

**Town of Bayfield**  
**Regular Town Board Meeting**  
**February 15, 2011**  
**1199 US Highway 160B Bayfield, CO 81122**

**Town Board Members Present:** Rick Smith (Mayor), Tom Au (Mayor Pro-Tem), Dan Ford, Gabe Candelaria, Debbi Renfro, Ed Morlan, Justin Talbot

**Staff Present:** Justin Clifton (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Ron Saba (Director of Public Works), Chris Choate (Marshal), Elizabeth Jackson (Management Intern)

An executive session was held from 6:00 – 7:00 p.m.

Gabe made a motion to go into executive session under C.R.S. and asked to include interviewee Robert Ledger (interviewing for the Interim Town Manager position). Debbi seconded. All were in favor, motion passed unanimously

The Board came out of executive session.

The Regular Town Board meeting was called to order @ 7:01 p.m.

**Minutes:** Debbi & Gabe both requested changes to the January 18<sup>th</sup>, 2011 minutes. Ed requested to be added to the Town Board Members present section.

Dan made a motion to approve the minutes from the January 18<sup>th</sup>, 2011 Regular Town Board Meeting as amended. Gabe seconded the motion. All were in favor, motion passed unanimously.

Debbi requested a change to the February 1<sup>st</sup>, 2011 minutes.

Gabe made a motion to approve the minutes from the February 1<sup>st</sup>, 2011 Regular Town Board Meeting as amended. Dan seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** Chris Choate commended Marianne Jones, the Town Clerk for all she's been doing in the absence of a Finance Director. He also introduced Deputy #6 Paul Pate who was just recently hired to the Bayfield Marshals Office.

Mary Trujillo (1318 Tamarack Drive) stated that due to the drainage problem on Tamarack her and her husband's home was flooded when the Town drained the water storage tank. She explained that the Town sent 2 guys to her home to dry it out (there was 2" of water in the recreation room of their home) but she is concerned because she hasn't heard anything else since that time. Mary and her husband are also worried about the drainage issue in that area of Town and extremely concerned about the way the water rushes into their yard. She asked the Board to consider some sort of drainage remedy that will resolve this issue. She also asked when the repairs would be finished on her house.

John Trujillo (1318 Tamarack Drive) thanked Ron Saba for coming by to talk to him about the water damage. He also thanked Debbi Renfro, who also came by and assessed the situation.

Justin Clifton responded that the Town received an estimate for the repairs late in the afternoon. Staff will review the estimate and get in contact with the Trujillo's. He explained that the Town is releasing water from the water storage tank in anticipation of some work that will be done on the tanks. Yucca Estates Subdivision doesn't have a proper drainage system in place. He explained that the reason the Town is taking responsibility for this particular incident is because the flooding was due to the water release from the tanks; however, the Town isn't taking on responsibility for any drainage related issues that should arise because the subdivision was not built to standard. He encouraged that this is an issue that will need to be addressed globally in the future to prevent this sort of incident from happening again in the future.

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Phyllis Ludwig (9205 CR 521) thanked Ed Morlan and the Parks & Recreation department for meeting with the Senior Board. She expressed that it was a very good meeting and she feels that they have been able to make a lot of headway in resolving the outstanding issues.

**Action Agenda Item #1: Approval of the Bills**

Marianne requested that one invoice be added to the bills approval. It was an invoice to Paul Davis Restoration in the amount of \$975.57 for the work done at the Trujillo residence.

Gabe made a motion to approve the bills dated February 11<sup>th</sup>, 2010 as presented including the bill to Paul Davis Restoration. Tom seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #2: Town Updates**

Dan asked if the County Road 501 Trail will be completed during 2011.

Justin answered that the Town still needs to get the final approvals from CDOT but he is hopeful that everything will be fully designed and out to bid by May and that construction will commence in June or July.

Dan asked how far the trail will go.

Justin answered that it will go all the way to the driveway of the Pine Valley Foursquare Church.

**Action Agenda Item #3: Lavenia McCoy Public Library Presentation/Discussion**

Justin introduced Laura Tretter and Karen Lemke with the Lavenia McCoy Public Library who requested to be put on the agenda to discuss the library's efforts to reconsider their long range plan and service priorities.

The floor was given to Karen & Laura,

Karen said that her and Laura are appearing in front of the Board to discuss what is happening with the library and what their plans are for the future. She explained that the library used to be located on Mill Street in a very small building (the library was created by the Town Board via ordinance in 1934). For many years it was just a few books on a few shelves and was run by a volunteer effort. A lot of the volunteering was done by Lavenia McCoy who was just recently honored for 71 years of service. The library became its own taxing district in 1972 and was able to increase the mill levy in 1999. This levy allowed the library to move into its current location in the Bayfield Center in 2004.

Karen gave some statistics on the growth of the library from 2004 – 2011. The library now offers a lot of teen programs (714 teenage participants in 2009). She explained that there has been a substantial increase in people that attend the children's programs. There were 320 in 2004 and 3600 in 2009. Adults are also coming to the programs. There were approximately 100 adults attending in 2004 and 1600 in 2009. Patronage has doubled at the library. There were 4600 patrons in 2004 and there were 9400 patrons in 2009. She explained that these numbers shows that the library is getting used and that it has grown substantially over the last few years. She expressed that the library is interested in finding out from the residents "where should we go from here".

Laura thanked the Board for their time. She explained that the building has really evolved since it was built in 2004. They have a total of 31 computers, wi fi internet, and other electronic devices for the use of the public. There has been a lot of growth in the teen & children's space. The teen space is dedicated to teens and has desks, computers and teen books. They have also grown the children's area by adding some couches, extra seating, and

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tables in order to make things more user-friendly in that area as well. They have also highlighted some of their parenting resources in that area.

Karen stated that moving the teens into their own area of the library has really freed up some of the computers in the adult area which has been very well received.

Laura expressed that adult usage is up as well. Use of the library's public meeting space has increased substantially. In 2010, there were 615 meeting room uses. There are a lot of adults in the library utilizing the print collection, the internet services, the audio books, attending training classes, etc. They also have laptops that can be checked out, study rooms and other useful resources.

Laura explained that the library is trying to rework their long range plan and they want to get community input on priorities and get feedback on future growth. She stated that they have focus groups and encouraged all of the Board Members to voice their thoughts on the library's future direction. She also mentioned that the library has a survey located on their website for people to fill out.

Gabe asked about the timeframe to complete the plan.

Laura answered that they hope to get it completed by the summer.

Gabe asked if the library has a book exchange program.

Karen answered that Bayfield has a sister library in Mancos and they do a book exchange 3 times a week (which has allowed them to double their collection). The library also has the capability to borrow books from a plethora of libraries throughout the state.

Dan asked if there are thoughts to expand the building.

Laura answered that it has been discussed and they are open to what the community needs.

Dan stated that the library really is becoming the center of activity in Bayfield. He suggested that if the library does decide to expand to consider doing some type of performing arts center.

Laura answered that type of use is about cultural experience and it could fit into the scope of their mission.

Ed asked about the band width capability.

Laura answered that the busy times of the day are slower and the staff is keeping an eye on the issue. They hope to get more band width rather than restrict the patrons use if possible.

Ed asked if the library is familiar with the Eagle Net grant program.

Karen and Laura both said no.

Rick stated that the Council of Governments will be meeting with the library to explain the possibilities of getting more band width through the Eagle Net grant program.

Debbi mentioned that she is on the committee for Bayfield Area Arts & Music and they are currently looking for a site in Bayfield to put in a performing arts center.

Karen and Laura thanked the Board for their time.

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**Action Agenda Item #4: LAPLAWD/Bayfield Water Study**

Justin gave his staff report. He stated that the bidding phase of the La Plata Archuleta Water District (LAPLAWD)/ Bayfield water study closed earlier this month. The Town received and reviewed 5 proposals. Of those 5 proposals, the one submitted by Briliam Engineering stood out as the clear best choice. Justin explained that Briliam was the only firm to respond to the request to include a fee estimate. Staff recommended entering into a contract with Briliam as a result of that contract.

Justin suggested that the Board allocate funds to cover the cost of ½ the total contract amount, which is estimated at \$23,000, meaning Bayfield would spend about \$11,500-\$15,000. The LAPLAWD Board voted unanimously to enter into a contract for an amount not to exceed \$30,000. Justin explained the fiscal impact of this allocation would be that the water fund's total reserve balance would be reduced from \$320,103 to \$305,103 and the unassigned balance from \$130,103 to \$115,103. This is the worst case scenario if \$15,000 was allocated.

Dick Lunsford with LAPLAWD stated that he appreciates the level of cooperation from the Town of Bayfield. The LAPLAWD Board has been really happy with the way the two entities have been working together.

Dan asked if entering into this contract formalizes a commitment from the Town on this project.

Rick answered that this study is needed by both parties to determine if a partnership is feasible. Once the results are presented, both entities will be able to make a decision of how to move forward.

Justin explained that regardless of the outcome, this study will be beneficial for the Town because it will provide a lot of information that is currently unavailable. The study will outline the Town's current system, capacity and future needs.

Gabe asked if the study will look at different scenarios that the two entities can work together.

Justin answered that it will be a comprehensive approach that will address all of the options that are available.

Dan made a motion to approve the contract in conjunction with LAPLAWD to fund the study by Briliam Engineering at 50% of the total cost. \$11,500.00 is to be added to the 2011 budget and will be brought back to the Board during the supplemental budget process. Gabe seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #5: Sewer Plant Sludge Cover**

Justin gave his staff report. He stated that the Town needs to build a cover for the sludge basin at the sewer plant. The basin is a 40 yard "roll off" trash container that Transit Waste periodically hauls to the land fill. The material in the container is the sludge that needs to be "wasted" and then dewatered so it can be hauled to the landfill. Currently the container is south of the sewer plant outside of the building. The dewatered sludge is carried on a conveyer belt that penetrates through the south wall of the sewer plant and drops the material into the container. Having the container outside means the sludge material is exposed to snow and rain. If the material is not mostly dry, Transit Waste will not take it. This is one of the reasons for the dewatering of the sludge. Public Works has tried for some time to come up with solutions other than building an awning to cover the container but none of the attempts have worked. Unfortunately it isn't possible to just cover the container with tarps or other materials because it causes the sludge to release its remaining moisture and create condensation. For the material to be suitable for hauling it needs to be covered and yet still allow for air flow so the remaining moisture can escape. The awning is the best permanent solution to this problem.

Ron had planned to build the awning by "over-posting" to his repairs and maintenance line item in the 2010 budget based on unspent monies from those line items and other large line items such as the Gem Village Lift Station. This is why no new line item was created last year, However, by the time professional plans and specifications

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were created the 2010 fiscal year had expired. There were many line items that closed 2010 under the estimated amount. The estimate to build the awning is \$25,000 to \$30,000.

Justin explained that the table below illustrates some of the unspent monies by taking numbers included in the 2010 supplemental budget and the 2010 year end budget to actual comparison. It should be noted that the 2010 year end budget to actual numbers represent un-audited numbers. However, audit adjustments generally do not affect net cash. In some cases revenues and/or expenses can be moved from one fiscal year to the next but would not change the actual cash available as of today. It should also be noted that although some smaller line items went over the amount allocated in the 2010 supplemental budget and revenue were slightly lower than expected, overall the Town closed the Fund \$90,505 better than expected in the 2010 supplemental budget. In other words, the money to complete the awning is available in the 2011 budget without reducing the anticipated 2011 year-end balance.

**Summary of available revenue:**

	<b>2010 Sup Budget</b>	<b>2010 Actual</b>	<b>Variance</b>
Repairs and Maintenance (ops)	\$10,000	\$4,310	\$5,690
Repairs and Maintenance (plant)	\$25,000	\$12,578	\$12,422
Gem Village Lift Station	\$515,900	\$493,542	\$22,358
Total			<b>\$40,470</b>
Total Revenues (Cap and Ops)	\$1,344,246	\$1,327,927	(\$16,319)
Total Expenses (Cap and Ops)	\$1,185,694	\$1,078,870	\$106,824
Total net change at year end			<b>\$90,505</b>

Gabe divulged that his company intends to bid on this project so he won't be voting on this action agenda item.

Debbi made a motion to approve allocation of approximately \$25,000.00 for the awning at the sewer plant. Justin Talbot seconded the motion. (Ed had stepped out of the meeting briefly and was not included in the vote). All were in favor except Gabe who abstained.

**Agenda Item #6: Public Hearing: Ordinance #362 - Grease Trap Maintenance**

Justin gave his staff report. He stated that the Town has been experiencing ongoing problems with grease traps/ interceptors. The problem has been resolved for most of Bayfield's businesses, with the exception of four (4) facilities, namely food establishments. In order to resolve the issue entirely and to get the following businesses to comply with state regulations and proper operations of Bayfield's wastewater facility, staff seeks the Board's approval of a grease trap ordinance that will add significant depth to the current policy.

He explained that in order to come up with a model ordinance, staff has researched ordinances put in place by other towns of comparable size. The Board will notice that most of the model ordinances cited below are those found outside of Colorado--North Carolina, Virginia, etc. This is due largely to the fact that staff was unable to locate ordinances within Colorado. They are as follows:

Town of Smithfield, NC (population of 12,965):

- Any person who violates the Ordinance is subject to a fine not to exceed \$1,000.00 per violation
- Addresses the minimum capacity that grease traps/ interceptors must have as being 1,000 gallons or more in order to be effective

Town of Woodstock, VA (population of 3,232):

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- All costs incurred for cleaning sewers or a device failing to meet the Ordinance is billed to the account of the facility causing the obstruction in the form of a sewer surcharge no less than but not limited to \$250.00.
- The frequency of maintenance to the grease trap or interceptor depends on the size and capacity and the amount of fat, oil, and grease that is deposited into the unit

Town of Edgewater, NJ (population of 9,582):

- First offense: Up to \$250/day until corrected, plus reimbursement of costs and damages
- Second offense: \$500/day until corrected, plus reimbursement of costs and damages
- Third or more offense: \$1,000/day until corrected, plus reimbursement of costs and damages, plus possible closure of discharge to Borough Sewers

Town of Jamestown, NC (population of 3,088):

- Fee of \$250.00 per billing cycle and/or discontinuance of water and sewer services to the property

Based off the above model ordinances, it would be safe to conclude that most Towns of Bayfield's size requires a minimum capacity that grease traps/ interceptors must meet. (i.e. 1,000 gallon tank). Many ask that users retain a detailed maintenance record on-site for a minimum of 3 years i.e. date of service, receipt reflecting all service rendered by the waste hauler.

The area in which Town's seems to differ the most is with the frequency that grease traps need to be emptied. Some say this can be done as often as necessary (to be determined by the owner's discretion), some require that it be no longer than 30, 60 or 90 days, etc.

The other area in which Town's seem to vary is in fines. Some Towns ask for \$100.00 for traps under 500 gallons to be incurred and a fine of \$200.00 for traps over 501 gallons to be incurred. Others ask that the owner be notified, in writing, of the violation and to be granted 30 days to permanently correct and abate the condition but go no further in how to penalize if this requirement isn't met. Others state that food service establishments that don't comply to be fined \$200/month.

For Bayfield's purposes, staff recommends following what is called the "25% rule" – grease interceptors are pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reach 25% of the grease interceptor's overall liquid depth. Staff believes it is in the best interest of the Town to have some sort of set requirement rather than leaving it up to the businesses' discretion so as to avoid any non-compliance.

As for fines/penalties, staff recommends treading carefully. The Town should first issue a notice of violation (NOV) once a business is determined to be in non-compliance, allowing that business one week to correct the violation from the date the NOV is issued. If this is not met, the Town should then impose a fine of \$500.00 per week. With previous experience, it should also be requested that user's continuing to be in violation be subject to immediate fines of \$50.00 per day until actions are taken.

Justin expressed that the staff is looking for approval of ordinance #362 regarding grease trap maintenance (however he precluded that the staff may need to make some additional formatting changes to make the ordinance consistent with the current Town Code).

The item was opened for public comment. None was offered so it was immediately closed.

Gabe complemented Liz for the great job she did on this research. He suggested adding in a required timeframe for maintenance.

Justin responded that not all of the grease traps in Town need to be maintained as often. He suggested that rather than putting in a required timeframe for removal to put in a required timeframe for review of the system. Or to put in

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a provision that states "at the request of the Public Works Director, the Town of Bayfield can require the business to keep maintenance & review records and have those records available for the Town's review."

Gabe suggested that Paragraph 6 of Section G should be modified to state that "Users whose operations cause or allow excessive grease to discharge or accumulate in the town wastewater collection and treatment system **WILL BE** liable to the town for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs including all labor, materials, and equipment."

Debbi expressed that she likes the idea of a progressive penalty for violations.

Justin stated that section 4 addresses penalties. He was just trying to find something that would be effective but he expressed that he can certainly add more detail about progressive fines.

Dan asked if the Town has access to these grease traps (since they are located on private property).

Justin answered that the Town does have the jurisdiction to find out what is causing detriment to the Town system and put a stop to it.

Dan asked if this ordinance will cause a significant cost to the business.

Justin explained that the pumping cost depends on the size of the trap. He stated that businesses that serve greasy food need to build this service into their business model & plan.

Dan asked what problems are being seen due to the grease produced by the Bayfield businesses.

Ron Saba answered that the grease ends up at the sewer plant. Grease doesn't process the way normal sludge does when it goes through the pressing & de-watering process. It just continues to be sent back through the system and the wastewater plant can't get rid of it because there's too much. It also causes problems with the machinery because it doesn't process properly and it adds to man-power because a staff member has to continuously work to get rid of it.

Dan asked if staff can quantify that these issues are directly related to grease traps.

Justin answered that the staff is working closely with each business to come up with a workable plan that documents how often the grease traps need to be emptied and then doing monthly inspection on each location. He expressed that this protocol is already showing a substantial difference in the amount of grease at the plant.

Dan asked if they will be penalized if they are making an effort.

Justin answered that the staff's goal is never to impose a fine. The staff will work with the business owners throughout the process and always give credit to those who make a significant effort. However, the staff needs to have some sort of penalty available for the businesses that refuse to make an effort.

Justin Talbot asked if a week is a viable amount of time to remedy the problem.

Justin answered that it is reasonable to get someone out to pump in that amount of time.

Dan expressed that he is concerned that this ordinance could cause undue burden on the local businesses and causes them to spend money. However, he does think that it's necessary for the welfare of the Town system and it does allow some flexibility.

Gabe suggested that the staff make the necessary formatting changes and additions requested by the Board to the ordinance and bring it back for final approval.

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The Board concurred.

**Action Agenda Item #7: Bean Ditch Water Feature**

Justin gave his staff report. He explained that the Board gave staff direction to cooperate with Gerald Ludwig and the Natural Resource Conservation Service (NRCS) to explore funding options for piping the Bean Ditch. At the time, the Board gave additional direction to pursue options to maintain some sort of water feature in the park. After a couple of field meetings with Gerald and NRCS the staff has come to the conclusion The Town will likely need to make some modifications to its point of diversion regardless of what direction it goes and some of those improvements could likely be paid for with grant funds. However, grants funds cannot be used to actually build a water feature.

Staff has considered a variety of options and the most likely best way to maintain a water feature in the park would be to construct an appropriately sized swale next to the buried piped ditch. There would be a diversion box where the ditch daylights at Highway 160B to divert about 100 gallons per minute. This would translate roughly to a 6-12 inch wide 1-3 inch deep water feature. The Town would likely need to line the ditch to avoid significant water loss and would then need to vegetate or rock the swale for aesthetics. Some kind of textured concrete could also work. The ditch could then flow across the park, under the bridge until it all spilled into another box where the Town could draw water for irrigation. Any unused water would also need a way to get back into the ditch or into a pond or other facility to keep for later use.

Maintaining a water feature has the benefit of enjoyment for the Town residents; although the limited water volume would not compare to the ditch people are used to currently. There are also some other drawbacks such as continued issues with debris prior to intake for irrigation. There are alternatives to maintaining a ditch water feature such as a pond or eventually a parking lot. In order to pursue the water feature the Town would need to be prepared to spend a little money on engineering (with some limited help from NRCS) and then somewhere around \$10,000 to build the improvements. The \$10,000 was a very rough estimate put together from Ron. Any better estimates or drawings would require spending a little money.

Justin asked for direction from the Board on this issue.

Ed asked how many Bean Ditch water rights the Town owns.

Ron answered that the Town has  $\frac{1}{4}$  csf which equates to 112 gallons per minute.

Gabe suggested that it might be a good idea to create a little pond area where toddlers can stomp their feet in the water. He mentioned that it might be a good place to add in some pathways and the Town can put the existing bridge over the top of it. He also suggested that it might be a good idea to ask the residents what they would like the Town to do.

Ed said that he thinks the water feature is a nice addition to the Town and he would like to continue doing something if possible. However, he's concerned that it won't be worth it if it's such a small amount of water.

Dan agreed.

Justin Talbot asked how much it would cost to have someone look at it and come up with a proposal.

Justin Clifton answered that it might be possible to get a conceptual plan on paper for approximately \$2,000.00. However, the first thing to decide is if the point of diversion needs to be moved (in order to get that included in the grant paperwork).

Gabe asked what it costs to move the diversion point.

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Justin answered that the actual diversion point doesn't cost anything; the apparatus is what will cost the Town.

Ron explained that NRCS is willing to help with the engineering (and they do not have a preference on where the diversion box is located). They need for the Town to figure out what they want to do and then they will let us know how they might be able to help with the engineering costs.

Gerald Ludwig clarified that the diversion can still be moved after the ditch is piped.

Justin stated that the staff will research what assistance the Town can get through the grant and then will probably need to spend approximately \$2,000.00 to get the additional conceptual plan information needed to present to the Board on the project.

The Board agreed with this course of action.

**Action Agenda Item #8: New/Unfinished Business**

Justin explained that CML has scholarship program that could be utilized to send one of the Board Members to the Annual Conference in Vail, CO. However, one of the stipulations is that the Town has to name the Board who will be attending. Justin asked if any of the Board Members would like to attend and could be named as the scholarship availability.

Gabe made a motion to have the staff write up the scholarship application for Debbi Renfro. Ed seconded. All were in favor, motion passed unanimously.

Dan asked about the status of the Finance Director position.

Justin answered that he has made an offer and is waiting for a response.

Gabe mentioned that there might be a potential drainage issue on 815 East East Court and asked the staff to look into it.

Tom asked what the status is of the home that was flooded by the water storage tank drainage.

Justin answered that the Town sent a crew out to take care of the initial damage and just received the estimate for the remaining work that needs to be done last this afternoon. The staff will be reviewing the estimate and possibly getting another one to make sure it's competitive; but staff will be getting someone in to complete the repairs as soon as possible.

Ed asked what the situation is regarding the drainage in that area.

Justin answered that the subdivision was built in the 1970's and drainage was not engineered probably. Also, Justin believes that this part of the home (which is a garage that was converted to a recreation room) was not built to code to have positive drainage away from the foundation. Unfortunately, it's not clear whose responsibility it is to maintain these sorts of items. However; since it was a direct result of the Town draining the water storage tank, staff decided that it would be taken care of by the Town.

Debbi has seen this problem firsthand and that it's one of her passions to make sure that no additional drainage ends up in this area because of the lack of a system.

Ed mentioned that he attended the meeting with the senior board and it was decided to open the senior center an additional day per week beginning March 1<sup>st</sup>. One of the concerns about this change is that there won't be enough

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participation to make it worthwhile but the staff is coming up with some benchmarks and participation numbers to measure the success. Also, there will be another meeting on March 11<sup>th</sup> to continue conversations with the senior board.

**Action Agenda Item #9: Interim Manager**

Justin Talbot made a motion to go into executive session for the purpose of negotiations under C.R.S. Section 24-6-402-(4)(e) and requested that Dirk Nelson be included in the session. Debbi seconded the motion. All were in favor, motion passed unanimously.

The Board came out of executive session.

The meeting was adjourned.

*Minutes were approved as submitted on March 1<sup>st</sup>, 2011.*

**Approved:**

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Rick K. Smith  
Mayor

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Marianne Jones  
Town Clerk