

**Town of Bayfield
Town Board Meeting
January 19, 2010
1199 US Highway 160B Bayfield, CO 81122**

Town Board Members Present: Dr. Rick Smith (Mayor), Tom Au (Mayor Pro-tem), Debbi Renfro, Brandon Luter, Gabe Candelaria, Dan Ford, Justin Talbot

Staff Present: Justin Clifton (Town Manager), Ron Saba (Director of Public Works), Chris Choate (Marshal), Dirk Nelson (Town Attorney), Marianne Jones (Deputy Town Clerk)

Media Present: Patrick Young (Durango Herald), Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:01 p.m.

Minutes: Tom made a motion to approve the minutes from the December 15th, 2009 Regular Town Board Meeting as presented. Debbi seconded the motion. All were in favor except Justin Talbot, who abstained from the vote.

Public Input: Phyllis Ludwig stated that the Shroeder Ditch Company met with Brad Elder (the developer of the Dove Ranch Subdivision) in 2005 about a drainage issue in the subdivision. Nothing has been done to resolve the issue with the drainage and Justin Clifton recommended that the Ditch Company should get together a letter outlining a timeframe for completing the improvements. The Ditch Company has sent Brad Elder a letter stating that the work needs to be completed by May 1st, 2010 or they are going to take further action on the matter. Drainage cannot be released into an irrigation ditch. The Ditch Company just wanted to let the Board know that is being done on this issue. They feel that the item has been put off for way too long and it's time that something is done to resolve it.

Mayor Rick mentioned that the La Plata Electric Meeting regarding fiber service in La Plata County will be held on January 20th, 2010.

Action Agenda Item #1: Approval of Bills

Tom made a motion to approve the bills dated January 15th, 2010 as presented. Justin Talbot seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Justin Clifton commented that the Town has encountered an unworkable situation with the waterline issue on the Jack Roe property. There is an issue with ground saturation and difficulty pressuring the line. The initial contractor that was hired has backed out of the project and the Town has hired Alpine Construction to complete it for the same bid price. The issues are that they can't identify where all of the leaks are in the pipe. The ground is completely saturated and they can't get enough pressure to create a steady enough stream of water to determine where all of the leaks are located. So far, the Town has spent approximately \$14,000.00 and has fixed 11 leaks but they are still unable to pressure the line. Justin Clifton suggested that this might have to wait until spring because he's not sure that this matter can be solved until winter is over and the ground saturation is more workable.

Gabe stated that there is only one valve in the middle of 1800 feet of waterline and it is losing approximately 255 gallons of water per hour. The Alpine crew has spent a considerable amount of time trying to find the leak that is causing this water loss. The next step will be to isolate sections of the line; however, there is a lot of water running through the site. In the morning, it's frozen solid so the water doesn't surface. In the afternoon, there's so much run-off that it's difficult to isolate where the problem lies. The line needs at least one more valve

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installed, and may even need two. Typically, valves are installed every 400 feet; however, this specification was not in the original documents that were submitted. This does need to be resolved though before the Town accepts that water line as Town infrastructure.

Dan asked what the anticipated cost will be for this project.

Gabe answered that it will cost approximately \$3,000.00 for the 2 valves to be installed.

Dan asked if the Town expects to be reimbursed by the property owner when they move forward with the subdivision and development.

Justin Clifton answered that the Town does plan to be reimbursed when it develops but it might be a while before that happens.

Rick asked if any additional work on this project should wait until spring.

Gabe answered that the 2 valves can be installed right now. But the isolation of the water leaks will probably need to wait until spring to be finished. The line is in service and does need to be used part of the time. Ron has it set up so that it can be used but it will need to be fixed as soon as possible.

Justin Clifton offered that he will return to the Board when there is a window of opportunity to fix this issue and get approval at that time.

Debbi stated that one of the drains on the County Road 501 trail was installed the wrong way and she doesn't believe that it was fixed before the concrete was poured. She requested that this be checked before the Town accepts that trail.

Justin Clifton agreed to find out where that drain is located and convey the Town's concerns to the County Engineer.

Gabe asked if the Town is to accept that trail as soon as the ribbon is cut.

Ron Saba, the Director of Public Works, answered that were some problems with the drainage and a few other issues that were placed on a punch list. He needs to walk the trail again to make sure those items have been resolved before the Town accepts it.

Justin Clifton requested a finalized punch list from Ron that he can give to the County for a final resolution.

Tom suggested that the Town should not begin maintaining or take over ownership of the trail until the final punch list items are completed.

Justin Clifton responded that he does not think that County will have any opposition to fixing those items before final ownership is released to the Town.

Justin Talbot asked if Justin Clifton has received a response from the Alarm Company and the Insurance Company regarding the Town Hall flood.

Justin Clifton answered that the emails in the packet outline the response received from the Alarm Company. However, Justin Clifton also spoke with Marty Zwisler, the Project Manager for the Town Hall Building Project. Marty explained that the fire alarm and building alarm system using the same router. The fire alarm is set up to communicate with the other alarm system and call out to dispatch in the event of an emergency. This is where the link was broken and the alarm company insists that somebody went in and reconfigured that panel. Justin Clifton doesn't think that anyone in house would have done that sort of reconfiguration. However, the entire

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system was tested after it was installed and it worked properly at that time. Justin Clifton has been working with Marty to go through the sequence of events to see if they can come up with who is accountable for the system not calling out as it was supposed to. The Town is going to implement some testing protocols and some other items that will be performed on a regular basis to ensure that the system is working properly.

Justin Talbot asked if the heat being turned off in that room caused the incident.

Justin Clifton answered that the heat was off in the Board Room. He feels that if the heat would have been left on, the incident probably wouldn't have happened. However, there was another issue that the insulation had been removed in the area where the two sprinkler heads that broke are located. That could be another contributing factor to the issue.

The heat is currently being left at the default settings of 55 degrees. If the room is cold, the Town staff will override the thermostat and turn the heat up. Staff has been given implicit instructions not to turn the heat off in the building.

Justin Talbot asked about the change orders for the Gem Village Lift Station. He wanted to know why these changes were being made when the project bid was received for a set dollar amount on this job.

Justin Clifton explained that there are typical assumptions made when a project is sent out for bid so that consistent bids are received across the board. However, if quantities change, there are some adjustments made to accommodate those changes. The bulk of the change order costs are due to the King Ditch being left on and having to bore the ditch instead of trench across it. The Town engineer walked the site and tried to identify as many items as possible that needed to be replaced so that bidders would have an idea of what they were bidding on. However, there is an understanding that there might be some changes if there are things that are over and above what was anticipated in the original walk through. The Town reviews all change order very thoroughly to make sure that they are consistent with the bid prices and he feels that they have all been appropriate so far.

Gabe asked if the Gem Village sewer line is being built within the constraints of the project budget.

Justin Clifton answered that the project is well under budget. The Town is actually hoping to extend the contract with Crossfire to incorporate the decommissioning of the old lagoons. The Town would like to get as much work done as possible while financial assistance is available.

Dan asked if the trail will be cleared for the County Road 501 Ribbon cutting.

Justin Clifton answered that the Town intends to clear the trail for the ribbon cutting.

Action Agenda Item #3: 4th of July Event Schedule

Justin Clifton explained that the 4th of July falls on a Sunday this year. The Parks and Recreation department feels that the parade and afternoon events need to be moved to either a later time on Sunday or to Saturday. Parks and Recreation feels that moving the activities to Saturday would be the best because this will allow church services to carry on as normal without the disruption from the parade on Sunday. Parks & Recreation feels that the fireworks should still be launched on Sunday. The move to Saturday for the parade would coincide with what Pagosa Springs is doing for that weekend.

Justin Clifton requested that the Board make a decision on when the festivities should be held for that weekend.

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Rick commented that this has happened before in the past. The decision was made to move everything, including the fireworks, to Saturday to eliminate confusion.

Justin Talbot stated that he thinks the festivities should remain on the 4th of July instead of moving them to another day.

Brandon expressed that there will be a lot of conflict having the parade on Sunday because there are a lot of churches on Mill Street that will be affected.

Justin Clifton suggested that another option would be to move the day activities to later in the day on Sunday. Therefore, the Town would have the parade at 12:00 p.m. and the other activities would immediately follow. This would allow for the churches to have their regular services before the parade begins.

The Board decided to leave the festivities on the 4th of July but adjust the schedule to more accommodating for the churches. The parade will be moved to 12:00 p.m.

Action Agenda Item #4: Fire Flow Issues

Justin Clifton stated that the Fire Flow committee met this afternoon and came up with a recommendation to be presented to the Town Board. It was decided that Appendix B would be adopted but it would be adopted in a way that would allow the Town Board to serve as the review board for unique circumstances where the fire code is not totally applicable to the situation. The Town plans to continue working on the infrastructure development plan to account for the looping of the water line and come up with a strategy for making these improvements to the system. New developments would have to meet the requirements outlined in both the Fire Code and Appendix B. The Town will have to catch up and fix the issues where fire flow is lacking and new developments would be responsible for making sure that they meet all code items. However, the Board will still maintain the ability to resolve any odd situations that may arise.

Dan stated that the Fire Flow Committee has met on three different occasions to discuss this item. The big issues were that the Fire Department wanted to get a system in place where they would have a proper forum to express their concerns regarding new developments. The Town and the Fire Department also had a desire to establish workable standards that meet the requirements need but also have some flexibility for the applicants. There was also a desire to make sure that the elected officials have the final say on disputed unique situations.

Rick commented that he is glad that the Town Board will have a say so on this matter and that the committee was able to come to some conclusions on this matter. Rick asked Rich Graeber, the Fire Chief, if he is agreeable to the decisions that were made by the committee.

Rich Graeber stated that the Fire Department is in agreement with the decision.

Gabe asked about infrastructure that doesn't currently meet the fire codes. He wanted to know if a developer comes in and is developing at the far end of the system, would the developer be responsible for upgrading the entire line to his development.

Justin Clifton answered that sort of improvement will be part of the development negotiations and it will impact how the burden is distributed between the developer and the people who build in that subdivision. If the developer doesn't put in adequate fire flows then the builders who build in that area will have to do other things that are outlined in Appendix B (such as sprinkler systems, fire separation walls, etc) to account for that deficiency.

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The Bayfield Early Education Program (BEEP) is currently in the process for receiving a building permit. However, Justin Clifton doesn't feel that they would be subject to any unique circumstances that would allow for any sort of waiver. The line in that area is not scheduled to be improved anytime in the near future and there's no other unique situation that would warrant a special situation. Therefore, they would be subject to Appendix B because of the lack of fire flow in that area.

Gabe expressed that this will burden the development process in Bayfield which will increase the costs and potentially drive development away from Bayfield.

Dan stated that he feels that this is a decision that needs to be made because safety is the most important thing.

Dan made a motion that whereas the Town of Bayfield has had issues with communication with the Upper Pine Fire Protection District and all parties desire to create a process whereby fire code issues are properly addressed and universally considered and whereas the Town of Bayfield desires standards for fire code issues to be standardized with direction and flexibility we hereby recommend the following:

- 1) The adoption of Appendix B regarding fire flow concerns
- 2) The establishment of a review process to ensure good input and fair decisions on those occasional applicants that take exception to the standard
- 3) The establishment of a review board with the final approval resting with the Town Board

Tom seconded the motion.

Justin Clifton clarified that from this motion, he will draw up the proper ordinances & documentation to make this item official.

All were in favor, motion passed unanimously.

Action Agenda #5: McCoy Family Project

Justin Clifton gave his staff report. He stated that he was approached by Derek McCoy, representing the McCoy Family Trust about a potential development project. The McCoy Family Trust owns multiple parcels in the center of Town south of HWY 160B and just east of the Buck Highway.

The proposed project is a manufactured (mobile) home park. The exact details of the project have not yet been worked out but discussions with the applicant have involved a multi-unit mobile home park governed by covenants and a strong home-owners association. Primary infrastructure for the project is contemplated to be private. Lot spaced would be rented or leased but would not be sold to third parties.

The parcels of land in question are not annexed into city limits and have not been given a land use zone designation. The applicant is looking for any feedback on the proposed Manufactured Home Park (MHP) land use designation. The Bayfield Comprehensive plan does not provide much clarity on appropriate uses for these parcels. The Comp Plan identifies these parcels as "in fill areas." The notes on in-fill areas in the Comp Plan says: "Proposed future land uses in unincorporated areas (mostly) surrounded by the Town of Bayfield will be reviewed on a case by case basis with sensitivity to impacts of proposed development on adjacent properties. Land use compatibility and measures to mitigate impacts can be identified during the annexation and development review process." The surrounding parcels are mostly R-10 land use or low density unincorporated areas.

Justin Clifton asked the Town Board for feedback on this project before the applicant decides to submit a petition for annexation.

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The floor was given to Derek McCoy.

Derek McCoy (780 County Road 520) stated that he and his family own this property on Highway 160B. They were happy to learn that the Town would be taking over control of Highway 160B from CDOT and started seriously looking at developing this property. Unfortunately access is a big issue with this property and it would have been difficult to gain the access needed through CDOT. However, since the Town is going to be in control of this matter, the McCoy's hope that this will now be a possibility. The McCoy's would like to develop a mobile home park on that parcel of land and wanted to present the idea to the Board to find out if they were interested in this type of development in this area of Town. He also wanted to find out what the Board would require from them when creating the development in order to determine if the project is even feasible. The request is to make this a stand-alone project that would have Town water & sewer service and would be annexed into the Town (the property is currently not annexed at this time). The access point would be off of Highway 160B once the Town takes control of that highway.

However, Derek expressed that there are some things that they would ask from the Town to make the project possible. He stated that it would be cost prohibitive to have to purchase a water & sewer tap for each mobile home unit. He expressed that they would like to purchase one or two larger water taps for the project rather than having to purchase a tap for each space. They would like to have one single point of access with an emergency access available. They would also like to phase the project into three different phases with 25 units per phase. They propose to have a lease agreement with the tenants instead of covenants or an HOA. There is currently an 8" water line has been extended to the Baptist Church but it is not looped down. If the Town desires to have that line looped, they are willing to work with the Town to make that happen during the course of this project.

Gabe asked if this property is currently under the County's jurisdiction and asked if this project could be done through the County.

Derek answered that this project is not really feasible to develop through the County because of infrastructure. Derek also mentioned that the Town does have a land use zone in the Bayfield Land Use addressing mobile home subdivisions. He knows that they would have to follow the rules & regulations outlined in the code for this type of development. He feels that this type of endeavor would create some great opportunities and would utilize the property in a way that would be greatly beneficial to the Town. He expressed that he doesn't feel that the land use would be out of place in this area of Town since there is already such a wide array of mixed uses.

Rick asked who would own this development.

Derek answered that it would be a single parcel of land owned by a McCoy entity. They hope to have a single water meter for the entire park and there would be single management of the park. They would really like to do a retirement community but doesn't think that the economy would support that type of endeavor so they plan to do public rental units.

Rick expressed that he likes to see a mix of uses through the Town because it's a way to bring in more residents. He would also like to see this property that is currently in the County annexed into the Town because it would close some of the gaps that currently exist down Highway 160B. He requested that he would like to see the Town explore this opportunity further.

Gabe stated that 75 or 90 unit project would be a dramatically high increase to the Town's water & sewer system and is concerned about whether or not the Town should take on such an endeavor.

Justin Clifton responded that it would depend on how the project is phased. The new sewer plant is rated for 15 years of growth at the current rate. However, this sort of development could impact the system almost immediately. The Town would have to look at this matter closely and would also have to look at what improvements would need to be made to the water treatment plant as well. This type of project is good and bad

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because it creates the impact requiring additional improvements to be made but it also brings in revenue to help cover those costs. The staff perspective would be that the water & sewer fees that are collected would need to be equal to the impact that will be caused by the project. If it's determined that the impact would be lower, the staff would entertain the notion of reducing the fees collected. But substantial evidence would have to be received to support that reduction. If that evidence cannot be produced, the staff would suggest that all of the fees would need to be paid. The Town doesn't want to overburden the project but also doesn't want to underburden the project and cause impact to the other residents in Town.

Dan asked if the Town construction standards would be met in this project so that it is consistent with the Town requirements for new developments.

Derek answered that the Bayfield Land Use Code outlines the requirements for a Mobile Home Subdivision. It includes street widths, space sizes, etc. They're initial sketch plans are based on those requirements outlined in the code.

Dan commented that he thinks that Town should move forward with this project and embrace it. He feels that there is a hole in the Town in this area and he would really like to see it brought into the Town and developed. He did express reservations about waiving the fee for 75 water taps but hopes that the Town can meet in the middle somewhere to make this proposal a reality.

Debbi commented that there will also need to be a PRV installed in addition to the water looping in this area of Town. She feels that tap fees are set at a certain price based on very specific data on water usage and impact. This makes it difficult to waive those fees. She is also concerned about this would be a huge impact to the schools and would want their opinion on the matter. She would also like more information about the impact to the water and sewer systems.

Justin Talbot stated that he has the same reservations as the other members on the Board but also mentioned that the Town is working on the traffic study at the Shell Station intersection. He feels that this type of development is really going to increase the traffic flow at that intersection and that it needs to be taken into consideration as well when researching this matter.

Brandon asked if they have looked at creating a second access off of Mesa Avenue.

Derek answered that they have tried to purchase a vacant lot in the Mesa Subdivision but is concerned about the political impact of this type of development accessing into a neighborhood like Mesa. He feels that the best way to address access would be to utilize Hwy 160B and have an emergency access off of Buck Highway.

Brandon asked if there is a lateral ditch that goes through that property.

Derek answered that there are two drainage ditches that are on the periphery and there is a right arm that goes through the property to his dad's parcel.

Derek asked to know the Board's stance on reducing/waiving some of the water tap fees so that they would decide if this project is feasible to precede.

Rick suggested setting up a meeting with Derek, his team, and the Town staff to walk through some scenarios.

Justin Clifton answered that he can definitely give some direction on what the staff recommendations would be to the Board. Typically, it is during the annexation agreement process that the groundwork is laid for most of these types of issues. If an applicant just needed to know what the recommendation would be for water & sewer, Justin Clifton might request a rational basis that could be reviewed by the Town Engineer. Based on that data and the input from the engineer, he would be able to put forth a recommendation on the water & sewer

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question. Using that recommendation, the applicant could decide whether or not to submit an annexation petition.

It was decided that staff would meet with staff and discuss some options on this endeavor in order to come up with the best plan.

Action Agenda Item #6: Public Hearing: Ordinance #350 – Adoption Of The Model Traffic Code

Dirk stated that this is a code that is distributed by a division of CDOT. They are generally adopted by each municipality to help prosecute in municipal courts. It outlines traffic offenses and gives police officers a standard set of ordinances to use when writing tickets. Adopting this code will help keep things up to date.

The item was opened for public hearing. None was offered so it was immediately closed.

Gabe made a motion to adopt Ordinance #350, an ordinance for the regulation of traffic by the Town of Bayfield, CO; adopting by reference the 2009 edition of the model traffic code and repealing all ordinances in conflict therewith; and providing penalties for violation thereof.

Tom seconded the motion

All were in favor, motion passed unanimously.

Action Agenda Item #7: Resolution #246 – Establishment of Deferment Fees

Justin Clifton stated that the Board took action in November 2009 to create a new fee for deferred judgments. This change requires a resolution. The Board also agreed to implement a detention surcharge to help cover the cost in incarceration of indigent persons.

Tom made a motion to pass Resolution #246, a resolution of the Town of Bayfield, CO to include deferment fees & detention surcharges in the schedule of court costs.

Debbi seconded the motion.

All were in n favor, motion passed unanimously.

Action Agenda #8: Resolution #238 – Disbandment Of Senior Center Capital Campaign Working Group

Justin Clifton explained that when the Town and County first came together to look at the possibility of building a senior center in Bayfield the County recommended forming a working group. This group changed members but generally stayed active during the construction of the senior center. This is different from the Senior Center Committee now in place. The working group has not met since the Center was constructed. The resolution to disband the group comes at the request of the County in order to close the file.

Dan made a motion to approve Resolution #238, a resolution of the Town of Bayfield, CO disbanding the Senior Center Capital Campaign Working Group.

Gabe seconded the motion.

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All were in favor, motion passed unanimously.

Action Agenda #9: Recycling Center

Justin Clifton explained that the Recycling Facility located on Community Lane is ready to begin operation. The facility will hold hours of operation from 7am to 5pm every Saturday except major holidays. These hours may be adjusted depending on use and demand. An attendant will be present during virtually all hours of operations except for reasonable breaks or emergencies. The attendant will be paid \$10 per hour.

Initially the facility will only recycle: corrugated cardboard, paper, brown glass and aluminum/steel. The only items not collected at the Bayfield facility that are accepted at Durango is colored glass and certain plastics. These items may be accepted at the Bayfield site in the future.

The cost to haul each load is \$200. The larger containers should ensure that loads are infrequent.

The staff hopes to keep costs under \$10,000.00 per year to run the center. This money will be taken out of the refuse collection fund. The Town also hopes to receive some funds from La Plata County because there will be County residents using the facility and it's appropriate that the County participate in the Bayfield recycling program.

Justin Clifton asked the Board for feedback on this matter to see if there was anything that needed to be changed.

Gabe asked if any progress has been made on eliminating the recycling center on County Road 223 in an effort to having a coordinated effort to get more materials into one central location.

Justin Clifton answered that the County does not support the recycling center on County Road 223. It is ran and serviced by Transit Waste. There is progress being made with the County supporting service to rural areas. They have already agreed to support service on dry side and it makes sense for them to also support the program in Bayfield. There is some also some synergy with the County, Durango and other areas that might allow for this to be wrapped into one large program for the entire community.

Gabe asked if benefits would be offered for the recycling center operator position.

Justin Clifton answered that there will not be any benefits offered for this position. Currently, the position is contemplated at \$5,200.00 per year; however, it would be the choice of the Town to expand the hours of operation and then that amount would be increase by those hours worked.

Gabe asked about security on that site and if it's the intent to put up a camera or some other type of security device.

Justin Clifton answered that he is hoping that the proximity of the containers to the fence will help deter vandalism and abuse. However, if a problem does occur then the Town will look into putting up a camera and signs. The biggest concern at this point is actually not vandalism but people dropping things off when the facility is not open. The camera will help with that problem.

Debbi asked if there is a charge to drop off materials.

Justin Clifton answered that there will not be a charge at this time.

Debbi asked if there is a way to determine if it's a Bayfield resident or a County resident.

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Justin Clifton answered that it has been discussed to track data of that sort. It's possible that the Town might ask for people's addresses so that the Town has some concrete data when presenting their request to the County for support.

Debbi asked what age the person will need to be for working at the center.

Justin Clifton answered that he is looking for someone that will be very reliable and is going to be around for a long time. He is hoping to find someone that needs a little supplemental income that aren't out there looking for something better to come along.

Action Agenda #10 – Resolution #247 – SB 232 Cash Match

Justin Clifton explained that the Board took a vote last meeting to support the cash match commitment for the SB232 telecom grant currently pending. Ed Morlan, who is facilitating the grant process on behalf of Region 9 and the SWCOG, has asked that participating communities pass resolutions to strengthen our final grant presentation.

Gabe asked if this will still allow for some time to back out of this project if necessary.

Justin Clifton answered that the Town can pull out of this deal if something horrible happens and they are unable to move forward.

Tom asked if the Town has spoken to Cortez about their fiber initiative.

Justin Clifton answered that the model that is being used for Bayfield is mirrored on the Cortez model. So far, the Cortez program seems to be working very well.

Justin Talbot expressed that he is not against fiber being brought into Bayfield but he doesn't know that the Town of Bayfield is the right entity to be organizing the effort. He doesn't feel that the Town can financially afford it. He stated that he is very hesitant to pass this resolution.

Dan asked if this resolution states who is going to govern this endeavor.

Rick answered that this resolution is regarding the upfront costs of this project. The Senate Bill states that a government entity must own the line, a private entity cannot own it. The government can then lease back to a business partner to service the other partners.

Dan agrees that the Town does not have the man power to manage this infrastructure. However, the intention of this project is just that the Town will bring the line here and then the decision will be made at that time who will manage it and maintain the service.

Justin Clifton stated that there will be lease agreement with an entity that can manage the line. The intent of most governments is not to manage or maintain the lines themselves. There will be agreements in place for another entity to do that part of the project. The Town has hired a consultant to look at the potential cost savings that will be gained from this and they seem confident that this is a good model to use.

Debbi asked if Cortez paid dollar for dollar for their fiber line.

Justin Clifton responded that Cortez did have some financial assistance through grants and other avenues but they did pay the majority of the cost dollar for dollar.

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Debbie asked what the percentage would be for Bayfield's cost.

Justin Clifton answered that it will be twenty five cents on the dollar and it can be phased in over 4 years.

Justin Talbot asked if the Town is 100% sure that they're not going to have to pay this money back.

Justin Clifton answered that the way the grant program works is that the Town is given an award and it's done on a reimbursement basis. The Town would have to have the funds available to pay out all of the invoices and then would be reimbursed 75% of the actual payout.

Dan made a motion to approve Resolution #247, a resolution of the Town of Bayfield, CO concerning cash match to the SB232 Grant Opportunity.

Gabe seconded the motion.

4 voted in favor and Brandon, Justin Talbot & Tom were opposed. Motion carried.

Action Agenda Item #11: Liquor License Renewal – Wells Liquor

Tom made a motion to renew the liquor license for Wells Liquor.

Brandon seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #12: New/Unfinished Business

Justin Clifton asked the Board for a headcount for Board members that will be attending the County Trail Ribbon Cutting and the BP Senior Center event.

It was determined that all of the Board Members would be in attendance for the BP Senior Center Event. Debbie & Rick stated that they would be attending the County Trail Ribbon Cutting.

Dan asked about the issue with the Shroeder Ditch. He wanted to know if the Town knows what was expected regarding the Dove Ranch drainage.

Justin Clifton explained that the agreements were not solidified in the contract with Dove Ranch in regards to surety. There was money put away for internal drainage but there was nothing in the contract signed by Brad Elder that any improvements would be made to the Shroeder Ditch and specifying a date when those improvements would be made. There was an agreement that was done between the ditch company and the developer and therefore, the Town could not enforce that item or hold the developers surety.

Gabe asked who the enforcing agent would be for a development or land owner dumping water illegally in the State of Colorado.

Justin Clifton answered that the Water Control Division or the Health Department would be the main entities that would enforce those issues.

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Justin Talbot thanked Rich Graeber and the Upper Pine River Fire Protection District for the great job that they did when the Town Hall Board room flooded. He expressed that the Fire crews spent a lot of time and effort on minimizing the damage to the Town Hall and he wanted them to know how much it was appreciated that they did that for the Town.

Justin Clifton requested that the Board set a Special Town Board Hearing for consideration of a personnel matter.

The hearing was set for Monday January 25th, 2010 at 6:00 p.m.

The meeting was adjourned @ 9:24 p.m.

Approved as written on: February 2nd, 2010

Approved:

Rick K. Smith
Mayor

Marianne Jones
Deputy Town Clerk