

**Town of Bayfield**  
**Regular Town Board Meeting**  
**April 22<sup>nd</sup>, 2014**  
**1199 Bayfield Parkway, Bayfield CO 81122**

**Town Board Members Present:** Trustee Davenport, Trustee Morlan, Trustee Nelson, Trustee Nyberg, Trustee Salka, Trustee Sanders, Mayor Smith

**Town Board Members Absent:**

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

**Media Present:** Carol McWilliams with the Pine River Times.

The meeting was called to order @ approximately 6:58 p.m.

**Roll Call:** 7 present

**Pledge of Allegiance:**

**Approval of Minutes:** Trustee Nelson made a motion to approve the minutes from April 8, 2014 as presented. Trustee Nyberg seconded.

All were in favor, motion passed unanimously.

**Approval of Bills:** Trustee Nyberg made a motion to approve the bills dated April 9, 2014 through April 17, 2014 as presented. Trustee Davenport seconded.

Roll call: 7 – 0

Motion passed unanimously.

**General Public Input:** No comments were offered.

**Proclamation – Bayfield Asset Champion Day – April 22, 2014**

Mayor Smith read the Proclamation of Bayfield Asset Champion Day, April 22, 2014.

Pat Senecal with San Juan Basin Health Celebrating Healthy Communities presented Ms. Paloma Morales with the Adult Role Model award for 2014.

**Town Updates:** Town Manager La May introduced Chad Atkinson with Hinton Burdick. Mr. Atkinson stated that he and his colleagues had just started the annual audit and that they hoped to be completed by the end of the week.

**Public Hearing: Ordinance 385, An Ordinance Amending Sections of the Land Use Code of the Town of Bayfield to Allow for Temporary Uses in Certain Zoning Districts**

Town Manager La May stated that the Planning Commission has been working on this ordinance for some time. Ordinance 385 provides temporary use allowances for; Temporary Construction Trailers, Real Estate Office Trailers, Model homes, recreational vehicles, portable on demand storage structures, Christmas tree lots, temporary retail vendor carts, temporary retail vendor trucks, temporary food carts, food trucks, food trailers, temporary retail or service vendor structures, garage, yard or rummage sales, grand openings and private events. This ordinance establishes the need for a permit and the process by which to obtain the permit. It also establishes which zoning districts the uses are allowed in. Fireworks stands are prohibited and Special Events

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are excluded. The Planning Commission held a Public Hearing at their regular meeting on March 11, 2014 and they are recommending approval of Ordinance 385.

Town Manager La May stated that since the Planning Commission meeting on March 11, 2014, staff has received a Business License application for an Ice Cream Truck. As Ordinance 385 is currently written, it would prohibit this business in residential neighborhoods.

Mayor Smith opened the meeting for public comment.

No comment was offered.

Mayor Smith closed the Public Hearing.

**Action Agenda Item #1: Consideration of Approval of Ordinance 385, An Ordinance Amending Sections of the Land Use Code of the Town of Bayfield to Allow for Temporary Uses in Certain Zoning Districts**

Trustee Morlan asked if the current Land Use Code prohibited Ice Cream Trucks.

Town Manager La May stated that the Municipal Town Code allows for the capability to obtain a Transient License to sell door to door. The Land Use Code prohibits retail sales in residential areas.

Trustee Nelson stated that magazine sales, the steak and seafood truck and even Girl Scout Cookie sales could also fall in the same category as the Ice Cream Truck.

Trustee Morlan asked why moving vehicles fall under the Land Use Code.

Town Manager La May stated that because a commercial sale is taking place it is addressed in the Land Use Code. These are issues that we are trying to address through the Temporary Use procedure.

Mayor Smith stated that the chore of the Planning Commission was to put as much clarity to the Land Use Code as possible.

Attorney Nicholson stated that people selling things from their car, such as an Ice Cream Truck or Girl Scout Cookies, should be classified as Transient Dealers and would not be a Land Use Code issue. The temporary uses that we are trying to address in the code are geared more toward food carts

Marshal McIntyre stated that in his experience most issues and complaints from citizens are regarding the salesman selling magazines, cleaning supplies, etc. Most people do not complain about the Schwan's Truck or the Ice Cream Truck.

Trustee Morlan stated that all sales people should first obtain a Business License from the Town Hall.

Marshal McIntyre stated that most companies do not realize that they need a license from Town Hall.

Trustee Davenport stated that a distinction needs to be made between vendors, food or retail, that are selling from their vehicle that is not stationary for an extended amount of time and the ones that park their vehicle and sell directly from it.

Mayor Smith stated that the other issue that needs to be discussed is Zircons and the fact that there are some on residential properties and some on commercial properties. The Board may want to look at commercial properties differently than residential properties when it comes to these temporary storage facilities.

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Trustee Nelson stated that she is concerned about the definition of Portable on Demand Storage Structures. Sheds that are not on permanent foundations could be classified as these portable storage structures.

Town Manager La May stated a temporary shed is permitted in accordance with our Accessory Use requirements in the Land Use Code for residentially zoned properties.

Mayor Smith stated that what the Planning Commission is trying to do is make things match. Storage sheds tend to blend in with the surroundings and Zircons do not. The Board has some options: we can ask staff to take this back to the Planning Commission, we can approve the ordinance as presented or we can approve portions of the ordinance.

Trustee Nelson asked if this is an issue the Town should be dealing with or should the Home Owners Associations be dealing with it.

Trustee Nyberg stated that not all subdivisions in the Town of Bayfield have active Home Owners Associations.

Trustee Nelson stated that she feels there were a lot of good intentions put into this ordinance but some more clarifying language would help future staff in understanding the actual intent of the ordinance.

Trustee Davenport asked how long the containers, in the photographs included in the packet, have been in place.

Town Manager La May stated that the time varies from decades to just a couple of months.

Trustee Salka asked if staff had received complaints regarding the storage containers.

Town Manager La May stated that he has not received any complaints.

Trustee Salka stated that the use of Zircons in residential areas should be looked at separately from commercial areas.

Trustee Sanders stated that this issue is overwhelming but he does agree that residential areas should be looked at separately from commercial areas.

Mayor Smith stated that it does not sound like the Board is willing to approve the ordinance as written.

Trustee Davenport asked how staff will address the storage containers that are already in place.

Town Manager La May stated that if the ordinance is passed as written, owners of storage containers already in place would have one year to bring their property into conformance with the new requirements.

Trustee Morlan stated that he has a portable shed on his property but he feels that this decision is being based on appearance.

Mayor Smith asked if Town Manager La May would prefer the Board approve portions of the ordinance with certain sections sent back to the Planning Commission for review or not approve the ordinance at all and bring it back to Board at a later date.

Town Manager La May stated that he would like the opportunity to come back with a cleaner version of the ordinance. He also would like to get interpretation from the Town Attorney on Transient Dealer licenses.

Trustee Morlan made a motion to continue Ordinance 385 to the next regular Board meeting. Trustee Nelson seconded.

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Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #2: Franchise Agreement – USA Communications**

The representative from USA Communications was unable to appear.

**Action Agenda Item #3: Consideration of Approval for Phase II of the US Highway 160 Access Management Plan (AMP)**

Town Manager La May stated that the Town of Bayfield entered into an Intergovernmental Agreement with the Colorado Department of Transportation and La Plata County for a two pronged approach to look at access within the 160 Highway corridor within our Town limits to the west side of Gem Village. The first phase involved a Traffic Feasibility Analysis on the Bayfield Parkway and US160 intersection on the west side of town. We held an Open Forum with property owners that will be impacted, an opinion was formed and an alternative was selected. This opinion has been recognized by C.D.O.T. and La Plata County and conceptually approved. The second phase of this process is an Access Management Plan. Staff is asking if the Board is agreeable to move forward with the next phase.

Mayor Smith stated that if we are to take control of our town and how the traffic flows through it, we move forward.

Trustee Morlan asked if the property owners were involved in the discussions regarding the access plan.

Town Manager La May stated that property owners were invited and a majority attended the forum relating to the Bayfield Parkway/160 Intersection. We have not held any meetings relating to the access plan at this point because we have not signed the contract to move forward.

Trustee Davenport stated that she feels the Board would be doing a disservice to citizens and the Town itself by not moving forward.

Trustee Nelson stated that she felt the last process went well and that the Board received a lot of good input from the public. She also stated that she is inclined to move forward.

Trustee Sanders stated that he would agree to move forward.

Trustee Nyberg and Trustee Salka both stated that they would agree to move forward.

Trustee Nyberg made a motion to move forward with Phase II of the US Highway 160 Access Management Plan (AMP). Trustee Salka seconded.

Trustee Morlan asked if this would cost the town any money.

Town Manager La May stated that as part of the I.G.A. the Town agreed to split the cost three ways, with La Plata County and C.D.O.T.

Trustee Morlan asked what the cost was.

Town Manager La May stated the total cost was \$40,000.00.

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Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #4: Consideration of Approval of Revision to Souder Miller and Associates Task Order No. 9, 2014 Street Maintenance Project for ADA Curb Ramps**

Town Manager La May stated that when staff was looking at the resurfacing project, we did not think we would have to worry about any curb ramps. Now that additional streets have been added to the project there are some curb ramps that will need to be redone to be compliant with the Americans with Disabilities Act, the U.S. Department of Justice and the Department of Transportation. This revision will allow Souder Miller to move forward with the engineering of those curb ramps. The cost for Souder Miller to make these changes will be \$2,950.00.

Trustee Davenport made a motion to approve the third revision to Task Order No. 9 with Souder Miller for the 2014 Street Maintenance Project in an amount not to exceed \$2,950.00. Trustee Nelson seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #5: Discussion and Possible Action – Street Maintenance Funding**

Town Manager La May stated that in April the Town asked the voters for a 1% Sales Tax increase that was defeated. The issue of street maintenance funding remains. Staff is suggesting some options to consider such as cutting expenditures, deferring maintenance or seeking additional funds by presenting this to the voters again in November. Other funding possibilities would be Overweight Vehicle Fees and LPEA Franchise Fees. These funds would help but would probably not be significant enough to cover future obligations.

Trustee Morlan stated that he would like to present a tax increase to the voters in November. He also suggested forming a committee to help educate the public on the need of these tax dollars for street maintenance.

Trustee Nelson stated that residents had just received their Town utility bills reflecting the water and sewer increase and their property tax bills with some significant increases just before the election. She stated that she feels this hurt the Town's chances at winning approval of the proposed tax increase.

Mayor Smith stated that he would like to present the tax increase to the voters again in November. The need for street maintenance funds does not go away and deferring maintenance only costs more in the long run.

Trustee Morlan stated that eliminating the Parks and Recreation Department as a way to save money was mentioned as an option in the Town Manager's staff report. At some point the Board will have to face these decisions and the citizens should be aware of this.

Mayor Smith stated that we should do a better job at educating the public regarding the need for these funds.

Trustee Salka stated that he believes the public should know the truth about what could happen if we do not have the required funds for street maintenance. They should be aware that we could lose some services, such as Parks and Recreation.

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Trustee Davenport stated that she thinks we should present this to the voters again in November. She also stated that we need to have a contingency plan in case the tax increase does not pass.

Trustee Sanders stated that he doesn't feel the residents should be threatened with the consequences but they should be educated on the need for these funds.

Trustee Nyberg stated that he agreed we should present this again to the voters in November. He also stated that we should consider overweight charges as part of a contingency plan. He also feels that we should take extra steps to educate the public.

Mayor Smith stated that the Board was in agreement that a tax increase should be presented to the voters in November and that a contingency plan be in place in the event the increase was defeated.

Trustee Morlan stated that we need to be more proactive and educate the public.

Town Manager La May stated that the ordinance outlining the ballot language does not have to be adopted until August so we have time available to share information with the public.

**Action Agenda Item #6: Discussion and Possible Action – Water Service Outside of Town**

Town Manager La May stated that the Town of Bayfield entered an agreement with LAPLAWD for joint facilities and to provide water to the district outside of the Town's service boundary. At some point we will need to make a decision as to who will provide water to certain areas within the Town's service boundary. For some properties it will be more beneficial for LAPLAWD to provide water service but when commercial development takes place the Town wants to ensure the annexation of these properties. Annexation is a voluntary process and central water and sewer services make annexation attractive to property owners. The town should be careful to not give away what would be considered an incentive for annexation. The question is; are we interested in providing service to properties located south of the 509/Bayfield Parkway Intersection. We have a request from a property owner within our service boundary but in an unincorporated area for water service.

Mayor Smith stated that he would prefer that LAPLAWD provide the water to properties outside of the town limits and within our service boundary, providing a pre annexation agreement between the town and property owner is signed.

Trustee Davenport asked if the property in question was the church just south of County Road 509.

Town Manager La May replied yes.

Trustee Davenport stated that a pre annexation agreement would make sense.

Trustee Nelson stated that she was in favor of LAPLAWD providing water service to this property.

Mayor Smith stated that the Town will still benefit if LAPLAWD provides the service because we are selling the treated water to LAPLAWD.

Trustee Nyberg stated that he felt service should be provided by LAPLAWD.

Trustee Morlan asked if we let LAPLAWD service the church property, could the town still service the neighboring properties at a future date?

Town Manager La May stated that we would not be setting a legal precedent by allowing LAPLAWD to service a property within our service boundary.

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Mayor Smith stated that the Board was in agreement that LAPLAWD should provide service to this property once a pre annexation agreement between the property owner and the town is signed.

**Action Agenda Item #7: Sewer Maps Presentation**

Public Works Director Saba presented the Board of Trustees with a newly developed set of Sanitary Sewer Maps. He stated that maps of the water system are approximately 85% complete. Director Saba stated that he would like to include a computer software program in next years' budget to track the information included in these maps.

Trustee Salka asked if the computer software was a prebuilt program.

Public Works Director Saba stated that the program is prebuilt and fairly inexpensive.

**Action Agenda Item #8: Approval for the Use of Town Property for Rotary Liquor License**

Town Manager La May stated that this is an annual application for a Special Event Liquor License for the Rotary Club for the 4<sup>th</sup> of July and the Heritage Day celebrations. The first step of this process is to grant the Rotary Club permission to use Joe Stephenson Park.

Trustee Nelson made a motion to approve the use of Town property for the Rotary Club liquor license for the 4<sup>th</sup> of July and September 27, 2014. Trustee Nyberg seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #9: Set Public Hearing for Rotary Special Event Liquor License**

Trustee Nelson made a motion to set a Public Hearing for the Pine River Valley Rotary Club Special Event Liquor License application for May 20, 2014. Trustee Nyberg seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #10: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)**

Trustee Nelson stated that SWCCOG has not met since the last Town Board meeting.

Mayor Smith stated that the LPCEA has not met since the last Town Board meeting.

Trustee Davenport stated that Karen Iverson gave a presentation at the last RHA meeting, regarding Housing Districts throughout the state.

Trustee Salka stated that SWTPR will meet in June.

Finance Director Dunavant stated that Region 9 will meet on Thursday.

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Trustee Sanders stated that he was looking forward to the Region 9 meeting on Thursday.

Trustee Morlan stated that the Senior Board has not met recently.

Trustee Nyberg stated that two new officers were elected to the Planning Commission.

Mayor Smith stated that there are two vacancies on the Planning Commission Board.

**Action Agenda Item #11: New/Unfinished Business**

Town Manager La May stated that the Appreciation Party for Dirk Nelson will be on Thursday at the Bottom Shelf Brewery from 5:00 to 8:00 pm.

Town Manager La May stated that a Visioning Bayfield program will be held April 29, 2014 from 6:00 to 8:00 pm at the Pine River Senior Center.

Trustee Nyberg asked if the Water Salesman would be affected by the water restrictions beginning May 15, 2014.

Town Manager La May stated that the Water Salesman is not affected by the restrictions.

Trustee Sanders asked if the price had increased at the Water Salesman.

Town Manager La May stated that the price of water at the Water Salesman has not increased.

Meeting was adjourned at approximately 8:36 pm.