

Town of Bayfield
Regular Town Board Meeting
April 5th, 2011
1199 US Highway 160B Bayfield, CO 81122

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

Town Board Members Absent: Dan Ford

Staff Present: Bob Ledger (Interim Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Ron Saba (Director of Public Works), Chris Choate (Marshal), Elizabeth Jackson (Management Intern)

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:02 p.m.

Minutes: Gabe requested one change to the minutes and Debbi requested that her name be corrected. Debbi made a motion to approve the minutes from the March 1st, 2011 Regular Town Board meeting as amended. Justin seconded the motion. All were in favor, motion passed unanimously.

General Public Input: Leisa Leland stated that she is the owner of Double LL Realty and she owns a single-wide mobile home located at 969 N. Oak Drive. The mobile home had a sewer back-up on March 23rd that flooded the back half of the mobile. She explained that the tenant contacted the Town and a public works employee assessed the situation. He told the tenant that it was not the main line and was a problem on the property. Leisa said that she then contacted Master Rooter (who was unable to get to the property until much later in the day) and they determined that it was a back-up in the main line. They explained that there was a blockage in the main line and anytime anything happened upstream it caused a back-up into the mobile at the point of least resistance. The raw sewage continued happening throughout the day for approximately 5 or 6 hours. Leisa stated that there is a substantial amount of damage due to this back-up and she feels that if the Town would have recognized that the problem was on the main line right away that the amount of damage would be significantly lower. She requested that the Town reimburse her for the costs caused by this issue.

Rick explained that the Town has a Good Neighbor Policy for addressing these sorts of matters.

Leisa responded that the policy only allows for \$1,000.00 per incident and there is a requirement for a back-flow valve. She is concerned because the quote she received to put in the back-flow valve is higher than the \$1,000.00 allocation. She also expressed that she has turned this matter in to the insurance company and they have denied the claim because it came from the Town's main line. She feels that if the matter would have been taken care of in a timelier manner by the Town there would not have been nearly as much damage.

Rick interjected that she would need to submit a letter to the Town Manager.

Leisa responded that she submitted a letter on Monday April 4th (the day before the Town Board meeting).

Bob clarified that he did receive the letter but it did not include any estimates or bills outlining the amount of damage. Leisa has given a preliminary scope of work that includes that the sub-flooring will have to be replaced, some stand-alone fixtures & some duct work. Bob said that the biggest issue is that Leisa has renters in the trailer with young children and this issue needs to be fixed as quickly as possible.

Leisa said that in February she remodeled the master bathroom in the mobile home and spent \$3,000.00 and she doesn't have any additional funds to invest into this place.

Bob clarified that the home-owners insurance company isn't going to pay for it but the Town is covered under the governmental immunity act. This act protects municipalities from any liability relating to water, sewer and other aspects of town government. However, the Town does have the Good Neighbor Policy that has been utilized in the past for situations like this. Bob cautioned the Board to be careful in making a decision over and above the policy because it could set a precedent for future incidences.

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Leisa commented that the governmental immunity ends when action should have been taken but wasn't. She feels that the Town had the opportunity to do something but the Town said that it wasn't their issue and it wasn't determined until much later that the problem really was the Towns.

Rick suggested tabling this item until the New/Unfinished Business portion of the meeting.

Public comment was closed.

Action Agenda Item #1: Approval of Bills

Gabe made a motion to approve the bills dated March 25th, 2011 & April 4th, 2011. Tom seconded the motion. All were in favor, motion passed unanimously. Tom abstained from approval of payment to Pinnacle Surveying.

Action Agenda Item #2: Town Updates

Tom asked about the grant for New Energy Communities.

Elizabeth answered that the funds are being received from 4Core and La Plata County. It is a partnership between Bayfield, Ignacio, & Durango. The Town was granted \$42,500.00 through this grant.

Marianne mentioned that a portion of this grant has already been used for efficiency lighting that was installed in the new baseball field at Joe Stephenson Park.

Tom expressed concern that the Town is listed as a partner with 4Core on their website.

Marianne answered that the Town is partnering with 4Core through this grant process.

Tom stated that he has a problem with the Town being associated as a partner because of their belief system and the things that they represent.

Rick explained that the Town received this grant money to help improve their efficiency in order to save money (such as on electric & gas bills). This grant will be used to come up with a list of recommendation for installation of items that will help improve the efficiency of Town buildings such as Town Hall, the Senior Center, & the Public Facility Shop. However, the Town does not have any allegiance to this entity other than the grant process.

Ed asked if staff could request 4Core to come & meet with the Town Board to explain this further.

Bob answered that he would try to get them on an agenda in the near future.

Justin asked if all parties are still involved and planning to contribute their fair share to the County Road 501 trail.

Elizabeth answered that she has been unable to get in touch with Brad Elder but everyone else is committed.

The Town is committed to a contribution of \$14,500.00 to that project.

Ed asked about the transfer of Highway 160B to the Town.

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Bob answered that all of the necessary documents have been forwarded to Denver. He is unsure exactly how long it will take to be completed at the State level but he hopes to have it returned to the Town within 30-45 days.

Tom asked if the Town has heard back from Stantec regarding the water issue on the Ludwig's property.

Dirk responded that he was copied on an email that Justin Clifton sent to Stantec and Stantec did agree that they would be willing to take a look at the issue. However, there hasn't been any communication since that time that he is aware of.

Ron said that he has spoken to Greg Woodward with Stantec. The Town is moving the dirt pile that is located in that area and part of the project includes having a trench be dug around the lagoons. Ron suggested waiting until that work is completed before having Stantec come out because he thinks that the trench might fix the issue. However, Stantec is willing to come if it doesn't fix it and the Town needs to look at alternative resolutions.

Rick asked that Ron keep Bob and the Town Board apprised of any updates on this matter.

Action Agenda Item #3: Liquor License Renewal - Bayfield Liquor

Marianne requested that the Town Board approve a liquor license renewal for Bayfield Liquor.

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

Action Agenda Item #4: School Soil Relocation

Ron gave his staff report. He stated that staff has been working on the removal of the dirt pile on the school property to satisfy the contract for the acquisition of the road right-of-way and the actual property where the new wastewater plant is located. Ron explained that Justin Clifton gave a brief summary of the project and the Board authorized staff to begin the process. Justin Clifton also gave a break-down of money that was over and above the 2010 ending budget (\$90K) for sanitation during his presentation. That presentation showed that there is an anticipated \$64,000 ending balance for 2010 after the sludge bin cover project is completed. The Town also has a line item for decommissioning of the lagoons that has a balance of \$50,000. At this time the decommissioning project is on hold (as the project will cost substantially more than \$50K).

Ron outlined a break-down of costs for the project and stated that the low bidder for the excavation of the dirt is McCarty Excavation.

Souder Miller - \$2500.00 - Bid documents, site visits, etc
Plateau Environmental - \$4,000.00 Storm water Management and Wetlands Monitoring
Installation of Silt Fence - \$6,000.00
Survey - \$1500.00
McCarty Excavation - \$33,824.25

Total = \$47,825.00

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Ron suggested using the \$50,000.00 that was earmarked for the decommissioning of the lagoons since that item is not going to be completed this year and give the staff the go ahead to finalize this project and appropriate the funds.

Justin Talbot asked if staff is comfortable with going with a company that is so much lower than everyone else.

Ron answered that McCarty Excavation is teaming with CRG Excavation as their sub-contractor for this project. CRG has a lot of equipment which is why their bid is so much lower than the others. Ron stated that the Town has worked with CRG on the decommissioning of the Gem Village lagoons and they did a very good job so he feels that they are a good pick for the project.

Rick asked if anything has to be done to modify the budget to allocate the funds from one line item to another.

Dirk responded that the Town budgets by bottom-line.

Marianne commented that the change will be reflected in the supplemental budget that will be approved by the Town Board in December.

Rick asked if the lagoons can be left open until the next budget cycle.

Ron answered that he thinks it will be fine to leave them as they are. The Town has a plan for the decommissioning but the cost is going to be approximately \$300,000 - 500,000 to complete it. However, since the plan is in place and the assumption is that it will be completed in 2012, he thinks that the State will allow an extension.

Dirk suggested that staff follow up with the State to let them know the status of the situation and the Town's plan for it.

Gabe asked if the plan has been submitted to the State yet.

Ron answered that it will be submitted when the Town is ready to proceed with the project. He explained that the lagoons aren't hurting anything by just sitting.

Gabe made a motion to allocate the funds for the soil relocation project with a cap of \$50,000.00. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #5: Highway 160B Acquisition

Bob gave his staff report. He stated that since the Town will be taking over Hwy 160B, staff is trying to come up with a plan to address any concerns that may arise or may be associated with the takeover. Bob outlined the items that will need to be done in order to maximize efficiency once the Town acquires the road.

Bob explained that it has been almost 2 years since the road was inspected by a Geotech and a Bridge Engineer. Public Works has been keeping an eye on all aspects of the road and believes that it has deteriorated further during the 2-year time span (CDOT has done little to no maintenance during this time frame). Staff feels that these inspections need to be done as soon as possible in order to come up with a future plan. Staff feels that this needs to be ready to go out to bid as soon as the road and funds have been acquired. Staff is concerned that if it is not done in a timely fashion, the window of opportunity to have any repairs completed before next season will be missed and the Town will incur even more cost to do any necessary repairs.

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Bob also outlined that the Town might want to come up with a plan to fix any other Town streets during this process in order to further reduce costs on mobilization and traffic control (also, the Town receives a better price on materials if the project is bigger). Bob said that Public Works recommends that Mill St., South St. and/or Elm Circle be considered for repair because they are three of Bayfield's worst streets currently.

Bob also recommended that the Board consider a line item for training. The Public Works Department and Marshals Office may need to be sent to traffic control school because none of the Town personnel have the proper certifications. Staff requests a budget of \$3,000 to cover these expenses.

Bob explained that there will be more items that will need to be addressed such as equipment, man power and the level of service in the upcoming months. Bob said that Ron will be bring these items to the Board over the course of the next few months but he wanted to address these issues first quickly because they are of more concern to the staff.

Gabe asked if the Town is jumping the gun allocating these funds before receiving the money from CDOT.

Bob answered that he has spoken to David Valentinelli with CDOT and it is apparent that all parties are in favor of this transaction and there shouldn't be any issues completing the transaction. However, staff would like to get started on this work during the construction season so that the project doesn't have to wait until next year.

Tom mentioned that the Town will need to get on the list for paving as quickly as possible.

Ron commented that staff wants to be paving no later than September is possible and is worried that if this has to wait until next year it will cost the Town a lot more money because of additional deterioration.

Ed made a motion that an additional sum of \$18,000 be appropriated and added to the 2011 General Fund Budget by transferring such funds from the fund balance (reserve) within the General Fund to the following departmental operating accounts:

Account #010 4 4135 0355	Planning and Development, Engineering	\$15,000
Account #010 4 4321 0222	Public Works Admin., Testing & Training	\$ 3,000

Debbi seconded the motion.

Gabe stated that he would like to know the paving estimate.

Ron explained that staff is requesting to hire a Geotechnical Engineer & a Bridge Inspector to inspect the quality of the road and bridges and give an estimate of the work that needs to be completed. Staff has a rough estimate of a million dollars for the paving of the road and approximately \$400,000 for upgrades to the bridges. Ron also expressed that it would be cost effective to do some other roads at the same time in order to cut costs on mobilization & materials.

Ron also mentioned that it might be a good idea to research the idea of putting in a walking path along Hwy 160B during the paving of the road

Rick suggested taking the first step by hiring the appropriate professionals and then have staff bring a recommendation back to the Board.

Gabe called to question.

All were in favor, motion passed unanimously.

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Action Agenda Item #7: New/Unfinished Business

Ed commented that the Preschool located on Fox Farm Circle is nearing completion and there is a question regarding traffic signs in that area.

Ron responded that he is going to work with the Public Safety Department on that intersection in order to make a determination of what to do.

Rick said that he would like to address the sewer back-up and come up with either a resolution or direction to the staff.

Dirk expressed that the governmental immunity act does make Town's immune to these sorts of claims. However, since they are massively impactful on residents when they occur the Town adopted the Good Neighbor Policy that allows the Town to grant \$1,000.00 per year/per incident for these types of issues. Dirk suggested getting details from Public Works on the event. He reminded that Board that CIRSA (the Town's insurance company) generally takes the position that they will not cover these sorts of claims because of the governmental immunity act. However, the Town does have the option to submit it to insurance to see if they would be willing in this instance.

Bob affirmed that there are three options that the Board has in this matter. 1) The Board can request that the bills & estimates be submitted to the Town for review and then have staff bring it back to the Board for further discussion & decision at the next meeting. 2) If the Board is interested in providing any monetary reimbursement, that the Board come up with a cap on the amount that they are willing to underwrite on this type of incident. 3) The Board has the option not to provide any relief and do nothing.

Ed asked if the Town could advance the \$1,000.00 immediately and then come back to discuss further reimbursement.

Tom asked if it might be possible to waive the requirement for a back-flow preventer since it isn't a recurring problem.

Bob interjected that the Good Neighbor Policy states that the recipient has to install the back-flow preventer and waive any further action against the Town in exchange for the funds.

Gabe expressed concern about how long it took for this issue to be fixed. He doesn't feel that the Town should be responsible when it took 6 or 7 hours for the professional service person to arrive on scene.

Bob explained that Leisa called Master Rooter right away after receiving the phone call from the tenant. The Public Works crew arrived shortly after the first call and stated that the problem was in the service line (not the Town's main line). The tenant then waited for Master Rooter to show up and that's when it was determined that it was actually the main line.

Lisa clarified that they waited as long as they did because they had been informed by the Town that it was isolated to the property and was not a problem with the main line. She expressed that if the Town would have accessed that the problem accurately upon arrival the damage would have been minimal instead of such a substantial amount.

Gabe conveyed that he still has a problem with the tenant/property owner waiting 6 hours to determine where the water is coming from instead of doing something about it.

Lisa asserted again that since the Town stated it wasn't their issue they had no other choice but to wait for Master Rooter to show up.

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Rick expressed that the Board has the option to go ahead and pay out the \$1,000.00 through the Good Neighbor policy and possibly waive the back-flow requirement or to have the property owner bring everything back to the next Board meeting and render a decision on the matter at that time.

Ed replied that he would be willing to grant the \$1000.00 right away and waive the back-flow requirement and allow Ms. Leland to submit actual numbers & estimates to the Town for further review.

Debbi & Gabe concurred that they would like the Good Neighbor policy to be initiated quickly as possible; however, if the back-flow preventer requirement is waived they feel that it needs to be outlined in the agreement that the risk belongs to the property owner in the event of another occurrence.

Ron commented that the back-flow preventer can be ordered for \$60.00 and that he doesn't think that the installation would cost more than a couple hundred dollars (rather than the \$1200.00 estimate that Ms. Leland was given).

Bob outlined that under the terms of the Good Neighbor policy, the Town would grant Ms. Leland \$1,000.00 in monetary reimbursement, waive the installation of the back-flow preventer as long as she agrees that she won't make any additional claims against the Town in the event of another back-up, and that Ms. Leland submit damage invoices & estimates to the Town Manager for review. It would then be brought back to the Board for further consideration.

Debbi also requested a full report from Public Works on the incident.

Gabe so moved. Debbi seconded.

All were in favor, the motion passed unanimously.

Action Agenda Item #7: Town Manager Executive Search

The Board was reminded of the meeting with KRW regarding the Town Manager Executive Search on Friday, April 15th from 3:00 – 5:00 p.m.

Rick asked the Board if they wanted Bob to attend the meeting.

The Board concurred that they did want Bob to sit in on the meeting.

Marianne explained that she will have the applications on April 6th and will have them delivered directly to the Town Board Member's homes so that they can review them prior to the meeting on the 15th. She stated that the delivered binders will include candidates 1-30 and applicants 31-47 will be housed in the office of the Town Clerk.

Rick asked the Board to think about the interviewing process to come up with a plan for the recruitment.

The meeting was adjourned @ 8:13 p.m.

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Minutes were approved as submitted on May 3rd, 2011

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk