

**Town of Bayfield
Regular Town Board Meeting
August 4, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

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

Town Board Members Absent: Trustee Davenport, Trustee Morlan

Staff Present: Chris La May (Town Manager), Joe McIntyre (Marshall), Erin Dunavant (Finance Director), Mike Goldman (Attorney)

Media Present: Carol McWilliams with the Pine River Times

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

Approval of Minutes: Trustee Nelson made a motion to approve the minutes from July 21, 2015 as presented. Trustee Salka seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Nelson made a motion to approve the bills dated July 22 through July 30, 2015, including the bills sent in an email from Finance Director Dunavant, as presented. Trustee Salka seconded.

Roll call: 5 - 0 (Mayor Smith abstained from voting on the bill to Data Safe Services)

Motion passed unanimously.

General Public Input: No comments were made.

Town Updates: Town Manager La May stated that he met with C.D.O.T. today regarding the Bridge Project. In the meeting C.D.O.T. stated that they have a verbal clearance on the historical component that might have held up the project. The breeding period of the Brown Trout coincides with when the water level is low. This may be something that we have to work around. The Army Corp of Engineers made a ruling in January that increased wetland impact ratios. It may be more cost effective for the Town to purchase Wetland Credits from the Wetland Bank on the Animas River.

Action Agenda Item #1: Consideration of Approval of Use of Town Property for BeFrank Foundation

Town Manager La May stated that the BeFrank Foundation is requesting approval of the use of Town property on Mill Street, for their Special Event to be held on October 31, 2015. With the approval from the Board for use of the property the organization will be applying for a Special Event Liquor License to allow the sale of beer at their event.

Trustee Salka made a motion to approve the use of Town property for the BeFrank Foundation Special Event Liquor License for October 31, 2015 providing the requirements stated in the letter from staff are met. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

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**Action Agenda Item #2: Consideration of Donation of In-Kind Services to the BeFrank Foundation
Special Event October 31, 2015**

Town Manager La May stated that as part of the application, the BeFrank Foundation is requesting services from the Town such as barricades for the road closures. This will require staff time that will be paid at overtime rates.

Trustee Nelson made a motion to approve the In-Kind Services, for setting up barricades, for the BeFrank Foundation's Special Event on October 31, 2015. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Action Agenda Item #3: Consideration of Approval of Resolution 338, A Resolution of the Board of Trustees of the Town of Bayfield, Colorado, Approving an Intergovernmental Agreement between La Plata County Clerk and Recorder and the Town of Bayfield for the General Election to be held November 3, 2015

Town Manager La May stated that with the approval of this resolution the Town will be entering into an Intergovernmental Agreement which allows for the Coordinated Election. This stipulates the requirements of the La Plata County Clerk and what services her office will provide. It also outlines the responsibilities of the Town of Bayfield.

Attorney Goldman stated that his office has reviewed the Intergovernmental Agreement. He feels the agreement is fair for both the municipality and La Plata County.

Trustee Salka made a motion to approve Resolution 338, a resolution of the Board of Trustees of the Town of Bayfield, Colorado approving an Intergovernmental agreement between La Plata County Clerk and Recorder and the Town of Bayfield for the General Election to be held November 3, 2015. Trustee Nelson seconded.

Roll call: 5 – 0

Motion passed unanimously.

Action Agenda Item #4: Consideration of Approval of Resolution 339, A Resolution Adopting the Uniform Election Code of 1992 in Lieu of the Colorado Municipal Election Code of 1965 for the Purpose of Participating in a Coordinated Election

Town Manager La May stated that in the event the Town was holding their own election, we would follow the Colorado Municipal Election Code. Since the Town is participating in a Coordinated Election we are required to adopt a resolution stating that we are going to follow the Uniform Election Code for this particular election.

Attorney Goldman stated that he agreed with Town Manager La May.

Trustee Nelson made a motion to approve Resolution 339, a resolution adopting the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 for the purpose of participating in a Coordinated Election. Trustee Nyberg seconded.

Roll call: 5 – 0

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Motion passed unanimously.

Action Agenda Item #5: Discussion and Possible Action – Senate Bill 152 Opt Out Ballot Language

Town Manager La May stated that La Plata County, the City of Durango, potentially Archuleta County, the Town of Bayfield and a few others are going to pose the question to their voters in the November Election as to whether or not they would like to opt out of the requirements of Senate Bill 152. There has been discussion among the entities that it may be beneficial to have the same ballot language posed for the county, city and municipalities. Information provided in tonight's packet was provided by La Plata County. This draft was supplied by their Election Bond Council. Staff is looking for the Boards direction in this matter.

The Board agreed that it was beneficial to coordinate the ballot language with the other entities. They also agreed that they approved of the proposed language in the draft.

Action Agenda Item #6: Discussion and Possible Action – Sales Tax Ordinance and Resolution

Town Manager La May stated that staff will draft an ordinance that will make amendments to the Town Code subject to approval of the Sales Tax increase. A 20 year "Sunset" Clause has been added to the resolution approving the ballot language.

Mayor Smith stated that he approves of the way the language is written.

The Board agreed that they approved of the language.

Action Agenda Item #7: Discussion and Possible Action – Sanitary Sewer Senior Rates

Town Manager La May stated that in 2007, the Town of Bayfield adopted Ordinance 323. This ordinance reduced the water rate for individuals 55 years of age and older who met certain income requirements. This ordinance did not address sewer rates. Staff has received an application for a discounted rate from a customer in Gem Village that is billed for sewer services only. If the Board wants staff to issue discounted rates for sewer it should be put in an ordinance and codified. The discount is based on income levels that closely follow the poverty guidelines established by HUD. Does this discount need to apply to only seniors? Should staff update the language and link the discount to income levels only and not age?

Trustee Salka stated that he understands the need for this program but is concerned that by eliminating the age requirement staff will be overwhelmed with paperwork and trying to prove income for applicants.

Town Manager La May stated that the way the application currently works, is the applicant puts their annual income on the application, the application is notarized and the Town accepts the application. Other communities use the LEAP Program as a basis of approval. The LEAP Program, which is done through the State, requires more detailed information to qualify. If a customer provides proof that they have qualified for LEAP then a discounted water and sewer rate can be offered.

Trustee Nelson asked if the water and sewer funds would be soluble if the discount rate was available to everyone.

Town Manager La May stated that he researched the Census Data. The data states that 16% of Bayfield's population would be in the poverty level.

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Mayor Smith stated that the purpose of the discounted rate was because the seniors were on a fixed income. The demographics have changed. Someone having a fixed income or being in a low income situation is not necessarily due to age. If the Town is going to offer a discounted rate, it should be based on poverty level not age. He also stated that he would approve using the LEAP Program as a basis of acceptance.

Trustee Nelson stated that if staff feels this will create a burden or need for a rate increase, the Board should consider a smaller percentage of a discount.

Mayor Smith stated that he would like staff to bring back a solid plan for discounted rates, based on the qualification for the LEAP Program.

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

Trustee Nelson stated that SWCCOG did not meet in July.

Town Manager La May stated that RHA adopted their Strategic Plan.

Trustee Salka stated that SWTPR will meet August 7, 2015.

Trustee Sanders stated that Region 9 is discussing a Confidentiality Agreement.

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

Carol McWilliams stated that she had nothing to report from the Senior Board.

Mayor Smith stated that LPCEA will not meet this month.

Action Agenda Item #9: New/Unfinished Business

Town Manager La May stated that the CML District meeting is September 30th in Pagosa Springs.

Mayor Smith stated that the Economic Alliance is beginning to do some Strategic Planning that will involve things beyond next April. He also stated that his term is over in April 2016. Mayor Smith recommended releasing Trustee Salka from the SWTPR and reassign him to LPCEA.

Trustee Nelson made a motion to change the Economic Alliance Representative to Trustee Salka. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Meeting was adjourned at 7:47 pm.