

**Town of Bayfield
Regular Town Board Meeting
December 4, 2012
1199 Bayfield Parkway, Bayfield CO 81122**

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

Town Board Members Absent:

Staff Present: Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Joe McIntyre (Marshal), Dirk Nelson (Town Attorney)

Media Present: None

The meeting was called to order @ 6:59 p.m.

Roll Call: 7 present

Pledge of Allegiance:

Approval of Minutes: Trustee Nelson made a motion to approve the minutes of November 20, 2012 as presented, Trustee Renfro seconded. Trustee Au abstained. Motion passed 6 – 1.

Approval of Bills: Trustee Au made a motion to approve the bills dated November 21st through November 29th as presented Trustee Davenport seconded. Motion passed unanimously.

Public Input: None was offered so it was closed.

Town Updates: Trustee Renfro commented that she has seen residents trimming their trees in the Dove Ranch Subdivision. Town Manager La May stated that there would be a conceptual meeting for the Water Treatment Plant expansion this coming Thursday from 5:00 to 7:00 pm in the Board Room. Invitations have been sent to surrounding neighbors of the Water Plant and the meeting is open to the public.

Action Agenda Item #1: Consideration Of Ordinance 374, An Ordinance Amending Sections Of The Municipal And Land Use Codes Of The Town Of Bayfield Adopting The Town Of Bayfield Infrastructure Design Standards And Town Of Bayfield Construction Specifications

Town Manager La May stated that we had the Public Hearing at the last meeting.

Trustee Renfro commented that she wanted to go on record that she would like to change the street width for a local street. She would also like to change the minor storm.

Trustee Nyberg made a motion to approve Ordinance #374, Trustee Au seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #2: Consideration Of Pre-Annexation Agreement With Jarrett Cook For 1757 Bayfield Parkway

Town Manager La May stated that the Cooks are interested in putting a duplex on the property at 1757 Bayfield Parkway. This property is adjacent to town but is not technically in town limits. It would be my preference to

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annex this property. The Cooks are trying to get their financing established before the end of the year and the problem is that annexation can take some time. One option is to do a pre-annexation agreement so that they can get their financing in place. This property is currently served by the Town for water and sewer. There is currently three units on this property. There was an old house (cabin) on the property that was also serviced by the Town. It was donated to the Fire Department and burned down for training.

Jarrett Cook stated that there was a 4 bedroom house on the property that they donated to the Fire Department for training. They would like to replace that structure with a new structure.

Mayor Smith asked Mr. Cook if they indeed want to annex their property. The Board would like to see annexation happen because it would close the gap between properties.

Mr. Cook replied that the only advantage to him would be that the water bill would be cut in half. It is basically a wash in the difference between taxes and the water bill.

Town Manager La May stated that from a financial standpoint this is not extremely beneficial but it is desirable to close the gaps.

Mayor Smith stated that it has always been our goal to close those gaps to keep properties in the Town limits.

Ann Cook stated that they also own the property at 1761 Bayfield Parkway.

Mayor Smith asked Mr. Cook if he was opposed to annexing?

Mr. Cook replied that he is not opposed to annexing and that he would prefer to do both properties at the same time. His question is how am I going to be charged for taps and park in lieu fees?

Town Manager La May stated that if this was new construction we would collect impact fees for each unit. Since this is an annexation he feels we should collect fees only for the new unit being constructed.

Town Manager La May stated that historically the Town has charged for three units (the single dwelling, the duplex and the house that was burned). Now there is still three units, one is a single dwelling and one is a two unit dwelling. We are going to add a duplex so the fees should be for two more single family dwellings.

Trustee Nelson asked if those fees have been paid for the units that are on the property now?

Town Manager La May replied that he has not been able to find paperwork to support that. If you go back in the billing records, when the house was still standing we still only billed for three units.

Mayor Smith stated that in the past the Town would have allowed one tap and charged per building. In the new standards you would be charged a tap fee per unit.

Town Attorney Nelson stated that we would not look at the old units, just the new ones.

Trustee Nelson asked if there is only one tap for the old duplex, is there only one bill?

Town Manager La May replied, yes.

The Board is in agreement that the Cook's should have to purchase one water and one sewer tap to service the new duplex. We can not change what was done historically. They will own four taps for five units.

Mayor Smith stated that we can not do anything about the old duplex only being billed for one unit, unless they make changes to that structure.

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Trustee Renfro stated that she is ok with only one park fee as well but she would like to see something in writing regarding the fact that the old duplex is considered a unit of one.

The Board agreed.

Mayor Smith asked Town Manager La May what he needs as far as a time frame for annexation?

Town Manager La May replied that as things are written it leaves the time frame to the Boards discretion.

Ann Cook stated that they would appreciate some time in order to get there finances in order.

Mayor Smith stated that he would like to see the annexation done by the end of next year.

Trustee Nyberg agreed that he would like to see it happen by the end of next year.

Trustee Nelson stated that she thought a two year time frame was adequate.

Trustee Au stated that he did not have an opinion on the time frame.

Trustee Renfro and Trustee Davenport both agreed with a two year time frame.

Trustee Morlan asked if we have other properties in the situation?

Town Manager La May replied yes.

Town Attorney Nelson stated that about ten years ago we did annex pockets of properties along Bayfield Parkway. It may be appropriate to take another look at the ones that did not annex.

Mayor Smith stated that the Board is in agreement with a single water tap, a single sewer tap and one in lieu of park fee. With the notation that the current duplex has a single tap and if that building changes it will have to come under the new rules. With the purchase of one water and sewer tap the records will reflect that this property has four taps servicing five units. Annexation will be required by December 31, 2014.

Town Manager La May stated that he would bring a pre-annexation agreement back on the 18th of December.

Action Agenda Item #3: Discussion And Possible Action Regarding The Fox Farm Tower, Lot 8

Town Manager La May stated that at the time of development of Fox Farm Village, in lieu of paying park impact fees the property where the Fox Farm Tower sits was deeded to the Town of Bayfield. Those fees were eventually paid in the amount of \$38,800.00. We will be taking the release of Deed of Trust to the Clerk and Records office tomorrow. The development company is still interested in conveying that property to the Town. Their argument is that they gave us the \$38,800.00 and if they give us the property too, we could use the money to repair and maintain the Tower.

Trustee Morlan asked; wasn't there a historical group that was interested in this property?

Mayor Smith replied that a local architect was interested at one time in trying to help preserve the property, but for one reason or another, things did not work out. He also stated that he does not feel the Town should become property owners. It is not in a condition that we should take on.

Trustee Morlan asked if there is some historical value in this property for the Town?

Town Manager La May stated that it was built in the 1920s, so it would have historic qualifications.

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Mayor Smith asked the other members of the Board; do we want to keep this as a historical site and if we do, how do we proceed?

Trustee Renfro asked if we have spoken to the Bayfield Historical Society?

Trustee Nelson stated that she would hate to see the Tower just go away, but she feels that it should be the developer's position to contact the Heritage Society.

Mayor Smith stated that the Town had received its money and he doesn't feel that we should hang on to the property. This would cost a considerable sum to restore and at this time we can not afford to spend the extra money.

Town Manager La May stated that there are historical grants that we could apply for, but they are generally a 50/50 match. There is a possibility that we could find a third party that is interested in restoring the property and we could be a conduit for a grant.

The Board agreed that was a good idea.

Action Agenda Item #4: Discussion And Possible Action Regarding The Recycle Center

Town Manager La May stated that as we discussed in the 2013 Budget Workshop, if we continue to operate the recycle center, we need to generate income to cover the costs of that operation. This recycle center was created out of a cease and desist order from the Department of Health in lieu of penalties of approximately \$80,000.00 for a violation. The Department of Health offers a violator the opportunity to do a Supplemental Environmental Project. The Town has now met their obligation with the Department of Health. We have not received a letter but I have received a phone call stating that we have complied with and met our obligation of that order. The fine print of that order states that we shall operate our Environmental Project through it's useful life of the S.E.P. I did ask Waylon Sutton, the Recycling Center Attendant, to do an informal poll last Saturday and ask if the citizens using the center were willing to pay for this service. No one that was asked expressed interest in paying because it is offered for free in Durango. One option is to have the community collectively pay through an increase in garbage fees.

Trustee Renfro stated that if we go with option #1 and charge for the service. If it is in line with what Waylon found, then people will not use it and we can justify that it has out lived its useful life.

Mayor Smith stated that personally he does not want to impact the budget any further and would choose option #5 and discontinue its operation.

Trustee Au stated that he believes that we should shut it down.

Trustee Nelson asked when we can expect a letter from the Department of Health?

Town Manager La May replied, that he had spoke to them last week and the order should have been closed out on October 31st.

Trustee Renfro asked if we could get Waylon's observations written down just in case we need them at a later time.

Town Manager La May stated that if we are talking about closing it down we need to decide when and how to notify the community.

Trustee Davenport stated that we have had this discussion before and only a few people use it.

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Town Manager La May stated that on the average we have 50 users and 25 of them are from the county.

Trustee Nyberg feels that it has fulfilled its purpose.

Trustee Morlan agreed.

Trustee Renfro asked how much notice we give the public?

Town Manager La May stated that on this coming Saturday we put a sign out at the Recycle Center saying that as of January 1st we will be closing.

Action Agenda Item #5: Consideration Of Resolution 289, A Resolution Establishing A Budget For The Calendar Year Beginning The First Day Of January 2013 And Ending The Last Day Of December 2013

Trustee Renfro made a motion to adopt Resolution #289, Trustee Morlan seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #6: Consideration Of Ordinance 375, An Ordinance Appropriating Sums Of Money To The Various Funds, In The Amounts And For The Purpose As Set Forth, For The Town For The 2013 Budget Year

Trustee Nyberg made a motion to approve Ordinance #375, Trustee Morlan seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #7: Consideration Of Resolution 290, A Resolution To Set The Mill Levy For The Year 2013 To Help Defray The Costs Of Government For The 2013 Budget year

Trustee Davenport made a motion to adopt Resolution #290, Trustee Renfro seconded.

Roll call 7 – 0

Motion passed unanimously.

Action Agenda Item #8: Consideration Of Changing The Tuesday, January 1, 2013 and Tuesday, January 15, 2013 Regularly Scheduled Board Of Trustee Meetings To Tuesday, January 8, 2013 And Tuesday, January 22, 2013

Trustee Nelson made motion to approve the date changes, Trustee Nyberg seconded.

Roll call 7 – 0

Motion passed unanimously

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Action Agenda Item #9: Consideration Of Resolution 291 Approving Application For Energy And Mineral Impact Assistance Fund Grant For Sanitary Sewer Infiltration Repairs

Town Manager La May stated that staff would like to submit for a Tier 2 grant from the Energy and Mineral Impact Assistance Fund. We would use the loan that we have been authorized for, from the Colorado Water and Power as the match for this grant. With these funds we would continue to address the infiltration problems with slip lining the sanitary sewer system. In addition we have a section of line that has been identified as being at capacity and in poor condition. So this line would be replaced.

Trustee Morlan made a motion to approve Resolution #291, Trustee Davenport seconded.

Roll call 7 – 0

Motion passed unanimously.

New/Unfinished Business

Town Manager La May stated that there is a meeting tomorrow with SWCOG and Regional Housing Alliance.

December 15th is the Staff's Christmas Party at the Senior Center, all Board Members and families are invited to attend.

Last Saturday was our Old Fashioned Christmas put on by the Parks and Recreation Department. It was a success.

Trustee Renfro stated that this Saturday is "Second Saturday".

Mayor Smith complimented Town Manager La May on the "Economic Summit".

Meeting adjourned 8:31

Minutes Were Approved As Amended (date on the header needed to be changed from November 20th to December 4th, 2012) On December 18th, 2012.

Approved:

**Rick K. Smith
Mayor**

**Kathleen Cathcart
Town Clerk**