

**THE TOWN OF BAYFIELD
REGULAR BOARD MEETING
BAYFIELD TOWN HALL
11 W. Mill Street, Bayfield Colorado
January 16, 2007**

Town Board Present:

Rick Smith, Russ Jones, Carol Blatnick, Mayor James Harrmann, Tom Au, and Niel Hieb. Daryl Yost arrived late.

Staff Present:

Justin Clifton, Town Manager, Joe Crain, Planner, Pat Anselmo, Town Clerk, Dirk Nelson, Town Attorney, and Marty Zwisler, Consultant

Planning Commission:

Bill Miller, Chair, and Pamela Smith

Media: Carole McWilliams, Pine River Times

The Mayor called the meeting to order at 7:03 p.m.

General Public Input:

Phyllis Ludwig, who resides at 9205 CR 521, expressed her thanks to the board for helping the senior center move forward. The Seniors have new officers.
Public input closed.

Agenda #1: Approval of Bills: Carol Blatnick moved to approve payment of bills as presented, contingent upon Marianne sending an e-mail to the Board on items that were in question. Rick seconded. The vote was five in favor. Motion carried.

Agenda #2: Planning Commission Report:

Bill Miller, Chairman, reviewed the Planning Commission Report with Town Board. Highpoints were S & S Chemical Company, Bill Morlong's submission of a "Use Permitted on Review" for 440 Church Street, Elston's Preliminary Plat, a Dove Ranch amended sketch plan, and Dove Ranch rezoning.

There are eight conditions on the Elston project, the most vital being the 'left turn lane'. The Planning Commission voted six to zero in favor of recommending the Town Board approve the amended sketch plan dated November 2, 2006. The Planning Commission also voted in favor of recommending that the mid-section of the development be rezoned from R-20 to High Density Single Family Land Use.

The Planning Commission held an election of officers. Bob Picolli is the new Chair, with Pam Smith as Vice Chair.

Pam said initially she was going to file an appeal against Mr. Morlong's request. She conducted a community meeting, during which they came to a mutual agreement, so she is not going to file the appeal.

The spelling of Mr. Morlong's name needs to be corrected in the Planning Commission report. Carol thanked Bill Miller for serving as Chairman on the Planning Commission.

Agenda #3: Town Hall Updates & Architect Presentation: Justin has spoken with Ken Charles, DOLA, who has confirmed the full \$500,000 for grant money for the Town. Justin also spoke to the County concerning the proposed lease for space in the new Town Hall. They want a lease initially for four years, with a renewal clause that allows for their ability to lease the space for additional years. The County Clerk is an elected official, who serves four year terms. As a consequence, the next clerk would make the decision. The County confirmed that they want a lease that reflects market value, and that would cover annual costs. Justin continues his efforts to arrive at a commercial lease space value. He should have the information by January 23.

Daryl Yost arrived at 7:30.

According to Justin, Marty has supplied a summarization to the Board regarding architects. The proposed location for the new town hall building is not in the 100 year flood plain. The architectural firm Humphries Poli has been working on the responses they received from the Town's department heads. Justin asked the Board to consider scheduling a work session with the architects. He suggested either January 29, which would be a special meeting, or February 6, 2007 during the regular Town Board meeting. Rich Graeber has also asked for a special work session, which would require at least 1 ½ to 2 hours to discuss regional emergency planning. The board decided to meet with the architects on January 29 at 6 p.m. The board asked that they be sent an e-mail to remind them. The meeting will be held from 5 p.m. to 6 p.m., open to the public for their input. Justin will ask for input and will get the notices out.

Justin introduced Dennis Humphries and Michele Lopez from Humphries Poli. Surveys had been distributed to department heads, asking for their anticipated needs and desires for space. They will develop concepts on the project. Michelle is the project manager. They started with R. Michael Bell's space needs assessment. They submitted different options on foot prints of the building on the lot. The Board prefers the building plat that puts the building front and center with the parking in the rear.

The plan is for 12,000 square foot, 6,000 square foot per floor, with 2,000 square foot tagged for the countys use. The board said they prefer the long, linear building facing south which would take full advantage of the suns light and warmth.

Agenda #4: Senior Center Update: Phyllis Ludwig introduced their new board, Bertha Fritz, Marg Forsythe, and Kay Phelps. Justin spoke with Ken Charles regarding the Senior center. Justin is planning on writing the grant in April. Ken suggested that the town asked for the full \$500,000. Marty has drafted the RFPs. There will be another committee meeting scheduled soon.

Agenda # 5: Sports Park Update: Marty provided information in his general report that covered the major projects. He has nothing new to report. He asked for questions from the Board. Marty said that progress is slow but sure on the bathroom facility. Neil asked about putting sod on the field so it can be used the first year. Marty has explored the options, which include hydro-mulching. The cost of sod is three times as much as hydro-mulch. Justin and Andy are in process of writing grants.

Agenda #6: Zwisler Contract/ Senior Center: The contract remains unchanged. Marty has submitted an attached letter for the boards review. Carol Blatnick moved to approve the contract with Zwisler for the Senior Center as presented. Rick seconded. The vote was six in favor, motion carried.

Agenda #7: Sanitation District Update:

Ed Morlan was invited to give a presentation on behalf of the Sanitation District. He had provided a map for packets. The ‘membrane reactor plant’ is their favorite, it has the best technology. They plan to start the project this spring and have it finished next year. They were awarded a \$1,000,000 grant and are in process of getting a loan from the state revolving loan program. Relocation is necessary as they will need more room for expansion. The plant will be placed on the southernmost area of the map. There will be a meeting tomorrow. Their tests have been exceeding the legal limits. Ed said that the plant does not work well in winter months. It is at its capacity. He has been in communication with Clement Frost from the Tribe to discuss the Sanitation Districts plans. The preliminary results reflect significant issues. They have decided to hire a manager first and have the manager involved in the negotiations of the contract. Their manager would be on their payroll, on their workmans comp. Because there are many issues involved, a manager seems to be the best option. The interest rate will be about 4 % or less.

Daryl asked if the Sanitation District has been segregating the capital revenue from the operations. Eds reply was ‘that is a good question. They are trying to evolve into that.’ The district board is going to have to do something about the commercial loading. There are 120 commercial units in Bayfield. They have tested 5 or 6 of them. The Sanitation Board would like a joint meeting to come up with some ideas for solutions. Commercial rates are based on water usage. The High School is a significant contributor to the excess loading.

Justin mentioned that the Sanitation District opted to give Murray Mead a ‘will serve’ *conditional* letter. The letter specified it would not be valid until the mechanical plant is operational. The Town Board decided in the past not to accept will serve letters. Murray will be on an agenda in the future because of the legal issues. If this ‘will serve’ letter is validated, it will set a litigious precedent. Daryl asked if a ‘will serve letter’ would be a violation of state law. Dirk, needs to see the letter before making a determination.

A short break was requested at 8:25 p.m.

The meeting reconvened at 8:30 p.m.

Agenda #8: Gerald Ludwig Discussion Regarding piping The bean Ditch @ Joe Stephenson Park:

A memo that shows the area the Ludwigs intend to pipe has been submitted. This issue has been a matter of discussion that has continued for many years. Gerald has received a commitment for funding to install pipe in the irrigation ditch. He reaffirmed to the Board that this is not a consolidated ditch. Consequently, the individual owners carry what they feel to be a large liability. They would prefer installing a straight line, instead of the curve that currently exists.

Justin commented that the Town would agree to change the route, (straighten the ditch) if the Town felt that optional landscaping opportunities may be available. Ron Saba has volunteered to help with the installation of the pipe, which would extend somewhat north of the Highway 160 B intersection.

Gerald was asked to 'hammer out' the landscaping options. Russ Jones commented that the ditch is 'not a water feature', it is a ditch. Niel Hieb stated that there are many proponents (taxpayers) who prefer to keep the ditch open for a water feature. He asked if there would be any room for negotiation on this issue.

Justin reiterated, the Ludwigs have a prescriptive easement. Therefore, if they want to pipe it, they have the right to do so. Dirk concurred, and Russ reconfirmed, the ditch does not belong to the town. Justin was instructed to get more information.

Agenda #9: Public Hearing, Consideration, Elston Subdivision:

Joe Crain addressed the Board. He explained that tonight's presentation is the preliminary plat. It has had to be continued several times because of numerous initial concerns: (a) sufficient parking) (b) access off of the county road, (c) adequate water supply at CR 501.

They are asking for 3 separate lots. The first would be for a Storage facility, the second would be a small retail store and the third would remain as a residence for Mrs. Elston. Commercial status would need to be enacted at time of annexation. Comments from the Fire District have been addressed. It remains a responsibility of La Plata County to determine the necessity of a turn lane off of CR 501.

Staff has recommended that the Elston subdivision be approved for preliminary plat contingent upon meeting the comments listed in Joe Crain's memo dated January 12, 2007 comments. (Refer to attached document.)

Jim Flint gave the developers presentation. They feel the interpretation of condition #2, regarding requirements of the county concerning a turn lane, may be debatable. Mr. Flint stated that 'if it meets CDOT's specs, it is safe'. Jim then asked the board point blank 'do you want to require that a left turn lane to be put in by Elston?'

Joe revisited staff recommendations. They took the position that there needs to be a left hand turn lane, that is the final determination. Justin commented that 'coming in just under the threshold will not work', the projected future use may very well reflect an increase in traffic turns, instead of the converse.

The Mayor opened the meeting for public hearing. Matt Volk, 530 Dove Ranch Road, spoke. He has had experience living in various towns and cities in the past, and stated 'historically, all towns blew it on the growth pattern. They did not leave room for growth. Borderlining was based on budgets, this is *not* good planning.'

The public hearing portion of the meeting closed.

Consideration: The walking trail could be built within the easement (right of way).

Rick moved to approve the Elston preliminary plat subject to conditions 1, 2, and 3, with a left turn lane being required, scratch condition 4, leave conditions 5, 6, 7, and 8, with no restriction on what commercial property is designated. Carol seconded. She asked for confirmation that the conditions would not apply to lot 3, the residential portion.

Vote was six in favor. Motion carried.

Agenda # 10: Public Hearing, Consideration: Dove Ranch Amended Sketch Plan:

Joe Crain explained that the first issue to be considered is the sketch plan. This is an amendment to the original sketch plan. Brad amended his original sketch plan. He came back with smaller lots and added lots. The original sketch plan reflected R-10, 20 and 40. Now there are three new zones

The new plan allows different sizes of lots meeting an average size on the whole. Staff has no problems with his request, partially because Brad has already put in the infrastructure. The biggest difference is in greenways, the lots do not break down into 10,000 sq. ft. lots. There will be the same amount of streets, the same amount of infrastructure, but it will generate more revenue, because of the efficiency of the infrastructure. It translates roughly into \$3000 of annual revenue based on property taxes, i.e., per Brad, more tax generated with less infrastructure.

Russ Jones stated that there may be a potential conflict of interest. He asked if the Board wanted him to recuse himself during discussion of this issue. Rick Smith said that, because Russ would not benefit from any direct financial gain, there is no need for Russ to recuse himself.

The Mayor opened the public hearing for this matter. Hunter Swanson, 524 Dove Ranch Road, said he agrees with the principal of diversity. His comment was that diversity makes for a more economical, pleasant esthetic value, not having every place look alike. Jeff Wadsworth, 519 Dove Ranch Road, spoke, saying that Brad went to all surrounding property owners, and discussed the plans with them. Todd Demko remarked that some customers can't afford a larger investment. This plan offers lower costs to those who prefer the smaller property investment.

The Mayor closed the public comment portion of the meeting. Three e-mails were submitted by concerned people to Brad. He printed them and offered them for inclusion in the permanent record file. Future fees in lieu of would be adjusted proportionately. The Board questioned the effect on road impact and water fees. Brad replied that this would be determined when he starts the platting process, which is the next step on the planning process. It will be based on the Boards policy at that time. Joe interjected, 'the Board would not allow growth until the Sanitation District issue is solved'. Staff had recommended putting a hold on the plats and not let them be recorded, to allow sufficient time to implement impact fees. Brad stated that these fees will be determined at annexation agreement time.

Consideration: Carol moved to approve the Dove Ranch Amended Sketch Plan as presented, parcel 5677-021-00-0078, 11 acres, and parcel #5677-012-00-0025, 63.1 acres. The date reflected on the plat is November 2, 2006. Tom Au seconded.

The vote was three in favor, with Niel, Daryl, and Rick voting in opposition. The Mayor was called on to break the tie. He voted in opposition. Motion failed.

Agenda #11: Public Hearing, Consideration Dove Ranch Rezoning Request

The Mayor opened the public hearing to discuss the request from Dove Ranch for rezoning. No comments were received. The public hearing portion of the meeting was closed.

Consideration: Carol Blatnick moved to approve Dove Ranchs request for rezoning of N ½, NW ¼, Sec 1, T 34 N, R 7 W, NMPM. Russ Jones seconded. The vote was three

in favor, Russ, Carol, and Tom Au. Those voting in opposition were Rick, Daryl, and Neil.

The Mayor was called to break the tie. Herm voted in opposition. Motion failed. There were 231 lots were in the originally approved plan.

Agenda # 12: Public Hearing/ Consideration of Ordinance 321 and Resolution #207:

The Board had approved the adoption of the 2003 International Fire Code in August 2006. However, no ordinance was adopted. The significant item in Ordinance 321, is that the appendices are to be used as a reference guide only, and will not necessarily be binding. Mike Shave and Karola Hanks will confer and will draft comments when building permits are received. As pertaining to any controversial issues, matters regarding enforcement would be discussed. The Board of Appeals would be the Bayfield Town Board. Remodels will be handled on a case by case basis, with comments by Karola and Mike. This is meant to be a practical application. The Mayor opened the meeting for public hearing. Phyllis Ludwig said that Karola does what she is supposed to do. She is very good at her job.

The Mayor closed the public hearing.

Rick Smith moved to approve the adoption of Ordinance 321 as presented. Carol seconded. The vote was six in favor. Motion carried.

Rick Smith moved to approve Resolution 207, appointing a Board of Appeals and a Fire Code Official under the provisions of the International Fire code. Carol seconded. The vote was six in favor. Motion carried.

Agenda #13: Discussion Regarding Development Standards:

The Town has received a revised draft from the town engineer. The original committee had submitted their comments to the engineer several months ago. Justin said that Mike Shave would like to be involved in future standards development. Whatever committee was initially formed should review the documents.

Russ Jones and Ron Saba were initially involved. Tom Au would like to be. Russ feels that the standards should be consistent throughout the town concerning curb and gutter, sidewalks, set backs, including the above ground visual esthetic appeal as well as the functional aspects. The planting of trees should be the responsibility of the developer. Justin is to let the board know when the committee will meet.

Agenda # 14 Town Board Retreat:

Justin has created a proposed tentative agenda. Ken Charles had recommended some items that need to be discussed.

Reservations at the Strater have been booked. Rick Smith suggested adding Hwy. 160 B. Carol requested that Justin add recycling to the agenda. The Town Board also suggested inviting the Chair of the Planning Commission. The retreat is to be held February 3, from 9 a.m. to 4 p.m.

Agenda #15 Discussion Regarding Health Care:

Justin remarked that there is a potential crisis with the closing of Valley Wide Health Services in La Plata County. 12,000 people have received their health there. Durango and La Plata County are trying to fund a facility to encourage primary care providers to

work there. It would also provide funding for consultants to see how to get out of the conundrum. They came to Bayfield and the town of Ignacio for support. They are going to contribute \$200,000. Carol commented that the Town's resources are extremely limited. Daryl suggested they discuss this at the retreat. The fear is that the community will be flooding the emergency room for care.

Agenda #16: Town Updates:

**Water tank:* This is on schedule, Justin spoke with Ken Charles about the possibility of a supplemental grant to build the second tank. He thinks the Town could get another \$100,000.

**Meeting with La Plata Co:* Bob Lieb is resigning his position. Board wants to wait until the new commissioner is sworn in before planning a joint meeting.

**S & S Chemical:* Negotiations continue. A company that provides from 20 to 40 jobs is financially significant. Joe recommended that the Board attend the meeting that will be held Friday, January 19 if at all possible. Justin will e mail everyone to remind them of the date.

**Spay and Neuter Program:* The grant program has been successful. The marshal's office is going to apply for the grant again.

Agenda #17: New/ Unfinished Business: Rich Graeber asked for a worksession with the Board concerning emergency management. It will need to be a two hour meeting. He suggested dates of January 29 or February 3, or sometime between January 22 and January 26. It was determined to schedule Wednesday, January 24 at 6 p.m. Karola said Rich would probably provide pizza.

Justin expressed kudos to the people responsible for the binders that were created for the board.

Motion to adjourn 11 p.m.

_____ approved

_____ Mayor