

Town of Bayfield
Regular Town Board Meeting
July 5, 2012
1199 Bayfield Parkway Bayfield, CO 81122

Town Board Members Present: Mayor Rick Smith, Trustee Morlan, Trustee Renfro
Trustee Nyberg, Trustee Davenport, Trustee Nelson

Town Board Members Absent: Trustee Au (Mayor Pro-Tem)

Staff Present: Chris La May (Town Manager), Dirk Nelson (Town Attorney), Kathleen Cathcart (Town Clerk)

Media Present: Melanie Mazur (Pine River Times)

The meeting was called to order @ 6.59 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.

Approval of Bills: Trustee Davenport made a motion to approve the bills as presented Trustee Nyberg seconded. All were in favor motion passed unanimously.

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

Town Updates: Mayor Smith asked if Town Manager La May would need comments tonight for the County's Land Use, Agency Comments? Town Manager La May responded that he needed to get a letter back to them because this would be going to the County Planning Commission. This is concerning a proposal for a Bed and Breakfast, ranch style lodge in the Sauls Creek area. Town Manager La May stated that it really isn't close enough to the town to have any negative impacts on our sanitary sewer system. And that his letter would state that The Town of Bayfield did not have any concerns for this project, unless the Board had anything that they wanted to add. Mayor Smith responded, that he thought Town Manager La May's letter would be fine. Town Manager La May also stated that he had an inquiry about possible annexation of a property to be used for a mobile home park or some type of multi-family project. This property is not contiguous to the Town. This would be a Flag Pole Annexation, so the terms of annexation would have to be offered to all properties along the flag. Town Manager La May stated that the property owner at this point is wanting to know if this is something that the Town would entertain. Mayor Smith stated that he would be in favor of the Town giving a positive response to this property owner. Trustee Renfro was concerned about how much density this property owner was looking for. Town Manager La May responded that he thought that they were looking at putting eight units on this property. Town Manager La May also said that it was discussed that if they did multi-family units, they could possibly have twelve units. Trustee Nelson asked if there were any concerns to additional traffic on Bayfield Parkway. Town Manager La May responded that this is actually off of County Road 509, so they will utilize the existing intersection. Trustee Morlan asked Town Manager La May if he felt comfortable with the existing impact fees? Town Manager La May responded that at this time we have plant investment fees for water and sewer and that we have a park impact fee. He also stated that with annexation we have the ability to negotiate other items that we think would benefit the town. Trustee Nyberg asked if we could possibly negotiate turn lanes? Town Manager La May responded that most likely the applicant will be resistant to anything that costs a lot of money.

Action Agenda Item #1: Set Date for Public Hearing – Options Hotel and Restaurant Liquor License

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Town Manager La May stated that Options Restaurant is applying for a new liquor license. Since this is a new license application there is a requirement of thirty days public notice. So tonight all we are asking is that we set a date for the public hearing at the August 7th, 2012 meeting.

Mayor Smith asked why the application states that it is a Hotel and Restaurant License? Does this mean they will have a hotel?

Town Manager La May responded that is just the type of license that is needed for that business. There will be no hotel.

Trustee Nelson made a motion to set a public hearing for the liquor license application for the Options Restaurant on August 7th 2012, Trustee Renfro seconded. All were in favor motion passed unanimously.

Action Agenda Item #2: School District Strategic Plan Update

This item was passed over, no one from the School District was present.

Action Agenda Item #3: 2011 Sanitary Sewer Line Repair – 615 Tamarack

Town Manager La May stated that we did have a situation where a sanitary sewer line backed up at 615 Tamarack Drive. The property owner Bill MacGuffie is here tonight and would like to speak to the Board. Town Manager La May stated that he has shared with Mr. MacGuffie that the homeowner is responsible for the service line from the main line to the home. Where this break occurred is in the service line located in the Town right of way.

Mr. MacGuffie stated that years ago when service lines were installed there was no bedding installed. He explained that the ground is settling and he believes that this has caused his broken line. He understands that the owner should be responsible if the break is on the owner's property. But does not understand why the homeowner is responsible for a break that occurs in the town's road. Mr. MacGuffie states that this repair is going to cost approximately \$15,000.00. He believes that town employees could fix these issues without putting all of the burden on the homeowner. He believes that this is an issue for theTown because it is in the road.

Trustee Morlan states Mr. MacGuffie has raised good points. As a Board we all realize that we have some infiltration problems but we do have to look at the laws of the town. But is there ways the Town could possibly help the homeowners?

Town Manager La May responded that we would definitely waive excavation fees. We would still want to make sure that work was done correctly and backfilled appropriately.

Trustee Morlan asked if we could slip line service lines?

Mr. MacGuffie explained another option to slip lining. It is called a trenchless fix. This is where they push a new pipe through the old existing pipe.

Trustee Renfro explained that with this trenchless fix she would be concerned about the saddle connection between the main sanitary sewer line and the service line.

Trustee Renfro explained that ownership of the water lines is much different than sewer lines. The Town actually owns the water line all the way to the meter and then from the meter to the home is the owners

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responsibility. With the sewer lines the Town has no control over what is placed in the system so that is why ownership of the line is all the way to the main. Trustee Renfro stated she is very hesitant to change the way our Town Code is written.

Mayor Smith understands Mr. MacGuffie's issues but unfortunately depending on where you live, you are going to be subject to whatever rules the original contractor had to abide by at the time of construction. Mayor Smith said that he would have to agree with Trustee Renfro and uphold the code.

Mayor Smith asked the Board if they agreed that they should uphold the Town Code, 105.6, as it is written?

Trustee Morlan made a motion to uphold the Town Code 105.6 as it is written. Trustee Renfro seconded.

Roll Call: 6 to 0. Motion passed unanimously.

Mayor Smith asks now what about easing the pain of the homeowner, what can we do to help?

Attorney Nelson states that if we used our town equipment we would essentially be using it as a private contractor's equipment and we would need to be reimbursed for that use. It is not ideal from a governmental standpoint but under the circumstances we could through agreements with homeowners find a way to make that work.

Town Manager La May stated that after speaking with Public Works Director, Ron Saba, we do have the excavation equipment but not shoring and safety equipment to do the job. Mr. Saba had expressed that this was too deep for his crew to do, and that he would have to sub-contract the job to a service company. Town Manager La May also said that by putting the entire Public Works crew on this one job would impact the Town elsewhere.

Trustee Renfro asked if this would qualify for the Good Neighbor policy and can we waive Town fees associated with the road cut?

Trustee Morlan is open to helping. He is interested in the slip lining of service lines.

Trustee Nelson asked how urgent is this fix?

Mr. MacGuffie states that the line hasn't backed up for about a month, but would like to have it repaired before fall.

Trustee Morlan stated that we have a lot of infiltration issues and thinks we should be proactive in finding solutions.

Town Manager La May explained that the Good Neighbor policy is generally for sanitary sewer back ups from the main line that back up into private services and into individual homes, causing damage. Our first step is filing a claim with our insurance company. The insurance company will investigate and they will be looking to see if there was negligence on the part of the Town. Typically that means we didn't do routine maintenance on our lines. If we did do our maintenance, which is jet rodding, then the insurance company will deny the claim. Then that is when we use our Good Neighbor policy. With the Good Neighbor policy there is a waiver that we have the resident sign, stating that with acceptance of the \$1000.00 this finalizes the Town's responsibility and there will be no further action taken.

Trustee Renfro stated she knew that this was a different circumstance but was looking for a way the the Town could help.

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Town Manager La May states that the money for the Good Neighbor policy comes out of the sewer fund, so if this is something we did regularly we would probably be looking at a rate increase.

Mayor Smith asked Mr. MacGuffie to please get the Board some more information on the trenchless pipe.

Mayor Smith asked the Board after listening to Town Manager La May and Attorney Nelson, what they wished to do as far as enacting the Good Neighbor policy?

Attorney Nelson suggested that we have a new policy that deals with these situations instead of putting this under the Good Neighbor policy.

Mayor Smith asked Mr. MacGuffie if he would give us some time to work on a policy that would allow us to help these kind of situations.

Mayor Smith thanks Mr. MacGuffie for his patience and appreciated him bringing this to the boards attention.

Town Manager La May thanked Mr. MacGuffie for handling this in a professional manner.

Action Agenda Item #4: Consideration of Resolution 281, A Resolution Establishing Mayor and Board of Trustees Policies, Procedures, and Protocol for the Town of Bayfield

Town Manager La May states that the Board may recall that at the May 22, 2012 Board workshop, a draft of the Board of Trustees policies, procedures, and protocol was discussed. The information is intended to provide some guidance and serve as a resource for Board members. After the workshop there were some changes made to the document. Putting in a definition of what a motion was probably the most significant change. The document is now in a form that is ready for the Board's formal adoption.

Mayor Smith asked if the Board had any discussion.

Trustee Nelson stated that it all looked pretty straight forward.

Mayor Smith stated that what we did was formalize some of our procedures.

Trustee Renfro made a motion to adopt Resolution #281, Trustee Davenport seconded.

Roll Call: 6 – 0. All were in favor motion passed unanimously.

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

Town Manager La May stated that we anticipated a final agreement between LAPLAWD and the Town of Bayfield for this meeting, but the document has not been finalized. I will provide you a confidential copy of the latest version with proposed changes from Town staff. If there are any additional concerns or requests, please let me know.

Trustee Morlan asked if the ball is in the Town's court now?

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Attorney Nelson answered, yes they have asked for some comments and we have not responded yet.

Mayor Smith expressed that he is really anxious to get this agreement sealed so that we can get started on the operation of the plan. Hopefully next meeting both parties will have signed this item.

Attorney Nelson apologized for this taking so long, but this agreement is something that will be around for a very long time and we want to make sure it is done correctly.

Action Agenda Item #6: New / Unfinished Business

Town Manger La May stated that he took a call from someone interested in purchasing the Southview property. This person is looking at maybe utilizing this property as a mobile home park temporarily and eventually subdividing. This would be an annexation if the Board is interested in considering this type of project.

Trustee Nelson asked where the property was located?

Town Manager La May answered that it is located on the East side of Oak Drive and runs up to the Dove Ranch Subdivison.

Trustee Renfro stated that it is 80 acres that was owned by Brad Elder.

Mayor Smith stated that if we allow a mobile home park to move in, we will have a hard time changing it because there will people that have established their homes and no way to relocate.

Trustee Renfro feels there are a lot of vacant homes in the lower economic base and that the Town has an obligation to the ones that are already here.

Trustee Nyberg stated that he agrees with Trustee Renfro.

Trustee Nelson stated that if we were to approve something like this it shouldn't be temporary.

Trustee Morlan agreed that he did not think this was a good idea.

Town Manager La May wanted to make the Board aware that RHA will be here next Thursday and Saturday for their home owner classes.

Town Manager La May said that the 4th of July went very well. We had one incident with a medical emergency but it was taken care of. Also yesterday was Ryan Orendorff's last day.

Trustee Nyberg asked how the water restrictions were going.

Town Manager La May responded that he spoke with Public Works Director Ron Saba. Ron said consumption is down about 30%.

Trustee Nelson asked what are we doing with the fireworks that we didn't use?

Town Manager La May answered that there has been some talk about doing something on Heritage Days or maybe something on Labor Day.

Trustee Nelson asked if there were any issues in storing the fire works.

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Town Manager La May said that they do have to be secured. As of now the Fire Department is securing them.

Trustee Renfro stated that business on the 4th seemed to be good for everyone around town.

Trustee Davenport suggested that maybe we could do fireworks on New Years.

Trustee Morlan asked if Trustee Nyberg made it to the meeting in Ignacio regarding the Mayor's ride?

Trustee Nyberg answered that yes he did attend the meeting. They would like to do a Mayor's ride during the rally and would like to incorporate Bayfield in the event.

Trustee Morlan stated that he feels the town should be the leader in the endeavor of the new Recreation District.

Mayor Smith thanked the staff for the hard work on the 4th of July.

Mayor Smith stated that when the county want to meet with us again it is important that the entire Board attends.

Trustee Morlan stated that the Region 9 Board Meeting is July 26th at the Senior Center.

Meeting was adjourned at 8:17 pm

Minutes Approved As Submitted On July 17th, 2012

Approved:

Rick K. Smith

Mayor

Kathleen Cathcart

Town Clerk