

Town of Bayfield
Regular Town Board Meeting
July 17, 2012
1199 Bayfield Parkway Bayfield, CO 81122

Town Board Members Present: Mayor Pro-Tem Au, Trustee Morlan, Trustee Renfro
Trustee Nyberg, Trustee Davenport, Trustee Nelson

Town Board Members Absent: Mayor Smith

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

Media Present: Carol McWilliams (Pine River Times)

The meeting was called to order @ 7:00 p.m.

Roll Call: 6 present 1 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Morlan made a motion to approve the minutes as presented Trustee Renfro seconded. All were in favor motion passed unanimously. Mayor Pro-Tem Au abstained, he was absent from last meeting.

Approval of Bills: Town Manager La May asked to include the bill for the Town of Bayfield Fireworks that did not make it in the packet. Trustee Nelson made a motion to approve the bills as presented including the bill for the Fireworks, Trustee Nyberg seconded. All were in favor motion passed unanimously.

Public Input: Carol McWilliams, representing the Pine River Rotary, thanked the town for allowing the beer booth at the 4th of July. Carol stated that the Rotary profited between \$800.00 and \$900.00. They will use this money for an undetermined community purpose.

Town Updates: Town Manager La May stated that he had received a land use referral from the County for Gem Village Ranch Feed Store. The existing building has been demolished and is being replaced with a 5000 square foot building. The Town of Bayfield was contacted, primarily because we are the sanitary sewer provider.

Public Hearing: Ordinance 372, Rezone-Lot 1A Pine River Valley Bank Subdivision

Town Manager La May stated that Pine River Valley District acquired lots 1 and 2 in the Pine River Valley Bank Subdivision. Lot 1 was reclassified from Business to Community Service when the first phase of the Library was built. Subsequently they consolidated lots 1 and 2 so now they have a parcel with two different zoning classifications. This was an administrative clarification to make sure that the zoning on both lots is consistent. They Library has agreed to rezone both lots to Community Service. This was presented to the Planning Commission and they did recommend approval. This was sent to referral agencies, with very little comment.

Public comment: None was offered so it was immediately closed

Mayor Pro-Tem Au asked if this should of happened at consolidation?

Town Manager La May, replied yes that would have been optimal.

Action Agenda Item #1: Consideration of Ordinance 372, An Ordinance Rezoning Lot 1A, Pine River Valley Bank Subdivision to Community Services (CS).

Trustee Morlan made a motion to adopt Ordinance 372, Trustee Renfro seconded.

**Town of Bayfield
Regular Town Board Meeting
July 17, 2012**

1199 Bayfield Parkway Bayfield, CO 81122

Roll Call: 6-0 Vote was unanimous and motion passed.

Action Agenda Item #2: School District Strategic Plan Update

Town Manager La May introduced Amy Lyons, Finance Director for the Bayfield School District.

Ms. Lyons thanked everyone for allowing her to come present the results of Bayfield School Districts Strategic Plan that was completed this spring. She also announced that Board Member Don Mooney was also in attendance tonight.

Ms. Lyons stated that the School District has gone through a Strategic Planning process for the better part of a year. They are very pleased with the results.

Ms. Lyons gave a Power Point Presentation.

Trustee Morlan asked if this Strategic Plan had any changes in regards to gifted/ talented students?

Ms. Lyons answered that when the District implemented the 2002 Strategic Plan, that was one of the areas that was identified. So they did hire additional staff for the gifted/talented students at that time. There were no recommendations in this Strategic Plan, so she does not believe there will be any changes in how that program is run.

Trustee Nelson asked if the School District has gotten any information from the Family Center about taking children in the morning on the days that school will be starting late?

Ms Lyons responded yes. Our Superintendent is working with the Family Center and the Boys and Girls Club. This information should be available in the next few weeks.

Trustee Morlan asked if the new Career Position employee will be going out into the community and speaking with local businesses?

Ms. Lyons answered yes that she believes that will be a key part in making that program successful.

Trustee Renfro stated that she would like to mention that a lot of students do not realize that they can take online classes to get them started on college.

Ms. Lyons stated that she sees this plan helping to guide us into the future.

Mayor Pro-Tem thanked Ms. Lyons for her presentation.

Action Agenda Item #3: Sanitary Sewer Backup 887 E. East Court

Town Manager La May stated that we did have a sanitary sewer line that backed up causing damage at 887 E. East Court on Saturday, June 16th. Public Works responded and did clear the blockage and services were restored. We did file a claim with CIRSA. The insurance company investigated and interviewed Public Works

Town of Bayfield
Regular Town Board Meeting
July 17, 2012

1199 Bayfield Parkway Bayfield, CO 81122

employees to see what actions that they took. Their findings were that there was no negligence on the part of the Town so they are suggesting that we have immunity in this instance. In these situations we have a Good Neighbor policy. The Good Neighbor Policy states that we would provide the resident \$1000.00 to help offset costs of repair. In exchange there is a waiver to be signed. We have offered this policy to Vernon Kimball. Tony Kimball is present tonight, he is Vernon's son and resides at 887 E. East Court.

Mr. Kimball stated that they have hired representation on this matter and that after tonight all communication regarding this matter should be directed to his attorney. Mr. Kimball went on to say that on June 16th City Workers pressurized the main sewer line along E. East Court causing an explosive backup into his house, covering the inside of the home with raw sewage. Flooring, drywall and some insulation had to be removed. He is trying to do most of the restoration himself to cut costs. Costs could reach in the excess of \$20,000.00. His insurance policy will not cover this claim because this was caused by a backup on the main sewer line. His family has been displaced for 4 ½ weeks and counting. He has lost numerous hours at work and has already spent over 80 hours in labor working on the home. In closing he would like for the Town to see its way to properly compensate him for the damages in this instance. He does appreciate the offer from the Town Manager of the \$1000.00 but does not think that is adequate compensation.

Town Manager La May states that the challenge that we run into is potentially setting precedence. In this situation the reason there is some immunity towards public sewer systems is that in this case it was one property but it could have been five properties and the figure could of easily been one to two hundred thousand dollars. The income that is generated is from the systems is the users themselves. So this could be a potential negative loss to the public sewer system. That amount of loss could be staggering and could potentially bankrupt the enterprise fund.

Town Manager La May stated at this point we can offer the good neighbor policy.

Mayor Pro-Tem asked if our insurance company stated that we basically have no liability in this issue.

Town Manager La May replied yes. They found that there was no negligence and that governmental immunity would kick in. The first question from the insurance company in these instances is, when is the last time you jet rodded the line? In this case we have evidence that it was done this spring.

Trustee Nelson asked if there were backups reported by users of the system and public works was clearing that backup when this backed up in the residence or did it back up into the residence before public works responded?

Town Manager La May said that we don't know what transpired. We were notified by a property owner further to the east of Kimball's that there was a manhole that was backing up. Public Works responded to find that the manhole in Kimball's yard was overflowing as well. The manhole at East Street and East Court is where they were able to place a jet rod and work their way back to the blockage. We got the call a couple of hours after the cleaning of the line informing us of the damage to the residence, so we are unsure what caused the damage to the property. In our investigation of this we have discovered a storm drain that is capped at the surface but open to dirt and ground under the surface and still tied into our sewer system. There is some suspicion that this could have been the cause of the backup. It is unknown at this time what caused this, if it was the actual backing up of the line or the jet rodding. One of the problems is that the sewer line for this particular property is lower than the elevation of the nearest man hole.

Trustee Renfro thinks that the elevation issue is why we developed the good neighbor policy. She thinks that the insurance company is the professionals and we should follow their advice.

Mayor Pro-Tem Au says that options are to do nothing at this point or make a motion for compensation.

**Town of Bayfield
Regular Town Board Meeting
July 17, 2012**

1199 Bayfield Parkway Bayfield, CO 81122

Trustee Davenport will there be any further investigation into what actually happened?

Town Manager La May replied that they can't run the camera all the way up the line because of infiltration.

Trustee Morlan made a motion that we offer the good neighbor policy to the homeowner, Trustee Renfro seconded.

Trustee Morlan asked if this is what the backflow preventer device is for?

Trustee Renfro replied yes.

All in favor motion passed unanimously.

Action Agenda Item #4: Firework Discussion and Possible Action

Town Manager La May stated that we have fireworks that were not used on the 4th of July and we would like to decide when best to use them. Mack Coker is here with the Upper Pine Fire District and he would like to discuss when to use the fireworks.

Mack Coker gave each Board Member a copy of the old fireworks suppliers bid to compare to the new supplier that we used this year. Mr. Coker explained how the fireworks in Bayfield have changed throughout the years and how far we have come in updating equipment and training of the people actually setting the fireworks off. In his research what he is finding is that we don't want to store this stuff. When you go into a storage situation you run into different criteria that you have to abide by. Currently we have had our show postponed not cancelled. So we are not in storage at this time. The Fire Department suggests using the fireworks on Sunday of Labor Day weekend primarily because of weather and in conjunction with the Bike Rally in Ignacio. The International Bikers for Christ will be in Bayfield that weekend and they along with the Town of Ignacio are willing to include this in their list of events for the weekend. Mr. Coker also stated that there is enough fireworks to split them into two different shows.

Trustee Davenport asked what the other communities are doing with their fireworks that weren't launched.

Mr. Coker responded that Pagosa and Vallecito paid a restocking fee and returned their fireworks. Durango is going to launch at the beginning of the International Bike Race. Ignacio does not launch fire works. We will not have any competition if we launch on Labor Day weekend. Mr. Coker has already spoke with Tim Walters from the School District and Mr. Walters will present the action plan to the school. He has also checked with Marshal McIntyre.

Trustee Nelson commented as a business owner, it is hit or miss. It could be great for business. She thinks that most locals leave town? She likes the idea of doing a show on both Labor Day and Heritage Day.

Trustee Morlan asked Mr. Coker if he wouldn't mind splitting it up between both Labor Day and Heritage Days.

Mr. Coker replied that he would be happy to do both.

Trustee Morlan made a motion to do fireworks on both Labor Day and Heritage Days, Trustee Renfro seconded. All were in favor motion passed unanimously.

Carol McWilliams asked Mr. Coker when will they do the fireworks at Heritage Days?

Mr. Coker replied that they should decide that as an organization.

**Town of Bayfield
Regular Town Board Meeting
July 17, 2012**

1199 Bayfield Parkway Bayfield, CO 81122

Action Agenda Item #5: Discussion regarding Intergovernmental Agreement between the Town of Bayfield and La Plata Archuleta Water District (LAPLAWD) for Joint Water Treatment

Town Manager La May states that we have what staff believes as the final agreement between the Town of Bayfield and La Plata Archuleta Water District for joint treatment facilities providing a joint venture to insure that both entities have capacity in the water treatment plant.

Town manager La May goes through the agreement page by page.

Town Manager La May states that this was put on the agenda as a discussion item so a motion does not need to be made today.

Mr. Lunceford, representing LAPLAWD, expressed his appreciation for the cooperation of the Town on this endeavor.

Mayor Pro-Tem Au states that the Town is really glad that we are working on this as well.

Attorney Nelson stated that this document is similar to what we have seen before, but it is complex so if there are questions please let him know.

Trustee Davenport will there be any conflicts in securing right of ways overlapping with the fiber right ways.

Town Manager La May states that there a number of utilities that we have to work around. This will definitely need to be coordinated.

Trustee Davenport asked about the overlapping of Fast Track and the water line on CR 509.

Town Manager La May responded that Fast Track will be ariel so that won't be a conflict.

Trustee Davenport asked if Exhibit A (the map) is it to show just the lines that are in town.

Town Manager La May responded, yes because once it leaves the town's service area it will no longer be a joint effort.

Trustee Nyberg stated that the agreement is dated to begin on July 1st. Will that change to the date the agreement is signed?

Attorney Nelson responded yes, that date will change.

Trustee Davenport asked if we need to set a special meeting to get this signed before our next meeting.

Town Manager La May responded that was entirely up to the Board.

Mr. Lunceford commented that he has authority to sign this document.

Trustee Renfro asked if the line from the Water Treatment Facility to the existing tanks is sized appropriately?

Town Manger responded that at the point we need more storage you might see that line upsized.

Trustee Renfro thinks we should trust staff and if they agree to this document then maybe we should just sign it.

Town Manager La May suggests that maybe we should wait so that the Board has time to read it.

**Town of Bayfield
Regular Town Board Meeting
July 17, 2012**

1199 Bayfield Parkway Bayfield, CO 81122

Attorney Nelson suggested that we give the newest Board Member time to look the agreement over.

Trustee Morlan asked if this means we have to have licensed operators?

Attorney Nelson responded that we have to deliver water according to the Health Department regulations. So yes that would be a requirement.

Town Manager La May stated that we are going to a bigger plant. Currently we are a "B" Operator Plant and now we will be an "A" Operator Plant. Public Works Director Ron Saba does have an "A" License.

Attorney Nelson commented that if we wanted to have a special meeting to sign this agreement that would probably be best.

It was agreed by the Board to have a Special Meeting on July 31st, 2012 at 7:00 pm.

Trustee Morlan asked if this was something we wanted to invite the Press to?

Mr. Lunceford commented that LAPLAWD would like to make this a monumental signing.

Action Agenda Item #6: New / Unfinished Business

Town Manager La May stated that the Planning Commission did approve the use by review for the Assisted Living Facility on the old Abernathy Property. There were a number of conditions on that approval. There are probably still some significant challenges to the project but the use has been approved.

Town Manager also stated that the Marshal's Office has been awarded a \$25,000 Justice Assistance Grant.

Marshal McIntyre stated that the State of Colorado did have 2.7 million available for grant funding. After the application process closed over 100 agencies applied totaling 5.5 million in requests. We were initially denied. We did put in for the rebuttal process. Last Monday he went through that process with the JAG Board and was notified yesterday that we were funded through the rebuttal process.

Town Manager La May stated that we did have another sanitary sewer back up on Wilmer. It did get into the crawl space of the residence but it was very nominal. So far we have been given a bill for \$350.00. It is another situation where we will offer the Good Neighbor Policy.

Trustee Nyberg asked about the residence being built at 801 Hickory Ridge. He asked if the Town Manager has looked at the situation with the fire hydrant being in the middle of the driveway.

Town Manager La May responded that yes he has looked at it along with the Building Inspector Mike Shave. According to conversations with the builder, they have known about this issue and have planned for it. He has also had conversations with Public Works and the Fire Department and we are going to require ballards be placed to protect the fire hydrant from someone hitting it.

Trustee Davenport asked if there are several properties that are below elevation. Can we be proactive before this happens again. Can we offer the backflow prevention devices?

Town Manager La May responded that he would like to look into it and see how many properties this will affect.

**Town of Bayfield
Regular Town Board Meeting
July 17, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

Meeting was adjourned at 9:35 pm

Minutes Approved As Submitted On July 31st, 2012

Approved:

Rick K. Smith

Mayor

Kathleen Cathcart

Town Clerk

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