

**Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122**

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

Town Board Members Absent: Trustee Davenport

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

Media Present: Carol McWilliams with the Pine River Times

The meeting was called to order @ approximately 7:00 p.m.

Roll Call: 6 present 1 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Au made a motion to approve the minutes from November 5, 2013 as presented, Trustee Renfro seconded.

Motion passed unanimously.

Approval of Bills: Trustee Nelson made a motion to approve the bills dated November 6 through November 14, 2013, Trustee Nyberg seconded.

Roll call: 6 – 0 (Mayor Smith abstained from the bill from Data Safe Services)

Motion passed unanimously.

General Public Input: No public input was offered.

Town Updates: Trustee Renfro asked about the restrictions on Retail Marijuana that were mentioned in the Town Updates included in the Board Packet. Town Manager stated that they could discuss the restrictions under New/Unfinished business. Trustee Morlan asked about the Highlands Detention Pond that was mentioned in the Town Updates. Town Manager La May stated that in September the detention ponds located in the Highlands Subdivision overflowed and washed out a fence, tore out a road above Tamarack Drive and covered Tamarack Drive with sediment and rock. Staff contacted the property owner and asked them to cap the outlet to the ponds. The owner did come out and fill the outlet with dirt but no one was there to verify that the outlet was actually capped. Staff feels that this is something that should be verified even if we have to excavate the outlet.

Action Agenda Item #1: Liquor License Renewal – Bayfield Liquor Store

Town Manager La May stated that this is a regular license renewal for Bayfield Liquor at 455 E. Colorado Drive. The application and appropriate fees were received in the Clerk's office on October 28th, 2013 well before the due date of December 7, 2013. There have been no complaints or citations regarding this business. Staff recommends approval of the renewal application for Bayfield Liquor.

Trustee Morlan made a motion to approve to approve the liquor license renewal application for Bayfield Liquor, Trustee Nelson seconded.

**Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122**

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #2: Water Rate Study Presentation – Briliam Engineering

Town Manager La May stated that Patrick O'Brien with Briliam Engineering was attending tonight's meeting to give a presentation of the Water Rate Study.

Patrick O'Brien gave a Power Point presentation on the Water Rate Study. This study compares the revenues over the next several years based on 5%, 10% and 15% increases in monthly water fees.

Town Manager La May stated that because of the agreement between LAPLAWD and the Town of Bayfield there are no significant costs projected in the next five years.

Trustee Morlan asked what the target is.

Trustee Nelson asked why increase rates if there is no target.

Patrick O'Brien stated that this is a long term plan. In twenty years the Town could need between five and seven million dollars for upgrades and expansion of the Water Treatment facility.

Trustee Morlan asked what assumptions were made in this study for the sale of Tap Fees.

Patrick O'Brien stated that the study is based on the sale of ten tap fees per year.

Trustee Nelson asked if there were any assumptions that if the tap fees were increased building would slow down due to increased costs.

Patrick O'Brien stated that was not considered in this study.

Trustee Morlan asked when the Board would have to make a decision concerning the proposed rate increase.

Town Manager La May stated that he would ask the Board for a decision at the next Town Board meeting on December 3, 2013.

Action Agenda Item #3: La Plata Youth Services Request for Funding – Steve Brittain

Town Manager La May introduced Steve Brittain with La Plata Youth Services.

Steve Brittain described La Plata Youth Services as a community based diversion program that promotes positive youth development and encourages community engagement among youth at risk of becoming involved in the justice system. The organization has recently trained twenty one volunteer mediators and counselors. They have several groups that work with the youth of our communities to provide counseling, education on things such as the effects of marijuana use and useful community service. The Town of Bayfield accounts for 15% of the youth served by this program.

Trustee Renfro stated that she believes some of the addresses listed in Mr. Brittain's spreadsheet are actually county residences.

Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122

Trustee Nelson stated that the information provided by Steve Brittain was more than what has been received from any other organization requesting funding.

Marshal McIntyre stated that the addresses from the county are from kids referred by the Marshal's office for crimes committed in the Town limits.

Steve Brittain stated that La Plata Youth Services has negotiated with the La Plata County Clerk to use their office located in the upstairs of the Bayfield Town Hall. This office will be used to meet with youth in Bayfield every Wednesday.

Marshal McIntyre stated that he believes referrals will increase once the SRO is placed in the schools.

The Board agreed to leave the funding at \$7,800.00 in the 2014 budget for La Plata Youth Services.

Action Agenda Item #4: Discussion and Possible Action – Housing Solutions SW Request to Modify Deed Restrictions for Fox Farm Village PUD Lots

Town Manager La May stated that Elizabeth Salkind with Housing Solutions was here to request the modification of the deed restrictions for Fox Farm Village PUD lots.

Elizabeth Salkind stated that CDC was the developer of Fox Farm Village and the intent was to build a mixed income housing development. Habitat for Humanity was set up to serve the lowest income buyers, CHI was designed to serve the middle income buyers and Housing Solutions was to provide attainable housing to those just below or above the average income. This subdivision was designed with the belief that mixed incomes make for a healthier community. Habitat for Humanity have built multiple units and seem to be moving forward, CHI built on most of their lots but have since gone out of business. Housing Solutions have been unable to build because of the market changes.

Heather Erb, a local Real Estate Professional, gave a summary on the marketability of homes to be built by Housing Solutions in the Fox Farm Village Subdivision. Ms. Erb stated that in her research she found that the deed restrictions on the lots owned by Housing Solutions would make the lots less attractive to buyers and harder to appraise by lenders which could make financing difficult.

Elizabeth Salkind stated that in looking at the deed restrictions, Housing Solutions feels that the only way to accomplish their original goal is to modify the restrictions to not affect subsequent buyers.

Trustee Nyberg asked if Housing Solutions was having difficulties with the Homeowners Association.

Elizabeth Salkind stated that there is concern that the Homeowners Association is not fully funded and healthy and that could be a deterrent to all involved.

Trustee Nyberg asked how the Fox Farm Tower fits into this discussion.

Elizabeth Salkind stated that the Fox Farm Tower is owned by CDC and is not the responsibility of the Homeowners Association.

Trustee Nelson stated that she would like to see this project stay as close to its original intent as possible.

Trustee Morlan stated that he recalled the policing of deed restrictions was to be done by Regional Housing.

Town Manager La May stated that a lot of the monitoring was left up to the individual organizations building the homes.

**Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122**

Mayor Smith stated that if he understood correctly, Housing Solutions could build a product within its price range but it would not sell because of the deed restrictions.

Elizabeth Salkind stated that even if they had willing buyers they don't believe they would have willing lenders.

Heather Erb stated that this is a finance and marketability problem and deed restrictions are an unknown.

Mayor Smith stated that Regional Housing Authority has programs that assist with second mortgages to help people get financing.

Elizabeth Salkind stated that people eligible to purchase these homes would not be eligible for assistance from Regional Housing Authority because of the income requirements.

Mayor Smith stated that he would recommend Housing Solutions speak with the Southwest Colorado Council of Government and the Regional Housing Authority.

Town Manager La May stated that this topic was discussed at the last Regional Housing Authority meeting. The general position at that meeting was there is a fine line between advocating for something that the community is not in favor of. The Regional Housing Authority has not taken a formal position but we can ask them to give us their recommendations.

Mayor Smith stated that the Town of Bayfield worked hard and made some huge concessions to have this project built the way it is and he is not inclined to make any changes at this point.

Action Agenda Item #5: Consideration of Curbside Recycling – Transit Waste

Town Manager La May stated that the Town is at a point to update the contract with Transit Waste. Staff needs direction on whether or not to include curbside recycling in that contract. The cost would be an additional \$2.35 per month per customer whether the service was utilized or not.

Trustee Nelson stated that she felt the additional \$2.35 was very reasonable.

Trustee Nyberg agreed.

Trustee Morlan asked about the results of the survey regarding recycling.

Town Manager La May stated that most people who took the survey were in favor of paying between \$2.00 and \$3.00 for the service. He also stated that he would not suggest this was a statistically valid survey.

Trustee Nelson asked if this service would be available to businesses.

Town Manager La May stated that the service would only be available to residences at this time.

Trustee Morlan made a motion to pursue a contract with Transit Waste to include curbside recycling, Trustee Nelson seconded.

Roll call: 3 – 3

Motion failed.

Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122

Mayor Smith stated that he would like to give Trustee Davenport a chance to voice her opinion at the next meeting. He also asked Town Manager La May to ask Transit Waste if there is an option that would not include everyone paying for the service.

Action Agenda Item #6: Discussion and Possible Action – No Parking Areas Mountain View Drive & East Dakota Drive

Town Manager La May stated that there are two streets in town where we are having parking problems. Is the Board interested in making these streets No Parking areas to alleviate these issues? The first street is Mountain View Drive between Lakeside Drive and East Cedar Drive. The problem here is people parking on the side of the road during activities at the Middle School. The second street is East Dakota Drive. The issue here is that vehicles belonging to residents of the Mini Mansions Trailer Park are being parked on the street overnight

Trustee Renfro stated that she would be in favor of no parking on Mountain View Drive. She also stated that East Dakota Drive is a bus stop and she would be in favor of putting a time limit on the parking on that street.

Mayor Smith agreed with Trustee Renfro.

Trustee Nelson asked if there was already an ordinance on record that would prevent the parking on East Dakota Drive without making it a no parking zone.

Trustee Au stated that he recalled passing an ordinance in the last few months to prevent parking of vehicles in the Town's right of way.

Public Works Director Saba stated that this is a fairly new problem on East Dakota Drive.

Trustee Nelson asked again if there was an ordinance on record to help with this issue.

Town Manager La May stated that the ordinance refers to abandoned vehicles.

Marshal McIntyre stated that the issue on East Dakota Drive is the residents of the Mini Mansions Trailer Park not having enough space to park their oil field trucks and trailers so they are parking on the street.

Trustee Nelson asked what the specific issues were that needed to be solved on each street.

Marshal McIntyre stated that the issue on Mountain View Drive is safety and the issue on East Dakota Drive is snow plowing.

Trustee Renfro stated that she has heard citizens complain about the parking on Mountain View Drive for several years. She believes that more residents will be thankful than upset for the No Parking signs.

The Board agreed that No Parking signs should be installed on Mountain View Drive between Lakeside Drive and East Cedar Drive.

The Board instructed Town Manager La May to notify the school district that the Town intends on installing the no parking signs.

Trustee Nelson asked if the issue on East Dakota Drive was a snowplowing problem.

Town Manager La May stated that the issue on East Dakota Drive is a snowplowing problem.

Trustee Nelson asked if they could designate East Dakota Drive a snow route instead of a no parking zone.

**Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122**

The Board agreed to install signs and designate East Dakota Drive a snow route.

Action Agenda Item #7: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9)

Trustee Nelson stated that the SWCCOG has not met since the last Town of Bayfield Board Meeting.

Town Manager La May stated that at the last La Plata County Economic Alliance Meeting the Regional Housing Authority made a presentation regarding their housing programs and how those programs benefit economic development.

Town Manager La May stated that RHA met last week and discussed the deed restrictions in the Fox Farm Subdivision. RHA also discussed the negotiations with Durango Mountain Resort regarding a program that is run through La Plata County that provides loan availability to DMR employees.

Trustee Renfro stated that SWTPR will meet on December 6, 2013.

Finance Director Dunavant stated that Region 9 will meet in January 2014.

Trustee Nyberg stated that the Planning Commission discussed Flood Plain Management.

Trustee Morlan stated that the Senior Board announced that they would be giving the Town of Bayfield a donation of \$1,200.00.

Action Agenda Item #8: New/Unfinished Business

Town Manager La May stated that he is looking for direction in regards to asking La Plata County to agree to ban the sale of Retail Marijuana within a three mile radius of the Town of Bayfield.

The Board agreed that staff should draft a resolution asking La Plata County to ban the sale of Retail Marijuana within a three mile radius of the Town of Bayfield.

Town Manager La May stated that he has been contacted by a representative of SkyWerx and they are expressing interest in leasing space on the water towers.

Trustee Au asked how big of a structure SkyWerx was intending to install on our water towers.

Town Manager La May stated that he does not have any specifics at this time. He will bring more details back to the Board at a later time.

Town Manager La May stated that he will be meeting with a prospective buyer of the old Mars property on County Road 526. This individual is interested in building an RV/Cabin facility. The property is currently in the county so it will need to be annexed into the Town of Bayfield.

Trustee Nelson asked when the hole in the roundabout was going to be repaired.

Town Manager La May stated that Four Corners Materials plans on making that repair on Monday November 25, 2013.

Trustee Au asked how things stood on converting our irrigation rights to domestic use.

Town of Bayfield
Regular Town Board Meeting
November 19, 2013
1199 Bayfield Parkway, Bayfield CO 81122

Town Attorney Nelson stated that the process is moving along and the goal is to have everything filed by the end of the year.

Trustee Renfro asked when the Old Fashioned Christmas event was to be held.

Town Manager La May stated that the event is to be held Saturday December 7, 2013.

Trustee Renfro stated that approximately 250 people attended the Community Potluck on November 16, 2013.

Trustee Nelson made a motion to move to Executive Session in accordance with C.R.S. 24-6-402(4)(a) related to the purchase, acquisition, lease, transfer, or sale of any real or personal property interest for a Park Maintenance Facility to include Town Manager La May and Town Attorney Nelson, Trustee Renfro seconded.

Roll call: 6 – 0

Motion passed unanimously.

Meeting adjourned to Executive Session at approximately 9:15 pm.

Board came out of Executive Session at approximately 9:30 pm.

Trustee Au made a motion to move to Executive Session in accordance with C.R.S. 24-6-402(4)(f) for Town Manager's annual performance evaluation to include Town Manager La May, Trustee Nelson seconded.

All were in favor motion passed unanimously.

Meeting adjourned to Executive Session at approximately 9:35 pm.

Board came out of Executive Session at approximately 10:00 pm.

Mayor Smith asked for the Board's opinion on a salary adjustment for Town Manager La May.

Trustee Morlan made a motion to approve a 4% increase to Town Manager La May's annual salary, Trustee Nelson seconded.

All were in favor motion passed unanimously.

Mayor Smith asked Town Manager La May to present the Board with a contract amendment at the first meeting in December.

The meeting was adjourned at approximately 10:05 pm.