

**Town of Bayfield
Regular Town Board Meeting
February 5, 2013
1199 Bayfield Parkway, Bayfield CO 81122**

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

Town Board Members Absent:

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

Media Present: Carol McWilliams with Pine River Times

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

Roll Call: 7 present

Pledge of Allegiance:

Approval of Minutes: Trustee Au made a motion to approve the minutes as amended (right of way was misspelled in paragraph two of Action Agenda Item #2), Trustee Nelson seconded.

All in favor, motion passed unanimously.

Approval of Bills: Town Manager La May stated that there was an additional bill to be added for payment. The invoice to Comdata for \$3,119.13 needs to be paid to avoid a late fee charge. Trustee Renfro questioned the bill for vehicle towing, she asked if we got reimbursed for these charges. Marshal McIntyre stated that we do require the vehicle owner to pay the tow bill. Trustee Nelson made a motion to approve the bills dated January 23 through January 31, 2013 (including the bill to Comdata), Trustee Nyberg seconded.

Roll Call 7 -0

Motion passed unanimously.

General Public Input: None was offered so it was closed.

Town Updates: There were no questions of staff.

Action Agenda Item #1: Liquor License Renewal – Western Refining Southwest Inc. (Giant)

Town Clerk Cathcart stated that this was an annual renewal. The application and the applicable fees were received in the Clerk's office on January 22nd, 2013. At this time there are no issues to report with renewing this license.

Trustee Nyberg made a motion to approve the Liquor License renewal application, Trustee Au seconded.

Roll Call 7 -0

Motion passed unanimously.

Action Agenda Item #2: Discussion And Possible Action – Request To Vacate Rights To Portions Of Property Adjacent To W. North Street (AKA Bayfield County Road)

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Town Manager La May stated that we had touched on the subject a number of months ago. The County deeded over a portion of right of way to the Town which encompasses a portion of the property at 550 W. North Street. Mr. Mc Nichol is here tonight representing that property owner and would like to provide a proposal to potentially resolve the clouded title.

Mr. Mc Nichol stated the right of way that was deeded to the Town encompasses 80% of all the structures on the property at 550 W. North Street. He also stated that the property owner's attorney is going to proceed with a quiet title action.

Mayor Smith asked Mr. Mc Nichol what exactly would he like the Board to consider.

Mr. Mc Nichol stated that they would like the Town to vacate or quit claim the property that takes up some of the land owner's front yards along North Street.

Mayor Smith asked if Mr. Mc Nichol was representing all the property owners.

Mr. Mc Nichol stated that he was only representing the owner of 550 W. North Street.

Mayor Smith stated that the Board would discuss this in the Executive Session at the end of the meeting. We will leave it to the staff to get in touch with you by the end of the week.

Action Agenda Item #3: Discussion And Possible Action – JAG Grant Application For School Resource Officer

Marshal McIntyre stated that he had a meeting with School Superintendent Troy Zabel. He then met with the School Board and pitched the proposal of the JAG Grant and an SRO position in the schools. The School Board was receptive to the idea. The School will participate in a 50/50 cost share for the position but they would like the ability to review the agreement that we would enter into every two years. He also stated that his biggest concern is sustainability for the position.

Town Manager La May stated that his concern is the commitment.

Trustee Davenport asked if Troy Zabel was amenable to the idea of this program.

Marshal McIntyre stated yes he was. He also stated that a 50/50 cost share is quite good, the department usually picks up the majority of the cost.

Trustee Davenport asked if there were parents present at the School Board Meeting when this subject was discussed and did they have any comments.

Marshal McIntyre stated that the School Board meeting was quiet with no parents present.

Trustee Renfro asked if the School Board gave any indication that after two years they would stop funding for this position.

Marshal McIntyre replied no they did not give that indication. Because they can't predict what their budget will look like in the years to come, the School Board would like the ability to review the agreement every two years.

Trustee Davenport asked if the County had an SRO.

Marshal McIntyre stated that the County did have an SRO at one time. That officer was a part time position and he went to all of the schools in the County.

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Trustee Davenport asked if the County might want to reactivate that program and help with funding in the future.

Marshal McIntyre stated that may be a possibility but he would like to see his department be more active in the schools.

Trustee Nelson asked that even though there is a cost sharing for this program this officer would still be responsible to the Marshal's Office.

Marshal McIntyre replied yes the officer would be under the direct supervision of the Bayfield Marshal Office.

Mayor Smith stated that unfortunately this is a path that we are going to end up taking.

Trustee Morlan made a motion to proceed with the grant application, Trustee Renfro seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #4: Discussion And Possible Action – Request For Extension Of Time For The Elston Subdivision Improvements Agreement And Ability For Lot 3 To be Utilized For RV And Equipment Storage

Trustee Renfro recused herself because she wrote the letter representing Mr. Leming in this request.

Town Manager La May stated that there was a letter in the Board Packet requesting that the Town consider extending the deadline on the subdivision improvements within the Elston Subdivision. The request is to extend the deadline indefinitely or at least ten years. Lot 3 of that subdivision has been sold and is no longer under the LLC's ownership. The new owner has interest in utilizing that property for RV storage and eventually a self storage unit. The challenge is that lot 3 is part of the subdivision and the Subdivision Improvement Agreement applied to all lots. The water line has been installed. The other items, drainage, sewer, water rights and fees in lieu still need to be taken care of. The approvals expired in November, so technically they are in breach of the Subdivision Improvement Agreement.

Trustee Renfro stated that she is representing Doug Leming and introduced Gregg Martin, the new owner of lot 3. She stated that Mr. Leming does intend to fulfill the Improvement Agreement, but at this time there is no market in doing the improvements. The improvements are really only for lot 2. The lots stand separately from one another when it comes to drainage, utilities and access. What Mr. Leming is requesting is an extension of the deadline and to separate lot 3 from the agreement since the improvements will not benefit that lot.

Mr. Martin stated that he would just like to move forward with his activities on lot 3 and separate from lot 2.

Trustee Morlan asked if they were referring to separating as per the requirements of the Subdivision Improvement Agreement.

Trustee Renfro stated yes he just wants to be responsible for lot 3 improvements. He does not want to be tied to the plan for lot 2 as well.

Mayor Smith asked what the time frame would be in the change of use from Recreational Vehicles to the Storage Units.

Mr. Martin stated that it could take twelve to twenty four months.

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Mayor Smith stated that if we separate lot 2 from lot 3 there will have to be a separate Improvement Agreement and there will be a time frame that is tied to that.

Mr. Martin stated that he would like to meet with staff as quickly as possible to get things moving.

Mayor Smith asked what it would entail to make these changes to SIA.

Attorney Nelson stated that it would require an amendment to the SIA and possibly the annexation agreement.

Town Manager La May stated that one of the requirements of the first amendment to the agreement was to take a sanitary sewer line to lot 1. Is there any movement toward getting that line to lot 1?

Trustee Renfro stated that will not be done until lot 2 is developed.

Town Manager La May stated that there are sanitary sewer lines on the North side of lot 3 that are intended to serve lot 2. Will those easements remain in place?

Mr. Martin replied yes, the easements will remain in place.

Town Manager La May asked about timing for this agreement. The request is to not have a time limit. Typically when you do a subdivision you have a Performance Guarantee. The current Performance Guarantee has expired.

Mayor Smith stated that he does not like leaving things in perpetuity.

Attorney Nelson stated that a time frame should be included in the agreement.

Trustee Morlan stated that is why we have Subdivision Improvement Agreements, so that things like the sewer line get completed in a timely manner.

Attorney Nelson stated that lot 1 is Lavonne Elston's home. There were agreements about what was to be installed so we should consult her and see what her issues are with this extension.

Trustee Nelson asked if the sewer line should have been completed by November 1st, 2011.

Attorney Nelson stated that was the last extension of the SIA.

Town Manager La May stated that all improvements were to be completed by November 2012.

Mayor Smith stated that he would be comfortable with a time frame of 3 to 5 years, but that the sewer line should be addressed. He also stated that within that time frame he would like to have the ditch rights signed over to the Town.

Attorney Nelson stated that he would like to take the time to make sure he has all of the issues covered. By the next meeting he should have a better feel for whether or not we can come to an agreement or if we need more guidance.

Trustee Renfro asked will there be two separate agreements or one addressing both issues.

Mayor Smith stated that there would be two separate agreements.

Trustee Renfro cautions on putting dates on these agreements, she believes it gives people unrealistic expectations.

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Trustee Morlan asked if the Town is potentially facing a liability for these improvements not being completed.

Attorney Nelson stated that we could take steps to enforce the agreement. He also stated that putting a date in these agreements is appropriate to help protect others interest. At this point no one is being harmed, but we do need to consult with Ms. Elston because these improvements that were promised benefit her.

Town Manager La May stated that we are going to incur some attorney fees with this process. He asked if the Board thought it was appropriate for the applicant to pay for those fees.

Mayor Smith stated that he thought that was appropriate.

John Ralph stated that Mr. Leming has stated that he will take on the costs of this process.

Action Agenda Item #5: Consideration Of Resolution 295, A Resolution Of The Town Of Bayfield Acting By And Through Its Town Of Bayfield Sewer Enterprise Approving A Loan Between The Colorado Water Resources And power Development Authority And the Town Of Bayfield Acting Through Its Town Of Bayfield Sewer Enterprise In The Principal Amount Not To Exceed \$600,000.00 For The Purpose Of Financing Improvements To The Sanitary Sewer Facilities Of The Enterprise; Authorizing The Form And Execution Of A Loan Agreement And A Governmental Agency Bond Evidencing The Loan; Providing That The Governmental Agency Bond Shall Be Payable Only From Revenues Of The Town Of Bayfield Sewer Enterprise; And Prescribing Other Details In Connection Therewith

Town Manager La May stated that we were granted approval of the loan last year. The loan was contingent on the Town increasing its sewer fees by \$2.10. We held off on executing this loan until after the first of the year at which point there was a 5% increase in sewer fees. What you will be doing tonight is authorizing staff to execute that loan. Money from the loan will be used for infiltration repairs, slip lining and possibly some replacement of sewer lines if necessary.

Trustee Nelson made motion to approve Resolution # 295, Trustee Au seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #6: Consideration Of Lease Agreement Between The Town Of Bayfield And La Plata County Board Of County Commissioners For A Portion Of The Town Of Bayfield Town Hall Comprised Of Approximately 2,000 Gross Rentable Square Feet

Town Manager La May stated that the current lease is expired for the County Clerk and Recorder's office that rents space in Town Hall. We have spoke with La Plata County and they are comfortable with the lease as it is written with one minor change on page 5. They are requesting that it read that if such resolution can not be negotiated within 60 days either party shall have the right to terminate this lease agreement. We have asked for a five year lease. We have five more years of payment on debt service for the Town Hall, this will guarantee income to help pay for that.

Trustee Au made a motion to approve the lease agreement as amended, Trustee Morlan seconded.

Roll call 7 -0

Motion passed unanimously.

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Action Agenda Item # 6 New/Unfinished Business

Town Manager stated that some Dove Ranch residents have complained and are requesting a change in our snow plowing practices in their subdivision.

Trustee Morlan asked if we are doing anything different in that subdivision then we do anywhere else in town.

Town Manager La May stated that the only difference is that because of the configuration, there are not driveways on the interior.

Mayor Smith stated that he would not want us to vary from our standard practices.

Town Manager La May stated that the Breakfast meeting with the County Commissioners is on the 22nd instead of the 21st

Trustee Renfro stated that this Saturday is the second Saturday and every one is welcome.

Mayor Smith asked how we are doing on getting our Town's logo on all vehicles.

Town Manager La May stated that the Administration and Parks N Rec have moved towards getting logos on their vehicles.

Trustee Davenport made a motion to adjourn to Executive Session, Trustee Nelson seconded.

Roll call 7 – 0

Motion passed unanimously.

Meeting adjourned at 8:09 for Executive Session.

Board came out of Executive Session and adjourned at approximately 8:57 pm.

Minutes Were Approved As Amended (Leming was misspelled and there was an "s" in Trustee Davenport's name on the third page) On February 19th, 2013.

Approved:

Rick K. Smith
Mayor

Kathleen Cathcart
Town Clerk