

**Bayfield Town Board  
Regular Meeting  
11 West Mill Street  
Bayfield, Colorado 81122**

**June 3, 2008**

**Town Board Present:** Mayor Rick Smith, Russ Jones, Justin Talbot, Debbi Renfro, Tom Au, Robert Piccoli, and Dan Ford.

**Staff Present:** Justin Clifton, Town Manager, Joe Crain, planner, Pat Anselmo, Town Clerk, Jack McGroder, management intern and Dirk Nelson, town attorney. Marty Zwisler, project manager, was also present.

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

**Planning Commission:** Not represented.

The Mayor called the meeting to order at 7:00 p.m.

**Approval of Minutes:** May 20, 2008: Robert Piccoli moved to approve, as corrected, the minutes of May 20, 2008. Tom Au seconded. The vote was seven in favor. Motion carried.

Russ made a motion to amend the agenda to add Item 7A in order for the Board to discuss the proposed lease agreement between the Town of Bayfield and La Plata County (on the new Town Hall facility). The conditions of the lease had been discussed previously, (several months ago) but never finalized. Tom seconded. The vote was seven in favor. Motion carried.

**General Public Input:** Public input was invited. No one responded. Public input closed.

**Action Agenda Item #1: Approval of Bills:**

Russ moved to approve the payment of bills as presented. Tom seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item #2: Swearing in Of New Municipal Judge:**

Mayor Rick Smith swore in Julie Holligan Westendorff as the new Municipal Judge for Bayfield. Her first court session is scheduled for June 10, 2008 at 10:00 a.m.

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

Justin C. asked the Board if they had questions on the update information. Russ said the Board needs to make a decision on paving the park. Justin replied 'this is scheduled for agenda Item #4 this evening'.

Bob Piccoli asked about Sunrise Estates, referring to the letter submitted by the HOA for Sunrise. Cindy Smart brought the letter in yesterday afternoon. She is highly disappointed about 'all the trees dying'. The determination of who was to blame (referring to the irrigation system that was never functional) has never been settled. Justin said the problem may have been due to improperly installed systems, or it may have been due to the lack of proper winterizing of the pipes. The system never worked. He cautioned that the letter from the HOA did not encompass all of the pertinent data. He added, 'the capability to water is non-existent, there is no alternative'. The Town was told the irrigation system was installed correctly. It is very difficult to determine when the trees died. It would not be advisable to plant new trees or pursue landscaping without a functional irrigation system. This issue should be wrapped up in the settlement negotiations. Dirk advised extreme care when settling on the culmination of facts. Justin said current negotiations do not include any deciduous trees.

**Action Agenda Item #4: Town Hall/ Eagle Park Asphalt:**

Marty was given the floor. He pieced together a primitive Eagle Park site layout for the Boards perusal. Eagle Park and the new Town Hall are on the same property. The access road to Evans Mobile Home Park sort of divides the park grounds from those surrounding the new building. There had been some preliminary discussion on paving the parking lot at Eagle Park. The only pavement that exists currently is the pavement apron that comes off of Highway 160 B. leading to Evans. Marty thinks now is the appropriate time to pave the parking lot at Eagle Park while the paving company is there to do the parking lot at Town Hall. He has kept the expenses for town hall under budget (roughly \$100,000). It would cost less to do all the paving at one time in one fell swoop. The paving would run about \$38,000, with another \$10,000 for miscellaneous cobble and landscaping rock, etc. It would be advantageous to do the Eagle Park parking lot. When big events occur, they need more parking. It will not be an after-thought job, it will be quality work. The Towns pavement would stop at the entrance to Evans mobile home property.

When questioned about any glitches, Marty replied there are no anticipated glitches in the \$100,000 (under budget) amount. He feels it is a very comfortable margin. The new building project is about 85% completed. Paving would happen at the end of June. The park would have to be closed to parking for a few days. He would not be using borrowed funds. Dirk doesn't think that using money for paving would cause problems with the escrow company. Dan moved to approve paving the Eagle Park parking lot pending review and approval of lease documents, with an approximate \$48,000 cost. Tom seconded. The vote was seven in favor. Motion carried.

Marty then approached the Board, saying that the original plans for the new town hall did not include a privacy fence between the neighbors to the west and the parking lot. The parking lot curb comes to within 2 feet of the property line. He commented that the Town hall site would benefit by having a visual barrier between the new site and the lot to the west. The view to the west is not complimentary to the town hall site. It would run about \$7,500 to build a cedar fence similar to the one between Eagle Park and Evans Mobile Home Park. The fence will be right on the property line. The Board asked if staff needs

to clear this option with the current property owner of the land adjacent to the west of the new town hall site.

Russ moved to pursue placing a privacy fence on the west boundary of the new town hall lot if this is amenable with the neighbor. Tom Au seconded. Justin T. asked if the fencing would have to be scheduled in coordination with the paving work. Marty replied in the affirmative. The vote was seven in favor. Justin C. said ‘if we have an issue (referring to the fence) we will come back, if we don’t, we won’t’.

**Action Agenda Item # 5: Special Event Liquor Permit for Chamber of Commerce:**

Russ moved to approve the Special Event Permit for the Bayfield Area Chamber of Commerce for the Fourth of July. Dan seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item # 6: Set Public Hearing: Chavolos Mexican Restaurant Request for Liquor License:**

Staff requests that the Board set a public hearing for the request for a new liquor license for Chavolos Mexican Restaurant on June 17, 2008 during the regular Board meeting. Russ so moved. Tom Au seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item # 7: Approval Of Application to Change Location of Current Liquor License – Tequilas:**

Ramon Agraz was present on behalf of Tequilas Family Restaurant. They are requesting that the Bayfield Liquor Authority approve changing their liquor license from 118 E. Mill Street to 14/16 W. Mill Street. Russ moved to approve the application for change of location for Tequilas from 188 E. Mill Street to 14/16 W. Mill Street, Bayfield, Colorado. Tom Au seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item #7 A: Discussion of the Draft Lease Agreement between the Town of Bayfield and the La Plata County government concerning the new town hall.**

The agreement offers the County the use of space (approximately 2000 sq ft) in the new facility on a lease basis of \$2,660 per month with a three percent escalator the first day of the month following each anniversary date of the lease. Linda Daley, on behalf of the County called last week to ask if the Town could expedite the agreement. The County needs to sign a contract with an IT Systems Contractor. The County is hesitant to sign a contract on property for which they do not have legal possession. In order for them to proceed, they want to finalize the lease agreement which was handed out this evening. Justin C. explained, it is a draft agreement created by the Towns attorney. The IT Systems company wanted to see a signed lease before they make the decision to go ahead with the work for the County. There is a clause, since the building is not finished yet, that the systems company can pull out if they so choose (if the building is never finished for some unanticipated reason).

Dirk presented the draft to the Board for consideration this evening. He said it may need some fine tuning but for the most part is structurally sound. Russ asked about the interior finish work on the County’s portion of the building, ‘who would oversee and/or inspect

it? (referring to paragraph four, there is no wording as to whom would do inspections). Marty answered that the County was to do the flooring, extraneous things such as the cabinetry, i.e., things that are not normally permitted (governed by the building permit process). Justin C. said the County would be included in the interior finish choices but that ultimately the landlord will be responsible for interior finishes. He added, very little is left to the tenant to finish.

Bob Piccoli asked about the wording in paragraph 3A, referring to the 3% increase. Dan asked why the term of the lease was for four years. The answer was that the County Clerks term is for four years and the decision to keep the lease may change based on who is in office. The term of the lease is four years, with option to renew. Dan then asked if the 3% escalator would be included in that option after the four years. Dirk said this could be included in the negotiations.

Russ moved to approve the lease agreement between the Town and the Commissioners of La Plata County for office space in the new facility contingent upon finalization of the agreement by the Town's attorney. Bob Piccoli seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item # 8: Mosquito Spraying Fee:**

This fee, which was implemented several years back to help pay for mosquito spraying to mitigate the danger of West Nile disease, was suspended last year. Justin C. said there will be increases to the spraying contract for this year and it is time to reinstate the fee. Justin T. moved to approve re-implementation of the mosquito spraying fee of \$1 per account per month. Russ seconded. The vote was seven in favor. Motion carried.

**Action Agenda Item #9: Extension of Annexation Plat Approval- Valcor Annexation:**

Staff recommends an extension of 90 days for the approval of this annexation plat. The property location is where the Valiant Chair Factory was located. Tom Au moved to support extending the approval of the annexation plat for the old Valcor property. Russ seconded. Tom amended his motion to include the stipulation 'for ninety days'. Russ seconded the amended motion. This will extend the deadline to September 3, 2008. The vote was seven in favor. Motion carried.

**Action Agenda Item # 10: Extension of Final Subdivision Plat Approval- Elston Commercial Subdivision:**

Staff recommends extending the final subdivision plat approval for the Elston commercial subdivision for another ninety days, which will move the deadline to September 3, 2008 for annexation and subdivision plats.

Dan asked to abstain in the discussion and in the vote, citing he may have a financial interest in the matter.

Tom moved to grant the extension of final subdivision plat approval for the Elston commercial subdivision until September 3, 2008. Russ seconded. The vote was six in favor with one abstention, Dan Ford. Motion carried.

**Action Agenda Item # 11: New and Unfinished Business:**

Russ had a question concerning the Management Plan for Emergency Preparedness. He asked if Justin C. is on the board. Justin answered that he is not. Justin explained that it is comprised of the two contributing governmental entities that pay the lions share. They are La Plata County and the City of Durango. Their ploy is to protect their weighted vote. The public is invited to voice their concerns to their board.

Russ then asked about the possibility of holding more Town Board retreats. He felt they accomplished a lot. He suggested the Board schedule more retreats, but shorter, perhaps four hours or so. Robert agreed. Rick said it helped expedite many issues and allowed the regular Town Board meeting to proceed much more efficiently. He agreed with holding more retreats because it helps the town Board conduct business in a business like fashion. He asked Justin C. to schedule a retreat for sometime in July, 'please look at your calendar and get some options'.

Dan Ford asked why the Town hasn't put the paint stripes down yet. The street painting is usually done before the Fourth of July celebrations.

Justin T. asked if the street sweeper is broken. Justin C. said 'yes'. He and Ron estimate it will cost about \$800 or so to fix it.

Motion to adjourn at 8:05 p.m.

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