

Town of Bayfield
Regular Town Board Meeting
April 3, 2012
1199 Bayfield Parkway Bayfield, CO 81122

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

Town Board Members Absent: Dan Ford, Ed Morlan, Gabe Candelaria

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

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:05 p.m.

Minutes: Tom made a motion to approve the minutes from the March 20th, 2012 Regular Town Board Meeting as presented. Debbi seconded the motion. All were in favor, motion passed unanimously.

Public Input: David Black (606 Buck Highway) expressed concern over a fence that has been put up in the access between Mill Street and S. West Street. He explained that this access is public and is the legal access to his building located in the alley. The owner of 90 West Mill Street has put up a gate and has been closing off the access which makes it very difficult for his tenants to get to his building. He stated that he will be going to small claims court to defend that access as a private drive but he would also like the Town to defend the access as public right-of-way. He also requested that this matter be put on a Town Board agenda as an action item so that it can be acted upon by the Board.

No additional public comment was offered so it was closed.

Action Agenda Item #1: Approval of Bills

Tom made a motion to approve the bills dated March 23rd, 2012 & April 3rd, 2012 as presented. Debbi seconded the motion. All were in favor, motion passed unanimously. Tom abstained from payment to Pinnacle Surveying.

Action Agenda Item #2: Town Updates

Tom asked about the eastside & westside intersections.

Chris answered that he met with Jim Horn with CDOT and discussed the eastside intersection. Jim outlined some items that might need to be incorporated into a Memo of Understanding. This will lay out a process for opening the access line for the north leg of the intersection and give direction on when items can develop. However, the Town will still need to address issues regarding Commerce Drive. CDOT wants to limit access on Commerce by making it a right in right out intersection at some point in the future.

Chris also stated that he has had some discussion regarding the Westside intersection as well. CDOT is not real open to the idea of changing the location of the intersection. They stated that they put a lot of effort into coming to the decision for the new proposed location and it will take a lot of influencing to get them to re-open the EIS and make any changes. He feels that the next step in the process is to give them the traffic study report done by Drexel Barrell & give them an opportunity to respond to it.

Debbi asked if the Town will receive any sales tax revenue from the cabinet & furniture business that is interested into moving into the Steamworks building.

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Chris answered that the Town receives commercial property tax for the building already. However, manufacturing companies don't generally generate sales tax unless they sell directly within the Town boundary so it won't produce sales tax revenue for the Town. But there are jobs associated with the business that could help drive up sales tax revenues in Town in other ways.

Rick asked about the upgrade to the Emergency Management System.

Chris answered that there are some dead spots for communication throughout the county. The Town is looking at a solution that will fix those issues. The Town doesn't have funding to make these upgrades yet but it is possible that the Town will be able to get funding through Homeland Security to get the work done. This project is currently ranked #1 in the area so it should be funded first when the money is available.

Action Agenda Item #3: Senior Solar Project

Chris gave his staff report. He stated that the Town requested the submittal of proposals from firms interested in designing, procuring and installing a roof top photovoltaic system at the Senior Center within the available \$42,000 New Energy Communities (NEC) grant administered by La Plata County.

The proposers were asked to have at least 3 years demonstrated experience designing and installing Photovoltaic Systems; successful completion of the design and installation of at least three Photovoltaic Systems of similar size and complexity; and be able to provide design documents bearing the seal of a registered Colorado Professional Engineer for the electrical system work and all structural attachments.

Project was advertised in the Pine River Times and Durango Herald, as well as the Town's website.

The Town received two proposals for the project from Shaw Solar and Four Corners Solar. Summary of the proposals are as follows:

	Shaw Solar	Four Corners Solar	Warranty
Rated Output	11.0 kW	8.64 kW	
Solar Panels	50 – Schuco 220 watt PS 09 panels	36 - Sharp 240 watt modules	25 Year
Inverters	2-SMA 5000US Inverters	1-SMA SB8000US (240v) –Compliant Grid-Tied Inverter	10 Year
Racking System	Schuco EZ	UniRac	
Certified Installer	NABCEP	NABCEP & CoSEIA	
Electric	Master Electrician	Master Electrician	
Design and Installation Warranty	6 Years	5 Years	
Projected Annual Production	16,514 kWh	13,200 kWh	

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Price per installed kW	\$3.82	\$4.86	
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Chris recommended that the Town award the contact for the Senior Solar Project to Shaw Solar.

Debbi made a motion to award the contract to Shaw Solar for the Senior Solar Project contract. Justin seconded the motion.

Justin asked about maintenance & repairs for the system.

Chris answered that the work will be covered by warranty for the first 6 years after installation. The system will need maintenance like an HVAC system but Chris doesn't think those costs will be very significant.

Justin asked how much electricity this solar system will generate.

John Shaw with Shaw Solar answered that it will generate about half of the electricity that the Senior Center currently generates.

All were in favor, except Tom who was opposed. Motion carried.

Action Agenda Item #4: Happy Cow Food Shack – Temporary Use

Chris gave his staff report. He stated that the Happy Cow Food Shack submitted a Business License application to the Town to serve food in a converted travel trailer at the corner of Colorado Drive and Mountain View. Staff denied the application based on findings in the Land Use Code.

He explained that the applicant came before the Board of Trustees, under unscheduled public comment on March 6, 2012. The applicant was directed to the Planning Commission, as they were conducting a public hearing regarding the use of RV's. Applicant provided comment at the Planning Commission Public Hearing on March 13, 2012 and requested the Planning Commission approve the use. Planning Commission determined that the intent of the RV Ordinance related to short term use for lodging purposes, was significantly different than use of a trailer for food services and were two distinct issues. Planning Commission supported the issuance of a temporary use permit to allow the Happy Cow Shack to occupy the spot in the interim, while the Planning Commission worked on drafting language to address temporary vendor carts, food trucks, food trailers, etc.

The applicant returned to the Board of Trustees for discussion regarding the use of property for a temporary food trailer. The Board of Trustees directed staff to prepare a temporary use permit for the Board's consideration, while staff and the Planning Commission prepared an ordinance to address temporary vendor carts, food trucks, and food trailers.

Chris stated that he has attempted to prepare a temporary use permit, which would include similar requirements for a restaurant. There are a number of issues and he attempted to address each (i.e. water and sewer services, parking access, etc.). Chris approached the permit from the standpoint, that if a new restaurant was opening, these are similar requirements they would face.

Chris explained that the Temporary Permit includes the following requirements:

- Six Month Temporary Use Permit: Written permission from property owner:

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- Parking Requirements (1/100 sq. ft. of gross floor area): Trailer is 126 sq. ft., but applicant proposes four (4) picnic tables (~5' x 6') or 120 sq. ft., plus another 150 sq. ft. estimated for aisles, etc. Parking requirements likely would call for, at a minimum, four (4) off-street parking spaces.

Applicant proposes parking off of E. Colorado Drive, with vehicles pulling into parking spaces and then backing out onto E. Colorado Drive. Chris recommended that the off-street parking be accessed from the existing entrance off of Mountain View Drive.

Parking requirements also call for each parking space to be (9' x 20') 180 sq. ft. and appropriate aisles for circulation. Surfacing shall be paved, unless circumstances dictate otherwise.

- Public Restrooms: While the structure does not fall under the Building Codes jurisdiction, any other structure would require access to a restroom for the employees (note this can be by agreement with other property within 500 ft.), and a minimum of one public bathroom for customers. Applicant has suggested that they would be willing to place a port-a-potty on the property and screen with lattice.
- Refuse Container: Refuse container would be visible from the street and should be screened.
- Posting of Business and Sales Tax License.
- Sign Code. Applicant needs to comply with the sign code.
- Water System: There is one tap off of the Town's main water line for the property. Applicant proposes to tap off the service line. However, water regulations state: Two (2) or more premises cannot be supplied from one (1) and the same connection without providing separate shut-off cocks located at the public street right-of-way line, unless such line is an extended line from the main building to an accessory building on the same lot or parcel under common ownership, and approved by the Town Manager. This would essentially require a new water tap.

Typically a commercial user is required to install a 1-1/2' meter, which has a price of \$26,400, as three quarter (3/4') fee is \$6,600.00.

An approved backflow prevention device is necessary as well.

- Sanitary Sewer Service: More than one building or unit may be connected to the service line provided it is of adequate size to serve all connections. Old service lines may be used in connection with new buildings only when they are found, to meet requirements of code. However, we typically do assess a Plant Investment Fee (PIF) for additional impact. While 5 gallons a day would be nominal, the Town should likely collect some fee for that impact. One ERT is equivalent to 250 gallons per day, so $5/250 = .02 \times 6000 = \120.00 .

Food establishments are required to install a grease interceptor, unless the applicant can demonstrate to the Public Works Director and Town Engineer that it is unfeasible. Note a Grease Interceptor is defined as below grade concrete vaults located outside of buildings. Grease traps are steel and plastic boxes located under or adjacent to sinks inside a building.

Chris also asked if the Board feels this type of use would require a Use by Review before the Planning Commission.

He asked that the Board review each of these requirements and make a determination on which ones should be implemented into the Temporary Use Permit for Happy Cow.

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Debbi stated that she would be okay with an aggregated compacted parking lot (rather than making them pave the parking lot). However, she feels that they would need to designate parking space.

Tom concurred because of the temporary use. He feels that it would be a wiser decision to wait to pave until the business is permanent. This will keep the business from having to remove the paving when the permanent structure is built.

Justin agreed.

Rick agreed that the parking lot did not have to be paved right now. However, he does want to make sure that the entrance is off of Mountain View rather than Colorado Drive.

Debbi asked what size of water tap that serves the car wash.

Chris answered that it is larger than a ¾" but he doesn't know the exact size.

Darrel Ransford (the applicant) stated that they plan to tap off of the line that is servicing the car wash rather than using the service line that has been already tapped.

Rick responded that is an issue because the requirements state that the tap has to be done at the water main and not off of the service line.

Debbi asked if they could tap prior to the water meter for the car wash.

Chris answered that if this was a permanent structure it would not be allowed under the regulations. However, temporary uses are not addressed in the regulations.

Tom expressed that he thinks they need to put in another tap.

Justin asked how much it will cost to put in another tap.

Chris answered that a tap fee is \$6600.00.

Darrell Ransford stated that they do have the option to fill their water tank using the water salesman and not tap the Town water system.

Rick responded that he likes that idea for the temporary use. But once it is made permanent they would have to pay the tap fees and tap the system as required.

Debbie agreed.

Rick asked if they plan to build the permanent structure at that location.

Darrell answered that they do plan to build on that piece of property.

Chris asked if they plan to use their self-containment tanks for sewer rather than tapping the sewer system.

Darrell answered that they would rather tap the system because it is much more sanitary.

Chris explained that the Town can access the plant investment fee based on projected water use of 5 gallons per day. The total due will be \$120.00 using this calculation. However, they will have to purchase a full sewer tap when the permanent structure is built.

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Rick expressed concern about a Porta-Potty being onsite.

Paula Ransford responded that they will camouflage the unit so that it can't be seen. However, they do not feel that it is in their best interest to ask adjoining property owners if they can use their restrooms on a regular basis. They would much rather have a porta-potty on site.

Darrell stated that they plan to pour a concrete pad for the toilet and it will be secured to the ground so that it cannot be tipped over. They will also make sure that it is locked at night.

Rick stated that he wants to make sure that it is secured so that it doesn't make additional problems for the Bayfield Marshals Office.

The Board concurred.

Rick asked the applicant if they understand that they will have to comply with the requirements of the ordinance once it is adopted.

Darrell answered that they are well aware and are willing to comply.

Chris asked if the Board wants to make this request go through the Use By Review process.

Tom responded that if the requested changes are made to the permit, he's okay with issuing the permanent immediately without going through the Use By Review process.

Debbi expressed that she wants to make sure that the adjacent landowners are aware of what is going on and know that the business is going into that location.

Paula stated that she has personally went to the businesses next to the property to let them know what they are proposing.

The Board decided that the Use By Review process would not be necessary.

Justin asked what will happen after the 6 months is up.

Chris explained that he will draft an ordinance that addresses the temporary use and how it will be handled. He hopes that the ordinance will be in place within 6 months. But it's possible it could take longer than 6 months to get that done so the applicants may need to come in and request an additional 6 month temporary permit. However, he plans that the ordinance will address all of the questions that are associated with temporary uses such as how long the temporary uses can be issued, what the requirements are, etc.

Tom made a motion to approve a 6 month Temporary Use Permit for the Happy Cow Food Shack subject to the requirements outlined in the staff recommendations with the following changes: the applicant will not tap into the Town water system, the applicant will not be required to pave their parking lot (but will have to designate their parking spaces), the applicant will ensure that the porta-potty is secured to the ground & locked, & the applicant will not be required to go through the Use By Review process. Additionally, the applicant will be required to abide by the Town ordinance once it is adopted by the Town of Bayfield. Debbi seconded the motion. All were in favor so the motion passed unanimously.

Action Agenda Item 5: Discussion & Possible Action: Administrative Reorganization

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Chris gave his staff report. He stated that with the departure of Marianne Jones as Town Clerk, he has reviewed the duties and responsibilities for the Town Clerk, Finance Director, and Utility Billing Clerk positions. Chris believes that there might be an opportunity to delegate some of the duties that Marianne handled to other positions, and give the Utility Billing Clerk/Receptionist position greater responsibilities, with increased salary.

The three positions currently include:

Town Clerk	\$50,000 (\$24.04/hr.)
Finance Director	\$37,440 (\$22.50/hr. at 36 hours/week)
Utility Billing Clerk/Receptionist	\$26,500 (\$12.74/hr.)

He explained that he would like to distribute some of the current Town Clerk responsibilities to the Finance Director and Deputy Town Clerk, and also a reallocation of salary to account for added responsibilities.

- The Town has already asked the Finance Director to pick up special account monthly bank statement reconciliation, end of month closing & journal entries, disbursement of special account revenues & city sales tax, reports to various state agencies (Lottery, DOLA, Etc.) and send off SID payment In July.
- Staff is proposing to ask the Utility Billing Clerk to take on Planning Commission meeting minutes, preparation of Planning Commission packets, payroll, deputy municipal court clerk duties, assist with processing building permits & certificates of occupancies, and manage office supply procurement.

Based on the reallocation of duties, Chris proposed the following salary changes:

Town Clerk	\$45,000 (\$21.63/hr.)
Finance Director	\$37,440 (\$22.50/hr. at 36 hours/week)
Deputy Town Clerk	\$32,000 (\$15.38/hr.)

Chris recommended approval of the administrative reorganization and requested authority to begin advertising for the Town Clerk position. Additionally, staff would like to redistribute duties immediately to provide Marianne the opportunity to ensure that Erin and Kathy are trained. He would also like to promote Kathy to the Deputy Town Clerk, effective April 4th, 2012.

Tom asked if Kathy is agreeable to these changes.

Marianne answered that she has had a lot of conversations with her regarding this possibility and she is very interested in promoting up within the Town.

Justin asked if Erin was aware that she would be getting these additional duties when she was hired.

Marianne answered that it has always been the intention that the finance related items that she does currently would eventually move to the finance position; therefore, Erin was aware that they would eventually become her responsibility.

Debbi made a motion to approve the administrative reorganization as outlined in the staff report. Tom seconded the motion. All were in favor so the motion passed unanimously.

Action Agenda Item #6: Selection of Engineer For Wastewater Plan

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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 complete, the field survey is nearing completion, and staff desires to move forward with the next phase of the project, which is the sewer system planning and modeling.

Chris explained that staff desires to work with Souder Miller and Associates to complete the wastewater collection system modeling and planning. Souder Miller is the firm most familiar with the collection system based on past experience, and therefore, we believe will be most efficient for this task.

The amount of contract is greater than Town Manager's authorization level, and therefore, the Board needs to make final decision on the contract.

Chris recommended that the Board approve the scope of work in an amount not to exceed \$27,646.00 and direct staff to prepare and execute a contract with Souder Miller for work described.

Tom mentioned that the proposal mentions identifying manholes by street name & address; he doesn't feel that work needs to be included in the contract because it is already being done.

Chris said that he will make sure that Souder Miller is aware.

Justin made a motion to approve the scope of work for Souder Miller for the wastewater plan in an amount not to exceed \$27,646.00 and direct staff to prepare and execute a contract for the work described. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #7: Selection of Engineer For Water Plan

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 complete, the field survey is nearing completion, and staff desires to move forward with the next phase of the project, which is the water system planning and modeling.

Staff desires to work with Briliam Engineering to complete the Water Master Plan. Briliam Engineering is the firm most familiar with the water system based on past experience, and therefore, staff believes they will be the most efficient for this task.

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

Chris recommended the Board approve the scope of work in an amount not to exceed \$28,640.00 and direct staff to prepare and execute contract with Briliam Engineering for the work described.

Debbi made a motion to approve the scope of work in an amount not to exceed \$28,640.00 and direct staff to prepare and execute contract with Briliam Engineering for work described. Justin seconded. All were in favor so the motion passed unanimously.

Action Agenda Item #8: New/Unfinished Business

Chris thanked Justin Talbot for his service on the Board for the past 4 years.

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The Board had a discussion regarding how the next meeting would be arranged for swearing in the new Town Board Members.

Tom asked if the Board should possibly change the Board Member serving on the Planning Commission due to the fact that Gabe has to be out of Town so much.

Rick agreed and suggested having that conversation when the new Board is seated and appointments are made to all of the different boards.

Debbi informed the Board that there is a group of residents that are trying to form a Recreational District in the Town. They will be coming before the Town Board for a letter of support for the November ballot during the month of May.

Rick suggested that it might be a good idea to have a Town Board Retreat in order to get the new Town Board Member(s) up to date on the things going on in the Town.

Tom mentioned that it might be a good idea to send any new Board Members elected to the CML training course.

Rick thinks that would be a good idea and he would also like to see as many Board Members as possible attend the CML conference as well.

Chris mentioned that he would like to cancel the executive session for LAPLAWD that is scheduled for this evening and schedule a work session regarding the intergovernmental agreement instead. This will allow time to go through the IGA at length and also get any new Board Members up to speed on the negotiations.

The Board set up a work session date for April 24th, 2012 from 6:00 p.m. – 8:00 p.m.

The Bayfield Election Judges presented the Town Board Election Results.

The results were as follows:

Matthew Nyberg – 58 Votes
Rachel Davenport – 49 Votes
Dan Ford – 36 Votes
Ed Morlan – 46 Votes
Rick Smith – 51 Votes

A total of 67 votes were cast in person and were 4 absentee ballots that were mailed in for a total of 71 ballots cast. There were also 3 provisional ballots that will have to be sent to the County for consideration of whether or not they can be counted.

Unofficial results show Matthew Nyberg, Rachel Davenport & Ed Morlan elected for the three positions available on the Board.

The Mayor thanked the election judges for serving in the Bayfield election.

The Town Board meeting was adjourned @ 8:45 p.m.

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Minutes approved as submitted on April 17th, 2012.

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk