

**Town of Bayfield
Special Town Board Meeting
August 21, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

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

Town Board Members Absent:

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

Media Present: Carol McWilliams (Pine River Times)

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

Roll Call: 7 present 0 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Au made a motion to approve the minutes as amended (Manager was misspelled at the bottom of page one), Trustee Renfro seconded. All were in favor motion passed unanimously.

Approval of Bills: Trustee Au made a motion to approve the bills as presented, Trustee Renfro seconded. All were in favor motion passed unanimously.

Public Input: Gerald Ludwig, stated that the retention pond at the sewer treatment plant is running over and he would like that repaired. He would also like some help removing sandbars from the irrigation ditch. He has gave his approval for the fence project but would like the fence replaced in the exact location that it is at now.

Phyllis Ludwig thanked Town Manager La May and the Parks and Recreation Department for everything that they have been doing for the Seniors. Also thanks to Trustee Renfro for volunteering to drive the Senior Bus.

Town Updates: Trustee Renfro wanted to clarify that the starting time for the event at the Strater Hotel is 3:30 not 33:30. Trustee Nelson stated that she thought it was fantastic that the town had received funds for the Ball Field Lights and the Waste Water Plant. Trustee Nelson also commented that she had passed on two emails today regarding interest in the vacant seats on the Planning Commission Board. Mayor Smith recommended to the Board that they attend the CML Conference at the Strater Hotel.

Action Agenda Item #1: La Plata County Economic Development Alliance – Roger Zalneraitis

Mr. Zalneraitis introduced himself. He stated that he was here just to give an update on what the Alliance has been doing. The Alliance formed about 1 ½ years ago. The Alliance sent out a 2012 plan. Their first goal was business retention and expansion, second was business recruitment, third was reducing barriers to business success and finally reducing sales tax leakage. Mr. Zalneraitis gave a presentation to the Board explaining how the Alliance was reaching their goals that they had set for 2012. He also explained the Economic Development Block Grant. It is a grant of \$10,000.00 available county wide for one of two purposes. Either, to assist with workforce training for businesses, particularly in soft skills. Or to help with infrastructure costs, if a company is looking to locate, build or expand here. Currently there are two businesses that have qualified for this program. Mr. Zalneraitis explained that The Alliance makes sure that all of their initiatives apply throughout the county. They have expanded their Executive Board from 7 to 9 members. Including a member from both Ignacio and Bayfield.

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Mayor Smith stated that he thinks Mr. Zalneraitis does an outstanding job. He believes that our connection with the Alliance will help Bayfield going forward.

Trustee Morlan stated that in his experience, local leadership is what makes things happen.

Trustee Renfro wants to stress that our schools in Bayfield really are outstanding in Academics and Athletics.

Mayor Smith stated that he would like to see our Chamber of Commerce get involved with The Alliance.

Action Agenda Item #2: Discussion and Possible Action on Economic Development Tools

Town Manager La May thought it might be an opportune time to talk about economic development. How the Town can assist in efforts to attract and retain business in Bayfield. So the thought is should we have some tools available to us so that when that question comes up we have an answer. There is talk of property tax rebates that could be offered. But in Southwestern Colorado the tax rate is extremely low, so you are not talking about a lot of money. On the other hand it may send a message that here is a town that takes their economic development plan seriously. There is probably a number of tools out there that we could be using. Town Manager La May stated that he wanted to have an open discussion about this and see how the Board felt. One of the tools he would like the Board to consider would be purchasing property and leasing to prospective businesses.

Mayor Smith thinks that one of the items as a town we need to contemplate is communicating with our businesses and residents to decide what we want to become. What do we want our brand to be. Do we want to remain a bedroom community of Durango? Bayfield is a great place to live and we need to find a way to build on that. Bayfield is one of the most patriotic places in rural America. How do we build on that? How do we entice businesses to come?

Trustee Renfro stated that this sounds similar to the Economic Development Committee that Trustee Morlan organized about 5 or 6 years ago.

Trustee Morlan stated that he had come up with policies before and that he would recommend starting with that. He also stated that incentives are nice but usually don't make much of a difference. Trustee Morlan thinks that having clear regulations and being prepared will help make a difference.

Mayor Smith stated that something he notices for example when you go into the bank of Friday is that everyone is wearing something with the logo that identifies them as "The Bank". Why can't the Town do that? Why can't the staff wear something on Friday's that reflects our Town logo? We need to capitalize on things that people have done in the past and build on it.

Trustee Au stated that in his business he hears the complaint that the land use and planning process takes too long, is cost prohibitive and that we are stifling growth.

Trustee Renfro stated that she would volunteer her time to anyone that was submitting paperwork associated with the land use and planning process.

Mayor Smith asked if the Board would entertain having a work session so that we can start working on these issues?

Trustee Morlan suggested that we invite the Chamber of Commerce to participate.

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Mayor Smith suggested that maybe invite Roger Zalneraitis to the work session to listen and offer his opinions.

Mayor Smith suggested 7:00 pm on Tuesday September 25th

Town Manager La May stated that he will invite the Chamber of Commerce.

Action Agenda Item #3: Discussion and Possible Action Related To Right-of-Way Issues

Town Manager La May stated that at the last meeting we presented a draft of an ordinance that is creating a right of way permitting process. It has sparked some additional discussion about issues related to right of ways. He is looking for the Board's opinion on whether these issues are at a level that the Town should do something about them. The first issue is, trailers and other items being stored in the right ways. The question is, is this something the Board would like to deal with. It would mean creating some regulations as it relates to that specific topic.

Trustee Renfro stated that she believes our right of ways should be protected.

Trustee Nelson commented that she was surprised that trailers and boats are not considered vehicles.

Mayor Smith asked the Board if they wanted to instruct the staff to work on this?

Trustee Renfro stated that she thought staff should work on it and bring it back to the Board.

Trustee Morlan asked if this was referring to right of ways on the roads?

Attorney Nelson responded, yes.

Town Manager La May states that the next thing to address is the right of way maintenance. In a lot of areas we have space that is not being utilized as right of ways but as landscape buffers. In some of these instances homeowners have taken this space on as their own which can be good but could also cause problems in the long run. In a situation where the Town has to expand the width of the road, we are probably going to catch a lot of flack over tearing out residents landscaping in these areas. Also during the winter months we have regulations stating that residents are responsible for removing snow from the sidewalks in front of their homes the thought is that we require them to maintain the weeds in the landscape buffers as well. These areas become problematic for Public Works to maintain because of the different types of landscaping. A good example is Dove Ranch. When Dove Ranch was developed, the way the covenants were put in place is that the homeowner was responsible for that landscape buffer but now that the HOA is dissolved you still have the covenants but no one enforcing them. Now we have trees that are growing in the right of ways that need to be trimmed, weeds on vacant lots and in landscape buffers that need to be cut and it has become a challenge for Public Works to maintain them. If the property owners could be made responsible for maintaining these buffers it could be beneficial to the Town.

Mayor Smith stated that personally he thought that most property owners believe that they own all the way to the edge of the roads including those buffers. So he doesn't think that it is unreasonable to ask them to maintain the buffers.

Trustee Nelson commented that if we do make them responsible for this maintenance then we have to take responsibility for damage that the Town does to their landscaping while plowing snow.

Trustee Renfro asked if the existing "Weed Ordinance" could be expanded to include the right of way in front of residences?

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Attorney Nelson stated that the current ordinance is specific to property lot lines. We could look at the current ordinance and just see what would be the easiest way to address this issue.

Trustee Nelson stated that she thinks that maybe someone should drive around town and look at the issues that might arise by implementing a new ordinance. There are different issues in each neighborhood and she feels that we should look at them first before making any decisions.

Public Works Director Saba states that a good example is the Tree Lawns in Dove Ranch. There are trees that are overgrown and need trimmed. They hit these branches with the mirrors and lights on the plow trucks and break town equipment. His employees are not specialists in tree trimming and he is sure that it will not be appreciated if his department goes out and just starts trimming.

Town Manager La May states that maybe he would drive around, take some pictures and put a packet together to bring to the Board.

Town Manager La May states the next thing he wants to discuss is culverts that are in the right of ways. The culverts are in place to insure that water flows freely but would not be needed if not for the property owner needing access to their property. These tend to get crushed and fill up with dirt and debris. Because we have been asked to look at our infrastructure and have an inventory of what is out there, the question has come up as to who actually owns these culverts. When you have curb and gutter this is not an issue but we do have properties on Mountain View and we now have Bayfield Parkway where we have culverts. We have been working on an access permit and in doing so he has researched the process that CDOT has. When CDOT grants you an access permit it spells out that you are responsible for the maintenance of the access and culvert. This maybe something that the Town should consider.

Trustee Au commented that legally if a driveway is crossing the Town's right of way homeowners are responsible for the maintenance of the driveway, shouldn't that include the culvert?

Attorney Nelson responded that he believes they are private and that we could enforce it, but there is nothing in the books that states it.

Trustee Nelson asked how La Plata County deals with these situations?

Town Manager La May stated that La Plata County, because they maintain the bar ditches assume responsibility for the culverts. The challenge is that if we don't maintain them then it affects our drainage system.

Mayor Smith states that maybe we should treat it like a nuisance. Either the property owner maintains the culvert or if we have to do it we charge for our time.

**Action Agenda Item #4: Discussion and Possible Action Related To Sanitary Sewer Line Repairs In
Town Right-of-Way**

Town Manager La May stated that is probably something that we need to educate the public on as well. He says that he has searched the internet to see how other communities handle these situations. Some draw the line and say it is the property owners responsibility all the way to the main. Some places help with traffic control. Outside of Colorado there seemed to be more communities that help a little more. Some places reimburse for 50% of the cost not to exceed \$2,000.00. Some places provide a loan program. For example a loan of \$5,000.00 is provided at zero % interest for a period of three years. Some communities assume responsibility for the line to the main but charge a fee to for doing so.

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Trustee Renfro commented that one observation that she made in reviewing the material provided to the Board was that some of these communities have a higher tax rate, so they can afford to do more. She recommends that we keep things as they are and this remains the homeowners responsibility.

Trustee Nyberg agrees this is the homeowners responsibility.

Trustee Morlan asked if we charge a road cut fee for these types of repairs.

Everyone agreed that customer should fill out the paperwork but this fee could be waived in this situation.

Public Works Director stated that they will still have to have a licensed and bonded contractor do the work and have the necessary permits in place, we could just waive the fee.

Action Agenda Item #5: Award of Contract For Wastewater Treatment Plant Fence

Town Manager La May stated that Parker Ag should be remobilizing to remove the bio solids material that is piled up at the lagoon site. When this is finished we would like to repair the fence that is adjacent to the Ludwig property. We have 3 bids for that project. We would like to award the contract to Frontier Excavation, who was the low bid. There will be an additional contract for reseeding the site, which will be going out to ad this week for bids. My recommendation is that we move forward with Frontier Excavation.

Trustee Morlan made a motion to go with the staff's recommendation of Frontier Excavation, Trustee Renfro seconded.

Roll call 7-0 motion carried.

New/Unfinished Business

Town Manager La May stated that we are applying for a COGO Grant. This grant requires that the Board adopts a resolution stating that the Board approves the submittal of this application. Parks and Recreation Director Key has prepared a resolution and is asking for it's approval tonight.

Trustee Morlan asked what this grant will provide for?

Town Manager La May responded that it will provide a better play structure, improvements to a walking path, add some zero scaping, and make it ADA accessible.

Trustee Au made motion to approve Resolution 282 supporting the grant application, Trustee Renfro seconded.

Roll Call 7-0 motion carried.

Town Manager La May reminded everyone of the CML Conference in September.

Trustee Nelson asked about the open manhole on the walk path.

Public Works Director Saba stated that is the phone company's manhole and that they have been notified.

Trustee Nelson also stated that Colorado State Extension Office will do training on tree cutting and landscape maintenance. They also have a Master Gardners Program and those participants have to do so many hours for class, so they might be able to help us out.

Trustee Renfro asked if someone could look into the thermostat settings?

Trustee Davenport questioned the dedication of easement that was mentioned in the Board's packet.

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Town Manager La May responded that this is associated with the fiber optic installation. We have tried to acquire easements from certain properties for this installation but one property owner in particular has expressed disinterest in allowing us an easement. Ultimately we have condemnation powers but that can be drastic. We have talked about the project being condensed. At this point we are waiting to see what the dollar amounts are and see if we can even go that distance in the future. Things are on hold for now.

Trustee Morlan asked if drainage was still an issue for Gerald Ludwig?

Public Works Director Saba explained that when the filters backwash it goes into the pond behind the plant. Then it is pumped back into the system. Back in March the pumps failed so we have been using a smaller pump and just pumping the water out into the field so that it wouldn't overflow into the ditch. Mr. Ludwig has allowed us to go ahead and let the water flow into the ditch for now but that is why he is asking that the pond is one of the first things that is completed when LAPLAWD starts the new plant.

Trustee Morlan asked if this was the same issue that is flooding Mr. Ludwig's field?

Public Works Director Saba responded no, that issue is at the Sewer Plant.

Town Manager La May stated that we filed a claim with our insurance company and they sent out an engineer to look at the situation. That engineer did not feel that there was enough evidence to prove that this was a Town problem. At that time we met with Mr. Ludwig and came up with a plan, but we haven't heard anything more.

Town Manager La May stated that LAPLAWD is moving forward. They are hoping to have a contract awarded by October for the construction of the water line from the roundabout to County Road 509. Recall that we were planning on taking advantage of this water line by tying the line at Mill Street into it, so that we can have that pressure on Mill Street. This is going to require a PRV which will cost approximately \$40,000.00. Additionally they have taken this to the Upper Pine Fire District and they have asked that 5 fire hydrants be installed at certain locations. These hydrants are approximately \$5,000.00 each. So just to make you aware that there will be some expenditures on this project that we will have to get the Board's authorization on. The other thing is LAPLAWD will be going down County Road 509 to 510. A portion of 509 is in the Town's service area, so we need to decide if we want to cost share that portion of the line.

Mayor Smith asked Town Manager La May to outline what the budget changes would be and bring it back to the Board at the next meeting.

Meeting adjourned at 8:50 pm

Minutes Approved As Amended (In the Public Input, Mr. Ludwig was referring to the retention pond at the Water Plant not the Sewer Plant) On September 4th, 2012.

Approved:

Rick K. Smith

Mayor

Kathleen Cathcart

Town Clerk

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