

**Town of Bayfield
Regular Town Board Meeting
November 18, 2014
1199 Bayfield Parkway, Bayfield CO 81122**

Town Board Members Present: Trustee Morlan, Trustee Nelson, Trustee Nyberg, Trustee Salka, Trustee Sanders, Mayor Smith

Town Board Members Absent: Trustee Davenport

Staff Present: Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Erin Dunavant (Finance Director), Jeff Robbins (Town Attorney), Joe McIntyre (Marshal), Scott Key (Parks and Recreation Director), Becky Eisenbraun (Program Coordinator)

Media Present: Carol McWilliams with the Pine River Times

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

Roll Call: 6 present 1 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Nyberg made a motion to approve the minutes from November 4, 2014, as presented. Trustee Nelson seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Nyberg made a motion to approve the bills dated November 5, 2014 through November 13, 2014, as presented. Trustee Salka seconded.

Roll call: 6 – 0

Motion passed unanimously.

General Public Input: No comments were offered.

Starburst Award Presentation: Dawna Callahan, with Colorado Lottery, presented Parks and Recreation Director Key and Program Coordinator Eisenbraun with a Starburst Award, for improvements made to Gosney Park.

Town Updates: No comments were offered.

Public Hearing: 2015 Preliminary Budget – Town Manager La May gave a Power Point Presentation on the 2015 Preliminary Budget. No comments were offered from the public.

**Action Agenda Item #1: Discussion and Possible Action – Request for Water and Sewer Taps 2024
Bayfield Parkway**

Town Manager La May stated that Mr. Kurt Will is attending tonight's meeting, representing Ms. Mary Montgomery. Ms. Montgomery is the owner of the property located at 2024 Bayfield Parkway. Ms. Montgomery is also the owner of the mobile home park located at the end of La Plata Road. When the mobile home park was developed the Montgomery's purchased 16 sanitary sewer taps. Upon completion of the park only 14 mobile homes were put in the park, utilizing 14 of the 16 purchased taps. In addition, the Montgomery's also

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purchased a 1 ½" water tap for \$2,000.00. The mobile home park is annexed and is in the Town of Bayfield. The property at 2024 Bayfield Parkway is not annexed and is in the County. Typically, property owners are required to annex their property before the Town of Bayfield will provide water services. Because the property was within the Bayfield Sanitation Districts boundaries and the Town of Bayfield assumed their responsibilities, our code stipulates that if the property is a residential unit we would provide sanitary sewer services without compelling annexation. Ms. Montgomery is requesting the use of one of the original 16 sewer taps purchased, for a new mobile home to be put on the property at 2024 Bayfield Parkway. Ms. Montgomery is also requesting permission to connect to the Town of Bayfield's water system by tapping into the service line that services her mobile home park. The Town of Bayfield Code does not allow for the transfer of taps from one property to another. At some point in the past, one of the original 16 sewer taps was transferred to the existing residence at 2024 Bayfield Parkway. Mr. Will, on behalf of Ms. Montgomery, is asking that the Board of Trustees "Grandfather" the previously purchased taps and allow Ms. Montgomery to utilize them for the new mobile.

Trustee Nelson stated that 15 of the original 16 sewer taps are being utilized.

Town Manager La May stated that Trustee Nelson was correct.

Mr. Will stated that Ms. Montgomery is establishing a second residence at 2024 Bayfield Parkway and would like to use the taps that she had purchased previously.

Mayor Smith stated that there were two issues to address. First, the Town Code does not allow transfers of taps between properties. Second, water services will require annexation. Mayor Smith suggested that the Board consider the water and sewer taps as two separate issues.

Trustee Nelson stated that the address on the original application, for 16 sanitary sewer taps, is 2024 Hwy. 160B (now Bayfield Parkway). She asked if that trailer park and the existing residence share the same address.

Town Manager La May stated that trailer park and the residence have different addresses.

Trustee Nelson asked what address is requesting the use of the sewer tap.

Mr. Will stated that the sewer tap would be used at 2024 Bayfield Parkway.

Trustee Morlan stated that it appears the sewer taps were granted to one parcel, and Ms. Montgomery is requesting to use one of the taps for a different parcel.

Mr. Will stated that Ms. Montgomery has already been allowed to use one of the original taps for the residence at 2024 Bayfield Parkway.

Mayor Smith asked Attorney Robbins, if the Board is inclined to repeat what was done with 15th sewer tap and allow the 16th tap to be used on the new mobile at 2024 Bayfield Parkway, would this set precedence for the future?

Attorney Robbins stated that the only precedential impact would be if the Board was faced with the exact same set of circumstances.

Mayor Smith asked the Board of Trustees if they wanted to bypass the Town Code and allow Ms. Montgomery use of the 16th sewer tap that was intended for the trailer park, for a new mobile that will be placed at 2024 Bayfield Parkway.

Trustee Nelson stated that since the original application had an address of 2024 Hwy. 160 B, the Board should allow Ms. Montgomery to use the last remaining sewer tap.

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Trustee Nyberg stated “why have codes in place if we are not going to abide by them”.

Trustee Sanders stated that he agreed with Trustee Nelson, as long as it does not set precedence for the future.

Trustee Morlan stated that he would vote to abide by the code.

Trustee Nelson made a motion to allow the applicant to use the one remaining sewer tap, which was paid for in the 1970’s, for an additional dwelling at 2024 Hwy. 160B (Bayfield Parkway). Trustee Morlan seconded.

Mayor Smith stated that since the address on the original application and the address of the proposed service is the same, the Board can allow this transfer without violating the Town Code.

Roll call: 4 – 2 (Trustee Morlan and Trustee Nyberg voted no)

Motion passed. Ms. Montgomery will be allowed to utilize the 16th sewer tap for an additional residence at 2024 Bayfield Parkway.

Mayor Smith stated that the water tap, in question, was sold by the size of the tap. The Montgomery’s purchased a 1 ½” tap for \$2,000.00 and are charged for 14 service connections. The code is very specific in regards to water taps. Property owners are encouraged to annex into the Town of Bayfield, in order to obtain water services. The trailer park, for the purpose of water, has a different address than the residence at 2024 Bayfield Parkway and has been annexed.

Trustee Nelson stated that the Board would need to decide if they wanted to provide water to a tract outside of the town limits. She also stated that since the properties are separate the applicant should pay a tap fee.

Trustee Morlan stated that he agreed with Trustee Nelson.

Mr. Will stated that if the Town does not allow use of the existing tap, Ms. Montgomery will be looking into the possibility of utilizing the existing water well that serves the current residence at 2024 Bayfield Parkway.

Mayor Smith stated if the Board votes no to allowing use of the water tap associated with the trailer park and if San Juan Basin Health will not let the applicant use the existing water well, there are still opportunities available to obtain water services. Does the Board wish to let the applicant use the water tap, intended for the trailer park, to obtain water for a new residence at 2024 Bayfield Parkway?

Attorney Robbins stated that the question of annexation is not before the Board tonight. The question that is before the Board is if the existing water tap at the trailer park is available for use for 2024 Bayfield Parkway.

Trustee Morlan made a motion that the water tap purchased for Lot B Tract L, the trailer park, cannot be used for the trailer at 2024 Bayfield Parkway. Trustee Sanders seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #2: Amendment to Scope of Services and Compensation – Professional Services Agreement Bechtolt Engineering, Inc.

Town Manager La May stated that the Town of Bayfield entered into an agreement with Bechtolt Engineering, Inc. for project management and design of the Twin Bridges, with an amount not to exceed \$536,919.34. When the town entered into this agreement it was under the assumption that we would be replacing one bridge with a

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bridge and replacing the second bridge with a CBC, concrete box culvert. After completing a hydraulic analysis, staff has been advised that the use of the CBC would not be cost effective. Additional design costs for the second bridge will be \$57,718.00. Other additional fees required are \$22,552.00 for redesign of the sewer line, \$59,744.81 for Environmental Mitigation, Independent Review fees of \$24,662.00 and \$48,338.70 for design and environmental clearances for the Shared Use Path. Staff is recommending approval of an additional \$213,017.00 to the Bechtolt Engineering, Inc. contract.

Trustee Nelson made a motion to amend the scope of services by Bechtolt Engineering, Inc. in an amount not to exceed \$213,017.00. Trustee Morlan seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #3: Consideration of Approval of Ordinance 387, An Ordinance Amending Chapter 5 of the Town of Bayfield Municipal Code Establishing Liquor Licensing Authority, Authorizing the Town Clerk to Approve Certain Liquor License Applications and Providing for Tastings at Liquor Stores within the Town of Bayfield, Colorado

Town Manager La May stated that this ordinance has been discussed during a couple of Board Meetings and staff is ready to recommend approval of Ordinance 387.

Trustee Morlan made a motion to approve Ordinance 387, an ordinance amending Chapter 5 of the Town of Bayfield Municipal Code establishing Liquor Licensing Authority, authorizing the Town Clerk to approve certain Liquor License applications, and providing for Tastings at Liquor Stores within the Town of Bayfield, Colorado. Trustee Salka seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #4: Consideration of Approval of Agreement Between BP America Production Company and Town of Bayfield, Colorado

Town Manager La May stated that this agreement stipulates that, if BP needs access to maintain their gas lines, approximate to the drainage ditch that was installed in Sunrise Estates, they will give the Town of Bayfield twenty days of notice to remove sections of the ditch liner. In the event of an emergency BP has the ability to access their gas lines without the responsibility of repair to the ditch. It is the responsibility of the Town of Bayfield to repair the ditch to its original state.

Trustee Salka made a motion to approve the agreement between BP America Production Company and the Town of Bayfield. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

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Action Agenda Item #5: Consideration of Approval of Resolution 320, A Resolution of the Town of Bayfield Authorizing the Submission of an Energy and Mineral Impact Assistance Program Grant Application to the Colorado Department of Local Affairs

Town Manager La May stated that staff would like to apply for a grant for a \$500,000.00 project. \$250,000.00 would come from the Department of Local Affairs through their Energy and Mineral Impact Grant Program Tier 2. The grant application requires that there is a resolution from the governing body demonstrating support of the project.

Trustee Nelson made a motion to approve Resolution 320, a resolution of the Town of Bayfield authorizing the submission of an Energy and Mineral Impact Assistance Program Grant application to the Colorado Department of Local Affairs. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #6: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)

Trustee Nyberg stated that the Planning Commission approved the request by Tailwinds to open their business in the Steamworks building.

Carol McWilliams stated that the Seniors had a very successful Arts and Crafts Bazaar, raising approximately \$4,700.00.

Trustee Salka stated that SWTPR will meet December 5, 2014.

Trustee Sanders stated that Region 9 will have a Loan Committee meeting tomorrow.

Town Manager La May stated that Trustee Davenport provided a report from RHA in the Board Packet.

Trustee Nelson stated that SWCCOG is the budget. She also stated that, SWCCOG received a DOLA Grant for technical assistance.

Mayor Smith stated that LPCEA is discussing the airport expansion.

Action Agenda Item #7: New/Unfinished Business

Town Manager La May stated that the failure of the sales tax increase has staff looking at the budget a little differently. Coming up with approximately \$260,000.00, which would have been raised through the tax increase, and a "Plan B" is going to be very complex. This could result in raising fees and reducing services, if the priority of the Board is to maintain the streets at the proposed level. This discussion will not be resolved in time to incorporate any decisions into the 2015 Budget. Staff will be asking the Board to approve the 2015 Budget as proposed and after further discussions amend the budget at a later date. Town Manager La May also suggested using funds allocated for the Bayfield Center landscaping and completing a smaller road project to try and keep up with some of the road maintenance.

The Board discussed several options to cutting funds in the budget. Things such as buying bulk fuel to cutting Non-Profit Funding were discussed.

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The Board directed Town Manager La May to make adjustments to the proposed budget, before the next Board Meeting, to accommodate funding a \$75,000.00 road project in 2015.

Trustee Nelson made a motion to move to Executive Session in accordance with C.R.S. 24-6-402(4)(f) for the Town Manager's Performance Evaluation, to include Town Manager La May and Attorney Robbins. Trustee Salka seconded.

Roll call: 6 – 0

Motion passed unanimously.

The Board moved to Executive Session at 9:00 PM.

The Board came out of Executive Session at 9:40 PM.

Mayor Smith stated that no decisions were made while in Executive Session.

Trustee Morlan made a motion instructing Town Manager La May and Town Attorney Robbins to present the Board with the appropriate paperwork renewing the Town Manager's employment contract with a salary increase of 4%. Trustee Nelson seconded.

All were in favor. Motion passed unanimously.

Meeting was adjourned at approximately 9:45 PM.