

Town of Bayfield
Regular Town Board Meeting
April 19, 2011
1199 US Highway 160B Bayfield, CO 81122

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

Staff Present: Bob Ledger (Town Manager), Dirk Nelson (Town Attorney), Elizabeth Jackson (Town Intern), 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: Tom made a motion to approve the minutes from the March 15th, 2011 Regular Town Board meeting as submitted. Justin seconded the motion. All were in favor, motion passed unanimously with a 6-1 vote. Gabe abstained.

Public Input: No public comment was offered.

Action Agenda Item #1: Approval of the Bills

Gabe commented on the format of bills. He likes how the line items read compared to last years.

Justin made a motion to approve the bills dated April 7th -15th as well as the additional check request dated April 14th, 2011 as submitted. Debbi seconded the motion. All were in favor. Motion passed unanimously.

Action Agenda Item #2: Town Updates

Justin asked about the progress on the CR 501 Pedestrian Trail. He asked whether or not all the parties were still on board.

Bob and Elizabeth replied that they are still waiting on a response back from Brad Elder, but that they have everything taken care of.

Tom asked if the Town will be getting money from CDOT.

Bob said they will be.

Dan asked if staff could provide the Board with a date as to when the construction of the final phase might occur.

Bob said he couldn't give the Board an actual date at this time.

Justin asked if there will be further discussion once the engineering firm has expressed their thoughts on the subject.

Bob said there will be.

Justin asked Ron if he could explain the grease pictures that were sent to the Board.

Town of Bayfield
Regular Town Board Meeting
April 19, 2011
1199 US Highway 160B Bayfield, CO 81122

Ron said that they are of the actual basins and of the de-watered grease. He said that basin one was almost clean and that there was approximately 50% water, indicating a substantial amount of grease from November to the present time. Ron said that Public Works will have Alpine Septic Service clean it out. He mentioned that there are still a couple of owners that are out of compliance.

Bob said that even though the Town passed an ordinance, there has been limited success with regards to enforcement.

Ron suggested that enforcement be more stringent in order to prevent the grease from building up. This would also keep the Town from experiencing further problems.

Rick asked if increasing the enforcement is something the Board will need to contemplate for future reference.

Bob said it is.

Rick asked if they talked to the municipal judge regarding this issue.

Dirk said they did.

Ron said they sent out Notices of Violation (NOV) but that some of the grease traps remain full. He said the full traps in turn, streamline down to the plant. There are other provisions in the sewer guidelines that allow Public Works to come and pump the grease out, but he wasn't sure of the legalities on this.

Bob said that staff would work on it.

Ed asked what the Town could do besides fines. He wanted to know if they could shut the noncompliant business' water off.

Bob said they could.

Ed wanted to know if the noncompliant issue was in reference to just one property owner.

Ron said it primarily revolved around one but that there are others involved.

Dan asked if these are in regards to restaurants.

Ron said the grease problem accumulates from households as well but that one commercial property with a full grease trap remains a large contributor.

Dan asked Ron if he could tell who they were experiencing the most problems with. He wanted to know whether the issue was caused more from restaurants, schools or other commercial properties.

Ron said that the schools are checked periodically and are on a good schedule with the Town. He commented that they have not had any issues with the schools.

Debbi wanted to know if the Town has the ability to not renew business licenses if there were unpaid fines.

Dirk said that issue may need to be revisited.

Chris mentioned there is a possibility of tying it into a liquor license.

Rick suggested that staff take the issue of enforcement up.

Town of Bayfield
Regular Town Board Meeting
April 19, 2011
1199 US Highway 160B Bayfield, CO 81122

Ed asked about the Business Park water line loop.

Bob said there is a possible solution which might eliminate the need to move the valves but that he can't confirm that at the time.

Ron replied that Public Works had no idea the water line was there. They have been unable to find the valves for the loop line to the Business Park and are still searching for it. He said that Tim Walters (Bayfield School District), told Rich Graeber (Fire Chief for Upper Pine Fire Protection District) that the line was installed sometime in 2001. Ron said he would update the Board as soon as he has additional information.

Tom asked if the Town was making progress regarding the drainage issue in Dove Ranch Subdivision.

Dirk said they were in contact with the Real Estate Manager and that it is in progress.

Action Agenda Item #3: Liquor License Renewal – Back Porch BBQ

Debbi asked if their grease trap was in good condition.

Ron said it was.

Dan asked Chris if there were any issues involving the Marshal's Office.

Chris said there wasn't.

Gabe made a motion to approve the liquor license renewal for Back Porch BBQ. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #4: Sewer Back-Up – 969 N. Oak Drive

Bob gave his staff report. He said that town resident Leisa Leland appeared before the Board seeking reimbursement for damages incurred to the mobile home rental she owns at 969 North Oak Drive. She alleged that had the Town's Public Works crew acted more diligently, much of the damage would not have occurred and, as a result, she said that the Town bears liability for the cost of the clean-up and required repairs to the rental. The incident culminated in a Board motion granting Ms. Leland relief in the amount of \$1,000 pursuant to the Town's "Good Neighbor Policy" and further waiving the policy's requirement that a backwater check valve be installed in response to her claim of financial hardship. The Board further directed Ms. Leland to collect and submit bills and cost estimates associated with the clean-up and repairs to the Interim Town Manager for review and further Board consideration at this meeting.

Ms. Leland was contacted and advised that a check for \$1,000 was available at Town Hall and would be given to her upon signing a revised "Good Neighbor Policy" Agreement and payment for a town business license that had not been renewed for three years. As of April 15, 2011, Ms. Leland had not yet appeared to pick up the check, sign the agreement or renew her business license.

Bob said that the Town Board had two options with respect to the reimbursement claims for those expenses over the \$1,000 already granted to Ms. Leland. The Board could offer some amount of financial assistance beyond the \$1,000, but he pointed to the fact that such an option could create the possibility of establishing a

Town of Bayfield
Regular Town Board Meeting
April 19, 2011
1199 US Highway 160B Bayfield, CO 81122

precedent for similar claims in the future. Bob said the second option would be to decline to offer any further financial assistance.

Bob gave the Board a letter from Ms. Leland's attorney and a copy from Dirk that suggested the claim be submitted to CIRSA (the Town's insurance company). Bob agreed.

Rick asked if staff was looking for a motion or direction.

Dirk said the Board could provide either. Because of the claim under the Government Immunity Act, the Town should submit to CIRSA as an obligation. He said the Board also has the option however, to pay the claim but that that would be contrary to what the Town has done in the past.

Ed asked about Ms. Leland's business license renewal.

Bob said she hasn't renewed it for 3 years. He replied that in order to make good use of the "Good Neighbor Policy," the Town would need to ask her to renew her license in return for the reimbursement of \$1,000.

Gabe suggested they turn it over to insurance and staff.

Rick and Dirk agreed.

Action Agenda Item #5: New/Unfinished Business

Ed commented on the Parks and Recreation report regarding the Senior Center status. He said that in the Town budget there was a \$5,000 donation from the seniors to the Town. The seniors are not going to be able to make that.

Ed said the issues between the Town and the seniors are getting better.

Gabe asked Ed if the funds being used are from the seniors.

Ed replied that they are.

Rick commended Ed for his assistance with the Parks and Recreation issues.

Dan asked if the Board needed to discuss their efforts regarding the search for the Town Manager.

Rick said they can't say anything until the hired firm has made contact with them. After that, the Board can issue a press release. He commented that the Board went through the list of potential candidates and were able to narrow it down.

The meeting was adjourned at 7:32 p.m.

**Town of Bayfield
Regular Town Board Meeting
April 19, 2011
1199 US Highway 160B Bayfield, CO 81122**

Minutes were approved as submitted on May 3rd, 2011

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk