

**Town of Bayfield
Regular Town Board Meeting
February 8th, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

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

Town Board Members Absent: Dan Ford

Staff Present: Chris La May (Town Manager), Dirk Nelson (Town Attorney), Erin Dunavant (Finance Director), Joe McIntyre (Marshal)

Media Present: Carole McWilliams (Pine River Times)

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

Minutes: Gabe made a motion to approve the minutes from the January 17th, 2012 Regular Town Board Meeting as presented. Debbi seconded. All were in favor, motion passed unanimously. (Note: Tom and Justin arrived late and did not vote on this item).

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

Action Agenda Item #1: Approval of Bills

Debbi commented that the insurance payment to CIRSA is very expensive.

Chris mentioned that the Town will be looking at another provider for Workman's Compensation insurance for the 2013 budget year to see if it is possible to get a lower rate.

Tom made a motion to approve the bills dated February 3rd, 2012 as presented. Gabe seconded. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Chris stated that the County Commissioners have approved the dedication of the West North Street Right-Of-Way to the Town. Staff is awaiting the documents from the County. Chris also mentioned that one of the homeowners on North Street has also approached the Town about a possible land trade that would be beneficial to the Town.

Debbi asked about the experimental ditch on the Ludwig property. She asked to be kept up-to-date if that experiment works to solve the problem.

Chris answered that he will definitely keep the Board aware of what is happening with that matter.

Ed asked about Bayfield Gymnastics.

Chris answered that they have complied with the requirements set forth by the Fire District but they still need to make some upgrades to the electrical & an HVAC evaluation for compliance with the building code. He thinks the Town is finally getting some resolution on the matter.

Action Agenda Item #3: Consideration of Approval of Memorandum of Understanding with the Governor's Energy Office

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Energy Performance Contracting Assistance

Chris gave his staff report. He stated that at the January 17, 2012 Town Board meeting Energy Systems Group (ESG) presented information regarding energy performance contracting with a pre-qualified Energy Service Company (ESCO). The Town Board expressed interest in having an ESCO evaluate Town facilities for guaranteed cost savings, which could then be utilized for annual debt service on a loan for energy improvements. The Town Board also expressed interest in working through the Governor Energy's Office for technical expertise and assistance in energy performance contracting.

Chris contacted the Governor's Energy Office and they request that the Town of Bayfield execute an MOU (Memorandum of Understanding) with the Governor's Energy Office in order to receive services. Chris explained that the MOU is non-binding.

Chris recommended approval of the Memorandum of Understanding between the Town of Bayfield and the Governor's Energy Office for Energy Performance Contracting Program.

Gabe asked why the Town needs to sign something that is "non-binding".

Chris answered that it is an agreement that says the Town will abide by their responsibilities as a facility owner. It is not intended to be a binding contract between the parties. The Town will be asked to follow certain criteria but if the Town decides not to move forward that is allowed. It doesn't mandate that the Town perform any of those duties but they will need to take place for the process to move forward.

Ed made a motion to approve the MOU with the Governor's Energy Office. Gabe seconded. All were in favor except Tom, who was opposed. Motion carried.

Action Agenda Item #4: Consideration of Approval of an Intergovernmental Agreement
Regional Housing Alliance

Chris gave his staff report. He stated that the Regional Housing Alliance (RHA) is a multi-jurisdictional housing authority funded by La Plata County, the City of Durango and the Towns of Bayfield and Ignacio, which leverages local dollars to increase available resources for housing in La Plata County. The partnership is formalized in an Intergovernmental Agreement. These entities agreed to collaborate, share resources, and develop a comprehensive action plan for housing projects and programs throughout the County. They also govern the RHA through a Board of Directors whose members are appointed by each entity.

The RHA's programs aim to increase resources for housing by filling the gap between what a family can afford and what product is on the market. Their focus is to assist people living within La Plata County who earn less than 125% of Area Median Income (\$84,300 for a family of four).

Chris explained that the government members of RHA are asked to execute and IGA annually and recommended that the Town Board approve the IGA.

Ed asked if the Town has a seat on the RHA Board.

Chris answered that the Town has two seats. Chris and Debbi both serve in those seats.

Debbi made a motion to approve the 2012 funding Intergovernmental Agreement with the Regional Housing Alliance.

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Ed seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #5: Transit Waste

Chris gave his staff report. He stated that the Town has a contract with Transit Waste, LLC for all of the Town's residential refuse hauling. That contract has an inflator clause pegged to the national consumer price index (CPI) of, which is 3.48% increase from 2010 to 2011. Contract was originally for two years (2007-2008), but was renewed for an additional five (5) years. Therefore, contract is set to expire December 31, 2013. The 3.48% increase will increase the cost of a residential cart from \$9.49 to \$9.82 per cart, which is slowly creeping up on the monthly charge of \$11.15 per cart. While staff believes the Town can support the increase this year, it is possible that a rate increase will be needed in 2013.

Rick stated that since this inflator is written into the contract and there has not been a breach, he doesn't feel it would be in the best interest of the Town to deny the request for an increase.

Dirk concurred and stated that this is pretty standard language.

Gabe asked about the 2011 bottom line in the garbage fund.

Chris answered that there is a proposed spend down of reserve funds in the garbage fund in the 2012 budget. The reason for this is the recycling center costs do not generate any sort of revenue but the Town is obligated to continue the service because of the settlement with the Colorado Public Health Department.

Gabe suggested that the Town will need to review the rates in the very near future to make sure that the Town is covering the costs associated with garbage collection & recycling.

Debbi asked if the amount is for every cart or if the second cart is a lower rate to the Town.

Chris answered that he does not know the answer to that question but he will research it and find an answer.

Gabe made a motion to approve the CPI increase of 3.48% for the Transit Waste residential refuse hauling contract. Debbi seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #6: Resolution 275: Designation Of The Election Official

Chris gave his staff report. He stated that the 2012 Regular Election will be held on April 3rd, 2012 for 4 Town Board positions. Per State Statute the Town Board needs to designate an election official to conduct the election and delegate authority to that person to appoint election judges. :

Chris recommended approving Resolution #275 designating the Town Clerk, Marianne Jones to be the election official and allow her the authority to appoint election judges.

Justin made a motion to approve Resolution #275 designating the Town Clerk, Marianne Jones to be the election official and allows her the authority to appoint election judges. Tom seconded. All were in favor, motion passed unanimously.

Action Agenda Item #7: Presentation of Infrastructure Design Standards

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Chris gave his staff report. He stated that Souder Miller & Associates, Public Works, & members of a citizens committee have collaborated to develop Infrastructure Design Standards for the Town of Bayfield. The intent behind the document is ensure that those developing within the Town boundary have guidelines and standards to follow, in an effort to assure that when the improvements are turned over to the Town, they are not inheriting poor quality infrastructures. Additionally, the standards provide direction for the development community to make business decisions related to public improvements.

Chris explained that the staff believes that a final document is completed and ready for adoption. He explained that since the document is lengthy and engineering based, staff decided to present the document and allow the Board some time to review before officially being asked to adopt.

Chris outlined the highlights in the document.

It includes all projects that impact public property or infrastructure, including driveway accesses, water and sewer services, grading, and storm water infrastructure.

- Required plan and as-built submittals.
- Street, Intersection, Curb & Gutter, Pedestrian and Bike Path, Driveway Standards.
- Water system standards, as well as water service standards.
- Sanitary Sewer system standards including Oil, Grease and Grit interceptors.
- Storm water Drainage System.
- Provides a process for exceptions.

Rick thanked the members who have worked on these documents. He suggested having a work-session on the document at the next Board meeting.

Debbi asked if it would be a public hearing so that people can give their input on the matter.

Chris answered that there will definitely be a public hearing prior to adoption.

Gabe asked if this matter will go in front of the Planning Commission for comments.

Chris responded that he will submit it to them at their next meeting.

Ed also suggested giving it to local contractors/builders in Town to get their input.

Gabe responded that he didn't think that would be a very good idea. However, they will have their chance at the public hearing to give their comments.

Ed asked about inspections.

Debbi responded that the construction standards document outlines the inspection process in great detail.

The Board concurred that a work-session prior to the public hearing would be a good idea.

Chris answered that he will distribute the standards to the Planning Commission at their next meeting and then have a detailed discussion at their March meeting. Chris suggested that this would give them enough time to really review the document and formulate their comments.

Action Agenda Item # Consideration of Approval Of Contract With Parker Ag For Decommissioning Lagoons

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Chris gave his staff report. He stated that the 2012 Budget includes \$500,000 for decommissioning the wastewater lagoons. While there are two known Colorado firms that specialize in this type of service, staff as preponderance of caution did advertise a Request for Proposal (RFP) for the services and advertised in the Pine River Times and Durango Herald.

Staff received one submittal for the project from Parker Ag and the staff feels very good about the proposed number that was received (\$390,000.00). There will be a secondary contract to remove the fill dirt at the Park and use it to fill in the lagoons (the hauling costs are not included in the Parker Ag contract). Also, before the Town can start construction an eagle survey will have to be done. If it is encountered that there are eagles roosting in the area, there will be limitations on the time that the contractor can work. If that is the case, it could be twice the proposed cost. If that happens, the Town will look at renegotiating the contract.

Chris recommended approval of a contract with Parker Ag for the decommissioning of the wastewater lagoons.

Debbi asked if the Town needs to be in an "eagle" clause to protect the Town in that situation.

Chris answered that the contract already has some language that the Town may terminate the contract at their convenience if that should happen. Parker Ag understands the need for the contract language. There is also a possibility that if there are hazardous materials in the sludge, the contract could be higher for disposal of the waste.

Gabe asked if there is a timeframe that would be better to avoid eagles in the area.

Chris answered that they are generally roosting during the month of April but if the Town waits until the fall, it moves into the breeding season which is another issue. Chris feels that this is the best time to do the work but if the eagles are roosting there will be limited hours that the project can be worked on.

Tom made a motion to approve the contract with Parker Ag for the decommissioning of the Bayfield sewer lagoons. Gabe seconded the motion but requested a change to the motion stating that the contract is subject to legal negotiations. Tom agreed to the addition. All were in favor, motion passed unanimously.

Action Agenda Item #9: Liquor License Renewal – The Grocery Store

Ed made a motion to renew the liquor license for the Grocery Store.

Gabe asked the Marshal if there are any issues with this renewal.

Marshal McIntyre responded that he does not have any problems to report.

Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #10: New/Unfinished Business

Chris mentioned that the Town received the final city sales tax numbers for 2011 and it went up 9% for the year.

Gabe stated that he will be attending the LAPLAWD meeting but he will be attending as a private resident.

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Rick mentioned that he visited with J.Paul Brown, Colorado State Representative regarding the fiber project and the designation of the Pine River as a habitat. He explained that the Town should write a letter in opposition to that designation and J. Paul Brown will attempt to back that at the state level to keep it from happening. He also asked for J. Paul to give assistance in getting cooperation from CDOT regarding the Eastside & Westside intersections.

Chris also noted that the updated Westside intersection study has been received and sent to the Town Board for review.

Rick said that in regards to accepting credit cards for residents to pay their utility bills, the Town of Ignacio is using the SIPA program. He suggested that it might be a good thing for the Town to look at and see if it will work for their needs.

Chris responded that the staff has already had conversations with SIPA and is researching it further.

Gabe mentioned that the staff needs to get the letter regarding the Pine River as a habitat drafted as soon as possible to meet the deadlines. He also thinks that the Town needs to get as many entities as possible to send letters, i.e. the ditch companies, the Town of Ignacio, etc.

Action Agenda Item #11: Executive Session: {C.R.S. Section 24-6-402-(4) (e)}
Sunflower Estates

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 Dirk & Chris be included. Debbi seconded. All were in favor, motion passed unanimously.

The Board came out of executive session.

Action Agenda Item #12: Executive Session: {C.R.S. Section 24-6-402-(4) (e)}
Town Manager Performance Evaluation

Tom made a motion to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2) (f) and requested that Chris be included. Gabe seconded. All were in favor, motion passed unanimously.

The Board came out of executive session.

The meeting was adjourned.

Minutes approved as submitted on February 21st, 2012.

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk