

**Town of Bayfield
Regular Town Board Meeting
September 1, 2015
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), Ron Saba (Public Works Director), Jeff Robbins (Attorney)

Media Present: Carol McWilliams with the Pine River Times

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

Approval of Minutes: Trustee Nelson made a motion to approve the minutes from August 18, 2015 as presented. Trustee Salka seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Salka made a motion to approve the bills dated August 19 through August 27, 2015, as presented. Trustee Davenport seconded.

Roll call: 7 - 0 (Mayor Smith abstained from voting on the bill from Data Safe Services)

Motion passed unanimously.

General Public Input: Ron Dunavant with First National Bank of Durango, residence 4162 CR 516, business address 351 Bayfield Center Drive, expressed his support of the 1% Sales Tax Initiative.

Town Updates: Trustee Nelson asked if the signage for the County was something that needed to be put on the agenda. Town Manager La May stated that this may be something that needs to be discussed during a budget workshop for 2016.

Action Agenda Item #1: Consideration of Ordinance 391, An Ordinance Of The Town Of Bayfield, Colorado Amending Article II Of Chapter 14, Which Amendments Would Create An Additional One Percent Town Sales Tax, Pledging Such Additional Sales Tax To The Town Of Bayfield Street Fund Subject To The Approval Of The Amendments Contained Herein By The Registered Electors Of The Town

Town Manager La May stated that Ordinance 391, if approved, is contingent on approval of the ballot issue in November. This ordinance will create a separate accounting fund. If the Sales Tax Increase is approved, the dollars would be deposited into the Street Fund.

Trustee Morlan made a motion to adopt Ordinance 391, an ordinance of the Town of Bayfield, Colorado amending Article II of Chapter 14, which amendments would create an additional one percent Town Sales Tax pledging such additional Sales Tax to the Town of Bayfield Street Fund subject to the approval of the amendments contained herein by the registered electors of the town. Trustee Nyberg seconded.

Roll call: 7 – 0

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Motion passed unanimously.

Action Agenda Item #2: Consideration Of Approval Of Resolution, 340, A Resolution Of The Town Of Bayfield, Colorado Approving The Ballot Question To Be Submitted To The Registered Electors Of The Town Of Bayfield At The Coordinated La Plata County Election On November 3, 2015 On The Issue Of The Approval Of An Additional One Percent Sales Tax, With Such Amounts To Be Pledged To The Town Of Bayfield Street Fund As Provided In Ordinance 391

Town Manager La May stated that the Sales Tax Increase being proposed has a twenty year life. If approved, the increase will take effect on January 1, 2016.

Trustee Nelson made a motion to approve Resolution 340, a resolution of the Town of Bayfield, Colorado approving the ballot question to be submitted to the registered electors of the Town of Bayfield at the coordinated La Plata County Election on November 3, 2015 on the issue of the approval of an additional one percent Sales Tax, with such amounts to be pledged to the Town of Bayfield Street Fund as provided in Ordinance 391. Trustee Salka seconded.

Roll call: 7 – 0

Motion passed unanimously.

Action Agenda Item #3: Consideration Of Approval Of Resolution 341, A Resolution Of The Town Of Bayfield, Colorado Approving The Ballot Question To Be Submitted To The Registered Electors Of The Town Of Bayfield At The Coordinated La Plata County Election On November 3, 2015 On The Issue Of The Approval Of Engaging In Provision Of Cable Television Service, Telecommunications Service, Or Advanced Service In Accordance With C.R.S. 29-27-201

Town Manager La May stated that Resolution 341 is another measure that the Board is considering to put on the ballot for the November 3rd election. This measure is referred to as the Senate Bill 152 Opt Out, which will reestablish the Town's right to provide High Speed Internet, Telecommunication Services and or Cable Television Services. Essentially, allowing the Town to utilize the Fiber Optic Network and lease it to public and private providers. This will allow for a more competitive environment.

Trustee Morlan made a motion to approve Resolution 341, a resolution of the Town of Bayfield, Colorado approving the ballot question to be submitted to the registered electors of the Town of Bayfield at the coordinated La Plata County Election on November 3, 2015 on the issue of the approval of engaging in provision of Cable Television Service, Telecommunications Service, or Advanced Service in accordance with C.R.S. 29-17-201. Trustee Davenport seconded.

Roll call: 7 – 0

Motion passed unanimously.

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Action Agenda Item #4: Consideration Of Approval of Resolution 342, A Resolution Of The Board Of Trustees For The Town Of Bayfield Supporting The Referred Ballot Measure To Increase Sales Tax In The Town Of Bayfield One Percent (1%) For Purpose Of Streets, Traffic, Transportation And Stormwater

Town Manager La May stated that Resolution 342 reaffirms the Board's support of the Sales Tax Measure. The resolution also includes language for donning "Red Noses" and taking a collective picture of the Board of Trustees. Resolution 343 is the same as Resolution 342 except it does not include language regarding the "Red Noses".

Mayor Smith asked the attorney if it was advisable for the Board of Trustees to participate in a photo wearing the "Red Noses".

Attorney Robbins stated that State Statute does not preclude taking an advocacy position. From his legal view, this would not be the wisest choice.

Trustee Morlan asked what Attorney Robbins meant by "not the wisest choice". Passing the resolution or taking the picture.

Attorney Robbins stated that the Fair Campaigns Practices Act was established to direct Political Subdivisions that you ought not to urge electors to vote in favor or against a local ballot issue. While it is not technically illegal to do either, the picture or the resolution, I would recommend that you do not take those kind of advocacy positions as a Board as a whole. Individually, you are free to do as you want in terms of advocacy.

The Board agreed with Attorney Robbins advice.

Attorney Robbins stated that if the Board was in agreement, action did not need to be taken on Resolution 342 or Resolution 343. The Board could just move on to Action Agenda Item #6.

Action Agenda Item #5: Consideration Of Approval of Resolution 343, A Resolution Of The Board Of Trustees For The Town Of Bayfield Supporting The Referred Ballot Measure To Increase Sales Tax In The Town Of Bayfield One Percent (1%) For Purpose Of Streets, Traffic, Transportation And Stormwater

The Board skipped this agenda item.

Action Agenda Item #6: Discussion And Possible Action – Vacation Rentals Code Requirements

Town Manager La May stated that staff has received a Use by Review application for a lodging unit in a single family home in the Downtown area. In the initial review of the application the use of one unit in an otherwise Single Family Home causes some challenges. The International Building Code (IBC) classifies buildings based on occupancy. In this particular circumstance, the building has two types of occupancy (single family residence and short term lodging). The IBC classifies the use as R-1 and R-3 and therefore requires a two (2) hour separation (i.e. fire wall) between the uses. The requirement is based on the idea that a transient tenant in a short term unit, is not familiar with their surroundings and needs the additional protection to provide additional time to vacate the premise in case of fire. The International Residential Code (IRC) is a standalone code meant to regulate the construction of the detached one and two family dwellings and multiple dwellings not more than three stories in height with a separate means of egress; with provisions tailored to the requirements of dwellings where familiarity reduces the need for certain protections. In Colorado, municipalities (CRS § 31-15-601) may adopt ordinances and a building code for the public health, safety, morals, and general welfare and the safety, protection and sanitation of such dwellings, buildings, and structures. The Town of

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Bayfield has adopted the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code and the International Fuel Gas Code, and International Fire Code, 2003 Editions. The City of Durango has amended their land use code to provide that vacation rentals comply with the IRC rather than the IBC. Pike Peak Regional Building Department exempted vacation rentals under five (5) units from the requirements of the IBC. In general, the communities made this determination based on desirability of vacation rentals. In many of the more expensive communities, property owners can make more profit on a vacation rental than long term lease, which has resulted in an amplification of affordable housing issues. The discussion of whether a vacation rental would need to be sprinkled for fire, also seems to have some bearing on the various communities positions. The Town of Bayfield recently conducted a Community Assessment and one of the recommendations included considering "Bed and Breakfast or vacation rental option to provide lodging that allows the visitor to experience the family character of Bayfield. Find a way to support the efforts of existing home and property owners with the potential to add rental or lodging spaces to their properties." Staff is seeking direction on whether the Board of Trustees would like to pursue amending the Municipal Code to promote vacation rentals.

Trustee Nelson asked if the vacation unit in question was already built.

Town Manager La May stated that the unit is built, but not available for rent. This is probably an opportune time to put requirements in place for this type of activity.

Mayor Smith stated that he would like to see the Town be proactive regarding this type of business. He also stated that he would be in support of the Town basing its requirements off of the International Residential Code to lessen the burden on the businesses.

Trustee Nelson asked if this type of business was addressed in the Land Use Code.

Town Manager La May stated that there are certain zoning classifications that allow for lodging. In this instance the location is in the Town Center zoning classification which allows for a multitude of uses.

Trustee Nelson asked if the Land Use Code should be reviewed while discussing vacation rentals.

Town Manager La May stated that when the Land Use Code was last revised, vacation rentals were not vetted. It would behoove us to review the Land Use Code in totality to insure there are no unintended consequences.

Mayor Smith recommended that staff bring back some samples to review and give some guidance on how staff would like the Board to proceed.

Trustee Morlan asked if there was a difference between a vacation rental and someone renting out a room in their house.

Town Manager La Many stated that there is a difference between a short term and long term rental. Less than thirty days is considered a Transient Sleeping Unit versus a Living Unit.

Town Manager La May stated that this is something that should probably be remanded to the Planning Commission.

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The Board agreed to remand this issue to the Planning Commission.

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

Trustee Morlan stated that the Senior Board will meet next week.

Trustee Nyberg stated that the Planning Commission will meet next week.

Trustee Sanders stated that Region 9 will meet in two weeks.

Town Manager La May stated that SWTPR will meet in a couple of months.

Trustee Davenport stated that RHA will meet in October.

Trustee Salka stated that LPCEA met yesterday. The discussion at that meeting was in regards to supporting Senate Bill 152.

Trustee Nelson stated that SWCCOG will meet a week from Friday.

Action Agenda Item #8: New/Unfinished Business

Town Manager La May reminded the Board about the CML District Meeting in Pagosa Springs on September 30, 2015.

Town Manager La May stated that the Board had received an invitation to the Annual Picnic for the La Plata Open Space Conservancy on Sunday September 20, 2015.

Town Manager La May stated that staff has been trying to get information out to public regarding the taste and odor issue with the water. Hopefully this resolves itself in a couple of weeks. The new Water Plant will help reduce this problem in the future.

Trustee Nelson asked why the water issue was worse in some areas.

Public Works Director Saba stated that the further away from the Water Plant the warmer the water and the stronger the odor and taste.

Trustee Salka stated that he would like to create a plan to get information online and out to the public as quickly as possible.

Town Manager La May stated that staff would like to bring back item #9 at a later date.

Mayor Smith stated that he did not normally take Public Comment at this point in the meeting. Since Mrs. Orendorff was late in arriving to tonight's meeting he will make an exception.

Mrs. Molly Orendorff, 874 E. Sage Street, stated that she would like to see the Board reconsider Curbside Recycling.

Mayor Smith stated that items such as this should be presented to staff and staff will make recommendations to the Board.

Trustee Nelson stated that recycling was discussed during last year's budget process.

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Mayor Smith stated that the Board opted not to include Curbside Recycling in the budget because of the cost and the inability for residents to choose whether they wanted the service or not. He also stated that he would not be in favor of entertaining this discussion until after the November 3rd election. Mayor Smith directed Mrs. Orendorff to discuss this matter with staff.

Meeting was adjourned at 7:53 pm.