

**Town of Bayfield  
Town Board Regular Meeting  
February 6<sup>th</sup>, 2007**

**Town Board Members Present:** Mayor James Harrmann, Tom Au, Daryl Yost, Carol Blatnick, Russ Jones

**Town Board Members Not Present:** Rick Smith, Niel Hieb

**Staff Present:** Justin Clifton, Joe Crain, Dirk Nelson, Marianne Hicks, Jim Harrington

**Media Present:** Carol McWilliams - Pine River Times

The meeting was called to order @ 7:05 p.m.

**Minutes:** Daryl motioned to approve the minutes from the January 2<sup>nd</sup>, 2007 meeting as submitted. Carol seconded the motion. All were in favor, motion passed unanimously.

Daryl motioned to approve the Minutes from the January 16<sup>th</sup>, 2007 meeting as submitted. Carol seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** Justin introduced the high school students from Ms. Palmer's Earth Class. He invited them to speak to the Town Board regarding a recycling program.

Mrs. Palmer introduced herself as the teacher for the Earth Club. The Club has been doing petitions to try and get a recycling program back in place in Bayfield

All the students introduced themselves. The Earth Club is involved in many High School projects such as: Project Merry Christmas, Tree Planting, Homeless Shelter, Trash Clean-Up, etc. They started a recycling program and it was going very well until the Bayfield recycling center shut down.

Right now, they are commuting their recycling to Durango so they decided to send out petitions asking residents if they were doing the same thing. They received 536 signatures from residents stating that they would use the center if it was put back into place. They also looked into finding a location to put a new recycling center. They looked at the property located on the cul-de-sac on Wolverine Drive, the grocery store parking lot or behind the preschool.

The Mayor asked if they would volunteer to help man this station if it was put back into commission.

Ms. Palmer explained that it would be very easy to set up the bins so that they are very self-explanatory and difficult to abuse. She stated that they would be willing to help with the sorting of the school recyclables and they have already received confirmations from the area business' that they would sort their recyclables. She said that it would help if the containers were very accessible, user-friendly and clearly marked.

The Mayor said that he has been advocating the curb-side service offered by Phoenix Recycling out of Durango.

Ms. Palmer responded that they have talked with Phoenix but they will not service large commercial businesses.

Carol commended the club for the work that they are doing but explained that the service was abused so badly that the Town Board was forced to shut it down because the Town did not have the resources to continue supervising it and cleaning up the messes. She explained that this would need to be a community project and asked Justin to schedule some sort of community get-together to try and come up with a solution for this issue.

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One of the other Earth Club students stated that the 2<sup>nd</sup> petition they sent out has about the same number of signatures as the 1<sup>st</sup> one. This one regarded whether or not residents/businesses would use the service without abusing it. She stated that the whole community really wants this service. Pine River Times is taking their recycling to Durango and they stated that it would be much more convenient use a center in Bayfield. Also, there are many parents that have completely stopped recycling because there isn't a station in Town.

Another one of the Earth Club members stated some facts and statistics about recycling and how good it is for society.

The Mayor thanked them for their time and effort and stated that he is a very strong supporter of the recycling program and he offered to help them in any way he can.

Public Input was then closed.

Daryl motioned to move Action Agenda Items # 9 & #10 up to the beginning of the meeting. Tom Au seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #1: Approval of Bills**

Daryl motioned to approve the bills as presented. Carol seconded the motion. All were in favor (Tom Au abstained from voting on his bill to the Town) so the motion passed unanimously.

**Action Agenda Item #9: RPI Contract**

Justin gave his staff report. He stated that the Town Board had instructed him to begin negotiations with RPI to do a Road Impact Fee Study. The Town has received the contract for this study. Dirk & Justin have reviewed the contract and have made a few slight changes in the reimbursable section of the contract. They included a not-to-exceed fee to clarify that extra costs will only be incurred if the Town requests services beyond those necessary to perform the total and complete road impact fee study.

Carol asked if Justin is satisfied with the contract.

Justin answered that both he and Dirk are satisfied.

Carol motioned to approve the Contract from RPI. Russ seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #10: BP Lease**

Justin gave his staff report. He stated that this lease is for the Town-owned property located across from the Post Office. The property is less than half an acre and BP is offering to lease the mineral interest in the property and give the Town a proportionate share of royalty from the well.

It was asked if this property would be a viable location to move the Water Salesman.

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Justin responded that he would check if it could be an option. However, the property is long and skinny so it might not be a possible solution.

Daryl motioned to approve the BP Lease Contract. Carol seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #2: Town Hall Update**

Justin gave his staff report. The major issue at this time is the lease agreement with the County for their portion of the New Town Hall. The County is agreeable to the 4 year lease with the option for 4 additional years. The next issue with the lease is to finish up the fair market value assessment. Justin doesn't think that it's going to be difficult to structure the lease to cover fair market value. The lease will be structured so that the utilities for the building will be figured using a percentage instead of having separate meters for the Town and County. Justin is planning on coming back at the next meeting with a fair market value so that the Board can choose a rate.

**Action Agenda Item #3: Senior Center Update**

Justin gave his staff report. He stated that he is working with Dirk on the proposed IGA with the County. They are hoping to bring this to the Board at the next meeting. He is also reviewing the Request for Proposals (RFP) that was submitted by Marty. There is a meeting scheduled on February 15<sup>th</sup>, 2007 to get final approval of the RFP and come up with a schedule to begin interviewing architects.

**Action Agenda Item #4: Update From The Marshals Office**

Justin stated that the Board had requested updates from the department heads so that they could hear how things are going in the different Town Departments. Jim Harrington, Chief Marshal, was present at the meeting to answer questions.

Daryl asked about grant writing for the Marshals office.

Jim answered that they have requested a grant for car cameras. They did receive the grant but it was only half of the anticipated amount. They are working on getting the rest of the grant. They are also working on another spy and neuter grant this year. There is less money available for public safety grants but they are diligently trying to find more of them.

Carol asked if Jim has enough guys working for him.

Jim answered that the extra marshal that was granted in 2006 has really helped to make things easier. They are trying to keep comp time hours at a minimum but it's a never-ending process to keep the overtime hours down.

It was mentioned that the blinking school light on County Road 501 by the high school has been out since Thanksgiving.

Jim answered that he is meeting with Robert Ludwig (a former Public Works Employee) to work on the lights. Robert is familiar with the system and is willing to teach the Marshals how to work them so that this problem won't happen again in the future.

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The Mayor asked if the speed limit through that stretch of road is 35 mph or 20 mph.

Jim answered that the speed limit is 35 mph unless the light is flashing; however, since the lights aren't working they can't enforce the 20 mph.

Daryl asked if Robert Ludwig is going to be compensated for helping with this issue.

Jim answered that he is going to discuss payment with him and then discuss the rate with Justin.

Jim also informed the Board that they have ordered an all-wheel drive Dodge Charger V-6 as the new police vehicle. They decided on a sedan instead of an SUV to help save on fuel costs.

He is also working on enforcing the nuisance ordinance. They have issued some warnings and are going to start issuing tickets.

**Action Agenda Item #5: Public Hearing: 3.2 Liquor License For Giant Industries, Inc**

Justin stated that the liquor application is in order but there is one potential issue. Justin read an email from Pat to Marianne Mattia, the Retail Facilities Administration with Giant Industries. The email states that the local general manager of the store in Bayfield was surprised that Giant was considering this 3.2 license. The local store manager is not in favor of the license and stated that she would not participate in communicating the instructions to the signers of the liquor license petition. The petition had a total of 38 signatures but only 12 were valid. There were 5 in favor of the license and 7 were opposed.

The item was then opened up to public input.

Kim Watts, representative for Giant Industries, stated that the local manager was not informed of the decision to apply for the liquor license because she was out due to surgery. Kim said that the manager is now in favor of the application and is ready to move forward with the process.

Public input was then closed.

Justin stated that the problem with this application is that 7 out of the 12 signatures were opposed so the Board will have to decide what they would like to do with this application.

Dirk stated that the Liquor Authority needs to be provided with substantiation of needs and desires of the community. Since the needs and desires have not been proven thoroughly this item can be continued to the next meeting.

Daryl motioned to continue the public hearing for the 3.2 Liquor License for Giant Industries to the February 20th, 2007 meeting. Carol seconded the motion.

It was stated that the Board would like to get the petition out for the community to respond.

All were in favor, motion passed unanimously.

Marianne stated that she will make sure that the store receives a new petition and the liquor sign in the window of the store is updated with the new public hearing date.

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**Action Agenda Item #6: Discussion Regarding Piping The Bean Ditch @ Joe Stephenson Park**

Justin gave his staff report. He stated that Gerald is going to pipe the ditch and he has requested a relocation of the prescriptive easement so that the piping goes directly through the park instead of around it. It has been suggested that if the Town grants the new easement that Gerald should replace all the vegetation on the disturbed ground and seed the vacated portion of ditch. This would help mitigate the impact of moving the ditch. Justin wants to get the Boards' input on these mitigations.

The floor was given to Gerald Ludwig.

Gerald Ludwig thinks that the ditch needs to be piped. They would like to pipe the ditch straight through the park by changing the easements but if they have to they will pipe through the old ditch. It would be much easier if they could take out the bend in the ditch and keep the pipe in more of a straight line.

Russ asked if it will change elevation.

Gerald answered that it will stay the same but that there will need to be fill in some places.

Russ asked how big the pipe will be.

Gerald answered that it is 2 foot corrugated pipe. Gerald also stated that he feels that the Town should give some help towards the piping process.

Justin asked for direction from the Board about whether or not they are comfortable with the Town Public Works Department participating in relocating the ditch.

Daryl said that he is okay with changing the easements and that it's the Ditch Company's right to pipe the ditch. He doesn't think the Public Works department should work on the process.

Russ said that he is okay with the Town Public Works Department helping out but thinks that an agreement needs to be written up stating the Town will not warranty the work.

It was asked who is doing the engineering for the project.

Gerald answered that the Southern Ute Tribe gave them the money to pipe the ditch. They also shot the grade and engineered the plans.

Justin asked the Board what kind of an agreement they would like to enter into in this situation.

Russ answered that he would like to see the drawings and would like to look at the project with Tom Au to get some information about the elevation and the drainage.

It was asked what will happen to the old ditch if the easement is granted.

Gerald answered that the old ditch will be covered up and landscaped with the current topography.

This item was then opened up for Public input.

Leo Lloyd (379 East Lakeside Drive) said that he feels that the ditch should be left alone. He thinks that the bridge across the ditch really added to the beauty of the park and that once the

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ditch is piped that the people are going to miss it. He also doesn't think that the Town should have to pay in anyway for the ditch being piped.

Phyllis Ludwig said that they came to the Town Board two years before the bridge was erected to ask about piping the ditch. They are also trying to get grants to pipe the Schroeder Ditch; however, it's estimated that it will cost 3.5 million to pipe the Schroeder.

Daryl motioned to direct staff to continue working with the Ludwig's on this project. These negotiations should include coming up with a landscaping plan, an agreement on the easements, and an assessment of the grading/elevation.

Russ seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #7: Murray Mead Subdivision Request**

Justin gave his staff report. He stated that the Town Board has been waiting on will-serve letters from the Sanitation District on all new developments. These new developments are being sent through the filing process but are then held at the Board level at final plat. Murray Mead is one of the developments that are being held at final plat. He has approval for a minor subdivision splitting his property into two pieces of property. Murray has been working with the Sanitation Board and requested that the Sanitation District issue his project a will-serve letter. The District did issue a letter regarding the Murray Subdivision but it is not a will-serve. It's a letter of current status. However, Murray would like to continue with his subdivision and record his final plat. Justin explained that it would up to the Board to decide if they want to allow this subdivision to be recorded. Justin also said that there is significant political risk with going through with this subdivision because in the negotiations with the State and the Tribe, the Town has been stating that they are helping with sewer capacity by not allowing any new subdivisions or annexations to be recorded. Justin said that he feels that it would be a definite risk to allow this subdivision to be recorded.

Murray Mead (1809 Highway 160B) stated that he submitted his project before the cease and desist order was issued. But he would like to be able to go ahead and record his plat. He understands that he would not be able to purchase new sewer taps but it would make his property value higher if he could list the property as two separate parcels.

Dirk said that the annexation agreement for Murray's subdivision states that final plat cannot be recorded until adequate sewer service is available. He said that under the terms of the original approval, it would be very difficult to go forward with final plat of the subdivision.

Justin said that he does not want the State to think that the Town is waffling on their stance of not allowing new subdivisions.

Dirk said that the annexation agreement states that no new development can happen on this piece of land until the Sanitation District can issue a will-serve letter. Dirk feels that the letter from the District is not a will-serve letter. It is a No-Service Available letter. He thinks that creating new lots could definitely be a problem. It could be done if it had very strong stipulations but the Board would have to decide if they really want to do this.

Murray said that he didn't know what was in the annexation agreement and that he is a little disappointed with that information. He feels that he is very limited on what he can do with his property.

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Daryl motioned that until the conditions of the annexation agreement of the Murray Mead Annexation are met, the final plat cannot be recorded.

Russ seconded the motion.

All were in favor so that motion passed unanimously.

**Action Agenda Item # 8: Sanitation District Update**

Justin gave his staff report. He stated that the District has been working on identifying high commercial users and illegal dumping. However, it's difficult for the District to make significant progress because they don't have an organized management team. The Sanitation Board is overwhelmed and Justin recommended that it might be time to do a change of governance to help the problem.

Daryl motioned to instruct staff to draft a resolution stipulating conditions for the dissolution of the Sanitation District including time-frame, process & interim arrangements. The motion includes the Town working with the District to begin a cooperative management arrangement that will quickly and efficiently shift responsibility to the Town. This would include asking the District to allow audits of all Sanitation records showing operation costs vs. the tap fees received so that the Town can see how the Sanitation incomes are being spent. The Town would like copies of all bylaws, ordinances, resolutions, contracts, etc. The Town also asks that the District work closely with the Town Manager and the Town Attorney & hold public input meetings in the Town and Gem Village to hear the concerns of the residents and go through a process to understand how the change in governance will affect financing & other legal contracts. Also, a joint work session will need to be set up between the District & the Town Board to discuss the process. The District & the Town will need to immediately identify & stop excessive discharge in the system by commercial users and immediately come up with solutions to stop the discharge violations by doing something more than hiring experts. Daryl finished the motion by requesting that these items be made the Town staff's highest priority and give feedback to the Town Board on what progress has been made by the next Board meeting.

Carol seconded the motion.

All were in favor so the motion passed unanimously.

Daryl stated that this is a top priority and would like to see this on the May election if possible.

Mack Cocher (owner of the Riverside RV Park) stated that their RV Park has been targeted as a significant high commercial user. He stated that they have tried to do everything they can to be a help with the sanitation issue. He said that between June & November, the RV Park had a total of 78 RV dumps. This is an average of about 40 gallons. He feels that the RV dumping is insignificant to the overall problems. He proposed trying to get commercial users together to try and acknowledge where the problems lie. He also stated that he strongly supports the positive and responsible growth of Bayfield and is willing to help and support the growth.

Jim Flint asked if there is a way to inform the sewer board of this motion by tomorrow morning and possibly send someone with Justin to the meeting to help with the reception of this approach.

The Mayor volunteered to accompany Justin to the meeting.

**Action Agenda Item #11: Possible Insurance Claim Issue**

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Dirk stated that he doesn't feel any action needs to be taken in this issue.

Justin said that he has talked to CIRSA and that there is nothing that needs to be discussed or any action that needs to be taken until more information is received regarding the possibility of the claim.

**Action Agenda Item #12: New/Unfinished Business**

Daryl asked about the Tone property and stated that he would like to see this item on the next agenda.

Justin said that he is already exploring this property for a possible water salesman site and that he will get it on the agenda with an update of the progress.

Carol asked if the sign at the new Joint Maintenance Facility is up.

Justin answered that it is up and that Alert Traffic Signs gave it to the Town for free.

Meeting was adjourned at 9:00 p.m.