

**Town of Bayfield
Regular Town Board Meeting
March 6, 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), Joe McIntyre (Marshal)

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:03 p.m.

Minutes: Tom made a motion to approve the minutes from the February 21st, 2012 Regular Town Board Meeting as presented. Debbi seconded the motion. All were in favor, motion passed unanimously.

Public Input: Paula Ransford (1758 D Bar K Drive) submitted a proposal regarding the Happy Cow Food Shack that her and her husband would like to establish on the property located @ 557 Colorado Drive.

Rick asked that Paula submit the proposal to the Town Clerk for inclusion in the public record. He explained that this request was denied because this sort of mobile food unit is not allowed in the Town Code. However, the Planning Commission is reviewing a code change at their next meeting regarding recreational vehicle & he suggested that the Ransford's attend that meeting on Tuesday March 13th, 2012 to discuss this request.

Wendy Cox (184 Beaver Creek Drive) asked if the Board will allow public input in Action Agenda Item #5.

The Board agreed to allow public comment on that item.

Action Agenda Item #1: Approval of Bills

Justin made a motion to approve the bills dated March 2nd, 2012 as presented. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

No comments were made on the Town Updates.

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

Rick opened the public hearing for the rezone of Lot 7, Mountain View Subdivision (AKA 637 Colorado Drive) to Transitional.

No public comment was offered so it was immediately closed.

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

Chris gave his staff report. He stated that the application for rezone for property located at 637 Colorado Drive (Lot 7, Mountain View Subdivision) was continued by the Town Board at the February 21, 2012 regular meeting. After the public hearing the Town Board desired to continue the discussion and provide for a second public hearing on the matter.

Chris explained that the request is to rezone the property from Business (B) to Transitional (T).

Staff met with Dan Naiman and Paul Peeples to discuss the project. They are not opposed to allowing parking on the adjacent property at 611 Colorado Drive, which is owned by Mr. and Mrs. Peeples. They also appear willing to construct a place for the garbage dumpster and grease containers on the north side of the property. They propose to excavate a stretch of the back retaining wall to allow for a dumpster site. The applicant is not opposed to limited parking on Colorado Drive, but believes that is the Town's decision and is separate issue from the rezone.

Chris explained that the parking and garbage dumpster issues are site specific issues that should be dealt with through the Use by Review or other land use process rather than during the rezone. However, there is risk to the applicant, in that if the Town Board approves the rezone, and then the Planning Commission denies the Use by Review. Staff believes that any recommendation of approval should be contingent upon Planning Commission approval of a Use by Review, thereby allowing the Planning Commission to address the site specific issues and enabling the applicant to move forward.

Chris recommended approval of the rezone for Lot 7, Mountain View Subdivision (AKA 637 E Colorado Dr.) to Transitional (T) Zone, contingent upon Planning Commission approval of a Use by Review for Multi-Family Dwellings.

Chris also noted that the Planning Commission, by a vote of 4 to 0, recommended approval of the rezone of Lot 7, Mountain View Subdivision from Business (B) to Transitional (T).

Ed noted that the applicant has agreed to move the dumpster and he feels that all of the requirements have been met.

Chris mentioned that there is still a second step in this process because the applicant has to go through the Use By Review. The Planning Commission will be approving or denying that request at their next meeting.

Tom made a motion to approve Ordinance #368 rezoning the property located at 647 East Colorado Drive to Transitional. Debbi seconded the motion.

Ed asked if the owner of the property knows the requirements outlined in the Town Attorney's memo.

Chris answered that he is aware.

Dan stated that he will vote against this request because he does not feel that there is a need for more apartments and that it will not be a benefit to the community. He does not think that the proposed use is compatible with the surrounding areas and that it will adversely impact the other businesses in the area, specifically the parking problem. He does not think that there is a possibility to mitigate the problem to his satisfaction.

Justin asked if the parking issue will be resolved during the Use By Review process.

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Chris answered that they will be discussed further at the Planning Commission meeting.

Dan stated that the vision for that area in the master comprehensive plan is commercial use. He thinks that this request is going against that vision for future growth and that residential is not a good idea in that location.

Debbi noting that there is a residential apartment complex & single family lot directly adjacent to the property. She stated that as long as the property owner is willing to do a joint parking agreement she is in favor of this request.

Rick agreed that as long as the property owner is willing to deal with the trash dumpster, grease, & parking he is also in favor of this request.

All voted in favor of the motion except Dan, who was opposed. The motion carried.

Action Agenda Item #4: Consideration of 2012 Salary Plan

Chris gave his staff report. During the 2012 Budget preparation, the Town Board elected to limit funding for the Road Runner Transit and to de-obligate funding for 4Core. The decision allowed the Town to set aside funds for employee salary increases and adjustments. Due to the timing of the decision, Chris was unable to prepare and propose a salary plan at that time and \$19,893 was simply placed in a salary adjustment line item. He has now had time to evaluate salaries and prepare a proposed salary plan for the Town Board's approval.

The 2012 Salary Plan includes a combination of market adjustments and lump sum bonuses including:

- 1) In instances, where the salaries appear to be consistent with market, Chris is not proposing to increase the base salary, but rather provide a lump sum bonus based on merit.
- 2) For positions, in which, it appears there is room for adjustment in comparison with the market the plan includes a merit increases, which will increase the base salary.
- 3) For one position, the Utility Billing Clerk, there is a proposed market adjustment of four percent (4%) with a potential for 2% merit increase as well.

The proposed plan is as follows:

- 1) The following positions are eligible for bonuses up to 2% of their current salary, based upon the performance evaluation score:

Town Clerk, Finance Director, Public Works Director, and Sergeant.

- 2) With the exception of the Town Manager's salary, which was amended through contract; and the previously identified positions, all other positions are eligible for a merit increase up to 2% of their current base salary. Increases shall be based upon the performance evaluation score of the individual employee. Additionally, the Utility Billing Clerk position will include a four (4%) market adjustment, before merit.

Ed asked if this proposed salary plan has been discussed with the employees.

Chris answered that it has been discussed at length with the department heads.

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Dan stated that he doesn't feel good about this salary plan. He doesn't feel that the reductions to the Roadrunner Transit and 4CORE should be used in this way. He explained that he will vote for the plan because the Town has good employees but he does not feel that it is a good budgetary move.

Ed responded that the Board specifically stated that the money that was taken from Roadrunner & 4CORE would be used to adjust salaries.

Rick concurred that the Board decided to reduce those amounts so that the employees could receive raises that would not be possible otherwise.

Ed made a motion to approve the 2012 salary plan as presented. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #5: Consideration OF Participation In Phase I Southwest Solar Transformative Initiative

Chris gave his staff report. He stated that OPTONY was awarded a Department of Energy Grant under the Solar Rooftop Challenge. 4CORE is working as a local coordinator under the Southwest Solar Transformation Initiative (SSTI). The goals are to identify the barriers preventing residents and businesses from going solar and trying to alleviate these barriers. The program is part of a national effort. OPTONY'S grant is a six state effort.

The Southwest Solar Transformation Initiative (SSTI) is part of the U.S. Department of Energy's Rooftop Solar Challenge, funded to help "streamline and standardize permitting, zoning, metering and connection processes – and improve finance options for residential and commercial rooftop solar systems." SSTI seeks to make solar energy more accessible to local governments and area residents and businesses by bringing together a diverse group of key stakeholders to pursue approaches for accelerating local and regional solar adoption for common benefit – both economic and environmental. SSTI is an opt-in model that provides participating communities with a market-leading package of technical assistance services designed to make solar energy more available to under-served areas and promote both energy and economic security in the Southwest.

OPTONY is a global research and consulting firm focused on enabling government and commercial organizations to bridge the gap between solar energy goals and real-world results. They help their clients to make informed decisions that reduce risk, optimize operations, and deliver the greatest long-term return on their solar investments.

4CORE is participating in the Southwest Solar Transformation Initiative (SSTI), with a company called OPTONY.

4CORE is inquiring if Bayfield would be interested in participating as an affiliate. The expectations of the Town would include:

- Convening and attending local and regional meetings of participants and key stakeholders
- Providing access to regulations and staff regarding permitting, interconnection and zoning
- Providing potential solar project site information and access to facilities staff
- Providing input and feedback to the project analysis, documents and recommendations
- Supporting the effort and encouraging further participation by key stakeholders
- Attending regional training classes and online seminars for current best practices
- Adopting identified best practices where appropriate for each agency
- Documenting staff time spent on this initiative for reporting to the DOE
- Publicizing project progress and milestones as appropriate

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Chris explained that the participation form is for a period of one year or until February 2013. Staff sees no issue with participating, at this point and recommends partnering. However, if the Town Board desires, staff could have a 4CORE representative attend a meeting to discuss the program further or if the Board does not feel this is a worthy effort, the Town does not have to participate.

Debbi asked how much staff time will be required for this initiative and what the Town benefit will be.

Chris answered that there is a meeting once a month. It is not required that it be a staff member, it can be a Town Board member as well. He explained that the Town does not have a process for handling solar and he thinks that it might be advantageous to see what other communities are doing so that the Town can implement similar processes.

Ed asked who is participating in this initiative.

Chris answered that the Council of Government, the Governors Energy Office, & two of the utility companies. It has been sent out to all of the municipalities involved in the Councils of Government as well.

Ed stated that the Town will receive as much out of it as they are willing to put into it.

Debbi stated that if the project doesn't take a tremendous amount of staff time, she would be in support of it.

Rick opened the item for public comment.

Betsy Romere (1215 Beaver Creek Drive) stated that she does not trust this organization and they exist by begging money from the government. She does not feel that this sort of program is the best use of the tax payers money. The organization functions by using grant money or the fees that are paid by the coop of the energy companies. She stated that 4CORE is a giant leech sucking tax dollars. She feels that all grant funding for these types of programs needs to end and they need to stand on their own without government assistance. She stated that she does support responsible development of alternative energy sources & technologies but she wants them to stand on their own merits and be affordable to most people. She thinks that people need to be good stewards of the environmental by making fossil fuels as clean as possible and coming up with alternative energy that has a cost to benefit ratios that is beneficial to the common population. She feels that it's the Individual's right to choose the type of energy that they use but that need to take responsibility and pay for that decision. It's not the responsibility of all the taxpayers to subsidize that choice. She urged the Town Board not to give 4CORE anything that will require money from the local government.

Wendy Cox (184 Beaver Creek Drive) stated that she has been dealing with 4CORE for over 2 years and she is frightened by the thought of allowing them into the preparation of the Town codes & regulations. She stated that it's a great idea to prepare for the future by implementing processes for handling solar energy requests but she feels that there are a lot of ways to do that without having to be involved with 4CORE. She doesn't think the Town should use Bayfield staff because there's no cost to benefit ratio. She expressed that 4CORE has misinformed the Town on previous occasions and they will do it again. She doesn't feel that they are an upfront organization and that this sort of initiative is a little scary. She encouraged the Board to research this organization a little further and find ways to develop these solar protocols without the use of 4CORE.

Jim Teneza (351 Hilltop Drive) stated that free education is not a bad thing but the Town needs to be diligent and not get sucked into anything that is not a benefit to the Town.

Anne (590 Wilmer Drive) stated that leading by example is a good thing and she is glad that the Town is moving forward with solar initiatives. However, she feels that the cost to benefit ratio for the Town & the taxpayers has to be sustainable. She has a home that would be perfect for solar heating but she cannot afford to do it at this

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point. She expressed that there is a lot of information available and encouraged the Town to utilize those resources and push for a sustainable community.

Dan Naiman (2453 Bear Creek Road) mentioned that La Plata Electric just raised everyone's rate and they discontinued the credit for solar. He feels that there is plenty of technology out there for alternative energy sources but Colorado is still primarily using energy technology that is over 100 years old. He encouraged the Town Board to look at sustainable energy and to use whatever resources are available to implement them.

Bob Kennedy (715 Westview Drive) stated that the cost benefit is many years out before residents break even and get the money back for their investment. He doesn't feel that this is a good investment at this point. He expressed that it is a nice concept but in tough economic times it just isn't a good thing to focus on and the taxpayers money would be better spent on other things.

The public hearing was closed.

Dan asked if the Town can access other communities codes & regulations for solar.

Chris answered that codes are public record and the Town could definitely get that information.

Dan expressed that this solar initiative isn't really costing the Town any money. However, he is unsure that this program will give the Town any real benefit and it will just tax the staff's time to give 4CORE the information that they need.

Ed expressed that the Town will get out of it whatever they put into it. He thinks that it is a very important thing that the Town research energy alternatives. He also stated that he would be proud to work with 4CORE on this project.

Ed made a motion to participate in Phase 1 of the Southwest Solar Transformative Initiative and he volunteered to help Chris La May with the process.

The motion died due to lack of a second.

Debbi expressed that she has a problem with the Town staff being taxed by this project.

Rick stated that the Town does not have anything in the code that would preclude solar residents in the Town from using solar energy on their homes. He does feel that the Town needs to adopt procedures & protocols for handling solar but he has concerns about 4CORE coming in and telling the Town how to do that. He thinks that the Town should govern itself and come up with these rules & regulations on their own. He expressed that he doesn't think the Town should move forward with this initiative at this point.

Tom expressed that he doesn't think that the Department of Energy needs to know what the Town is doing. He also doesn't think that this has a good benefit to the Town and it doesn't make sense for the Town to get involved.

Tom made a motion that the Town not participate in Phase 1 of the Southwest Solar Transformative Initiative. Justin seconded the motion. All were in favor of the motion except Ed, who was opposed. The motion carried.

Action Agenda Item #6: Consideration of Letter of Authorization for Town Water & Wastewater Survey Project

Tom recused himself from this discussion.

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Chris gave his staff report. He stated that the 2012 Water and Sewer Budgets both include \$75,000 for aerial photography, field survey, modeling, planning, and rates study. The aerial photography work is nearly complete, and staff desires to move forward with the next phase of the project, which is field survey.

The Town went through a competitive process to select Pinnacle Survey as the Town's survey and has asked Pinnacle to prepare a scope of service for the project. Pinnacle Survey has agreed to enter into a Professional Services Agreement with the Town of Bayfield.

Chris explained that the amount of contract is greater than Town Manager's authorization level, and therefore, the Board has to make final decision on the contract.

Chris recommended approval of the letter authorizing Pinnacle Surveying to survey select points associated with the water and wastewater systems in accordance with executed professional services agreement.

Ed made a motion to approve the letter authorizing Pinnacle Surveying to survey select points associated with the water & wastewater systems in accordance with executed professional services agreement. All were in favor, motion passed unanimously.

Tom rejoined the Board.

Action Agenda Item #7: New/Unfinished Business

Chris mentioned that the Dove Ranch Subdivision Homeowners Subdivision has a vote out regarding whether or not they are going to disband the organization. There are some items that will have to be addressed by the Town if they decide to move forward with that process. Chris also mentioned that he has a meeting with CDOT to discuss the eastside intersection traffic study.

Rick mentioned that CML has scholarship opportunities for the CML conference if any of the Board members are interested.

The meeting was adjourned at 8:06 p.m.

Minutes approved as submitted on March 20th, 2012.

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk