

**Town of Bayfield
Special Town Board Meeting
August 7, 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)

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 presented, Trustee Davenport
seconded. All were in favor motion passed unanimously.

Approval of Bills: Trustee Au made a motion to approve the bills as presented including the bill to Dirk Nelson
Attorney at Law in the amount of \$3,180.50, Trustee Nyberg seconded. All were in favor motion passed
unanimously.

Public Input: None was offered so it was immediately closed.

Town Updates: Trustee Renfro stated that she feels that it is appropriate that the town recoup the cost of the
aerial mapping Mayor Smith concurred as did Trustee Morlan. Trustee Au stated that these types of things are
often passed from one business to another. Town Manger La May stated that the Town should include a caveat
that states once an individual purchases the maps from us they can not turn around and sell them. Attorney
Nelson says that we can also include the in the agreement that once purchased you can not give them away for
free. This would be hard to prevent, but might deter some from doing it. Town Manager La May stated that he
would work on putting this agreement together.

Trustee Renfro commented on Public Works Director Saba's memo to the Board regarding Holiday and
Seasonal decorations. She agrees that we should have a line item in the budget for replacement of these
banners. She also presented the question of possibly having local groups sponsor the banners to help with
some of the costs. Trustee Morlan stated that he could mention this to the Seniors.

Mayor Smith asked Town Manager La May if he could explain the sentence regarding the decommissioning of
the lagoons. Town Manager La May explained that the material that is currently stock piled at the Sewer Plant
is going to be applied to crops that will be planted in September, so at that point the material will be hauled off.

Trustee Morlan asked if the Board actually receives the financial statements any more. Town Manager La May
stated that he would be sure to include them in the next packet.

Trustee Davenport asked what is that we need in regards to the Planning Commission? Town Manager La May
responded that we need two volunteers to sit on the Planning Commission Board. Mike Pacha, from the
audience, asked if you had to live in the town limits in order to serve on this board? Town Manger La May
responded yes, you do have to be a resident of the town.

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Public Hearing: Liquor License – Options Restaurant

Town Manager La May states that we do have an application for the liquor license of the Option Restaurant. The applicant has also provided a petition that provides some evidence of support.

Mr. Brandau introduces himself and explained his intentions of opening a bar in the Options Restaurant located at 457 Wolverine Drive.

Town Manager La May stated that all fees were paid, the Public Notice was posted and published in the Pine River Times.

Mayor Smith asked for public comment. None was offered so it was immediately closed.

Action Agenda Item #1: Consideration of Approval of Liquor License - Options Restaurant

Trustee Renfro asked if there were other businesses previously in this same location that had liquor licenses and why did this application seem more detailed.

Attorney Nelson responded yes there have been businesses in this location before with liquor licenses. This one is different in the fact that it is a new license not a transfer.

Trustee Nelson made motion to approve liquor license for Options Restaurant located at 457 Wolverine Drive, Trustee Nyberg seconded.

Roll call- 7-0 motion passed.

Action Agenda Item #2: Consideration of Sponsorship For The 2012 Household Hazardous Waste Event

Town Manager La May stated that he had been approached by La Plata County and the City of Durango. They will be holding an event on October 6th at the La Plata County Fair Grounds which is a Household Hazardous Waste Roundup. They have asked if Bayfield would contribute to the event in the amount of \$500.00. It was suggested that the last time this event was held in 2010 approximately 9% of the participants identified themselves as Bayfield residents. But the Town did not contribute in 2010. Staff does recommend that we sponsor this event.

Trustee Morlan asked if this money was in our budget?

Town Manager La May responded that while this really is not in the budget he feels that he can find the money without having to use the contingency budget.

Trustee Davenport asked what the \$500.00 is actually for?

Town Manager responded that it gets us on to their brochures and advertising material.

Trustee made a motion to approve the \$500.00 contribution for the Hazardous Material Event, Trustee Renfro seconded.

Roll Call 6 – 1 (Trustee Au voted against)

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Action Agenda Item #3: Discussion Related To Work In Rights -of- Way

Town Manager La May stated that he has been discussing our Rights-of-Way and Excavation Permits with Public Works Director Saba. Currently the requirements are somewhat lacking and we would like to strengthen our current application process so that we have some control over what takes place in our rights-of-ways. Whether it is excavation, storage etc. and depending on the size of the project, we need to insure that there is bonding taking place. Tonight all he is looking for is to get the Board's opinion on whether or not to move forward with revamping of the Rights-Of-Way Permit.

Trustee Au and Trustee Nyberg both commented that this would be a great idea.

Trustee Morlan asked if what is written in red is what is going into the application.

Town Manager La May responded that the red writing indicates what is currently in the application.

Mayor Smith asked if this would have to go to the Planning Commission?

Town Manger La May responded that this is just rewriting the Municipal Code so it does not have to be presented to the Planning Commission.

Mayor Smith stated that he thinks it is a great idea to tighten up the language and make things more clear what needs to happen the better off we will be.

Town Manager La May stated that he will finish with the changes and have Attorney Nelson go over the application and give his suggestions, then bring it back to the Board in its final form.

Action Agenda Item #4: Discussion and Possible Action Related To Child Care Facilities

Town Manager La May stated that we had a prospective Day Care Provider approach us and ask about zoning. What we discovered is that in our land use code a licensed in home daycare requires a use by review? This requires submittal of an application, notice in the paper and notice to property owners within 200 feet. The applicant stated that there were several other Daycare Providers in the Town and asked if they had gone through this process. So in looking into this there is approximately 10 providers in our Town and we have no record of any of them going through the use by review process. So I am asking do you want me to strictly enforce the Land Use Code or is something we want to have the Planning Commission look at?

Mayor Smith asked if we require a Business License to operate an in home daycare?

Town Manager La May responded that it is a commercial business venture and we should require a business license but at this time we only have one business in town with a business license for a daycare.

Mayor Smith stated that at the very least they should have to produce a business license.

Trustee Morlan stated that we should fix this or it could come back to haunt us at some point.

Trustee Nelson stated that it sounds like most of these licensed providers just did not do their due diligence. They did get licensed through the State so they did some of the process.

Town Manager La May stated that since this is being driven by the State as a requirement of being licensed that maybe this wasn't a requirement previously or something that just wasn't followed up on by the licensing board.

Mayor Smith stated that it is in the Code and it is a requirement that we have and if we don't follow it we could have problems down the road.

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Trustee Nelson suggested that we give the existing providers a chance to become compliant before just asking them to close their businesses.

Everyone agreed.

Trustee Davenport asked if the use by review has specific language or is it any commercial venture?

Town Manager La May describes the Land Use Code Table. There is money involved in the use by review process but then again it is a commercial business so they should include these fees in their business plan.

Trustee Au stated that it is in the code so he feels that we should follow through.

Attorney Nelson stated that we should check to see if any of these providers would be grandfathered in prior to the changes made to our Land Use Code.

Action Agenda Item #5: Southwest Colorado Council Of Government Requests For Consideration Of Joint Excavation

Town Manager La May stated that last week at the CCOG meeting the Southwestern Council of Government were recommending that the member entities adopt some sort of policy that requires the telecommunication providers to at least consider joint use of trenches. The idea being that if Century Link was putting in a fiber conduit they would be asked to allow any other interested parties to use that same trench. So this is something we might want to consider putting in our Infrastructure Standards.

Trustee Morlan asked Public Works Director Saba his opinion on this.

Public Works Director Saba responded that the only question he would have is that some utilities would require separation.

Mayor Smith stated that he feels if a company is coming through with proper permits it would be better if they only dug up the road once. He supports the staff going ahead in putting this in the Infrastructure Standards.

Trustee Renfro asked if 3' of separation would be enough in situations that this agreement talks about.

Public Works Director Saba responded that there are some universal specifications for these items and they will take those into consideration when writing this policy.

Town Manager La May stated that the Board has not yet adopted our Infrastructure Standards, so what he is planning on doing is incorporating the "Joint Trench" requirements into the Infrastructure Standards and adopting them all at once.

Trustee Morlan stated that he does support this requirement. He also stated that in some areas the Town's themselves actually put conduit with several compartments in and then when companies come through that need access they just sell them the access through the existing conduit.

Trustee Au stated that he is concerned about a communication line being too close to a water line or sewer line.

Public Works Director stated that we should have a minimum separation. But in some instances we aren't going to have much of a choice because of everything that has to be put in.

Trustee Au stated that he just doesn't want to compound the problems that we already have.

Trustee Renfro stated that maybe we make the minimum 5' but we can grant a variance if needed.

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Public Works Director Saba feels that LAPLAWD is going to come through and we are going to have to give a little. It is not ideal but we can make it work.

Trustee Nelson stated that she liked Trustee Morlan's idea that the Town put the conduit in and charge customers at a later date.

Mayor Smith asked Town Manager La May to send an email to Paul and cc Tom Yernel that we are doing this.

Action Agenda Item #6: Southwest Colorado Council Of Government Requests For Membership Rate Increase

Town Manager La May stated that the CCOG is trying to become more self sustained. At this point they have been somewhat reliant on the Telecom Grant. They are looking at increasing our annual contribution by \$544.00.

Mayor Smith stated that the original intent of the COGG was to have someone else take the lead on dealing with the regional issues so that the Town Managers wouldn't have to. Because of our lack of staff he would support this increase.

Trustee Nelson stated that she feels that she is too new to the Board to offer an opinion one way or another. But if it alleviates staff time she feels that it is a pretty sound business decision.

Town Manager La May stated that another thought is that with the COGG we can consolidate some of our purchasing.

Trustee Renfro asked if we will be getting anything more for this increase?

Town Manager La May responded that the original fee was probably too low to begin with.

Mayor Smith stated that when the CCOG was formed there were no dues and Region 9 supported them.

Town Manager La May stated that Region 9 was providing staffing. La Plata county has volunteered staff through the end of this year.

Trustee Davenport stated that one thing she would like to see with this increase is a little more organization.

Mayor Smith asked what was needed from the Board on this matter?

Town Manager La May responded that Trustee Davenport and himself just needed some direction on how the Board would like to see them vote at the next COGG meeting in regards to this increase.

Trustee Au stated that he is not comfortable giving more money.

Trustee Nyberg stated that he also did not see the benefit in the increase.

Trustee Renfro stated that she is not sure that she has a clear picture of the COGG.

Trustee Morlan stated that there is a template of what COGG's do and don't do, he can get this so that we can all see it.

Trustee Renfro stated that she is in favor of this increase if we are going to save money in our budget.

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Mayor Smith responded that we might not see the savings in this next years budget but we will see it in the future.

Trustee Davenport asked Trustee Au what his misgivings are about this.

Trustee Au responded that he does not see a need for an umbrella organization. He feels that we should be dealing with these things at the Town level.

Town Manager La May stated that maybe in this instance there should be a vote to decide how we would like for Trustee Davenport or himself to vote at the next CCOG meeting.

Trustee Au made a motion to not increase the dues, Trustee Nyberg seconded.

Roll Call 5 – 2 motion failed.

Trustee Nelson made a motion to follow staff recommendation and vote to increase the dues, Trustee Renfro seconded.

Roll call 5 - 2 motion passed.

Mayor Smith suggested that we encourage the CCOG Board to show the value in this increase.

New/Unfinished Business

Town Manager La May stated that he had nothing to add.

Trustee Nyberg asked the fire hydrant issue at 801 Hickory Ridge.

Town Manager La May stated that we have issued a permit to relocate the fire hydrant.

Trustee Nelson asked if we had any more information from the gentlemen that was looking into sewer line sleeves?

Town Manager La May responded no, that he has not heard from him.

Trustee Nelson asked if there was any new information on the sewer backups on Wilmer and East East?

Town Manager La May stated that the resident on Wilmer is going to install a backflow preventer and sign the Good Neighbor Policy.

Attorney Nelson responded that he has received an intent to sue in regards to the backup on East East.

Trustee Nelson asked if we have heard anything more regarding the Recreation District.

Attorney Nelson responded no he has not heard anything new in regards to Recreation District.

Trustee Renfro wanted to remind everyone about the upcoming Ice Cream Social at Town Hall on August 9th.

Trustee Davenport asked Town Manager La May if he has had any luck with contacting residents below the sewer line.

Town Manager La May responded that he had not done that yet.

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Trustee Davenport asked if we had gotten the patrol car ordered.

Marshal McIntyre responded yes. It has been delivered and is being outfitted with equipment now.

Trustee Morlan stated that he had received some input from a citizen regarding the park on Oak Street.

Town Manager La May responded that we are currently seeking a grant to improve the park.

Trustee Morlan asked if the grant is pending?

Town Manager La May stated that the grant has not been submitted but it is in the process.

Mayor Smith stated that on September 18th is a meet and greet for the new County Manager at the Rochester Hotel. It would be great if we could all attend.

Mayor Smith also added that the Ignacio Bike Rally is gearing up and is involving Bayfield along with Options Restaurant in the Poker Run. All the money generated with the Mayor's Ride will go the Breast Cancer Center at Mercy.

Trustee Davenport asked about the County breakfast.

Town Manager La May responded that the breakfast is typically done quarterly so it will probably be sometime in September.

Meeting adjourned at 8:30 pm

Minutes Approved As Amended (Manager was misspelled at the bottom of page one) On August 21st, 2012.

Approved:

Rick K. Smith
Mayor

Kathleen Cathcart
Town Clerk

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