

Town of Bayfield
Regular Town Board Meeting
March 1, 2011
1199 US Highway 160B Bayfield, CO 81122

Town Board Members Present: Tom Au (Mayor Pro-Tem), Justin Talbot, Dan Ford, Debbi Renfro,

Town Board Members Absent: Rick Smith (Mayor), Ed Morlan, Gabe Candelaria

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

Media Present: Carole McWilliams (Pine River Times)

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

Minutes: Dan made a motion to approve the minutes from the February 9th, 2011 Regular Town Board meeting as submitted. Debbi seconded the motion. All were in favor, motion passed unanimously.

Dan made a motion to approve the minutes from the February 15th, 2011 Regular Town Board Meeting as submitted. Debbi seconded the motion. All were in favor, motion passed unanimously.

Public Input: Phyllis Ludwig (9205 County Road 521) thanked the Town Board and the Town staff for allowing the Senior Center to be open an extra day during the week (on Tuesdays). She announced that there were 35 seniors in attendance on its opening day. She also thanked Scott Key for donating a ping pong table to the center.

Action Agenda Item #1: Approval of the Bills

Justin Talbot made a motion to approve the bills dated February 25th, 2011 as submitted. Debbi seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Justin Clifton asked the Board if they would like for him to facilitate putting together questions for the staff to answer regarding the executive search for a Town Manager to be presented to KRW (the executive search firm) at the meeting on Friday March 5th, 2011.

Tom asked if KRW is going to meet with the staff individually.

Justin Clifton answered that he did not think that they were going to do that. He added that he would be willing to poll the staff personally and get their input.

Debbi asked if the Board should meet with staff before the meeting with KRW.

It was decided that there was not enough time for the Board to meet with the staff so the Board requested that Justin Clifton gather the information and present it at the meeting.

Justin Talbot also requested that Justin Clifton give his insight on the position and outline what traits he feels are the most important.

Action Agenda Item #3: Request For Letter Of Support – EPA/New Mexico Power Plants

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Justin Clifton gave his staff report. He stated that Josh Joswick with the San Juan Citizens Alliance recently approached the SWCCOG (Southwest Colorado Council of Governments) and area governments concerning the EPA's (Environmental Protection Agency) review of two power plants in northern New Mexico. The item was brought forward in light of the fact that the Town is in the same air shed as the two power plants and these decisions could greatly affect Bayfield's air quality. The SWCCOG asked Board members entities to seek feedback from their respective elected officials concerning making a statement to the EPA. Some member governments, such as La Plata County, have already taken action to issue letters supporting the EPA's efforts and supporting public hearings in this area.

Justin Clifton asked for direction from the Board on writing a letter to the EPA and presenting comments to the SWCCOG regarding Bayfield's position on this issue. Justin Clifton expressed that there has been discussion with other governments about the idea of passing "non-binding" resolutions. Some governments are opposed to taking that kind of formal action concerning another governmental entity outside of its jurisdiction. In that case, a letter is often issued as an alternative. Similarly, there has been a lot of discussion regarding the balance between environmental protection and economic activity. While this conversation is an important one, it is also important to recognize that the quality environment is one of the largest economic assets in Southwest Colorado.

Justin Clifton stated that he had provided information regarding both of the two power plants to the Board and mentioned that Josh Joswick is present at the meeting to discuss the issue and answer question. Justin Clifton recommended taking a similar approach to what La Plata County did regarding this issue; writing a letter that simply supports the EPA's efforts to come to a fair solution and support public hearings in the area without getting into specifics that may "over-reach."

The floor was given to Josh Joswick (64 S. Los Pinos).

Josh explained that there is a public hearing scheduled in Durango for the Four Corners Plant on March 31st, 2011 regarding this matter. It is the first meeting of four in this region to 1 of 4 in this region. The public meetings for the San Juan Generating Station have already been done; however, the commenting period on that station has been extended until March 22nd and it may be extended again to March 31st 2011.

Tom asked where the public input can be given if the meetings are already over.

Josh answered that comments would have to be submitted through written communication.

Josh explained that there are two power plants that the EPA is looking to act upon; the San Juan Generating Station and the Four Corners Power Plant. The two plants are only 15 miles apart but they are in two different EPA regions. One is controlled by Region 9 out of San Francisco and the other is in Region 6 controlled out of Dallas (the reason for this is because one of them is on the reservation and the other is not). Josh explained that there was an amendment made to the clean air standards act in 1977 but these two plants were grandfathered in and not forced to meet the requirements of the amendment. However, there was a stipulation when that occurred that stated that the plants would have to be retired. The plants were never retired as per the stipulation and they are both still operational today. The EPA is now requiring that clean-up happen immediately and it is not optional.

The Four Corners Power Plant has submitted a proposal on how to proceed with the clean-up which would include installation of emission controls that are in compliance with the EPA standards. Current information states that the EPA is willing to accept the proposal presented. This means that the plant would remain open, the mine would remain open, jobs would not be lost and the air would become cleaner.

The EPA has taken control of the San Juan Generating Station from the State of New Mexico and has a plan to retro-fit the station with up-to-date air pollution controls that will target emissions of nitrogen oxide (NOx), sulfur dioxide, sulfuric acid, and ammonia. The cornerstone of the plan is that it would specifically require that PNM

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reduce NOx emissions by retrofitting the four coal-fired boilers with selective catalytic reduction, an add-on control that functions like a catalytic converter. They will also be required to meet an emission limit of .05 pounds per million BTU's of heat input within three years. The EPA hopes that this will help with the "brown cloud" that is currently being produced by this plant and will give a much better air quality.

Josh explained that the reason that Southern Colorado residents should be interested in this matter is because this region of Colorado is in the same air shed. He encouraged that it's important for the EPA to hear from local communities in the air shed about what is good for the area (which includes public health & economic health). He explained that there are public officials all over the state that are advocating for the "clean-up" of power plants throughout the region. He requested that the Town Board write a letter, make comments, pass a resolution, or do some sort of action supporting clean air quality in Southwest Colorado.

Dan asked if there is detailed evidence that the air quality is affected in Bayfield by these two power plants.

Josh answered that Bayfield is located in the air shed that has a certain air quality. He expressed that this issue definitely affects Bayfield.

The item was opened for public comment.

Jiri Duskocil (717 County Road 523) recommended that carbon dioxide be taken off the list of air pollutants.

Wendy Cox (184 Beaver Creek Drive) stated that her biggest concern is that it cannot be proven that Bayfield's air quality is any worse due to these power plants. She expressed that she is also worried about government entities entering into non-binding resolutions regarding these sorts of issues because they are matters that cannot be legislated by this Board and she doesn't feel that the Board should take a stance on behalf of the public. She asked who can ask for a resolution and if anyone can request a resolution on a matter that they feel is important. She is also concerned that the Bayfield residents are unaware that the Board is considering a non-binding resolution to the EPA and that they should be made more aware before any type of document is passed. She also asked who verified the information (facts & figures) given by the San Juan Citizens Alliance because she feels that it is also important to make sure that the data presented is accurate because if it is not it could lead to illegal resolutions being passed by governmental entities. She recommended that comments to the EPA regarding air quality are good but that they should be done by just stating the facts and doing what is best for the community.

Betsy Remire (1215 Beaver Creek Drive) stated that she is also concerned about the Town entering into a non-binding resolution. She expressed that she read the letters that were submitted to the EPA by the Board of County Commissioners and she feels that they were very well written. She encouraged that if the Board decides to take a stance on this matter that sending a letter would be a much better route to take rather than passing a non-binding resolution.

Ray Wallace (??) stated that he doesn't think that Town of Bayfield should support a non-binding resolution based on a claim that the region is impacted by an issue that cannot be proven by facts and figures. He explained that he is in support of cleaning up the plant (if it needs it) to improve the air quality but he doesn't feel that the Town should enter into a non-binding resolution regarding the matter. He said that he agrees that a letter would be appropriate but he asked for the Board to have more common sense than to pass a resolution.

No additional public comment was offered so that portion was closed.

Justin Talbot stated that he is in favor of holding public hearings to get the facts out to the public.

Dan Ford expressed that the Town Board set precedence by not taking a stand in the form of a resolution on items that people are going to vote on. He agreed that the Board should not submit any sort of non-binding resolution but he did state that he feels that it would be appropriate for the Town of Bayfield to issue a letter to

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the EPA showing the Town's support of an open meeting allowing public input (similar to the one issued by La Plata County).

Debbi mentioned that she thinks it's important to get the information out to the public in as many ways as possible. She said that it has been in the news so there are some people that have heard about it but she thinks that it hasn't been all that well publicized.

Tom said that he is not in support of a resolution. He thinks that people need to get involved in their own way and the way to do that is to attend these types of meeting. That is the place for people to voice their concerns. He is not even comfortable with submitting a letter because he doesn't feel that this is something that the Town residents are requesting the Board to do.

Debbi announced that she would be okay with issuing a letter of support.

Dan said that he thinks that there are some key phrases that should be included in a letter from the Town. "Bayfield feels that it is very important for its citizens to be able to comment on this matter, the Town respectfully requests that public meetings be held in La Plata County on the proposed rule-making for the San Juan Generating Station" and "Our community appreciates the chance to be heard and would like to be advised if there is anything else that Bayfield can do to further facilitate our communities ability to offer comments."

Tom stated that he is okay with that language but does not like the language included at the bottom of the La Plata County letter.

Dan made a motion to instruct the Town Manager to fashion a letter to the EPA using the key phrases above expressing that the Town appreciates the opportunity to be heard and holding public comment for La Plata County residents at the meeting on March 31st. Debbi seconded the motion.

Debbi asked if the letter will be sent to both entities (regarding each power plant).

Dan answered that he would like the letter to be sent to both entities.

Justin Clifton summarized that the letter will emphasize public comment and the opportunity for Bayfield residents to be heard and offering that the Town is willing to help facilitate that process in any way needed. However, the letter will leave out any substantive position on the outcome.

Debbi, Dan & Tom were in favor, Justin Talbot was opposed.

Tom requested that the letter be sent to the Board before it is sent out.

Action Agenda Item #4: Public Hearing: Ordinance #366 – Grease Traps

Justin Clifton gave his staff report. He stated that two changes have been incorporated into Ordinance #366 regarding grease traps. First, in accordance with Gabe Candelaria's comments, language in section G6 the word "may" has been changed to "shall." Second, in accordance with comments made by Debbi, sections G1 and G4 have been changed to include escalating fines. Justin Clifton asked for approval of the ordinance including any formatting changes necessary for consistency with the existing code.

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

Justin Talbot made a motion to approve Ordinance #366 amending the Town Code by adopting new regulations governing grease management for food service establishments and all other non-residential facilities connected

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to the sewer plant. Justin Clifton also mentioned that the staff has the flexibility to modify the ordinance for conformance with the Town Code. Debbi seconded the motion.

Dan repeated his concern that he doesn't like adopting a policy that will put an onerous expense on the local businesses; however, he understands the needs. He encouraged the staff to display some tolerance in allowing the businesses to correct the problems to be in compliance.

Justin Talbot agreed and asked that the staff be intimately involved in the process and reiterates to the new Town Manager (or other new staff) the Board's position on the matter.

Debbi asked if the businesses are going to have to invest in changes or if the cost is related to more frequent maintenance.

Justin Clifton answered that the vast majority of the businesses are encumbered by this matter as a cost of doing business but there are one or two that refuse to do their part. He expressed that the Town isn't asking for anything that is unreasonable and this ordinance actually will help level the competitive advantage between the businesses. It is not fair to the other businesses in Town or the rate payers to have a restaurant and not clean the grease trap.

All were in favor, motion passed unanimously.

Action Agenda Item #5: CDOT Hwy 160B – Acquisition Contract

Justin Clifton gave his staff report. He stated that the Town finally received a second draft of the contract to acquire Highway 160B from CDOT (Colorado Department of Transportation). The first draft of the contract was presented at the September 21st meeting and the following items were identified as major issues:

1. CDOT wanted to restrict the use of funds to Highway 160B only.
2. CDOT implied that the Town would have to pay costs associated with intersection relocations at 160B/160.
3. CDOT had extensive language pertaining to maintenance standards.
4. CDOT made no mention of the Town's attempt to amend the FEIS (Final Environmental Impact Study).

This new draft addresses most of these major issues.

1. CDOT has expanded the use of funds to include all transportation related expenses, which could include payroll, fleet road repairs etc. but would not include paying off debt or other non-transportation operations costs.
2. Language regarding paying for the intersection relocation has been removed.
3. CDOT still has some maintenance standard language. However, this is required boiler plate based on the fact that 160 is a US Highway. The language cannot be removed and is not likely to ever come back to the Town unless the Town completely abandoned the road.
4. CDOT has made explicit mention of the Town's attempt to amend the FEIS.

Justin Clifton expressed that he is comfortable that this agreement is workable. The first vision of this transaction was to pay off the Town Hall debt and use the unencumbered Capital Funds to set up a Road Fund. Similarly, the Town had always discussed that the funds needed to be reserved for road improvements so the acquisition didn't entail an excessive financial burden. Justin Clifton feels the language in the agreement that restricts the use of the funds to transportation is very workable. The Town can set up a road fund and use interest accrued and funds in that fund to support payroll and operations such as snow plowing (similar to what is currently done with water & sewer).

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The clauses about maintenance and reversion are standard language that cannot be removed. However, CDOT would not be making this deal if they wanted the road so Justin Clifton is confident the maintenance and reversion clauses don't really mean anything to the Town. Justin Clifton explained that if the Board is inclined to accept this agreement, the staff will prepare the necessary resolutions as well as a conceptual Road Fund to be presented at the next meeting.

Dan commended Justin Clifton on the great job he did in the negotiations for this contract. He feels that the revised draft addresses all of the concerns that the Board had regarding the matter.

Debbi asked if the Town will still be able to control access despite the maintenance standards language that is included in the contract.

Justin Clifton answered that the Town will be able to control access with the exception of the 400 feet proceeding Highway 160 (on both ends of Highway 160B). CDOT also required that they want to maintain their access to their maintenance facility on Highway 160B to exist perpetuity (and that includes the ability to move that access if they relocate their facility).

Debbi asked if bike paths can be considered transportation related.

Justin Clifton answered that he does feel that bike paths are considered transportation related. He explained that the language is very broad and he feels that the funds could be used to support labor costs, pedestrian alternatives, and the regular maintenance of roads throughout the Town.

The Board decided that it was not necessary to go into executive session.

Dirk explained that the contract contemplates the passing of a local resolution. He stated that he hasn't drafted the resolution yet so it will be presented at the next meeting if the Board approves the contract language.

Debbi made a motion to accept the language of the CDOT contract regarding Highway 160B, direct staff to prepare the necessary documents that need to be done to complete the transfer of property and bring it back to the Town Board at the next meeting along with a conceptual road fund budget. Justin Talbot seconded the motion.

Justin Talbot asked if Ron is okay with this language.

Justin Clifton answered that Ron doesn't have all of the details of the contract but that the restrictions on the funds specifically for transportation uses only is a large benefit to his department. Justin Clifton claimed that Ron is okay with this take-over.

All were in favor, motion passed unanimously.

Action Agenda Item #6: Eastside Traffic Study Follow-Up

Justin Clifton gave his staff report. Justin Clifton asserted that CDOT has finally submitted comments regarding the traffic study completed for the eastside intersection and that many of the comments were surprising. Ann Bowers with Drexel Barrell (the consultant on the project) wrote a letter summarizing CDOT concerns and providing responses to them. She is also in the process of amending the study based on some of the recommendations made by CDOT.

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Besides some of the technical information, which appears mostly as “traffic engineering” speak, the concerns raised by Jim is that he claims the Town needs to justify a “net benefit” to the highway system in order to break the access line established in this area. He claims that the Town should have completed a more system-wide analysis that would show how the Town would make other east-west connections to minimize traffic accessing the highway. As Ann states in her response, this is a very troubling suggestion. It’s troubling because CDOT has this intersection called out in its own long range study (FEIS). The Town’s study simply examined the background traffic and the proposed land uses to see how this access would function and to determine the geometry for future access permits. To ask the Town to prove beneficial net benefit for an intersection that CDOT already contemplates in the future is a little strange. The second reason these comments are troubling is the fact that CDOT approved the scope of work in the Request for Proposals to hire Drexel Barrell and had a scoping meeting with Ann and Justin Clifton and they did not mention these things. Justin Clifton feels that someone that does not have expertise regarding access came up with these comments. Justin Clifton hopes that the letter from Ann clarifies matters and the Town receives a better response from CDOT.

Tom asked, “Doesn’t CDOT build highways so that people can get from point A to point B? Aren’t Town roads supposed to funnel traffic onto to the larger highways?”

Justin Clifton answered that he thinks that CDOT reasoning is that they don’t want everyone using the Highway without any other way to get where they are going. CDOT wants the residents to have other options than just to use the highways all of the time. This type of funneling would over-burden the intersections and cause more wear and tear on the CDOT highways.

Debbi commented that if there is a commercial center located on the north-side of town, she doesn’t feel that people will be entering the highway because they will go to the center and then return back the way they came.

Justin Clifton related that the study outlines the very worst case scenario so that CDOT would know that the possibility will never be worse than what was presented. The staff feels that a big portion of the traffic will be captured internally and won’t funnel onto the main highways; however, the study assumes that everybody is using 160 and isn’t traveling on any of the arterial roads within the Town. The purpose of that scenario was to prove that the proposed intersection can handle the potential traffic numbers.

Debbi asked if Ann is going to rewrite the report to state that the study was done with the worst possible scenario and then give some details on how the traffic system of Bayfield really does work on a typical day.

Justin Clifton said that some of the newer version of the trip generation manuals account for that type of data much better than the older version. However, Region 5 required Drexel Barrell to use the old version which has inadequate formulas.

Dan asked who the letter will be sent to at CDOT.

Justin Clifton answered that it will be sent to the person who responded to the study and also to people higher up in the organizational chart as well. This will guarantee that more than one person will be reviewing the response. He clarified that he will add in the comments from the Board to his response to Ann and have Ann send it off to CDOT.

Action Agenda Item #7: Westside Traffic Study FEIS Amendment

Justin Clifton gave his staff report. He stated that the Town adopted a Comprehensive Plan Extension out west toward Gem Village that included a traffic circulation plan different from CDOT FEIS for the corridor. Since then the Town has worked with CDOT to begin a process of trying to amend the FEIS to create a traffic circulation plan that works for the Town and surrounding neighbors. This intersection is important because it is likely one of just 3 full movement signalized intersections Bayfield will ever have in its future. Since these intersections are

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the foundation of commercial activity they set the stage for almost all future land use. This intersection will play a huge role in the look, feel and commercial viability of Bayfield from now until forever.

After significant wrangling, CDOT has agreed that the Town can pursue an amendment to the FEIS. Staff worked with CDOT to create a scope of work that would take a "phased" approach to attempting to amend the FEIS. The Town wants to take this phased approach so it doesn't spend money looking at wetlands if the proposed intersection does not even meet the "purpose and need" established for this corridor.

Staff only received one proposal to provide these services; from Drexel Barrell. Justin Clifton expressed that the low response was due to the complex nature of getting into an EIS document. Very few firms have the expertise to do this work and Drexel Barrell was one of the firms CDOT identified as capable.

The proposal contemplates an estimated \$24,000 to complete the work; not including \$4,000 - \$5,000 for environmental (if it goes that far). Justin Clifton expressed that he is confident that the Town can get Drexel Barrell to enter a not-to-exceed contract for this amount. The approach would be to look at one item at a time, in close contact with CDOT and only to proceed with the next item once there is some formal approval from CDOT. It is possible that the Town may come to a "deal breaker" in the first phase of the project after spending \$8,000 or if CDOT accepts that the first phase addresses the first set of criteria, then the Town can move on to the second set of criteria.

Essentially Drexel Barrell would look first at the potential to keep the intersection where it is. Looking at that option could include examining the purpose and need of the highway in this area, the spacing requirements, possible amendments to the criteria and eventually the components of an environmental impact statement. If anywhere along the way the Town comes to the "deal breaker" the scope of work includes looking at possible new alternatives not yet identified by the Town or CDOT that might better address the needs compared to the alternative in CDOT FEIS.

Justin Clifton encouraged that the Town should undertake this study. Despite the low level of activity now, Bayfield is investing in the some of the most critical aspects of its future economic development including water, sewer and roads. Access to developable land is another critical component to supporting economic development.

He explained that there has been only limited discussion regarding payment for the study. The precedent with the last study on the eastside was to have some kind of public/ private partnership. The Town paid for 2/3 of the cost for the eastside study. Justin Clifton recommended that the Town offer to pay 1/2 the cost of this study, initially not to exceed \$12,000. He feels that this cost sharing arrangement reflects the mutual need for this planning. He suggested using funds from CDOT for 160B to pay the Town's contribution. He also mentioned that the Board could even wait to start the study until money is received from CDOT.

Debbi asked if there is another source of money that could be used for this project if the CDOT contract doesn't happen.

Justin Clifton answered it would need to come out of the Capital Fund which has an approximately \$700,000.00 reserve fund balance after current obligations are met.

Justin Talbot asked for clarification regarding the "not the exceed \$12,000.00" phrase in the proposed contract.

Justin Clifton answered that the environmental study would be separate component and wouldn't be included in the \$12,000.00 bid. He feels that it would be wise to do the initial work and then if CDOT gives the go ahead to do the environmental study the Board can allocate those additional funds at that time.

Dan asked how the cost sharing was done with the property owners for the eastside traffic study.

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Justin Clifton answered that it was done in equal shares. Each landowner paid \$500.00 a piece.

Dan asked if this project will be done with equal sharing as well or will the larger property owners have to pay more based on their property size.

Justin Clifton stated that he contemplates allowing the property owners to come up with their own determination on the amounts paid by each landowner. He explained that the Town will need to draft an agreement that clearly states how the Town will handle the financial portion of the project. His initial vision is that the Town will cash flow the project and then invoice the entity or person listed in the agreement for their portion of the project.

Dan asked when the Highway 160B contract will be completed and the cash in hand so that the Town has their portion of funds for this project.

Justin Clifton responded that he thinks that it will be completed within 30-45 days after the Town passes the resolution.

Grant Richard (with Homestead Trails Subdivision) stated that he feels this is the next step in trying to make a viable commercial intersection on the west-side of Town. He thinks that it is possible to amend the EIS and that this is the next step to take to get that done. He also asserted that if the Town is unable to partner with the property owners on this matter, it probably will not happen so he thanked the Town for their participation.

Justin Clifton explained that the best course of action would be to direct staff to draft a contract with Drexel Barrell with a not-to-exceed contract price of \$12,000.00 and enter a contract with the area land-owners to cover 50% of the costs of the Drexel Barrell contract.

Dan so moved. Debbi seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #8: Interim Manager Contract

Justin Clifton gave his staff report. He stated that an agreement has been submitted to Bob Ledger for services as the Interim Town Manager and Bob has agreed to the terms. Justin Clifton requested a motion approving the agreement and finalizing the contract for Bob to serve as the interim manager for 90 days.

Dan made a motion to approve the employment agreement as presented to hire Bob Ledger as the Interim Town Manager. Debbi seconded the motion.

All were in favor, motion passed unanimously.

The Board decided to move New/Unfinished Business ahead of Action Agenda Item #9.

Action Agenda Item #10: New/Unfinished Business

Justin Clifton said that Hinton Burdick PLLC (the newly hired auditor for the Town) is in Town for the next few days doing field work. Justin Clifton expressed that his immediate impression of them is that the Town is getting their money's worth having them perform these services. He is very impressed with them so far and they are really scrutinizing the Town's financial documentation with the intent of giving a very thorough audit for 2010.

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Justin Clifton also announced that the Town has finally hired a Finance Director. Her name is Erin Dunavant and she will begin work on March 14th, 2011. Justin Clifton will have five days with her before his final day so he plans to explain to her the vision of where the Town is headed and explain any of the nuances that currently exist.

Justin Clifton also mentioned that the Town has to move forward to fulfill obligations to the School District on the Harrison property (which is now owned by the School). The Town entered into an agreement during the construction of the Wastewater Treatment Plant with the School District that stated that the Town would mitigate & remediate the old sewer line easement that goes down the middle of the property. This includes movement of a large dirt berm, the staging area from the construction, etc. Justin Clifton stated that he will return at the next meeting with an estimated dollar amount on how much it is going to cost to do those improvements. Justin Clifton asserted that despite the cost of this improvement, this agreement with the School District was a very good deal for the Town and it really epitomized a good working relationship with other local governments in Town. Justin Clifton said that the Town really owes a debit of gratitude to the District for helping the Town get through a crisis in their history.

Tom announced that he spoke to a consultant regarding the ground water issue that is occurring on the Ludwig property and they said that the Town should speak to the engineer (Stantec) for the Wastewater Facility project. Tom recommended that Justin Clifton get a hold of Stantec and see if they can give some direction on how to fix the problem rather than hiring someone to do it. (The reason for this is that the consultants feel that Stantec may have overlooked a potential problem that is causing this ground water issue.)

Justin Clifton said that he will get in touch with Stantec to see if they can give some feedback on what could be causing the issue.

Debbi asked why the signal light at the intersection of County Road 501 & Highway 160 isn't set up to automatically flash red at certain non-peak times of the day (to eliminate people having to sit at the light for long periods of time when there is no through traffic happening).

Justin Clifton suggested that anyone that is interested in changing that light should speak with CDOT. Conditions are based on very rigid formulated engineering standards but those formulas could change from time to time and CDOT does not do regular checks on them once they are installed to see if they are still the same. So it might be worth having CDOT check into it. However, Justin Clifton gave his opinion that he really doesn't think that the traffic volumes at that intersection would allow for it because the speeds are still relatively high.

Action Agenda Item #9: Sunrise Estates

Dan made a motion to go into executive session for the purpose of developing strategy for negotiations regarding the Sunrise Estates Subdivision and requested that Justin Clifton & Dirk, the Town Attorney be included.

Justin Talbot seconded the motion. All were in favor except Tom, who abstained from the vote. Tom also abstained from attending the executive session due to a personal conflict with the project.

The Board came out of executive session.

The meeting was adjourned.

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Minutes approved as amended on April 5th, 2011

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk