

**The Town of Bayfield  
Regular Town Board Meeting  
1199 U. S. Hwy 160 B  
Bayfield, Colorado 81122**

**December 2, 2008 6:00 P.M.**

The 6 P.M. schedule was set in order for each department head to have fifteen minutes to present his portion of the budget to the Board for discussion and revision, if necessary.

**Town Board Members Present:** Mayor Rick Smith, Trustees Debbi Renfro, Tom Au, Bob Piccoli, and Justin Talbot.

Dan Ford was excused. He was out of Town for the Holidays.

**Staff Present:** Justin Clifton, Town Manager, Joe Crain, Planner, Marshal Jim Harrington, and Pat Anselmo, Clerk. Ron Saba arrived at 6:30 P.M.

Dirk Nelson, Town Attorney, arrived at 6:59 P.M.

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

*Public Safety:* Marshal Jim Harrington was scheduled for 6 P.M. His presentation lasted until approximately 6:20 P.M.

*Public Works, Sanitation:* The Sanitation Department Budget segment lasted longer than anticipated. Ron Saba was done with his portion of the budget presentation at 7 P.M.

Scott Key, Parks and Rec Department Head, arrived at 6:55 P.M.

*Parks and Recreation:* Scott Key presented the Parks and Recreation/ Conservation Trust Fund budget numbers at 7 P.M. During this discussion, it was mentioned that the GOCO grant next year will be \$250,000. Justin commented that this was a 20/80 split, 20 % from the town, 80 % supplied through the grant. The Grand Opening of the Senior Center will be held December 12. Everyone is invited to attend. Scott asked if the Board had any further questions for him.

The 2009 budget is as flat from last years as possible. Scott wants to get his assistant Ryan Orendorff on salary. Ryan puts in as much as 100 man hours a week. This action would benefit both Ryan and the Town as it will reduce the comp time accrued. There have not been a lot of youth oriented activities in the past. Scott wants to expand soccer and other programs for the kids. He also intends to pursue fitness classes, active kids camp, and kick ball for the older people ages 30 to 55. The continued growth that Bayfield is experiencing has resulted in higher demands for more turf. The added turf requires bigger, more efficient mowers. The active kids camp wasn't as well attended as he anticipated.

*Administration:* Justin C. mentioned that there had not been many changes during the last several drafts of the budget. One challenge was to provide for an additional person up front to cover the administration staff, help with Parks and Rec. and the Marshals office from time to time. The greatest need is to help with the paperwork, event applications, etc. Jack's (McGroder) wage is covered 50% by a DOLA grant. Justin asked for questions from the Board. Mayor Smith said it may be a consideration to plan for a full

time engineer in the 5 year planning. Justin C. responded that the Town only spends about \$30,000 a year for engineering. This may not be enough to justify a full time engineering position.

Rick continued, 'March has a 5th Tuesday. Would it be possible to have the 5 year plans ready for review by then?'

The budget portion of the meeting concluded.

The Mayor called a five minute break.

**Opening Ceremonies:** The Regular Portion of the Town Board meeting was called to order by Mayor Rick Smith at 7:35 P.M.

**Approval of Minutes: November 18<sup>th</sup>, 2008:** Tom Au moved to approve the minutes of the Regular Meeting of the Bayfield Town Board held November 18, 2008 as corrected. Justin Talbot seconded. The vote was five in favor. Motion carried.

**General Public Input:** David Black, 606 Buck Hwy., Bayfield, Colorado asked when his project (meaning the remediation of asbestos laden material) is going to get done.

Justin C. said the State requested more information from Envirotech. Justin assured David, 'the paperwork is in process, this (work) should be completed any day. The State got hung up in the regulatory process.'

Matt Coker, business owner, Bayfield area, commented. 'The agenda seems to be driven by annexation and growth, growth is great. With that in mind, make sure that the impact of the expenses will be paid by the developers' He stressed 'housing, schools, roads, and fire department service areas will require capital outlay. The existing residents should not shoulder the costs for development'.

Public input closed at 7:40 P.M.

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

Tom Au moved to approve the payment of bills as presented in the packet materials for December 2, 2008. Debbi seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 2: Public Hearing: 2009 Final Budget:**

David Black asked the Board to give serious consideration to providing for the cost of the new waste water treatment facility by placing an issue on April's ballot. The money in the capital fund (sanitation capital) will not be sufficient to make the debt service payments. He also said the streets need repair. Money from tax revenue generated by creation of a special district for the sanitation services would supply a steady stream of revenue to meet the debt requirements, thereby freeing money up from the Town's capital fund for road repairs. Brad Elder agreed with David, 'you need a revenue stream, a perpetual revenue stream from tax to meet the debt requirements'.

**Action Agenda Item # 3: Ordinance # 339- Appropriation of 2009 Budget:**

Justin commented that the balance of money in the building reserve will be split, with a portion to be re-routed to cover a Capital Investment Fund for 2009, and enough monies transferred to the Capital Fund in 2008 to bring it back into the black. Because of these changes it will be necessary to change the numbers in the Ordinance that was presented

tonight.

Ordinance #339 should reflect:

CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF	\$1,256,254.
BUILDING RESERVE FUND IN THE AMOUNT OF	\$ -0- .
CAPITAL INVESTMENT FUND IN THE AMOUNT OF	\$276,770

(established for new trucks, plows, vehicles, etc.,)

It was determined by Dirk that the Town should approve the budget first, then act on the appropriations.

**Action Agenda Item #4: Resolution #228 – Adopting the 2009 Budget:**

Tom Au moved to approve Resolution # 228, a resolution of the Town of Bayfield adopting the 2009 Budget, for the year spanning January 1, 2009 to December 31, 2009. Debbi Renfro seconded. The vote was five in favor. Motion carried.

**Resolution # 229 – Setting Mill Levy for the year 2009:**

Tom Au moved to pass Resolution # 229, a resolution by the Town of Bayfield setting the Mill Levy for the 2009 budget year. Debbi Renfro seconded. The vote was five in favor. Motion carried.

**Action Agenda Item #3: Ordinance #339 – Appropriation of Funds for the 2009 Budget.**

Tom Au made a motion to adopt Ordinance #339, an Ordinance by the Town of Bayfield appropriating sums of money to the various funds and spending agencies in the amounts and for the purpose as set forth, for the Town of Bayfield, Colorado for the 2009 Budget year, reflecting the changes made by Justin Clifton as noted above. Debbi Renfro seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 5: Valcor Annexation Plat Extension:**

Joe Crain explained that the current annexation plat extension expires December 4, 2008. In order to keep the plat valid, the Board is being asked to extend the deadline for 90 days, which will put the deadline at March 4, 2009. Tom asked Joe why Valcor is asking for another extension. Joe replied that it was because they were having issues with determining the amount of water to be dedicated to the Town.

Dirk explained, ‘water rights dedication was the problem. He is working on it’.

Bob Piccoli moved to approve the annexation plat extension for Valcor for ninety days, to March 4, 2009. Tom Au seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 6: Public Hearing/Consideration -Byrd Annexation:**

Applicant Gwen Perkins as agent for Oscar and Nancy Byrd, Sec. 1 & 2, T 34 N, R 7 W, Parcel # 567701400017 – approximately 43.44 acres:

The requested forty + acre annexation parcel is located just east of the current Town limits. The Bayfield Comprehensive Plan shows the property to be commercial and light industrial. This property is important because it will extend Bayfield to the east. It is also important because it represents an opportunity for commercial expansion and industrial uses consistent with the desires of the Town.

The Planning Commission considered this proposal on August 12, 2008 and voted 4 – 2 to recommend that the Town Board approve the annexation with five staff recommendations and added a sixth and a seventh. Please refer to Joe Crains staff recommendation. The two conditions added were as follows:

1) The subdivision of the property will not be approved until the infrastructure and development standards have been codified in order for them to be available as a resource for the developers. 2) If there are any developers or financial partners that were involved with the Sunrise Estates subdivision that are also involved in the development of the Byrd parcel, it shall be required that negotiations between the Town and these partners/developers be resolved prior to any subdivision of the Byrd parcel.

Gwen is the daughter of Oscar Byrd. The former agent is out of the picture. The use of the intended properties was specifically for commercial and light industrial. Joe stressed, 'it is very important, it will be major asset'.

Staff recommends approval of the annexation contingent upon meeting the seven conditions as presented. The Board had no questions for Joe.

During discussion Brad Elder offered to answer any questions the Board might have. CDOT is searching for their most recent IGA. He (Brad) has touched base with Souder Miller. Justin C. is trying to get pertinent costs, anticipated expenditures, to bring this to a final draft agreement for this phase of the project. It will cost roughly \$20,000 to do a study for a 'nuts and bolts' analysis. Commerce (the access to Commerce off of Highway 160) seems to be the biggest contribution to points of contention with CDOT. Bob Picolli asked how the Division of Wildlife recommendations would affect this. Joe Crain replied 'all of it needs to be included. The developers need to be a part of the financial support of the intersection'.

Tom commented, 'the annexation plat is old.' The final annexation plat is in process by Brad. Brad countered 'there will be a final pass for the 'whole enchilada'.

The Mayor opened the meeting for the Public Hearing at 8:05 P.M.

Carole McWilliams spoke on behalf of the Chamber of Commerce. She said 'this is very important to us, to Bayfield. It will contribute to the health of the financial status of the town.' No one else spoke. The Mayor closed the public hearing portion.

**Consideration:** Debbi made a comment that the Division of Wildlife paperwork is a little 'far-reaching'. Rick agreed. He was adamant that he would not support any action that could put the town in a position to subject itself to bend to the will of the Division of Wildlife. Joe commented, 'the corridor for the wildlife is not through this corridor'. He concurred, 'we should not take away property rights of owners in order to submit to the Division of Wildlife stipulations'.

Justin C. explained that exactions should be pegged to each unique situation. 'We are at a point, maybe we need to have the developers pony up. The annexation agreement will need to hone in on these issues, not only current needs but things that may develop in the next twenty years'. He foresees a regional park, and cautioned the Board to 'be certain that you include all imaginable needs and desires that may develop in the future'.

Joe Crain stated, 'we have been negotiating with Homestead during the past year. You need to consider the cost of a new snow plow, a new police cruiser, land for the fire department, all the peripheral costs that will be incurred in order to service these new areas'. He did receive the 13 page outline today. He confirmed that 'It is ok to approve the annexation tonight, and structure the annexation agreement to reflect the anticipated

costs that may occur in the future. Before the plat can be recorded, you will need to finalize the annexation agreement, the design guidelines, light industrial etc.’ Tom Au moved to approve the Byrd annexation contingent upon meeting the six staff recommendations as listed, and add the seventh before the title work gets updated. Debbi seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 7: Public Hearing/ Consideration: Southviews Annexation-Applicant, Real Estate Ventures II, LLC.East ½, Section 1, T 34 N., R 7 W, Parcel # 567701100026 & 567701400027 – Approximately 75.029 acres:**

Joe Crain reminded the Board that this was last heard August 19, 2008 and was at that time continued. Sketch plans were, for various reasons, held by the Planning Commission. They have since passed the sketch plans contingent upon meeting five conditions. (See Joe Crain’s memo dated November 26, 2008). Staff recommends that the Town Board approve the Southviews Annexation contingent upon the developer complying with the six conditions.

During the following discussion Brad Elder pointed out the high-lights. The intent is for a broad range of residential and related uses, assisted living, campus, employee housing, etc. He is still hopeful that there will be space there for schools. He also anticipates the inclusion of storage facilities.

Bob Picolli questioned the fact that the south boundary was portrayed to be different than the north boundary. Brad replied ‘it is a drafting error’.

The Mayor opened the meeting for a public hearing. Bob McGraw question Brad, ‘have you re-configured section C?’ Brad replied ‘yes’. He showed Bob the sketch plan. Matt Coker asked if they had made adequate accommodations for schools and fire department facilities. He also asked that the Board keep this in mind when they do the annexation agreement.

The public hearing closed.

Brad responded that the schools impose their own impact fee. The fire department is still up in the air about when they will need another station. But, he emphasized, they will definitely need a facility at Homestead.

Brad would love to see a fire station at the intersection of Southviews and Dove Ranch Road.

The Bynum property has already been annexed.

Justin T. moved to approve the Southview annexation, contingent upon meeting staff recommendations. Tom Au seconded. Debbi disclosed she may have potential financial involvement. Dirk suggested, it is safest to recuse yourself from the vote.

The vote was four in favor, with one abstention, Debbi Renfro.

**Action Agenda Item # 8: Public Hearing: Southviews Commercial Sketch Plan (also known as the Byrd property), Southviews Residential Sketch Plan:**

The Planning Commission unanimously recommended both sketch plans for approval with the condition that eight lots in Tract C adjacent to the R-20 designation to the west be reduced to six. Staff recommends that the Town Board, in separate motions, recommend that the Byrd Sketch Plan be approved for Commercial and Light Industrial land use as presented, and that the Southviews Sketch Plan be approved as presented. The ditch issue has been addressed. The drainage issue has also been addressed. The

Board had no questions of Joe Crain at this time. Brad Elder represented the two parcels and projects and gave a quick overview. The street alignment can be renegotiated. The light industrial area will not just consist of chain link fence and metal buildings. There will be landscaping and other sight mitigation provided. It may have one and two story buildings. Mr. Goff would like to retain his historical barn. They intend to provide a Jr. and Sr. campus, some single family dwellings, some multi family structures. He does have a contract on a five acre tract from a medical treatment organization. He touched on wildlife corridor paths. Brad knows the standards development is in process. He would like for them to proceed, and foresees they will occur contemporaneous with his documents. His first priority is to get thru the design, then couple the design work with the construction design standards.

Joe Crain re-affirmed that the Board can change stipulations at any time.

A lengthy discussion on drainage and sanitation flow line placement followed.

Tom suggested that Scott Key look at the trail plan that Brad envisions.

The Mayor opened the Public Hearing. Bob McGraw commented that he appreciates all the work that Brad has done.

Public Comment closed.

**Sketch Plan for Southviews Commercial (Byrd):**

Tom Au moved to approve the Sketch Plan for Southviews Commercial (aka Byrd) property. Justin T. seconded. The vote was five in favor. Motion carried.

Tom Au moved to approve the sketch plan for Southviews Residential as shown. Justin T. seconded. The vote was four in favor, with Debbi Renfro abstaining from the vote. Motion carried.

**Action Agenda Item # 9: Resolution #230: Homestead Annexation Sufficiency:**

Joe Crain commented that staff recommends approval. Justin T. moved to approve Resolution #230, a resolution of the Town of Bayfield, Colorado finding substantial compliance and initiating annexation proceedings for the Homestead annexation. Debbi seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 10: Ordinance #340- Amendment To The Bayfield Land Use Code:**

Joe Crain reflected, staff recommends approval. Justin T. moved to approve Ordinance #340, an ordinance of the Town of Bayfield, Colorado amending Section 3-4 and Section 6-8 of the Town Land Use Code Regarding the Determination of Required Open Space in a PUD. Tom Au seconded. The vote was five in favor. Motion carried.

**Action Agenda Item # 11: Road Impact Fee:**

Justin C. spoke about the possibility of continuing this issue. Justin would like to develop a revenue schematic utilizing various fee options that include criteria such as lots created, contributing residents/ businesses etc. He would also like to receive additional feed back on financial calculations used to facilitate those discussions. Rick said, 'modify the report, remove the items that were determined to be non-useful. Tom Au had questions about the original schedule. Justin C. answered 'when credits are applied, resulting in a reduction of the impact fee, there will be justification for doing so.' Justin C. suggested going back to the drawing board to reconsider a review of all the factors.

‘This is a very dynamic issue to study. Change is paramount. As is, it reflects the residential fee of \$580. The spreadsheet is only the beginning.’ If the Board is agreeable, he would like to continue the issue to the December 16 meeting.

Justin continued, ‘impact fees are extremely controversial’. He did not know if he should inundate the Board with all of the data available.

However, he emphasized, he wanted to be sure the board was well-informed before they make their decision. Any information that would justify increasing the impact fee needs to be covered. It is a given that all data is based on estimated costs. Such costs will invariably change radically.

Debbi asked about any plans for storm water drainage.

Justin C. said they also need to include increases in law enforcement manpower and equipment. Impact fees need to be proportionate to vital new growth necessities.

Rick asked that Justin set aside between one to one and a half hours for discussion of road impact fees.

Tom Au asked that staff circle the time on the agenda if they plan to have the Board meet early on December 16.

**Action Agenda Item # 12: Town Board Vacancy:**

The criteria that should be met by any candidate for this vacancy had already been established previously by the Board. They were read aloud by the Mayor. Dan sent his comments to Justin stating his preference concerning the appointment.

(A list of the criteria is included in the Board packet)

Justin T. moved to appoint Brett Clough to the vacancy on Town Council. Debbi seconded. The position will be held for one and a half years, until the next municipal election.

The vote was five in favor. Motion carried.

**Action Agenda Item # 13: New/ Unfinished Business:**

Justin said he had nothing to report under this agenda item.

The Board asked if there was an existing easement for the new sanitation treatment facility. Dirk replied that the easement had been procured, although it required extensive work.

There is a class being hosted by the National Business Institute in Denver on Friday for elected officials.

Justin C. said he would research educational opportunities from other economic development entities and forward the information to the Board.

Justin T. asked what the progress was on the old Town Hall facility. Justin C. replied that the Heritage Society submitted their grant a month ago. ‘We should know in four to six weeks. We have received the property appraisal report.’

**Action Agenda Item # 14: Possible Executive Session: Sunrise Estates:**

Dirk does not see any need for an Executive Session at this time. He has not received any communication from their attorneys, nor does he have any new information.

Motion to adjourn: 9:50 p.m.

