

**Town of Bayfield**  
**Regular Town Board Meeting**  
**11 West Mill Street Bayfield, CO 81122**  
**February 19, 2008**

**Town Board Members Present:** Mayor James Harrmann, Rick Smith, Russ Jones, Daryl Yost, Tom Au, Carol Blatnick. Niel Hieb arrived at 7:15 p.m.

**Staff Present:** Justin Clifton (Town Manager), Joe Crain (Town Planner), Jack McGroder (Management Intern), Pat Anselmo (Town Clerk), Jim Harrington (Town Marshal), Dirk Nelson (Town Attorney), Marty Zwisler (Project Manager), Richard Lawson (Deputy), Gary Mestas (Deputy) and Theresa Hill (Clerk Assistant)

**Media Present:** Karen Boush - Durango Herald and Carole McWilliams – Pine River Times

The meeting was called to order at 7:03 p.m.

The Mayor opened the meeting with an introduction of Kellie Hotter, La Plata County Commissioner.

**Approval of Minutes:** There were no corrections to the minutes of February 6, 2008. Rick Smith moved to approve the minutes. Russ Jones seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** Phyllis Ludwig (9205 County Road 521) wanted to thank the Town of Bayfield for helping out with the Senior Center preparation. She was concerned about the time it is taking to start the construction of the Senior Center.

Heidi Doshier wanted to discuss the sewer backup at her residence (550 Willow Drive). Justin explained that this issue will be discussed during Agenda Item #6.

Public Input was then closed.

Kellie Hotter, La Plata County Commissioner from District 2, was then formally introduced by the Mayor. Russ Jones questioned her concerning the Counties refusal to help finance the new water salesman that provides water to county residents. He wanted to know why the County refused the Towns request. Russ explained that the cost amortization for this project covers twenty years. The Town had submitted a request to the county for funds and was subsequently turned down. Kelly responded that the denial was due to the budget (timing) for this year. She added, if they had received the dialog at an earlier time they would have been able to be more involved and would have been able to participate in the process. Carol Blatnick feels that it would be a great benefit if they could get more recycling places situated throughout the county. Kelly responded that the City of Durango is involved in-depth, looking more into the recycling process. She said that it would be a benefit if all of the surrounding towns and the County could participate in the same effort.

Rick wanted to add Item 11B regarding property to the agenda, noting it will be discussed in Executive Session.

Russ would like to add Item 10A, regarding election procedure, to the agenda to be discussed before the Executive Session requested by Rick

**Action Agenda Item #1: Approval of the Bills:**

Carol was concerned about costs for equipment during snow removal. Justin responded that the amount of snow was the reason behind the majority of costs. He stated that, before the next meeting, he would prepare more information. Carol was also concerned about the La Plata Electric bill. She asked if they are responsible for the lights and if they will be changing out the lights. She asked Justin to check on this.

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Daryl would like to have the amendments on the Budget by the next meeting, especially the increased costs caused by removal of snow. He also noticed Brilliam Engineering has submitted a bill for the engineering of the concrete tank. He was wondering if Justin might have the set of plans ready by the next meeting.

The Mayor was concerned about the two cell phone bills for Public Works. Theresa explained that one part was for the purchase of a replacement phone. Some extra options automatically came with it. She is in the process of having the phone company eliminate the added options.

Carol moved to approve payment of the bills as presented. Rick seconded the motion.  
All were in favor, motion passed unanimously.

**Action Agenda Item #2: Town Updates:**

Justin put in a request last year with both the County and Durango to help with recycling. The county budgeted a hundred thousand dollars for the recycling efforts, but none of this money was ear-marked specifically for Bayfield. Durango is looking into making their recycling efforts more efficient, expanding services by providing roll off containers and possibly involving other counties to place recycling centers into regional areas instead of inside towns or small areas. They (the County) received the green light to proceed with future plans.

Daryl asked about the Planning Commission vacancy. Carol replied that it advertised in the paper this last week.

Carol asked about the status regarding the Senior Center. Justin responded that he has received positive feed back from local companies. They have received over thirty thousand dollars. The goal is one hundred thousand dollars. The Town is to receive enterprise status around early March which will help bring tax credits. The Town is currently sending out letters to individuals asking for contributions.

Kay Phelps stated that they have been waiting for this project and they are ready to work to do their share. Kay is also planning on contributing her own donation toward this project. They have lost five people in the last year.

Carol asked Marty if any furniture proposals had been received, or what the status was. Marty stated that they received nine proposals. The amount budgeted was high for this portion, so he is hoping that the actual costs will come in less.

Rick asked if the Town has received any responses on the IT for the Town Hall. Justin replied that he has and would like to talk to two of the Board members and anyone else that would be interested to review the proposals.

**Action Agenda Item #3: Executive Session {C.R.S. Sec. 24-6-402(4) (d)} Discussion of Police Service:**

Rick moved to go into Executive Session for discussion of specialized details of security arrangements or investigations under C.R.S. Sec. 24-6-402(4) (d). Tom seconded the motion. Rick asked that Dirk Nelson, Jim Harrington, and Rich Graeber (Upper Pine River Fire Department Chief) be included in the session. All were in favor, the motion passed unanimously.

The regular meeting was called back into session 7:55 p.m.

**Action Agenda Item # 4: Police Dog Discussion:**

Justin introduced Richard Lawson, a deputy with Bayfield Marshal's Department. Richard informed the Board that he has raised nearly ten thousand dollars to pay for the K-9 Dog and related vehicle modifications. He is currently involved in discussions with BP Amoco and La Plata Electric. Between these two companies, he has raised another sixteen thousand dollars. There have been offers for contributions of dog food, supplies,

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discounted veterinary care, etc. The dog should arrive this summer. The training will take approximately eight months. The dog will be trained both for Tracking and Narcotics.

The Board gave their approval for Richard to move forward on this project.

**Action Agenda Item #5: PUBLIC HEARING/CONSIDERATION: Winter Snow Removal Ordinance 335**

Justin has established new snow routes. Currently, the downtown routes are only posted from 3 am to 7 am which makes it difficult for public works to work throughout the day and night. Justin feels the Town needs to change the times, add more roads to the snow route list and give vehicle owners a 24 hour notice prior to having the vehicle moved. Justin is also concerned about the Towns liability with vehicles parked in the right of way. Russ was wondering if there would be enough enforcement provisions for the marshals, Dirk responded that there are. Daryl was wondering if the Town can just put up signs instead of listing of streets. Dirk feels that the Ordinance needs to delegate the authority to someone, it could be the Town Manager, the Marshal and the Public Works Director. The Mayor is concerned that the gas meters needs to be flagged. Rick moved that Ordinance 335 amending portions of Chapter Thirteen, Article II, of The Town Code regarding snow removal. Russ seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #6: Sanitation Back-up:**

Justin stated that in current history, the Sanitation District has not experienced many sewer backups within the Town of Bayfield. He has consulted other engineers about this issue. He also contacted Cirsa, who needed to know if regular maintenance for the sewer system was being done. The usual reason for a backup is if the finished floor in a house is lower than the man hole. There are two ways the Town can handle these situations. The first is to submit a claim for the backup, with a no fault coverage. Cirsa does not have that coverage, so they will not pay losses in this situation. The Towns current coverage with Cirsa has a five hundred dollar deductible per event. This proposal would increase the cost of insurance and the amount of deductibles paid with three to four claims. Daryl inquired about the homeowners insurance, asking if it would not cover sewer backups. Justin replied that the Town is expected to do regular maintenance to prevent any backups. Justin then stated that the second option is to offer assistance to victims with sewer backups, explaining that 'Either we pay through our deductible or out of our pocket, it will be the same'. Then he gave a brief over-view of the history and background of the claims in the past. The Mayor asked if this (sewer backups) could happen anywhere. Justin explained that once there was a basketball in the sewer line and they were never able to determine where it came from. Justin introduced George Doshier who resides at 550 Willow Drive. George explained that the sewer backed up and destroyed a lot of the building. Brenda (Jones) came out with a public works employee to try to fix the problem. George also stated that they are willing to do the clean up work, but he feels that since it came from the main line that the Town should help pay for the cleanup. Carol inquired about Georges homeowners insurance. George explained that this is his second claim and if he turns in too many claims that his insurance company will cancel their coverage. Rick feels that the Town should put money aside for residents and in the event it has too many claims, the Town could put additional monies aside. He also feels that if the same address keeps having the same problem, then the Town should put in a flap and a camera. Russ thinks that the Town should put in a 1-way valve and put a camera down the sewer pipes. The Town has previously borrowed a camera to detect problems in sewer lines. That camera is no longer available. Niel feels that the Town should help pay for residents deductibles. Carol stated that the Town should budget between five and ten thousand dollars a year for any sewer problems and be willing to pay one thousand dollars to each resident that incurs a backup loss, and have public works put in a flapper at each loss location. Justin added that the claims need to be reported to Town Hall and that this money would only cover losses caused by backups in the main pipe. Daryl so moved. Russ seconded. The vote was six in favor, motion carried.

Daryl was concerned that the proposed ordinance number 335 was not included in the packet.

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**Action Agenda Item # 7: East Side Master Plan**

Joe stated that when the 2005 Comprehensive Master Plan for the Bayfield area was nearing completion, there were only two Eastside property owners actively involved in the planning process. Scott Fleming and Brad Elder took it upon themselves to contact other landowners to participate in planning for their properties. They have created a land use packet representing the needs and desires of the Northeast Bayfield property owners. They presented their proposal to the Planning Commission last week and would like the Boards approval. The Town indicated that they would take an observers role since the staff would have to review the land use plan that would be created. The Town indicated to the landowners that their plan would be reviewed and if appropriate, be adopted as part of the Comprehensive Plan. The Board needs to make a decision on whether to proceed with the plans and if they wish to adopt the Fleming/ Elder land use proposal into the Bayfield Comprehensive Plan. The Planning Commission made a recommendation to endorse study sessions in which to review the Eastside Landowners Master Plan. They also indicated that they did not want the sessions to exceed three months. They want to get the plan completed, have as many meetings as necessary to involve everyone concerning any changes by the Board, but to ultimately adopt their packet into the Comprehensive Plan.

Brad thanked the staff and said this plan has been a work-in-process for three years. Brad referred to the map and talked about the accesses, utilities and sanitation. There is a future plan for a school to be built in the area. Brad presented the land use plan map and went through each property and explained the reasoning behind the land use assignments. Generally, those properties located around the proposed 160/160-B intersection were indicated as commercial and /or industrial. Brad said that as you move northeast and east of the commercial areas at the intersection, parcels were assigned medium density residential. Brad indicated that, on his property which was designated as high density residential, he would include a mix of housing types from multi-family to single family and associated child care, and facilities for care for the elderly. He also indicated that the more eastern parcels are lower density residential and their development would occur more likely in the future. He also indicated that the Town might want to consider more suburban standards for those areas which would be larger lots.

Rick is concerned about the intersection and attending ROW taking a huge portion of the property, when taking into consideration the required allotment of land for the rights of ways, the size of the roads and the intersection itself. Brad replied that the size of the intersection will be determined by other properties in the area and that there will be a traffic study done to determine the necessary size of the road and rights of way. Brad stated that they are looking at underpasses or overpasses at the state highway intersection because they are concerned about safety for pedestrians and children that need to cross the highway.

Niel is concerned if this will entail several projects instead of just one. If this turns out to be the case, then the intersection could cost more than five million. The Mayor was wondering if there is a possibility of a grocery store in this area. Brad stated that he has someone coming out to look at this possibility. They definitely feel some kind of commercial business needs to go in to act as the impetus to get it all started.

Joe recommended that the Board and Planning Commission hold workshops during the next three months to study the Landowners Master Plan and then have public hearings after the initial three months have passed. If appropriate, the Town could adopt the plan as revised.

Russ so moved. Rick seconded the motion. The Mayor asked for discussion. Daryl wanted to talk about this plan in more detail. He was concerned about the Paul Peeples property. Joe showed where the town limits are on the map. Paul's property is within the town boundaries below the 40 acre parcel. Peeples property is zoned as a PUD that has some residential and a portion designated commercial. The property to the north will be for the school. The school will not be built until the intersection is in. Rick stated that CDOT has the ultimate authority over the intersection because of the traffic load impact. Justin feels that the road impact fee may affect this project and should be looked at more closely before they go ahead with plans for an intersection. Daryl would like the cost of the intersection be put out for bid to find the true cost of the intersection. Joe is concerned about who will pay for the traffic study. In his opinion, the cost should be shouldered by the land owners that will benefit from the intersection. Brad stated that their plan will also

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affect the properties on the south side of the highway and has talked to some of those property owners. Joe stated that Haga's property will be affected more than anyone when the intersection is built.

Carol called the question. The vote was six in favor. Motion passed unanimously.

The Board took a break at 9:39 p.m.

The meeting reconvened at 9:47pm. (Russ joined at 9:54 p.m.)

**Action Agenda Item #8: Economic Development Program:**

Justin has been putting together a list of economic development policies & activities. Jack has produced an outlined plan that includes a 'resident involvement' procedure.

The intent is to get public input and involvement. Carol inquired about the possibility of creating a resident involvement forum. Jack replied that there are different techniques and methodologies to inform the public and get them involved. Rick feels that Jack's presentation was put together well and this endeavor needs to be high on the Board's list of goals. Rick also pointed out that there may be focus groups. The Board definitely needs to involve key people and work energetically as a team to pull together in an endeavor to encourage involvement from neighbors, asking that they step forward to voice their opinions. Carol feels that efforts should be directed more toward businesses in the area. The Board gave their approval for the staff to move forward on this plan.

**Action Agenda Item # 9: PUBLIC HEARING/ CONSIDERATION: Ordinance 334 for Mayoral Voting**

Justin stated that this ordinance has been prepared to allow the Mayor to vote on matters before the Board. This is the preference of the entire board. Carol feels that this should be allowed. The Mayor also feels it should be done. Daryl said it would be frustrating if he just had to sit there and couldn't vote. Rick feels that the Mayor should be more involved, and allowed to participate fully, not just in case of a tie. Niel stated that the electorate voted for the mayor and he should be heard. Dirk informed the board that mayors are allowed to vote, according to State statute, unless a Town passes an ordinance to not allow the mayor to vote. Daryl made a motion to adopt Ordinance 334, an ordinance of the Town of Bayfield, Colorado, designating the Mayor a voting member of the Board of Trustees by repealing the ordinance previously adopted to restrict the voting powers of the mayor and otherwise amending Section 2-3 of the Town Code. Russ seconded the motion.

During discussion the Mayor asked when the Board made the decision to not allow the mayor voting privileges. Dirk replied that it has been that way for at least 20 years.

The vote was six in favor, motion carried unanimously.

**Action Agenda Item #10: Scheduling Oil & Gas Regulations and Road Impact Fees:**

Justin suggested that the Planning Commission and Town Board have a workshop sometime in March to cover both items.

The board decided to schedule the meeting on Monday, March 10, 2008.

Justin also asked if the Board could reschedule the Town Board Meeting which would normally fall on Tuesday, March 18<sup>th</sup> to Monday, March 17<sup>th</sup>. Niel so moved. Rick seconded the motion.

The vote was six in favor, motion carried unanimously.

**Action Agenda Item #10A: Election Procedures:**

Russ asked the Board to consider announcing the winners of the election in some way other than doing it during the Board meeting. He suggested the names of the winners be published in the paper the next morning and that they (the winners) receive a board packet with confidential information the Friday before the next regular meeting, at which time they would be sworn in.

Niel was wondering what the protocol was, when there are important matters pending before the election. In other words, would the previous members still be involved after the election. Rick replied that in the past they were at the next meeting along with the new members.

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Niel made a motion that the people running for the office of trustee and mayor do not have to be present at the board meeting when the winners will be announced. The abstract that lists votes cast will be posted on the front of Town Hall immediately after the counting is completed by the election judges, the results will appear in the Durango Herald the following day and in the Pine River Times the following Friday. The new members will also receive a board packet the Friday before the next regular Town Board meeting. They will be sworn in at the beginning of that meeting.

Rick seconded the motion. The vote was six in favor, motion carried unanimously.

**Action Agenda Item #11: New/Unfinished Business**

Pat informed the board that Paul Peeples turned in his annual liquor license renewal application last Friday. It expires March 8, 2008. Because of the time constraint she asked if the Board would consider the renewal tonight. Dirk informed the board that a renewal does not have to be posted as a public hearing and suggested that it could be added as Agenda Item 11b.

Justin would like to proceed with the review of the Town Manager before the new board members are sworn in. He is preparing an evaluation form that will be submitted to the department heads with a request that they complete it before the first of March. The evaluation forms would then be forwarded to the Board who could in turn do his review at the second meeting in March. Rick stated that there will only be one final evaluation document that goes in Justin's permanent file. One Board member will compile the completed forms from the department heads into one document. Justin would like feed back from the Board and an evaluation that lists their goals and expectations and if he has met them.

Rick asked if Justin could talk to Ron from public works concerning the location around Mountain View, Lakeside and Oak Drive where the road swings and stops at Oak Drive. He wondered if the stop sign can be moved back away from the crosswalk, away from the corner, so people can stop safely there on Mountain View.

Daryl voiced concern about the potholes on Church and Mill Street and asked that road damage issues be addressed at the next board meeting.

Tom asked if the finished floor elevations could be required on any planning documents submitted. This would help alleviate drainage and sewer problems.

Daryl inquired about the minutes for previous meetings pertinent to planning commission issues. Pat informed that the tapes might not be available (they are only kept the length of time required by the retention schedule) but the written minutes are stored in the vault. Daryl's concern stemmed from discussions pertaining to the Sunrise Homeowners Association.

**Action Agenda Item #11 B: Renewal Liquor License, Paul Peeples, The Grocery Store:**

Rick made a motion to approve the renewal of the annual liquor license for The Grocery Store.

Russ seconded the motion. The vote was six in favor, motion carried unanimously.

**Action Agenda Item # 12: Executive Session {C.R.S. Sec. 24-6-402(4) (e)} Sunrise Home Owners Association:**

Rick made a motion to go into Executive Session, citing C. R. S. Sec. 24-6-402- (4) (e) for the purpose of determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators. He requested Justin and Dirk be included in the session.

Russ seconded the motion. The vote was six in favor, motion carried unanimously.

The Board entered into Executive Session.

The regular meeting reconvened at 9:35 p.m.

Motion to adjourn at 9:40 p.m.

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**Approved:**

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James Harrmann  
Mayor

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Theresa Hill  
Town Clerk Assistant