

**Town of Bayfield  
Regular Town Board Meeting  
June 7, 2016  
1199 Bayfield Parkway, Bayfield CO 81122**

**Town Board Members Present:** Trustee Dallison, Trustee Nyberg, Trustee Polites, Trustee Sanders, Mayor Salka

**Town Board Members Absent:** Trustee Davenport, Trustee Nelson

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

**Media Present:** Carol McWilliams with the Pine River Times

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

**Approval of Minutes:** All were in favor of accepting the minutes from May 17<sup>th</sup>, 2016 as presented.

**Approval of Bills:** Trustee Dallison made a motion to approve the bills dated May 18 through June 2, 2016. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

**General Public Input:** No Comments

**Award Recognition:** Town Manager La May and Mayor Salka presented Erin Dunavant, Finance Director, with a 5 Year Appreciation Award.

**Town Updates:** Town Manager La May stated that he would like to discuss Buxton and Retail Recruitment during New and Unfinished Business.

**Public Hearing**

**1. Ordinance 397, An Ordinance Providing For The Management And Control Of Backflow And Cross Connections Within The Town Of Bayfield**

Town Manager La May stated that in accordance with the Colorado Drinking Water Regulations, the Town of Bayfield is required to have a Backflow and Cross Connection program in place. The Town formally adopted the Town of Bayfield Backflow and Cross Connection Program requirements in May of 2012. In 2015, the State of Colorado Water Quality Control Commission (WQCC) revised Section 11.37 and of Regulation 11, which became the Backflow Prevention and Cross-Connection Control Rule, located in Section 11.39 of Regulation 11, and effective January 1, 2016. The revised regulations clarify the Water Quality Control Division's interpretation of the following:

- Permitting an Uncontrolled Cross Connection
- Ensuring that Activities are Completed – Implementing Legal Authority
- Appropriate Assembly or Method for an Identified Contaminant
- Unacceptable Health and/or Safety Risk
- Site-specific Deviation Criteria
- Most Protective Backflow Prevention Assembly or Method
- Survey Process Documentation
- Public Water System's Water Supply System Cross Connections

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Active Date

**The major impacts to the Town as a public water supplier are:**

- The Town must have a legally-enforceable mechanism that implements its written backflow prevention and cross-connection control program as described in 11.39(2).
- The Town must perform a survey of any non-single-family-residential connections (commercial, industrial, multi-family w/master meter) in the distribution system to determine if the connection is a cross connection. Surveys can be performed onsite by a person designated by public water system or can be a questionnaire type.
- The Town must identify the total number of non-single-family-residential connections to the public water system and connections within the supplier's waterworks. This number is the total number of connections to the public water distribution system that are not considered single-family connections.
- The Town does not have to perform surveys at single-family-residential-service connections. However, if the Town becomes aware of a single-family-residential connection to the public water system that is a cross connection, the Town must take action to control the cross connection.
- The Town, as supplier, must cause cross connection to be cured within 120 days.
- Town needs to describe the process used to select a backflow prevention assembly or backflow prevention method to control a cross connection in the written BPCCC program. The Public Works Director and I would prefer to limit backflow prevention assemblies to reduced pressure zone (RPZ) assemblies, which is the most protective backflow assembly.
- Town must specify the process that the water system will use to require the installation, maintenance, testing, and inspection of all backflow prevention assemblies and backflow prevention methods used to control cross connections.
- Town must also specify the tracking mechanism it will use to verify the installation, maintenance, testing, and inspection of all backflow prevention assemblies and backflow prevention methods used to control cross connections.
- The Town shall ensure backflow prevention assemblies are tested by a Certified Cross-Connection Control Technician, which includes the option of receiving a test report directly from the Certified Cross-Connection Control Technician or their associated company.
- Town must develop a written backflow prevention and cross-connection control annual report.
- Annual report shall include the total number of non-single-family-residential connections to the public water system and connections within the supplier's waterworks; total number of connections surveyed to determine if cross connections are present; and the survey compliance ratio (SCR). SCR is equal to the total number of connections surveyed divided by the total number of nonsingle-family-residential connections identified.

CPDWR Regulation 11 Table 11.39 -I Survey Compliance Ratio	
Compliance Date	Compliance Ratio
By December 31, 2016	Greater than 0.60
By December 31, 2017	Greater than 0.70
By December 31, 2018	Greater than 0.80
By December 31, 2019	Greater than 0.90
By December 31, 2020 and each year after	1.0

- Annual report shall include total number of identified cross connections; Number of backflow prevention assemblies or backflow prevention methods installed at cross connections that were used during the calendar year; number of connections where service was suspended during the calendar year; number of backflow prevention assemblies used to control cross connections that were tested by a Certified Cross Connection Control Technician during the calendar year; and backflow prevention assembly annual testing compliance ratio

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(ATR). The ATR is equal to the total number of assemblies tested during the previous calendar year divided by the total number of assemblies used to protect the distributions system during the previous calendar year.

CPDWR Regulation 11 Table 11.39 –II Backflow Prevention Annual Testing Survey Compliance Ratio	
Compliance Date	Compliance Ratio
By December 31, 2016	Greater than 0.50
By December 31, 2017	Greater than 0.60
By December 31, 2018	Greater than 0.70
By December 31, 2019	Greater than 0.80
By December 31, 2020 and each year after	Greater than 0.90

- Annual report shall include number of backflow prevention methods used to control cross connections that were inspected during the calendar year; and backflow prevention method annual inspection compliance ratio.
- Beginning January 1, 2017, the number and location of backflow prevention methods not inspected during the calendar year covered by the report.
- Beginning January 1, 2021, the number and location of backflow prevention assemblies not tested during the calendar year covered by the report.

Staff has prepared an ordinance for the Board to consider. The Cross Connection Control Program we adopted in 2012 will likely help the Town achieve compliance in 2016; however, staff wants to ensure that the Town maintains compliance in future years. The ordinance includes requiring non-residential customers (commercial, industrial, multifamily) and other customers with known cross connection points (i.e. irrigation systems) to install containment devices on water services. Property owners are also required to test containment devices after initial installation and annually thereafter to make sure they are functioning properly. Property owners are required to submit completed test reports to Town of Bayfield. Affected property owners are notified by postal mail of required device installation and testing and the property owner is responsible to hire a qualified professional to install and test a device. Staff intends to implement and gain full compliance before 2020, and it is our goal to have all commercial, multi-family, and industrial buildings in compliance by December 2016. The Public Works Department has begun conducting surveys of all non-residential buildings to determine if a backflow prevention devices exist. If no backflow prevention device exists and is required staff will provide the building owner 120 days to install a reduced pressure zone backflow assembly. If building has a backflow prevention device installed, then property owner will need to assure the device is tested annually and reports provided to the Town. Upon completion of non-residential, staff proposes to survey residential properties that have non-potable irrigation, boilers, or fire suppression systems and begin seeking compliance. Staff recommends approval of Ordinance 397, An Ordinance Providing for the Management and Control of Backflow and Cross Connections within the Town of Bayfield.

There were no public comments.

**Action Agenda Item #1: Consideration Of Approval Of Ordinance 397, An Ordinance Providing For The Management And Control Of Backflow And Cross Connections Within The Town Of Bayfield**

Trustee Dallison made a motion to approve Ordinance 397, an ordinance providing for the management and control of backflow and cross connections within the Town of Bayfield. Trustee Nyberg seconded.

Roll call: 5 – 0

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Motion passed unanimously.

**Action Agenda Item #2: Consideration Of Credit To Water Account For 594 S. East Street**

Town Manager La May stated that staff invoiced the tenant residing at 594 S. East Drive for water and sewer on April 29, 2016 based on the radio read from the water meter reading system. The tenant Ms. Donaire contacted Town Hall concerned about the high water meter read and subsequent charges associated with the water. Public Works inspected the meter on two occasions and the meter appears to be functioning appropriately. It was not spinning, which is an indication that there was no leak. Public Works manually verified the meter read which was consistent with the information transmitted via radio. The meters are positive flow displacement meters, which requires water to flow through the device in order for the meter to operate. If no water is flowing through the meter, the meter does not read. Ms. Donaire is contesting her water bill and she contends that she did not use that much water. Staff recommends denial of request for \$131.19 credit on Ms. Donaire's water account. The meters only read when water flows through the device. A toilet handle or seal could have been stuck partially open, an outdoor water faucet left on, or other potential source.

Ms. Amar Donaire, tenant, stated to the Board that she does not believe that she used the amount of water indicated by the meter reading. Ms. Donaire provided a letter to the Board, along with copies of her last three utility bills which are included in tonight's packet.

Mr. Jerry Fleener, owner of the property, stated that he has inspected the property and there are no indications of any leaks. He also stated that Ms. Donaire lives alone, with the exception of a few days a month that her daughter is there. His tenant has always been very conservative with water usage and he believes that this meter read is in error.

The Board participated in a discussion with Ms. Donaire and Mr. Fleener. The Board asked if there was any possibility that a faucet was left on, a toilet left running or that Ms. Donaire's daughter had accidentally used the water.

Ms. Donaire stated that she did not understand this situation. She is sure that she did not use the amount of water that the meter read has indicated.

Mayor Salka stated that he believes Public Works should continue to monitor the meter at this property. He also stated that crediting Ms. Donaire's account puts the Town in a precarious situation for future complaints of high water bills.

Trustee Sanders made a motion to approve a credit of \$131.19 to Ms. Donaire's water bill. Trustee Nyberg seconded.

Roll call: 3 – 2 (Trustee Polites, Mayor Salka voted against)

Motion passed.

**Action Agenda Item #3: Consideration Of Approval Of Brand Identity And Logo**

Town Manager La May introduced Mr. Mark Vogel with Avant Marketing.

Mr. Vogel presented all of the prospective brands and logos created by Avant Marketing. He explained how his team used comments and interactions from Bayfield residents to design and create the proposed logos and taglines.

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Mrs. Jackie Morlan, representing the Downtown Group, stated that she would like to encourage the Board to adopt the tagline "Where Stars Shine Bright".

After much discussion the Board agreed on the tagline "Where The Stars Shine Bright" with the logo in all caps and the graphic with no people.

**Action Agenda Item #4: Discussion And Possible Action – Engine Brake Muffler Signage**  
**U.S. Highway 160**

Town Manager La May stated that the Riverside RV Park owner has requested that the Town look into placement of "Jake Brake" signage on U.S. Highway 160. Staff has also received complaints from a resident in Sunrise Estates requesting the same measure. U.S. Highway 160 is under Colorado Department of Transportation (CDOT) jurisdiction, and therefore, placement of signage would need to be with CDOT approval. Staff has consulted with Colorado Department of Transportation (CDOT) regarding the process for implementation of signage. In order for the Bayfield Marshal's Office to enforce noise limitations on "Jake Brakes", the Town of Bayfield would need to pass an ordinance against specific levels or types of noise. The Town could then request placement of signage "Noise Ordinance Enforced, No Engine Brakes". There are some challenges in that, except for a short distance in front of Commerce Drive, US Highway 160 is not located within the corporate boundaries of the Town of Bayfield, and therefore, the Marshal's Office would be limited to enforcement in that specific location. The report of alleged violation would have to be reported in that specific section of US 160. The Deputy Marshal would then have to travel out of town to issue a citation to the alleged violator, assuming the description of vehicle violating is adequate to identify perpetrator. The La Plata County Sheriff's Office and Colorado State Patrol would not enforce the Town ordinance. La Plata County Sheriff's Office could deputize the Deputy Marshals, but the County would also need to adopt a noise ordinance, which is unlikely. There are other challenges with deputizing Town deputies, as well. The Town could seek to take over jurisdiction of US 160, but that would require annexing State property. It is unknown if CDOT would agree to annexation. If the Town annexed US 160, the Town would not acquire any road maintenance responsibility, but the Town could address other traffic violations (i.e. speeding). The Town would also be responsible agency for accident investigations on US 160, which would likely involve additional training for deputies in the Marshal's Office. Alternatively, Colorado state law now requires that any vehicle equipped with engine compression brake devices (commonly referred to as "Jake Brakes") be equipped with proper mufflers. Signage is posted at the state boundary "State Law, Engine Brake Mufflers Required". According to Mr. Routh, on occasion and at request of local authorities, CDOT would consider placing this signage at municipal entrance. This would be at cost to the Town, and the signs would serve as notice, but there would be no enforcement.

Mr. Mack Coker, owner of Riverside RV Park, stated that his business is starting it's 10<sup>th</sup> year in Bayfield. He feels that signage, even without enforcement, would reflect positively in the presentation of the Town of Bayfield.

Marshal McIntyre stated that the biggest issue to consider is the Marshal's Office inability to enforce a Town Noise Ordinance on Hwy 160. If the Town was to take over jurisdiction of a portion of Hwy 160, that would come with an increase of responsibilities and the need for additional help and training.

Mayor Salka asked Marshal McIntyre if he thought installing the signs, without the ability to enforce, would still be helpful.

Marshal McIntyre stated that he would have to go out and do some observation.

Mayor Salka asked Town Manager La May if he knew what the cost would be for installing two signs.

Town Manager La May stated that he would estimate the cost at \$2,000.00.

The Board asked Town Manager La May to obtain a quote for the cost of two signs with installation.

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Mr. Coker stated that his business would contribute to the cost of the signs.

**Action Agenda Item #5: Discussion And Possible Action – Service Contracts**

Town Manager La May stated that, with the Boards recommendation, he has created a list of organizations that the Town of Bayfield has contracts with. This list is included in tonights packet. A number of these are long standing contracts and the Town should conduct a new selection process to update contracts and get competitive pricing. However, if we conduct the selection process all at once it would be overwhelming. Staff recommends that any contract over three years old be re-advertised and proposals sought. However, staff recommends doing the selection process one at a time for each service, unless a contract is scheduled to expire in which we should re-advertise before entering into new contract. Staff recommends starting with Building Services and then the Engineering Services.

Trustee Polites made a motion that any contract over three years old be readvertised and requests for proposals sought. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #6: Discussion And Possible Action – Board Of Trustee Orientation And Workshops**

Town Manager La May stated, now that the Board is full, staff would like to provide an orientation to the Board. Additionally, staff would like to establish a date(s) for workshops for strategic planning. Staff recommends that we start meetings with an hour workshop before each meeting for presentations and discussions form the various departments. We can follow those workshops up with a strategic plan and goal setting workshop.

The Board agreed with staff's recommendation. Presentations will begin at 6:00 pm on July 5, 2016.

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

Town Manager La May stated that the information regarding the SWCCOG and the SWTPR Meetings is included in tonights packet.

Trustee Sanders stated that Region 9 will meet next month.

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

Trustee Dallison stated that the Senior Board will meet in July.

Mayor Salka stated that the LPCEA is still focused on the airport, internet and the business park.

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

Town Manager La May stated that Buxton is a company that specializes in customer analytic and predictive analyses. They have reached out to staff to determine if the Town of Bayfield has any interest in their services. Their services are expensive, but if the Board would like to see a presentation on what they offer, staff will arrange for a presentation.

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The Board agreed that the presentation is free and will not hurt to listen.

Town Manager La May stated that there seems to be some confusion regarding the Deed Restrictons in the Fox Farm Subdivision. Some of the residents seem to be under the impression that the restrictions no longer exist. The Board maybe asked by residents to consider removing those restrictions from those properties.

Meeting was adjourned at 8:45 pm.