

Town of Bayfield
Regular Town Board Meeting
April 2, 2013
1199 Bayfield Parkway, Bayfield CO 81122

Town Board Members Present: Mayor Smith, Trustee Au, Trustee Renfro, Trustee Nyberg, Trustee Morlan (arrived after the approval of bills)

Town Board Members Absent: Trustee Davenport, Trustee Nelson

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

Media Present: Carol McWilliams with Pine River Times

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

Roll Call: 4 present 3 absent (Trustee Morlan arrived after the approval of the bills)

Pledge of Allegiance:

Approval of Minutes: Trustee Au made a motion to approve the minutes from March 19th, 2013, Trustee Nyberg seconded.

All were in favor and motion passed unanimously.

Approval of Bills: Trustee Renfro made a motion to approve the bills dated March 20th through March 29th, 2013, Trustee Au seconded.

Roll call 4-0

Motion passed unanimously.

General Public Input: Vernon Sower, 420 Red Hawk Circle, addressed the Board regarding the intersection at Commerce Drive and Highway 160. He stated that in approximately 1957 CDOT moved the highway and shortly after that they declared accesses every mile. In approximately 1967 a deed was issued to Cecil Sower making Commerce Drive a commercial access. It has been a constant battle with CDOT to keep this a full movement access but he would like to see the Town try to keep it that way as long as possible.

Town Updates: Town Manager La May stated that he received a draft of the IGA for the US 160 Access Control Plan today.

Action Agenda Item #1: Elston Subdivision Improvement Agreement Second Amendment

Town Manager La May stated that some time ago there was a request to extend the Elston Subdivision Improvement Agreement. At the time of that request there were some items that staff and the developer felt should be addressed. Numerous agreements have been drafted. Staff feels comfortable with the agreement being presented tonight.

Town Manager La May summarized the agreement to the Board.

Town Attorney Nelson stated that this agreement states that if there is a change in use on lot 3, current standards of the Town would have to be met.

Mayor Smith asked Greg Martin, the new owner of lot 3, if he understood that if he changed the usage on his lot that he would have to comply with the current standards.

Town of Bayfield
Regular Town Board Meeting
April 2, 2013
1199 Bayfield Parkway, Bayfield CO 81122

Mr. Martin stated that he understood and agreed with the agreement being presented.

Ms. Elston asked about item #8 in the agreement. She does not want to convey her water rights.

Town Attorney Nelson stated that this item is referring to the water rights that Mr. Leming owns. This does not affect Ms. Elston's water rights at all.

Town Manager La May stated that he had contacted the Schroeder Ditch Company and they indicated that the water shares in question are in the name of Doug Leming.

Town Attorney Nelson stated that the water rights in question were to be conveyed to the Town when the property was first developed. This is just following up on the original agreement.

Town Manager La May stated that Ms. Elston will be a signature on this new agreement because she was on the original agreement.

Town Attorney Nelson stated that the other detail being drafted is Mr. Martin being asked to dedicate an easement to the Town for the sewer line. This portion will not require Board approval.

Trustee Morlan made motion to approve the Elston Subdivision Improvement Agreement Second Amendment, Trustee Au seconded.

Roll call 4 - 0 (Trustee Renfro abstained)

Motion passed.

Action Agenda Item #2: Discussion And Possible Action – CDOT Responsible Acceleration Of Maintenance And Partnerships (RAMP) Program Application For Bayfield Parkway East Intersection And Limiting Access To Commerce Drive

Town Manager La May stated that CDOT has launched a new program, Responsible Acceleration of Maintenance and Partnerships (RAMP). The intent of this program is to expedite and implement projects and solicit partnerships to address transportation solutions. CDOT intends to allocate 175 million dollars statewide for this program and over a five year period would allocate approximately 600 million dollars to accelerate these projects. The pre-application process is open now. We can submit an application to the local region and if it is pre-approved at that level it will move on to the more extensive application process and those will be decided upon by September. Staff's recommendation is to submit an application for the East intersection of Bayfield Parkway and Hwy 160. CDOT has stated that this project needs to show a benefit to the statewide transportation system and not just the local network. They suggested that if we look at limiting access to the Commerce Drive intersection they would see that as a benefit to the statewide transportation system. Does the Board think this project is worthy of submitting an application?

Trustee Morlan asked what kind of access limit is CDOT talking about at Commerce Drive.

Mayor Smith stated that CDOT would like that intersection to be a right in and right out.

Trustee Renfro stated that as an Engineer she believes that intersection should be a right in and right out. It is simply too dangerous the way it is.

Mayor Smith stated that he thinks the Town should submit an application and try to get this project in the queue. It could be several years before the opportunity for this money could come around again.

**Town of Bayfield
Regular Town Board Meeting
April 2, 2013**

1199 Bayfield Parkway, Bayfield CO 81122

Trustee Au stated that he does not think we are doing business owners any favors by closing Commerce Drive.

Mayor Smith stated that by adding the Eastside intersection we would be taking pressure off of Commerce Drive and having two lights to get traffic across the highway would be better.

Trustee Morlan asked what deal is on the table.

Town Manager La May stated that all he is asking is, "do you want me to submit an application and if so what would you like that application to entail?" He also stated that the message that he had received from CDOT was that we would likely not get approval without making some considerations for Commerce Drive.

Trustee Morlan asked if the access to the Pawn Shop went away what affect would it have on the intersection at Commerce Drive.

Trustee Renfro stated that she understands that CDOT does not want you to be able to go from one side of Hwy 160 to the other. There will still be a right in right out which is safer. She also stated that there is alternative access to the commercial businesses without using Commerce Drive.

Mayor Smith stated that the question tonight is if we want to apply for the Eastside intersection and if we want to offer Commerce Drive as a way to get our application accepted.

Trustee Au stated that he thinks that we should submit an application but he does not feel that we should limit access to Commerce Drive.

Trustee Nyberg agreed with Trustee Au.

Trustee Morlan stated that this has been an issue for a long time. He believes the Pawn Shop access makes the intersection at Commerce Drive dangerous. He would like to submit an application without limiting access to Commerce Drive.

Mayor Smith stated that maybe we should take the position to defend Commerce Drive but give up the access to the Pawn Shop because it is a private drive not a public street.

Trustee Renfro stated that she believes having a left turn on to Commerce Drive is just too dangerous.

Mayor Smith asked Marshal McIntyre what his thoughts were on this subject.

Marshal McIntyre stated that it is definitely a dangerous intersection but they have actually had more problems at the light on Hwy 160 and County Road 501.

Town Attorney Nelson stated that he thinks we would be hard pressed to take the access away to the Pawn Shop. But he does agree that it should be a right in and right out.

Mayor Smith stated that we definitely want to submit an application for the Eastside intersection. In that process we would offer to make the access to the Pawn Shop a right in and right out.

The Board agreed.

Action Agenda Item #3: Discussion And Possible Action – Water Restrictions

Town Manager La May stated that we had talked about putting water restrictions in place on a permanent basis. An ordinance has been drafted for the Boards review. This draft does not specifically spell out the exemptions.

**Town of Bayfield
Regular Town Board Meeting
April 2, 2013**

1199 Bayfield Parkway, Bayfield CO 81122

Trustee Renfro stated that she would like a specific line stating that if a resident has newly planted sod or seed they can get a special watering permit from Town Hall.

Mayor Smith thanked Town Manager La May for drafting this ordinance. He did ask that he add a line referring to newly planted sod and seed but to keep it generic enough to give staff some flexibility.

Town Manager La May stated that he would bring this ordinance back to the Board at the next meeting. He also stated that we should probably make the public aware that we are going to be passing this ordinance.

Action Agenda Item #4: Discussion And Possible Action – Fiber Installation DOLA Grant Reallocation

Town Manager La May stated that he has included in the Board packet correspondence with the SWCCOG, SCAN and DOLA regarding the availability of funds. This is related to the SCAN Grant for the Fiber Area Network. There have been some communities that have elected not to participate or they did not need as much money as they had anticipated. Staff has submitted a letter requesting some additional funds to see if we can get a significant portion of the fiber build in the Town of Bayfield completed. The SWCCOG will be making their decisions on Friday and it has been recommended that we will be getting the funds that were requested. This puts us in a better position than we were in a month ago. We have pretty much met the \$400,000.00 project cost that we were originally given as an engineer estimate so everything about that we would fund at 100%. We have access to these additional funds at a 25% match. I have submitted a request to the SWCCOG for \$129,706.00 which is their 75%; the Town will have to come up with \$43,235.00. The whole project is \$172,491.00. This will enable us to provide services on both sides of town, including the Water Treatment Plant, Town Hall, Public Works Shop and across Joe Stephenson Park to tie into Fast Track. This will also enable us to get to the Tri State Substation.

Mayor Smith stated that the SWCCOG Board will receive a motion from the Telecom committee saying that Bayfield, Mancos and Silverton have priority in receiving a 100% of their requests.

Trustee Morlan asked what the latest news was on getting connected to Durango.

Mayor Smith stated that Fast Track has one hurdle to overcome and it has been resolved so they are building as we speak.

Trustee Au asked where the money would come from for this match.

Town Manager La May stated that it would come out of the Capital Improvement Fund.

Trustee Au is not sure this is a priority.

Trustee Renfro stated that she believes this will attract commercial business.

Trustee Morlan stated that when we participated in the exercise with the Business Community, fiber came in at the top of the list of needed services.

Trustee Nyberg asked how the Capital Improvement budget looks.

Town Manager La May stated the this year we have the Parks and Recreation Shop coming out of that fund which is about \$125,000.00, we have roughly \$40,000.00 that is a match for the County Road 501 Bike Path, and we have this fiber component. We also still have five years on the debt for the Town Hall.

Mayor Smith stated that this is a 75/25 match so we are essentially paying 25 cents on the dollar. Most DOLA grants are a 50/50 match.

Trustee Renfro made a motion to approve the allocation of \$43,235.00, Trustee Morlan seconded.

**Town of Bayfield
Regular Town Board Meeting
April 2, 2013**

1199 Bayfield Parkway, Bayfield CO 81122

Roll call 3 - 2 (Trustee Au and Trustee Nyberg voted against)

Motion carried.

Action Agenda Item #5: Discussion And Possible Action – SWCCOG Position On Eagle-Net Project Funding

Town Manager La May stated that funds that came from the DOLA Grant are for the last mile. Eagle Net has received federal dollars for the middle mile to link all of the schools through the state together. Eagle Net has ran into some challenges and there is concern that they are not going to be able to meet some of their intent of the project that they were funded for. There is a belief that if the money that was supposed to be channeled to Eagle Net was channeled to the local regional bodies or the local governments to manage then we could complete the sections of the middle mile by working with private providers.

Mayor Smith stated that Pagosa Springs, Silverton, Mancos, Dove Creek and Dolores will be isolated without doing this. What we are trying to do is send a message to Washington to release those funds to the SWCCOG so that our local vendors can complete the needed runs

Trustee Morlan stated that letter says the money will be turned over to the local communities and carriers.

Mayor Smith stated that the SWCCOG will retain fibers, the carriers can have some fiber and the project gets built.

Trustee Morlan stated that turning the funds over to the vendors does not necessarily mean they will keep the communities best interests in mind.

Town Manager La May asked if the Board would like him to recommend that the letter be written stating that the funds be turned over to the SWCCOG.

Trustee Nyberg stated that he did think the letter should be reworded to turn the money over to the SWCCOG.

Trustee Au agreed.

Mayor Smith stated that Town Manager La May should recommend that the SWCCOG sign a letter similar to this one but take out the carriers having ownership.

Action Agenda Item #6: Consideration Of Purchase Of Caselle Financial Software Update

Town Manager La May stated that our current Financial Software has reached its useful life and the company is no longer going to support it. We need to upgrade to Caselle Clarity. They have provided us a quote of \$21,750.00 to do this upgrade. This amount was included in the budget, but since it is over \$10,000.00 the Board must give its approval for the purchase.

Trustee Nyberg made a motion to approve the purchase of the Caselle Financial Software update not to exceed \$21,750.00, Trustee Renfro seconded.

Roll call 5 – 0

Motion passed.

Town of Bayfield
Regular Town Board Meeting
April 2, 2013
1199 Bayfield Parkway, Bayfield CO 81122
Action Agenda Item #7: Board Reports

Trustee Renfro stated that Roadrunner Transit is getting a line to go up to Grand Junction.

Trustee Morlan stated that he had met with some people that are interested in opening a Micro-Brewery in Bayfield.

Mayor Smith stated that the Alliance will meet next Tuesday.

Action Agenda Item #8: New/Unfinished Business

Town Manager La May stated that CML is accepting nominations for a few positions.

Town Attorney Nelson stated that he is obligated to file an answer to the Quiet Title Action or opt out by Friday.

Mayor Smith asked the Board if they all recalled what they had discussed previously on this matter. Do they want to file on this or do they want it to go away?

Trustee Renfro made motion to direct Town Attorney Nelson to file the necessary response by Friday, Trustee Morlan seconded.

Roll call 4 – 1 (Trustee Au voted against)

Motion passed.

Meeting was adjourned at 8:34pm.

Minutes Were Approved As Presented On April 16th, 2013.

Approved:

Rick K. Smith
Mayor

Kathleen Cathcart
Town Clerk