

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

**Town Board Members Present:** Dr Rick K, Smith (Mayor), Tom Au (Mayor Pro-Tem), Debbi Renfro, Gabe Candelaria, Dan Ford, Justin Talbot

**Town Board Members Absent:** Ed Morlan

**Staff Present:** Chris La May (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Erin Dunavant (Finance Director), Chris Choate (Town Marshal), Ron Saba (Director of Public Works), Elizabeth Jackson (Intern), Snow Melody (Deputy Marshal), Gary Maestas (Senior Deputy Marshal)

**Media Present:** Carole McWilliams (Pine River Times)

A meet and greet was held prior to the Regular Board meeting for the residents to meet the new Town Manager, Chris La May.

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

**Minutes:** Tom made a request for 3 changes to the minutes. Justin made a motion to approve the minutes from the August 16<sup>th</sup>, 2011 Regular Town Board meeting as amended. Debbi seconded the motion. All were in favor, except Gabe who abstained from the vote.

**Public Input:** David Black (606 Buck Highway) stated that it was nice that the Town did the meet and greet for the residents to meet the Town Manager. He also mentioned that there is an issue with access to Back Alley Bargains (located off of Mill Street). The current access to the property is through an easement adjacent to a home that is owned by Beemer Thornton. The easement was granted in 1927 and it established a point of access to the parcels in the back area of the alley. David expressed concern because the owner of the home closed off the access on Friday and Saturday leaving the tenants of the Back Alley Bargains building without access to their building. David stated that he has contacted a lawyer regarding the matter and plans to ask for a permanent injunction requiring the homeowner to keep the alleyway open at all times. He requested that the Town support him on this matter since the Town actually owns the easement. David mentioned that it is a safety issue if the Fire Department and Marshals Office is unable to get to those lots and he wants to make sure that the alleyway is left open at all times.

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

Marianne added one additional bill for Rock River Arms in the amount of \$1487.00 for the purchase of a rifle for Deputy Paul Pate. Marianne explained that the Town does not provide rifles for their marshals officers so they have to purchase them on their own. However, the Town does offer a loan assistance program for them in order to make it more feasible for them to obtain a rifle. The Town fronts the money to pay for the gun and then the employees have to pay a certain amount each pay period until it is paid in full.

Dan expressed concern about the Marshals Office needing rifles.

Chris Choate stated that a rifle is a standard piece of equipment needed by all police officers.

Tom asked about the invoice to Smith & Loveless for the purchase of another seal for the Gem Village Lift Station.

Ron responded that the Town has to replace the seals on the Gem Village Lift Station about every 6 months and Smith & Loveless is the only place that sells them.

**Town of Bayfield  
Regular Town Board Meeting  
September 6<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

Gabe made a motion to approve the bills dated September 2<sup>nd</sup>, 2011, including the payment to Rock River Arms. Tom seconded the motion. All were in favor, motion passed unanimously.

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

Justin commented that he feels the ad for the Marshals position is good and asked if the other Board Members feel the same.

The Board concurred that it is ready to be sent out.

Dan asked about the replacement of the sidewalk on Mill Street and asked if the large tree (shown in the picture in the packet) is going to have to be removed.

Chris responded that the Board approved a 10% contingency for change orders in the 2011 Street Rehabilitation Project. He explained that there are some sidewalks along Mill Street that are in need of repair. He feels that it might be advisable to go ahead and make those repairs while the other work on Mill Street is being performed. However, this sidewalk work is going to require the removal of some trees that are causing the problem. He explained that he needs some direction on whether or not the Board feels that this is an acceptable item for a change order to the contract. Chris also mentioned another possible change order along Bayfield Parkway that will have to be done to fix a culvert. The estimated cost for this change order is approximately \$1000.00.

Dan expressed that he thinks the sidewalks should be fixed but he would like to save the tree if possible.

Ron stated that the tree will have to come down. It is a safety issue and it is causing about 50 feet of sidewalk to heave. He explained that if the Town tries to keep the tree where it is it will either die due to the work that is being done or it will cause the exact same problem to the sidewalks in the future.

Gabe asked if the owners have been notified.

Ron answered that the staff hasn't met with the owners yet. He said that he's gotten a preliminary estimate that it will cost approximately \$14,000.00 to make the repairs to the sidewalks along Mill Street. (\$5,000 of that is for removing the tree).

Rick stated that he is in favor of fixing the sidewalk. He expressed that he would like to save the tree if possible but understands that it might have to be sacrificed in order to get the sidewalks fixed and he is more interested in getting the sidewalks fixed so that they are safely usable by the Town public.

Justin stated that he wants the Town to be sure and work very closely with the property owner regarding the removal of the tree to minimize any hard feelings that might arise.

Dan asked if the County Road 501 trail extension is going to be completed in 2011.

Chris answered that the staff hopes that it will be completed in the spring of 2012. The design work is being done now and then construction will be completed next year.

**Action Agenda Item #3: Municipal Court Judge**

Chris introduced Jim Casey. He stated that on August 23<sup>rd</sup> 2011, Justin Talbot, Tom Au, Chris La May, Chris Choate & Marianne Jones performed interviews of the 3 municipal judge candidates. All three candidates were very well qualified and would have been good in the position. However, the interview panel decided unanimously that Jim Casey would be the best person for the job.

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

He explained that the Judge position is appointed by the Town Board and the contract for services is also approved by the Town Board. He said that staff recommends the appointment of Jim Casey as the Bayfield Municipal Court Judge and the approval of the contract for services for the Town of Bayfield.

The floor was given to Jim Casey.

Jim stated that he is currently the Archuleta County District Court Magistrate in Pagosa Springs and has served as the assistant Municipal Court Judge to Judge Turner in Durango for the past 5 years. He expressed that he had a civil practice in Durango for almost 25 years and still does some prosecuting at the Southern Ute Tribe when they have a conflict and need someone to fill in. He expressed that he is pleased with the contract as it is written and is flattered by being asked to serve this community.

Dan made a motion to appoint Jim Casey as the Municipal Court Judge and approval of the contract for municipal court services. Gabe seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #4: Special Event Liquor License**

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

She explained that since this beer tent will be located on Town property, the Town will have to grant permission to the Rotary Club to use Joe Stephenson Park.

Marianne also noted that the Town Board will need to set the public hearing to hear the request from the Rotary Club to hold this event & serve alcohol. The public hearing will be held at the second meeting in September. Since this meeting is only 4 days prior to the event, the application will be sent to the State Liquor Enforcement Division for a concurrent review. The state will review the application and make their determination on the sufficiency of the application. (One of the requirements is that the applicant has a letter of permission to use the facility for the event which is why the staff is requesting the letter outlining permission prior to the public hearing. It will be sent with the application packet to the State). However, if the Town decides not to grant the request after information heard at the Public Hearing on September 20<sup>th</sup>, the staff can and will stop the review process by the State Division and a liquor license will NOT be issued. The concurrent review will be contingent upon approval of the Liquor Licensing Authority (the Town Board).

Marianne stated that the staff recommends granting the Pine River Valley Centennial Rotary Club permission to use Joe Stephenson Park on September 24<sup>th</sup>, 2011 for the Heritage Days Festival and requested that the Board set a public hearing for the Liquor License Special Event Application for September 20<sup>th</sup>, 2011 @ 7:00 p.m.

Dan moved to grant permission to the Pine River Centennial Rotary Club to use Joe Stephenson Park during the Heritage Days event & set the Liquor License Special Event public hearing for September 20<sup>th</sup>, 2011. Tom seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #5: Vacation & Relocation of Easement – Bayfield School District**

Chris La May gave his staff report. He stated that the Town of Bayfield agreed to vacate an easement recorded February 16, 1966 Book 498 at Page 50, in a November 15, 2007 agreement between the Town of Bayfield, Bayfield Sanitation District and the Bayfield School District in exchange for a new easement, which was provided and recorded July 24, 2008 with La Plata County.

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

He explained that upon completion of the new Wastewater Treatment Plant it was discovered that the sanitary sewer improvements were constructed in a slightly different configuration than originally proposed and were inadvertently placed outside of the easement property. In an effort to rectify the situation, the Town requested a new easement with legal descriptions that encompass the actual improvements.

Chris stated that the School District formally approved the Vacation and Easement Agreement at their August 23, 2011 meeting and the agreement before the Board was the signed vacation agreement and new easement. It was before the Board for approval and signature and would be recorded. Chris recommended that the Board approve the vacation agreement with the School District and accept the new easement provided.

Justin asked if there are any stipulations or changes in the language other than documenting the relocation.

Dirk answered that this document was executed as an as-built for the project. It specifically defines the new easements and their location. He expressed that the Town negotiated the deal with the School District that the Town would remove the old lines, re-locate the soil to the desire locations, and exchange easements.

Gabe made a motion to approve the easement exchanges with the Bayfield School District as presented and signed on the Roadway & Utility Agreement dated August 23<sup>rd</sup>, 2011. Debbi seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #6: LAPLAWD – Engineering Fees**

Tom recused himself from the discussion.

Chris gave his staff report. He stated that the Board at their February 15, 2011 meeting agreed to participate in a contract between Brilliam Engineering Services LLC, the La Plata Archuleta Water District (LAPLAWD) and the Town of Bayfield for a jointly funded study to assist in determining the feasibility of designing, constructing, and operating a Joint Water Treatment Plant to serve the treated demands of both entities.

He explained that at that meeting, the Board approved a contract in conjunction with LAPLAWD to fund the study by Brilliam Engineering at 50% of the total cost and prepare a supplemental budget in the amount of \$11,500. The contract was signed with a total estimated “not to exceed” fee of \$23,220.

Chris stated that the results of the feasibility study were presented to the Board on August 16<sup>th</sup>, 2011. Patrick O’Brien from Brilliam informed both LAPLAWD and the Town of Bayfield that the study was more involved than originally thought, primarily due to a lack of infrastructure drawings and as-builts available by the Town. Patrick informed the Board that the total had exceed the contract amount by \$5,740. Brilliam is formally requesting an additional \$2,870 from LAPLAWD and the Town of Bayfield to cover these additional costs. Chris mentioned that the LAPLAWD Board approved their portion of the cost overrun.

Chris explained that while there is no legal requirement that the Town pay additional for services rendered, staff recommends approval of an additional \$2,870 to Brilliam Engineering for the Water Treatment Plant feasibility study, as a number of the overruns were related to unavailable or inadequate information from the Town.

Gabe asked if the Town as-builts (or lack thereof) were available at the time of bid for the bidders to review.

Ron answered that they were available but none of the firms requested to see them. Ron pointed out that the as-builts that the Town has are inaccurate and that was unknown to the staff until after Brilliam reviewed them during this process.

Gabe asked if the Town received value from this extra work that was done and now has a viable set of water infrastructure plans.

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

Ron stated that the Town received a lot of value for this work that was done.

Gabe stated that he has mixed feeling on paying the extra amount. He feels that Brilliam should have come to the Town prior to spending the money and requested authorization for the overrun prior to it being done. However, the Town did receive a valuable piece of information that it didn't have before and he feels that the Town should pay for that value.

Chris asked if the Board would like to pay half of the bill rather than the whole thing.

Debbi mentioned that if Brilliam assumed that the Town had as-builts and the Town didn't, it is their fault for not checking into that prior to preparing the bid. However, if the contract was prepared with the assumption that there were as-builts available and then it was found out that they were incorrect, she feels that is the Town's fault and the bill should be paid.

Dan stated that he feels the contract should have been more specific with the language. It should have outlined that the contract amount was based on the Town having the needed documentation and if that information is not available it will be necessary to do a change order to request more funds.

Dirk commented that he doesn't think the original contract references the as-builts and the Town is not under a legal obligation to pay this bill.

Dan said that he doesn't want to reward contractors for doing work without prior authorization. However, the contract should have specified what the Town's responsibility was in the process. However, the Town did receive value so he feels there is a need to pay the invoice based on the services received.

Dan made a motion to pay the bill to Brilliam engineering in the amount of \$2870.00. However, he prefaced that he wants to make sure that it is relayed to the contractor that the Town is displeased that the work was done without prior authorization.

The motion died due to a lack of a second.

Justin pointed out that LAPLAWD agreed to pay their portion of the bill without consulting with the Town first. He feels that the two Boards are trying to work together and they made a decision without working together as a whole on this matter.

Dan responded that LAPLAWD may feel like they are doing a favor for the Town by paying half of a bill that is technically the fault of the Town.

Justin asked if the Town has the updated as-builts in hand.

Ron answered that he does.

Gabe suggested tabling this item to the next meeting because he doesn't feel that the Board is comfortable with the information available to pay the bill at this time. He feels that it would be beneficial to get on the same page with LAPLAWD and find out their reasoning before moving forward. He suggested that he thinks that only half of the bill should be paid regardless because half of the overrun is their fault and half is the Town's fault.

Justin asked about clarification on what was expenditure amount was actually allocated by the Town Board.

Chris answered that the minutes from the meeting reflect that the Town Board agreed to pay half of the contract amount of \$11,200.00 and the LAPLAWD Board agreed to that amount plus some additional monies in case of overruns (because they approved the supplemental amount outlined in the contract).

**Town of Bayfield  
Regular Town Board Meeting  
September 6<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

Gabe said that he is inclined to get together with LAPLAWD and with Brilliam prior to paying the bill. He explained that he feels that LAPLAWD should have conferred with the Town prior to agreeing to pay the bill. He doesn't think they should have just assumed that the Town would pay their half.

Justin concurred.

Ron mentioned that he was at the LAPLAWD meeting and they asked him if the Town received value that will be helpful to the project in the long run. He answered that there is a great amount of value with what was received so that LAPLAWD Board voted to approve the funds based on that value received.

Rick suggested dealing with the bill right away rather than tabling it. He explained that it would still be possible to have a conversation with LAPLAWD after the motion is decided.

Gabe made a motion to pay half of the \$2870.00 invoice to Brilliam Engineering and have a conversation with LAPLAWD to make sure that both Boards are on the same page for the upcoming project. Debbi seconded the motion.

Rick asked the Board to give specific instructions to Chris so that he knows what message to take to the LAPLAWD Board.

Justin responded that he is concerned that the Town is at the beginning at a large joint project with LAPLAWD and they are making assumptions without conferring with the Board first. He expressed that he wants to see them work more closely with the Town and make decisions together.

Dan stated that he thinks that Chris should relay to LAPLAWD that the Town would like to have thorough communication together regarding any items relating to financial obligations or contracts that affect both parties and make sure that both entities are appraised of any decisions that are made that might affect the other.

Debbi commented that she also wants Chris to explain to Brilliam why the Board decided to only pay half of the outstanding bill.

Gabe, Debbi & Dan voted in favor of the motion. Justin & Rick voted in opposition. Motion carried.

**Action Agenda Item #7: Resolution #259 – Creation of Conservation Trust Fund**

Chris gave his staff report. He stated that during the 2010 year-end financial audit, the firm conducting the audit opined that the Town should establish a Conservation Trust Fund to record the Conservation Trust Fund money (lottery proceeds) received and to ensure that the expenditure of Conservation Trust Fund monies are spent in accordance with State Statutes.

Chris stated that he has prepared a resolution, which establishes a new accounting fund titled the Conservation Trust Fund and recommended the adoption of the resolution.

Dan made a motion to approve Resolution #259 to establish a separate accounting fund for Conservation Trust Fund revenues & expenditures. Gabe seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #8: Resolution #260 – Creation of Transportation Fund**

**Town of Bayfield  
Regular Town Board Meeting  
September 6<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

Chris gave his staff report. He stated that in accordance with the IGA (Intergovernmental Agreement) with CDOT (Colorado Department of Transportation) for the transfer of Highway 160B it was required that the Town establish a separate accounting fund for money received for acquisition of the highway and designate the money for transportation related expenditures. The creation of a new accounting fund will aid in ensuring that those revenues are spent in accordance with their intent.

Chris explained that while there has been some discussion about including a number of intergovernmental revenue sources (i.e. County Road and Bridge Property Tax and the Highway User Tax Funds, which are earmarked for local streets, road and bridge maintenance) staff has decided after consultation with the Town Attorney and the auditing firm, that the fund should only account for the \$6.8 million dollars received from CDOT. Staff will evaluate whether an additional fund is appropriate for the other revenue sources or whether they remain in the General Fund for the 2012 Budget.

Chris stated that he has prepared a resolution, which establishes a new accounting fund titled the Transportation Fund for the CDOT money only and recommended the adoption of the resolution.

Dan made a motion to approve Resolution #260 establishing a separate accounting fund for monies received from the Colorado Department of Transportation through the maintenance incentive pilot program. Debbi seconded the motion.

Gabe asked if the Town will be putting any other road related dollars into this fund.

Chris answered that this fund will be strictly designated for the \$6.8 million dollars.

Dan asked about options for investments of the funds.

Erin answered that she has looked into the suggestions made by the Board and has found that the C.R.S. statues states that the Town cannot invest money outside of Colorado. Staff has received a quote from a financial advisor but the quote shows that the Town could get the same amount of return doing short-term cd's through the local banks.

All were in favor, motion passed unanimously.

**Action Agenda Item #9: Dissolution of Parks & Recreation Fund**

Chris gave his staff report. He stated that during the 2010 year-end financial audit, the firm conducting the audit opinioned that the Town should move and account for Parks and Recreation revenues and expenditures in the General Fund, thereby, dissolving the Parks and Recreation Operating and Capital Funds.

Chris stated that he has prepared a resolution, which dissolves a separate accounting fund for Parks and Recreation Operating and Capital Funds and transfers any assets or liabilities to the General Fund and recommended approval of the resolution.

Gabe made a motion to approve Resolution #261 dissolving the separate account fund for the Parks & Recreation fund. Dan seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #10: Dissolution of the Police Pension Fund**

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

Chris gave his staff report. He stated that during the 2010 year-end financial audit, the firm conducting the audit opinioned that the Town should move the stipend that is paid for the widow of a public safety officer killed in the line of duty and dissolve the Police Pension Fund.

Chris stated that he has prepared a resolution, which dissolves a separate accounting fund for the Police Pension and transfers any assets of liabilities to the General Fund and recommended approval of the resolution.

Dan made a motion to approve Resolution #262 dissolving a separate accounting fund for the Police Pension Fund. Tom seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #11: Resolution #263 – Establishment of a Capital Asset Policy**

Chris gave his staff report. He stated that during the 2010 financial audit it was noted that the Town did not have a capitalization threshold for Capital Assets. The auditing firm recommended a capital asset threshold of \$2,500 and recommended establishing procedures for capital asset accounting.

Staff prepared a Capital Asset Policy for Board consideration based on information from other municipalities and the Government Finance Officers Association (GFOA) Best Practices. The GFOA recommends a \$5,000 capital threshold, which provides for greater efficiency in tracking capital assets. Therefore, staff feels that it would be appropriate to use a threshold of that amount instead of \$2500.00

Chris stated that he has prepared a resolution approving a capital asset policy for the Town with a capitalization threshold of \$5000.00 and recommended adopting the resolution.

Dan made a motion to approve Resolution #263 approving a capital asset policy for the Town of Bayfield. Gabe seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #12 – Water & Sewer Hardship Rates**

Chris gave his staff report. He stated that many communities offer reduced water and sewer rates to individuals that meet certain income requirements (i.e. low income). A common practice in Colorado is to provide reduced water and sewer rates to individuals that qualify for the Low Income Energy Assistance Program (LEAP).

The Town of Bayfield currently provides a 50% reduction in water and sewer rates to low income senior citizens (i.e. 55 years of age or older). In review of the rate structure, it appears that when adopted the income thresholds is based on social security payments, which closely follows the Federal Poverty Guidelines; however, the Town of Bayfield has an added an age limitation on the qualifications.

Chris explained that he recently spoke to a person on disability, under the age of 55, who inquired about reduced water, sewer, garbage rate. He stated that he informed her that the Town had no rate structure in place unless she was 55 or older. Chris stated that he understands the intent of helping Senior Citizens that are on fixed incomes, he feels that the Town's rate structure should be based solely on income. The Bayfield Municipal Code does provide for an annual increase to the Senior Citizen rates based on Social Security Payments, but again is limited to Senior Citizens. Additionally, it takes some administrative effort to annually research the poverty level guidelines and update forms. Chris suggested that it would be a good idea to base it on a benchmark that changes annually, and provides for a simplified process to determine who qualifies. For instance simply demonstrating that they qualify for LEAP via the statement of acceptance should suffice for

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

Town staff to determine if they qualify for a reduced water and sewer rate. LEAP qualifications are typically 185% of the poverty guideline.

Chris recommended that the Board direct staff to prepare ordinance amending the Town of Bayfield Municipal Code to remove qualifications based on age and instead provide a hardship clause based on income level and establish a process for administrating the process.

Dan asked who would monitor those facts.

Chris responded that the perfect solution would be to use the LEAP assistance program as the guide. If the residents are eligible for LEAP, they are eligible for the Town program.

Rick clarified that this would take out the age requirement in the Town Code.

Justin asked if the residents will have to be checked annually for confirmation that they still qualify for the LEAP program.

Chris answered that the LEAP program is something that has to be qualified for each year. Once they receive their yearly re-qualification they will have to provide that document to the Town in order to keep receiving the discounted rate.

Debbi commented that she feels the 185% that allows qualification for LEAP seems really high.

Gabe commented that if these hardship accounts are using the allotted 6000 gallons per month and the Town is giving them a break on the cost, it is costing the other tax-payers to make up the difference as rates have to be increased. He explained that the Town has to come up with the same amount of money to run the plant regardless.

Tom concurred that the Town can't keep giving discounts because it will eventually lead to having to raise rates for all of the residents.

Debbi commented that she doesn't mind helping those that really need it but she feels that the 185% is really high for the Town to absorb.

Rick stated that he is inclined to leave the policy the way it is current. He wants to continue giving some level of assistance to the seniors because that was the intent when it was adopted. He also mentioned that he would like to see the rates go up incrementally as outlined in the revision that was done. (The rates haven't been changed since 2007).

The Board concurred to leave the policy in place for seniors only and to raise the rates as outlined in the code. However, they decided not to make any changes at this time for additional assistance.

**Action Agenda Item #13: Board Attendance**

Chris gave his staff report. He stated that Board Member Candelaria has inquired if he could participate in the meetings via conference call for a regular meeting due to the nature of his work. Chris explained that Section 2-1(c) of the Bayfield Town Code reads:

*Attendance.* It shall be the duty of the members of the board of trustees to attend all regular, regular adjourned and special meetings. If any member of the board of trustees shall willfully absent himself for three or more consecutive regular or regular adjourned meetings, the board of trustees, by a majority vote of all members,

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

may, in its discretion, declare the office of such delinquent trustee vacant under the procedures in section 31-4-307, C.R.S. 1973, and may appoint some person qualified to serve as trustee.

Chris asked for the Board to review this item and decide how they would like to conduct their meetings.

Gabe stated that he is missing a lot of meetings because he is out of Town a lot for work and he feels that he has an obligation to the residents to serve in the position he was elected to. He stated that he will do whatever it takes to do that for the electors. He explained that he has about 6-8 months of work out of Town and it's going to be hard for him to make the meetings during that timeframe.

Dan stated that if it would have been told to the electorate that Gabe would probably be unable to make a lot of the meetings, it's possible that they might have voted differently. He also feels it's difficult to be effective when you're not physically present in the meetings. However, he feels that Gabe brings a lot to the table and he appreciates his input so he doesn't feel that it would be an easy thing to replace him. He feels that the Town deserves someone that can be at the meetings but having Gabe serve is an asset to the Town because of what his expertise brings to the table.

Justin agreed that he doesn't want to lose Gabe as a member of the Board but it is a tough position not to have a full Board at each meeting.

Debbi asked if it's possible to wait and see what Gabe's schedule looks like in the future.

Justin asked the requirement.

Dirk stated that the Board has the discretion regarding their policy and can allow the absences to be "excused". However, if the Board is going to allow teleconferencing the policy will have to be changed. He explained that the general rule isn't to allow this sort of meeting attendance but that it's up to the Board whether or not they want to change their policy to allow it.

Rick responded that he is more inclined to excuse the absences for the time being and not change the Town's policy to allow teleconferencing.

The Board concurred to leave the policy in place and excuse the absences for the meetings that Gabe is unable to attend, for the time being. However, they expressed that they may revisit this item in the future if needed.

**Action Agenda item #14: Liquor License Renewal – Chavolos Mexican Restaurant**

Marianne gave her staff report. She stated that Chavolos Mexican Restaurant located @ 637 Colorado Drive is requesting approval of their liquor license renewal.

To date, the liquor licensing clerk has not received any complaints regarding this business. I spoke with Marshal Choate regarding this business. The business went through the State inspection process and while they had a few minor violations, they have been rectified and Marshal Choate feels that it is appropriate to renew their liquor license request.

Marianne recommended approval of the liquor license renewal for Chavolos Mexican Restaurant.

There was a discussion regarding their grease trap. Gabe suggested renewing their liquor license for one month to ensure that they continue doing what is necessary to meet the Town requirements.

Marianne explained that the Town cannot hold a liquor license renewal for a grease trap violation.

**Town of Bayfield**  
**Regular Town Board Meeting**  
**September 6<sup>th</sup>, 2011**  
**1199 Bayfield Parkway Bayfield, CO 81122**

Debbi asked if the Town can pull their liquor license if they are in violation.

Marianne responded that the Town can only pull a liquor license if they have liquor violations. The grease trap does not fall into the purview of that type of action. It would have to follow the protocol outlined in the grease trap ordinance and be sent through municipal court.

Gabe made a motion to renew the liquor license for the Chavolos Mexican Restaurant. Dan seconded the motion.

Debbi suggested sending them a directive stating that the Town really wants them to be more compliant with their grease trap.

Dirk stated that the Town can send them that directive but it has to be unrelated to the liquor license renewal.

All were in favor, motion passed unanimously.

**Action Agenda Item #15: New/Unfinished Business**

Chris mentioned the CML conference that is being held in Pagosa Springs and asked for a head count on the Board members that would like to attend so that RSVP's could be sent. He also mentioned a grand opening/ribbon cutting of the Meditation Garden at Mercy Medical and a Colorado Rural School Caucus event at Town Hall on September 13<sup>th</sup> @ 12:00 p.m.

Dan, Rick, Debbi & Dirk all stated that they would be attending the CML conference.

Chris stated that he received a request for comment from Terracon regarding a telecommunication tower that is scheduled to be constructed north of Bayfield. The structure is 160' tall on a 75x75 footprint. He asked the Board to send him any comments they had on the proposed project.

Dan asked about the Film Commission Meeting and stated that he might be interested in going. Dan complimented Erin on the Town's financial reports that were presented to the Board and commented that there was some title work done on the property that David Black was referencing and it was found that the easement did not exist.

Dirk responded that the area David was speaking about is not a public alleyway. He explained that there might be a private easement to the back lots but that would make this a civil matter between the property owners. However, the Board did take the position that they wanted to keep it open when the subdivision was done by Roy Davin.

Gabe stated that he is still working with the Town regarding the lot consolidation on his property. He is going to look for some paperwork and do some additional research to get that process completed. He also asked about whether or not transient vendors are collecting & reporting sales tax collections.

Marianne answered that it is required that vendors requesting a business license from the Town provide a copy of their sales tax license. They are supposed to charge sales tax and report that to the State.

Dirk mentioned that this type of situation is hard to track and it tends to become more costly to enforce than the Town would actually gain from the revenues collected.

Justin stated that the idea to use the millings from the road project throughout Town (especially on the track at Joe Stephenson Park) was a great idea.

**Town of Bayfield  
Regular Town Board Meeting  
September 6<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

Rick complimented the Public Works department on the work done to the Town streets. He also mentioned that he was approached by Carol Marinsek with Bayfield Liquor regarding a drainage problem on her property. The problem actually needs to be fixed by CDOT but he asked if the Town could get involved by making a request of CDOT to get it resolved.

**Action Agenda Item #16: Executive Session: Ludwig Water Issue**

Tom made a motion to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b) and requested that the Town Attorney and Town Manager be included. Debbi seconded the motion. All were in favor, motion passed unanimously.

The Board came out of executive session and the meeting was adjourned.

*Minutes were approved as amended on September 20<sup>th</sup>, 2011*

**Approved:**

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

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