

**Town of Bayfield
Regular Town Board Meeting
November 5, 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), Ron Saba (Public Works Director)

Media Present: Carol McWilliams (Pine River Times)

The meeting was called to order @ 7:02 p.m.

Roll Call: 7 present 0 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Nelson stated that the meeting on October 16, 2012 was not a Special Meeting as it was listed on the minutes. Trustee Au made a motion to approve the minutes from October 16, 2012 as amended (changed the Special to Regular), Trustee Renfro seconded. Motion passed unanimously. Trustee Morlan made a motion to approve the minutes from October 23, 2012, Trustee Nelson seconded. Motion passed unanimously.

Approval of Bills: Trustee Nyberg made a motion to approve the bills dated October 18th through November 1st, Trustee Au seconded. Motion passed unanimously.

Public Input: None was offered.

Town Updates: Trustee Renfro stated that in Public Works Director Saba's memo to the Board he asked for guidance in regards to tree trimming on Dove Ranch Road. Mayor Smith asked what kind of guidance he was looking for. Public Works Director Saba stated, that as we are all aware the HOA in the Dove Ranch Subdivision is no longer present. This leaves no one to maintain the Street Trees. The trees need to be trimmed so that they do not cause damage to Town vehicles when plowing snow. Town Manager La May stated that according to the covenants in Dove Ranch the property owners are responsible for that maintenance. While the covenants still exist the HOA has dissolved and there is no one to enforce the covenants. We could provide a letter to the individual property owners and request that they trim the trees and if they do not we could come in and trim them ourselves and try to recoup the costs. What this comes down to, is how would the Board like to see the Town handle this situation. Town Manager La May stated that this subject could be talked about under new and unfinished business, if the Board would prefer. Mayor Smith stated that he thought that would be a good idea, because there will probably be some discussion that the Board would like to have on this matter. Trustee Au asked who our Community Flood Plain Administrator was? Town Manager La May replied that we rely on our Engineering Firm, Souder Miller for that. Trustee Morlan stated that he would like to acknowledge the safety award that was received from Rocky Mountain Utility. Town Manager La May stated that the Public Works Department received an excellent two year safety record in Waste Water Industries that is awarded by the Rocky Mountain Water Environment Association Inc. Congratulations to the Public Works Department.

Public Hearing: Opened for public comment on the Preliminary Budget for 2013. No comment was offered, so it was closed. Town Manager La May stated that he will present the final version of the budget at the next meeting.

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Action Agenda Item #1: Liquor License Renewal – Wells Liquor Store

Town Clerk Cathcart stated that this is an application for a regular renewal of the liquor license for Wells Liquor Store at 2400 Bayfield Parkway, Bayfield Colorado. This license expires on January 5, 2013, so the renewal was submitted in plenty of time to accommodate the 45 days that are required. All fees were included with the application. After speaking with Liquor Enforcement and our Marshal's Office no complaints have been found against this business.

Trustee Nelson made a motion to approve the liquor license renewal for Wells Liquor Store, Trustee Nyberg seconded. Motion passed unanimously.

Action Agenda Item #2: Consideration of Approval of Intergovernmental Agreement with Regional Housing Alliance (RHA)

Town Manager La May stated that we have an Intergovernmental Agreement and participate in the Regional Housing Alliance of La Plata County. Each year we are asked to execute an IGA recognizing our participation in that group. So tonight you have before you an IGA with some changes to the dollar amounts based on changes in population. RHA has invested about \$609,614.00 of second mortgages in the Town of Bayfield. This is about 22% of their loan portfolio. This represents about 19 loans with the average loan being \$32,985.00. Based on this information we are receiving about 22% of the loan proceeds but our contribution is about 5%. I believe that we are getting a good return on our investment.

Jen Lopez from the Regional Housing Alliance spoke about what could be happening with Fox Farm Village and gave a quick over view on what RHA will be working on in the coming year.

Mayor Smith asked Town Manager La May if his recommendation was to approve the IGA with the increase as stated?

Town Manager La May replied, yes.

Trustee Morlan asked if there was a Board member that represents the Town of Bayfield with RHA?

Town Manager La May stated that Trustee Davenport has been newly appointed.

Trustee Renfro made a motion to approve the Intergovernmental Agreement with the Regional Housing Alliance for 2013 including the new amount of \$14,283.00, Trustee Davenport seconded.

Roll call 7 – 0

Motion carried.

Action Agenda Item #3: Consideration of Request for Contribution to Road Runner Transit

Town Manager La May stated that Peter Tregillus is here to speak to the Board regarding the Road Runner Transit. In our budget workshop one of the questions that was asked about the Transit was what kind of an impact was it having in the Town of Bayfield and how many residents are using that service.

Mr. Tregillus gave a presentation on the operation of the Road Runner Transit. He stated that the request that was submitted to the Town of Bayfield was for \$15,000.00. He has come tonight with a diminished request for a little under \$14,000.00. He also stated that they had conducted a survey among the riders and have learned that approximately one half of the ridership comes from Bayfield.

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Trustee Renfro commented that the survey was great. They not only counted riders but gathered information as well. Thank you.

Trustee Nyberg asked about the route from Bayfield to Ignacio?

Mr. Tregillus responded that at one time that was offered but they did not have the ridership required.

Mayor Smith asked Town Manager La May if he was looking for a decision on this matter tonight.

Town Manager La May replied, that would be helpful so that we can proceed with the budget.

Trustee Morlan made a motion to approve for 2013 budget the contribution to Road Runner Transit in the amount of \$13,900.00.

Motion failed without a second.

Mayor Smith stated that the staff still needs guidance.

Trustee Nelson stated that if we went in between the two numbers it would be \$11,500.00 (ish). If we want to go some where between what Road Runner wants and what we did last year.

Mayor Smith stated that if you take out the marketing it is \$11,687.00.

Trustee Renfro made a motion to approve for the 2013 budget a contribution to Road Runner Transit in the amount of \$12,000.00, Trustee Davenport seconded.

Mayor Smith asked Town Manager La May how this will affect our 2013 budget?

Town Manager replied that he will have to figure out where to come up with the additional money.

Roll call 4 – 3 (Trustee Au, Mayor Smith and Trustee Nyberg voting against)

Motion carried.

Action Agenda Item #4: Discussion and Possible Action Regarding Town Property Adjacent To North Street

Town Manager La May stated that this was a continuation from the last Regular Board Meeting that we had, regarding the property on North Street that was deeded to the Town by the County. This is an old road right of way that is adjacent to North Street and has encroached on some properties. It is being requested that you vacate the easement. We met with the parties today and from our prospective there still needs to be some more research done. Or we have requested that they give us a certain proposal to consider.

Mayor Smith asked if Town Manager La May had any specific recommendations from the staff to the Board?

Town Manager La May stated, that as far as the original proposal that was presented to you three weeks ago to vacate a 30' easement, I do not believe that we are in a position that I would recommend that. If there are some other options that they would be willing to consider and propose to the Board then we would be willing to take those under advisement.

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Mrs. Linda Hahn introduced herself and gave each Board member a map showing her families residence. She stated that her family is requesting that the Town of Bayfield vacate the southern 30 feet of the right of way that their home sits on.

Mayor Smith asked if this was different from what was presented to the Board three weeks ago?

Attorney Nelson stated that it is different because the first proposal was to vacate the entire 60 feet.

Trustee Morlan asked if this comes from an old road?

Mrs. Hahn replied, yes a very old road.

Trustee Morlan asked if the right of way was used for anything else at this time?

Attorney Nelson stated that the platted easement that was granted to the Town of Bayfield by the County goes further to the East and West.

Town Manager La May stated that if you follow the plat there are sections of it that actually mimic North Street but in this particular area North Street goes to the north and the right of way continued at an east/west direction towards the river. At this property it takes a jag to the north where there are two old bridge abutments and it crosses the river at that point. There are essentially 5 or 6 properties on North Street that the road is out of sync with the old County right of way.

Trustee Morlan asked what the reason was for the Town to keep this easement?

Town Manager La May responded that when we were deeded this property by the County it provided us public access to the river that we would like to preserve.

Trustee Morlan asked if we vacate 30 feet, what is on the remaining 30 feet?

Mrs. Hahn replied that her family has lived on the property for 40 years and there are buildings on that property as well.

Town Manager La May stated that this is a first step in somewhat clearing up the title.

Trustee Morlan asked if the other 30 feet is a separate parcel?

Town Attorney Nelson stated that it appears that they are separate parcels and the ownership of the second parcel is still in question.

Trustee Renfro asked who is paying taxes on the parcel in question?

Mrs. Hahn stated that her family had paid the taxes for years, then the assessor started decreasing their property.

Mayor Smith stated that whatever the Board does for this property will affect the other properties along this right of way.

Town Attorney stated that this will affect probably 3 other properties. Not to the same extent that it is affecting this particular property but it could impact others as well.

Mayor Smith asked if staff would work with the property owners and bring back a recommendation to the Board on November 20th.

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Trustee Nelson stated that it would be nice to see a bigger picture that included the other properties.

Trustee Renfro stated that she would like staff to keep in mind having access to the river is very important. The difference between 30 and 60 feet, she believes 30 feet would be more than adequate.

Mayor Smith stated that whatever happens with this property will dictate what happens with the others. So if we give the staff and the Hahn's a chance to work through what we need to do we will be able to make a decision that is adequate for the Hahn's and the Town of Bayfield.

Trustee Renfro stated that the property that the owner is in question would be of high interest to her.

Town Attorney stated that they will have to get the title company to tell them who actually owns it.

Trustee Morlan asked if the Hahn's believed that they owned all of this property in question.

Mrs. Hahn responded, yes.

Mayor Smith asked if it sounded reasonable to work with the Hahn's over the next two weeks?

Town Manager La May replied that it would be nice to know what we are ultimately trying to accomplish. I suggest that this is sort of a negotiation that is taking place, so if you would like to invoke your right to executive session to discuss this matter we can do that.

Mrs. Hahn asked if the Board was asking her family to spend money to help the other property owners that may be affected by this?

Mayor Smith replied, no. What ever decision is made regarding this property will affect what we do with the others and we want to make sure we do what is best.

Mayor Smith asked if the Board would like to exercise its right to executive session to discuss this matter and give staff direction?

Everyone agreed.

Action Agenda Item #5: Presentation – E-911 Surcharge

Marshal McIntyre gave a power point presentation on the proposed increase of the E-911 surcharge.

Trustee Nelson asked if there had not been an increase since 2001?

Marshal McIntyre responded that was correct.

Trustee Davenport asked when the "Next Generation" 911 is supposed to be mandated?

Marshal McIntyre stated that they do not know for sure.

Trustee Renfro asked if the Town of Bayfield votes yes to this increase, does Durango, La Plata County and Ignacio have to vote yes too?

Marshal McIntyre replied, yes.

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Town Manager La May stated that after approval at this level, it will have to go before the Public Utilities Commission and they will have to approve the rate increase.

Trustee Renfro asked if this is something that will increase with inflation?

Marshal McIntyre stated that the County Commissioners have requested that they review this on an annual basis.

Town Manager La May stated that they can not put in an automatic CPI increase to that rate. That is something that the PUC would have to approve on an annual basis.

Mayor Smith asked what the time frame was for the Board to deal with this issue.

Town Manager La May stated that the Board would have a resolution before them at the next Board meeting.

Action Agenda Item #6: Discussion and Possible Action – Employee Handbook Chapters 6 - 7

Town Manager La May reads through chapters 6 and 7 of the new Personnel Policy.

Trustee Nelson asked, that in item 6.2 for breaks and lunch break, is the Town as a public employer not required to provide the same as a private employer? Ten minute breaks for every four hours that are worked.

Town Manager La May stated that he believes we have a little more flexibility. We are required to provide breaks but they can be at your convenience.

Trustee Davenport asked if there would be more editing to the handbook for typos and such?

Town Manager La May replied, yes.

Trustee Davenport asked if she understood correctly that on days the Town Hall was closed for inclement weather, employees would need to use accrued leave time or take the day without pay.

Town Manager La May stated that was correct for all non exempt or non emergency employees.

Trustee Davenport asked if there was a time frame for reimbursement requests and is that addressed in the policy?

Town Manager La May stated that we are working on that policy now.

Trustee Nyberg asked how many non exempt employees are there?

Town Manager La May responded that the only exempt employees are, Town Manager, Town Clerk, Marshal, Public Works Director and Parks and Recreation Director everyone else is non exempt.

Trustee Renfro asked if when an employee leaves the Town of Bayfield's employment, do they lose their sick leave accrued time?

Town Manager La May replied, yes.

Action Agenda Item #7: Discussion and Possible Action – Marshal's Office Holiday Leave

Town Manager La May stated that one of the challenges we have with the Marshal's Office is because of the 24/7 operation the holiday leave becomes a bit of a scheduling nightmare and another accrual bank that we

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have to keep track of. It also creates issues when someone takes their accrued leave and someone else has to cover which creates more comp time. It is not uncommon in small law enforcement departments to not provide a holiday leave day but to actually pay them for 8 hours during that time. Based on where we are at with salaries this would be about a \$12,000.00 cost.

Trustee Au stated that he thinks this a good move for the Town.

Everyone agreed.

Mayor Smith instructed Town Manager La May to move forward with this policy.

Action Agenda Item #8: Discussion and Possible Action Regarding Bayfield Fiber Installation Project

Town Manager La May stated that at the last regular meeting we chose to participate in the LAPLAWD waterline/fiber project. We agreed to fund that at about \$295,000.00. That portion of the project is for the conduit. The next step will be to actually get fiber in the conduit and to tie in at some strategic points. Originally our grant budget was \$409,763.00 with the Town contributing about \$102,000.00. We have done some existing work in the amount of approximately \$93,703.00, our portion being about \$23,000.00 and DOLA contributing \$70,000.00. With the LAPLAWD conduit we are now at \$388,703.62 which puts our percent at \$97,175.00. There are some additional costs with design, survey, construction and observation at approximately \$60,000.00. This brings us to about \$448,703.00 this put us at \$112,175.00 which puts us over our original budget. The most critical component is to have the installation of the fiber in the conduit and this would be done by DB Technologies. They have given us a price of \$25,415.00 which would bring our total up to \$414,118.00 which means the Town is contributing \$137,590.00. Town Hall to the Fast Track fiber on Mill Street will cost \$13,197.00, expansion East to Public Works would be a cost of approximately \$44,000.00.

Mayor Smith stated that it would seem logical that if we put in the conduit and do not put in the fiber to connect then you do not have a network. The idea here would be that we trim our own costs by streamlining our phone and internet so that we only pay for it once. I believe some ditch crossing cost us more than we had anticipated. I would agree with staff that putting the fiber in the conduit, connecting to Fast Track and connecting the Public Works Shop would be the three essential pieces that we need to have. I realize that gives us an overage of about \$93,000.00.

Trustee Morlan stated that we had talked about revenue from the private sector. Any word on that?

Town Manager La May replied no, not at this time.

Mayor Smith stated that there are two providers that have expressed interest in using our assets.

Mayor Smith asked Town Manager La May if he is looking for guidance on how to proceed on executing a contract.

Town Manager La May replied we have DB Technologies that is the selected contractor and at some point we need to put this in a contract authorizing a certain dollar figure.

Mayor Smith stated that he thought the first question would be, does the Board agree on putting the fiber in when it is over the budget? Second what scope of services are we looking at adding in to the contract.

Town Manager La May replied, yes and how far are we going to go.

Trustee Nelson stated that we will not receive any revenue if we don't have the fiber.

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Mayor Smith asked if the Board was ok with staff's recommendation to proceed with the first three items and not the last three at this time?

Trustee Davenport asked if there was a pre-formulated plan to market this fiber?

Town Manager La May replied that everyone within the industry is aware of what is going on.

Mayor Smith stated that there are companies that are already here. We are working with Fast Track now and the other fiber company out of Durango has expressed interest in using our line. We have two other companies that want to use our fiber to back haul to put their wireless out.

Town Manager La May stated that it is important to note that some of the revenue will be shared with the COG.

Mayor Smith stated again that it is the top three that are going to be pursued and the bottom three are to be put on hold. Is the Board in agreement that this is what we would like Town Manager La May to do?

Trustee Au stated that he is having a hard time with \$93,000.00.

Town Manager La May stated that he will talk to DB Technologies about those three and see if we can't get a contract put together and bring it back to the Board for consideration.

Mayor Smith stated that the \$90,000.00 is if we pay for everything ourselves. If there are funds left over in the grant we can petition the COG for more funds.

Action Agenda Item #9: Consideration of Approval of CPI Increase to Transit Waste Service Contract

Town Manager La May stated that it is in the contract they are entitled to a CPI increase to the rates on an annual basis. This will be the last year of the contract with Transit Waste and then we will take it back out to bid. For this year we are bound by contract for the 2% increase. I would like to be able to go back to Transit Waste and let them know that we have approved that 2% CPI increase.

Trustee Renfro made a motion to approve the increase that is in the contract with Transit Waste, Trustee Morlan seconded.

Roll call 7- 0

Motion passed unanimously.

New/Unfinished Business

Town Manager La May stated that LAPLAWD is doing a ground breaking on their project on November 13th at 2:00 pm. They have invited the Board. Would you like to do a ground breaking at the same time for the fiber conduit installation?

Mayor Smith stated that he thought it would be a good idea.

Town Manager La May asked which Board members would be there and it was decided that he would have five shovels on site for the ground breaking.

Town Manager La May stated that November 27th is the "Visioning Exercise" at Senior Center at 7:00 pm.

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Town Manager La May stated that when we went through the subdivision process in Dove Ranch it was recognized that the maintenance of the Street Trees would be a significant challenge for the Town. I suspect that there was negotiation and the maintenance was turned over to the HOA who then assigned it to the individual property owners. We are at a point now where the HOA is dissolved so that leaves the Town responsible for the enforcement of maintenance. Do we want to send letters to the individual property owners and ask them to trim the trees in the front of their property? I suspect that we will not get full cooperation and we will have to follow up by doing it ourselves. At that point charging for those services.

Mayor Smith stated that he thinks the original letter should have the charge included. The Town will be more than willing to do this for them, but this is what you will be charged if we do. Once we do the work can we add this to their water bill?

Town Attorney Nelson stated that we do not have an ordinance allowing us to do that.

Mayor Smith asked if we could classify this as a hazard?

Town Attorney Nelson stated that what we have on the books now, would be a stretch to include this matter.

Trustee Nelson stated that as a homeowner, if you were to get a nice letter asking you to trim your tree and explaining the situation you might more cooperation with good customer service than you would with a threatening letter.

Trustee Renfro stated that the HOA was never responsible for the maintenance they were responsible for enforcing it. She also believes that maybe we should do some more research and think about hiring a company to do the trimming. Trimming young Street Trees is much different than trimming older trees. We should at least offer guidelines on how to do the trimming.

Town Manager La May stated that he will get with the Town Attorney and put together a resolution amending the Town Code to allow us to bill for this type of situation.

Trustee Nelson stated that she feels we should send the letters out now.

Trustee Renfro stated that a couple of years ago we did a lot of crack sealing and she did not see that in this years budget.

Town Manager La May stated that Public Works Director Saba had brought that to his attention as well. Four Corners Materials gave us a quote on sealing Buck Hwy. at \$50,000.00. The crack sealing we did before was around \$22,000.00. We could potentially use money out of the Transportation Fund, but without having the bridges done I am skeptical about spending too much. But then again if we don't do some maintenance the roads will deteriorate.

Trustee Renfro stated that this Saturday is when the group "Second Saturday" meets. Anyone is welcome to come by.

Trustee Morlan asked if the street lights are supposed to come on and go off randomly?

Public Works Director Saba stated that those street lights are the responsibility of LPEA.

Trustee Renfro made a motion to move to Executive Session, Trustee Nelson seconded.

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Motion passed unanimously.

Meeting adjourned to Executive Session at 9:13 pm.

Board came out of Executive Session and meeting was adjourned at approximately 9:33 pm.

Minutes Were Approved As Presented On November 20th, 2012

Approved:

Rick K. Smith

Mayor

Kathleen Cathcart

Town Clerk

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