

**Town of Bayfield
Regular Town Board Meeting
June 19th, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

Town Board Members Present: Tom Au (Mayor Pro-Tem), Ed Morlan, Debbi Renfro
Matthew Nyberg, Rachel Davenport

Town Board Members Absent: Mayor Rick Smith

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

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 6.59 p.m.

Roll Call: 5 present 1 absent and 1 vacant seat.

Pledge of Allegiance:

Approval of Minutes: Matt Nyberg made motion to approve minutes as presented Ed Morlan seconded. All
were in favor motion passed unanimously.

Approval of Bills: Debbi Renfro made motion to approve bills as presented Rachel Davenport seconded,
motion passed unanimously.

Public Input: None was offered, so it was immediately closed.

Town Updates: Tom asked where the New Life Church is going to be located. Chris answered that it will be
located on the hill on the far side of the Twin Bridges.

Action Agenda Item #1: Consideration of Appointment of New Member to the Board of Trustees

Chris stated that Trustee Gabe Candelaria submitted his resignation to the Board of Trustees on
Tuesday, May 15, 2012. The Board of Trustees has sixty (60) days from the date of resignation to
appoint a qualified applicant to fill the seat. Staff advertised for the open seat in the Pine River Times.
Applications and/or letters of interest were due by June 14, 2012.

The Town received four applications of interest for the position from Jeff Gavlinski, Michelle Nelson,
Carol Blatnick, and Maude Owen.

All applicants spoke and expressed their interests in becoming a Town of Bayfield Trustee.

Trustee Morlan expressed his appreciation to all applicants.

Trustee Morlan made a motion to nominate Michelle Nelson. Trustee Renfro seconded.

Motion passed unanimously.

Tom thanked all candidates for their interest.

Action Agenda Item #2: Oath Of Office For New Board Member

Town Clerk, Kathleen Cathcart swore Michelle Nelson into office of as Trustee.

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Action Agenda Item #3: 2011 Financial Audit Presentation

Chris stated that The Annual Financial Audit is complete and that Chad Atkinson, a representative from Hinton Burdick Hall & Spilker, is in attendance to present their findings.

Chad Atkinson made his presentation.

Mr. Atkinson started with the Statement of Revenues and Expenditures. The General fund had an increase of \$122,346.00, the Debt Service Fund had an increase of \$1,800.00, the Capital Improvement Fund increased by \$39,894.00 and the new Transportation Fund received several million dollars to maintain Bayfield Parkway. The Conservation Trust Fund had a decrease of \$32,236.00 mainly because there were residual funds in this line item that belonged to the General Fund, so they were transferred back to the General Fund. He then moved on to the Utility Funds. The Water Fund had a change in net assets of \$179,711.00, the Sewer Fund had a change of \$24,322.00 and the Garbage Fund had a loss of \$14,858.00. All funds had an increase of cash with the exception of the Garbage Fund. He was happy to report that there were only three significant findings during this audit. Last year there were several findings and staff has been working hard to get them resolved.

Trustee Morlan asked how Erin Dunavant was being trained? Mr. Atkinson stated that Erin has attended the seminar put on by their firm, the last two years. He also communicates with her regularly to help with any issues she may have.

Mr. Atkinson thanked the Town.

Mayor Pro Tem Tom Au thanked Chad for his presentation.

Action Agenda Item #4: Recreation District Presentation

Town Manager La May stated that Shane French representing the group interested in forming a Recreation District in the Bayfield area, is here tonight to present and discuss their proposal for the formation of a Recreation District.

Shane French made his presentation to the Board regarding the formation of a Recreation District.

Mr. French stated that the Bayfield Parks and Recreation District boundaries will encompass the current school boundary lines, excluding the portion in Archuleta County. He stated that in the service plan they will be asking for a 10 mill levy. Five mill will be for construction and five mill for operations.

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Trustee Au asked if the mill levy was on the property taxes.

Mr. French replied yes.

Trustee Renfro asked if a person owns more than one piece of property do they get more than one vote?

Attorney Dirk Nelson replied no. Only one vote.

Trustee Renfro asked if you had to be a property owner to vote.

Attorney Dirk Nelson replied that as long as you are a resident, you can vote.

Mr. French stated that he has sent out 500 emails and has received 297 replies and not one of them was negative.

Mr. French stated that this proposal will be submitted to the Planning Director for review. After 30 days it will be returned either accepted or for refinement. After acceptance it will be sent to the different municipalities for comment. The Town of Bayfield will have 15 days to respond at that time.

Mayor Pro Tem Au asked if this will be on the ballot for the general election?

Mr. French responded that is what they are striving for.

Trustee Morlan asked about the impact on the existing Parks and Recreation Department? Mr. French responded that the district would absorb the existing department and employees.

Trustee Morlan asked about the impact on the Senior Center? Mr. French responded that the district would also absorb the Senior Center as well. Trustee Morlan suggested that Mr. French speak to the seniors and let them know their plans.

Town Manager La May asked if in addition to sports, was the Recreation District going to be the passive recreation provider for trails and open space, in the eastern section of the county? Mr. French replied yes, that has been discussed.

Mayor Pro Tem Au thanked Mr. French for his time.

Town Manager La May asked the Board if he had any questions of Scott Key, Town of Bayfield's Parks and Recreation Director.

Scott Key did confirm that he has spoke with Mr. French.

Scott Key's expressed concerns including the maintenance of the Town's parks, special events and the Senior Center.

Scott Key stated that there are definitely positives to the recreation district.

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Trustee Morlan asked what exactly do we need to do about what Mr. French is proposing?

Scott Key stated that he is definitely willing to spend more time with the Board to go over their options.

Town Manager La May stated that there are definite pros and cons to the Recreation District. He can see conflicts arising over scheduling of ball fields that the town would remain responsible for, etc.. He says that this could also free up some money in the budget but probably not as much as one would think. We will still have expenses and responsibilities for the parks. He does think that if the Recreation District is passed and they do open a Recreation Center in our Town limits, that could attract people to live here and in turn help our economic development.

Trustee Morlan stated for the record that he supports the Recreation District.

There were no other questions from the Board at this time.

Action Agenda Item #5: Sanitary Sewer Line Repair – 615 Tamarack

Town Manager La May stated that there is a crushed sanitary sewer service line at 615 Tamarack, which has caused the service to back up. The location of the broken line is in Town right-of-way.

Town Manager La May informed the Board that the Town Code provides that the section of line is the property owners responsibility. Town Manager La May also informed the Board that the property owner at 615 Tamarack, Mr. MacGuffie wanted more time to prepare for the meeting and therefore would not be present to discuss service line responsibilities.

Trustee Renfro asked why we think these lines are deteriorating? Ron Saba answered that he believes that is probably from a lack of adequate bedding.

Trustee Davenport asked if the break was on the owners property or in the right of way? Ron Saba answered that it is in the middle of the street.

Trustee Renfro stated that the Town should follow the Town Code.

Michelle asked what the Town has done historically? Ron Saba replied that the Town Code is a little more clear on water lines. According to the Town Code once the water line reaches the property line it becomes the owners responsibility.

Action Agenda Item #6: Liquor License Renewal – Back Porch BBQ

Town Clerk Cathcart stated that staff has received a renewal application for the liquor license at Back Porch BBQ. The application is complete and was submitted on time. All fees were included with the application.

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The Clerk's office has not received any complaints in regards to Back Porch BBQ. Clerk Cathcart stated that she checked with Marshal McIntyre and he has indicated that he has not had any complaints or problems at that location.

Trustee Nyberg made a motion to approve the renewal application for Back Porch BBQ and Trustee Nelson seconded. Motion passed unanimously.

Action Agenda Item #7: Consideration of Resolution 280 Amending the Town of Bayfield Personnel Policy Regarding Law Enforcement Work Periods

Town Manager La May stated that this item was discussed at the previous meeting and the proposed amendments to Personnel Policies are to provide more flexibility for scheduling.

In addition to the flexibility a 28 day work period provides for scheduling purposes, the extended work period, typically reduces the amount of overtime based on the higher accrual rate, and the ability to flex deputies schedules.

The Board of Trustees discussed the change of law enforcement personnel "work periods" at the June 5, 2012 meeting and was supportive of the change.

Trustee Davenport asked if the staff is on board with these changes?

Marshal McIntyre responded that his department has had meetings in regards to this change and no one has expressed dissatisfaction.

Trustee Renfro asked how this change would affect overtime?

Town Manager La May responded that in the Fair Labor Standards Act the work period is defined up to 28 days and that you can change that as you desire. It is more favorable to the employer in that you have 171 hours within those 28 days to work before overtime or comp time has to be paid.

Trustee Renfro made a motion to approve Resolution #280, a resolution Amending the Town of Bayfield Personnel Policy Regarding Law Enforcement Work Periods, Trustee Davenport seconded.

Roll call. Motion carried unanimously 6-0.

Action Agenda Item #8: Discussion and Possible Action for Imposing Water Restrictions Effective

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Town Manager La May stated that as we have discussed over several meetings, unless significant rainfall occurs in the next week, the Town will begin imposing water restrictions to reduce the amount of consumption of storage water from Vallecito Reservoir. Chris also stated that after a conversation with Ron Saba this afternoon it has been decided that July 5th will be a little too late. It has been decided that July 1st would be more appropriate.

The Town Code lays out the process rather clearly that the public works director has the authority to impose restrictions on the use of treated water outside houses or other buildings within the town in the event the public works director finds that the capacity of the town's treatment facilities or store facilities may be exceeded if such use is not restricted.

Town Manager La May walked the Board through the water restrictions, including odd/even day watering and no watering between the hours of 9:00 am to 6:00 pm.

Trustee Renfro asked if there will be exemptions for those residents that have just planted sod or seed.

Trustee Renfro stated that the Town should check and make sure that they are watering at the appropriate times also.

Ron Saba agreed.

Ron Saba responded that yes we will issue a no fee permit at Town Hall allowing those residents with new lawns to water every day instead of every other day. They would still have to abide by the hours that watering is allowed.

Trustee Nelson suggested using the email list from the Parks and Recreation Department to make the citizens aware of the upcoming restrictions.

Trustee Davenport asked what the time frame was on getting the notices out?

Ron Saba stated that the restrictions will appear on the July bills.

Trustee Renfro stated that there was an article in the paper regarding possible restrictions, so this should not come as a surprise to residents. She also stated that at some point she would like to see these restrictions become an annual process.

Action Agenda Item #9: Discussion and Possible Action regarding the July 4th Firework Display

Town Manager La May stated that as you are likely aware, the Governor Hickenlooper imposed a state wide restriction on private fireworks. The order allows for public displays with permission from the County Sheriff.

Based on the extremely dry conditions, staff consulted with Upper Pine Fire District. Staff believes that they can safely mitigate the risks and will have available apparatus should something ignite. That said, if conditions worsen, there is a possibility that the display may be cancelled.

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Action Agenda Item #10: Discussion and Possible Action regarding intergovernmental Agreement between the Town of Bayfield and La Plata Archuleta Water District for Joint Water Treatment

Town Manger La May stated that staff anticipated a final agreement between LAPLAWD and Town of Bayfield for this meeting, but the document has not been completed as there are still some changes to language proposed.

Town Manager La May informed the Board that the highlights of the agreement, in their packet, have not changed, but that the language in the agreement needed to be tightened up. Staff also wanted to make highlights of the agreement public so that there was transparency.

New and unfinished business:

Town Manager La May said that our loan from Colorado Water Resource Power Development Authority has been approved contingent on a rate increase of \$2.03 per ert.

Town Manager La May stated that we had a sanitary sewer back up on E. East Court. We have filed an insurance claim that we suspect will be denied. We have a good neighbor policy that allows us to give the resident \$1000.00.

Trustee Renfro announced the group, Second Saturday, that she works with on the second Saturday of every month will now be using the Old Middle School.

Trustee Renfro asked about speed limits in cul de sacs. Marshal McIntyre responded that the speed limit in the cul de sacs are the same as the speed limit on the adjoining road.

Trustee Renfro stated that Healthy kids Colorado would like to do an ice cream social and presentation on August 9th.

Trustee Morlan announced the Mayor's ride in Ignacio.

Trustee Nyberg volunteered to attend the meeting in Ignacio regarding the Mayor's ride.

Meeting was adjourned at 8:54 pm

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Minutes Approved As Submitted On July 5th, 2012

Approved:

Rick S. Smith

Mayor

Kathleen Cathcart

Town Clerk

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