

**Town of Bayfield  
Regular Town Board Meeting  
August 20, 2013  
1199 Bayfield Parkway, Bayfield CO 81122**

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

**Town Board Members Absent:**

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

**Media Present:** Carol McWilliams (Pine River Times)

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

**Roll Call:** All present

**Pledge of Allegiance:**

**Approval of Minutes:** Trustee Au made a motion to approve the minutes from August 6<sup>th</sup>, 2013 as presented, Trustee Renfro seconded.

Motion passed unanimously.

**Approval of Bills:** Trustee Nelson made motion to approve the bills dated August 7<sup>th</sup> through August 15<sup>th</sup>, 2013, Trustee Nyberg seconded.

**Roll call:** 7 – 0 (Trustee Au abstained from voting on the bill to Pinnacle Surveying)

Motion passed.

**General Public Input:** No public input

**Town Updates:** Trustee Renfro stated that she would support the idea of having fireworks during Heritage Days. Trustee Davenport stated that the Flood Plain Ordinance Educational Meeting is scheduled for September 24<sup>th</sup>, the same day as the CML District Meeting and dinner. Town Manager La May stated that he would reschedule the Flood Plain Ordinance Educational Meeting.

**Open Forum:**

Taylor Morris (523 Dove Ranch Road), J Paul Brown (1776 CR 319), Joe Mozgai (402 Dove Ranch Road), Joe Layton (1506 CR 514), Casey Cook (135 Pine Ridge Drive), Ray Wallace (1181 Highview Road), Mac Burkett (3021 CR 223), Molly Beaver (40355 Hwy 160), Phyllis Beaver (40355 Hwy 160), Betsy Romere (1215 Beaver Creek Drive), Ron Dunavant (4162 CR 516), Cookie Hoselton (142 Jacks Lane), Phyllis Ludwig (9205 CR 521), Barbara Bushey (82 E. Park Street), Luke Kirk (200 Moonshadow Lane), Judy Spady (272 Pinecone Drive), Trisha Mead (602 Magnolia Court), Dave Hardy (821 CR 501), Sandy Wallace (1181 Highview Road), Phillip Abbott (324 Star Crossing), Eric Spady (272 Pinecone Drive), all spoke in opposition of legalizing the retail sale of marijuana in the Town of Bayfield.

David Black (606 Buck Hwy) spoke in favor of legalizing the retail sale of marijuana in the Town of Bayfield.

Mayor Smith thanked all members of the community for coming forward to voice their opinions on this subject.

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**Action Agenda:**

1. **Consideration of: Approval of Ordinance 380, An Ordinance of the Town of Bayfield, Colorado Amending Chapter Five of the Town Code by the Addition of a New Article V to Chapter 5, Concerning the Ban and Prohibition of the Acceptance of Applications or for the Issuance of Licenses for the Establishment or Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores and to Ban and Prohibit All Such Uses and Any Related Uses in the Town of Bayfield to be Effective Immediately; or (Permanent Ban)**

**Approval of Ordinance 381, An Ordinance of the Town of Bayfield, Colorado Amending Chapter Five of the Town Code by the Addition of a New Article V to Chapter 5, Concerning the Permanent Ban and Prohibition of the Acceptance of Applications or for the Issuance of Licenses for the Establishment or Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Related Uses or the Establishment or Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Related Uses and Imposing a Temporary Ban and Prohibition on the Acceptance of Applications or for the Issuance of Licenses for the Establishment or Operation of Retail Marijuana Stores and Related Uses and on the Establishment or Operation of Retail Marijuana Stores and Related Uses in the Town of Bayfield until Further Action of the Board, to be Effective Immediately; or (Permanent/Temporary Ban)**

**Approval of Ordinance 382, An Ordinance of the Town of Bayfield, Colorado Amending Chapter Five of the Town Code by the Addition of a New Article V to Chapter 5, Concerning the Temporary Ban and Prohibition of the Acceptance of Applications or for the Issuance of Licenses for the Establishment or Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores and Related Uses or the Establishment or Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores and Related Uses in the Town of Bayfield until Further Action of the Board, to be Effective Immediately. (Temporary Ban)**

Trustee Morlan stated that based on the Marshal's memo included in the Board packet he will be supporting a vote against the legalization of retail marijuana sales in Bayfield.

Trustee Nelson stated that she respects the voters vote on Amendment 64 and she also respects the citizens' opinions that were heard tonight. She also stated that she feels that the legalization of retail marijuana sales would be negative on our economic development and towards the image of the Town of Bayfield.

Trustee Au stated that 22 people have spoken tonight, 21 of those are against the legalization of retail marijuana sales. The citizens have presented the Board with 200+ signatures on petitions asking that the Town of Bayfield ban retail sales. He stated he would be supporting a "no" vote.

Trustee Nyberg stated that he felt strongly to support the legalization of retail sales, but after listening to the comments tonight he will be voting no.

Mayor Smith stated that as elected officials they are supposed to leave their personal convictions and morals out of their decisions and deal with what is best for the people and the Town of Bayfield. This is not always possible. He also stated that he is not very proud of the fact that the State of Colorado has taken a lead role in legalizing marijuana.

Trustee Renfro made a motion to approve Ordinance #380, An Ordinance of the Town of Bayfield, Colorado amending Chapter Five of the Town Code by the addition of a new Article V to Chapter 5, concerning the ban and prohibition of the acceptance of applications or for the issuance of licenses for the establishment or operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities

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and retail marijuana stores and to ban and prohibit all such uses and any related uses in the Town of Bayfield to be effective immediately, Trustee Davenport seconded.

Roll call: 7 – 0

Motion passed unanimously.

2. **Possible Consideration of Ordinance 383, An Ordinance of the Town of Bayfield, Colorado Amending the Code by the Addition of Chapter 5, Article VI Regarding the Designation of a Retail Marijuana Local Licensing Authority.**

Attorney Nelson stated that it would be appropriate for the Board to bypass this agenda item.

3. **Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9)**

Trustee Nelson stated that the SWCCOG is looking for a new Executive Director.

Mayor Smith stated that the topic of discussion at the Alliance meeting is the airport.

Town Manager La May stated that RHA is preparing to move forward with the IGA's with the individual communities. He also stated that RHA will not be increasing the amounts due from each community.

Trustee Renfro stated that SWTPR will meet on Thursday August 29<sup>th</sup>.

Trustee Morlan stated that there was nothing new with Region 9.

Trustee Davenport stated La Plata Family Centers made a presentation during the Chamber of Commerce "After Hours". La Plata Family Centers now has an office in Bayfield open two days a week and they have someone on staff to help citizens with questions regarding the upcoming healthcare changes. She also stated that the Copper Rose Coffee Shop is now open under new ownership and the Pine River Cemetery District is trying to put something on November's ballot to raise the mills.

4. **New/Unfinished Business**

Mayor Smith stated that Mayor Stella Cox from Ignacio has invited us to their 100<sup>th</sup> Birthday Celebration.

Trustee Renfro asked about the situation with the fireworks that were not used on the 4<sup>th</sup> of July.

Town Manager La May stated that the Town has been working with Upper Pine Fire and Mack Coker. Mr. Coker purchases the fireworks in bulk and there is no rush to use them this year. There has been discussion of needing a new switchboard to make the displays safer.

Mayor Smith stated that he would like to have a fireworks display at Heritage Days.

Trustee Au asked if the Town needs to set money aside for a new switchboard.

Town Manager La May stated that we should discuss that during the 2014 budget process.

Carol McWilliams asked if she could include the fireworks display on the poster for Heritage Days.

Mayor Smith stated that the Town would help advertise.

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Trustee Nelson suggested that staff contact Mack Coker and the Fire Department before advertising a fireworks display.

Meeting was adjourned at 8:30 pm

**Minutes Were Approved As Presented On September 3<sup>rd</sup>, 2013**

**Approved:**

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**Rick K. Smith  
Mayor**

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**Kathleen Cathcart  
Town Clerk**