

**Town of Bayfield
Regular Town Board Meeting
July 21, 2015
1199 Bayfield Parkway, Bayfield CO 81122**

Town Board Members Present: Trustee Davenport, Trustee Morlan, Mayor Pro Tem Nelson, Trustee Nyberg, Trustee Salka, Trustee Sanders

Town Board Members Absent: Mayor Smith

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

Media Present: Carol McWilliams with the Pine River Times

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

Approval of Minutes: Trustee Salka made a motion to approve the minutes from July 7, 2015 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 July 8 through July 16, 2015, as presented. Trustee Salka seconded.

Roll call: 6 - 0 (Trustee Salka abstained from voting on the bill to Absolute Rodent Control)

Motion passed unanimously.

General Public Input: Mr. Teddy Jack, 542 W. North Street, voiced his opinion regarding the Town of Bayfield's 2015 4th of July parade. Mrs. Jackie Morlan, 118 W. Mill Street, thanked the Town for mowing the weeds in Little Pine Park and making it more accessible. Mrs. Morlan also stated that the Save Our Streets Committee is currently working on several pieces of literature. The flyer provided by the Town of Bayfield is informational literature. The flyers produced by the Save Our Streets Committee will be advocating for voters to vote yes for the 1% Sales Tax increase, in November. The committee is accepting donations, to help defer the costs of the literature. Ms. Kristin Dallison, 1162 N. Cedar Drive, stated that she is working with the Save Our Streets Committee. Ms. Dallison also stated that she is looking forward to working with all who volunteer to advocate for the Sales Tax increase.

Town Updates: No comments were made.

Public Hearing:

1. Final Plat – Sossaman/Town of Bayfield Boundary Adjustment

Town Manager La May stated that the Town of Bayfield acquired two small parcels of land adjacent to the Water Treatment Plant property from the Grace A. Sossaman Rev. Trust (7,500 sq. ft.) and the Estate of Ralph McVicker (5,346 sq. ft.). The purpose of the two acquisitions, were to allow for the expansion and upgrade of the Water Treatment Plant. The boundaries for the Town Water Treatment Plant property and Sossaman Tract B need to accurately reflect the change in ownership. The Boundary Adjustment is being processed under a Small Subdivision, Short Procedure, in accordance with Section 3-5 of the Town of Bayfield Land Use Code. The Notice of Public Hearing was published in the Pine River Times in the June 26, July 3 and July 10 editions. Certified notification was mailed to property owners with 200 feet of the property. The Planning Commission held a Public Hearing and

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then approved the Preliminary Plat on July 14, 2015. Staff is recommending the Board approve the Final Plat for the Sossaman/Town of Bayfield Boundary Adjustment.

Town Manager La May gave a Power Point presentation showing the properties involved.

There was no public comment.

Action Agenda Item #1: Consideration of Approval of Final Plat – Sossaman/Town of Bayfield Boundary Adjustment (Sossaman Tract B & Bayfield Reservoir Tract)

Trustee Salka made a motion to approve the Final Plat for the Sossaman/Town of Bayfield Boundary Adjustment. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #2: Discussion and Possible Action – Underground Storage Tank Tier III Closure

Town Manager La May stated that Mr. Brad Thoms, Senior Project Engineer with ALTUS Environmental was attending tonight's meeting to discuss the possible Tier III Closure of the underground storage tank site on Mill Street. Also joining tonight's meeting via telephone is Mr. Vinny Secondo, Environmental Protection Specialist with the State of Colorado Division of Oil and Public Safety.

Town Manager La May stated that the State of Colorado Division of Oil and Public Safety (OPS) has contacted the Town regarding a Tier III closure of the underground storage tank site located under Mill Street in front of Joe Stephenson Park. Essentially, the Tier III closure allows for dissolved-phase Contaminants of Concern above Risk Based Screening Levels if the property is a public roadway and is the only Point of Exposure where dissolved-phase Contaminants of Concern concentrations may be above the Risk Based Screening Levels. The Tier III requires a Consent Agreement between the Town of Bayfield and OPS. The purpose and advantage to the Town, is that the remediation efforts would cease and the Town's roadway would not continually be impacted. The OPS has informed staff that further remediation efforts would include additional drilling and injection in Mill Street. In the event of a Tier III closure, the OPS would include a notification through the Utility Notification Coordinated Center notifying those excavating of possible contaminants, within 200 feet of the site. If the Town was to excavate or replace a water line, we would have to request that they reopen the site to seek reimbursement for any removal and replacement of material or remediation necessary for the project. The OPS has informed staff that a Tier III closure poses no safety risk.

Mr. Thoms gave a Power Point presentation and a history on the underground storage tank site on Mill Street.

Mr. Secondo described all Tier closures and explained why the State is recommending a Tier III closure for this site. He also explained the process of the closure and what would happen if the site had to be re-opened.

Trustee Davenport asked what the response time would be, in the event the Town felt a need for additional soil testing.

Mr. Thoms stated that their closest office was located in Grand Junction. Response time could be as little as four hours.

Town Manager La May asked if the Town had a situation where a water pipe broke, would crews have to stand by for soil testing or could they continue with the emergency repair.

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Mr. Secondo stated that Town crews could continue with the repair but notify the OPS so that testing could be done.

Trustee Morlan asked if the water in the irrigation ditch had been tested.

Mr. Thoms stated that he took samples from the irrigation ditch today. Those results will be available in approximately two weeks.

Town Manager La May asked what the consequences would be if the Town chose not to consent to a closure.

Mr. Secondo stated that Tier III and Tier IV closures are voluntary. If consent is not given the State would continue to monitor the site either annually or semi-annually.

Mayor Pro Tem Nelson stated that she would like to see the test results from the ditch water before making a final decision.

The Board agreed that they would like to see the test results from the ditch before signing a consent agreement.

Mr. Secondo stated that the form included in tonight's packet needed to be tailored more towards the Property Owner.

Town Manager La May stated that a Consent Agreement would be presented at a later date for formal consideration.

Action Agenda Item #3: Discussion and Possible Action – Street Maintenance and Preservation Program and Street Sales Tax Measure on November Ballot

Town Manager La May gave a Power Point presentation on the financial forecast for the Transportation Fund based on the needs identified in the Town of Bayfield Street Inventory and Maintenance Plan and Storm Water Management Plan.

Trustee Davenport asked if the income from a Sales Tax increase would allow for improvements as well as maintenance.

Town Manager La May stated that new developments should pay for their own way. In certain instances when needed, the language is written in such a way that Sales Tax funds could be used for new infrastructure.

Mayor Pro Tem Nelson asked what the Save Our Streets Committee opinion was on a "Sunset" clause for the Sales Tax increase.

Trustee Morlan stated that the committee would recommend a 20 year "Sunset" clause.

Action Agenda Item #4: Consideration of Participating in the November 3, 2015 General Election Coordinated by the La Plata County Clerk

Town Manager La May stated that at the last meeting the Board discussed its options for the 2015 Election. The Board decided at that time that they would like to hold their own Polling Place Election and not coordinate with the La Plata County Clerk. It has come to the attention of staff that State Statute does not allow for a Polling Place Election in November, because this election would be considered a Special Election for the municipality. State Statute limits us to two options. The Town can coordinate with La Plata County for their Mail

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Ballot Election or we can conduct our own Mail Ballot Election. Staff does not see merit in conducting a separate Mail Ballot Election.

Trustee Morlan stated that he thinks the concern with coordinating with the County is that they will be asking for a tax increase too. He also asked what the cost difference would be between coordinating and not coordinating with the County.

Town Manager La May stated that there was approximately a \$200.00 difference between the Coordinated Election and the Polling Place Election. The difference between an independent Mail Ballot Election and a coordinated Mail Ballot Election could be \$1000.00 at the most.

Trustee Morlan stated that he does not feel that the decision, to hold an independent or coordinated election, should be based on that amount of money.

Trustee Salka stated that he agreed with Trustee Morlan. He stated that his goal is to have this tax pass and he feels that an independent election would be best.

Trustee Morlan made a motion that the Town of Bayfield hold an Independent Mail Ballot Election for its November 2015 Election. Trustee Salka seconded.

Trustee Davenport stated that a Coordinated Election would be simpler and cause less confusion.

Roll call: 2 – 4 (Trustees Davenport, Nyberg, Sanders and Mayor Pro Tem Nelson voted against)

Motion failed.

Trustee Davenport made a motion to participate in the November 2015 La Plata County Coordinated Election, to include a 1% Sales Tax Measure and Senate Bill 152 Opt Out Measure. Trustee Nyberg seconded.

Roll call: 4 – 2 (Trustee Morlan and Salka voted against)

Motion passed.

Action Agenda Item #5: Discussion and Possible Action – Environmental Mitigation Bridge Replacement Project

Town Manager La May gave a Power Point Presentation addressing the environmental requirements associated with the bridge replacement.

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

Trustee Nyberg stated that the Planning Commission discussed the Sossaman/Town of Bayfield Boundary Adjustment, at their last meeting.

Trustee Morlan stated that the Senior Board discussed having a plaque honoring Seniors that have passed. They are also discussing buying a vehicle.

Trustee Sanders stated that Region 9 will meet on July 23rd.

Trustee Davenport stated that the RHA Strategic Planning Committee held its final meeting last week. RHA and the Homes Fund will hold a joint Board Meeting at the end of the month.

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Trustee Salka stated that SWTPR will meet on August 7th.

Town Manager La May stated that there was a presentation, at the last LPCEA Meeting, by an organization offering a program for professional leadership development.

Mayor Pro Tem Nelson stated that SWCCOG will meet in August.

Action Agenda Item #7: New/Unfinished Business

Town Manager La May stated that the Colorado Downtown Annual Conference will be in Durango October 6 – 9; the Economic Development Alliance Annual Economic Summit is October 28; an Open House for the new La Plata County Commissioners/Assessor/Administration Building will be July 29; the Community Connections 30th Anniversary Celebration will be held July 23 at the Durango Recreation Center; the County Commissioners on behalf of the Colorado Oil and Gas Conservation Commission will be hosting an outreach meeting on August 6th at the La Plata County Administration Building.

Meeting was adjourned at 9:04 PM.