

**Town of Bayfield**  
**Regular Town Board Meeting**  
**June 5th, 2012**  
**1199 Bayfield Parkway Bayfield, CO 81122**

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

**Town Board Members Absent:** Debbi Renfro, Ed Morlan

**Staff Present:** Chris La May (Town Manager), Dirk Nelson (Town Attorney), Erin Dunavant (Finance Director), Kathleen Cathcart (Town Clerk), Ron Saba (Public Works Director), Joe McIntyre (Marshal)

**Media Present:** Carole McWilliams (Pine River Times)

The meeting was called to order @ 6.59 p.m.

**Roll Call:** 4 present 2 absent and 1 vacant seat.

**Pledge of Allegiance:**

**Appointment of Town Clerk:** Tom Au made the motion to appoint Kathleen Cathcart at Town Clerk. Rachel Davenport seconded. All were in favor, motion passed unanimously.

**Approval of Minutes:** Matt Nyberg made motion to approve minutes as presented Tom Au seconded. All were in favor motion passed unanimously.

**Approval of Bills:** Tom Au made motion to approve bills as presented Matt seconded, motion passed unanimously.

**Public Input:** Charlene Johnson @ 70 S. Mesa is here to voice her concern about the homeless man that has been hanging out at Mesa Park. Phyliss Ludwig would like to speak about the fiber optic project and crossing the irrigation ditches. The ditch company would like some help in keeping an eye on the ditch in Joe Stephenson Park.

**Town Updates:** Tom asked who on the Town staff is looking over the plans for the fiber optic project? Chris answered that Ron and Mayor Smith have both gone over the plans with the engineer. Tom wants to know if we are checking grease traps? Ron answered that at this time he just doesn't have the time or staff to be checking all the traps. Ron thinks that we should rewrite the ordinance enforcing compliance issues with the grease traps.

**Public Hearing: 2010 Model Traffic Code (MTC)**

Chris gave his staff report: In an effort to remain current staff would like to adopt the 2010 version of the Model Traffic Code (MTC). The Colorado Department of Transportation (CDOT) provides guidance on the procedure for adoption a code by reference.

The purpose of adopting the MTC is for uniformity of basic road rules, uniformity of local traffic regulations, standardization of traffic regulation and control on streets that are state highways, and compatibility of traffic ordinances with State and national vehicle codes. All contribute to greater traffic safety and operational efficiency in moving people and goods through and within the Town of Bayfield.

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The Ordinance was introduced at the April 17, 2012 Regular Board Meeting and the Board of Trustees set the Public Hearing for the Model Traffic Code by reference for Tuesday, May 15, 2012. Public notification of the Public Hearing took place in the Pine River Times on April 27 and May 4, 2012. Public Hearing was conducted on May 15, 2012. After the Public Hearing at staff's request, the Board of Trustees discussed the desire to establish commercial vehicle and truck routes to help preserve the Town roads and streets.

**Status:**

Staff has included language which prohibits a commercial vehicle greater than 10,000 lbs. from driving on Town streets and roads other than those designated as commercial truck routes and unless the driver is in the process of delivering or picking up materials or merchandise, providing services, or attempting to reach a final business destination.

Additionally, staff included language to allow for the use of non-truck routes for commercial vehicles and trucks over ten thousand pounds if the driver of the vehicle resides in the Town of Bayfield and is utilizing private property to store commercial vehicle. In that case, the commercial vehicle shall be stored or parked in any front or side yard adjacent to a street, but not on public right-of-way.

As discussed, because of the changes after the public hearing staff recommends another hearing to discuss the changes, more specifically commercial truck routes.

**Recommendation:**

Staff recommends the Board of Trustees open the Public Hearing for Consideration of Adopting the 2010 Model Traffic Code, take public comment, and close Public Hearing. Under the action agenda staff recommends adoption of the Model Traffic Code, with amendments and adoption of the resolution establishing the commercial vehicle and truck routes

Mayor Smith opened for public comment. None was offered so it was closed.

**Public Hearing: Special Event Liquor License for Rotary for Joe Stephenson Park**

Chris gave his staff report: The Town has received a Special Event Liquor License application from the Pine River Valley Rotary Club to have a beer tent at the 4<sup>th</sup> of July Celebration on July 4<sup>th</sup>, 2012 & the Heritage Day Festival on September 29<sup>th</sup>, 2012 in Joe Stephenson Park. The request to use Joe Stephenson Park will be heard prior to this action item.

**Status:**

The application has been reviewed by the staff and it meets the requirements of the Liquor Code and will be sent to the State as soon as the permit is approved by the Town Board. The State does allow an organization to request up to 5 days to hold special events. The applicants are requesting approval for both the 4<sup>th</sup> of July & the Heritage Day celebration.

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Enclosed in the packet is a questionnaire from the applicants regarding the event, the number of people they anticipate, security, etc. There is also a copy of the liability insurance form that was required in order to protect the Town.

**Recommendation:**

Staff recommends granting the Special Event Liquor License to the Pine River Valley Centennial Rotary Club for the 4<sup>th</sup> of July Celebration on July 4<sup>th</sup>, 2012 & the Heritage Days event on September 24<sup>th</sup>, 2012.

Mayor Smith opened for public comment. None was offered so it was closed.

**Public Hearing: Town of Bayfield Infiltration Repairs – Preliminary Engineering Report**

Chris stated that we had applied for a loan from the Colorado Water Resource Power Development Authority. They approved our loan last Friday. One of the requirements of that loan is that we provide in advance a preliminary engineering report to the Department of Health identifying what we anticipated doing so that they can review it and determine if it is indeed something worthwhile. One of their requirements is that we have a Public Hearing, giving the public an opportunity to provide comment. In brief, this will address the Town of Bayfield's sanitary sewer infiltration repairs. This will include slip lining portions of the existing system.

Mayor Smith opened for public comment. None was offered so it was closed.

**Action Agenda Item #1 Consideration of Ordinance adopting the 2010 Edition of the Model Traffic Code**

Rachel Davenport made motion to approve 2010 Edition of the Model Traffic Code. Tom seconded.

Roll call: All in favor, motion passed.

**Action Agenda Item #2: Resolution No. 277 – Establishing Commercial Truck Routes**

Tom made motion to approve Resolution #277 establishing a commercial truck route, Rachel seconded.

Roll call: All in favor, motion passed.

**Action Agenda Item #3: Approval for the Use of Town Property for Rotary Liquor License**

Matt made a motion to approve the use of the Town property for the Rotary liquor license, Tom second .

Motion passed 4 – 0.

**Action Agenda Item #4: Special Event Liquor License for Rotary**

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Rachel made the motion to approve the Special Event Liquor License for the Rotary, Tom seconded.

Motion passed unanimously.

**Action Agenda Item #5: Regional Housing Alliance (RHA) Update**

Jen Lopez from the Regional Housing Alliance gave a power point presentation.

Mayor Smith asked if Ms. Lopez could help put Reid Ross and Habitat in touch with the owners of the existing vacant lots in Fox Farm. Ms. Lopez responded that she would see what she could do.

**Action Agenda Item #6: Liquor License Renewal – Hongs**

Matt made a motion to approve the renewal of the liquor license for Hong's Garden, Rachel seconded.

Motion passed unanimously.

**Action Agenda Item #7: Discussion & Possible Action Regarding Law Enforcement Work Periods**

Chris stated that in an effort to provide greater presence and coverage by the Bayfield Marshal's Office, executive staff proposes to vary the working schedule of the deputies in the Marshal's Office. The proposal includes establishing 11 and 12 hour working days, which is not uncommon in law enforcement organizations. The Town Employee Manual recognizes the standard work week as 12:01 a.m. Monday to midnight Sunday (i.e. work period is 7 days).

Section 7(k) of the Fair Labor Standards Act (FLSA) provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

**Status:**

If the Board of Trustees is supportive of the change, in order to implement the new law enforcement "work period", staff recommends amendments to the Employee Manual to allow more flexibility in scheduling and to reduce the Town's overtime and compensatory time accruals.

Mayor Smith stated that this is a pretty common practice in the oil field industry as well. Tom agreed. Rachel was concerned that this might make things too tight on the department. Joe responded that this will actually give them a little more flexibility.

Chris stated that he will bring this back to the Board for formal action.

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**Action Item Agenda #8: Consideration of Purchase of Multi-Function Printer**

The Town currently uses a desktop scanner for scanning documents. The scanner is extremely slow and inefficient. The Town's main printer is the printer on the Deputy Town Clerks desk, which is getting old and is limited to printing on 8-1/2" x 11" or 8-1/2" x 14 (i.e. not executive (11"x14")). The Town's photocopier is only able to produce black and white copies. In short the printing, scanning and copying capabilities in the Town are limited and not efficient.

**Status:**

Staff has asked for quotes from three vendors for a combined printer, scanner, and photocopier. Staff received quotes from three vendors representing Xerox, Cannon, and Konica. Staff inquired about lease purchase options as well

**Recommendation:**

Staff recommends a three year lease for the Xerox W7535P

Rachel made a motion to approve a lease from Xerox, Tom seconded.

Motion passed unanimously.

**Action Item Agenda #9: Approval of Resolution No. 278, Authorizing Check Signatories for Town Accounts**

Due to the changes in personnel, the Town needs to update the authorized signatories for First National Bank.

With the departure of Marianne Jones & the promotion of Kathleen Cathcart, the Town needs to update the bank signature cards for the Town checking accounts. Chris, Marianne, & Mayor Smith currently have check signing authority on the bank accounts. Staff recommends making the change to remove Marianne Jones & change the signing authority to include Chris La May, Kathleen Cathcart & Mayor Smith.

The bank requires formal action be reflected in the Town Board minutes in order to make any changes to the Town accounts.

Tom made a motion to approve Resolution #278, Matt seconded.

Roll Call: 4 – 0, motion passed.

**Action Item Agenda #10: Approval of Resolution No. 279 Establishing a Reserve Account for Grant Proceeds for Fox Farm village Water and Sewer Taps.**

Chris stated that in 2007 the Town of Bayfield was awarded \$330,688 in grant funds from the Colorado Department of Local Affairs through the Energy and Mineral Impact Assistance Program. The grant included reimbursement for thirty-two (32) water and thirty two (32) sewer taps for affordable and attainable housing in the Fox Farm Village area. The project was to be completed by December 31, 2009.

June 6, 2008, the Town received \$82,672 in reimbursement from the Department of Local Affairs for eight (8) water and eight (8) sewer taps.

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October 14, 2008 the Town received \$41,336 in reimbursement from the Department of Local Affairs for four (4) water and four (4) sewer taps.

January 12, 2009, the Town received \$62,044 in reimbursement from the Department of Local Affairs for six (6) water and six (6) sewer taps.

May 6, 2009, the Town received \$20,688 in reimbursement from DOLA for two (2) water and two (2) sewer taps.

December 12, 2009, DOLA agreed to amend the contract by extending the completion date to December 31, 2010.

July 16, 2010, the Town received \$41,336 in reimbursement from DOLA for four (4) water and four (4) sewer taps.

December 6, 2010, DOLA agree to amend the contract by extending the completion date to June 30, 2012.

Tom made a motion to approve Resolution #279, Matt seconded.

Roll Call: 4 – 0 motion passed.

**Action Item Agenda #11: Discussion and Possible Action Regarding Water Restriction.**

Chris stated we may be going on water restrictions after the 4<sup>th</sup> of July. And that he will probably bring it to the board that we go on restrictions at the next meeting. He asked if the Board wanted to consider a more permanent restriction that we put in place and use every year. Ron stated that he thinks this will cut production by 25% and that affects our bottom line. This will need to be taken into consideration. Chris stated that there is no benefit to putting restrictions in place before we actually go on storage. Dirk stated that we do need to use our storage. Chris said he would bring this back on the 19<sup>th</sup> to be effective on the 5<sup>th</sup>. Mayor Smith recommended that staff come back in September with options for a more permanent solution.

**Action Item Agenda #12: Discussion and Possible Action related to LAPLAWD IGA**

I have placed this on the agenda for discussion and possible action, only for the purpose that in a workshop the Board should not take formal action. Therefore, based on the outcome of the workshop, I wanted to give the Board of Trustees the opportunity to provide direction should the need arise.

Dirk stated that he will try and have final draft at next meeting.

**New and unfinished business:**

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Chris stated that we have ordered police vehicle that has been lost. It was a 2012 Dodge Durango. There are no other 2012 available without additional costs of \$1,800.00. The thought is to proceed and pay the additional money. Mayor Smith expressed frustration that we would be stuck with an additional cost, since the loss of the vehicle was not our fault. Marshal McIntyre stated that he has checked with local dealerships and they can't get us a vehicle at the original quoted price either. We do not have a signed contract, just a purchase order. Mayor suggested that in the future we get a signed contract. Marshal McIntyre suggested that in the future we use local dealers.

Chris reminded the Board about breakfast on Friday.

Chris stated that he would be out of the office on Friday the 8<sup>th</sup> through Monday the 11<sup>th</sup>. Marshal McIntyre will be in charge.

Mayor asked if we wanted to discuss moving the July 3<sup>rd</sup> meeting to July 5<sup>th</sup>. Tom suggested canceling the meeting. Mayor Smith instructed staff to just do a short agenda for July 5<sup>th</sup>.

Rachel made a motion to move the July 3<sup>rd</sup> meeting to July 5<sup>th</sup>, Tom seconded.

Motion passed unanimously.

Mayor Smith stated that he will be out of the town from June 10<sup>th</sup> through July 4<sup>th</sup>.

**Meeting was adjourned at 8:54 pm**

Minutes Approved As Submitted On June 19<sup>th</sup>, 2012

Approved:

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Rick K. Smith

Mayor

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Kathleen Cathcart

Town Clerk

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