

**Town of Bayfield**  
**Regular Town Board Meeting**  
**August 2<sup>nd</sup>, 2011**  
**1199 US Highway 160B Bayfield, CO 81122**

**Town Board Members Present:** Dr Rick K Smith (Mayor), Tom Au (Mayor Pro-Tem), Ed Morlan, Debbi Renfro, Dan Ford

**Town Board Members Absent:** Justin Talbot, Gabe Candelaria

**Staff Present:** Chris La May (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Chris Choate (Marshal), Elizabeth Jackson (Intern)

**Media Present:** None

The meeting was called to order @ 7:02 p.m.

**Minutes:** Ed requested one change to the minutes. Tom made a motion to approve the minutes from the July 19<sup>th</sup>, 2011 Regular Town Board meeting as amended. Dan seconded the motion. All in favor, motion passed unanimously.

**Public Input:** Phyllis Ludwig (9205 County Road 521) stated that the Pine River Senior Board had a meeting including Chris La May, Scott Key, Ryan Orendorff, Erin Dunavant & Marianne Jones. She stated that she feels it was the best meeting they have ever had and that the Town really made an effort to provide all of the information requested by the seniors. She expressed that the Town and the Senior Center are really moving in the right direction.

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

Tom made a motion to approve the bills dated July 29<sup>th</sup>, 2011. Debbi seconded the motion. All were in favor, motion passed unanimous. Tom abstained from voting on the payment to Pinnacle Surveying.

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

Debbi asked what the next step is with the Eastside Traffic Study.

Chris answered that he has sent a copy of the Drexel Barrell responses to Jim Horn with CDOT (Colorado Department of Transportation) for review & comment. He explained that the response letter does address some of CDOT's concerns (and those items shouldn't be issues anymore) but there may be some items that still need to be addressed. He thinks that the new response letter will hopefully only address 2 major concerns. The Board will then need to come back and decide how they want to move forward with the process.

Ed asked if the potential annexation will be reviewed by the Planning Commission prior to Board review.

Chris answered that it will go to Planning Commission.

Ed asked how much the engineering bills are for the Family Dollar store.

Chris answered that it is about \$3,000.00.

Ed asked when the temporary Certificate of Occupancy expires.

Marianne answered that the CO will expire after 180 days.

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Tom complimented the comprehensive list of updates. He asked for an update on the Dove Ranch drainage easement.

Dirk answered that the Town needs to present a proposal to the bank. The bank has given a preliminary approval of the concept so the Town now needs to do a formal proposal of what is requested.

Chris commented that he received some information from Debbi regarding the matter so he will be meeting with the engineer and coming up with a plan to present that outlines the request of the Town.

Debbi cautioned that the expired permit can only be reinstated if everything remains exactly the same with the permit. She explained that if anything changes it will have to be re-permitted and that is an extremely difficult process.

Tom asked about the water on the Ludwig property due to the changes at the sewer plant.

Chris responded that in order to determine what is happening on that property and what is causing the problem, the Town will probably need to spend about \$20,000.00 on a hydro-geologist to research and study the area. He stated that the Board is going to need to decide if they want to spend the money and find out if the problem is truly due to the placement of the wastewater treatment plant or if there is another factor.

Dan asked which property is interested in annexing into the Town.

Chris answered that the property is referred to as the Grush/Trout property. It is located on the hill on the south side of Highway 160. He mentioned that it was a very preliminary discussion.

Dan asked if CDOT is going to look at Commerce Drive again when they comment on the Eastside Traffic Study.

Chris answered that he thinks that Commerce Drive is going to be one of the items that is addressed in the comments received from CDOT. He stated that CDOT has given two major issues with the intersection plan: connectivity & east/west access. CDOT really wants to help alleviate some of the traffic on Highway 160 and so they would request that there be additional connectivity that will give drivers alternative routes. And CDOT has had a long-standing issue with Commerce Drive and they have given preliminary comments that they will want the Town to address that area before granting a full movement intersection on the eastside of Town. They have said that they might be willing to grant a ¾ movement intersection at Commerce but they probably won't allow it to remain as it is currently.

Dan stated that the Town's thoughts on the matter are that Commerce Drive would be less stressed if there was another intersection at the Shell location. He asked that if this information was relayed to Drexel Barrell when they began the traffic study process.

Chris responded that he thinks that wasn't directly relayed to the consultant in the scoping meeting. The consultant was under the impression that CDOT had already identified that area as a 4-legged intersection and the Town just needed to produce some calculated traffic generation numbers. However, while there is a conceptual idea that it will be a 4-legged intersection it is still required that the Town shows a net benefit to the traffic system in order for that proposal to be granted by CDOT.

Dan asked if the development center would help the Town recruit businesses and jobs.

Chris answered that they are willing to provide some market data. They can also help demonstrate to potential retailers that Bayfield is a viable location for new businesses.

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Ed asked about the possibility of putting in conduit during the repaving & construction projects on Highway 160B & Mill Street for the SCAN (Southwest Colorado Access Network) project.

Chris responded that a consultant with Mid-States came and worked on the engineering component for the fiber optic project. He looked at potential locations for installation of the lines (with the hope of giving a loop of connectivity through the Town). One of the main locations that will need lines is Bayfield Parkway (Highway 160B) in order to time the east & west sides of Town together. It was mentioned that it might be a good idea to lay the fiber line in conjunction with the mill & overlay project that is going to be happening in the next couple of months. Chris explained that this work will most likely require a change order to the contract with Four Corners Materials but as part of the grant agreement, 75% of the costs associated with this work will be reimbursed. He is going to talk to the contractor and hopes to get some details about a possible change order to the Board as quickly as possible.

Rick clarified that they wouldn't actually be running the fiber lines at this time. They will be laying the conduit right now and when the project is ready for the lines they can be ran through the conduit that is already in the ground.

Chris stated that the consultant is going to get a cost estimate of what this infrastructure is going to cost to make sure that it is still within the original budget for the Town.

Rick commented that SCAN is also in negotiations/communications with Fastrack to work out an agreement to utilize their fiber as well so that the Town does not have to over-build or put in fiber in areas where it already exists.

**Action Agenda Item #2: Strategy For Employment Practice Updates**

Chris gave his staff report. He stated that as Town Manager, one of the first orders of business is to review the Town's employment practices. Employment laws are continually changing and being updated, and it is always a challenge for small organizations, without a full-time Human Resources Manager to keep current with latest practices. In addition, typically an employer's greatest potential liability involves employment related issues.

Chris explained that for a small initial investment, the Town could reduce its potential liability from employment related issues by becoming a member of Mountain States Employers Council and taking advantages of their services.

- 1) MSEC partners with members by providing "one-stop shopping" and hands-on assistance in employment law, labor relations, human resources, surveys, and training. Membership with Mountain States Employers Council (MSEC) for the Town of Bayfield would be ~\$3,200. MSEC provides weekly e-mail blasts regarding current employment practices and current case law. Other local entities that are members of MSEC include La Plata County, Archuleta County, Montezuma County, City of Durango, City of Cortez and the Southern Ute Tribe.
- 2) MSEC would conduct a wage and hour audit for the Town. They typically charge \$150/hour for this service, but would include with the initial membership.
- 3) MSEC has an employee handbook preparation guide, which would aid the Town in updating the Employee Handbook. MSEC also provides a legal review of the employee handbook with annual membership. Please note the Town would still request CIRSA and ultimately the Town Attorney to review the document, as well (6-8 month process).

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- 4) MSEC also provides additional services for a fee including salary compensation surveys. A compensation survey through MSEC would likely cost \$3,000 - \$5,000 (6-8 month process), which is very competitive pricing. Last compensation survey for the Town of Bayfield was completed in 2005 and needs to be updated. Chris prefers to have the information in time for the 2012 budget, and therefore, would like to contract with MSEC for the service as soon as possible.

Chris recommended that the Town Board direct staff to enroll the Town with Mountain States Employers Council (MSEC) and return to the Board with a contract for compensation survey.

Dan asked if other municipalities use this type of service.

Chris answered that many municipalities do use this and so do a lot of private sector businesses as well.

Dan asked if the wage & compensation survey would be included in the initial membership dues.

Chris answered that they will do the wage & hour audit at no additional cost.

Ed asked if there is money available for this expense in the 2011 budget.

Chris answered that this wasn't something that was accounted for during the budgeting process so it would probably have to be paid for out of the fund balance since it is an unbudgeted item.

Ed commented that La Plata County & the City of Durango are members of Mountain States already and asked if they have done the wage survey because he thinks their information might be helpful and the Town might be able to get that survey from them (without having to pay the substantial amount to have one done of the Town). He stated that he supports becoming a member but he thinks the wage survey should wait (since it is unbudgeted).

Chris answered that he does not know if either of those entities have done the wage survey recently.

Dan expressed that in the banking business it is possible to get a wage report from similar type companies for a substantially less amount than \$3,000 - \$5,000. He feels that is extremely high priced and that the Town could probably get the information for much less somewhere else.

Chris mentioned that the wage survey will address whether or not employees are getting paid for what they actually do rather than what their job title states. The first thing they will do is really going through the Town's job descriptions and make sure that they adequately reflect the jobs that are being done by each position

Dan asked if they will compare Bayfield to other entities such as school district, banking, accounting, and etc. employees.

Chris answered they Bayfield will be compared to other members in the Mountain States database first. But they will call some of the comparable local governments as well to get comparative data. They are also one of the few entities that cross-check their data. The Colorado Municipal League has a lot of salary information available but the data hasn't been confirmed. Mountain States confirms all of their data to make sure that it is as accurate as possible. He stated that his experience has shown that these types of surveys are substantially more expensive than what Mountain States charges.

Ed commented that Bayfield did a wage survey in the past and it provided some useful information but it was very time-consuming, very complicated, and extremely expensive and was somewhat of a waste of time. He stated that he doesn't think the Town should do this type of research right now.

Rick mentioned that there are many employees that work for the Town that are salaried because of their job description. He explained that it would be in the Town's best interest to make sure that the Town is in

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compliance with labor laws and that the salaried employees truly qualify for that status. He stated that he thinks the salary survey will be a valuable tool for the Town.

Dan said that he thinks this is something that could be considered during the 2012 budget session but that the Town shouldn't join now because it is not budgeted. He said that human resource items can be complicated so he does think that the membership would be useful but he does not see value in the salary survey.

Ed clarified that he is in support of the Town joining the group right away.

Rick and Tom agreed that he is also in support of joining the group now.

Ed made a motion to authorize staff to join the Mountain States Employment Council immediately for a total amount of \$3,200.00. Tom seconded the motion.

All were in favor except Dan, who was opposed to the motion. Motion carried.

**Action Agenda Item #4 – Discussion Regarding Ordinance #365 - Amendment To The International Building Code**

Chris gave his staff report. He stated that the Town has had a reoccurring problem in the past year with builders building into the set-backs. The Town Board has approved two plat amendments in the Fox Farm & Cinnamon Heights developments and another residential variance was approved by the Planning Commission for a home that was built in the Mesa Meadows Subdivision. However, the Planning Commission granted the variance with the understanding that some sort of resolution would be done in order to keep this problem from happening again in the future.

The staff has done extensive research on what other communities do to govern this type of issue and reviewed policy changes that might also help keep this from occurring. The final decision was that it would be best to require an Improvement Land Certificate from home-builders prior to pouring foundations. This is a pretty standard procedure in the building permit process (especially when the home is being built very close to the set-back line) and will definitely protect the Town. It also won't be of substantial cost to the home-builders because this certificate is a requirement of the mortgage companies to finalize loan documents.

The Town attorney has drafted a draft ordinance that will amend the International Building Code as adopted by the Town by adding a section entitled "Site Plan Improvement Location Certificate" & a section entitled "Site Plan Improvement Location Certificate Inspection".

Chris explained that staff is presenting this ordinance for discussion only at this point to get input from the Board on any changes that they would like made to the document and the staff will also solicit additional comment from the Town's Building Inspector as well. The formal document will be presented at the next meeting for a public hearing (which will be advertised to the public) and possible adoption.

Dirk explained that the building inspector has requested that the ILC also be reviewed by the land use administrator to make sure that they meet the Town's requirements. The reason for this request is that building inspectors don't generally fill the role of determining setbacks.

Dan asked if the ILC should be installed prior to installation of concrete footer. He wanted to know if this should be done after the concrete is poured.

Tom responded that it generally is done after the footers are poured but it will be difficult to pull out concrete if it is discovered that it doesn't meet the required setbacks.

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Dirk mentioned that this requirement may mean that a surveyor has to return to the site twice. He explained that he inserted the amendment where he did because that is the section that discusses the inspections that are done by the building inspector. This inspection would come in between the footer inspection and the poured concrete inspection.

Tom clarified that the Town will be requiring this document prior to concrete being poured (during the forming stage) so that concrete doesn't have to be removed in the event that the forms do not meet the code requirements.

Dirk answered that is what the plan is and that the hope is that it will head off any problems prior to concrete being in the ground.

Tom clarified that the verbiage in the ordinance will need to be definitive outlining the requirements. He also mentioned that an Improvement Land Certificate (ILC) does not require that all easements, setbacks & the closest building corner to the property line are shown on the document. A typical ILC only shows building dimensions. If the Town wants those items on the document it will need to be outlined in the ordinance that it be included. He also mentioned that it would be a good idea to have a checklist for the land use administrator to use for approving these items when they are submitted.

Dirk stated that he would change the language to include the easements, setbacks & the closest building corner to the property line on the survey.

Tom asked if the comment that says "the cost of acquiring the survey is minimal" should be in the ordinance.

Dirk stated that he can remove that comment.

Debbi mentioned that the footer of a home can be in the set-back because they sit outside of the stem wall. She thinks it would be preferable for the survey to be done at the time of stem wall rather than footers.

Tom clarified that typically an ILC only shows the stem walls because the footers are covered up. However, he feels it is up to staff when they want to get the survey of the property.

Dirk stated that he will revise the ordinance so that it has clear language and bring it back to the Board at the next meeting for public hearing and possible adoption.

**Action Agenda Item #5: Liquor License Renewal – Tequilas Mexican Restaurant**

Marianne stated that she has received a liquor license renewal for Tequilas Mexican Restaurant. She stated that the State (Department of Liquor Enforcement) did an inspection of this restaurant but the Town has not received any sort of documentation from them that they are in violation.

Marshal Choate explained that Liquor Enforcement Unit does inspections of businesses while they are operating. He stated that Tequilas had a couple of minor violations (administrative type items) but they were nothing that would cause them to be shut down. They were given a list of things to correct and the State will then do a follow-up investigation to make sure that they are complying. So far, the Town has not been given any feed-back that they are not complying with the requirements. The Marshal noted that it is very typical for every restaurant to have minor violations when they are inspected.

Dan made a motion to approve the liquor license renewal for Tequilas Mexican Restaurant. Tom seconded the motion.

Debbi asked if the business is complying with the grease trap ordinance.

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Elizabeth Jackson answered that the Town has had some problems with them in the past but they are in compliance at the moment.

Marshal Choate mentioned that when the State does their inspections, they do a general health check of the business. They also want to know that they are in compliance with the State rules but also with the Town regulations as well. He mentioned that he will remind the restaurant of those terms in a hope to keep them in compliance with the grease trap regulations.

Debbi asked if the Town has the authority to revoke this license if the State outlines significant issues.

Marshal Choate answered that if the State finds significant violations, they will let the Town know about them but the State will actually take action to remedy the problem.

Marianne clarified that the Town Board does have the capability as the local liquor license authority to issue stop orders on businesses if there are issues that need to be addressed (and that are not already being addressed by the State).

All were in favor, motion passed unanimously.

**Action Agenda Item #6: Ratification of Planning Commission Appointment**

Chris stated that the Town has received a letter of interest in the vacant position on the Planning Commission Board from James Sanders. Mr. Sanders lives @ 718 Mississippi Drive and does quite a bit of volunteer work throughout the community.

Dr. Rick Smith has appointed Mr. Sanders to the Planning Commission and is requesting ratification from the Town Board regarding this decision.

Dan made a motion to ratify the appointment of JJ Sanders to the Bayfield Planning Commission. Ed seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #7: New/Unfinished Business**

Chris stated that he received some information from the Colorado Municipal League regarding recruitment of members to their Policy Committee. He told the Board that if any of the members are interested in serving to let the staff know.

Dan asked if it is possible to teleconference on that board.

Chris answered that it is possible. Chris also mentioned that the Town has advertised for the municipal judge position. Resumes are due to the Town by Friday August 5<sup>th</sup>. He stated that he would like to set up interviews on August 23<sup>rd</sup> if possible.

Rick stated that he would be out of Town.

The Board asked that he send out an email with some possible dates so that the Board can decide on the best day & time.

Dan mentioned that there are willows growing on County Road 501 that obstruct the view when pulling onto that road from Dove Ranch Road. He asked if it would be possible to contact someone to have those trees pruned.

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Marshal Choate stated that he would talk to the maintenance crew with the County.

The meeting was adjourned @ 8:09 p.m.

*Minutes were approved as submitted on August 16<sup>th</sup>, 2011.*

**Approved:**

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

\_\_\_\_\_  
Marianne Jones  
Town Clerk