

**Town of Bayfield
Regular Town Board Meeting
February 21st, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

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

Town Board Members Absent: Gabe Candelaria

Staff Present: Chris La May (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Erin Dunavant (Finance Director), Joe McIntyre (Marshal), Ron Saba (Director of Public Works)

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:04 p.m.

Minutes: Justin made a motion to approve the minutes from the February 8th, 2012 Regular Town Board Meeting as presented. Debbi seconded the motion. All were in favor except Dan, who abstained from the vote.

Public Input: None was offered so it was immediately closed.

Action Agenda Item #1: Approval of Bills

Tom made a motion to approve the bills dated February 17th, 2012 as presented. Dan seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Dan asked about the Fast Track coming to meet with the Town Board. He expressed that he is anxious to get their input regarding the fiber project so that the Board can make an informed decision on the matter.

Chris responded that he has met with them and let them know that the offer had been extended for them to come and talk to the Board. However, there are some negotiations happening right now on the possibility of exchanging fiber as part of the project so it was decided that they would wait to meet with the Board until that is completed.

Ed added that Fast Track is getting the project's engineered drawings to review and they have the option to submit a bid. He hopes that he will have a response back from them very soon on whether or not they plan to be involved and once that is determined he will make sure that they come in for a discussion with the Town Board.

Rick said that Fast Track has expressed interested in doing some cooperative work with the Town.

Rick asked about the Food Shack that is interested in setting up in the Town.

Chris responded that he is looking into the matter further to figure out if it is a use that is allowed in the Town per the Town Code.

Rick stated that he is happy that the filters from the interim lagoon improvements have been sold.

Ed asked about the Animal Control officer position.

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Joe answered that the Town doesn't have an Animal Control Officer at this time so the deputies handle all calls related to animals.

Ed asked where animals are taken when they are picked up.

Joe answered that they are taken to a holding pin at one of the local veterinarian's office. If they don't get picked up by their owners, they are transported to the Humane Society in Durango.

Public Hearing: Request For Rezone Lot 7, Mountain View Subdivision (AKA 637 Colorado Drive) to Transitional (T)

Chris gave his staff report. He stated that Dan Naiman, acting on behalf of Paul Peeples the owner of property located at 637 Colorado Drive (Lot 7, Mountain View Subdivision), is requesting a rezone of the property from Business (B) to Transitional (T). The intent of the rezone is to allow mixed use (Residential Dwelling Units and Restaurant) on the property. Property is currently zoned Business and contains Chavolo's Mexican Restaurant, four (4) offices and one (1) upper floor residential unit. Property owner intends to convert the four (4) offices into four (4) residential dwelling units.

The property to the east is zoned Single Family Residential (R-40); property to the north is zoned Multi Family; property to the west is zoned Business; Colorado Drive and US Highway 160 are adjoin the property on the southern boundary.

Chris stated that the request was sent to the following referral agencies: La Plata Electric Association, Upper Pine Fire Protection District, Source Gas, School District 10JTR, Town Engineer (Souder, Miller & Associates), Town Attorney Dirk Nelson, USA Communications, Century Link Communications, San Juan Basin Health, Colorado Department of Transportation, Bayfield Public Works, and Bayfield Building Inspector.

Responses received are as follows:

1) La Plata Electric Association –

- La Plata Electric Association, Inc. has no objections to the proposed project, provided that all structures meet or exceed the minimum clearances to power line facilities as set forth in the current edition of The National Electrical Safety Code, and also provided that no structures are located on any LPEA easements, underneath any overhead power lines or on top of any underground power lines.

2) Upper Pine Fire Protection District

Upper Pine does not have any objections to the proposed project but requests the following:

- A two hour fire separation wall between the restaurant and the residential units.
- A commercial fire alarm system to be installed throughout the complex to include a combination of heat, smoke and carbon monoxide detection. System to include interior and exterior alerting devices
- Fire extinguishers; 1 located and secured between the downstairs units and 1 upstairs near the entry door. The restaurant has separate requirements for extinguishers
- Address number visible from the street and suite numbers clearly marked
- Gas and electric utilities clearly marked with suite numbers
- Fire Lane on north and east side of the building maintained and signed indicating the presence of a Fire Lane

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3) **Source Gas** - No comments received.

4) **School District 10JTR** - No comments received.

5) **Town Engineer (Souder, Miller & Associates)**

- No significant Engineering Issues.
- Recommend that the Water and Sewer Tap allocation be reviewed to determine the impact of the change in use.

6) **Town Attorney**

- Use by Review process necessary for multifamily under Transitional District.
 - Restaurant a Use by Review in Transitional District, but existing restaurant “grandfathered”.
 - Temporary discontinued could trigger new Use by Review in Transitional Zone.
 - Parking, Water and Sewer Taps and connections need to be reviewed.
 - Building/Fire Code Review.
- **San Juan Basin Health Department** - No objections or direct requirements for the rezoning proposal.

7) **Colorado Department of Transportation (CDOT)** - No objections.

8) **Bayfield Public Works**

- Water and Sewer Taps need to be addressed prior to construction.
- Plant Investment Fees should be evaluated.

9) **Building Official** - Firewalls must be maintained for change of occupancy.

Chris stated that the public hearing on this matter was properly noticed in the Pine River Times on February 3, 2012 and February 10, 2012. Property owner provided certified mailing receipts verifying that property owners within 200 feet of the property were notified of rezone request and public hearing.

The request is to zone the property from Business (B) to Transitional (T). The Transitional (T) Zoning District is intended to provide an area where residential and commercial uses can occur side by side with a minimum amount of inconvenience to each other and other uses, subject to review, as set forth in the Use Table. The district applies to parts of the community that are now businesses uses or may in the future change to business.

The Use Table identifies Multi-Family Dwellings as a Use by Review in the Transitional District. If approved for rezone, the applicant will need to seek approval for a Use by Review.

Chris noted that there is a fiscal impact to the Town to make this change. In the State of Colorado property is appraised based on use and not zoning. If the property is converted from commercial office space to residential use, it will likely reduce the property tax on the property and income for the Town.

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Converting approximately 40% of the space from commercial (29% assessed value) to residential (8% assessed value) would reduce the property tax to a figure of approximately \$287.00. The Town would lose approximately \$600 annually in property tax based on the rezone.

Chris stated that the property currently has one - 1 and ½ inch water tap serving the restaurant, office complex (4 units), and one (1) residential unit. If the rezone is approved, the property would include a restaurant, and five (5) residential units. 1 and ½ inch water tap should be sized adequately to meet that need and no increase in water tap or extension of line should be necessary, thus no additional water tap fee.

However, Section 15-75 of the Town Code requires a separate monthly residential rate for each family living unit within the structure.

For sewer service, a separate and independent service line is required for each individual lot. According to the code the current use in the building requires the following amount of ERT's: 10 ERT's for the restaurant, .88 ERT's for the 2500 square feet of office space & 1 ERT for the 1,216 square feet of residential space. This is a total of 11.88 ERT's.

The requirement for the proposed use will be: 10 ERT's for the restaurant, 2.25 ERT's for the three apartments that are less than 700 square feet & 2 ERT's for the two apartment units that are greater than 700 square feet. Total 14.25 ERT.

Therefore, the owner will have to purchase 2.37 ERT's at the time of building permit for conversion to residential.

For park impact fees, the owner will have to pay \$208 per Multi-Family Unit for a total of \$832 (for 4 units) to be assessed at time of building permit.

Chris said that the Land Use Code requires one (1) parking space for each 100 square feet of gross floor area for establishments for the sale and consumption on the premises of food and beverages having less than 4,000 sq. ft. of floor area. The restaurant component of the property is 2,500 sq. ft, which equates to 25 parking spaces. Section 7-9 (6) (c) of the Land Use Code requires in instances of mixed occupancies, the sum of the requirements for the various uses computed separately. The property, if approved for rezone, will have five residential units, which requires 2.5 parking spaces per unit for a total of ten (12.50) spaces.

In total the parking requirements call for 37.50 parking spaces. The property currently has 30 parking spaces on site, which includes two handicapped spaces. Chris explained that staff recommends that the applicant seek a variance from the parking requirements or execute a joint use off-street parking agreement with the property to the west, which is owned by same property owner.

Chris explained that the property has been underutilized for a period and the rezone will provide the property owner flexibility. Nothing prevents the property from converting back to office space should the demand for that use increase in the future. The use is consistent with neighboring properties.

The Planning Commission held a public hearing on Tuesday February 14, 2012 and received comments from one adjoining property owner. Betty Elkin raised concerns regarding the restaurant's placement of the trash dumpster off-site at the end of Colorado Drive and the lack of parking for the restaurant. She expressed concerns about patrons parking in front of her property and interfering with traffic flow on Colorado Drive and the placement of a pizza delivery truck in the parking lot.

Chris recommended approval of the rezone for Lot 7, Mountain View Subdivision (AKA 637 E Colorado Dr.) to Transitional (T) Zone.

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The item was opened for public hearing.

Dan Naiman stated that the owner of this property has had difficulty getting tenants into this office space and it has generated very little revenue. The owner is trying to figure out ways to make it more profitable so it is being considered to convert the office space into studio apartments. The current plan is to have 4 apartments but it's possible that it may have to be 3 due to some of the parking issues and the expense of the required ERT's. However, they feel they can address the parking issues by the implementation of a joint use off-street parking agreement for the parking lot next door.

Dan Naiman expressed that there was also concern regarding the trash bin. He spoke to the property owner and found out that the trash bin is located on the property but the owner is willing to move it back onto the site so that it is out of site and does not continue to be a problem for the adjoining neighbors.

There is also concern regarding the pizza truck that is in the parking lot. The truck is currently broken down but it will be moved soon so it won't continue to have an affect on parking.

Betty Edmondson (675 East Colorado Drive) stated that she isn't opposed the request but she would like certain issues taken care of before it is granted. She doesn't feel that the dumpster should be located on Colorado Drive and she feels it needs to be on the restaurant site out of view. She also feels that there is a major parking problem. The pizza truck is taking up a lot of space in the parking lot and due to the design of the lot only about 8 people park in the parking spaces available. The patrons of the restaurant all park on Colorado Drive instead. She expressed that this causes problems for her because there are a lot of times that she is unable to get into her driveway because of all of the cars that are parked on the street. She requested that the Town make the property owner come into compliance with the items that have already been given to him before he is granted any additional uses.

No additional comment was offered so the public hearing was closed.

Action Agenda Item #3: Consideration of Approval of Ordinance #368, Rezoning Lot 7, Mountain View Subdivision (AKA 637 Colorado Drive) to Transitional (T)

Dan Ford asked about the fire code requirements.

Dan Naiman answered that he spoke to the Fire Chief and since the location does not have adequate fire flows to sprinkler the building, the compromise is for the property owner to put in an alarm system. The required fire wall separation was installed when the remodel was done on the building.

Dan asked where the apartments will be located.

Dan answered that there is an existing apartment on the top floor; the other 4 will be on the ground floor in the back of the restaurant.

Tom asked if it would be possible to get "no parking" signs for the front of Betty's lot. He expressed that the parking lot is packed on Friday & Saturday and he feels that there is a problem with people parking in front of her lot. He said that he doesn't think it will stop if the Town doesn't put up some kind of signage preventing it.

Chris responded that the parking issue on Colorado Drive really should be considered as part of the rezone. However, it could be discussed as a separate agenda item in the future.

Dirk concurred that parking is a separate matter under the Model Traffic Code.

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Tom stated that he prepared a boundary adjustment plat done between Lot 6 & Lot 7 to accommodate for more parking spaces in October of 2006. He asked if that plat ever got recorded.

Chris answered that he doesn't know anything about it but that he will research it further to find out.

Ed asked if Chavolo's is complying with the grease trap ordinance.

Ron Saba answered that they were complying previously but the staff has been so busy that they have not had a chance to go check it recently.

Chris commented that there are definitely some nuisances associated with the existing use. However, those items really shouldn't be considered in the decision for whether or not the property should be rezoned. However, if the rezone is granted the use will still have to come back for further consideration under the "Use By Review" process. He feels that is the more appropriate time to address these site specific items rather than during the rezone.

Debbi expressed that she feels there is definitely going to be a parking issue and that it would be a wise decision to get an off-site parking agreement into place with the property next door.

Chris responded that he feels that the agreement would be a good way of handling the parking problem. Currently, the west property is primarily daytime uses and the Chavolo's building is a primary night-time use. The code discusses this type of agreement and he feels it would be a valid way of handling it.

Dan Naiman responded that the property owner has already agreed to sign an agreement to use the other parking lot for overflow.

Ed asked if it would be possible to table this item in order to address some of these things further. He feels that the property owner hasn't been a real good steward of the property up to this point but that he should be given a chance to make these changes before it is considered further.

Dan Ford expressed concern over the future development of East Colorado Drive. The Town hopes to have that road connect with the intersection at the Shell station and the intent is that the area will be developed with commercial. He doesn't really think that this rezone is conducive to that intention. He also thinks that there is definitely a parking issue on this street and he doesn't think that people are going to stop parking on Colorado Drive because it is definitely more convenient than the parking lot.

Also, the property owner owns another piece of property just east of this proposed location and Dan feels that it is the biggest eyesore in Town. He feels that Paul Peebles lack of interest in beautifying the Town suggests that this property would fall into the same condition as that one and it will make the area of even further embarrassment to the Town. Dan feels that if Paul was willing to clean up that property he might take care of this one as well but if he isn't willing to do that he doesn't feel that the Town should invest anything further into this property than what has already been granted.

Rick concurred that the future development of Colorado Drive is a big item in the future commercial planning of the Town. However, he feels that the Board needs to be cautious about linking properties together and making decisions based on those links.

Dirk commented that the land use code gives specific language that needs to be considered when looking at a property rezone. He explained that the decision to rezone a piece of property should be decided using that criterion. However, it is appropriate to take other things into consideration during the "Use By Review" process because it is more site specific and there are impacts that have to be reviewed.

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Ed made a motion to table this matter until the March 6th, 2012 Regular Town Board Meeting and instruct staff to repost the matter as another public hearing so that the residents have the ability to comment on the matter. Justin seconded the motion.

Debbi stated that she doesn't feel the properties should be linked together and decisions made based on other properties in Town. She expressed that she likes the proposed idea and thinks that if they meet the requirements for sewer & parking, it could be a good thing for the Town.

4 voted in favor of the motion, Debbi & Tom were opposed. The motion carried.

**Action Agenda Item #4: Discussion & Possible Action: Bayfield Parkway & US Highway 160
Intersection Traffic Study**

Chris gave his staff report. He stated that the Board has received a copy of the Revised West Side Intersection Study, which was completed by Paul Moreau with Drexel, Barrel & Co.

This study had two primary tasks:

- 1) Determine what a US 160/160B/CR 502 west-side intersection would "look like" at full build-out of the West Side Land Use Plan; and
- 2) Determine if the current location of the intersection would meet the Purpose and Need of the US 160 FEIS.

The proposed scope of services for the project included an optional \$5,240 for environmental review of each intersection. The Town elected to delay moving forward with the environmental review, until it could be demonstrated that the west side intersection could comply with the FEIS Purpose and Need and CDOT Access Code.

CDOT has informally taken a position that they may not necessarily be opposed to re-opening the decision, but that they would not pay for such action. That process could be expensive and would likely want CDOT to fund the effort. That is likely where we will need some influence from state elected officials.

Chris explained that he wants to get Board input on the next steps in the process. The participating parties are comfortable with the document as it stands and the Town is at a point where we can move forward.

Chris asked if the Board is comfortable with the document as presented. If they are, the staff will submit a copy to La Plata County (County Manager, County Engineer, and Planning Director) for review and request a letter of support from the County Commissioners. Once that is completed, the Town will move forward with providing a letter to the CDOT Region 5 Transportation Director requesting that CDOT evaluate the FEIS Record of Decision related to the intersection.

Chris stated that there could be an issue regarding wetlands. The assumption of the Town is that the proposed location will have more impact on wetlands than the existing location. However, details on that haven't been researched or analyzed in depth yet. Chris asked the Board if they want to move forward with the document as it is or add more environmental data prior to submittal. But doing that has associated costs with it.

Chris stated that the staff feels that it is critical to have La Plata County involved because the intersection isn't located in the Town.

Rick thinks the Town should get a letter of support from the County because he thinks that will give the Town more ability to negotiate with CDOT on this matter.

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The Board gave direction to move forward as presented.

Action Agenda Item #4: Selection of Firm for Surveying Services

Tom recused himself from this matter and left the room for this item.

Chris gave his staff report. The Town of Bayfield advertised a request for qualifications (RFQ) for surveying services for the Town of Bayfield. The RFQ was published in the Durango Herald January 18 and 25, 2012 and in the Pine River Times January 20 and 27, 2012. The Town received five (5) proposals on or before 4:00 PM Friday, February 3, 2012 at Bayfield Town Hall. The Town received one (1) proposal after 4:00 PM Friday that was placed in the utility billing box outside of the building and was not received until Monday morning. That particular proposal was not opened and not considered.

Respondents were informed that the proposals would be based on the following criteria:

1. Relevant projects completed by the firm over the last five years.
 2. Experience of key personnel and continuity of staff on client assignments.
 3. Demonstrated abilities to meet project schedules and budgets.
 4. Capability to complete the work with local staff.
 5. Past performance and references.
 6. Rates.
- Schmuesser Gordon Meyer is a full service land surveying firm with five licensed Professional Land Surveyor's and three survey crews experienced in all types of survey projects. They are based out of Gunnison, Colorado and their standard rate for a 2 – Man Survey Crew is \$190.00 per hour.
 - Spotted Eagle Surveying is based out of Durango, Colorado. Former owner of Red Tail Surveying. Extensive background in right-of-way surveying. Recent projects include Farmington wastewater treatment facility, Easement Vacation Plat, Navajo Technical College – Gymnasium, Easement Descriptions, and As-Built drawings. ILC for private resident. Navajo Nation Housing Authority Road Improvement. Their standard rate for a 2 – Man Survey Crew is \$155 per hour for a 2 Man Survey Crew.
 - Goff Engineering was Bayfield Town Engineer at one point and provided survey work for the Town with subdivision land use mapping, water, drainage, and planning. Provide survey services to City of Durango and La Plata County through on-call service contracts. Includes 5 PLS, two full survey crews, and three CADD designers. They are based out of Durango, Colorado. Recent projects include Fassbender property easements, Tri-State Generation and Transmission line easements, Florida Road Widening Survey Support, Wilson Gulch Drive Design, Durango and Silverton Narrow Gauge Railroad Right-of-way, Town of Center Water Utility Analysis and Tank Design. Standard rate for a 2 – Man Survey Crew is \$136 per hour.
 - Contract Surveying is a home office business based out of Durango, Colorado. Worked for CDOT from 1960-1994, Bechtolt Engineering 1994-2001. Recent projects include Highway 160 CR 222-223 all phase Highway construction, La Plata County CR 234 reconstruction CR 235 to squaw apple, including right-of-way, alignment, control setting, finished grade. Glacier Club boundary survey, lot surveys, lot consolidation, easements, R.O.W., water lines, sewer lines, electrical lines. Crimson Cliff Town Homes, Cortez Municipal Airport, Durango airport Rental Car Parking lot. Standard rate for a 2 – Man Survey Crew is \$125 per hour. .

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- Pinnacle Surveying is the only firm with an office in Bayfield. Has familiarity with Bayfield and the surrounding area. They have prepared plat maps, construction staking, boundary surveys and easement preparation. Recent projects include: LAPLAWD survey of proposed water line, Bayfield Parkway repaving project, prepared site plan for Bayfield Water Plant Expansion, Town of Bayfield Sewer Plant Expansion, and Town of Bayfield Eagle Park/Joe Stephenson Park Project. Prepared annexation plats, subdivision plats and performed construction staking for Bayfield East Subdivision, Sunrise Estates, Sunrise Villas, The Homestead @ Bayfield, and Dove Ranch Subdivisions. Has worked in most subdivision in Bayfield performing lot surveys, house staking, and ILC's. Standard rate for a 2 – Man Survey Crew is \$125 per hour.

Chris recommended that the Town enter into a contract for surveying services with Pinnacle Surveying based on price and local knowledge of Bayfield.

Ed commented that the Town Manager did a great job of summarizing the bids received and outlining the pros/cons of each one. He made a motion to award the surveying contract for Town services to Pinnacle Surveying based on price and local knowledge of Bayfield. Debbi seconded the motion.

Dan stated that there was only one local person that submitted their bid for the services. He is very familiar with the Town's needs and provided a very good rate for the Town. He feels that based on that criteria, Pinnacle should be the front-runner for this contract.

Rick expressed that the Board is committed to helping locals first and he feels that Pinnacles bid is not out of line with the other bids received.

All voted in favor of the motion, it passed unanimously.

Tom rejoined the meeting.

Action Agenda Item #5: Consideration Of Purchase Of Patrol Vehicle

Chris gave his staff report.

The Marshal's Office is requesting to move forward with the purchase and replacement of one of our patrol vehicles as was budgeted for 2012. Below is a list of prices obtained through the Colorado State bid process:

2012 Chevrolet Tahoe - \$30,575 4x4
2012 Ford Expedition - \$28,799 4x4
2012 Chevrolet Caprice - \$27,670
2012 Dodge Charger - \$26,898
2012 Dodge Durango - \$23,789 4x4
2012 Chevrolet Impala - \$22,068

It is the recommendation of staff and the Marshal to purchase a four wheel drive vehicle taking into consideration the Town's geography and inclement weather conditions. Based upon the quotes received, Chris requested approval to purchase the 2012 Dodge Durango in the amount of \$23,789.00 dollars. (Delivery of vehicle is free of charge).

Dan asked where the vehicle would be purchased from.

Joe answered that it is through a dealership in Colorado Springs.

Justin asked why this is being brought before the Board since it was approved during the budget process.

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Marianne answered that the newly adopted purchasing policy states that any purchased that exceed \$10,000.00 must be given formal approval by the Town Board.

Justin made a motion to approve the purchase of the 2012 Dodge Durango in the amount of \$23,789. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #7: Discussion & Possible Action: Fox Farm Water & Sewer Taps

Chris gave his staff report. He stated that in 2007 the Town of Bayfield was awarded \$330,688 in grant funds from the Colorado Department of Local Affairs through the Energy and Mineral Impact Assistance Program. The grant included reimbursement for thirty-two (32) water and thirty two (32) sewer taps for affordable and attainable housing in the Fox Farm Village area. The project was to be completed by December 31, 2009.

June 6, 2008, the Town received \$82,672 in reimbursement from the Department of Local Affairs for eight (8) water and eight (8) sewer taps.

October 14, 2008 the Town received \$41,336 in reimbursement from the Department of Local Affairs for four (4) water and four (4) sewer taps.

January 12, 2009, the Town received \$62,044 in reimbursement from the Department of Local Affairs for six (6) water and six (6) sewer taps.

May 6, 2009, the Town received \$20,688 in reimbursement from DOLA for two (2) water and two (2) sewer taps.

December 12, 2009, DOLA agreed to amend the contract by extending the completion date to December 31, 2010.

July 16, 2010, the Town received \$41,336 in reimbursement from DOLA for four (4) water and four (4) sewer taps.

December 6, 2010, DOLA agree to amend the contract by extending the completion date to June 30, 2012.

\$82,672 remains available for eight (8) water and eight (8) sewer taps, until June 30, 2012. Habitat for Humanity intends to utilize two (2) water and two (2) sewer taps before June 30, 2012; leaving a total of six (6) water (\$26,004) and six (6) sewer taps (\$36,000) available for a total amount of \$62,004.

Town Clerk, Marianne Jones inquired if DOLA would simply distribute the remaining portions to the Town and allow the Town to hold in escrow for intended purposes. DOLA opines that since this is a reimbursement program, they are not allowed to provide funds until the cost has been incurred. In addition, the state does not allow us to extend a contract beyond five years without State Purchasing approval. In order to get that approval, we would have to include a plan to complete the project by a certain date with project milestones being identified and accomplished along the way. At this point because of the uncertain nature of the economy and the building demand, it would be very difficult to devise a plan and have some certainty that we could meet the milestones.

Chris had discussions with Barbara Blundell with Habitat for Humanity and Reid Ross with the Community Development Corporation about potentially purchasing the remaining taps upfront, enabling the Town to submit for reimbursement. This would essentially guarantee future taps for the affordable and attainable homes, and ensure the grant money is utilized as originally intended. Chris has a call into the Department of Local Affairs inquiring if this would be an appropriate approach, but has not heard back from them.

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If the Department of Local Affairs is comfortable with the arrangement, staff requests that the Board direct staff to prepare an agreement with the appropriate party to accept payment of pre-paid water and sewer taps associated with the Fox Farm Affordable and Attainable properties.

Rick stated that he worries that if the Town does not allow this, the water & sewer tap prices for these lots will go back to full price and the developers will be unable to develop any further.

Ed asked if the entities write the Town a check for this amount, will they be reimbursed by the grant funds.

Chris answered that they will be reimbursed.

Tom asked why they haven't built on the remaining lots.

Chris answered that due to the foreclosures that are available on the market at very low prices, the demand for affordable housing is not what it was previously.

Ed made a motion to direct staff to prepare an agreement with the appropriate party to accept payment of pre-paid water and sewer taps associated with the Fox Farm Affordable and Attainable properties. Debbi seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #8: Consideration of Approval of Amendment To Town manager's Employment Agreement

In accordance with the Employment Agreement executed between the Town of Bayfield and Town Manager, dated May 27, 2011, provided the Manager receives a satisfactory job performance evaluation at a six month evaluation, the salary shall be reviewed by the Board and the Board shall consider a salary increase.

The Board of Trustees conducted a performance evaluation in executive session on Tuesday, February 7, 2012.

The Board has indicated a desire to increase the salary to \$85,000. The Town Attorney has reviewed the First Amendment.

Chris recommended that the Board approve the First Amendment to the Employment Agreement increasing the salary for Town Manager to \$85,000. The remaining sections of the Employment Agreement remain in full force and effect.

Dan stated that this is what was agreed upon by the Town Board at the previous meeting. He made a motion approve the First Amendment to the Employment Agreement changing the salary for Town Manager to \$85,000. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #9: New/Unfinished Business

Debbi mentioned that as part of the La Plata County Youth & Family Master Plan, there is a committee called Celebrating Community Norms. This committee is giving out awards to adult role models and they are looking for kids under the age of 21 to nominate those people they feel are a good role model and deserve to be recognized. Also, they are requesting that the Town Board present to the Bayfield awardees.

Debbi also mentioned that she is on a committee that is trying to get a teen center in Bayfield. The committee is looking at a lot of different options and seriously trying to find a location that will work. They are not requesting any Town participation at this point but that may come up in the future.

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Rick asked for the Boards approval to testify at the Capital for House Bill 1159 which deals with the election of County Commissioners. He will be testifying as Mayor of the Town of Bayfield and needs Board approval to do that.

The Board gave him permission.

Dan stated that he will also be testifying in favor of this bill but he will be doing it as a private citizen. He expressed that he wants to see a change to how County Commissioners are elected because he does not think that Durango citizens should be electing Bayfield's representatives.

**Action Agenda Item #10: Executive Session: {C.R.S. Section 24-6-402-(4)(e)}
Negotiations with LAPLAWD**

Tom made a motion to go into executive session for the purpose of developing strategy for negotiations and instructing negotiators under C.R.S. Section 24-6-402-(4)(e) and requested that Chris, Ron & Dirk all be included. Debbi seconded the motion. All were in favor, motion passed unanimously.

The Board came out of executive session.

The meeting was adjourned.

Minutes approved as submitted on March 6th, 2012

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk