

**Town of Bayfield
Special Town Board Meeting
September 4, 2012
1199 Bayfield Parkway Bayfield, CO 81122**

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

Town Board Members Absent:

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

Media Present: Carol McWilliams (Pine River Times)

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

Roll Call: 7 present 0 absent

Pledge of Allegiance:

Approval of Minutes: Trustee Nelson made a motion to approve the minutes as amended (In the Public Input for August 21st, Mr. Ludwig was referring to the retention pond at the Water Plant not the Sewer Plant), Trustee Nyberg seconded. All were in favor motion passed unanimously.

Approval of Bills: Trustee Au made a motion to approve the bills as presented, Trustee Davenport seconded. Trustee Au abstained from voting on the invoice to his company. All were in favor motion passed unanimously.

Public Input: Mack Coker from Upper Pine Fire Protection District gave an update on the fireworks on Labor Day.

Town Updates: Town Manager La May reminded the Board that if they were interest in the CML meeting to let him know so that we could rsvp. Mayor Smith also reminded the Board that the Staff's BBQ is on Friday the 14th at 4:00 pm at Eagle Park.

Action Agenda Item #1: Approval of Mayor's Appointment of Kalon Porter to the Bayfield Planning Commission.

Mayor Smith thanked Trustee Nelson for recommending two qualified candidates for the Planning Commission. He asked the Board to approve the appointment of Kalon Porter to the Planning Commission.

Trustee Renfro made a motion to approve the appointment of Kalon Porter to the Planning Commission Trustee Nelson seconded.

Trustee Au commented that he doesn't know either candidate and would like to know something about them before he nominates them.

Mayor Smith stated that he and Town Manager La May met with both candidates at the Tuning Fork and went over the requirements of them to sit on the Planning Commission.

Trustee Nelson stated that she thought Mr. Porter had lived her about 10 years. He has two children, one in kindergarten and one in first grade. She believes that he has worked at A to Z Electric for 9 to 10 years.

Mayor Smith stated that Mr. Porter was very supportive of the Town and would like to do something to be a part of it.

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Trustee Renfro stated that she has worked with Mr. Porter on several projects. She stated that he is very knowledgeable in his profession and she always appreciated his professionalism.

Town Manager La May stated that Mr. Porter has been in the area for about 10 years and that he would like to participate more in the Town and serve on the Planning Commission.

Motion passed unanimously

Action Agenda Item #2: Approval of Mayor's Appointment of Marvin Seale to the Bayfield Planning Commission.

Trustee Renfro made a motion to approve the appointment of Marvin Seale to the Planning Commission. Trustee Morlan seconded.

Mayor Smith stated that Mr. Seale is a longtime Durango resident that moved to Bayfield to raise his children. He lives in the lower section of Dove Ranch. He has spoken with Trustee Nelson and Justin Talbot about what it takes to be a member of the Planning Commission.

Trustee Nelson stated that he is a structural engineer with a petroleum certification. He is also a softball coach for our youth sports.

Trustee Morlan asked how long he has lived here.

Trustee Nelson responded that he grew up in Durango and left for college, but returned about 7 years ago.

Town Manager La May believes that he would be a good addition to the Planning Commission.

Motion passed unanimously

Action Agenda Item #3: Tequila's Liquor License Renewal

Town Manager La May stated that this is a standard annual renewal. They recently failed a compliance check by selling alcohol to an underage person. This was their first violation and they will be penalized for that.

Attorney Nelson stated if the Board renewed the license that would not prohibit them from revoking the license if and when other items came up. But if the Board chose not to renew there is a process of a hearing that would need to be gone through.

Mayor Smith asked if the Board could add conditions on the approval?

Attorney Nelson replied no but we can have a hearing at anytime to revoke the license.

Trustee Morlan asked if this renewal is for 1 year.

Attorney Nelson replied yes, 1 year.

Mayor Smith asked Marshal McIntyre if there had been any other complaints or violations involving Tequila's?

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Marshal McIntyre responded, no.

Mayor Smith asked if this was the only entity in Town that did not pass their compliance check.

Town Manager La May responded, no.

Trustee Nelson asked if this was a State operation that came through.

Marshal McIntyre responded that it was an operation by Liquor Enforcement.

Trustee Morlan made motion to approve the Liquor License renewal for Tequila's Trustee Nelson seconded.

Trustee Au asked staff to keep the Board updated on this violation.

Motion passed unanimously.

Action Agenda Item #4: Authorization for Purchase of Pressure Release Valve (PRV) Station

Town manager La May stated that we signed the agreement with LAPLAWD and as part of the agreement we are allowed to interconnect with the transmission line that will run through the heart of downtown. It is to our advantage to tie our downtown area into a new 14" line to improve our system. In doing this we will need to a PRV Station located outside Town Hall to protect our residents systems from too much pressure. With that there is a cost. We had the Engineer run an estimate but we will not know true cost until this is bid out. The estimated cost is \$56,190.00. There is some contingency in there of about \$5,000.00. We are seeking authorization to purchase PRV Station not to exceed that amount. This was not included in this years budget but, there is money in the Water Fund to pay for it. We believe this would be a benefit to our Water System to move forward.

Trustee Morlan stated that he was a little confused when reading about this in his packet. It states there is a probable cost of \$56,000.00 but does not include costs for electrical service or connection however the estimate contains a contingency of \$5,000.00 which should cover those costs. But if you use that amount for something that you know about going in, it not really contingency.

Town Manager La May stated that we had not gotten the installation costs from the engineers and we wont know until this becomes part of the LAPLAWD bid what that figure is going to be. We do believe there is enough of a buffer built into that figure to cover the costs.

Trustee Renfro commented that in the background this is referred to as a Pressure Reducing Valve and on the agenda it is referred to as a Pressure Release Valve. These are different things and this is a Pressure Reducing Valve.

Trustee Morlan made a motion to approve the Pressure Reducing Valve with amount not to exceed \$56,190.00

Trustee Au seconded.

Roll call 7 – 0 motion carried

Action Agenda Item #5: Consideration of Participation in LAPLAWD water line south of CR 509.

Town Manager La May stated that based on the agreement with LAPLAWD there was an opportunity for the Town to guarantee capacity in facilities that were outside of the 304 gallons per minute that we got guaranteed in the main transmission line. Any extensions of that we have to buy in to guarantee capacity. The question is

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that once you hit County Road 509 and head south there is not a lot of density, currently. There could be more in the future. There are a handful of properties in our service area. We need to decide if we want to provide cash to LAPLAWD to insure that we have capacity in that line to service those particular properties or we could allow LAPLAWD to service those properties. We could simply say that at this point we do not believe that development is going to take place and when and if it does and they want to annex into Town, they would be responsible for building their own water line. We are going to have this same decision in the future when they start going North, West and East.

Mayor Smith stated that he thinks we are at the point where we should discuss what our desires are in terms of how we envision the Town in utilizing our water in servicing residents and future residents.

Trustee Morlan stated that regardless of development to the South he does not think that we should make that investment for that particular location.

Mayor Smith asked if we were looking at the back side of Homestead, would it make more sense to have a loop or would it be better to go straight down Bayfield Parkway?

Town Manager La May stated that one thing that was talked about requiring a pre-annexation agreement from residents in our service area that wanted to tie into the LAPLAWD line.

Mayor Smith stated that he thought pre-annexation agreements were discussed in talks with LAPLAWD.

Attorney Nelson stated that it was discussed but there are no provisions in the actual contract.

Trustee Renfro asked what Public Work's Director Saba thought about this.

Public Work's Director Saba stated that there is a lot to consider. Our water rights for one. When we get done with our rate study we will probably find that tap fees are going to have to be increased. We are probably not at a point to be doing all of this because we don't have our rates and water modeling completed, so it would be good to take some time and go over this, layout some options, then have a work session to discuss how we want to proceed.

Town Manager La May stated that the challenge is that in the agreement they provide us with 60 days notice that they are going to be designing a new facility and we have 30 days before they complete the final design to make a decision.

Attorney Nelson stated that we should discuss this with LAPLAWD and report back to the Board in a couple of weeks.

Trustee Morlan asked if it would be possible for these residents in question to be served by LAPLAWD but also annex into the Town, if they so desired at a later date?

Attorney Nelson responded yes. It would require another agreement with LAPLAWD stating that they would serve those properties.

Attorney Nelson stated that one thing that we want to protect against is having lines extended further than just this area contiguous to County Road 509.

Trustee Renfro stated that idea of a loop does appeal to her but wanted to know if we had to make a decision on this right away.

Town Manager La May responded that he was under the assumption that LAPLAWD was going to bid out this line right away, but now thinks that we have a little more time. We need to lay out the pros and cons as well.

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Public Works Director Saba asked; do we really want to take over infrastructure that doesn't meet our standards?

Mayor Smith asked if staff could come back in a couple of weeks and let the Board know if LAPLAWD would entertain a pre-annexation option and also maybe a clear idea of how a loop would work.

Trustee Renfro asked why residential developments traditionally do not pay for themselves and is this something that the rate study will help correct?

Public Works Director Saba responded yes.

Town Manager La May stated that when he says that residential development does not pay their way, he is referring to property tax and the way property tax is structured in the State of Colorado.

Action Agenda Item #6: Approval of Contract with Briliam Engineering for Water and Wastewater Utility Rate Study.

Town Manager La May stated that on the topic of water over the past months we have been doing areal photography, field surveying, modeling and we are doing a capital improvement plan. All of this is leading us to looking at our utility rates. We are at a point now to begin that process in hopes that by the end of the year we have a good idea where our rates should be. We have asked Briliam Engineering for a quote to do this study. We have sat down and done a preliminary scoping and have discovered that the Town is missing some solid data on the values of our current existing infrastructure, so we asked them to incorporate that into this study. Staff is recommending that you approve the scope of services not to exceed \$34,394.00. We do have a master contract with Briliam Engineering and this would be incorporated into it.

Mayor Smith stated that we had talked about this last budget cycle.

Trustee Davenport asked if we had to send this out to bid?

Town Manager La May replied no and at staff level we feel that Briliam Engineering is the best fit for the Town since they have worked so closely with us and knows our systems so well.

Trustee Davenport made a motion to approve the contract with Briliam Engineering Trustee Renfro seconded.

Trustee Morlan asked to add to the motion, not to exceed \$34,394.00.

Trustee Davenport amended her motion to include not to exceed \$34,393.00 Trustee Renfro seconded.

Roll call 7 -0 motion carried.

Action Agenda Item #7: Executive Session to Consider Acquisition of Easement of Lot 3-5 Pine Bay Estates Under C.R.S. 24-6-402(4)(a)

Trustee Au made a motion to go into Executive Session and include Town Manager La May, Public Works Director Saba and Town Attorney Nelson, Trustee Nyberg seconded.

Motion passed unanimously.

Trustee Nelson stated that she owns stock in Pine River Valley Bank.

Board closed for Executive Session at 7:55 pm.

Board came back to regular session at approximately 8:05 pm.

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New/Unfinished Business

Town Manager La May reminded everyone about the upcoming CML meeting. He also stated that the Mayor and himself were going to meet with CDOT to discuss the Westside intersection.

Trustee Renfro stated that she is having difficulty making the RHA meetings and is looking for someone to take her place on that Board.

Trustee Davenport stated that she is having the same difficulty with making the COG meetings.

Trustee Nelson stated that she could possibly help by attending the COG meetings.

Trustee Davenport will take over for Trustee Renfro at the RHA meetings.

Meeting adjourned at approximately 8:30 pm

Minutes Approved As Amended (Here (her) was misspelled in the 5th paragraph under Action Agenda Item #1. There was a discrepancy in the dollar amount on the last line under Action Agenda Item #6, it should be \$34,394.00) On September 18th, 2012.

Approved:

Rick K. Smith

Mayor

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Kathleen Cathcart

Town Clerk