

**THE TOWN OF BAYFIELD**  
**Regular Meeting of the Bayfield Town Board**  
**11 W. Mill Street Bayfield , Colorado 81122**

**July 17, 2007**

**Town Board Present:** Russ Jones, Carol Blatnick, Acting Mayor Pro Tem, Tom Au, and Niel Hieb. Herm and Rick Smith were absent.

**Staff Present:** Justin Clifton, Joe Crain, Dirk Nelson, and Pat Anselmo. Marty Zwisler was also in attendance.

**Press:** Carole McWilliams, Pine River Times

**Opening Ceremonies:** The meeting was called to order by Acting Mayor Pro Tem Carol Blatnick at 7 p.m. She informed the Board that the Mayor is doing much better, but he did not feel he has regained his strength back sufficiently, and asked to be excused for this evenings meeting.

The meeting was opened for General Public Input, none was given. Public input closed.

**Agenda Item #1: Approval of bills:** Russ Jones moved to approve the payment of bills as presented. Tom seconded. The vote was three in favor. Motion carried.

**Agenda Item #2: Planning Commission Update:** The Planning Commission Update was given by Pam Smith. Major items commented on included a public hearing for a request for confirmation of decision concerning land use administration “That if land is of an R-10 designation and meets the 10,000 sq. ft. per unit, can a multiple number of Single Family Units be placed on that parcel without subdivision. The R-10 zoning does allow multiple structures. The Planning Commission interpreted the R-10 designation as being able to allow multiple structures when at least 10,000 sq. ft. is available for each structure.

They held a public hearing on the ‘Old Mill Street Bungalows, 188 Mill Street proposed development. This was to consider a rezoning from R-10 to Multi-family to accommodate building the Old Mill Street Bungalows. David Blacks letter was noted. David was arguing that Mr. Broadhead did not follow the policies of the Land Use Code, because he did not send ‘certified mail’ notices to the neighbors that live within 200 feet. The Planning Commission decided that it was acceptable that Mr. Broadhead had mailed the notices as registered mail. They determined that in this special case they would o.k. notices sent via registered mail. However, the Planning Commission wanted to make sure that future mailings are sent out *certified, return receipt requested*. The Planning Commission recommended that the property at 188 Mill Street be rezoned from R-10 to Multi-family.

They considered the Public Hearing regarding the annexation and Minor subdivision of the Dave and Linda Hardy property. According to Joe Crain, this is a two part request. The Planning Commission recommended that the residential property be given an R-10 designation. The second part of the property would need to be annexed and then approved as a minor subdivision. They proposed to the board that Mr. and Mrs. Hardy

be allowed to annex contingent upon meeting the specifications listed. All utilities would be the responsibility of the property owner.

The Planning Commission concurred with Justin that the 10 day period to comment on the Prid proposal was unacceptable.

**Agenda Item #3: Town Updates:**

Justin said he is still waiting for Sunrise to get the geo-tech work completed. Likewise, with the standards, he has received the reformatted standards, but will talk about these at a later date.

He asked if the Board had any other concerns or questions on the remaining Update items. They did not.

**Agenda Item #4: Town Hall Financing:** James Capital Advisors has prepared a lease purchase agreement. Justin asked the Board how they want to structure the deal so he can move forward. He calculated a debt service based on ten years. He asked for the Boards comments on the ten years amortization schedule provided. The banks will want collateral.

Under the proposed agreement, the town would not own the property, they would only lease it. Justin said that one option would be to separate a portion of the building. The Town anticipates borrowing 2.1 million, the budget is for 3.6 million. The Town has roughly 1.4 million set aside for the Town Hall. Debt service will be partially paid by the county's lease. The Town would only finance 1.5 million. Justin wanted to confirm that they ( the board) are agreeable to leaving the decision to James Capital Advisors. Tom definitely wants a prepay option open, (no penalty for paying off early). The Board gave nodding heads for Justin to go ahead with the financial arrangements. Justin will go for RFPs, and include some from local banks. Niel would like to see the numbers for a 15 year debt service plan.

**Agenda Item # 5: Senior Center Schematic Design/ CMGC:**

Marty gave the Senior Center schematic design/ CMGC update.

The Town needs to advertise and get a construction manager / general contractor under contract. They are concerned about the bulk of parking being on the north side of the building. They are going to remove the old county building. It will be kept at 5000 sq. ft. It will have a wood frame, the floor plan is open, and will provide maximum utilization.

It will have a full size commercial kitchen. It will have space to handle Meals on Wheels, it will have a walk in freezer. The north side will be covered to keep snow and ice from accumulating. It will have a stacked washer and dryer to run linens and such. It has a real "Town of Bayfield" fit.

Justin said he is really impressed with the process working with Dave Anderson. The plan accommodates every idea that was presented. It has a warming kitchen, the porch can be screened for expanded floor space should the need arise. Justin is working with private foundations that have offered to contribute. The Center can be added on to (in the future) to the west. This property is already owned by the town.

Marty would like the Board to approve the design development and bring in a construction manager and a general contractor as soon as possible. He would like to

place an ad tomorrow for a CMGC. Niel moved to proceed with ads to acquire a construction manager and a general contractor. Tom seconded. The vote was four in favor. Motion carried. Justin then asked in any of the Board members want to be involved in the CM/GC process. Justin plans to meet with Marty, and Board members are invited to attend.

**Agenda Item # 6: Liquor License Renewal – Tequila’s Mexican Restaurant:**

Niel made a motion to renew the annual liquor license for Tequilas, Tom seconded. The vote was four in favor. Motion carried.

Agenda Item #7: Public Hearing, Old Mill Street Bungalows, 188 Mill Street, rezoning request from R-10 to Multi-family. The initial Mill Street zoning did not allow any residential zoning. This particular lot at one time had a house. The lot is now vacant. Eli Max submitted a letter for the packets concerning this rezoning request. Joe confirmed with Dirk that the mailing was not sent out certified, however, they were sent out registered mail. Dirk said he believes that, although there was no receipt received, the notices are traceable. Dirk did comment that the Town code requires these notices be sent certified., the question remains ‘Did we meet the intent?’ Justin felt that the registered mailing does. Dirk countered, ‘it is up to the Board, do they want to require that this be renoticed? It is their decision.’ Russ made a motion to support the Planning Commission decision on the intent being met. Justin asked if the board wants to hear it tonight. He acquiesced, the notice did not fulfill the letter of the law. Russ moved that the Board go ahead and hear this issue tonight. The motion died for lack of a second. Niel moved to wait until there are more board members present. Joe said the Town could do the certified mailing and hear it within two weeks, by August 7. The applicant can asked to send certified notices.

After a short discussion, Tom seconded the motion. Ron Broadhead had asked Marianne about the copy of what was mailed. She did tell him that she felt it was o.k. Russ does not think the issue should be delayed. Vote was two in favor, Tom and Niel, opposed were Carol and Russ. Motion failed.

Justin suggested it may be wise to separate the two issues. If the Board thinks notice is inadequate, it would be forment to the Planning Commission decision.

Russ moved to find the notice was adequate based on intent.

Niel seconded, noting the code does specify certified notices should be sent, adding he has a problem voting for something that the Board does against its own code.

The vote was three in favor, with Tom opposed.

Now it was ready for the Board to make the determination if they will hear it tonight.

Russ made a motion to hear this issue tonight. Niel seconded.

The vote was three in favor, with Tom voting in opposition. If zoning is granted, it must be fee simple. Under multiple family density, the maximum allowed would be seven units. The minimum required is 2000 sq ft per unit on the lot. All the Board is doing tonight is allowing multi family zoning. Although the area is tight, it can be done. The board will have to be sure that all standards can be met. The Planning Commission had issues with density, anyone developing this lot would be limited to seven units. Park fees will have to be paid at \$778 per lot. They would have to pave the alley, it will be the only access to this area. The developer needs to provide sidewalks. Staff feels that if it were

Mill Street zoning, they could build to the property boundaries. This area backs up to the Buck Highway boundaries, steepness is a definite issue. Staff basically is in support of multi family, as long as the alley is paved. Fees would be paid at time of plat recording. Ron Broadhead gave his presentation. He is trying to bring back a population basis for Mill Street. It will be a subdivision. The land under the home will be owned by the owner, the land surrounding the building will be community property. Joe, there will need to be a SIA for water and alley work. Justin commented that tonight's vote is strictly a land use change, stating 'this is the only issue to be decided tonight'.

Carol opened the meeting for public hearing, stressing there is a limit of ten minutes. The only issue is the rezoning of 188 Mill Street.

Ray Stong, 486 Church, said 'you can directly view this site. They are using *minimum* parking. On the current alley, you cannot turn a pickup around'. He would like the board to reconsider, and deny the request. David Black spoke, emphasizing he disagrees with the decision to hear this tonight. It was not sent certified! It makes a difference on the definition of the parcel on the documents. He also emphatically stated 'The density on Fox Farm will not equal the density on the Old Mill Street Bungalows'. David thinks five units is much too much. Drainage needs to be addressed, snow removal capabilities is a major factor. He thinks seven units in one large building would be more desirable. He also said the alley should be at least 12 foot wide, and stressed that the fee in lieu of park should be paid. David said Ron should be required to pay impact fees for the Buck highway access.

Root Rutledge spoke, saying 'this is just a rezoning decision'. He wants to go on record as being in favor of it. He thinks that this general concept for the downtown area is a good idea. No other comments were expressed. The Public Hearing closed.

**Consideration:** Russ wanted the Board to please keep in mind that this is a rezoning only. Dirk cautioned that, if you allow the rezoning, it would only have to go before staff (in the future). Once you give the rezoning, you leave it open for building apartments, condos, etc. Neil said it will eliminate commercial use (for this certain lot) for Mill Street, adding 'Good businesses make a downtown, not good residences'.

The Board feels the Downtown Bayfield Association should be involved in this decision. Joe interjected that they are not a normal agency to notify, be aware that it will take longer to make a decision. Russ made a motion to approve the request for rezoning from R- 10 to multi- family at 188 Mill Street. Motion died for lack of a second.

Tom made a motion to continue this issue until the Downtown Association is heard from, or until August 7, if they don't respond. Niel seconded. The vote was three in favor, with Russ voting in opposition. Motion carried.

A short break was called for.

The meeting reconvened at 8:55 p.m.

### **Agenda Item #8 Consideration To Remove Plat Restrictions For USDA Rural Development Fox Farm PUD:**

Proponents of Fox Farm is requesting the Town remove all plat restrictions. Joe asked Dirk to speak to this. Colorado Housing is ready to finance ten units at Fox Farm. They refuse to finance the units unless they get a waiver in the event of foreclosure. Dirk said if the USDA is satisfied with it as modified, he is OK with it. Niel moved to approve the

removal of plat restrictions in order for the USDA to be able to finance the units. Russ seconded. The vote was four in favor. Motion carried.

The board is OK with allowing the town manager to deal with future lenders without bringing it back for consideration..

**Agenda Item # 9: Extension of Vested Rights, Bay Heights Resubdivision of lot 119:** Statutorily, once a plat is approved, there is a one year period in which to approve the final plat.

The developer or owner has ninety days to record the plat once the final plat is approved. If they fail to meet the 90 day allotted time, it is null and void.

Joe is asking for the developer to make their case. Bay Heights is asking for an extension. David Black was asked to address the Board. He is asking for a 180 day extension because the Town has not solved the sewer issues as yet. Tom moved to grant the applicant the 180 day extension for Bay Heights Resubdivision of lot 119. Niel seconded. The developer must make the prepayment per lot of \$1500 for sewer taps. The vote was four in favor, motion carried.

**Agenda Item # 10: Extension of Vested Rights, Dove Ranch Subdivision, Brad Elder:**

Brad Elder is asking for an extension of the vested rights for Dove Ranch, for Unit 1 Phase 3 (a) for one year. Staff does not recommend allowing the one year extension. Brad explained, it is the sewer situation, obviously. He will build the phase if they get 14 pre sales. A six month extension will give until January 2008. They cannot start in the winter months; one year will give him the time necessary. Next year the plant will be underway. Joe reconfirmed that the park is a part of this. If the extension is allowed, the park will be delayed.

Russ said they were promised a park last year. The park was a big selling point of the lots in this development. Niel moved to approve the extension of vested rights for 180 days for Dove Ranch, Unit 1, Phase 3 (a). Tom seconded. The vote was four in favor, motion carried.

**Agenda Item # #11 Meadows Circle Safety Issue:**

Russ mentioned that the safety problem is, in reality, a speeding problem. He suggested improved signage in order to ensure that drivers know the speed limits. Although, even if the Town makes sure that speed limit signs are posted, there is a huge site distance problem. He asked if the Town could place a speed bump before the crest of the hill. Niel said there are fourteen children that live on that side of Meadow Circle. This needs to be addressed promptly

**Agenda Item # 12 Water Salesman Schematic Design:**

Justin has brought back a schematic design that utilizes Spruce Drive. He is moving forward and has asked that Souder Miller to do the design work. They think they can get this done by Labor Day. The scope of work approved when hiring FCI included moving the water salesman. Russ suggested to Justin that they utilize more of the lot to get a larger turning radius. The Board needs to discuss hours of operation. Justin replied that he does want to widen the turning radius. He will get estimates on costs.

**Agenda Item #13: Sewer Board Appointment:**

Due to unforeseen circumstances, there is a vacancy on the Sanitation Board. Justin remarked that it would be nice to fill the vacancy with a Town board member. When no one volunteered, Niel moved to recommend Rick Smith to the Sanitation Board for the appointment to the vacancy. Tom seconded. The vote was unanimous, in favor.

**Agenda Item # 14: Mosquito Fogging:**

Because the costs to spray mosquitoes last year did not reach the budgeted amount, Justin thinks it is appropriate to suspend the dollar a month currently being charged until January 1,2008. Niel moved to cease billing for mosquitoes effective September 1. Tom seconded. The vote was four in favor. Motion carried.

**Agenda Item # 15: New/ Unfinished Business:**

Justin gave an update on the LPEA meeting. They would like board members to attend. They wanted Bayfield to know that they are a resource for our community. The meeting is to be September 8 and will be in Ignacio.

Tom said they need 3 phase power at the sewer plant. Justin replied that the holdup is the easement. The homeowner wants improvement to the bridges and Brad is trying to get BP to participate in the cost. They need more refined load data information.

Justin is scheduling workshops for the Board. He is proposing August 11, which is a Saturday. They need to discuss standards, road impact fees, Fox Farm deed restrictions. Justin will tentatively schedule August 11 for this. He is going to be gone the last of August.

Concerning the Children, Youth and Master Planning project, it can be discussed at the workshop. They want representation from all communities involved. Carol is very interested in participation. This is a La Plata county project, not just Durango. Bayfield has historically had more volunteers than other areas.

There is a joint meeting between the Bayfield Sanitation District Board and the Town Board tomorrow at 7 p.m. It is very important for the town board to attend.

Justin put the IGA for the Senior Center on the dais tonight. He needs to know if he can proceed without approving it tonight. The county will not have any review or veto power on it. He will not make another copy for the board so please save your copies for the next few weeks.

Justin said CHI needs to be willing to pay the full sewer tap fees. It is currently \$6,000 for sewer, \$4,334 for water. DOLA will pay for the fees, if the town gets a letter of credit.

Justin informed the Board that, over the Labor Day weekend, he is going far away. He asked if the Board would want to reschedule the meeting originally set for September 3 or to do away with it. Niel moved to cancel the September 3 meeting.

Regarding the Water Service District, the Town is working on formulation for response for this to be sent in early August. Dirk is meeting with the proponents for this District tomorrow morning. The reality of anything happening within the next three years is limited. This is the Town's one shot to protect themselves, (with the map that was produced) and to delineate the area that Bayfield does not want them to serve water in. Dirk will formulate comments for the county commissioners meeting.

Regarding the Sanitation Dissolution, the town needs to approve the plan for dissolution. The Sanitation District needs to get it filed in District Court. The town needs to discuss this more fully.

Regarding the median on Hwy 160, CDOT: Justin said it is his intent to just 'go out there and take care of it'.

Niel had a question about procedures that the Town has in place to protect itself against sexual predators. Is this a State governance issue, or the County, or the Towns? To what extent is our marshal's office involved? How can the Bayfield community know if they have a predator in their midst?

Motion to adjourn 9:50 a.m.