

Town of Bayfield
Regular Town Board Meeting
June 23, 2015
1199 Bayfield Parkway, Bayfield CO 81122

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

Town Board Members Absent: Trustee Nelson

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

Media Present: Carol McWilliams with the Pine River Times

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

Attorney Jeff Robbins introduced his business partner, Mike Goldman. Attorney Mike Goldman will be covering for Attorney Jeff Robbins during the month of July.

Approval of Minutes: Trustee Salka made a motion to approve the minutes from June 2, 2015 as presented. Trustee Nyberg seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Davenport made a motion to approve the bills dated June 3 through June 11, 2015, including the bills sent by email from Finance Director Dunavant, as presented. Trustee Morlan seconded.

Roll call: 6 - 0

Motion passed unanimously.

General Public Input: No comments.

Town Updates: No comments were made.

Public Hearing: Intergovernmental Agreement Between Town of Bayfield, La Plata County, State of Colorado Department of Transportation for the Bayfield Access Control Plan.

Town Manager La May stated that this project has been ongoing for two years. In 2013 the Town of Bayfield entered into an Intergovernmental Agreement with La Plata County and the Colorado Department of Transportation to do a Traffic Feasibility Study on the west side. There is a Record of Decision, a Federal Environmental Impact Statement that guides where access points will be provided in the future. The Town of Bayfield has asked C.D.O.T. to revisit the document. The purpose in this study was to work cooperatively with La Plata County and C.D.O.T. to come up with a better plan. The intent is to have an Access Control Plan adopted and when it comes time to open up the E.I.S. for the US 160 Corridor from Gem Village we can use this document to have the intersections located in accordance with the Access Control Plan.

No Public comment was offered.

**Town of Bayfield
Regular Town Board Meeting
June 23, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

Action Agenda Item #1: Consideration of Approval of US 160 Access Study, May 2015

Trustee Morlan made a motion to approve the US 160 Access Study. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #2: Consideration of Approval of Intergovernmental Agreement Between Town of Bayfield, La Plata County, State of Colorado Department of Transportation for the Bayfield Access Control Plan

Trustee Morlan made a motion to approve the Intergovernmental Agreement between the Town of Bayfield, La Plata County and C.D.O.T., contingent on the signatures from La Plata County and C.D.O.T. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #3: Presentation – Regional Housing Alliance (RHA) La Plata County Housing Demand Forecast

Town Manager La May introduced Karen Iverson, Executive Director of the Regional Housing Alliance.

Ms. Iverson gave a presentation on the housing demand forecast, housing needed to meet economic growth projections.

Mayor Smith thanked Ms. Iverson for her presentation.

Action Agenda Item #4: Discussion and Possible Action – Fox Farm Village Deed Restrictions

Town Manager La May stated that Fox Farm was a planned unit development with the intent of an affordable housing complex. La Plata County Community Development Corporation was the non-profit developer behind the project. Once the development was completed, lots were sold to Housing Solutions, Habitat for Humanity and Colorado Housing Inc. Colorado Housing Inc. was the first to build, Habitat for Humanity has been building approximately two units each year and Housing Solutions have sold their remaining lots to Habitat for Humanity. Colorado Housing Inc. has reached out to the Regional Housing Alliance and has asked them to take over the monitoring and enforcement of the deed restrictions. The original plat for the development has a 50 year restriction to maintain lots 1A through 50A as affordable and attainable. The restriction will automatically be extended and will expire in 2105. La Plata County Community Development Corporation and the builders have the responsibility of enforcing the deed restrictions. At this time no one is monitoring the deed restrictions. Included in tonight's packet are three options addressing the deed restrictions, Option 1 is do nothing, Option 2 would be remove the deed restrictions and Option 3 calls for assigning the monitoring and enforcement to the Town of Bayfield. Under Option 3, the Town would enter into an agreement with RHA who would assist in the monitoring of the re-sales for compliance with the income qualifications.

Ms. Iverson stated that she does not see this occupying a lot of her staff time. RHA is willing to do the work required in terms of income qualifying the buyers and sending out annual or biennial questionnaires to property

**Town of Bayfield
Regular Town Board Meeting
June 23, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

owners. This scope of work would fall under the current IGA between the Town of Bayfield and RHA. The RHA Board does not want to take on the liability of enforcing the restrictions.

Attorney Robbins stated that he would advocate for Option 3. The Town received grant funds for the water and sewer taps for this development. We will be in a much better place if we take over the responsibility for ensuring that these lots maintain as affordable and attainable.

Trustee Morlan asked if the Town's current membership with the RHA would cover the costs of monitoring these deed restrictions.

Ms. Iverson stated that the current membership would cover the costs.

Mayor Smith stated that he would like to see this development continue to be an affordable and attainable complex. He would be in favor of Option 3.

Trustee Salka made a motion to direct staff to communicate with La Plata County Community Development Corporation regarding Option 3. Trustee Morlan seconded.

Roll call 6 – 0

Motion passed unanimously.

Action Agenda Item #5: Presentation of the Financial Statements for Fiscal Year Ended December 31, 2014

Mr. Chad Atkinson, with Hinton Burdick CPA's and Advisors, presented the Financial Statements for the fiscal year ending December 31, 2014, via telephone and Power Point.

Trustee Morlan asked why there was 1.3 million in the Water Fund.

Town Manager La May stated that water tap fees are being held in a separate fund reserved for the Water Treatment Facility expansion.

Trustee Morlan made motion to accept the 2014 Audit as presented. Trustee Nyberg seconded.

Roll call 6 – 0

Motion passed unanimously.

Action Agenda Item #6: Consideration of Memorandum of Understanding for Dark Fiber Leasing Between the Southwest Colorado Council of Governments and Town of Bayfield

Town Manager La May stated that when the SCAN Project began grant proceeds were received from the Department of Local Affairs. Region wide it was a 3 million dollar grant with the communities contributing 1 million dollars. There is some infrastructure associated with the SCAN Network that keeps us tied into the outer world outside of the southwest. These devices require some maintenance and replacement. There has been discussion regarding sharing proceeds from leasing the fiber with the SWCCOG to create a fund for management and replacement of equipment. The proposed MOU will memorialize a split of 25% to the SWCCOG and 75% of proceeds to the local entities. It will also recognize the SWCCOG as the invoice agent for billing and invoicing the private providers that lease the fiber from the local communities. The SWCCOG would bill and collect payments for the lease and distribute 75% of the funds back to the Town.

**Town of Bayfield
Regular Town Board Meeting
June 23, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

Trustee Morlan asked what Cortez was paying into this project.

Town Manager La May stated that at this time Cortez is not contributing anything. Cortez had assets in place before the SCAN Project came into play.

Trustee Morlan stated that he does not believe that it is proper for Cortez to not contribute.

Town Manager La May stated that Durango and Archuleta County have agreed to participate.

Trustee Morlan stated that if the Board votes to approve the MOU we are saying that it is ok that Cortez is not participating.

Town Manager La May stated that we are not approving Cortez's position we would be committing the Town of Bayfield's participation.

Trustee Davenport asked if the SWCCOG would be executing the lease agreements.

Town Manager La May stated that the SWCCOG would only be a collection agency.

Mayor Smith stated that the Town does participate in the SWCCOG network by going through their router. A part of these proceeds will offset the maintenance costs on that router.

Trustee Davenport asked if the MOU would renew annually.

Town Manager La May stated that the MOU would renew automatically unless a participant decides to terminate.

Trustee Morlan made a motion to approve the Memorandum of Understanding for Dark Fiber leasing between the Southwest Colorado Council of Governments and the Town of Bayfield. Trustee Davenport seconded.

Roll call: 3 – 3 (Trustees Morlan, Nyberg and Sanders voted against)

The motion failed.

Attorney Robbins stated that if the Board desired they could re-agendize this item for consideration with a full Board.

The Board agreed to re-agendize this item.

Action Agenda Item #7: Consideration of Approval of Fiber Lease Agreement

Trustee Morlan made a motion to table the Fiber Lease Agreement until the next meeting. Trustee Davenport seconded.

Roll call: 6 – 0

Motion passed unanimously.

**Town of Bayfield
Regular Town Board Meeting
June 23, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

Action Agenda Item #8: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)

Town Manager La May stated that there has not been a recent meeting of the SWCCOG.

Mayor Smith stated that he did not attend the LPCEA meeting.

Trustee Davenport stated that she did not attend the RHA meeting.

Trustee Salka stated that the SWTPR will meet on August 7th.

Trustee Sanders stated that Region 9 will meet in July.

Trustee Morlan stated that the Senior Board has not had a recent meeting.

Trustee Nyberg stated that the Planning Commission will meet next week.

Action Agenda Item #9: New/Unfinished Business

Trustee Salka stated that he attended the CML conference, for the first time. He hopes to help apply some of the things he learned at the conference to the Town of Bayfield.

Trustee Morlan made a motion to adjourn to Executive Session under C.R.S. 24-6-402(4)(e) determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators related to Water Pump Station Easement, to include the Town Board, Town Manager La May, Attorney Robbins and Attorney Goldman. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

The Board adjourned to Executive Session at 8:45 pm.

The Board came out of Executive Session at approximately 9:00 pm.

Mayor Smith stated that no decisions were made during the Executive Session.

Meeting was adjourned at approximately 9:02 pm.