

Town of Bayfield
Regular Town Board Meeting
March 4, 2014
1199 Bayfield Parkway, Bayfield CO 81122

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

Town Board Members Absent: Trustee Renfro, Trustee Morlan (Trustee Morlan arrived during discussion of Action Agenda item #3).

Staff Present: Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Joe McIntyre (Marshal), Erin Dunavant (Finance Director), Ron Saba (Public Works 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: 5 present 2 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Nelson made a motion to approve the minutes dated February 18th, 2014 as presented. Trustee Nyberg seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Davenport made a motion to approve the bills dated February 19th through February 28th, 2014. Trustee Au seconded.

Roll Call: 5 – 0 (Mayor Smith abstained from the bill for Data Safe Services and Trustee Au abstained from the bill for Pinnacle Surveying)

General Public Input: No comments were offered.

Town Updates: Trustee Davenport stated that the Cowboy Luau, the Community Shares Dinner and the Lions Club Fundraiser were all being held on Saturday March 22nd, 2014. Mayor Smith stated that he noticed in the updates that staff was discussing the possibility of moving the fireworks to Joe Stephenson Park. Town Manager La May stated that he had met with Mack Coker and he is fairly certain that they will be moving the fireworks back to the park.

Action Agenda Item #1: Western Refining Southwest Inc. – Liquor License Renewal

Town Manager La May stated that Western Refining Southwest, Inc. has submitted a renewal application for their liquor license at 650 Buck Highway. The application and all appropriate fees were received in the Town Clerk's office on February 27, 2014. The license is to expire on March 13, 2014. The Town Clerk provided the business with a reminder of the expiration on January 23, 2014. Although the renewal was not submitted in a timely manner, staff is recommending approval of the renewal application.

Trustee Nelson made a motion to approve the Liquor License renewal application for Western Refining Southwest, Inc. Trustee Nyberg seconded.

Roll call: 5 – 0

**Town of Bayfield
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Motion passed unanimously.

**Action Agenda Item #2: Consideration Of Amendment To Souder, Miller & Associates Task Order No. 7
– 2014 Sewer Rehabilitation Project**

Town Manager La May stated that the Town of Bayfield has entered into an agreement with Souder Miller and Associates for the Sewer Rehabilitation Project, which includes replacement of sanitary sewer lines and slip-lining. Staff feels that it would be appropriate to do two separate projects instead of one. We believe that by separating the projects, there will be a cost savings on markup because there will not be a contractor that is capable of doing excavation, replacement of lines and slip-lining. Staff would like to have one project for excavation and line replacement, another for slip-lining.

Trustee Au made a motion to amend Task Order #7 for the Sewer Rehabilitation Project as staff recommended. Trustee Nelson seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #3: Consideration Of Acceptance Of Easement From La Plata Electric Association
(LPEA)**

Town Manager La May stated that, included in the Board Packet, is a map that identifies the property in question, which is Out Lot 1 of the Davin Subdivision. This property is portions of the alley way north of the Quonset hut between Mill Street and South Street. The property is currently owned by LPEA and they have approached staff about granting the Town of Bayfield an easement that will memorialize our rights to the property. Staff is recommending acceptance of the easement being offered.

Trustee Au asked if this easement was for the entire lot.

Town Manager La May replied yes, the easement is for the entire lot.

Trustee Nelson made a motion to accept the easement for Out Lot 1 LPEA Boundary Adjustment of the Davin Subdivision. Trustee Nyberg seconded.

Roll call: 5 – 0 (Trustee Morlan abstained)

Motion passed unanimously.

**Action Agenda Item #4: Consideration Of Resolution #316, A Resolution Of The Town Of Bayfield,
Colorado, Adopting A Second Supplemental Budget For The Calendar Year Beginning On The First Day
Of January 2013 and ending On The Last Day Of December 2013 And Appropriating Additional Sums Of
Money To The Garbage Fund For The 2013 Budget Year**

Town Manager La May stated that staff is requesting approval of a supplement to the 2013 Budget for two items. The first supplement is for the Garbage Fund. Payments for garbage services received in 2014 for 2013 services need to be moved back. The second item is the Park in Lieu fees. This will require a transfer from the General Fund to the Capital Improvement Fund to insure these fees are tracked and spent for the purpose they were collected. Park in Lieu fees will be used for park acquisition. Park Facility fees will be used for park improvement.

Town of Bayfield
Regular Town Board Meeting
March 4, 2014
1199 Bayfield Parkway, Bayfield CO 81122

Trustee Davenport made a motion to approve Resolution #316, a resolution of the Town of Bayfield Colorado, adopting a second supplemental budget for the calendar year beginning on the first day of January 2013 and ending on the last day of December 2013 and appropriating additional sums of money to the Garbage Fund for the 2013 Budget Year. Trustee Au seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #5: Discussion And Possible Action Water/Sewer Service Line Warranty Program

Town Manager La May stated that in October of 2013, the Board of Trustees had discussed a service line warranty program that is offered through the National League of Cities. Service Line Warranties of America would require the use of our Town logo and Town letterhead to provide notice to residents that there is a service line warranty program available. If the Town agrees to participate in this program, there are some revenues generated that could be returned to the actual users of the program or collected as revenues for the water and sewer funds. Residents would register through the program and have some insurance coverage in the event of a line collapse, break or leak. Service Line Warranties of America would send a representative to the location and make arrangements for the repair up to \$4,000.00. Staff is asking the Board of Trustees if they feel there is value in the program.

Trustee Davenport stated that she was not comfortable with allowing this company to have use of the Town of Bayfield logo. It gives the appearance that the Town is endorsing their program when in fact all we are doing is allowing them to offer their product to our residents.

Trustee Nelson stated that this company does provide this service to a variety of towns, large and small but she has not seen an example of their advertising. She also stated that she believes this is probably a good service, but she is also uncomfortable with the use of the Town of Bayfield logo.

Trustee Au stated that he agrees with Trustee Davenport.

Mayor Smith asked what the Town's liability would be by allowing the use of the logo.

Attorney Nelson stated that there would be no liability. Depending on how the company made use of the logo it could give the appearance that the Town of Bayfield was endorsing the program.

Trustee Au and Trustee Nyberg stated that a letter asking for a resident's participation in this insurance program, on Town of Bayfield letterhead, is deceiving.

Trustee Morlan asked if staff knew what the monthly fee would be for participation in this program.

Town Manager La May stated that he did not know what the monthly fee would be.

Trustee Nyberg stated that this program is similar to the program offered by Source Gas.

Mayor Smith stated that this is an opportunity for residents to obtain some coverage for their water and sewer lines. He also stated that he would prefer the company offering the service use their own logo and not the Town of Bayfield's logo.

Trustee Morlan asked if a resident was enrolled in this program and was told by the Town that their service line needed to be replaced, would that be covered by the insurance policy.

**Town of Bayfield
Regular Town Board Meeting
March 4, 2014
1199 Bayfield Parkway, Bayfield CO 81122**

Town Manager La May stated that there would have to be an incident before there was a claim paid.

Trustee Davenport stated that she does not understand why this company does not promote their product with their own logo.

Mayor Smith stated that staff could send a letter to residents making them aware that this company is offering this service.

Town Manager La May suggested that staff include in the Spring Newsletter a reminder to residents that they are responsible for their water and sewer service lines.

Mayor Smith stated that staff should also include in the newsletter a note to residents making them aware that there are insurance policies available through different companies for the water and sewer service lines as well as the natural gas lines.

Action Agenda Item #6: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)

Trustee Nelson stated that SWCCOG will meet on Friday.

Mayor Smith stated that LPCEA will meet next Tuesday.

Trustee Davenport stated that RHA will meet next week.

Town Manager La May stated that SWTPR will meet in April.

Trustee Morlan stated that the Senior Board will meet next Wednesday.

Action Agenda Item #7: New/Unfinished Business

Town Manager La May stated that when the LAPLAWD water line was installed a section of line that serves the roundabout was inadvertently removed. Staff is asking the Board's opinion on replacing the water line or installing a hardscape type landscape in the roundabout and avoiding the need for water.

Mayor Smith stated that he likes the idea of a flag pole and maybe a statue of a wolverine to promote our schools.

Trustee Nelson stated that she likes the idea of hardscape. She suggested that we try to involve the graduating Senior Class and the Chamber of Commerce.

Public Works Director Saba stated that there would be water to the flower beds at the entrance of Bayfield Center Drive and the roundabout.

Trustee Davenport made a motion to move to Executive Session in accordance with C.R.S. 24-6-402(4)(f) for matters related to personnel for Town Attorney finalists, to include Town Attorney Nelson and Town Manager La May. Trustee Nelson seconded.

Roll call: 6 – 0

Motion passed unanimously.

The Board adjourned to Executive Session at 7:44 pm.

Town of Bayfield
Regular Town Board Meeting
March 4, 2014
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The Board came out of Executive Session at approximately 8:16 pm.

Trustee Davenport made a motion to move to Executive Session in accordance with C.R.S. 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as it relates to USA Communications Franchise Agreement. Trustee Au seconded.

All were in favor. Motion passed unanimously.

The Board adjourned to Executive Session at approximately 8:18 pm.

The Board came out of Executive Session and meeting was adjourned at approximately 8:34 pm.