

**Town of Bayfield**  
**Regular Town Board Meeting**  
**June 21, 2011**  
**1199 US Highway 160B Bayfield, CO 81122**

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

**Town Board Members Absent:** Rick Smith (Mayor), Debbi Renfro, Dan Ford

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

The meeting was called to order @ 7:01 p.m by Tom Au (Mayor Pro-Tem).

**Minutes:** Gabe made a motion to approve the minutes from the June 7<sup>th</sup>, 2011 Regular Town Board meeting as presented. Justin Talbot seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** Phyllis Ludwig (9205 County Road 521) stated that she has been representing the Senior Center for the past 5 years. She said that the Seniors are working closely with the Parks & Recreation Department and that the Seniors are happy to have Ed Morlan coming to the Board meetings as a representative of the Town Board. The meetings are held on the 2<sup>nd</sup> Wednesday of every other month @ 1:00 p.m. She explained that there was an impromptu meeting of some of the Senior Board Members and the Parks & Recreation department on Friday (she was unable to attend the meeting) and that there were some issues brought up about the seniors not trusting the Town. She asked if it would be possible for the senior's to come over and review the bills that are specifically coded to Senior Center line items in order to address some of the trust issues that exist. She also mentioned that the seniors have started a new exercise class. They are collecting the funds from the class participants and will give the money to the Town when there is an excess of \$100.00 earned.

Marianne responded that she has a book with every single invoice that has been coded to senior line items since 2009 when the building was opened that is ready available for review at any time. She also stated that she has spoken with Erin Dunavant, the Town Finance Director and Erin is more than willing to meet with the Senior Board to go over all of the financial documents and answer any questions that the seniors have about expenditures, revenues, etc.

Phyllis stated that she will come and review those documents because there is real confusion from the Senior Board about how much it really costs to run the building. She also announced that they had 42 people attend the Senior Center today (on Tuesday) which is 4 times the required amount for keeping the center open on Tuesdays. She expressed that it is working out very well to have the extra day of activity.

Phyllis also asked if it would be possible for another Board member to attend the Senior Board meetings if Ed is unable to attend.

Tom responded that he would be willing to attend.

No additional public input was offered so that portion of the meeting was closed.

**Action Agenda Item #1: Approval of Bills**

Justin Talbot made a motion to approve the bills dated June 17<sup>th</sup>, 2011 as presented. Gabe seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #2: Town Updates**

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Marianne updated the Board that the meeting between Ron Saba, Tom Au & Amy Lyons with the Bayfield School District that was supposed to occur on Monday June 20<sup>th</sup> was cancelled by Amy due to illness. This meeting is being held to discuss the following variances that were found from the original agreement that was submitted to the School: 1) There is a manhole that is outside of the easement by about three feet. Tom & Ron talked to Amy and discussed this issue and it was decided to move one of the easement lines slightly to adjust for the manhole being located outside the easement. 2) There were some places where the sewer plant road is about a foot outside of the platted easement (which actually encumbered less of usable school property than what was originally agreed to). 3) The original sewer line abandonment documentation also had to be modified because the Town has a main sewer line going to East Street so we need to keep an easement in part of the area that we had originally hoped to abandon. That meeting has been rescheduled for June 22<sup>nd</sup> @ 8:00 a.m.

Ron gave an update regarding the sewer plant. He explained that there is approximately 500,000 gallons of water coming into the sewer plant right now which means that the plant is running at about 85-86% hydraulic capacity. The reason for this influx of water is due to infiltration; however, it could cause a problem because according to State regulations when a sewer plant is at 85% capacity the governing body must start the planning of the next phase of plant remodel. Ron expressed that he doesn't think the state is going to force the Town to begin planning a new phase since the plant is so new and it's obvious that the problem is infiltration related but the issue will need to be fixed as quickly as possible. However, he expressed that the Public Works department doesn't really have enough manpower or the time to do this type of work during regular working hours because of all of the other items that they are taxed with right now. Ron asked the Board if they would be willing to allow the crew to work overtime to get the problems resolved. He also asked if it would be possible to use the \$50,000.00 allocated for infiltration repair & the remaining \$20,000.00 left over from the purchase of the camera to cover the costs of this repair work. He hopes that by doing this work he will be able to get the amount of flow down to 300,000 gallons per day.

Ron explained that he thinks there are two or three major leaks within the Town that are the major contributors to the problem. The staff will have to come up with a viable solution to fix these issues once they are found. He also mentioned that the Town is going to have to come up with some kind of policy for addressing issues that are not on the Town's main line and that are the responsibility of the homeowners. He thinks there is going to need to be some sort of payment plan or something similar so that the Town isn't putting a huge burden on the residents when these issues are found. Ron explained that he does feel that the homeowners should have to pay to fix the problems because it is their responsibility but he understands that it will be a financial burden if the entire amount is requested up front.

Ed asked what the State regulations are regarding capacity.

Ron responded that when the plant hits 80% capacity the governing body must start planning the next phase. If the plant hits a capacity of 90%, the requirement is that the Town will have to start building the next phase. Ron expressed that based on the winter month numbers the plant is only running at about 30-40% capacity but the summertime flows are a major area of concern because the State could force the Town to expand regardless of the fact that it's obvious it is an infiltration issue. He explained that it was known that this issue would come up and that it would have to be resolved once the plant was built and operational. He stated that this repair work is the "next piece of the puzzle".

Ed asked about the new sewer camera that was purchased.

Ron answered that the camera works fine but there is an issue with a plug on the hoist that raises and lowers the camera. They were able to fix the plug but then they ran into another issue with the winch that backs the camera out of the sewer line. Ron explained that he thinks the problem is in one of the boards (it has shorted out) and it will need to be repaired. He is in contact with several different companies that he thinks will be able to fix it and if all else fails and its un-repairable the Town will have to purchase a new winch (which is only 200-300 dollars).

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Ed asked if Ron knows where the infiltration issues are happening.

Ron answered that he has a really good idea but he needs the camera to pinpoint the details. The mapping of the lines will have to be extremely detailed and will take up a lot of time because the locations have to be precise so that the crews do not dig in the wrong place.

Ed asked what Ron's recommendation is for remedying this situation.

Ron answered that he would like authorization to spend the \$75,000.00 and he feels confident that he can get the loading down to 300,000 gallons.

Justin stated that he thinks this needs to get done and that he would like it to stay in house if possible. However, he cautioned that he wants to make sure that the project stays within the confines of the budgeted amounts.

Tom concurred.

Ron said that he will definitely stay within the budget.

Marianne responded that she tracks all expenditures for major projects and she will make sure and track this project as well (including all accounts payable invoices & overtime). She will also present that spreadsheet to the Board to keep them apprised of the progress and the amounts spent.

Gabe commented that he agrees that the problem needs to be fixed but he has a couple of concerns. He expressed that he wants to make sure that it stays within the budgeted amount available. He also asked if the crew is committed to working overtime on this project and he asked how long Ron anticipates it will take to complete.

Ron answered that he thinks that he can have it resolved within 90 days (end of August). He explained that he hopes to find a couple of areas that need repairs then he will bring the slip-line crew in and do all of the repair work at once because this will help keep the costs lower. He explained that he thinks the problem areas are going to be found in downtown, the Mesa/Los Pinos & Appaloosa/Pony Lane areas of Town. He does not think there are issues on the north side of Town.

Ron asked the Board their thoughts on addressing service lines that need to be fixed and how they want to go about getting reimbursement from the homeowners. He thinks that the best option would probably be that the Town go ahead and fix the problem and then invoice the resident with a certain time frame for re-payment.

Marianne recommended that item should be put on the next Board agenda as an action item. She said that it would be a good idea to research other communities and find out what their policies are for handling this item.

Gabe suggested giving the residents one year to pay for the improvements because the work will be warranted by the contractor for a year. He doesn't think the Town should extend the payment plan past the warranty period. He also stated that he thinks the work needs to be done in accordance with the construction standards.

Ron stated that he will come up with some options to present at the next meeting.

Marianne mentioned that she received an email from CDOT late in the afternoon that the 6.8 million dollars for the acquisition of Highway 160B would be wire transferred on June 22<sup>nd</sup>. This will finalize the deal and the Town will officially have ownership of the highway.

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Justin mentioned that maps that were included in the packet and asked if it was the first time those maps had been presented to the Board. He was concerned about the ends of the highway.

Tom concurred that he also feels that the maps are not very well drawn, they don't show the rights of ways in detail and there's an issue with the bearing distances.

Gabe expressed concern that CDOT will still control access at the major intersections at the ends of the highway (i.e. the Shell Station & Homestead Trails Subdivision).

Dirk explained that CDOT was always adamant that they would maintain control of the 400 feet on either end of the highway where it accesses Highway 160. The Town did dispute that item during the negotiations but CDOT was not willing to give in on the matter and they were very specific that they would keep that 400 feet in their control (however, the Town is required to maintain that area including snow plowing, street repairs, striping, etc).

Elizabeth mentioned the kick-off meeting that will be held for the County Road 501 Pedestrian/Bike path. It will be held on June 28<sup>th</sup> @ 2:00 p.m.

**Action Agenda Item #3: Resolution #257 – County Road 501 Pedestrian/Bike Trail**

Marianne gave her staff report. She stated that this resolution is required by CDOT for the County Road 501 Pedestrian/Bike Trail. This resolution approves the contract between the Town and CDOT and it outlines the following: that the Town Manager & Town Clerk are authorized to execute the Contract & related documents, the estimated costs of the project, and who will be providing those funds.

She stated that the staff recommends that the Town Board approve Resolution #257 approving a contract with CDOT regarding the pedestrian/bike path extension of County Road 501.

Gabe asked if the Town has received the contribution from the Dove Ranch Subdivision & the Foursquare Church.

Elizabeth answered that the Town has received confirmation from the Foursquare Church & the Dove Ranch developer, Brad Elder that they will be contributing their portions to the trail and that they will be in attendance at the kick-off meeting. She stated that the entire project breakdown is \$5,000.00 from Dove Ranch, \$5,000.00 from the Four Square Church, \$7,000.00 from the Town, \$7,000.00 from the County and \$56,000 from the CDOT federal enhancement grant.

Gabe asked if the reason the Board is approving the entire contract amount is because the Town is controlling the contract.

Elizabeth answered that is the reason.

Justin Talbot expressed concern that it is possible the Town will not receive the funds from the developer of Dove Ranch and asked if it would be possible to get it up front.

Elizabeth answered that the Town is going to be reimbursed when the design work is completed (per the contract). However, she stated that she could get a letter of commitment from the two parties involved if the Board feels that it is necessary. There have been other letters written in the past but she explained that she could definitely get a new one to specifically address this item.

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The Board directed staff to get a letter of commitment from Brad Elder with Dove Ranch & the Foursquare Church.

Gabe made a motion to approve Resolution #257 approving a contract with CDOT regarding the pedestrian/bike path extension of County Road 501 with the condition of getting a signed letter of commitment from Dove Ranch & the Pine Valley Foursquare Church. Ed seconded the motion.

3 voted in favor & Tom was opposed. Motion carried.

**Action Agenda Item #4: Candelaria Property Conveyance**

Gabe recused himself from the discussion of this item.

Dirk gave his staff report. He stated that when the new sewer plant was constructed, the Town acquired a portion of the new right of way from East Street to the plant from Gabe Candelaria. That transaction was closed several years ago. The balance of the right of way required a condemnation action against the Wiebes that was finally completed within the last few months.

The layout of the property was such that the Town acquired a small triangle on the north side of the roadway that logically should be combined with the tract owned by Gabe Candelaria, and the Town agreed to convey that tract to him when the condemnation was complete.

The agreement with Gabe stated that the parties would cooperate to file a plat to combine this tract containing 132 square feet with the rest of his property. Dirk explained that the costs of preparing the plat will cost about \$200.00. The contract did not specify who would pay to have the plat prepared. However, based on the cooperation language, it seems to be fair to have the parties split the costs of the plat so that this transaction can be finalized.

Dirk stated that the Bayfield Land Use Code requires Planning Commission review of residential lot consolidations, so this item will need to go through that process before the transaction can be completed.

Dirk said that he has a deed from the Town to Gabe Candelaria that the Board will need to approve so that the plat can be done and the process can be completed. The deed will not be recorded until the consolidation process is complete, when the conveyance can be made. Once the lot consolidation plat has been approved by the Planning Commission, it will be brought to the Board for final approval.

However, since there was not enough Board members present to form a quorum, Dirk suggested a nodding of heads that the Board understands what is being done and the approximate amount to be spent on this item. This will give the staff the ability to move forward with this project and the plat & deed will both be approved at a later time.

Tom pointed out a spelling error on the deed.

Dirk said he would correct that error.

The Board gave the direction for staff to move forward on this item and bring it back when it is completed.

**Action Agenda Item #5: Renaming Of Highway 160B**

Gabe rejoined the Board.

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Marianne gave her staff report. She stated that one of the CDOT requirements for the Town to take-over Highway 160B is that the Town must rename the road. At the last Board Meeting, the Board gave the staff direction to come up with a few possible name options. The Board stated that they would choose three of those names and those three will be submitted to the residents of the community to vote on during the 4<sup>th</sup> of July celebration.

The staff has come up with the following name possibilities:

- Pine River Valley Road
- Bayfield Parkway
- Bay Road
- Twin Bridges Road
- Veterans Parkway

She explained that once a determination of the final three name options is made, the staff will make sure to get the word out to the residents to vote on their favorite at the 4<sup>th</sup> of July.

Marianne mentioned that she received an email from Dan Ford that the names chosen were not very imaginative and that he did not like the term "road" for any of the options. He expressed that his favorite was Twin Bridges Drive.

Marianne asked the Board how they would like to go about doing the naming contest for the road. She explained that she spoke to Parks & Recreation and they recommended that a manned vendor booth be set up at the entrance to the park would probably be the best way. The person manning the booth would be able to catch residents as they are coming into the park for the after-parade festivities. Marianne stated that she would email staff & Board members to try and recruit volunteers to man the booth throughout the day.

Marianne said that the naming of the road is going to be a large issue and is going to impact a lot of people. Chris has spoken to Butch Knowlton with La Plata County Emergency Management and Butch is extremely concerned about the change (but definitely understands that it has to be done due to the CDOT requirements). Butch is going to get together with the County Planning & GIS departments to determine the number of people impacted by the change. He is also going to convene a group of all of the agencies that need to be involved in a "task force" such as La Plata GIS, Upper Pine Fire, Bayfield Marshals Office, La Plata County Sheriff's Office, Emergency Management, State Patrol, La Plata County Dispatch, Bayfield Post Office, etc. This task force will determine all of the changes that have to be made such as the different systems, databases, geographical, etc. However, the biggest affect will be to the residents that live on that road.

Marianne stated that she has spoken to Susan, the Postmaster with the Bayfield Post Office and she stated that the majority of the residents on Highway 160B have post office boxes (rather than home delivery service). She said that there are approximately 12 residents that will be affected by the address change for their home delivery service. Of course, they will still be affected with UPS, Fed Ex, and the sheer frustration of the change but Marianne expressed that she was encouraged that most of the residents are still going to easily receive their mail without frustration.

The Board chose the following names to be placed on the voting ballot: Bayfield Parkway, Veterans Parkway, & Bayfield Business Route.

**Action Agenda Item #6: First National Bank Authorized Signatories**

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Marianne gave her staff report. She stated that due to the change in personnel, the Town needs to update the authorized users for First National Bank.

With the departure of Bob Ledger & the imminent arrival of Chris La May, the Town needs to update the bank signature cards for the Town checking accounts. Bob Ledger, Marianne, & Mayor Smith currently have check signing authority on the bank accounts. Staff recommends making the change to include Chris La May, Marianne Jones & Mayor Smith.

She explained that First National Bank requires formal action be reflected in the Town Board minutes in order to make any changes to the Town accounts.

Justin asked if there were any legal issues with adding Chris La May prior to him arriving for work.

Dirk answered that he won't actually be here to sign the cards until his first day of work. This just gets it ready to be signed when in a quick manner as soon as he arrives.

Ed moved to delete Bob Ledger from the check signing cards @ First National Bank and add Chris S. La May to the cards. Justin seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #7: Liquor License Renewal – Hongs Garden Restaurant**

Marianne gave her staff report. She stated that Hongs Garden Restaurant located at 480 Wolverine Drive Suite 9 is requesting approval of their liquor license renewal.

To date, the liquor licensing clerk has not received any complaints regarding this business.

Marshal Choate concurred that they have not received any complaints regarding this business through their office.

Gabe made a motion to approve the liquor license renewal for Hongs Garden. Justin seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #8: New/Unfinished Business**

Gabe mentioned that it might not be a good idea to send other Town Board members to the senior meetings. He thinks it's better to have one person meeting with the seniors because it will maintain a consistent stream of conversation and that person will be well advised on the issues. He cautioned that sending another Board member that doesn't know all the details might be a problem.

Ed stated that he was going to take Tom up on his offer because there are a lot of times that he is unable to make the meetings.

Gabe just cautioned that there will need to be a lot of communication for the person who "fills in" with that Board to make sure that they are aware of the issues.

Justin asked about the status of the vacant lot next to 447 Dove Ranch Road. He explained that he was told that it is a right-of-way and that it has been dedicated to the Town. He stated that if the Town owns it, the Town should probably take care of the weeds.

Dirk said that he will check into it.

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Ed reminded the Board that the Dove Ranch Subdivision is in foreclosure and that the Town is going to have to deal with that issue in the future.

Tom asked if Dirk has received the drainage easement in Dove Ranch from the bank.

Dirk responded that he has received emails from the bank regarding this matter and Dirk will be meeting with them to discuss it.

**Action Agenda Item #9: Executive Session: {C.R.S. 24-6-402(2)(f)}  
Marshals Personnel**

Justin made a motion to move into executive session for discussion of a personnel matter under C.R.S. 24-6-402(2)(f) and include Chris Choate, Marianne Jones, & Pat Down with the La Plata County Drug Task Force. Gabe seconded the motion. All were in favor, motion passed unanimously.

The Board came out of executive session.

The meeting was adjourned.

*Minutes were approved as submitted on July 5<sup>th</sup>, 2011.*

**Approved:**

\_\_\_\_\_  
Rick K. Smith  
Mayor

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Marianne Jones  
Town Clerk