

Town of Bayfield
Regular Town Board Meeting
May 1st, 2012
1199 Bayfield Parkway Bayfield, CO 81122

Town Board Members Present: Dr. Rick Smith (Mayor), Tom Au (Mayor Pro-Tem), Debbi Renfro, Rachel Davenport, Matthew Nyberg, Ed Morlan

Town Board Members Absent: Gabe Candelaria

Staff Present: Chris La May (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Erin Dunavant (Finance Director), Kathleen Cathcart (Deputy Town Clerk)

Media Present: Carole McWilliams (Pine River Times)

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

Minutes: Tom & Debbi each requested one change to the minutes. Rachel made a motion to approve the minutes from the April 17th, 2012 Regular Town Board Meeting as amended. Debbi seconded the motion. All were in favor except Tom, who abstained from the vote.

Approval of Bills: Debbi asked about the invoice to CIRSA regarding the Ludwig property.

Chris answered that the Town & CIRSA are continuing to work on that issue. Gerald has agreed to try a few things recommended by the engineer that reviewed the matter. He is going to dig a ditch and if that helps to eliminate the problem the Town will provide some pipe to be buried in the ditch. Chris stated that he will get the final report that was done by the engineer submitted to the Board for review.

Tom made a motion to approve the bills dated April 27th as submitted. Rachel seconded. All were in favor, unanimous.

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

Public Hearing: Third Amendment To Fox Farm Village Planned Unit Development

Chris gave his staff report. He stated that Reid Ross, representing the La Plata County Community Development Corporation (CDC), a non-profit organization and owner of Lot 2 & 3, Fox Farm Village is requesting amendment to the PUD, to change the zoning on Lots 2 & 3 from Single Family to Multi-Family and Subdivide the Lots into smaller parcels for multi-family use.

The request is to amend the Fox Farm Village PUD Plat to rezone Lots 2 & 3 from single family to multi-family and to subdivide Lot 2 into four (4) separate parcels, and Lot 3 into three (3) separate parcels.

The Application is being processed as a small subdivision, and therefore, the Planning Commission reviewed the Preliminary Plat at their Tuesday, April 10th, 2012 meeting. The next step is before the Board of Trustees as a Final Plat. Therefore, the Board of Trustees is considering an Third Amendment to the Fox Farm Village PUD as a Final Plat.

The application for rezone was filed and fees paid March 15, 2012. The application and site plan were sent to referral agencies on March 19, 2012.

Plans were sent to the following referral agencies: La Plata Electric Association, Upper Pine Fire Protection District, School District 10JTR, Source Gas, Town Engineer (Souder, Miller & Associates), Town Attorney Dirk

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Nelson, USA Communications, CenturyLink Communications, Bayfield Public Works Director, Bayfield Marshal's Office, Bayfield Building Inspector.

Responses received are as follows:

- 1) La Plata Electric Association – No Comments Received.
- 2) Upper Pine Fire Protection District
 - Narrow road width and multi-family dwellings it is imperative that Fire District has unrestricted access.
- 3) School District 10JTR – No Comments Received
- 4) Source Gas – No Comments Received
- 5) Town Engineer (Souder, Miller & Associates)
 - Issues with parking for Lot 3 and no plan for Lot 2. *Issues addressed in Final Plat.*
 - Evaluation of the storm water impacts from the proposed zoning changes by the developer's engineer. *Letter received from Developer's engineer and reviewed by Town Engineer.*
 - Shared access with Lot 1 & 2. *Not shown on original Plat.*
- 6) Town Attorney
 - Question as to whether the lots will be sold as fair market lots or as price restricted lots under the general conditions of the Fox Farm Development. The amendment creates footprints for building similar to the other lots in the development, which creates common element or limited common elements outside the footprints. Even though the applicant states that no changes to the Covenants or other parts of the plat are required, the detail of that common element must be defined and labeled appropriately on the amended plat. If it is to fall under the existing covenants and declarations, then that must be clarified, and if it is not, then they need to submit new documents to clear up that issue. *Issue addressed in Final Plat.*
 - Conditions regarding affordability that were originally imposed on these lots should remain in force. *Contractual agreement proposed.*
 - Easements or access is required to get utilities to these structures. Should be detailed on any amended PUD plat. *Easements shown on Final Plat.*
- 7) USA Communications – No Comments Received.
- 8) CenturyLink Communications – No Comments Received
- 9) Bayfield Public Works
 - Water and Sewer Taps need to be installed for each unit. Each unit required to have separate water/sewer taps.
 - Parking will be an issue.

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10) Bayfield Marshal's Office - No Comments Received.

11) Building Official – No Comments Received

12) Surveyor

- Mesa Avenue needs to be changed to Mars Drive on the vicinity map and on Sheet 4.
- Monuments already set need to be shown as found. Only new monumentation should be shown as set.
- The delta symbol on sheet 2 did not print.
- The LS number in Detail C is misprinted.
- The S ¼ corner shown on sheet 2 is already set.
- It is unclear what the 35.48' dimension on the south line of Lot 56S is for.
- Unsure if the dimensions along the north line of Lot 1 add up correctly.

Also, would it be opportunity to deed County Road 521 Buck Highway to Town.

Chris stated that the application appears to be in conformance with applicable sections of the Town's Master Plan.

The request is to amend the Planned Unit Development (PUD) to re-designate two single family lots to multi-family within the Fox Farm Village PUD.

The PUD district is intended to preserve open space and to protect and enhance the unusual, important or unique environmental, cultural or scenic assets of Bayfield. Such assets include, but are not limited to, landforms, vegetation, drainage courses, neighborhood character, cultural resources and scenic views. The PUD district provides flexibility in the siting of structures and the development of sites to preserve these assets.

The PUD district permit modifications of construction and design standards in order to obtain a unified design that will benefit the community and protect, preserve or enhance an important community feature.

The Town may prescribe any conditions it deems necessary upon issuing an improvement or use permit within the PUD district to result in the intent and purpose of the PUD district. Such conditions may also be imposed in order to mitigate any adverse impact upon the affected resource and may be enforced by requiring the applicant to post a bond, cash or acceptable letter of credit sufficient to assure that required mitigation will occur within a specified time period.

Design and construction of the PUD will include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off street parking, and loading space.

Chris stated that any changes in the approved final plan must be submitted for review and approval.

As-builds indicate that each property currently has a service line extended to the property. Each unit will need a separate service line. The Plant Investment fee (PIF) for each tap is \$4,445, with secondary irrigation system. Additionally, the water line will likely include road cuts or boring under Fox Farm Circle for Lot 3. Lot 2 would likely receive service from back of lot and not require road cuts.

As-builds indicate one sewer service line across Fox Farm Circle to Lot 3. A separate and independent service line is required for each individual unit. As-builds indicate no sanitary sewer service line to Lot 2. The Plant Investment fee (PIF) for each tap is \$6,000. Additionally, the sewer line will likely include road cuts or boring in Fox Farm Circle for Lot 3 and Mars Road for Lot 2.

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Fee for park impact fee of \$408 per unit does not apply to Fox Farm Village; however, if they decide not to restrict, should apply.

Mars Road is classified as a collector street in the Town's transportation plan. Lot 2 will likely need to access this road. Planning Commission was amenable to three individual drives for Lot 2 on Mars Road. Staff is still of the opinion that the original plat, which contemplated a shared drive between Lots 1 & 2 is more appropriate. Mars Road sees heavy traffic from the Elementary and Early Education Schools, as well as Mesa Meadows Subdivision. The addition of three drives, on a road classified as a Collector Road is not the best option. Staff recommends other alternatives.

Lot 3 will gain access from Fox Farm Circle.

Chris recommended that Lot 2 be limited to one access point.

Lot 2 is located near the intersection of Mars Road and Fox Farm Circle. The corner sight distance for local and collector roads is a minimum 200 feet.

Sidewalks will be required on both sides of all streets unless alternative pedestrian pathways are provided as part of the development plan.

Chris recommended an extension of the asphalt pathway from the sidewalk on Fox Farm Circle to the Pedestrian Pathway on the west side of Lot 2.

Paved parking lots and additional roof structures from additional units will likely increase the imperviousness of the site. All storm drainage systems components shall be designed in accordance with the standards, policies, and criteria of the Town storm drainage plan.

Chris stated that the Town received a letter from the Developers Engineer and Town Engineer reviewed, basically stating that the change in units will not substantially increase storm water runoff. Staff recommends that letter also address parking areas.

The Land Use Code requires two and one-half (2.5) parking space for each multi-family dwelling unit on the same lot as dwelling. Each off-street parking space will have an area of not less than 180 square feet, exclusive of drives or aisles. Dimensions shall include a width not less than nine feet (9') and a depth of not less than twenty feet (20'). Each space will be provided with ingress and egress. Off-street parking shall be paved.

Chris recommended that the Plat include language: Off-Street Parking for Lots 2 & 3 shall comply with the Town of Bayfield Land Use Code. However, the Planning Commission was amenable to granting credit for existing spaces in the Fox Farm Village Subdivision.

Lighting needs to be downcast, no greater than twenty feet (20').

Chris recommended including language: Lighting for street and parking lots shall comply with the requirements of the Town Land Used Code.

Architectural compatibility is addressed through design standards.

Chris recommended that Lots 2 & 3 be included in the Declaration of Covenants and Restrictions for Fox Farm Village. Applicant agrees to enter into contract with Fox Farm Village Homeowners Association to pay fees and receive services from HOA.

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The PUD Amendment was noticed in the Pine River Times on Friday, March 23, 2012 and again on March 30, 2012. Property owner notified properties within 200 feet of the proposed project via certified mail fifteen days in advance of the public hearing before the Planning Commission and Board of Trustees.

Staff recommended approval of the Preliminary Plat for the Third Amendment to the Fox Farm Village PUD with the stipulation that the PUD Final Plat presented to the Board of Trustees include:

- 1) The extension of the asphalt pathway from the sidewalk on Fox Farm Circle to the Pedestrian Pathway on the west side of Lot 2.
- 2) Plat shall depict off-street parking consistent with the parking requirements of the Town of Bayfield Land Use Code.
- 3) Strike Note # 3 on the Second Amendment to the Fox Farm Village PUD Plat and replace language with Lots 1, 4 through 8 are to be sold as Single Family Residence.
- 4) Number multifamily lots consistent with current numbering. Multi-family lots replacing Lot 3 shall be numbered 51A, 52A, 53A. Multi-family lots replacing Lot 2 shall be numbered 54A, 55A, 56A, 57A.
- 5) An additional note on the Plat reading: Lighting for street and parking lots shall comply with the requirements of the Town of Bayfield Land Used Code.
- 6) Specify the Limited Common Elements (LCE) and General Common Elements (GCE) for Lots 2 & 3.
- 7) Amend the Declaration and Covenants and Restrictions to include Lots 2 & 3.
- 8) Evaluation of the storm water impacts from the proposed zoning changes by the developer's engineer, and review by Town Engineer.

The Bayfield Planning Commission recommended approval of the Preliminary Plat for the Third Amendment to the Fox Farm Village PUD with the stipulation that the PUD Final Plat presented to the Board of Trustees include items 1 through 8 presented in the staff report, and in addition:

- 1) Lot 3 shall include three (3) on-site parking spaces, and shall be entitled to utilize excess parking spaces within the Fox Farm Village Subdivision, as credit for remaining parking requirement (5 spaces).
- 2) The Town receive letter from an engineer that the drainage is adequate.
- 3) Lot 2 shall be changed from a four-plex to a tri-plex, with parking arrangement to be determined.

Ed asked about the preschool and how this change will affect them.

Chris answered that there will only be one point of access off of Lot 3 so that it will limit the conflict with traffic coming to and from the preschool

Matthew asked if a traffic study has been done.

Chris answered that the Town has not required a revised traffic study for this proposed request.

The floor was given to Reid Ross with Community Development Corporation & Doug Wallace with Habitat For Humanity.

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Reid stated that there are 28 units occupied in the subdivision and only 29 vehicles total. They don't feel that there is a traffic problem in the subdivision and the requirement of 2.5 vehicles per dwelling unit is too many because of the low-income designation set on the homes. The families in the subdivision don't generally have multiple vehicles.

Reid had a conversation with the engineer regarding the drainage in the subdivision. The engineer has specified that if the proposed buildings are built within the building envelopes of the original plan, it will not impact the current drainage system.

Reid also mentioned that the pre-school director, Carol Blatnick has stated that she doesn't feel like the proposed change will cause issues for the pre-school families that are dropping off or picking up children.

Habitat for Humanity would like the lot on the Mars be designated "attainable" instead of "affordable" because it will give more flexibility of the families that are eligible for the units.

Doug stated that they hope to be able to collaborate with Housing Solutions in the future and build on the 16 lots that are still vacant in the subdivision.

The item was opened for public comment.

Dale White (511 Hickory Ridge) stated that he is concerned about what additional multi-family designation will do to his property value. He feels that it will further decline the property values in Mesa Meadows if more low-income homes are allowed in the Fox Farm Subdivision.

John Wade (493 S. Mesa) concurred that he is also concerned about the drop in property values for his home on Mesa Avenue. He is also concerned about the parking & traffic issues that this could cause (and that already exist in the area). He would like to see the single-family designation remain in place on those lots because the subdivision is already extremely dense.

David Black (606 Buck Highway) stated that he is an adjacent property owner. He explained that the single family lots were supposed to be a buffer between the multi-family homes & the proposed subdivision that was supposed to be put where the pre-school is now. He expressed that one of the single-family lots has already been developed and he thinks that it would be better if the single-family lots were let as platted.

Reid argued that the proposed subdivision on the Black property was the reason that the single-family lots were platted originally. The developers do not feel that there is a basis for the objection anymore since the proposed subdivision property was sold to the pre-school. And the preschool does not have any objection to the proposed request.

Doug Wallace mentioned that Habitat for Humanity is the only entity that is currently building in Fox Farm. Housing Solutions & CHI (the other owners of subdivision lots) aren't going to be building anytime soon. And if Habitat is unable to get additional lots in the subdivision they will have to move on to a different area to build their homes.

Reid explained that the proposed request will only increase the number of dwelling units from 52 to 56.

Cory Morris (479 S. Mesa Avenue) stated that he is also concerned about the traffic. He thinks something needs to be done to address the traffic issue on the existing streets before any additional units are built. He thinks that the Mesa Subdivision was poorly designed when it was developed in the late 1970's and he doesn't feel that those issues have ever been addressed and Mesa Avenue cannot handle the additional traffic that has been generated. He also feels that the street needs a sidewalk to accommodate all of the foot traffic.

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John Wade also mentioned that the retention pond in the subdivision is full of water. He is concerned about why there isn't anything surrounding the pond to keep kids out of the area.

No additional public comment was offered so the public hearing was closed.

Public Hearing: Ordinance #371: Backflow & Cross Connection Program

Chris gave his staff report. He stated that in accordance with the Colorado Drinking Water Regulations the Town of Bayfield is required to have a Backflow and Cross Connection program in place. This was an item that was brought to our attention in a Compliance Advisory Inspection by the Colorado Department of Health and Environment (CDPHE) in 2011.

Chris stated that he has researched other communities programs and has prepared an Ordinance which formally adopts the Town of Bayfield Backflow and Cross Connection Program. The Ordinance includes requiring customers to install containment devices on water services feeding specific types of properties. Property owners are also required to test containment devices after initial installation and annually thereafter to make sure they are functioning properly and then submit completed test reports to the Town. Affected property owners are notified by postal mail of required device installation and testing and the property owner is responsible to hire a qualified professional to install and test a device.

Chris explained that the following property will be affected by this adoption.

- **Commercial Properties:** All commercial properties are required to have backflow prevention devices installed and tested annually.
- **Residential Properties:** Most residential properties have been excluded from any annual testing requirement but may still need backflow prevention devices based on plumbing code. Town of Bayfield homeowners with irrigation systems, other than Town treated water, are required to test their systems annually to make sure that dirt, bacteria, or chemicals from the non-potable water source cannot enter into the homeowner's drinking water. Additionally, homeowners with boilers or fire suppression systems are required to test their system annually.
- **Multifamily Residences:** Multifamily Residences (or "commercial-residential" properties as they are sometimes called) are required to have backflow prevention based on their degree of hazard – in this case, the level at which a multifamily residence contains hazards that are equal to that of a commercial property. For example, a multi-unit property with a fire line or a boiler (that uses chemicals like glycol) would have to have a backflow prevention device installed and tested. A single story duplex with a furnace and a water heater would not have to have a backflow prevention device.

Chris recommended approval of the Ordinance providing for the management and control of backflow and cross connections within the Town of Bayfield.

Debbi asked if this will only affect residents that have irrigation water.

Chris answered that it could affect residents that have sprinkler systems because those systems should have back-flow prevention devices. But the higher risk is from the irrigation systems, so any residences that have irrigation rights will have to retro-fit their systems with these devices.

Rachel asked how long the residents have to comply once they are notified.

Chris answered that that high risk will have to be addressed as quickly as possible. But the general time frame is 30 days.

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Tom asked what the repercussions are if the Town doesn't pass this ordinance.

Chris answered that the Town will be out of compliance with the drinking regulations of the State and the Department of Health could penalize the Town (the typical violation is \$10,000 per day per violation). The Town would receive a cease and desist order as well and it would be a similar situation to when the Town was out of compliance with the sanitation system. He stated that this is being done across the state and it is not just affecting the Town of Bayfield. All Towns and Cities have to comply with these regulations throughout the state.

Rick opened the matter up for public hearing. None was offered so it was immediately closed.

Action Agenda Item #1: Consideration of Final Plat – Third Amendment Fox Farm Village PUD

Chris noted that the plat reads that lots 51a – 56a are deemed "attainable" (rather than affordable) and shall be plat restricted for 50 years to meet federal guidelines for income affordability and shall be extended for an additional 50 years after that. The restrictions will remain in place until April 12, 2112.

The letter received from the developers engineer states that any building outside of the building envelopes could slightly increase the runoff. He expressed that if the proposed development stays within the building envelope, it won't cause any problems with the drainage system. However, Chris would like the language from the engineer to include the parking areas and a note that it won't require any significant improvements.

Chris mentioned that the staff would like to have a condition of approval to include the sidewalk path as an easement through the subdivision. The developer will also need to develop a contractual agreement between the Fox Farm Homeowner's Association and the Community Development Corp. needs to be executed before the plat is recorded. They need to make sure that the agreement includes any concerns that the HOA has regarding the change.

There is a dedicated right-of-way in the subdivision that was granted to La Plata County and then transferred to the Town; however, the underlying land is still owned by the HOA. Chris recommended that this would be a good time to get that issue resolved and have the property dedicated directly to the Town. He doesn't feel that the HOA benefits from having that land.

Rick stated that he understands the need to continue building. However, he feels that the adjacent landowners need to be taken into account and that's the reason that the single-family lots that were put in the original plat. He is concerned about the number of lots that are still vacant within the subdivision. He asked why Habitat has not tried to purchase the vacant lots from their current owners (either CHI or Housing Solutions) rather than changing the single-family lots.

Doug Wallace answered that he has been unable to get in touch with anyone from CHI. They have had discussions with Housing Solutions, but they are unable to sell the lots for price that is low enough for Habitat to purchase them.

Rick stated that he feels that the Town did a good job putting this subdivision together when it was originally approved. He explained that he doesn't feel inclined to change the structure from the original. He would rather see Habitat purchase some of the vacant lots rather than add additional lots within the subdivision.

Doug responded that they would like to purchase the lots but they are unable to make the economics work because Housing Solutions won't reduce their price. Habitat has been given a grant that will allow them to acquire these three lots immediately if this request for re-subdivision is approved.

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Rick stated that he would like it to stay the way it is and see the developers develop the lots that are already available.

Matt concurred & stated that there's a lot of traffic in the area and the intersection at Fox Farm Circle & Mesa Avenue is very awkward. He thinks it's dangerous and he is concerned about the children's welfare in the area. He is not comfortable with an addition to Fox Farm that will add more houses to the subdivision.

Reid responded that the traffic problem is on Mars Drive, not on Fox Farm Circle. He thinks that is a separate issue unrelated to what is being proposed in Fox Farm. He also expressed that the developers would like to buy the vacant lots from Housing Solutions, but they can't afford the price that is being asked for lots. He also doesn't think that single-family lots will sell within that subdivision.

Ed commented that it is not the Town's place to make land use decisions based on economic issues. He feels that the Town made a lot of compromises & concessions when the subdivision was originally platted and doesn't think changes should be made just because the developers are unable to purchase the vacant lots at a low enough cost.

Ed made a motion to decline approval of the Final Plat for the Third Amendment of the Fox Farm Village PUD due to the fact that they did not substantiate a valid need for the change to the plat. Debbi seconded the motion.

All voted in favor so the motion passed unanimously.

Action Agenda Item #2: Consideration of Approval of Ordinance #371: An Ordinance providing for the management and control of backflow and cross connections within the Town of Bayfield

Rachel made a motion to approve Ordinance #371 providing for the management and control of backflow and cross connections within the Town of Bayfield. Matthew seconded the motion. All were in favor, except Ed & Tom who were opposed. The motion carried.

Action Agenda Item #5: Liquor License Renewal – Giant

Tom made a motion to approve the liquor license renewal for the Giant. Ed seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #4: Presentation & Update On the Southwest Colorado Access Network Intra Community Network

Chris gave his staff report. He stated that in 2010, the SWCCOG was awarded three million dollars from the Colorado Department of Local Affairs to construct a regional telecommunications network for the five-county area of the Region 9. Participating governments will provide one million dollars in match. The Southwest Colorado Access Network (SCAN) will build a state-of-the-art private telecommunications network supported by publicly owned or leased infrastructure to provide secure connections between community public offices, including government, education, law enforcement, search and rescue, and medical facilities. The project will be completed by December 31, 2013.

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The Southwest Colorado Access Network (SCAN) will build telecommunications network supported by publicly-owned or leased infrastructure to provide secure connections between participating community public offices, including government, education, law enforcement, search and rescue, medical facilities, and others. By aggregating demand in each participating community and throughout the region, SCAN will offer faster speeds, greater throughput, and the ability to deliver Internet services, data transfer, application sharing, digital telephony, and other advanced digital services in an efficient and cost-effective manner.

Design for the Telecommunications Infrastructure in Bayfield is complete and ready for bid. It will be bid by unit cost (i.e. linear foot, buried – overhead, conditions). The award of contract will likely be before you on May 15, 2012. The Town of Bayfield will have to match 25% of the contract amount, the grant will cover the remainder. The proposed route includes use of existing FastTrack fiber, which you will also likely be asked to enter into an agreement with FastTrack for exchange of fiber.

Chris explained that he wanted to explain the project to the Board so that they would feel comfortable moving forward and possibly execute agreements on May 15, 2012 if all goes as planned

The floor was given to Mayor Smith.

Rick gave an overview of what the SCAN project will do for the Town of Bayfield. He explained that the first step will tie all the Town's facilities to the fiber loop. The second step will pick up fire department buildings, schools, hospitals, libraries, etc so that they always have the ability to use the fiber capability. Once these are connected, there will be excess capacity that the Town can lease out to vendors so that they can provide fiber service to additional customers (residents).

Rick stated that they hope to begin construction during the 2012 building season. This is a joint effort through the SW Council of Governments & Eagle Net that will connect the surrounding communities together and create a governmental loop throughout the area. Doing the project in this joint manner allows all of the governmental entities to get the fiber for a much lower cost and it cuts expenses for all of the entities involved.

Rick added that the Town will be working conjunctively with Fastrack so that there is no over-building of fiber lines or building on top of fiber that is already in existence.

Tom asked if the fiber will be taken to the new water tank that is located on the Highlands property.

Rick said that he will look at that and see if there is the ability to add the tank to the plan.

Rachel asked how much bandwidth it will provide.

Rick answered that the plan gives the ability for the entities to purchase whatever bandwidth they need. The growth potential is very vast because the plan is to put in fiber that has the ability to grow.

Action Agenda Item #5: Discussion & Possible Action Of Model Traffic Code

Chris gave his staff report. He stated that the Town of Bayfield, along with numerous other municipalities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation. The Model Traffic Code (MTC) provides comprehensive traffic control regulations for Colorado municipalities that are consistent with state law. The Town, pursuant to its statutory status, may add, delete or modify sections of the Model Traffic Code to meet local needs. The Town is currently enforcing traffic laws under the 2009 Model Traffic Code; however, many jurisdictions decided not to adopt the 2009 Model Traffic Code due to a substantial number of errors it contained. The 2010 edition of the

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Model Traffic Code corrected most of those errors and incorporates changes to the traffic laws by the Colorado General Assembly since the 2003 edition.

The Board set a Public Hearing for the adoption of the Model Traffic Code for May 15, 2012. The Town, pursuant to its statutory status, may add, delete or modify sections of the Model Traffic Code to meet local needs. Additionally, any permits which may be required by local authorities for overweight vehicles shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. When the Town adopted the 2009 MTC, the provided for fees and review of overweight permit applications, which reads as follows:

The Model Traffic Code of the Town of Bayfield is amended by the addition of section 513, which shall read as follows:

513. Application, Fees and Review of Overweight Permit Applications:

1. The Board shall have the sole authority to review and approve any application to operate a vehicle of any type which exceeds the weight limits set forth in this Code. Nothing contained herein shall limit or otherwise impair the board's discretion to deny any application or to impose any limits or conditions on any permit or to charge any fee which the board deems necessary to protect the Town streets from damage or to insure the efficient movement of traffic.

2. An application for an overweight permit shall include, at a minimum, the information set forth herein and shall be accompanied by a fee of \$100.00. The Town Board or Town staff may request any other additional information which is deemed necessary to evaluate the application. The initial information required shall be as follows:

- A. Name and address of the owner of the vehicle, and the name and address of the operator of the vehicle if different than the record owner.
- B. The type of vehicle which is to be operated, including a description of the overall length, the height, the width, the axle configuration, type of tires, details regarding the combination of any vehicles or the load of equipment to be carried and the total weight of the vehicle. Proof of weight from a certified scales shall be required.
- C. The Town streets which are to be used, including the proposed route.
- D. The dates of the proposed operation and the purpose of the proposed operation.
- E. Copies of certificates of insurance which cover the operation of the vehicle.
- F. Proof of issuance of any state or county permits which are required for the operation on state highways or county roads.
- G. Proof of permission from any private parties which will be required to access the proposed destination.
- H. Proposal for escort or traffic control plan.
- I. Information sufficient to allow the Town to determine if the operator has the financial capacity to obtain any bond or other surety which may be required.

3. The Town staff shall submit the application to the Board at the first regularly scheduled meeting after a complete application is received. The board may at that time consider any information, documents or testimony from the applicant or from any other interested party. The Board may request the submission of any additional information, including the opinion of the Town engineer or any other expert regarding the ability of the streets to support the proposed use and the potential for damage to the Town streets or to any other property from the proposed operation.

4. Any permit which is approved for the operation of an overweight vehicle within the Town shall be on a single trip basis, and shall be specific as to the vehicle which is permitted and shall specify the streets which may be used and shall have an expiration date. The permit shall be subject to any other provisions imposed by the

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board as a condition of approval. No permit shall be issued unless the board determines that the overweight vehicle can be operated safely without undue risk of damage to Town streets.

5. The Town Board may require the owner or operator of any vehicle, as a condition of the issuance of any permit, to obtain a bond or other surety issued to the benefit of the Town in a form and in an amount deemed adequate to assure that any damage caused to Town streets will be repaired at the expense of the owner or operator of the vehicle.

6. The issuance of a permit shall not relieve or limit the liability of the owner or operator of an overweight vehicle for any damages or other injury arising from the operation of the vehicle, including damages caused to any street or to any other public or private property.

7. Any permit may be revoked or limited by the Town manager or marshal upon verbal notice to the holder of a permit in the event of a change in conditions which would increase the risk of damage to the streets or to any other public or private property.

Chris asked if the Board would be inclined to direct staff to include the language in the Ordinance adopting the 2010 Model Traffic Code and present at the public hearing on May 15, 2012.

Debbi asked what qualifies as an "overweight" vehicle.

Chris stated that he doesn't know the actual number but that he will bring it back to the next meeting.

This was adopted when there was BP drilling rigs that were going through Town.

Debbi stated that she would like to know what that weight is before it is passed.

Joe stated that the Town may want to set some restrictions due to issues with damage to roadways. Set a truck route and address those citizens who have large vehicles that are brought home to residential side streets.

Rick asked that the staff put detail on the truck route possibility for the public hearing at the next meeting.

Action Agenda Item #6: Approval of Engineering Contract For Sewer Line Infiltration Repairs

Chris gave his staff report. He stated that the Town of Bayfield contracted with Souder Miller and Associates to complete a Preliminary Engineering Report (PER) in January for submittal to the Colorado Department of Health and Environment (CDPHE), as part of the Town's submittal for a loan application with the Colorado Water Resource and Power Development Authority (CWPRDA). The Town submitted the PER with the following statement: "because this was a collection system project, it would not be necessary to prepare a process design report or submit the final design for approval." It was our belief that a slipline project would not need an engineering report, as it is more of a maintenance item than something that needs to be engineered.

Upon the CDPHE's review of the PER, they informed the Town that because the project involves a State loan, the Town would be required to submit a final engineering report along with the final plans and specifications for review and approval.

Chris recommended approval of contracting with Souder Miller to complete the final engineering report, along with final plans and specifications for the Infiltration Repair Project in an amount not to exceed \$13,312.00.

Tom asked for the total being spent for slip-lining sewer lines throughout Town.

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Chris answered that the Town budgeted \$500,000.00 but it's all contingent upon getting the loan from the water & power authority.

Ed made a motion to approve the engineering contract with Souder Miller to complete the final engineering report, along with final plans and specifications for the Infiltration Repair Project in an amount not to exceed \$13,312.00. Matthew seconded the motion. All were in favor so the motion passed unanimously.

Action Agenda Item #7: Appointment or Reappointment of Representative To Regional/County Organizations

Chris gave his staff report. He stated that with the seating of the new Board, it would be an opportune time to revisit the appointed seats for the County and Regional boards and organizations that the Town of Bayfield participates in. If a Board member has an area of specific interest, it would be appropriate to assign to the various positions.

The following summarizes those organizations and who is currently representing the Town of Bayfield on those organizations:

1) La Plata County Economic Alliance

The La Plata Economic Development Alliance serves as a central point for information, connections, and resources related to the development and growth of businesses (recruitment & retention) in La Plata County. Executive committee did provide for alternating one year terms for Ignacio and Bayfield representatives, but the Alliance changed their by-laws to provide a seat for both Bayfield and Ignacio. Representative is appointed by the Board of Trustees. Executive Board meets first Monday of the month at Alpine Bank 4:00 – 6:00 PM and monthly Investor meetings are second Tuesday of the month at 7:30 AM -9:00 AM at LPEA Board Room.

Current Representative: Town Manager, Chris La May

2) Regional Housing Alliance (RHA)

Received a \$1.25 million donation from BP America, and gets support from the Division of Local Affairs (DOLA), the Colorado Division of Housing, the La Plata Homes Fund, the Community Development Financial Institution (CDFI) Fund and community partners, to offer mortgage assistance to La Plata County residents to help reduce the cost of purchasing a home. RHA is requesting \$12,983 from the Town of Bayfield. Bayfield is a member of the RHA through an intergovernmental agreement. The Town has two seats on the board of RHA. RHA meets the last Wednesday of the month 3:00 – 5:00 PM at Three Springs Conference Center.

Current Representatives: Debbi Renfro, Trustee (Serves on the executive committee)
 Chris La May, Town Manager

3) Southwest Regional Transportation Planning Commission

The Southwest Regional Transportation Planning Commission (RPC) is made up of one representative from each of the seventeen political jurisdictions of the Southwest Transportation Planning Region (TPR) that includes five counties, ten cities and towns and two Indian Tribes. The RPC meets to work with various transportation planning, project and funding issues affecting the region. Since the RPC is formed by Inter-Governmental Agreement and is not a legal entity, Region 9 EDD provides administrative support and contracts with the Colorado Department of Transportation (CDOT) on behalf of the RPC for planning assistance grant funds. These funds are used to send a representative (Chair or Alternate Chair(s)) to the monthly STAC (Statewide Transportation Advisory Committee) meetings in Denver.

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Every five years each TPR is required to produce an update of the Twenty-Year Regional Transportation Plan. The purpose of the Regional Transportation Plan is to identify the transportation needs of the region and develop a plan for addressing those needs. The SWRPC adopted the 2035 Regional Transportation Plan on Jan. 24, 2008.

TPR meets quarterly. Typically on a Friday 9:00 AM – 11:00 AM Durango Maintenance Facility.

Current Representative: Debbi Renfro, Trustee
Alternate Member: Chris La May, Town Manager (Alternate Chair)

4) Region 9 Economic Development

Region 9 Economic Development District of Southwest Colorado, Inc. (Region 9 EDD) is a Colorado non-profit community economic development corporation that promotes and coordinates economic development efforts throughout Southwest Colorado. The board of directors is comprised of 26 directors, 17 members from local government agencies throughout the region and nine members that represent the private sector in the five county area. Region 9 EDD serves the counties of Archuleta, Dolores, La Plata, Montezuma and San Juan, and the cities and towns within those regions, as well as the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe.

The Region 9 Economic Development District's mission is to be a regional leader, working cooperatively with the private and public sectors to enhance the economic conditions in the area, and improve the region's economic prosperity.

Among the many services, Region 9 EDD offers a revolving loan program for "gap" financing to assist small business retention, expansion and job creation. Region 9 also offer a micro-enterprise loan program for loans up to \$100,000 for qualifying small businesses with five or fewer employees.

In addition to loan programs, Region 9 EDD administers the Colorado Enterprise Zone Tax Credit program, provides administrative support to the Southwest Regional Transportation Planning Commission, publishes the [Comprehensive Economic Development Strategy \(CEDS\)](#) to assist local communities with regional economic development strategic planning and technical assistance and helps to administer different State and Federal programs.

Region 9 meets quarterly. Thursdays at 9:00 – 1:30 PM, typically at Strater Hotel.

Current Representative: Chris La May, Town Manager
 (Executive Committee Member)

5) Southwest Colorado Council of Governments

The SWCCOG's purpose is to: serve as a forum for local governments to identify regional issues and opportunities, develop strategies, and make recommendations to local governments on activities that will have substantial area-wide benefits; identify and prioritize regional issues to explore; reduce duplication of services and gain new organizational efficiencies; have the ability to apply for funding, not otherwise available to individual governments; seek unified voice on regional issues; provide a more consolidated system to provide oversight of various regional programs that are essentially government funded (or partially) for regional public services that are delivered by non-profit organizations; incorporate the needs and recommendations of the SWCCOG, suggesting updates and amendments as necessary. Major initiatives include Telecommunications, Transportation, Housing & Environment.

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Meets first Friday of the month 1:30 – 3:30 PM La Plata County Courthouse.

Current Representative: Vacant (Trustee Dan Ford was in this position)
Alternate: Chris La May, Town Manager

Rick volunteered to serve on the La Plata County Regional Alliance Board.

Debbi stated that she will remain on the Regional Housing Alliance Board and Transportation Board.

Rachel volunteered to serve on the Southwest Council Of Governments.

Matthew volunteered to serve on the Planning Commission.

Chris stated that the Town will need Gabe to submit his resignation from the Planning Commission before Matthew can be appointed.

Tom volunteered to serve on the Economic Development Board.

Action Agenda Item #8: Discussion and Possible Action: Southwest Colorado Transportation Regional Planning Commission Contract

Chris gave his staff report. He stated that The SWTPR is funded by two sources. First, through a contract with the Colorado Department of Transportation (CDOT), Region 9 EDD receives \$20,000 to administer the Southwest Colorado Transportation Regional Planning Commission (SWTPR). This includes travel and transportation for member(s) to attend the monthly State Transportation Advisory Committee (STAC) meetings and a portion of the costs associated with administering the SWTPR. The second source of income is through direct contribution from the various participating members (City of Durango, La Plata County, Montezuma County, Cortez, etc.). The Town of Bayfield contributes \$341 towards a total of approximately \$8,000 in contributions to assist with administration of the SWTPR.

At the April 20, 2012 (SWTPR) meeting, the individuals representing the various governmental entities were asked if the SWTPR should continue to contract with Region 9 or should instead contract with the Southwest Colorado Council of Governments (SWCCOG). There were a number of individuals uncomfortable making that decision until their respective boards could weigh in, and therefore, action on the item was continued until the next meeting in June. At that meeting the members of the SWTPR will be asked if they want the CDOT contract with Region 9 or SWCCOG.

Region 9 Economic Development District of Southwest Colorado, Inc. (Region 9 EDD) is a Colorado non-profit community economic development corporation that promotes and coordinates economic development efforts throughout Southwest Colorado. The Region 9 Economic Development District's mission is to be a regional leader, working cooperatively with the private and public sectors to enhance the economic conditions in the area, and improve the region's economic prosperity.

The SWCCOG's purpose is to: serve as a forum for local governments to identify regional issues and opportunities, develop strategies, and make recommendations to local governments on activities that will have substantial area-wide benefits; identify and prioritize regional issues to explore; reduce duplication of services and gain new organizational efficiencies; have the ability to apply for funding, not otherwise available to individual governments; seek unified voice on regional issues; and provide a more consolidated system to provide oversight of various regional programs that are essentially government funded (or partially) for regional public services that are delivered by non-profit organizations. Major initiatives include Telecommunications, Transportation, Aging Populations, Housing, and Environment.

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The initial creation of the SWCCOG was for the purpose of administering the Department of Local Affairs (DOLA) Telecommunications grant for the fiber optic installation. Region 9 as a non-profit organization was not eligible to receive the money, and the SWCCOG was formed to receive and administer the grant funds. Ed Morlan, Region 9 Executive Director, was however made the "Responsible Administrator" for the grant. Region 9 has provided administrative support to the SWCCOG. However, this year Region 9 provided \$20,000 in financial assistance to the SWCCOG, with the stipulation that the SWCCOG become self reliant by 2013.

The membership of the organizations is different in that Region 9 is a non-profit Economic Development District. The board of directors is comprised of 26 directors, 17 members from local government agencies throughout the region and 9 members that represent the private sector in the five county area. SWCCOG members include one representative from all municipal and county governments in the five county region, except Montezuma County. City of Cortez is a member.

The Ute Mountain Ute and Southern Mountain Ute as Sovereign Nations are voting members of Region 9. They are urged to participate in SWCCOG, but as non-voting members. The Ute Mountain Ute regularly attend the SWCCOG meetings, the Southern Mountain Ute does not attend regularly.

Regardless of which organization serves as the Contract Agent, the TPR will continue to have the same membership, unless a member organization requests inclusion in another TPR which they are entitled to request annually. Those that desire to maintain status quo, argue that the TPR has worked well in the past and should continue in its current arrangement. Those that support changing the contract with the SWCCOG, see this as an opportunity for the SWCCOG to take on another regional role and become more self reliant.

Region 9 is an economic development organization and transportation is a key component of economic development. SWCCOG identifies transportation as a major initiative. The membership and role of the SWTPR will not be impacted regardless of which organization is the contracting body.

Chris stated that he supports authorizing the Town of Bayfield SWTPR representative to cast a vote for the SWCCOG to contract with CDOT for the SWTPR administration.

Rick stated that he thinks it might be a good idea to role the SWTPR into the COG. He hopes that this might be an opportunity to get Montezuma County to participate.

Tom, Rachel & Matthew stated that they don't care which entity it is rolled into.

Action Agenda Item #9: Set Date For Board of Trustee Retreat

Chris gave his staff report. He stated that as directed at the April 17, 2012 Board meeting, staff proposes the following dates for a Board retreat to discuss conduct, liability, vision, projects, issues, etc.

Chris proposed the following dates:

| | |
|------------------------|---------------------|
| Saturday, May 19, 2012 | 8:00 AM to 12:00 PM |
| Tuesday, May 22, 2012 | 6:00 PM to 10:00 PM |
| Tuesday, May 29, 2012 | 6:00 PM to 10:00 PM |
| Saturday, June 2, 2012 | 8:00 AM to 12:00 PM |

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Saturday, June 16, 2012

8:00 AM to 12:00 PM

The Board decided on May 22nd at 5:00 p.m.

Town Updates

Chris announced that the position of Town Clerk has been offered to Kathleen Cathcart. The Town will now be advertising for the vacancy in the Deputy Town Clerk position.

Matthew asked if the Town is going to implement water restrictions this year.

Chris answered that due to the dry winter/spring, the Town probably will have to implement water restrictions. He will put this item on the agenda for discussion at a future meeting.

Debbi asked about Heritage Days.

Chris answered that him and the Parks & Recreation Department met with representatives regarding the Heritage Days Celebration and they expressed concerns that the Town isn't really participating in the event. However, the event does require a lot of staff time and preparation that goes unrecognized. He asked the Board to give staff direction on what more the Town should be doing, if anything.

Action Agenda item #10: New/Unfinished Business

Chris mentioned that there will be a CML meeting on May 16th @ 4:00 p.m. Rick stated that he will be attending that meeting.

Debbi asked that the staff follow up on the school section of land adjacent to the Dove Ranch subdivision. The ten year lease was up in 2012 and she suggested that it would be a good thing for the Town if they could get the lease of the 640 acres of land available in that area.

The meeting was adjourned at 9:45 p.m.

Minutes Approved As Submitted On May 15th, 2012

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk