

**Town of Bayfield
Regular Town Board Meeting
September 20, 2011
1199 Bayfield Parkway Bayfield, CO 81122**

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

Town Board Members Absent: Gabe Candelaria

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

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:03 p.m.

Minutes: Justin requested one change regarding the vote on the approval of the invoice to Briliam Engineering for the LAPLAWD water study. Tom requested one change noting that he had recused himself from the LAPLAWD invoice discussion. Justin made a motion to approve the minutes from the September 6th, 2011 Regular Town Board Meeting as amended. Dan seconded the motion. All were in favor, motion passed unanimously.

Public Input: No public input was offered so it was immediately closed.

Action Agenda Item #1: Approval of Bills

Dan made a motion to approve the bills dated September 16th, 2011 as presented. Tom seconded the motion. All were in favor, motion passed unanimously. Tom abstained from voting on the check to Pinnacle Surveying.

Action Agenda Item #2: Town Updates

Ed asked if the Sunrise Estate homeowner that has not signed the easement agreement is the same owner that the Town has been dealing with for quite some time.

Chris La May answered that there are 4 properties that the Town still needs to acquire easement dedications from in addition to the homeowner that has been disputing the dedication.

Justin asked about if CDOT has come to fix the drainage culvert for Bayfield Liquor.

Chris La May answered that the staff met with a CDOT representative on-site and he stated that he would try to get that issue resolved in the next couple of weeks.

Dan asked about the CDOT using the Town's wetlands.

Chris stated that he has been negotiating with CDOT regarding the possibility of using the wetlands located near the sewer treatment facility (where the lagoons are located). He explained that CDOT needs wetlands for mitigation projects and the Town would like to negotiate with them to possibly use the Town's in exchange for CDOT doing the work to prepare the site. The Town would like to maintain a few acres but it's possible that CDOT might be able to have the remainder.

Action Agenda Item #3: Public Hearing: Special Event Liquor License – Pine River Rotary Club

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Marianne gave her staff report. She stated that the Town has received a Special Event Liquor License application from the Pine River Valley Centennial Rotary Club to have a beer tent at the Heritage Day Festival on September 24th, 2011 in Joe Stephenson Park. The Board approved use of Joe Stephenson Park on September 6th, 2011.

Marianne said that the application has been reviewed by the staff and it meets the requirements of the Liquor Code and it has been sent to the State for a concurrent review (so that the application is received in time for the event). Marianne recommended granting the Special Event Liquor License for the Rotary Club.

Rick opened the item up for public comment. No comments were received so the public hearing was immediately closed.

Justin Talbot made a motion to approve the special event liquor license application for the Pine River Valley Centennial Rotary Club for the Heritage Days Event On September 24th, 2011. Tom seconded. All were in favor, motion passed unanimously.

Action Agenda Item #4: Resolution #264 – Investment Policy

Chris gave his staff report. He stated that in an effort to establish a Town of Bayfield Financial Policy and Procedure Manual, staff is bringing fiscal policies before the Board of Trustees for their consideration. A number of these policies have been prepared at the recommendation of the auditing firm that conducted the 2010 audit, but staff believes that additional policies would be beneficial.

He stated that he is requesting approval of an Investment Policy for the Town. (However, he presented a modified version from the one that was presented in the packet per Dirk Nelson's suggestion) In general, the Investment Policy references the investments allowed by the Colorado State Statutes and states that the Town will follow the rules outlined by the State.

Chris recommended approval of the amended Resolution # 264, adopting an Investment Policy for the investments of funds for the Town of Bayfield.

Dan asked about putting on an amount cap that a single person can invest of the Town's money.

Chris stated that staff could definitely add that detail to the delegation section of the investment policy.

Dan asked what the procedure is for investments currently and who serves as the Treasurer for the Town funds.

Marianne answered that Erin, as the Finance Director, also serves as the Treasurer. The procedure is that Marianne writes the checks (which would require 2 signatures) and Erin makes the investment decisions of where the money is going to be invested. All investments for the Town require at least 2 signatures for execution.

Dan stated that he would like a \$250,000.00 as an investment cap amount and that anything over that amount would need Board approval.

Marianne asked for clarification if all investments over \$250,000.00 would have to come to the Board or if the restriction would only apply to "new" investments. She asked if the staff would need to bring CD's into the Board every time they were up for renewal and they were going to remain in the same place.

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It was decided that investments would only need to be brought in front of the Board if the funds are being deposited with a new vendor at a different term and rate. It was explained that anything that rolls over would not be determined a "new" investment.

Chris stated that he will put this definition into the language of the Resolution.

Ed asked if the Finance Director is bonded.

Chris stated that it is required under State Statute for the Treasurer to be bonded.

Debbi asked if this addition to the policy would be cumbersome for the staff. Ed agreed that he doesn't want to put extra burden on the staff with adding additional restriction.

Erin stated that most of the investments the Town has currently are under the \$250,000.00 threshold and even if they are over, it will not be a burden to bring it to the Board for approval.

Dan made a motion to pass Resolution #264 adopting an Investment Policy for the investment of funds for the Town of Bayfield with an addition of Roman Number IV documenting that the investment amount will not exceed more than \$250,000.00 without Town Board approval. Ed seconded the motion. All were in favor, motion passed unanimously.

Rick asked that a copy of the amended resolution be sent to the Board as an update in the next packet.

Action Agenda Item #5: County Road 501 Bike Path/Trail Extension Phase II – Contract Amendment

Chris gave his staff report. He stated that at the June 7, 2011 regularly scheduled Board Meeting, the Board authorized the Town to engage Souder Miller & Associates (SMA) as the engineer for the County Road 501 pedestrian/bike trail project and allow the Interim Town Manager to procure a contract for services that embodies the tasks & responsibilities set forth in the scope of services and within the financial parameters set forth by the engineer.

He explained that according to the June 7, 2011 meeting minutes, Interim Town Manager informed the Board that SMA proposed to provide services for the sum \$36,400, with the possibility of an additional cost of \$8,491 to address wetland/environmental issues that may be required by State and Federal law.

The Scope of Services within the contract included the following language:

Owner shall pay Engineer for Basic Services set forth in Exhibit 1, as follows:

- 1) An amount equal to Engineer's Direct Labor Costs plus overhead for the services of Engineer's personnel engaged directly on the Project, plus Reimbursable Expenses estimated to be \$365.70, plus Engineer's Consultant's charges, if any, estimated to be \$7332.01, plus a fixed fee of \$2,696.32. The Construction Support Services described in Task 6 of Exhibit 1 is an estimate, only, and will be finalized upon completion of Task 4. The Additional Environmental Services described in Task 8 of Exhibit 1 are not included in the amounts shown in this Exhibit 2. If any or all of these Additional Environmental Services become necessary, an amendment to the contract will be executed with the Owner to include the additional services required.

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Chris stated that Brent Adams with SMA is requesting an amendment to the contract to cover additional costs for the wetlands delineation and for a correction on the total fee for the project. The wetlands determination was changed due to the presence of some wetlands vegetation and evidence of some presence of water within that area and required additional examination of the soils, hydrology, etc. The extended delineation investigation was necessary to include.

Chris recommended approval of the amendment to the Professional Services Agreement, dated June 13, 2011, between Souder Miller & Associates and the Town of Bayfield for additional wetlands/environmental services associated with CR 501 Phase II in an amount not to exceed \$2,443.50.

Justin asked if there was a certain task that caused the amount to go over the contract price.

Liz answered that it was wetlands testing & hydrology reports that caused the overage.

Chris explained that the engineer had to determine if wetlands species in that area were true wetlands or not. The engineers have determined that they are not true wetlands and they won't require mitigation. Also, part of the overage cost was for the environmental consultant to attend the next scoping meeting with CDOT for the project.

Debbi pointed out that the Board received a copy of the wetlands report in a previous Town Board packet.

Justin asked why this wetlands study was not included in the estimated \$8,491.00 that was presented to the Board for the wetlands study at the time of contract.

Chris explained that the original contract price did not include the wetlands study. However, Souder Miller presented that there could be an additional \$8,491.00 cost for the study if required. They explained that if the study was needed they would come back to the Board for an amendment to the contract to include the additional funds. This is their request for that funding but they are only requesting \$2,443.50 instead of the full anticipated amount.

Debbi made a motion to approve the additional anticipated charges of \$2,443.50 to Souder Miller and Associates for wetlands and environmental services rendered for the County Road 501 Bike/Trail Extension. Tom seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #6: Discussion and Possible Action: GOCO River Initiative

Chris gave his staff report. He stated that the Whitewater Park Working Group which was formed to evaluate the feasibility of a whitewater park on the Pine River has been meeting regularly since January of 2011. Members of the kayaking and canoeing community believe the Pine River has good potential for a whitewater park because of the stable flows released at Vallecito Reservoir. The release at the dam enables the Pine River to flow at a relatively constant flow of 400-600 CFS through town for an extended period; whereas, the Animas and San Juan Rivers flow fluctuates and typically decreases significantly toward the end of summer and into fall.

The Whitewater Park Working Group has also identified the desire to provide a walking path along the river from the Senior Center to Eagle Park including passive recreation opportunities (i.e. benches). Additionally, the group has identified the opportunity to enhance the Little Pine Park for children activities as part of the overall concept. The thought is that the Little Pine Park could serve as the put in and Joe Stephenson near the Senior Center would serve as a take-out point.

Chris explained that after the last Board meeting it came to the Town's attention through members of the Working Group that Great Outdoors Colorado (GOCO) has a new River Initiative, in which the GOCO Board is

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requesting concept papers for large-scale projects centered on river-based recreation and open space. The GOCO Board has allocated \$14 to \$18 million for this initiative.

GOCO's intent with this River Initiative is to provide more places and facilities for Colorado's citizens and visitors to enjoy the State's river resources while maintaining the important river ecosystems and natural values they provide.

Given the high level of demand and the GOCO Board desires to see an immediate impact from the funds, they are seeking projects that:

- 1) are of regional or statewide significance; and
- 2) can be completed within three years of award; and
- 3) entail one or more of the following project types:
 - will give people direct access to a river-based open space or recreational experience in appropriate locations;
 - will provide buffers to river-based open space or recreational facilities; and/or
 - will provide critical planning for future river-based open space and recreation.

The GOCO Board will evaluate these concept papers based on the criteria included in the request. At its December 6, 2011 meeting, the GOCO Board will invite selected concept papers to submit full applications.

At this point they have not identified a specific matching requirement, but typically in their other programs they require a 20-30% local match. Assuming a \$1,000,000 to \$2,000,000 project with a 25% match the Town would likely need to bring \$250,000 to \$500,000 to the table.

Chris asked the Board for direction as to whether they support this venture and desire to submit concept papers for the GOCO River Initiative.

Chris then introduced Greg Allen, one of the Whitewater Park Working Group committee members.

Ed asked Greg to explain how this white water initiative will be a benefit to the Town and how the contribution that the Town will have to put in can be justified.

Greg answered that the biggest benefit will be the improvement to the Town Parks and the river corridor from Highway 160 to the Senior Center. He also feels that it will bring economic development to the downtown area because it will bring more people into that area of Town. It will be a family oriented area and will allow people to use the river in a much safer way. They also hope to improve the fish habitat so that will bring in the fishing community and the whitewater users will have a great place to come to enjoy their sport.

Greg stated that there have been several studies done by other municipalities on these sorts of improvements that outline economic & health benefit for the community. He stated that this GOCO is directed specifically at river corridors but it would allow for incorporating land acquisition, bike trails, & access to the river. He feels that these funds could do a lot of improvements to the park system as well as improvements to the river.

Debbi expressed that Golden did an analysis that projected an increase of 1.6 – 2.0 million dollars that their initiative brought in for their community.

Rick mentioned that there was a speaker at CML and they mentioned the river work that was done in Pagosa Springs. He stated that their project really brought in a lot of revenue for their Town because it entices people to stay and spend money. It also has brought some new businesses such as fly-fishing, bicycle rentals, etc.

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Dan stated that he is in support of this initiative and thinks that it would be a great recreation improvement for the Town. He expressed that he realizes that there will be hurdles along the way as the Town moves forward but he thinks this is a golden opportunity that the Town should take advantage of. Dan asked if the Town is obligated if concept papers are submitted.

Chris answered that GOCO is just looking for concept papers at this time. There is no obligation associated with the submittal. If the concept peaks their interest and meets the requirement the Town will have to make a firm decision on whether or not they want to move forward and commit to the matching funds.

Greg asked if there is a cost associated with submitting the concept papers.

Chris answered that there aren't any application fees associated with the concept papers submittal so it won't be real costly for the Town initially. However, if they are selected as one of the finalists it might get expensive due to analysis, cost figuring, engineering, etc.

Greg mentioned that the conceptual use that has been projected by the committee will be completely non-consumptive. This means that they won't be taking any water out of the river or use any of the water. He doesn't feel that there will be any negative impacts to the river.

Dan expressed that one of the biggest areas of concern for the project will probably be gaining the access needed for the project. However, he would definitely like to move forward and try to get the funds that will allow the Town to put the river ways to good use.

Ed asked which staff member will prepare the concept papers.

Chris answered that Liz will be working on it with help from the Parks & Recreation Dept and the Whitewater committee.

Ed asked if this project can be done over a period of several years.

Chris answered that they are requesting project that can be completed within 3 years.

Rick asked if it's possible to use "in kind" contributions for the Town's matching funds.

Chris answered that the paperwork does state that the match can be "In kind". He stated that is an important thing to know because a lot of grant funding do not allow for that type of match.

Debbi commented that the funding for the trail portion of the project might be able to come from the transportation money received from CDOT because trails do fall under the stipulations. She expressed that she thinks this type of project will really bring Bayfield families together and will make the river a much safer place. She thinks this really fits into the family-oriented theme of Bayfield.

Tom stated that he would like to see some concrete numbers on how much it is going to cost the Town and how the Town is going to get a return from the investment (whether from tourism or economic development).

Ed stated that Region 9 has software that calculates economic impact and does analysis on economic growth.

The Board agreed to have staff submit concept papers to GOCO for the River Initiative grant funding opportunity. They expressed that they will have a more serious dialogue and discussion regarding the project if it is accepted to the next stage of the process.

Action Agenda Item #7: New/Unfinished Business

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Chris mentioned an invite to the Grand Opening of the Labyrinth Meditation Garden on September 22nd. He also mentioned a letter that was included in the packet from David Black that was submitted for the Board's review.

Dan mentioned that he attended the Film Commission Meeting. He stated that the governor's representative was present at the meeting and stated that Colorado should offer an incentive that will help get filmmakers to come to the State to make their movies (there hasn't been a movie made in Colorado in 40 years). The thought is that this money will be recouped in the form of tax revenues, job creation, etc. He stated that the State of New Mexico provides filmmakers with a large sum of money to make movies in that State. He stated that the meeting was encouraging residents to call their congressman and lobby for this type of incentive.

Justin asked if it would be possible to limit the road construction delays on Bayfield Parkway to after 8:00 a.m. so that people can get their kids to school without being stopped by the road construction.

Chris answered that he can talk to them about it; however, the project is scheduled to be completed within a week and a half. He will try to keep the delays at a minimum but the faster they can get it completed the sooner the residents won't be affected.

Ed mentioned that he attended the Pine River Senior Board meeting and it went very well. The seniors are very happy with the parking lot and they are very interested in reviewing the Town's 2012 budget for the center.

The meeting was adjourned @ 7:55 p.m.

Minutes were approved as submitted on October 4th, 2011

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk