

**Town of Bayfield**  
**Regular Town Board Meeting**  
**May 15<sup>th</sup>, 2012**  
**1199 Bayfield Parkway Bayfield, CO 81122**

**Town Board Members Present:** Dr. Rick Smith (Mayor), Tom Au (Mayor Pro-Tem), Debbi Renfro, Matthew Nyberg, Ed Morlan

**Town Board Members Absent:** Gabe Candelaria, Rachel Davenport

**Staff Present:** Chris La May (Town Manager), Dirk Nelson (Town Attorney), Erin Dunavant (Finance Director), Kathleen Cathcart (Deputy Town Clerk), Ron Saba (Public Works Director), Joe McIntyre (Marshal)

**Media Present:** Carole McWilliams (Pine River Times)

The meeting was called to order @ 6:58 p.m.

**Minutes:** Tom Au made motion to approve minutes as presented Matt Nyberg seconded. All were in favor motion passed unanimously.

**Approval of Bills:** Tom Au made motion to approve bills as presented Debbi seconded, motion passed unanimously. Tom abstained from anything payable to his company.

**Public Input:** Carole McWilliams, speaking for The Rotary, wants to make us aware that they are applying for a special event liquor license for a beer booth for the 4<sup>th</sup> of July and Heritage Days. David Black, 606 Buck Hwy, wants to talk about access next to Beamer Thornton's house. Ms Thornton is putting up a gate and causing problems. Access was granted in 1927. He wrote her a letter and asked her to remove the gate. She says the gate was erected upon advice from Dirk Nelson. He says the access was created for commercial use. He would like for this to be an item on the agenda. On the advice of his attorney he took the gate down. He was issued a citation for this. No other input was offered so it was closed.

**Town Updates:** Tom asked if we wanted to set a date with LAPLAWD, and could we possibly do it before a Board Meeting? Chris suggested that it would take at least two hours and recommended meeting at 5:00pm before the Board Meeting scheduled for June 5<sup>th</sup>, 2012. Chris also reminded the Board of the special workshop next Tuesday.

**Public Hearing: 2010 Model Traffic Code (MTC)**

Chris gave his staff report. He stated that in an effort to remain current staff would like to adopt the 2010 version of the Model Traffic Code (MTC). The Colorado Department of Transportation (CDOT) provides guidance on the procedure for adoption a code by reference.

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 the Town of Bayfield.

**Status:**

Ordinance was introduced at the April 17, 2012 Regular Board Meeting and the Board of Trustees set the Public Hearing for the Model Traffic Code by reference for Tuesday, May 15, 2012. Public notification of the Public Hearing took place in the Pine River Times on April 27 and May 4, 2012.

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**Recommendation:**

Staff recommends the Board of Trustees open the Public Hearing for Consideration of Adopting the 2010 Model Traffic Code, take public comment, close Public Hearing, and discuss and proposed changes to the Model Traffic Code. Please note that the Notification of Public Hearing reads that at the next meeting following the public hearing the Board will consider the adoption. While one could argue that the meeting immediately follows the public hearing, staff recommends formal consideration at the next meeting in June

Mayor Smith asked Joe McIntyre if he had anything to add to what Chris had said. Joe said no.

Mayor Smith opened for public input. None was offered so it was closed.

**Action Agenda Item #1 FastTracks Communication**

Mayor Smith recused himself.

Presentation by FastTracks.

1. FastTracks Staff Report.docx

Tom asked if the easements are in place for this project. They are working on the easements and do not expect any problems. They expect to have fiber in house by July and have a network in place by September/October.

**Action Agenda Item #2: Update on Bayfield Fiber Optic Installation**

Paul Recanzone gives his presentation on SCAN.

Chris asked where are they at today. Paul replied that as of now they do not have a construction vendor. They will be placing an ad tomorrow for a vendor in the Durango Herald and the Pine River Times.

Tom asked if they have construction plans. Paul said that he would send them to Chris and that he could distribute them.

Mayor Smith thanked Paul Recanzone and FastTracks for their presentations.

**Action Agenda Item #3: Request for Town Participation in Sanitary Sewer Line**

Chris stated that The Sunflower Estates (Abernathy) property was purchased by a group of investors. Lee McCutchen is representing the group and desires to re-open the Assisted Living Facility on the

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property. I have made him aware that he needs to tie the property in to Town sanitary sewer services in order to move forward. Mr. McCutchen contacted the property owner to his west and sought to bring the sanitary sewer line across his property. According to Mr. McCutchen, they were not able to work out a deal for an easement. Mr. McCutchen has since contacted the property owner to the south regarding an easement across their property.

**Status:**

Mr. McCutchen has come up with two options to transport sanitary sewer across the property to the south.

- 1) Construct a main line down the middle of the property, which the property owners could then benefit from. Size the lines adequately to allow for additional flows from Southview and Byrd Properties, benefitting those properties as well. Mr. McCutchen is requesting that the Town waive sanitary sewer tap fees for the Assisted Living Facility in order to complete this line. That value is ~\$60,000.
- 2) Construct a private lift station on the property and then force system across the north side of the vacant property to the nearest Town manhole. This would benefit Mr. McCutchen only.

Mr McCutchen makes is presentation to the board. He stated that he is at a standstill with construction until this sewer problem is fixed. He is ready to go to design but needs input from the board. He would like to get a break from the town on his tap fees in exchange for doing the ground work.

Mayor Smith asked if there were any questions from the Board.

Ed stated that he was not sure exactly what they were asking for.

Chris explained that there are a couple of options. One being a private line that would only service the "Old Abernathy" property or upsize the line and run through the Haga property possibly benefiting others as well. Chris stated that it is not uncommon to have a cost sharing in these kind of circumstances. This is on the executive session agenda.

Mayor Smith stated that they will discuss this in executive session, seeking advice from the Town Attorney, Town Manager and the Public Works Director.

**Action Agenda Item #4: Discussion on 2010 Model Traffic Code (MTC) Ordinance**

Mayor Smith asked what the option was as far as adopting the 2010 Model Traffic Code tonight.

Chris stated that he thought before we adopt the ordinance we should discuss over weight vehicles and the possibility of a truck route.

Chris turned the discussion over to Joe McIntyre.

Joe referenced the pictures that he sent in the Board Packet. He said that even these smaller vehicles can start getting quite heavy somewhere from 18,000 to 20,000 pounds. These are not necessarily what we are looking at we are more focused on the commercial size vehicles for commerce. The most specific problem is larger

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commercial vehicle coming from Mill Street to Bayfield Parkway. This could potentially cause problems damaging our infrastructure. We haven't had any safety issues that has arisen from commercial traffic in residential areas so far. But it could be a potential problem. Most municipalities use the examples that were given to you. A majority of municipalities set the vehicle weight limit at 7000 pounds. This is pretty low but they do that as a catch all so that they address any commercial vehicle for commerce purposes. Over weight vehicles are going to be difficult to enforce, because of a lack of resources (scales). From an enforcement standpoint if we were to establish an ordinance in regards to commercial vehicles and those vehicles having to use a truck route depending on that weight limit, that is where the Marshal's Office would enforce the Truck Route violations.

Mayor Smith stated that he does not have a problem designating a truck route. He would have to depend on Ron and Joe to set the weight limits. Rick thinks that this would be a smart decision in designating a specific route.

Debbi has no issues either, but wants to make sure there are exceptions for school buses.

Joe states that school buses and emergency vehicles would definitely be exceptions.

Tom says that he thinks this is a good idea as well.

Joe said that parking of commercial vehicles in residential areas would also be something that should be addressed.

Mayor Smith suggested that maybe we compromise and say that commercial vehicles cannot be parked on our public streets in residential areas but that they can park on their private property.

Dirk suggested that it might be an option to state that the smaller commercial vehicles are ok to take home and park on your private property but larger vehicles are not.

Chris said that maybe truck routes should be in place only during certain hours.

Ron says that the main objective is to keep these vehicles off of Mill Street.

Mayor Smith said we need to address this again at the next meeting.

**Action Agenda Item #5: Water Restriction Discussion**

Chris states that The Town of Bayfield receives its raw water supply from two different flow water rights on the Los Pinos River and storage water from Vallecito Reservoir. The direct flow water rights include one (1) cubic feet per second (cfs) (724 AF/Yr.) of water in the Los Pinos Irrigating Ditch (Priority No. 4) and 0.8 cfs (58 AF/Yr.) of water in the Schroder Irrigating Ditch (Priority No. 12). When the Town's direct flow water rights are not in priority, it uses storage water for its raw water supply.

At this point we are able to draw water from the Pine River at no little cost, as we have shares in the Los Pinos and Schroder Ditches. When the river goes on call, we can continue to draw our allotment amount of water from the River until we are no longer in priority. If conditions remain the same, Ron Saba forecasts sometime in mid-July we may have to begin using stored water form Vallecito Reservoir through Pine River Irrigation District (PRID).

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The Town of Bayfield has an agreement with (PRID) that they will provide 60 Acre Feet (AF) of stored water to the Town for municipal purpose annually. PRID also agrees to provide 30 AF of standby water for municipal use annually. The Town of Bayfield pays \$220.00 per AF for firm water per year and \$35.00 per AF for standby water.

The Town is allowed to use the standby water, but once used it is charged at the \$220.00 AF rate. If we use the standby water, PRID requires the purchase of the firm water in future years, thereby, requiring additional fees for the water, even though during wet years we may not need firm water.

The Town in an effort to keep this year's and future expenses lower may need to institutes water restrictions.

**Status:**

The River near Bayfield is currently running 548 cfs (5/10/2012). The Town is currently using 500,000 to 600,000 gallons per day or 2 AF. In the height of summer that figure will likely approach 1,000,000 gallons per day or 3.1 AF. If we use 3.1 AF per day, then that equates to 19 days of storage water (i.e. 60 AF/3.1 AF). If we institute water restrictions, we would likely see a 25% reduction in water usage to 750,000 gallons per day or 2.3 AF, which would get us 26 days on 60 AF.

**Recommendation:**

None at this time.

Chris says that the Public Works director has the ability to impose water restrictions. And we can enforce penalties for those who violate these restrictions.

Debbie thinks it makes sense to just implement the restrictions every year.

Ron said we just want to be careful.

Mayor Smith said be smart and bring the board up to date a couple of weeks ahead of when we need to do this.

Matt thinks the sooner the better. What is it going to hurt if we implement this every year.

Ron asked if the Board would entertain a policy that has mandatory water restrictions.

Rick says some towns offered rebates for zeroscape.

Matt says that won't work in all subdivisions because of covenants.

Chris says there are revenue implications also. Less water sold means less money in the water fund.

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Ron says just limiting that time of day that residents can water would help tremendously. And only enforce the actual days that they can water if it is a really bad year.

Mayor Smith asked Chris to come up with some options as far watering hours.

**New and unfinished business:**

Mayor Smith read Gabe Candelaria's letter of resignation.

Chris stated we have 60 days to fill his seat we should advertise and take applications and come back in the second meeting in June with the prospective candidates.

Mayor Smith asked if two weeks is enough time?

Chris says if we don't get a head start we could end up having a special election.

Mayor Smith said: Lets do 2 weeks and see where we are.

Chris had call from a gentleman who would like to rent inner tubes to people to float the river. I may have him come speak to you at a meeting.

Debbi thinks he should contact the river corridor committee.

Chris states that we usually don't let commercial use of our parks. There could be some safety concerns.

Debbie thinks parking will be an issue.

Debbi will be gone the next regular meeting.

Ed stated that he did attend the senior board meeting and everything is good.

Chris reminded everyone that next Tuesday we have a workshop at 5:00 pm.

Tom made motion to go into executive session for the purpose of negotiation C.R.S. 24-6-402(4)(e) to include Chris, Dirk and Ron. Debbi seconded. All in favor motion passed unanimously.

The Board came out of executive session.

The meeting was adjourned.

*Minutes approved as submitted on June 5th, 2012*

**Approved:**

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Rick K. Smith  
Mayor

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Kathleen S. Cathcart  
Town Clerk

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