

Town of Bayfield
Regular Town Board Meeting
April 17th, 2012
1199 Bayfield Parkway Bayfield, CO 81122

Town Board Members Present: Dr. Rick Smith (Mayor), Debbi Renfro, Justin Talbot, Ed Morlan **New Board Members:** Rachel Davenport, Matthew Nyberg

Town Board Members Absent: Dan Ford, Tom Au (Mayor Pro-Tem), 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 @ 7:02 p.m.

Minutes: Justin Talbot made a motion to approve the minutes from the April 3rd, 2012 Regular Town Board Meeting as presented. Debbi seconded the motion. All were in favor, motion passed unanimously.

Public Input: Niel Hieb (368 Schroeder Drive) read a letter signed by Bayfield Business & Property Owners in opposition of the Temporary Use Permit that was issued for the Happy Cow Food Shack. (The Letter is included in the official Town Board Packet record book).

Ed Ward with Alert Traffic (543 Sower Drive) concurred with the letter read by Neil Hieb. He stated that he pays a lot of taxes and put in a lot of Town required improvements into his businesses in the Town. He feels that all new businesses should have to comply with the same rules & regulations that were implemented on the current business owners.

No additional comments were offered so public input was closed.

Action Agenda Item #1: Approval of Bills

Gabe made a motion to approve the bills dated April 14th as presented. Debbi seconded the motion. All were in favor, motion passed unanimously.

Presentation Of Adult Role Model Award – Celebrating Community Norms (CCN)

Rick read a proclamation regarding Children, Youth, & Families Asset Champion Day.

Debbi stated that the Children, Youth & Family programs has spent several months polling the community and receiving nominations for a Bayfield adult role model award. She stated that 6 people were nominated for the award.

The winner was Jan Strahan with the Bayfield Middle School.

The additional 6 nominees were:

Becki Talbot
Lori Sanders
Christy Gingrich
Heidi Doscher
Bobbi Briscoe
Mark Pomier

Debbie read quotes from the letters that were received regarding Mrs. Strahan. The letters stated that she is a

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role model and teaches the kids in Bayfield to be kind to one another. She is passionate about stopping the hate and bullying that runs rampant in the school system and tries to make the community a better place. She inspires children to be better people and she truly cares and takes an interest in each of her students. She also helps those that are sick or need cheering up. She is respectful of the students, trustworthy, takes action immediately, makes people feel important, and creates a safe environment for students to share their worries or ideas. She's an incredible teacher and librarian.

Rick presented the award to Mrs. Janet Strahan for the Bayfield Adult Role Model.

Mrs. Strahan responded that she has devoted her life to serving the community & youth. She explained that it is wonderful to know that she's made a small difference in these children's lives. She also thinks very highly of the 6 girls that nominated her for this role and is confident that they will do great things in the future. She also hopes that they will be mentors to other girls like themselves. She thanked the girls for their nomination and for being presented such a prestigious award.

Recognition Of Outgoing Town Board Members

Rick recognized the outgoing Town Board Members, Dan Ford & Justin Talbot.

Rick stated that Dan Ford has been a wonderful asset on the Town Board. His financial awareness has gone a long ways to keep the Town solvent in rough times and his leadership skills will be greatly missed. He thanked him for his 4 years of service.

Rick stated that Justin Talbot has also been a great asset. He has a strong perspective that makes the Board think twice about what they are doing. He stated that he will miss his strength that he brought to the Board and his sound decision making skills. He thanked him for his 4 years of service and presented him with a plaque in recognition of that service.

Justin thanked the Board and stated that it was educational & rewarding experience for him. He commended the Town staff and commented that the Town is moving in a very positive direction and that he would like to see if continue in that way.

Mayor & Board of Trustees – Oath of Office

Marianne, the Town Clerk swore in Dr. Rick K. Smith as Mayor.

Rick, the Town Mayor swore in Rachel Davenport as a Town Board Trustee.

Rick, the Town Mayor swore in Matthew Nyberg as a Town Board Trustee.

Rick, the Town Mayor swore in Ed Morlan as a Town Board Trustee.

A short break was called.

The meeting reconvened.

Appointment of Mayor Pro-Tem

Debbi made a motion to appoint Tom Au as the Mayor Pro-Tem. Matthew seconded. All were in favor so the motion passed unanimously. (Note: Ed had stepped out of the meeting momentarily).

Appointment of Town Clerk, Finance Director, Town Attorney, Town Marshal, Town Judge, Town Manager, & Public Works Director

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Chris recommended that that the Town Board appoint the following people to the appropriate position.

- Town Clerk – Marianne Jones
- Town Finance Director/Treasurer – Erin Dunavant
- Town Attorney – Dirk Nelson
- Town Manager – Chris La May
- Town Marshal – Joe McIntyre
- Public Works Director – Ron Saba
- Town Judge – Jim Casey

Debbi made a motion to appoint the Town Clerk position to Marianne Jones, the Finance Director position to Erin Dunavant, the Town Attorney position to Dirk Nelson, the Town Manager position to Chris La May, the Town Marshal position to Joseph McIntyre, the Public Works Director position to Ron Saba and the Town Judge position to Jim Casey as recommended by staff. Rachel seconded the motion.

All were in favor, motion passed unanimously.

Axis Health Update – Bern Heath

Chris introduced Bern Heath with Axis health.

Bern Heath with Axis Health (281 Sawyer Drive) thanked the Town Board for their continued support of the acute treatment center & the detoxification unit of Axis Health. He explained that Axis serves 5 counties in Southwest Colorado and they focus on providing a whole person health system. They serve approximately 5,000 people each year and that number is growing rapidly each year. 60% of those people were from La Plata County.

He stated that year to date Axis has served 158 Bayfield residents. 50 of those people were uninsured or underinsured. They provided 1614 services and 1257 service hours to Bayfield residents. 8 of those were Acute Treatment admissions. Axis employees 22 peoples that are Bayfield residents and those employees receive an aggregate of over \$820,000 in salary and benefits. This is 15.7% of their overall workforce.

He explained that the \$1000 that is donated by the Bayfield Town Board is important monetarily because it's a part of the larger whole that they receive in funding each year. There are 17 Municipalities, Counties & Special Districts that are involved in the contribution process for the center. It is very difficult when one of those entities can't fill their funding request it causes a domino affect in their budget because of all of the leveraged dollars that are tied to the community funding.

He also commented that Axis is changing how they serve the community. Traditionally, they focused on mental illness, emotional disturbances or substance abuse. However, they are now doing a primary care type setting that focuses on whole person healthcare. They don't feel that it makes sense to treat people in parts so they are incorporating numerous types of health care together so that they can focus on treating the whole person.

He thanked the Board for their time and their continued support.

Town Updates

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Ed volunteered to give a presentation regarding the SCAN project for the new Town Board Members.

Rick suggested that the Town Board really needs to have a retreat and the retreat would be an opportune moment to discuss the SCAN project at length. He requested that Chris come up with some available dates for a retreat and present them to the Board at the May 1st meeting.

Debbi asked when the ordinance regarding resident requirements to fix leaking sanitation lines will come to the Board.

Ron answered that it will be brought to the Board during the infiltration repair process.

Ed asked what the value is of a "Blue Water Filter".

Ron answered that they don't have a lot of value at this point. However, the Blue Water Filter Company has expressed interest in removing them for the Town.

Chris said that there is also a local contractor that is willing to remove them at their cost (if the prior request falls through).

Public Hearing: Third Amendment To Fox Farm Village PUD (Continued To May 1st, 2012)

Rick opened the item for public hearing.

John Wade (493 S. Mesa) asked for clarification about what is being requested by Fox Farm.

Chris answered that the applicant is proposing to rezone & subdivide Lot 2 & 3 of the Fox Farm Subdivision so that they can put multi-family units (3) on each of those lots. Chris explained that staff is requesting that the Town Board continue the public hearing because the application request is not complete yet (based on the changes required by the Bayfield Planning Commission). Chris offered to explain the project but since the Town Board does not have the project information he feels that it would probably be better to discuss the item during the formal presentation & allow the applicant to be present to answer questions.

John Wade urged the Board to leave those lots zoned single family instead of changing them to multi-family.

Gabe asked if the Town needs to do additional public notices due to the continuation.

Chris answered that the public hearing notice was set for tonight so as long as the Town Board makes a formal motion to continue it to the May 1st meeting, the public hearing requirements will be met.

Rachel made a motion to continue the Third Amendment to the Fox Farm Village PUD to the May 1st, 2012 Town Board Meeting. Gabe seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #1: Discussion & Possible Action Regarding Access Easement To La Plata Electric Bayfield Property

Chris gave his staff report. He stated that at the April 3rd, 2012 Board of Trustee meeting, David Black representing his property Lot 5, La Plata Electric Bayfield Property #2 (580 S. West St.) requested that the Board of Trustees support him in his effort to ensure continued access through the twenty foot (20') easement on Mill Street.

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The Property Owner at 90 W. Mill Street constructed a gate and closed the gate. Mr. Black removed the gate. The Property Owner has since installed another gate, which Mr. Black has threatened to remove.

Mr. Black is requesting that the Town of Bayfield assist in his pursuit to have the access open without obstacle. Mr. Black should be in attendance to present his argument for the Town participating in this action.

Chris explained that the staff has reviewed the situation and is of the opinion that this is a civil matter between the property owners. The Town has a water line easement in the alley, which is recorded. There is no recorded document granting ingress/egress to the general public. Mr. Black contends that the general public has used that right-of-way for many years, and therefore, the Town should seek action to protect the easement for the general public, prescriptively.

On June 15, 2004 the Town Board approved a subdivision and boundary adjustment for the Davin Property located at 90 W. Mill Street. The right-of-way was discussed and the applicant Mr. Davin agreed to grant a 16' easement to the Town for access to utilities and water line. Minutes read that the right-of-way will continue in open use as it has been historically, but no formal action appears to have been taken to ensure.

Chris stated that he feels that this is a civil matter; however, if the Town Board desires to take actions related to public access on the easement, the Board may direct staff to do so. He noted that there would be some legal expense necessary to ensure that there is public access, and there is no guarantee that the Town would prevail in the court action.

Gabe asked how the Town provides for access for businesses located in alleyways.

Chris answered that the Town doesn't generally allow this type of access for a new building without special approval by the Town Board. This one is grandfathered in because it was in place prior to the Town's rules & regulations being implemented.

Chris explained that if the Town decided to pursue an action to ascertain the rights of the public right of way the Town would have to expend the funds through a title action on the property. He stated that staff doesn't think it's a good idea because it's possible that it could trigger a requirement that the Town has to maintain it as a public street. Staff feels that this is a private dispute between two property owners and the Town should not get involved in the matter.

Dirk reiterated that there is no guarantee that public right of way designation will be granted even if it is taken to court.

The Board concurred that it is a civil matter and the Town should not get involved in the matter.

Action Agenda Item #2: La Casita Liquor License Renewal

Gabe made a motion to approve the liquor license renewal for La Casita Mexican Restaurant. Matthew seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #3: Selection of Contractor for Bayfield Lagoon Soil Import Project

Chris gave his staff report. He stated that As part of the decommissioning of the wastewater lagoons, the plan was to use the stockpile of soil at the south end of Joe Stephenson Park to help fill the lagoons, under a separate contract. The project was advertised in Pine River Times on April 6, 2012 and the Durango Herald on April 4, 2012 and April 8, 2012 and a mandatory pre-bid meeting was held on April 9, 2012.

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He stated that on Thursday, April 12, 2012 five (5) lump sum bids were received and opened for the project.

Bids were as follows:

KW Enterprise	\$50,265.00
Crossfire	\$94,500.00
Shelby and Son	\$62,890.00
CRG Construction	\$46,570.00
Summit Excavation	\$69,243.94

Luke Construction Bid was received at 2:10 PM and returned unopened.

Chris recommended approval of the Notice of Award for the Bayfield Lagoon Soil Import Project to CRG Construction, Inc in an amount not to exceed \$46,570 and authorize the Town Manager to issue additional changes to the contract in an amount not to exceed ten percent (10%) of the contract amount or \$4,657.

He noted that any change orders above \$4,657 would require Board approval.

Gabe asked if the contractors outlined how they plan to do the work.

Chris answered that there are contract specifications that have to be followed outlined in the contract documents. There are very specific guidelines regarding hauling during high-peak traffic times at the Bayfield Primary School.

Gabe made a motion to approve the Notice of Award for the Bayfield Lagoon Soil Import Project to CRG Construction, Inc in an amount not to exceed \$46,570 and authorize the Town Manager to issue additional changes to the contract in an amount not to exceed ten percent (10%) of the contract amount or \$4,657. Debbi seconded. All were in favor, the motion passed unanimously.

Action Agenda Item #3: Introduction Of Model Traffic Code (MTC) and Set Date For Public Hearing

Chris gave his staff report. He explained that in an effort to remain current, staff would like to adopt the 2010 version of the Model Traffic Code. The purpose of adopting the MTC is for uniformity of basic road rules, uniformity of local traffic regulations, standardization of traffic regulation and control on streets that are state highways, and compatibility of traffic ordinances with State and national vehicle codes. All contribute to greater traffic safety and operational efficiency in moving people and goods through and within Bayfield.

Chris recommended that the Board set the Public Hearing for consideration of adopting the Model Traffic Code by reference for Tuesday, May 15, 2012 and direct staff to prepare the ordinance and the appropriate public hearing notices.

Debbi asked how often this document comes out.

Joe answered that it is generally a long time in between publications. However, there were issues with the 2009 version so they immediately turned around and issued the revised version in 2010.

Gabe asked if there is a monetary cost involved with this adoption.

Chris answered that there could be some changes in the fees that are charged for violations. But there won't be any charge (other than public hearing notices & ordinance publication) administratively.

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Gabe made a motion to set the Public Hearing for consideration of adopting the Model Traffic Code by reference for Tuesday, May 15, 2012 and direct staff to prepare the ordinance and the appropriate public hearing notices. Matthew seconded the motion. All were in favor, the motion passed unanimously.

Action Agenda Item #4: New/Unfinished Business

Chris welcomed the new Town Board Members, Matthew Nyberg & Rachel Davenport.

Gabe asked if the Town has heard anymore about the sewer back-up that happened on Oak Drive.

Chris answered that he was approached by the property owner and it is possible that the owner will be coming to the Town Board to discuss the matter.

Gabe mentioned that he continues to work out of the Town a lot and would like to have a discussion about his seat on the Board at the next meeting (because he will know more at that time what his summer schedule will look like).

Debbi mentioned that the youth event "Second Saturday" was held on the second Saturday of the month and there were 64 youths that showed up. She feels that it was a great turn out and is looking forward to having more events like it in the future for Town youths ages 6th grade through 12th grade.

Ed commented on the financial report provided by Erin Dunavant and stated that he liked seeing who the top 5 sales tax generators are for the Town.

Ed also asked what happened with the Happy Cow Food Shack temporary permit.

Chris answered that the Board approved a 6 month Temporary Use Permit. The Board allowed the business to haul their water in order to avoid a water tap fee but they did decide to make them pay for a prorated sewer tap fee based on 5 gallons of water usage in order to allow them to tie into the sanitary sewer system. Staff will be drafting an ordinance to address temporary uses/vendor carts that will outline the guidelines & requirements for this type of use. Once that ordinance is passed the Happy Cow Shack will have to comply with those regulations.

Ed stated that he agrees with the letter that was submitted by the business owners and expressed that he is opposed to issuing another 6 month permit for the premises.

Rick reminded the Board about the Special Meeting to be held on April 24th to discuss the LAPLAWD inter-governmental agreement.

The meeting was adjourned at 8:53 p.m.

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Minutes Approved As Submitted On May 1st, 2012

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk