

**Town of Bayfield
Regular Board Meeting
11 W. Mill Street Bayfield, Co 81122**

May 6, 2008 7 p.m.

Town Board Present: Russ Jones, Justin Talbot, Mayor Rick Smith, Tom Au, Robert Piccoli, and Dan Ford.

Staff Present: Justin Clifton, Town Manager, Pat Anselmo, Clerk, Joe Crain, Planner, Jack McGroder, Intern, and Dirk Nelson, Attorney. Marty Zwisler, project manager, was also present.

Media: Carole McWilliams, Pine River Times

Planning Commission: Caroline Hull

The Mayor called the meeting to order at 7: 02 p.m.

Approval of Minutes: April 2, 2008 and April 15, 2008:

Russ asked that the minutes of April 2 be corrected to reflect that Russ Jones was present. Two spelling errors were corrected on page five. Russ moved to approve the minutes of April 2, 2008 as corrected. Tom Au seconded. The vote was six in favor, motion carried. Dan moved to approve the minutes of April 15, 2008 as written. Tom seconded. The vote was five in favor. Motion carried.

The Mayor opened the meeting for general public input. No one had any comments. The general public comments portion of the meeting was closed.

Action Agenda Item #1: Approval of Bills: Tom Au moved to approve the payment of bills as presented. Justin Talbot seconded. Tom abstained from voting concerning payments to Pinnacle Surveying. The vote was six in favor. Motion carried.

Action Agenda Item #2: Town Updates: Justin C. asked the Board if they had any specific questions pertaining to the items he had submitted that are listed as town updates. He informed the Board that Coors has been approached about donating a pledge of \$40,000 for the senior center.

Russ had a question concerning a past agreement made between the Town and Fox Farm. He asked if the agreement specified that the board insisted the park fee would have to be paid by Fox Farm. The Board replied ‘yes, this was agreed to when considerable concessions were agreed to by the Town as a financial stimulus to help Fox Farm develop the properties initially’. It stipulated that the town would put a lien on that lot (Fox Tower) if they did not pay the ‘Fee in lieu of Parks’ in the amount of \$38,000. If the Town were forced to lien the property, the Town would only release the lien after receiving payment of \$38,000.

Bob asked how the solution to the situation (massive road deterioration) at Mesa Meadows is progressing. Justin replied that the developer is going to fix the roads. He did

a walk through this morning, noted all the areas that needed repairing, and did a punch list for the developers to work on.

Tom said the written description of the easement through Mesa Meadows is extremely lacking in sufficiency and clarity. He said 'you can't even tell from the description who owns the easement! It is not much of a legal document if you can't tell who owns it'. There is an easement that goes straight south, Chuck (Heidelberg) told Justin that at some point in times past, Brett Boyer had told him (verbal agreement only) that the Town does not want to build a trail there because it does not line up with the curb. Chuck admitted this was said during an office conversation only. Justin is not o.k. with that. Tom asked if Chuck owns the property in question or if the HOA owns it.

Rick objected to Chuck's intimation, 'you can't change a subdivision without coming back to the board!' Joe Crain said he was never privy to such an agreement between Brett and Chuck. He agreed with Rick, saying that at the very least, it would have had to go to the Planning Commission for approval.

Tom said this could be a huge potential problem down the road.

Justin T. inquired concerning the new water tank. He asked if the Town has an inspector that does inspections during the construction process. Justin said 'the engineers are to provide construction management (which includes timely inspections). Brilliam Engineering is working on this project for the Town. Ron Saba inspects the water for bacteria (quality assurance)'. Bob Piccoli cautioned 'you need materials inspections as well'.

Action Agenda Item #3: Executive Session: C. R. S. 24-6-402 (2) (f):

Russ moved to go into Executive Session, citing C. R. S. Section 24-6-402 (2) (f) for discussion of a personnel matter. He asked that Justin Clifton, Jim Harrington, and Chris Choate be included. Tom seconded. The vote was six in favor. Motion carried.

The Board moved into executive session.

The Executive Session ended at 7:50 P.M.

The regular meeting resumed immediately.

Action Agenda Item #4: Police Dog:

Justin commented, the memo is self explanatory. Given that funds have come in from the community, he is asking for the Board to pre-approve (Justin's approval) of spending this money. The expenditures would of course be for the K 9 dog and related equipment.

Russ so moved. Tom seconded. The vote was six in favor. Motion carried.

Action Agenda Item #5: Town Hall Landscaping:

This item was moved up as Dennis Humphries had not yet arrived.

Action Agenda Item #6: Resolution 218: Gem Village Sewer:

Justin pointed out the areas of concern represented on the chart submitted by Ron. The red color indicates violations. Justin explained somewhat concerning the reported organic strength of the discharge. 'It appears that at least half are in violation. None are extremely bad, environmentally speaking, but there are far more violations that we have ever had'. As a consequence he feels it prudent to allow no new inclusions into the Gem

Village system. In other words, he said, only the people who have received 'will serve' letters up to this point will be allowed to build. No new building or property annexations will be given sewer service at this time until the plant performance improves.

Concerning Homestead Trails, the current phases have already been given 'will serve' letters. Homestead wanted to start another phase, but they want to be annexed first. If other entities come, we will not be able to supply sewer service. The existing plant is at its extreme capacity. No 'will serve' letters will be issued any more until the source of the violations is isolated and eliminated. Justin said that Gem Village is, for the most part, aware of the situation. The physical system is at its performance limit.

Dan spoke of his concerns about the residents of Gem Village. They are not a part of the Town but they are being subjected to the governance of the Town.

Bob Piccoli commented that when the Town brings this area over into our plant, the loading will increase 30,000 MGD. Justin responded, there are a lot of spikes. This causes the biological action to die. Tom asked if there wasn't a way to run tests to determine if there are chemicals being created by someone running a methamphetamine lab and pouring the residue down the bathtub drain. Justin said they have already run this test, they discovered only trace amounts of the chemicals that would result from a meth lab. The sources of violations remain a mystery. That is why the Town made the decision to hire an environmental specialist.

Russ agreed there is a need to do something in Gem Village. People need to have a clear understanding of what is going on and why. The Town needs to be very careful to adhere to the State mandates during the conversion to avoid moratoriums. The current platted lots will be served, i.e., lots that are currently within the system. The constraints of the system and the lay of the land are instrumental in determining what additional lots would ever be added.

Tom commented the Town is already in process of getting a contractor to place the lines (to serve the lift station) to the Town system. Bob felt that the stipulations outlined in the resolution should reflect the approximate amount of time this 'temporary suspension' is expected to last. Justin replied, 'if performance improves and/or stabilizes, to the point that it is not so erratic, the sanitation system could serve additional components or properties. Dirk explained that the resolution just puts a *stay* on including new annexations into the system. It also protects the entitlement that has already been put in process. Bob asked if the Town has forewarned Gem Village concerning the temporary suspension. Justin said the Town has not sent any in addition to the information that had previously been disseminated in the past year.

Tom Au moved to adopt Resolution 218, a resolution of the Town of Bayfield, Colorado imposing a temporary suspension of certain activities in the Gem Village sewer treatment area to prevent impacts to the sewer system.

Dan Ford seconded. The vote was six in favor, motion carried.

Action Agenda #5: Town Hall Landscaping: Marty introduced Dennis Humphries from Humphries Poli Architects. Dennis had prepared, for the Boards review, a detailed Landscape Presentation for the new town hall. After he distributed the handout, he detailed what plants and vegetation would be placed and the esthetic visual impact they would provide. Dennis gave an overview of the landscape plan that is being proposed. He explained that the plants will of course not be as large as the pictures portray.

The front will be mostly drought hardy grass. The trees will be diverse species, which offers a kaleidoscope in texturing. The gas metering house will go away. There will be a great variety of color during all seasons of the year. All plants were chosen to survive in drought circumstances. The trees are hardy, they will weather extreme conditions. There will be a swale to the south that is strategically placed to accommodate drainage.

This will be the final executive stage of the town hall project. The irrigation plan is included in the landscaping.

There will be site lighting for the parking area. J & J Landscaping, Hesperus, Colorado is the landscaping contractor. The roofing will be asphalt shingles, which tends to keep the snow load on the roof. The snow will melt slowly, so there is very little danger of large amounts of snow falling to crush the vegetation. This was a determining factor when they chose not to use a metal roof.

Action Agenda Item #6: Resolution #218: This item was discussed earlier.

Action Agenda Item # 7: Municipal Judge Appointment:

Justin had received two applications before the submittal deadline. He did receive a call today from an interested individual. She asked to let her application be among those considered if the Board chooses to continue their decision. Last Friday at noon was the deadline. Rick asked ‘what is the Boards inclination? We advertised for three weeks.’ Justin said that both applicants had very good references. Dan preferred the Board make a choice tonight. Russ would rather interview both applicants and have Jim Harrington involved in the interviews. Ricks choice was to consider only the applicants that met the deadlines. He also suggested having Jim Harrington and Dirk present during the interviews. The Board decided to postpone taking action until the second meeting of the month, May 20.

They discussed a good date for scheduling the interviews. CML has an outreach meeting scheduled for May 13th. Justin wants to attend it. Rick suggested May 14. This works for the remaining members of the Board. The first will be scheduled for 4 p.m., the second at 4:30.

Justin asked if the Board would like to set an alternative date in case conflicts arise. They replied, ‘send us an e mail’.

Action Agenda Item # 8: Town Board Retreat:

Justin confirmed the retreat is scheduled for May the 31st. Both the casino and the Strater are available to host the retreat. Russ likes the Strater, it was very comfortable last year during the retreat. The Board agreed. They asked Justin to confirm reservations at the Strater. They will need at least eight hours to cover all the items they have planned.

He will ask for a room to be available from 9 a.m. through 5 p.m. Lunch is right there so they will not have to make other arrangements for a meal.

Justin asked for the Boards input on the agenda, asking if there were any additional items that needed to be addressed. Rick asked if RHA (Regional Housing Authority) is on the agenda. Justin replied that it was not. Rick said he would like it to be discussed during the retreat, but only among the Board.

Dan would like to have some discussion on the Towns infrastructure, its extent, condition, and what will need to be included in planning for the future.

Justin asked if the Board would like to invite Sam Mamut, Executive Director of CML, to the retreat to educate the board on various issues. Since the agenda is a business agenda, they declined. Russ really liked Ken Charles, DOLA, who met with them last year. He felt that Ken may be more cognizant of the Town's challenges. Tom does not want to dedicate time during the retreat for an outside representative. That should be scheduled at another time. Rick agreed, the agenda is full, let's invite Ken another time. Rick asked if the Town has a current operational emergency disaster plan. Jack was invited to attend the retreat. Dirk is going to be out of town that particular day.

Action Agenda Item # 9: Town Board Appointment:

Three applicants have submitted their intent to be considered for this position. The Board planned on making the appointment tonight. The Board had established the criteria to be utilized in making their decision. They reserved the right to interview if they so chose. Rick queried, 'do you wish to interview, or proceed with an appointment?' The Board replied that they did not want to hold interviews. They wished to make the appointment this evening. None had any questions. Dan Ford moved to appoint Rick Phelps to fill the vacancy for the remaining two year term on Town Board. The Mayor asked for a second. Bob seconded the motion. During discussion, Russ commented 'this is not easy. The choice must be based on the criteria established last Tuesday.' The vote was Dan and Bob in favor, with the remaining four, Rick, Russ, Justin T. and Tom Au voting in opposition. Motion failed. Russ moved to nominate Debbi Renfro to the vacancy. Tom seconded. The vote was six in favor. Motion carried. Rick said that on May 20th they will be ready to have her sworn into office.

Action Agenda Item # 10: New and Unfinished Business:

Justin again reminded the Board that the CML meeting is on May 13, he encouraged the Board to attend. It is to be held at the Durango Recreation Center at 11: 45 a.m. Justin said it will be a great opportunity to do networking. He does need to R.S.V.P. Since it is during the workday, it will be difficult for the Board to attend. Rick agreed.

Russ mentioned that some of the Christmas decorations are still up. Justin said the coordination between the Fire Department and the public works crew has been difficult to schedule. The Fire department has not been free to help. Happy Holidays banners are still on the trail that lies parallel to Highway 160.

Justin was asked when the new restroom facility at the sports park would be open for use. They have been closed during the soccer events. Justin commented it is pretty typical for bathrooms to open on Memorial Day, since the structure is unheated. They have planned to open them to the public on May 23.

Justin T. was approached about the possibility of placing a traffic light at the junction of Highway 160B and Clover Drive. It was noted that Highway 160 B falls under CDOT jurisdiction. The Town has no authority for it even though it runs through the middle of Bayfield.

Tom asked if there was only one person vying for the vacancy on the Planning Commission. Cindy Smart and Jeff Wadsworth have both asked to be considered. Jeff submitted his letter on April 28.

Tom Au said his neighbors have been complaining about the high rates of speeding vehicles on Mesa. Russ suggested this would be a good item for discussion at the retreat. There needs to be some sort of protocol on where speed limit signs are placed. Rick re-affirmed that Jeff Wadsworth is interested in serving on the Planning Commission, adding he would be an excellent candidate for the Board to nominate. Russ so moved. Justin T. seconded. The vote was six in favor. Motion carried.

Action Agenda Item # 11: Executive Session C. R. S. 24-6-402 (4) (c):

Tom Au moved to go into executive session, citing C. R. S. Section 24- 6- 402 (4) (C) for discussion of a matter requiring confidentiality. He asked that Justin Clifton and Dirk Nelson be included in the session. Justin T. seconded. The vote was six in favor. Motion carried.

The Board went into executive session at 9:05 p.m.

The executive session ended at an undetermined time. The regular session re-convened. No formal action was taken.

Motion to adjourn.
