

**Town of Bayfield
Special Town Board Meeting
October 23, 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), Kathleen Cathcart (Town Clerk), Erin Dunavant (Finance Director), Ron Saba (Public Works Director), Dan Cyr (Corporal w/Marshal's Office)

Media Present: None

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

Roll Call: 7present 0 absent

Pledge of Allegiance:

Public Input: None was offered, so it was closed.

Action Agenda Item #1: Consideration of Liquor License Renewal – Chavolo's

Town Manager La May stated that Chavolo's was applying for their liquor license renewal. Shortly after accepting their application and fees for the renewal the Town of Bayfield was notified by the State Liquor Enforcement that they had been charged with some violations. They have entered into a Stipulation and Agreement Order with the State. This order will mandate that they have a certain number of days that they are not allowed to sell alcohol in lieu of paying a fine. Town Clerk, Kathy Cathcart, called Liquor Enforcement and discovered that this is the first violation and penalty. In the past with other establishments that have only one violation we have gone ahead and approved the license. This situation is a little different in that there are three violations rolled into one. You as the local liquor licensing authority do have the ability to deny the license. If that is the case then we will have to give the applicant a hearing and an opportunity to contest that decision. Based on our actions in the past I would recommend approving this license.

Mayor Smith asked if the Board approved this license, would it be done recognizing the legal suspension?

Town Manager La May replied that he did not think it had to be done in that way. This is public record and the decision is recorded.

Trustee Morlan asked if there were indeed three violations?

Town Manager La May responded, yes.

Trustee Morlan asked if Chavolo's were aware that the Board would be discussing this tonight?

Town Manager La May said that they submitted their application and are aware of the process.

Trustee Nelson asked how many days prior to the expiration are they required to turn in the renewal application?

Town Manager La May replied, 45 days.

**Town of Bayfield
Special Town Board Meeting
October 23, 2012**

1199 Bayfield Parkway, Bayfield CO 81122

Mayor Smith asked if the license expires and the Board does not renew the license will the business have to start over and pay the fees for a new license?

Town Clerk Cathcart replied yes.

Trustee Davenport asked if there would be penalties for the liquor stores that sold to Chavolo's?

Town Clerk Cathcart stated that she had asked Liquor Enforcement about that. Since the sales were small and tax was collected there will be no repercussions for the liquor stores.

Trustee Au made a motion to approve the liquor license for Chavolo's, Trustee Nelson seconded.

Motion carried 5 – 2 (Trustee Morlan and Trustee Davenport voted no)

Action Agenda Item #2: Consideration of Ordinance 373, An Ordinance Authorizing the Certification of Certain Charges, Fees, and Assessments to the Treasurer of La Plata County for Collection

Town Manager La May stated there comes a time when we have already placed a lien on a property but still have not collected on the utility account that we can place a levy and collect through the annual property tax. This is a long way in collecting but this property has not made a utility payment since March of last year. The issue is that there is not a shut off valve and the meter is under the house. It is our opinion that the property owner recognizes this and so this is a way for the Town to recoup our fees.

Mayor Smith asked if this ordinance will only affect this property or is it for any properties in the future?

Town Manager La May stated that this ordinance is only for this property. We have consulted with the Town Attorney to see if we can adopt an ordinance that would authorize the Town Clerk to do this in the future.

Trustee Davenport asked once the levy is placed how is the money collected.

Town Manager responded that it would be similar to paying your property tax. It can be done in two installments.

Town Manager La May stated that he understands that we have actually gone and pot holed the front of this property and are unable to locate the service line.

Trustee Renfro asked how many other homes are in the situation where the meter is under the house?

Public Works Director Saba replied that there is probably about 80 houses in this situation.

Trustee Nelson asked if this particular customer was protesting something or is there more to the story.

Town Clerk Cathcart stated that they have always been "problem" customer. Previously we could send them an intent to put a lien on their property and then they would pay.

Town Manager La May stated that he believes we have done our due diligence in this situation.

Trustee Au made a motion to approve Ordinance #373, Trustee Renfro seconded.

Roll Call 7 – 0
Motion carried.

**Town of Bayfield
Special Town Board Meeting
October 23, 2012
1199 Bayfield Parkway, Bayfield CO 81122
New/Unfinished Business**

Town Manager La May stated that the Economic Summit is tomorrow.

Trustee Davenport asked about the water line break on Mesa over the weekend.

Public Works Director Saba explained that it was a galvanized service line that had broke.

Meeting adjourned at approximately 7:13 pm

Minutes Were Approved As Presented On November 5th, 2012.

Approved:

**Rick K. Smith
Mayor**

**Kathleen Cathcart
Town Clerk**

.

.