

**Town of Bayfield  
Regular Town Board Meeting  
June 4, 2013  
1199 Bayfield Parkway, Bayfield CO 81122**

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

**Town Board Members Absent:**

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

**Media Present:**

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

**Roll Call:** 7 present

**Pledge of Allegiance:**

**Approval of Minutes:** Trustee Renfro made a motion to approve the minutes from May 21, 2013 as presented, Trustee Davenport seconded.

Motion passed unanimously.

**Approval of Bills:** Trustee Morlan made a motion to approve the bills dated May 22, 2013 through May 31, 2013 including the bills that were sent in an email earlier today, Trustee Nelson seconded.

Roll call 7 – 0

Motion passed unanimously.

**General Public Input:** None was offered.

**Town Updates:** Trustee Au asked what ditch Town Manager La May was referring to in the updates included in the Board's packet. Town Manager La May replied that he was referring to the Lateral B Ditch, located in the Fox Farm Village Subdivision. A temporary pipe diverting water into a storm drain has been installed without permission in the Town's right of way. Staff is asking for Board approval to issue the Lateral B Ditch temporary permission for use of the existing pipe with a permanent solution agreed upon at the October Ditch meeting.

Trustee Morlan asked about the landscaping islands in the Dove Ranch Subdivision. Town Manager La May stated there are two landscape islands that are currently not being maintained. A private homeowner has asked staff about the possibility of putting the water accounts for these islands in his name so that he can maintain the landscape. The water meters for these islands were removed when the HOA dissolved and the water bills went unpaid. Staff is concerned there is no incentive for someone to pay the bill since the homeowners do not actually own the property these islands are located on. The concerned homeowner has asked if it was possible to tie into his private water line, but with the price of road cuts that would be cost prohibitive. Trustee Morlan suggested that the Town could reinstall the meters that were removed without charging a new tap fee. Trustee Renfro suggested there was conduit under the asphalt that would make tying into a private water line possible.

**Action Agenda Item #1: North Street Properties Bayfield County Road Presentation**

Town Manager La May stated that Mr. McNichol was here tonight to speak to the Board regarding the North Street properties.

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Mr. James McNichol, 4107 County Road 245, stated that he was here representing the owner of 550 W. North Street. He would like to negotiate a resolution with the Town of Bayfield regarding the right of way that was deeded to the Town by La Plata County.

Mr. Frank Gibbons, 2139 Main Avenue Durango, is the surveyor contracted by the owner of 550 W. North Street. Mr. Gibbons stated that he may have a resolution that would satisfy all parties concerned.

Mr. Andrew Craig, 700 Main Avenue Durango attorney for the property owner of 550 W. North Street, stated that he is asking the Town of Bayfield to vacate the right of way in question.

Mayor Smith stated that the Board would discuss this matter in Executive Session at the end of tonight's meeting.

**Action Agenda Item #2: Consideration Of Approval Of Intergovernmental Agreement Between The Town Of Bayfield And La Plata County For County Road 501 Shared Use Path**

Town Manager La May stated that this Intergovernmental Agreement between the Town of Bayfield and La Plata County will convey the easement for the County Road 501 Bike Path once it is extended North to the Pine River Valley Church intersection.

Trustee Au asked how long the extension of the Bike Path is.

Town Manager La May stated that the extension is approximately 800'.

Trustee Au stated that he is concerned about the cost of the extension.

Trustee Renfro agreed that the cost is a concern, but at this point the job needs to be completed.

Town Manager La May stated he believes the Town will be receiving \$12,000.00 from La Plata County to assist in the expense of the extension of the Bike Path.

Trustee Morlan made a motion to approve the Intergovernmental Agreement between the Town of Bayfield and La Plata County for the County Road 501 Shared Use Path, Trustee Nelson seconded.

Roll call 4 – 3 (Trustees Au, Davenport and Nyberg voted against)

Motion carried.

**Action Agenda Item #3: Discussion And Possible Action – CDOT RAMP Final Application Submittal**

Town Manager La May stated that the Town's pre-application has been selected to continue in the process. The final application is due July 1<sup>st</sup>, 2013. The process will be competitive. There were 2.1 billion dollars in requests and there is 750 million dollars available for funding. Staff is asking for Board approval to move forward with the final application process.

Town Manager La May also stated that there is a situation with one of the property owners that was anticipated to participate in this project. That property owner has stipulations that he would like the Town to consider in order to receive right of way across his property. However, staff believes there are other options with more amenable property owners such as the School District to get a different collector route and still achieve the same goal.

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Trustee Renfro asked Town Manager La May to explain the alternative route.

Town Manager La May stated that it could be possible to obtain easements from Lee McCutchen, the Byrds and the School District and tie into Oak Drive next to the Middle School. The Town has letters of support from Lee McCutchen and Oscar Byrd. If the Board agrees, staff will discuss this option with the School District.

Trustee Nelson asked if the Town has the funds to proceed with this project.

Mayor Smith stated that we have an opportunity to have C.D.O.T. put in an intersection that the Town will need in the future. Fronting the funds for this project will be difficult, but he believes the Town can recover its money through road impact fees as properties develop in the area.

Town Manager La May stated that this is a unique program. C.D.O.T. usually does not offer these amounts of money to assist with projects. This is still the application process, and if the Town's final application is approved then the Board will need to decide on executing a contract.

Trustee Au asked where the 3.8 million dollar estimate came from.

Town Manager La May stated that estimate came from Souder Miller Associates.

Trustee Morlan suggested that staff discuss with the School District the possibility of limiting the access to the Pawn Shop in support of a new East side intersection.

Trustee Nelson stated that, at a minimum, the Town should restrict the Pawn Shop's access to what they legally are entitled to.

Mayor Smith stated that after meeting with C.D.O.T. he is aware that they have no problem in limiting the access to the Pawn Shop as a right in and right out.

Trustee Renfro stated that she would like staff to discuss these options with the School District.

Mayor Smith asked Town Manager La May to discuss with the School District the possibility of abandoning the Pawn Shop easement in continued support of the East side intersection.

Trustee Renfro stated that she feels this is an investment and that it will pay off in terms of attracting businesses. She would like to proceed with the application process.

Trustee Nyberg stated that he would like to hear the School District's opinion.

Trustee Morlan made a motion to approve the submittal of a final RAMP application contingent on staff speaking with the School District, Trustee Renfro seconded.

Trustee Au stated that he is concerned about spending this money and then possibly asking for a tax increase.

Trustee Renfro stated that she felt holding public meetings and getting the residents opinions would help.

Trustee Morlan stated that this project would open the Town for more growth that would increase taxes.

Trustee Nelson asked if the 3.8 million dollars is for the light at the intersection only.

Town Manager La May stated that the 3.8 million dollars includes the collector route.

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Roll call 4 – 3 (Trustees Au, Nyberg and Nelson voted against)

Motion carried.

**Action Agenda Item #4: Discussion And Possible Action – Tax Measure For November Election**

Town Manager La May stated that staff is looking for direction in regards to the possibility of a tax increase on either the November ballot or on the ballot for our local election in April. This tax increase would be to help fund the back log of street maintenance repairs that need to be completed. There is an unwritten rule that two government entities should not have tax increases on the same ballot because the chances are more likely that both increases would fail. Upper Pine Fire will likely have a tax increase on the November ballot, so it may be beneficial to wait until the Town's April election.

Mayor Smith stated that staff is asking two questions. First, should we proceed and ask the public which would be more palatable, a property tax increase or a sales tax increase? Second, if the public is favorable to an increase do we want to put this item on the November or April ballot?

Trustee Renfro asked if staff was certain the Fire Department would be on the November ballot.

Attorney Nelson stated that it was safe to say yes, the Fire Department would be on the November ballot.

Mayor Smith stated that he would prefer to wait until April so that the public had plenty of time to communicate their opinions.

Trustee Morlan asked if the Town's current Mill Levy was locked in.

Attorney Nelson stated that is a function of TABOR. The Mill Levy cannot be raised without an election.

The Board agreed that they would wait until the April election to ask for any kind of tax increase.

Trustee Nelson asked if there were other options besides a tax increase, such as Road Bonds.

Town Manager La May stated that was possible but then the Town would have an annual debt service payment that is unfunded.

**Action Agenda Item #5: Consideration Of Authorization Of Payment Settlement For Value Of Easement  
On Lot 14, Sunrise Estates**

Town Manager La May stated that things have not turned out as anticipated. The party involved in this matter did appear in court and the judge has ordered mediation. Staff is asking for permission to make payment up to \$8,000.00 to settle this dispute.

Attorney Nelson stated that the Town has already paid \$6,000.00 so staff is asking for an additional \$2,000.00.

Trustee Morlan asked if staff was sure this amount would settle the dispute.

Attorney Nelson replied no, this is just authority in the case we have an opportunity to settle.

Trustee Nelson asked if the court was ordering mediation.

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Attorney Nelson stated that he was going to make every effort to not have to go through mediation.

Trustee Nelson made a motion to authorize payment for settlement for value of easement on lot 14, Sunrise Estates not to exceed a total amount of \$8,000.00, Trustee Nyberg seconded.

Roll call 6 – 0 (Trustee Au abstained)

**Action Agenda Item #6: Consideration Of Changing The June 18, 2013 Regularly Scheduled Board Of Trustees Meeting To Monday, June 17, 2013**

The Board agreed the next regularly scheduled Board of Trustees Meeting on June 18<sup>th</sup>, 2013 shall remain as originally scheduled.

**Action Agenda Item #7: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9)**

Mayor Smith stated that SWCCOG will meet on Friday June 7<sup>th</sup>.

Mayor Smith stated that Economic Development meets next week.

Trustee Davenport stated that RHA will meet on Wednesday June 5<sup>th</sup>.

Trustee Renfro stated that SWTPR met last Friday and the major topic of discussion was the RAMP. The other topic of discussion surrounds Impact 64.

Trustee Morlan stated that Region 9 will meet in July.

**Action Agenda Item #8: New/Unfinished Business**

Town Manager La May stated that the Board of County Commissioners would like to have breakfast with the Town of Bayfield's Board of Trustees on Wednesday June 26<sup>th</sup> at 7:30 am at the Tuning Fork Café.

Trustee Renfro asked if the Board would consider writing a letter of support for Sidney Zink for Transportation Advisory Commissioner.

The Board agreed to write a letter of support.

Mayor Smith stated that he was aware of a service organization that would be interested in maintaining the medians in Bayfield Center if the town was willing to pay the water bill. In exchange they would like a plaque that acknowledges their organization.

The Board agreed they would be interested in this proposal.

Trustee Davenport made a motion to adjourn to Executive Session in accordance with C.R.S. 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators for transfer or acquisition of property, Trustee Renfro seconded.

Roll call 7 - 0

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Board adjourned to executive session at 9:00 pm

**Minutes Were Approved As Presented On June 18<sup>th</sup>, 2013.**

**Approved:**

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**Rick K. Smith  
Mayor**

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**Kathleen Cathcart  
Town Clerk**