

**Town of Bayfield
Regular Town Board Meeting
February 18, 2014
1199 Bayfield Parkway, Bayfield CO 81122**

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

Town Board Members Absent:

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

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 (Trustee Renfro arrived after roll call)

Pledge of Allegiance:

Approval of Minutes: Trustee Nelson made a motion to approve the minutes from February 4, 2014 as presented, Trustee Au seconded.

Motion passed unanimously.

Approval of Bills: Trustee Davenport made a motion to approve the bills dated February 5 through February 13, 2014, Trustee Renfro seconded.

Roll call: 7 – 0 (Trustee Au abstained on the bill to Pinnacle Surveying, Mayor Smith abstained on the bill to Data Safe Services)

Motion passed unanimously.

General Public Input: Mr. Teddy Jack, 542 W. North Street, stated that he would like the Board of Trustees to give him the same consideration, as his neighbor at 550 W. North Street, in granting a quit claim deed for the right of way located in front of his property. Mayor Smith stated that Mr. Jack should consult with Town Manager La May regarding this matter.

Town Updates: Trustee Davenport stated that the wrong date was included in the updates for the SWCCOG retreat.

Public Hearing: Bottom Shelf Brewery, LLC – Liquor License

Town Manager La May stated that Bottom Shelf Brewery, LLC is asking for approval to apply for a Brew Pub License. The application, petition of support and all applicable fees were submitted to the Town Clerk's office on December 30, 2013. The application has been sent to the State Liquor Department for concurrent review. Staff is recommending approval of the application with the following conditions: Evidence of the Federal Brewing License to be provided to the Town within 30 days of approval, the appropriate Sanitary Sewer fees be paid prior to any brewing operations, and that we receive application approval from the Colorado Department of Liquor Enforcement.

Mayor Smith asked if the Board of Trustees or the Bottom Shelf Brewery owners had any questions.

No questions were asked.

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Mayor Smith opened the meeting for Public Comment.

No comments were offered.

The Public Hearing was closed.

Mayor Smith stated that the staff report and application included in the Board Packet are to be entered into the official record.

Action Agenda Item #1: Bottom Shelf Brewery, LLC – Liquor License

Trustee Morlan asked if it was necessary to include the entire application in the Board Packet.

Town Attorney Nelson stated that the Town Board of Trustees is the Liquor Licensing Board and they should be aware of all the evidence.

Trustee Morlan asked if he should abstain from voting since Region 9, his place of employment, is a lender for this business.

Town Attorney Nelson stated that Trustee Morlan would have no financial benefit from the approval of the liquor license so there is no need to abstain from voting.

Trustee Nyberg made a motion to approve the application for Bottom Shelf Brewery's Brew Pub License, if approval is given by Colorado Department of Liquor Enforcement, proof of the Federal Brewing License is provided within 30 days and the appropriate Sanitary Sewer fees are paid, Trustee Nelson seconded.

Roll call: 7 – 0

Motion passed unanimously.

Action Agenda Item #2: Presentation And Discussion – Region 9

Town Manager La May stated that Laura Lewis Marchino was attending tonight's meeting to give an update on Region 9, what is going on in our area and how the Town of Bayfield can benefit from their assistance.

Laura Lewis Marchino stated that Region 9 is an Economic Development District that covers the five counties of Southwest Colorado, which includes seventeen Governmental Jurisdictions. She gave a presentation on the different programs that Region 9 provides, including Business Loan Programs, Enterprise Zone Tax Credits and Data Technical Assistance. She presented the Board with some informational reports including a Livable Wage Report and a Retail Sales Data Report comparing the Town of Bayfield to surrounding communities.

Laura Lewis Marchino stated that Region 9 would like to help with the Town of Bayfield's Economic Development Plan and Visioning Project.

Trustee Nelson stated that she would like to see the Town of Bayfield work with Region 9 on the Visioning Project.

Mayor Smith stated that he believes the town should have a vision of what it wants to be, then all decisions made should lead in that direction.

Trustee Morlan suggested forming a committee to keep this project on task.

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Action Agenda Item #3: Discussion And Possible Action Regarding Request To Vacate Section Of Right-of-Way In Dove Ranch Subdivision

Town Manager La May stated that he had received a letter from the resident of 447 Dove Ranch Road. The resident is asking if the Town of Bayfield would sell to him, for personal use, their rights to the right of way adjacent to his property. The Master Plan for Dove Ranch Development does not envision using this right of way. The land north of Dove Ranch has stayed vacant for a long period of time and most entitlements if any have expired. Staff feels that the sale of this right of way would be premature at this point.

Trustee Nelson stated that she concurred with Town Manager La May.

Trustee Au, Trustee Renfro and Mayor Smith all stated that they would concur also with Town Manager La May.

Trustee Morlan stated that a lease option was mentioned in the staff memo.

Town Manager La May stated that he suggested to the resident that a lease may be an option.

Mayor Smith stated that the Board of Trustees are not willing to sell or vacate this right of way at this time.

Action Agenda Item #4: Consideration Of Approval Of Professional Services Agreement With Bechtolt Engineering, Inc. For Bridge Replacement Project

Town Manger La May stated that at the last meeting, Bechtolt Engineering was approved as the Engineer of Record for the Bridge Replacement Project. The estimated cost of engineering from design through construction observation and inspection is \$536,919.00, which is approximately 18% of the project. Staff is recommending approval of the Professional Services Agreement with Bechtolt Engineering for the Bridge Replacement Project.

Trustee Au made a motion to approve the Professional Services Agreement between the Town of Bayfield and Bechtolt Engineering for the Bridge Replacement Project, Trustee Nyberg seconded.

Trustee Morlan asked if Town Manager La May and Attorney Nelson had read the agreement in its entirety.

Town Manager La May stated that he had read the agreement and Attorney Nelson has reviewed the legal contract. He also stated that this is an estimate and things could change as the project proceeds.

Roll call: 7 – 0

Motion passed unanimously.

Action Agenda Item #5: Consideration Of Authorization To Purchase A 2014 Dodge Charger

Marshal McIntyre stated that \$45,000.00 has been budgeted in 2014 for a new patrol vehicle. This price includes the necessary equipment needed to outfit the vehicle. By going out of state we can purchase a vehicle complete with necessary equipment for \$6,000.00 less than the Colorado State bid. Staff is asking for approval to move forward with the purchase of a 2014 Dodge Charger from West Mesa Emergency Products.

Mayor Smith stated that he applauded Marshal McIntyre for purchasing under the budgeted amount and for working hard to find the best deal available.

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Trustee Nyberg asked how many cars are in the Marshal's fleet.

Marshal McIntyre stated that this car would make seven vehicles total.

Trustee Nyberg asked if the new car would be replacing an older vehicle.

Marshal McIntyre stated that the new car would provide all deputies with a vehicle. At this time the department has two deputies sharing one vehicle.

Trustee Nyberg stated that the SRO position with the Marshal's office could possibly be gone in three years.

Marshal McIntyre stated that was true. The position could be gone in three years.

Trustee Nelson made a motion to approve the purchase of a patrol vehicle from West Mesa Emergency Products not to exceed \$35,000.00; Trustee Morlan seconded.

Roll call: 6 – 1 (Trustee Nyberg voted against)

Action Agenda Item #6: Discussion And Possible Action – US 160 Feasibility Study – West Side Intersection

Town Manager La May stated that he believes we have come to a conclusion on the preferred alternative for the West Side Intersection. This is based on comments and information gathered at the November 14th, 2013 Open Forum and at the meeting held on January 7th, 2014. The Bayfield Parkway Option is the exhibit that staff is recommending.

The Board agreed to move forward and support the Bayfield Parkway Option with CDOT.

Action Agenda Item #7: Consideration Of Resolution #317, A Resolution Of The Board Of Trustees Of The Town Of Bayfield, Colorado Regarding The Designation Of The Election Official And Regarding The Appointment Of Election Judges For The 2014 Regular Election

Town Manager La May stated that in accordance to State Statute, the Board of Trustees needs to designate an election official to conduct the election and delegate authority to that person to appoint election judges.

Trustee Morlan made a motion to approve Resolution #317, a resolution of the Board of Trustees of the Town of Bayfield, Colorado regarding the designation of the election official and regarding the appointment of election judges for the 2014 regular election, Trustee Davenport seconded.

Roll call: 7 – 0

Motion passed unanimously.

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Action Agenda Item #8: Discussion And Possible Action – Rescheduling The April 1, 2014 Regular Scheduled Meeting

Town Manager La May stated that the first regularly scheduled Board meeting for April is the same day the election is being held. Staff is recommending rescheduling the first Board meeting to a later date. There are five Tuesdays in the month of April. Both April meetings could feasibly be moved back a week.

Trustee Nelson asked if it would be detrimental to not have a meeting on April 1, 2013.

Town Manager La May stated that the only thing that would be affected would be the bills, but staff could manage.

Trustee Davenport made a motion to reschedule the April Town Board Meetings from April 1st and April 15th to April 8th and April 22nd to accommodate for the election, Trustee Au seconded.

Roll call: 7 – 0

Motion passed unanimously.

Action Agenda Item #9: Discussion And Possible Action – Town Attorney Recruitment

Town Manager La May stated that staff has published a Request for Proposals in the Durango Herald and has advertised in the Colorado Municipal League Job Seeker for the position of Town of Bayfield Attorney. Those proposals are required to be submitted by February 27th, 2014. Staff will compile those proposals and present them to the Town Board at the first meeting in March. We need to establish a date and time for the interview process.

Mayor Smith stated that he would like Department Heads to participate in the interview process.

Trustee Nelson stated that she agreed with the Mayor.

Attorney Nelson stated that March 17th, 2014 is to be his first day on the job for the City of Durango. He would like to have things wrapped up in Bayfield by the first of April.

Mayor Smith suggested holding the interviews with the staff during business hours and then hold interviews with the Town Board after 5:00 pm.

The Board agreed to conduct interviews on March 12th, 2014. Staff interviews will be held during the day and Board interviews will begin at 5:30 pm.

Action Agenda Item #10: Discussion And Possible Action – Southwestern Transportation Region Fiscal Agent

Town Manager La May stated that Trustee Renfro is requesting guidance on how to cast her vote regarding the Southwestern Transportation Region Fiscal Agent. Region 9 is currently the Fiscal Agent for the SWTPR. At the next SWTPR meeting the members will vote to remain contracted under Region 9 or move under the supervision of the SWCCOG.

Trustee Davenport asked if the SWTPR moved under the supervision of the SWCCOG would the Town of Bayfield still fund both entities.

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Trustee Nelson stated that at this point the SWCCOG is not financially able to absorb any additional costs.

Town Manager La May stated that the entities are funded separately.

Trustee Davenport asked if the new Executive Director of the SWCCOG has experience with transportation in order to offer guidance to the SWTPR.

Town Manager La May stated that the Executive Director of the SWCCOG is a former member of the SWTPR board.

Trustee Nelson stated that she would like to see things move forward and utilize the SWCCOG.

Trustee Au stated that he thinks SWTPR should stay with Region 9 since the two tribes are not part of the SWCCOG.

Trustee Nyberg stated that he did not have an opinion either way.

Mayor Smith stated that he would like to see the SWTPR move under the supervision of the SWCCOG.

Trustee Davenport stated that she is inclined to have it stay with Region 9.

Trustee Morlan stated that he believes SWTPR should move under the supervision of the SWCCOG.

Town Manager La May stated that he believes it is time to move under the supervision of the SWCCOG.

Trustee Morlan stated that Region 9 will help with the transition to the SWCCOG.

Action Agenda Item #11: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)

The Board Reports for the SWCCOG and the LPCEA were included in the Town Board Packets.

Trustee Nelson stated that during the SWCCOG Retreat it was recognized that they do need to reach out to the tribes.

Trustee Davenport stated that the RHA is working on policies and procedures. Three Springs contributed some money to RHA so that they can offer down payment funds to prebuild buyers.

Trustee Renfro stated that SWTPR will meet in March.

The updates for Region 9 were included in the Board Packet.

Trustee Morlan stated that he met with a business that is looking to open in Bayfield.

Action Agenda Item #12: New/Unfinished Business

Town Manager La May stated that Pine River Shares is this coming Saturday at the old mid school gym. They are receiving the Safe and Healthy Community Event Award and the seal of approval from the Celebrating Healthy Communities Coalition of San Juan Basin Health Department.

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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 Park Shop to include Town Manager La May and Attorney Nelson, Trustee Renfro seconded.

Roll call: 7 – 0

Motion passed unanimously.

Board adjourned to Executive Session at 8:37 pm.

Board came out of Executive Session and returned to regular session at approximately 8:49 pm

Trustee Morlan made a motion to terminate the Eli Max Contract under the inspection clause; the board finds the condition of the property is not satisfactory for the needs. Trustee Renfro seconded.

All were in favor and motion passed unanimously.

Meeting was adjourned at 8:51 pm.