

**TOWN OF BAYFIELD  
REGULAR TOWN BOARD MEETING  
11 W. MILL STREET, BAYFIELD, CO**

**AUGUST 19, 2008 7 P.M.**

**Town Board Present:** Mayor Rick Smith, Russ Jones, Justin Talbot, Debbi Renfro, Tom Au, Bob Piccoli. Dan Ford had asked to be excused this evening.

**Staff Present:** Justin Clifton, Town Manager, Joe Crain, Town Planner, Dirk Nelson, Town Attorney, Pat Anselmo, Town Clerk, and Jack McGroder, Management Intern. Deputy Gary Maestas and Deputy Chris Choate were also present. Marty Zwisler was present to participate in the updates. The Mayor called the meeting to order at 7:02 P. M.

**Approval of Minutes:** Debbi Renfro asked that the minutes of August 5, 2008 be changed (page 7) to read ‘Dove Ranch *developers*’ instead of ‘Dove Ranch *residents*’. Tom Au moved to approve the minutes of August 5, 2008 as modified. Robert Piccoli seconded. The vote was six in favor, motion carried.

Council asked that two modifications be made to the agenda. They asked that the second issue listed in Agenda Item #2, Town Updates, Sunrise Estates, be moved to Agenda Item #7 A. They also requested that the fifth issue listed under Agenda Item #2, Sewer Treatment Plant, be discussed as Agenda Item #2 A.

**General Public Input:** The Mayor opened the meeting for public comments, and asked that they limit their time as reflected on the agenda.

Public input: Ken Gaherty, 85 Log Cabin Lane, Bayfield, Colorado, spoke as Chairman for the Ad Hoc Building Community Lions Club. He submitted a letter this evening to Board members. The local grange had their charter pulled. It is being taken over by the State Grange. Because they lost the local charter, there will be a ‘for sale’ sign going on it tomorrow. The previous lease was \$1 a year.

Bob Au asked why the local charter was pulled. Ken replied they have not been meeting regularly.

Rick interjected ‘we will have to address this later’. He urged Ken to work with staff concerning their request.

**Action Agenda Item # 1: Approval of Bills:** Tom moved to approve payment of bills, dated August 15, as presented. Russ seconded. Tom abstained from voting on approval of payments due his company. The vote was six in favor. Motion carried.

**Action Agenda Item #2: Town Updates:**

Russ requested that the eighth item under Agenda Item #2, Mountain View Speeding, be moved to Agenda Item 3 A.

1) *Town Hall*: The interior punch has been done. The exterior punch list has yet to be completed.

Staff anticipates being in the new facility and open for business on Monday, September 15. There is to be an open house celebration on September 16.

2 A) *Sewer Treatment*: Justin has received notification of a material cost overrun from the contractor. When they did the initial core drilling, they did not do any along the road. The area along the road (where wet-lands are) will require more work. The contractor estimates the costs for the additional work to run close to \$130,000. They need to excavate two large holes, five feet deep, to mitigate the wet-lands. Justin commented, 'it is a moot point, there are no alternative routes, nothing that would not run a lot more money'. He is asking that the Board approve the change order. He explained that when Stantec did the original work, they did their own core drilling. 'The Town did not have the road alignment complete. We can use some of the dirt at the park for back fill if it meets specs.'

The additional cost is only for the excavation, the estimate does not include backfill.

Justin continued 'We do have some money in contingency, but not a lot. Stantec got stuck in the wetlands encroachment, we had to pull them out.'

Bob Piccoli said it is surprising they did not do further cores, considering the site is in the middle of the wetlands.

Justin remarked, the Sanitation District (not the Town) originally entered into the contract with Stantec. The contractor did the estimation, \$130,000. He reiterated, 'there will be an additional change order for the back fill material. Minor change orders do not usually come to the Board'. Justin did not have the final cost amount until today.

The Board said they do not have a choice. Tom is not happy that the Sanitation District picked Stantec. The Town Board would have preferred Brilliam Engineering.

Discussion followed about bids, price per unit, lack of breakdown on price.

Justin Talbot moved to approve the change order for \$130,000 for excavation work. Tom seconded. During discussion Justin C. said 'there will undoubtedly be another change order'. The vote was six in favor, motion carried.

**Action Agenda Item # 3: Police Patrol Vehicle:** Marshal Harrington submitted detail reflecting one of their vehicles is no longer functioning and that what will be on the state auction is still up in the air. Justin said the Town can buy a patrol vehicle without putting the town at risk. Staff is requesting the approval of the purchase of one additional vehicle for the marshal's department, as long as it is fuel efficient. Justin is leaving it up to Jim and his staff to take action on finding a vehicle for \$25,000, give or take. Bob Piccoli asked the deputies 'what research have you done?' Gary said the state bid was only through July. The new one will be published in October. Chris said they need a mid size SUV. He has been dealing with Mr. Gurule. Gary added, equipment for the vehicle will also be necessary, new radios, cages, radars, etc. Justin is trying to do a grant for cameras. Chris is researching the resale value of the 2001. He said the blue book value is low. Russ moved to approve the purchase of a new vehicle, which includes all equipment. Justin Talbot seconded. During discussion, Russ suggested leaving the price up to the

marshal and his staff, but stressed the vehicle should be economical. The vote was six in favor. Motion carried.

**Action Agenda Item # 3A: Mountain View Speed Mitigation:**

At a recent Board meeting, public comment included citizens concerned about vehicles speeding on Mountain View Drive. They asked if the Board would institute some sort of speed mitigation along that strip of road.

Russ relayed 'Rich Graeber (Fire Chief) had some rather unkind words to say about the Town board'. Rich does not want to slow down fire trucks because of speed bumps. Russ feels the Board needs to consider the interests of the entire town, as well as the concerns of the Fire Department. Rick concurred, 'you can't shift one way without consideration of the consequence on the other side'. He would like some input from Marshal Harrington before the Board makes a decision on this. Russ agrees.

Justin C. said the marshals department has been working on saturation, signs, and other speed mitigation. 'You definitely need to consider both sides before reacting'.

Rick asked that Marshal Harrington be asked to speak to the Board concerning speeding on Mountain View Drive. A long discussion followed on areas that need improvement, intersections, school zones, etc. Justin re-affirmed that Ron is working on signage.

The 'children playing' sign works well. People seem to pay better attention to it.

Joe Crain asked that Agenda Item #5 be considered before Agenda Item # 4.

**Action Agenda Item # 5: Public Hearing, Consideration of Byrd Annexation:**

Joe mentioned the communiqué from Erick J. Aune, La Plata County Community Development denoting they are comfortable with the Town moving forward in this process. However, Joe added, there is no annexation agreement ready to be approved tonight. Joe requested that this public hearing for the Byrd Annexation be continued to a future date.

Joe gave some background to the Board regarding the Byrd properties. In 2005, the Town received an application for annexation from Mr. Byrd. The parcel contains forty acres. The Jeff Bynum property has been annexed. The reason the Town did not act on Mr. Byrd's request because of their concern about the intersection by the Shell station. Mr. Byrd did not like Mr. Boyer's offer of ¾" taps. The landowners have subsequently done a masterplan which the Town has incorporated into its current comp plan. The area is designed for commercial and light industrial use. Ron Saba was concerned about increased maintenance, more snow removal, no budgeted increase in personnel. Joe addressed Ron's concerns. The Town is facing smaller revenues, so he suggested using exactions to get equipment needed. Joe explained that if it takes on additional territory, it would need additional equipment. Exactions help finance the additions. The intersection is a major concern, it will have to be permitted by CDOT and financing for it will have to be worked out. The Planning Commission voted to recommend approval with five staff recommendations and, adding conditions 6 and 7. (Refer to Joe's staff report for details). Staff recommends approval contingent upon meeting the seven conditions, except for #5. No park land should be required from commercial sites. Therefore, he suggested striking condition #5. Justin C. said he sat with Ron Saba to discuss the concerns he submitted. Justin concurred 'we need to pace ourselves, (regarding more plowing), but we can

require that this subdivision not be allowed until the infrastructure is in place'. The Towns infrastructure standards also need to be finished before new annexations are done. Rick Smith asked Joe Crain who the actual developer is. Joe responded, Brad will be the developer, not Mr. Copenhagen. However, he cautioned, properties can sell, ownership can change.

Joe proceeded with a presentation for the Southview properties. It is just north of the Byrd property. It was acquired in 2005, at which time they applied for annexation. But the Town did not allow it because of right of way dedication problems. Since they were successful with the CDOT permit, Southviews has decided to proceed.

Issues are basically the same; exactions need to be a major part of any annexation agreements. Access routes will be Dove Ranch Road and Mesquite. The Planning Commission moved to approve this with five conditions, plus the addition of a sixth: subdivision of the property will not be approved until the infrastructure and development standards have been codified. Staff is in agreement with Joes notes.

The conditions do not apply to the Mesquite access.

Brad Elder gave a short presentation. He said he would just 'hit the highlights'. Brad said he is doing this as a public favor, he is just an errand boy. Oscar Byrd does not want to be the developer, nor does Fred Copenhagen. Brad is only trying to shepherd this through the development phase. It will need a consortium of investors, they will need to get economic development grants, perhaps form a metro district or an SID. Brad doesn't see this happening on the near horizon. It is a critical component to get sales tax momentum initiated. Brad said 'economic health and prosperity' is their goal.

He is in negotiation with a health services entity. There is a prominent need for subsidized senior housing, Beep, day care facilities, storage for boats, rvs, etc. (Brads short explanation lasted 20 minutes).

The School District is planning a new school on the Fleming property. There has been no determination on whether it will be an elementary school or not. He did confirm that this is going to be a long range project, maybe twenty years out.

Brad wants to concentrate on the Mesquite access area.

Rick asked the Board which agenda item they would like to consider first. He opened the public hearing for the Byrd annexation first.

#### **Action Agenda Item #5: Public Hearing : Byrd Annexation:**

Sean Johnston, who resides on Palo Verde, spoke. His property is adjacent to this property. He is concerned about zoning 'industrial' for this area. He asked 'What kind of noises, nuisance, odors, etc. can we expect?'

Harry Goff, 1824 Eastlawn, Durango, owns 70 acres east of the Byrd and Southview parcels. He voiced concerns about drainage and infrastructure. Joe responded, the Planning Commission addressed drainage, water & sewer layout, and community development.

Harry Goff said he is not opposed to the annexation, per se. He has been involved with Brad in the past; generally speaking he is in tune with this. He has two concerns: he would like to see the road layout on the Byrd property which would, in the future, connect to his property.

He is also concerned about noise, lighting, and all things that come along with light industrial.

He would like to come back at sketch plan time. It appears to him that drainage will be directed straight to his property.

Joe re-enforced that any residential use has to bring in parks.

Vicki Vacante, residing in Sunrise Estates came to the Planning Commission meeting. She thought Brad was the developer.

She understood that no developer that was involved with Sunrise could be involved with the new annexation (the P. C. motion stipulated *unless negotiations occur prior*). Jack commented 'there are 'no developers'. Justin C, said this would probably be a PUD; it would be totally negotiated on the public issues that will be on the table, i. e., odors, lighting, etc. A PUD can be constructed any way you want it.

Mr. Goff definitely wants to be involved in the discussions.

Rick Smith wanted the record to reflect that the Public Hearing for the Byrd annexation is to be continued to a undetermined date, it will definitely not be closed tonight.

Bob Picolli made a motion to continue the hearing on the Byrd property to a date uncertain. Tom seconded. The vote was five in favor, motion carried. Russ Jones had been called out of the meeting for a brief time, hence, was not present for the vote.

#### **Action Agenda # 4: Public Hearing- Consideration Southviews Annexation:**

Rick asked if the Board had any comments on Southview. Tom reviewed his understanding of the situation. There were no sketch plans previously.

He said 'Southviews is two parcels now. Is title work required at annexation?' Joe replied 'If the annexation is requested, multiple owners can submit on a single application.'

Tom Au said 'this data is three years old'. Joe countered, 'this is all new data'.

Brad interjected, 'there will be an update on the annexation application when it goes to sketch plan'.

The Mayor opened the meeting for public hearing, Southviews Annexation. Heidi Holly 2179 C. R. 526, Bayfield, spoke. They are across from Oscars, the swale sits north from them. All drainage will probably come right through their property. They definitely have an issue with this. They do not know what kind of water they will have to deal with, or how much water it will be. They are afraid this whole thing will happen in a piecemeal situation, i. e., no one person will be responsible, it will all come down on them. Ergo, she is opposed to this annexation application. She is already getting Sunrise drainage. She has had gravel washed on to her pasture from the road when heavy rains happen. She noted that, though she does not live in the Town, the Town is making decisions that directly affect her.

She respectfully requested that Bayfield 'collect their waste water and keep it on their property'.

Harry Goff, (same address), would like to reiterate what he said before. The engineer in him makes him ask about the 30 foot bank.

Jack replied to Heidi, 'if you release a historic amount, it is allowed. However, if you add to it, by State mandate, you can't direct it to anyone else's property'.

Justin mirrored Jack's comment, 'any additional flows, you can mandate no greater water drainage be allowed to someone else's property'.

She (Heidi) is very unhappy about the detainage pond at Sunrise, it is not accommodating the water it should be. 'You guys don't want to deal with, it but you want me to deal with it.'

Rick commented 'this does not have anything to do with the new annexation. It will be addressed at the next phase. The sketch plan was turned down because the drainage was not addressed'.

Russ reminded Heidi, the Town is in process of developing infrastructure standards. Design standards still need to be created. Both sets of standards will be given to developers to abide by. These issues will be addressed.

There were no additional comments concerning 'Southview'.

Rick asked for a motion to continue this public hearing for annexation of Southviews to a date to be determined. Joe reinforced 'we need to hammer out the annexation and development agreement'. Bob Piccoli so moved. Tom seconded. During discussion, it was stressed that the Town needs to get infrastructure standards codified. Joe asked that the Board pick a date to do this. There will be a Board Retreat in September to deal with this. Debbi wanted it to be reflected in the minutes that she works for the developer. The Board is ok with her voting on this issue. The vote was six in favor. Motion carried.

The Board directed staff to work with the developer on an annexation agreement which would address drainage and other critical issues.

#### **Action Agenda Item # 6: Public Hearing - Special Events Liquor License, Habitat for Humanity:**

The Mayor opened the meeting for comment. None was received. He then closed the public hearing.

Rick Smith commented 'we need to require the applicants presence on the night that their request it is being brought to the board'. They must be present.

Tom Au moved to allow the special events license for the Soap Box Derby, Sept 1, 2008. Bob seconded. The vote was five in favor, with one opposed, Russ Jones.

Motion carried.

#### **Action Agenda Item # 7: New/ Unfinished Business:**

Justin spoke regarding the Resolution that was not included in the packet. It is a requisite for application of a GOCO grant, which needs to be mailed off tomorrow. " We are asking \$200,000 for the sports park. We will do lights, and dugouts, landscaping, sidewalks. Staff feels good about request'. Tom Au moved to approve the resolution # 226, to allow application of the GOCO grant. Justin T. seconded.

The vote was six in favor. Motion carried.

Rick said he had been asked what date the Town was been established, as opposed to the date of Incorporation. Dirk, confirmed, the two dates are different.

Russ moved to go into Executive Session , citing C.R.S. 24- 6- 402 (4) (c) for purposes of negotiations, asking that Justin Clifton and Dirk be included.

Tom seconded. The vote was six in favor.

Motion carried.

The Board moved into Executive Session.

Executive session ended. The regular meeting re-convened. No formal action was taken.

Motion to adjourn.