

**Town of Bayfield**  
**Regular Town Board Meeting**  
**May 6<sup>th</sup>, 2014**  
**1199 Bayfield Parkway, Bayfield CO 81122**

**Town Board Members Present:** Trustee Davenport, Trustee Morlan, Trustee 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), Ron Saba (Public Works Director), Jeff Robbins (Town Attorney)

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

The meeting was called to order @ approximately 7:01 p.m.

**Roll Call:** 6 present 1 absent

**Pledge of Allegiance:**

**Approval of Minutes:** Trustee Nyberg made a motion to approve the minutes from April 22, 2014 as presented. Trustee Davenport seconded.

Roll call: 6 – 0

Motion passed unanimously.

**Approval of Bills:** Trustee Davenport made a motion to approve the bills dated April 23, 2014 through April 30, 2014 as presented. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

**General Public Input:** Ms. Holli Pfau gave a presentation on “Salute to Veterans” (S2V) a volunteer based nonprofit organization dedicated to assisting veterans, military personnel and their families.

**Town Updates:** Trustee Morlan asked what the specific nuisances were at the Fox Farm Tower. Town Manager La May stated that he has had complaints, from neighbors of the property, regarding several issues including; broken doors and windows, garbage, wasp nests and dead cats. Town Manager La May also stated that he had written a letter to the Community Development Corporation, the property owner, informing them of the complaints concerning the tower.

Trustee Morlan asked if the Fiber Swap Agreement was progressing as planned. Town Manager La May stated that the agreement was in the process of being finalized.

**Public Hearing:** Final Plat, Amended Plat Lots 45 & 63, Cedar Hills Subdivision

Trustee Morlan recused himself.

Town Manager La May stated that the applicants, Ed and Jackie Morlan, owners of lots 45 and 63 in the Cedar Hills Subdivision, are requesting the Town relocate the Town owned Greenbelt located between the two lots. This Public Hearing was noticed in the Pine River Times in accordance with requirements in the Land Use Code. Comments from Referral Agencies are included in the Board Packet. The request for relocation was presented to the Planning Commission and approved with certain conditions. All of those conditions have been

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satisfied. Staff recommends approval of the Final Plat of Amended Plat for Lots 45 and 63 of the Cedar Hills Subdivision.

Trustee Davenport asked if there were any buried utilities in the existing easements.

Town Manager La May stated that if there were buried utilities they were serving these individual lots.

No public comments were offered.

**Action Agenda Item #1: Consideration Of Approval Of Final Plat, Amended Plat Lots 45 & 63, Cedar**

Trustee Nyberg made a motion to approve the Final Plat of the Amended Plat for lots 45 and 63 of the Cedar Hills Subdivision. Trustee Davenport seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #2: Consideration Of Approval Of Appointment Of Troy McAllister To The Bayfield Planning Commission**

Town Manager La May stated that staff has advertised to fill two vacant seats on the Planning Commission Board. Mr. Troy McAllister has submitted a letter of interest to fill one of those vacancies.

Trustee Nyberg made a motion to approve the appointment of Troy McAllister to the Town of Bayfield Planning Commission. Trustee Salka seconded.

Roll call: 6 – 0

Motion passed unanimously.

**Action Agenda Item #3: 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**

Town Manager La May stated that a Public Hearing was held at the last regular Town Board Meeting. At that time staff was directed to remove all references to the portable on demand storage structures or temporary shipping containers from the proposed ordinance. This item will be presented to the Planning Commission for further review. Clarifying language has been added, defining temporary retail and food vendor carts, trucks and trailers. Transient Dealer requirements have also been clarified to specify that non-profit fundraising activities are exempt from licensing and that those sales can be conducted in any zoning district. Staff is recommending approval of Ordinance 385 as amended.

Trustee Morlan asked if this ordinance would fix the problem surrounding the business license for an Ice Cream Truck.

Town Manager La May stated that this ordinance does clarify the requirements for businesses such as the Ice Cream Truck.

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Trustee Davenport asked what license the Schwan's Truck or an Ice Cream Truck would require.

Town Manager La May stated that those types of businesses would require a Transient Dealer license.

Town Manager La May also stated that when issuing these licenses, staff will do the Town's due diligence and make sure that other licenses such as those required by San Juan Basin Health are in place before approving a Town of Bayfield Business License.

Trustee Davenport made a motion to approve 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 seconded.

Roll call: 6 – 0

Motion passed unanimously.

**Action Agenda Item #4: Franchise Agreement – USA Communications**

Town Manager La May stated that the Town is negotiating a Franchise Agreement that will allow USA Communications to install conduit in the Town's right of way. This agreement will outline the responsibilities of the Town of Bayfield and USA Communications as well as the Franchise Fee due to the Town.

Stuart Gilbertson with USA Communications stated that his concern at this time is the Franchise Fee. USA Communications would like to pay the same fee as their competitors such as Dish Network, Direct TV, Fast Track and Century Link. The current draft of the agreement includes a broad spectrum of charges that would be included in the franchise fee, including setup fees and premium channels such as HBO. USA Communications would like 5% franchise fee to be based on their basic service only.

Trustee Morlan asked if there was a franchise fee being assessed now.

Mr. Gilbertson stated that a fee is being paid based on the current agreement.

Trustee Morlan asked how much money was being collected by the Town at this time.

Finance Director Dunavant stated that it is a very small amount of money.

Mayor Pro-Tem Nelson thanked Mr. Gilbertson for attending tonight's meeting.

**Action Agenda Item #5: Consideration Of Award Of Contract To AAPFL, LLC For The 2014 Crack And Sand Seal Project**

Town Manager La May stated that bids for the Crack and Sand Seal Project were opened on Friday April 18, 2014 at 9:00 am. The low bid was received from AAPFL, LLC in the amount of \$194,000.45. The Town Engineer contacted references for AAPFL, LLC and all comments were favorable. Staff is recommending approval to award the contract to AAPFL, LLC for the 2014 Crack and Sand Seal Project.

Trustee Morlan made a motion to award the contract to AAPFL, LLC for the 2014 Crack and Sand Seal Project in an amount not to exceed \$194,000.45. Trustee Davenport seconded.

Roll call: 6 – 0

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Motion passed unanimously.

**Action Agenda Item #6: Consideration Of Award Of Contract To Crossfire, LLC For The 2014 Park Shop Project**

Town Manager La May stated that bids for the 2014 Park Shop Project were opened on Friday April 25, 2015 at 1:00 pm. The low bid was received from Crossfire, LLC in the amount of \$218,587.00 base price. The total cost of the project including four additional alternatives will be \$242,994.00. Staff is recommending approval to award the 2014 Park Shop Project to Crossfire, LLC contingent upon written assurance that Gabe Candelaria is the Project Superintendent and approval of the Department of Local Affairs to proceed.

Trustee Davenport made a motion to award the 2014 Park Shop Project contract to Crossfire, LLC in an amount not to exceed \$242,994.00 contingent upon written assurance that Gabe Candelaria is the Project Superintendent and approval of the Department of Local Affairs. Trustee Nyberg seconded.

Roll call 6 – 0

Motion passed unanimously.

**Action Agenda Item #7: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)**

Mayor Pro-Tem Nelson stated that the SWCCOG met in Cortez last Friday. The meeting was not well attended. The primary discussion was housing and the Housing Coordinator.

Town Manager La May stated that LPCEA will meet next Tuesday.

Trustee Davenport stated that RHA will meet tomorrow.

Trustee Salka stated that SWTPR will meet in June.

Trustee Sanders stated that during his first Region 9 meeting he learned that three businesses in Bayfield have been funded by this organization.

Finance Director Dunavant stated that Region 9 did receive another application from a potential business in Bayfield that did not make approval from the finance department.

Trustee Nyberg stated that the Planning Commission has not met since the last Town Board meeting.

Trustee Morlan stated that the Senior Board will meet tomorrow.

**Action Agenda Item #8: New/Unfinished Business**

Trustee Davenport asked if anyone had attended the Chamber of Commerce meeting regarding the possibility of a motel in Bayfield.

Town Manager La May stated that he had attended the meeting and a lot of good information was provided. There will be another meeting this Thursday.

Trustee Morlan stated that the Chamber of Commerce has asked Region 9 to do an analysis on the possibility of a motel in the Town of Bayfield.

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Trustee Davenport stated that she would like to thank Trustee Salka for helping the school with the Prarie Dog problems.

Trustee Morlan thanked staff for the Town Clean Up.

Mayor Pro-Tem Nelson asked if staff had heard anything regarding the Safe Routes to School Grant.

Town Manager La May stated that the Town of Bayfield's grant application was not approved.

Town Manager La May stated that the Visioning Survey is online on the Town's website.

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 and to include Town Manager La May, Town Attorney Robbins and Public Works Director Saba. Trustee Nyberg seconded.

Roll call 6 – 0

Motion passed unanimously.

Meeting adjourned to Executive Session at 7:55 pm.

The Board came out of Executive Session and adjourned at approximately 8:15 pm.