked to formally adopt the new policy, he will do some further research to see if that is something that should be included.

**Action Agenda Item #7: Consideration of Resolution No. 283, A Resolution Establishing A Motor Vehicle Record Reporting Policy**

Town Manager La May stated that our insurance audit shows us falling below a score of 80. The thought is if we take a more proactive approach we can bring that score up. There by reducing our annual premium. One thing CIRSA does is tell you ahead of time what they will be auditing the next year. They have told us that they will be looking at our Motor Vehicle Records and Loss Control Standards. We are trying to put policies in place to have a more safe work environment. With this policy we would review the motor vehicle records of each employee annually. The second policy is putting in place a procedure to investigate motor vehicle accidents. The third one is the seat belt policy.

Trustee Nyberg made a motion to approve Resolution 283 Trustee Morlan seconded.  
Roll call 6 – 1 (Trustee Au voted no)

**Action Agenda Item #8: Consideration of Resolution No. 284, A Resolution Establishing A Vehicle Accident Reporting Policy**

Trustee Davenport made: motion to approve Resolution 284 Trustee Nyberg seconded.  
Roll call 6 – 0 all in favor

**Action Agenda Item #9: Consideration Of Resolution No. 285, A Resolution Establishing A Use Of Seat Belt and Safety Restraint Policy**

Trustee Morlan made motion to approve Resolution 285 Trustee Nyberg seconded.  
Roll call 6 – 1 (Trustee Au voted no)

**New/Unfinished Business**

Town Manager La May stated that CDOT is going through a process where they are trying to free up some money by unencumbering some of their projects. They are interested in strategically widening sections of the road from the Florida, east to Bayfield. But they have heard some rumblings that, that might not be desirable. So they are asking what we think about that project. All Board members offered support for this and would like to see the project happen.

Town Manager La May stated that if the Board wanted an "I'm from Bayfield" t-shirt to let him know their size.

Town Manager La May stated that we have had a couple of items come up that are going to need to be discussed next Wednesday. The first 5 or 10 minutes of that meeting will be a "Special Meeting" then we will adjourn and go into the workshop.

Town Manager La May wanted to remind everyone that Wednesday the 24<sup>th</sup> is the Economic Development Alliance Economic Summit.

Town Manager La May received a letter from the St. Ignatius Church letting the Board know that they are having a parade to honor St. Tekakwitha on Sunday the 21<sup>st</sup> at 9:00 am

**Town of Bayfield  
Regular Town Board Meeting  
October 16, 2012  
1199 Bayfield Parkway, Bayfield CO 81122**

Trustee Renfro wanted to thank the Town for allowing the group "Second Saturday" to use the Old Middle School gym. This past Saturday they had 50 youths in attendance.

Mayor Smith stated that name tags for all Board Members and Department Heads had been ordered from Bazzill Printing (104 Mill Street).

Mayor Smith asked if we needed to move to Executive Session?

Town Manager La May stated that he had put the Executive Session on the agenda just in case the Board wanted to discuss the matter regarding the North Street property.

Mayor Smith stated that he would rather leave that at the staff level for now.

**Meeting adjourned at approximately 8:37 pm**

**Minutes Were Approved As Amended (The meeting was not a Special Meeting at it was listed on the minutes. The heading was changed).**

**Approved:**

---

**Rick K. Smith**

**Mayor**

.

.

---

**Kathleen Cathcart**

**Town Clerk**