

# Town of Bayfield

## Planning Commission Meeting

Tuesday, March 12, 2024 – 6:30 pm

1199 Bayfield Parkway – Bayfield Town Hall – Boardroom

Ordinance 485 (Sec. 2-1(a)(1)g. Conditions to withdraw a remote option or restrict remote meeting participation: When conditions for a meeting can reasonably be mitigated to avoid and protect against

harms identified in Section 2-1 (a) (1) a. declared emergencies, the Town Manager has the discretion to prepare the agenda and withdraw the remote option. In the event a remote option is available, participation will be restricted to Planning Commission members, presenting applicants, consultants or members of the public that have indicated, a minimum of thirty-six (36) hours in advance of the meeting start date and time, the agenda item and their desire to participate via a remote link. Participation restrictions in place for remote meetings shall not restrict any person to observe via remote attendance if available.

### Planning Commission Regular Meeting

#### 1. Opening Ceremony:

- a. Call Meeting to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. General Public Input: Limited to Ten (10) Minutes (Three Minutes per Speaker)
- e. Planning Commissioners disclose conflicts of interest
- f. Approve Agenda

#### 2. Public Hearing Agenda:

- a. 2024-07 Municipal Code Chapter 9 Amendment & Resolution #2024-03

#### 3. Action Agenda:

- a. Approval of February 13, 2024 Minutes
- b. 2024-07 Resolution #2024-03

#### 4. Discussion and Adjourn:

- a. March 19, 2024 Next Board of Trustees Meeting
- b. April 9, 2024 Next Planning Commission Meeting
- c. Adjourn

Hearing Procedures: 1. Staff Presentation; 2. Applicant Presentation 3. Public Input; and 4. Planning Commission Consideration

General Rules: 1. Public comment is only allowed during portions of the meeting called "Public Input"; Please no interruptions. The Commission will call on the Applicant or the Public with any questions they might have.  
2. Not all items on the Agenda are open for Public Input due to their nature.



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## PLANNING COMMISSION STAFF REPORT

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**TO:** PLANNING COMMISSION  
**FROM:** NICOL KILLIAN, AICP, COMMUNITY DEVELOPMENT DIRECTOR  
**PROJECT:** CH. 9 MUNICIPAL CODE AMENDMENTS FOR CHAPTER 9 NUISANCES AND NOXIOUS WEEDS (PROJECT # 24-07)  
**DATE:** TUESDAY, MARCH 12, 2024

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### BACKGROUND

The State of Colorado has recently reached out to the Town of Bayfield to remind us that we are required to comply with the Colorado Noxious Weed Act of 1990 (C.R.S. 35-5.5-101-119). The Act requires that the Town adopt a Noxious Weed Management Plan, appoint a local advisory board, manage List A and List B species in accordance with the state management objectives, and manage noxious weeds in public rights-of-ways.

The Town of Bayfield adopted Ordinance 219 in January of 1992, creating Article IV of Chapter 10 of the Municipal Code called Undesirable Plant Management. This Article did create an advisory board, listed a few species considered to be noxious weeds back then, and discussed management on public lands. However, a Noxious Weed Management Plan was never adopted.

### PROPOSED LAND USE CODE AMENDMENT

Town staff is proposing to move the Undesirable Plant Management Article of Chapter 10 of the Municipal Code to Chapter 9, Article IV, so that it is located in the same Chapter as Nuisances, and rename it to Noxious Weeds. Town staff is also proposing to amend Article II, Nuisances as part of this amendment.

Town staff has also drafted a Noxious Weed Management Plan for the Planning Commissions review and comment.

In the next couple months, Town staff will be proposing some amendments to Chapter 10, Planning and Development, and will be bringing the Noxious Weed Management Plan back for final consideration.

The proposed amendments to Chapter 9 of the Municipal Code, and the Draft Noxious Weed Management Plan are attached to this staff report.

### PUBLIC HEARING

A public hearing shall be held for this project. A quorum of the Planning Commission membership is required to hold the hearing. All pertinent information is entered into the record and when the

## MUNICIPAL CODE AMENDMENTS FOR CHAPTER 9

commission determines that all information needed to make a decision has been received, the hearing is closed. A hearing may be continued. If for any reason, testimony on any matter set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice will be required.

### **Possible Recommendations**

Staff has prepared the following options for the Planning Commission:

Alternative Action A: **Approve** Resolution 2024-03 recommending the Board of Trustees adopt the Municipal Code Amendments to Chapter 9 with the following findings:

#### **Finding:**

- a. The Town is required to comply with the Colorado Noxious Weed Act of 1990; and
- b. The Planning Commission will be the Advisory Commission for the Noxious Weed Management Plan.

Alternative Action B: **Deny** Resolution 2024-03 recommending the Board of Trustees adopt the Municipal Code Amendments to Chapter 9 with specific reasons and findings stated.

Alternative Action C: **Continue** Resolution 2024-02 recommending the Board of Trustees adopt the Municipal Code Amendments to Chapter 9 with specific direction to staff.

### **Staff Recommended Action**

Staff recommends the Planning Commission, by motion, **Approve** Resolution 2024-03 recommending the Board of Trustees adopt the Municipal Code Amendments to Chapter 9 with the findings as stated in Alternative Action A above.

### **ATTACHMENTS**

- January 9<sup>th</sup> Letter from State of Colorado
- Municipal Code Chapter 9 Redline
- Draft Noxious Weed Management Plan



January 9, 2024

Nicol Killian  
Community Development Manager  
Town of Bayfield  
PO Box 80  
Bayfield, CO 81122-0080

Dear Nicol Killian:

In the decades since the Colorado Noxious Weed Act (Act), §§ 35-5.5-101, *et seq.*, C.R.S., was passed, many municipalities have created programs to manage noxious weeds. These local programs are vital to an effective statewide strategy, and today I would like to introduce myself and my team, provide compliance and educational resources, and share the ways that the Noxious Weed Program in the Colorado Department of Agriculture (CDA) can help.

My name is Patty York, and I started as Colorado's newest State Noxious Weed Coordinator in April of 2022. Emily McGrath is our Early Detection & Rapid Response (EDRR) Specialist, and Emily Gilbert is our Grants & Outreach Specialist. Our program also employs an EDRR field crew to assist municipalities with high-priority infestations, available from May through September, and we run a competitive pass-through grant program, available annually in November. We work closely with the CDA Weed Free Forage Program, run by Lora Richards, to promote the production and use of weed free forage across the state. Our team produces free, educational materials, many of which are attached for your reference. We are happy to answer questions about the Act's requirements, its opportunities for grant funding, field assistance, sharing of mapping and tracking technologies, weed free forage, and much more.

As you may already know, the Act's duty to manage noxious weeds applies to all persons, including individuals, partnerships, corporations, associations, and federal, state, or local governments or agencies that own, occupy, or control affected lands (§ 35-5.5-104, C.R.S.). For municipalities in particular, the Act requires that a municipality adopt a noxious weed management plan (§ -106), appoint a local advisory board (§ -107), manage List A and targeted List B species in accordance with state management objectives (§ -108.5 and -109), and manage noxious weeds in public rights-of-way (§ -112). We understand that noxious weed management is difficult and complex at all scales of government, and the struggles of creating effective programs are well-known by municipal, county, state, and federal land managers. Nonetheless, management of noxious weeds under the Act is critical because noxious weeds directly and indirectly threaten Colorado's agriculture, tourism, and recreation industries, increase the threat of wildfire, decrease water availability and quality, and impact native plant communities that provide important resources for wildlife. As such, the importance of a coordinated municipal weed management strategy that addresses the Act's requirements cannot be overstated.

Our goal is to assist every municipality to establish or grow an efficient and cost-effective program that serves the needs of its residents, meets the Act's requirements, and contributes to a solution regarding the economic and environmental impacts of noxious weeds. One way we accomplish this is by promoting local and regional collaboration between regulated entities. To that end, and if applicable, please consider completing the survey attached to this letter (anonymous unless you choose to share your info) so that program staff can understand what, if any, barriers you believe exist to establishing or growing a municipal noxious weed program.

Only by working together can we build management systems that will allow us to successfully tackle this important economic and ecological issue and ensure that lands in the State of Colorado are healthy for future generations. Program staff are looking forward to answering any questions you may have with respect to identifying subject-matter experts, availability of competitive grants and seasonal support staff, or the Act's requirements.

Thank you for taking the time to read this letter, and I hope to work with you soon!

Sincerely,



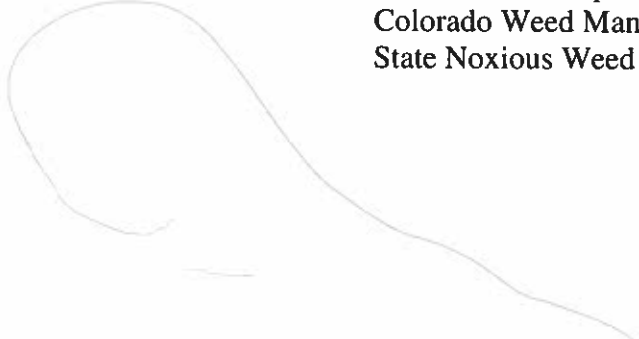
Patty York  
State Noxious Weed Coordinator & Program Manager  
[patty.york@state.co.us](mailto:patty.york@state.co.us)  
Office: 303-869-9035  
Mobile: 303-241-7908

Enclosures (9):

- 2024 Weed Management Survey Flyer
- 2024 Weeds of Garfield County Noxious Calendar
- 2024/25 Administrative Rule Information Flyer
- EDDMapS Postcard
- Myrtle Spurge Doorhanger
- Noxious Weed Management Brochure
- Noxious Weed Newsletter Sign-up Flyer
- Noxious Weed Watch List Pocket Guide
- Weed Free Forage Brochure

cc (via electronic mail):

- Colorado Municipal League
- Colorado Weed Management Association
- State Noxious Weed Advisory Committee



## Chapter 9 - OFFENSES—MISCELLANEOUS<sup>[1]</sup>

### ARTICLE I. – IN GENERAL (to remain as is)

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### ARTICLE II. - NUISANCES<sup>[2]</sup> (to be amended as follows)

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#### Sec. 9-41. - Definition.

Anything which is injurious to the health or morals, ~~or~~ indecent or offensive to the senses, or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. Among those things hereby declared nuisances are those buildings and other structures destroyed by fire or which by neglect have deteriorated, becoming a fire hazard, an eyesore or otherwise an offensive structure.

**State Law reference**— Public nuisances defined, § 16-13-303 et seq., C.R.S. 1973.

#### Sec. 9-4~~1.5~~21.5. - Specific nuisances.

- (a) In addition to any other conditions or activities described in this Code, the ownership, leasing, occupying, managing or possessing of any property, structure or premises upon which any of the following conditions are found to exist is declared to be a nuisance that may be abated by any lawful procedure:
- (1) The premises are a detriment to public health, safety or general welfare;
  - (2) The premises are so defective, unsightly, or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Examples of this condition shall include, but shall not be limited to, the keeping on, or disposing of, on or the scattering over the premises of any of the following:
    - a. Junk, trash, refuse or debris;
    - b. Abandoned, discarded or unusable objects or equipment such as furniture, stoves, hot water heaters, refrigerators, freezers, automobiles;
    - c. Stagnant water that constitutes a health hazard;
    - d. An excavation or an open foundation for which a building permit has expired; or
    - e. Uncovered wells or cisterns; or
    - ~~e.f. Noxious weeds as determined under Chapter 9, Article IV of the code-~~
  - (3) The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
  - (4) The premises are abandoned, boarded up, partially destroyed, or left in an unreasonable state of partial construction;
  - (5) Buildings have dry rot, warping or termite infestation;

- (6) The premises have a substantial number of broken windows which cause hazardous conditions and invite trespassers and malicious mischief;
  - (7) The landscaping on the premises has not been maintained as follows:
    - a. Trees and shrubs have not been trimmed and are overhanging public rights-of-way
    - b. Weeds or other growth over 12 inches and that have not been removed or cut except in areas where such removal is impractical such as irrigation ditches or other inaccessible areas; or
    - c. Dead or diseased plants have not been removed or replaced.
  - (8) The exterior of commercial establishments or multifamily buildings have not been maintained so as to present a neat and orderly appearance which is compatible with the area.
- (b) The items described herein are intended to allow for a reasonable method of controlling nuisances by providing notice of conditions that may constitute a nuisance, but are not intended to be exclusive of any other condition that constitutes a nuisance.

#### **Sec. 9-432. - Authority to enter on property Determination of violation.**

~~The town marshal, trustees or any other persons who may be directed or deputized by the board of trustees may enter upon or into any lot, house or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any nuisance exists, and shall be free from any action or liability on account thereof.~~

Whenever the town administrator or their designated agent is informed or otherwise determines that any premises or property within the town is alleged to be a nuisance, they shall cause an investigation to be made into the premises and shall make findings with reference to such investigation. If as a result of such investigation it is found that a nuisance does exist, a notice to abate pursuant to Sec. 9.45. shall be prepared by the town administrator or their designated agent.

#### **Sec. 9-443. - Abatement without notice on public property.**

In case of any nuisance in or upon any publicly owned property including public rights-of-way, street, avenue, alley, sidewalk, highway or public grounds in the town, the town marshal or town administrator or their designated agent may abate the same forthwith without notice.

#### **Sec. 9-454. - Notice to abate.**

~~Any state or things prohibited by this article shall be deemed a nuisance, and any person who shall make or cause such nuisance to exist shall be deemed the author thereof. Provided, that any person who shall have possession or control of any private ground or premises, whether he is the owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of 48 hours' continuance of such nuisance after due notice given to abate the same. The written notice of 48 hours may be given and served by the town marshal or other officers as he may designate, or by certified mail in the event such owner cannot be served in La Plata County, Colorado.~~

If a nuisance has been determined to exist on any premise or property within the town pursuant to Sec. 9.43., a written notice to abate shall be prepared by the town administrator or their designated agent to include the findings required pursuant to Sec. 9-42. and shall also order and direct the owner of such property to abate such nuisance within ten (10) days from the date the notice to abate was sent. Such notice shall be mailed to the owner of record at the address reflected in the records of the county assessor via certified mail, return receipt requested.

#### **Sec. 9-45. -- Declaration of nuisance by board.**

~~In the event that any nuisance within or upon any private premises or grounds is not abated forthwith after the notice provided in this article shall be given, the board of trustees may declare the same to be a nuisance and order the town marshal to abate the same, which order shall be executed without delay; and the town marshal shall have the authority to call for the necessary assistance therefor.~~

#### **Sec. 9-46. -- Failure to comply.**

If the owner of such property fails to abate the nuisance within the time provided within the written notice, the town administrator or their designated agent shall cause a citation or summons and complaint to be filed in the municipal court and to be served upon the owner of the subject property.

Pursuant to provisions of this Article, liability for the failure to abate a nuisance from said premise or property shall rest solely upon the owner thereof. It shall not constitute a defense to any prosecution under the provisions of this Code that the property is occupied by an individual or individuals other than the owner thereof or that the owner has engaged the services of an agent for purposes of management of said property.

#### **Sec. 9-47. -- Abatement by town assistance to abate generally.**

~~Any officer who shall be duly authorized to abate any nuisance specified in this article shall have authority to engage the necessary assistance and incur the necessary expenses thereof.~~

If the owner of the subject property fails to appear in response to the municipal court summons or citation or fails to comply with the orders of said court or, in those instances where the owner of the subject property cannot be found after the exercise of reasonable diligence, the town shall cause the abatement of such nuisance from said premise or property at the cost and expense of the owner of such property.

#### **Sec. 9-48. - Recovery of expenses.**

~~The expense incurred by the town in abating any nuisance may be collected by proper action from the creator thereof.~~



The owner of the subject premise or property shall be billed the actual cost to the town for such abatement of a nuisance. If the owner of the property fails to reimburse the town for the cost within thirty (30) days of the billing thereof, the town administrator or their designated agent shall cause a La Plata County Treasurer certified property tax lien to be placed against the subject property for the cost of such abatement.

**Secs. 9-498—9-69. - Reserved.**

### **ARTICLE III. – OPEN-BURNING FIRES AND FIREWORKS (to remain as is)**

**Sec. 9.76-9.79. - Reserved**

### **ARTICLE IV.- NOXIOUS WEEDS (to be added in its entirety)**

#### **Sec. 9.80. – Definitions.**

The following terms used in this article shall have the following meanings:

Control means preventing a plant from forming viable seeds or vegetative propagules.

Integrated management means the planning and implementation of a coordinated program utilizing a variety of methods for management of noxious weeds, which methods may include but are not limited to education, preventive measure, good stewardship, and biological, chemical, mechanical or cultural control methods.

Noxious Weed means a plant species that is not indigenous to the state of Colorado, nor to the native plant community in which it is found, aggressively invades or is detrimental to economic crops or native plant communities, and is either poisonous to livestock, a carrier of detrimental insects, diseases, or parasites, or the direct or indirect effect of its presence is detrimental to the environmentally sound management of natural or agricultural ecosystems, and which is designated as undesirable by section 35-5.5-101 et seq., C.R.S. 1973, or by the advisory commission.

#### **Sec. 9.81. – Advisory commission.**

(a) Creation: An advisory commission is hereby created, which shall consist of all members of the appointed planning commission.

(b) Powers and duties: The commission shall recommend adoption of a noxious weed management plan to the board of trustees through a resolution that can be amended as needed. The plan shall include species lists in accordance with the state management objectives from the Colorado Noxious Weed Management Act, a county noxious weeds list, and include control methods for integrated management of noxious weeds in the town.

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(c) Review of plan: The commission shall review the approved management plan at least once every three years, and develop and recommend such amendments or changes as the commission deems necessary and prudent.

**Sec. 9.82. – Declaration of nuisance**

The town administrator or their designated agent shall enforce the adopted noxious weed management plan. The investigation, discovery and abatement of noxious weeds on any public or privately owned property shall abide by the nuisance abatement laws of the state and as provided in Article II of Chapter 9 of this Code.

**Sec. 9.83. – Powers and duties of board of trustees.**

The board of trustees shall have the following powers and duties with respect to the implementation and enforcement of the noxious weed management plan:

(a) Adoption of plan: Upon recommendation from the commission, the board of trustees shall adopt the noxious weed management plan by resolution.

(b) Cooperation: The board of trustees may resolve at any time to enter into intergovernmental agreements with the county or the state for implementation support of the management plan.

(c) Public lands: The board of trustees shall comply with the management plan to control noxious weeds on all public property and public rights-of-way.

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# DRAFT Noxious Weed Management Plan

## Management Plan Goals

The goal of the Town of Bayfield's Noxious Weed Management Plan is to manage and/or eradicate noxious weeds in Town. We do this by:

1. Controlling the weeds on Town owned rights-of-ways and properties;
2. Working with La Plata County to control weeds on Town adjacent county owned rights-of-ways and privately owned properties; and
3. Educating and helping Bayfield landowners with vegetation on their private properties.

Large noxious weed infestations can be stopped, reduced, managed and sometimes eventually eradicated. Smaller invasions can most times be fully eradicated before they have a chance to become established, and then spread throughout a sub region in the Town/County. By accomplishing this landowners and managers help stop noxious weeds from forcing out native plants and animals from their natural environment.

## Control Methods

The most effective plan for managing noxious weeds combines several control methods in a consistent, integrated management program. The plan must take into account the needs of the desirable native plants, the nature of the plant pests, safety to livestock and wildlife, and the needs of the property owner and land users. An integrated weed management program consists of a variety of combinations of the following methods:



- Prevention – Good management will help keep desirable vegetation healthy and weeds under control. Buy only weed-seed-free hay, plant only certified seed, wash your vehicle and equipment after being in a weed-infested area, monitor your property and respond quickly to new weed infestations.
- Cultural Management – Cultural controls seek to control weed problems by establishing desired plant species. Cultural techniques manipulate the plant community through cultivating (cutting through and turning over the soil), re-seeding, fertilizing and irrigating.
- Biological Management – Biological control agents are organisms (usually insects) that are deliberately introduced to an area to control noxious weeds. The aim of biological control is not eradication, but rather to exert enough pressure on a weed to reduce its abundance to acceptable levels. Biological control agents are most useful for reducing seed production or weakening plants in large, dense noxious weed infestations where other control methods are not cost-effective.
- Livestock Grazing – Land managers can use cattle, sheep and goats to selectively overgraze certain weed species, thereby weakening them. In cases where desirable native species are not attractive to livestock, grazing may favor growth of native species over weeds. Livestock and wildlife can carry and spread weed seed on their coats or in their



feces; avoid moving livestock from weedy areas to weed-free areas when weeds are producing viable seed.



- **Mechanical Management** – Techniques like mowing, tilling, hand-pulling, or burning can physically disrupt plant growth.
- **Chemical Management** – Herbicides that kill or control targeted plants. They can be safe and effective when applied properly. Herbicides decrease growth, seed production, and competitiveness of susceptible weeds.



### Noxious Weed Species


The noxious weeds most common in La Plata County currently include the following:

Species	Information	Control Method(s)
<p data-bbox="280 779 516 835">Corn Chamomile (<i>Anthemis arvensis</i>)</p> 	<p data-bbox="613 779 1005 1140">An annual plant that reproduces from seed, these plants have daisy-like flowers that consist of white petals surrounding a yellow disc in the center. It is bushy and branched, and can grow 10 to 30 inches tall when matured. The leaves are finely dissected and look similar to a fern. It can tolerate a wide range of soil types, elevations, and habitats.</p>	<p data-bbox="1036 779 1406 1262">Prevention  Cultural-maintain healthy pastures &amp; prevent bare spots from overgrazing, dense shade  Biological-gall midge fly  Mechanical-mow before plants bolt  *Chemical-Milestone or Perspective  *ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>
<p data-bbox="207 1346 586 1434">Dalmation Toadflax (<i>Linaria dalmatica &amp; genistifolia</i>) Colorado List B</p> 	<p data-bbox="613 1346 992 1829">Non-native, perennial forb introduced from the Mediterranean region as a folk remedy, fabric dye and ornamental. It reproduces both by seed and by extensive, creeping rhizomes. A single plant produces 500,000 seeds, most of which fall within 18 inches of the parent plant. Seeds can remain viable for at least 10 years. Grows to 3 feet and has bright yellow snapdragon-like flowers with an orange throat on elongated racemes.</p>	<p data-bbox="1036 1346 1398 1797">Prevention  Cultural-seed with competitive grasses  Biological-calophasia lunula moth  Mechanical-pull  *Chemical-Perspective, Tordon/Picloram, Telar  *ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>

<p>Hoary Cress (<i>lepidium draba</i>) Colorado List B</p> 	<p>Commonly known as whitetop is a creeping perennial that is a member of the mustard family and native to Europe. The stems, in the rosette stage, may grow up to 2 inches in height and produce grayish-green leaves that are lance-shaped. One plant can produce from 1,200 to 4,800 seeds. The plants emerge in early spring with stems emerging from the center of each rosette in late April. Flowers from May to June and plants set seed by mid-summer.</p>	<p>Prevention</p> <p>Cultural-minimize disturbance &amp; seed dispersal</p> <p>Mechanical-mow before plants bolt</p> <p>*Chemical-Telar, Escort XP, Plateau or Panoramic</p> <p>*ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>
<p>Leafy Spurge (<i>Euphorbia esula</i>) Colorado List B</p> 	<p>Non-native deep-rooted perennial that spreads by seed and extensive, creeping roots that can extend as deep as 30 feet into the soil and are extremely wide-spreading. The roots are brown and contain numerous pink buds that generally produce new shoots or roots. Leafy spurge can grow from 1 to 3 feet in height. The stems are smooth, pale green, and thickly clustered. The flowers are very small and yellowish-green. The entire plant contains a white, milky sap that can damage eyes and sensitive skin. One of the earliest plants to emerge in the spring. Flower clusters develop 1 to 2 weeks after stem emergence which is from mid-April to late May. One large leafy spurge plant can produce up to 130,000 seeds.</p>	<p>Prevention</p> <p>Cultural-establishment of selected grasses</p> <p>Biological-flea beetles</p> <p>Livestock Grazing-sheep &amp; goats</p> <p>*Chemical-Perspective, Overdrive, Distinct, Paramount, Facel-L or Quinstar</p> <p>*ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>
<p>Mayweed Chamomile (<i>Anthemis cotula</i>) Colorado List B</p>	<p>Bushy annual that can adapt to various conditions and is native to Europe. Is a prolific seed producer, producing more than 960,000 seeds per plant. The seeds viability in soil range from 4 to 6 years. The leaves are finely dissected, alternate, and approximately 0.75 to 2.5 inches long and 1 inch wide. Leaves may have some short hairs and</p>	<p>Prevention</p> <p>Cultural-maintain healthy pastures &amp; prevent bare spots from overgrazing, dense shade</p> <p>Biological-gall midge fly</p> <p>Mechanical-mow before plants bolt</p>

	<p>emit an unpleasant odor. Flowers are solitary and borne at the ends of branches. They are 0.75 to 1.25 inches in diameter with 12 white ray flowers and yellow disk centers. The white ray flowers are in bloom from June through September. Mature plants grow from 0.5 to 2 feet tall and are highly branched.</p>	<p>*Chemical-Milestone or Perspective</p> <p>*ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>
<p>Russian Knapweed (<i>Rhaponticum repens</i>) Colorado List B</p> 	<p>Russian knapweed is a non-native, deep-rooted perennial that spreads by aggressive, creeping, horizontal roots (rhizomes) and seeds. The roots are brown to black with a scaly appearance. Can grow up to 3 feet in height. The stems and leaves are covered with short gray hairs. The flowers are urn-shaped, pink to purple in color, and are solitary at the tips of the upper branches. Can be distinguished from other knapweeds by the smooth, papery, rounded bracts that surround the flowers. Emerges in early spring after soil temperatures remain above freezing. It produces flowers from June to August and sets seeds in late summer to early fall. The seeds are viable for two to three years. Reproduces primarily from its root system. Buds on the horizontal roots can form adventitious shoots, August through the winter that can grow to become independent plants. Once rosettes emerge in the spring, remaining root buds slough off until they develop again in late summer. Additionally, root fragments can develop into new plants.</p>	<p>Prevention</p> <p>Cultural-establishment of selected grasses</p> <p>Biological-flea beetles</p> <p>Livestock Grazing-sheep &amp; goats</p> <p>*Chemical-Perspective, Overdrive, Distinct, Paramount, Facel-L or Quinstar</p> <p>*ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>

<p>Scentless Chamomile (<i>Tripleurospermum inodorum</i>) Colorado List B</p> 	<p>Annual, biennial, or short-lived perennial forb that is native to Europe. Seedlings emerge in spring and can produce a dense mat, outcompeting other species. Seeds and flowers are continually being formed. Each flower head can produce 300 seeds and a single plant can produce 300,000 seeds. The flowers are white in color, ¾ inches, and are daisy-like flowers that are solitary on each stem. Flowers have a yellow central disk surrounded by white petals. Leaves are alternate, fernlike, finely divided, and odorless when crushed. The stems can reach 6 inches to 3 feet tall and have numerous branches.</p>	<p>Prevention</p> <p>Cultural-minimize soil disturbance &amp; maintain high native canopy cover of drought tolerant plants</p> <p>Mechanical-remove fibrous roots</p>
<p>Sulfur Cinquefoil (<i>Potentilla recta</i>) Colorado List B</p> 	<p>Sulfur cinquefoil is a perennial forb that is native to Eurasia. The flowers are pale yellow with 5 heart-shaped petals and are slightly longer than the 5 enclosing green sepals and 5 small bracts. Flowers appear from May to July with peak flowering generally occurring in late June. Each flower produces numerous small seeds that are slightly flattened and 1.3 mm long. The seeds are comma-shaped, brownish-purple in color, and covered with a net-like pattern of veins. Seeds remain viable in the soil for at least three years. Leaves are numerous, alternate, and compound with 5 to 7 leaflets having toothed edges. Leafstalks have conspicuous perpendicular hairs and leaves appear green on the underside. The erect stems are single to several, with few (or none) slender branches and are 12 to 28 inches in height that grow from the well-developed rootstock. The plant has a single taproot and may have several shallow, spreading branch roots but no rhizomes.</p>	<p>Prevention</p> <p>Cultural- dense shade, drought tolerant ground cover</p> <p>Mechanical-remove and bag entire root</p>

<p>Tamarisk (<i>Tamarix Spp.</i>) Colorado List B</p> 	<p>Non-native deciduous evergreen shrub or small tree that grows from 5 to 20 feet tall, also known as saltcedar. The bark on saplings and stems is reddish-brown. The leaves are small, scale-like and bluish-green in color. Tiny pink to white flowers have five petals and grow on slender racemes. Reproduces by seeds as well as vegetatively. A mature plant can produce up to 600,000 seeds per year. Seeds are viable for up to 45 days under ideal conditions. Buds break dormancy in February or March. Flowering occurs anytime between April and August. Ideal conditions for seedling survival are saturated soil during the first few weeks of life, a high water table, and open sunny ground with little competition from other plants.</p>	<p>Prevention</p> <p>Cultural-manage then revegetate with seeded grasses, willow stakes &amp; cottonwood cuttings</p> <p>Biological-saltcedar leaf beetle</p> <p>Mechanical-bulldozer and prescribed fire</p> <p>*Chemical-Garlon 4, Remedy, Rodeo or Milestone</p> <p>*ALWAYS READ, UNDERSTAND &amp; FOLLOW LABEL DIRECTIONS</p>
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The State of Colorado has four lists of noxious weed species that get updated from time to time, so the Bayfield Noxious Weed Management Plan will refer to the State's website (<https://ag.colorado.gov/conservation/noxious-weeds/species-id>) for the most updated information on the following:

1. List A Species: are designated by the Commissioner for eradication.
2. List B Species: are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species.
3. List C Species: are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.
4. Watch List Species: have been determined to pose a potential threat to the agricultural productivity and environmental values of the lands of the state. The Watch List is intended to serve advisory and educational purposes only. Its purpose is to encourage the identification and reporting of these species to the Commissioner in order to facilitate the collection of information to assist the Commissioner in determining which species should be designated as noxious weeds.



## **Enforcement**

Chapter 9, Article IV of the Code of Ordinances for the Town of Bayfield outlines the investigation and abatement process for noxious weeds in Town.

DRAFT

**RESOLUTION NO. 2024-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF BAYFIELD RECOMMENDING THE BOARD OF TRUSTEES ADOPT THE MUNICIPAL CODE AMENDMENT FOR CHAPTER 9 NUISANCES AND NOXIOUS WEEDS**

**WHEREAS**, the State of Colorado adopted the Noxious Weed Act of 1990 (C.R.S. 35-5.5-101-119) that determined certain noxious weeds pose a threat to the continued economic and environmental value of the land in Colorado and they must be managed by all landowners in the state; and

**WHEREAS**, the Town of Bayfield’s Municipal Code does not comply with all the requirements of the Noxious Weed Act; and

**WHEREAS**, the Town of Bayfield’s Municipal Code Article II on Nuisances is outdated and needs to be amended; and

**WHEREAS**, on March 12, 2024 the Planning Commission held a noticed public hearing on the proposed amendments; and

**WHEREAS**, after considering the recommendation by staff and any public testimony received, the Planning Commission finds the amendments to Chapter 9 of the Municipal Code of the Town of Bayfield to be in the best interest of the citizens of the Town of Bayfield.

**NOW THEREFORE, BE IT RESOLVED BY THE BAYFIELD PLANNING COMMISSION AS FOLLOWS:**

**Section 1:** The Planning Commission is an advisory commission recommending to the Board of Trustees that the following Chapter 9 language be considered as an amendment to the Municipal Code:

**Section 2:** The Bayfield Municipal Code Chapter 9 Article II. –Nuisances should be amended as follows:

**Sec. 9-41. - Definition.**

Anything which is injurious to the health or morals, indecent or offensive to the senses, or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. Among those things hereby declared nuisances are those buildings and other structures destroyed by fire or which by neglect have deteriorated, becoming a fire hazard, an eyesore or otherwise an offensive structure.

**State Law reference**— Public nuisances defined, § 16-13-303 et seq., C.R.S. 1973.

**Sec. 9-42 - Specific nuisances.**

- (a) In addition to any other conditions or activities described in this Code, the ownership, leasing, occupying, managing or possessing of any property, structure or premises upon which any of the following conditions are found to exist is declared to be a nuisance that may be abated by any lawful procedure:
- (1) The premises are a detriment to public health, safety or general welfare;
  - (2) The premises are so defective, unsightly, or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Examples of this condition shall include, but shall not be limited to, the keeping on, or disposing of, on or the scattering over the premises of any of the following:
    - a. Junk, trash, refuse or debris;
    - b. Abandoned, discarded or unusable objects or equipment such as furniture, stoves, hot water heaters, refrigerators, freezers, automobiles;
    - c. Stagnant water that constitutes a health hazard;
    - d. An excavation or an open foundation for which a building permit has expired; or
    - e. Uncovered wells or cisterns; or
    - f. Noxious weeds as determined under Chapter 9, Article IV of the code
  - (3) The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
  - (4) The premises are abandoned, boarded up, partially destroyed, or left in an unreasonable state of partial construction;
  - (5) Buildings have dry rot, warping or termite infestation;
  - (6) The premises have a substantial number of broken windows which cause hazardous conditions and invite trespassers and malicious mischief;
  - (7) The landscaping on the premises has not been maintained as follows:
    - a. Trees and shrubs have not been trimmed and are overhanging public rights-of-way
    - b. Weeds or other growth over 12 inches and that have not been removed or cut except in areas where such removal is impractical such as irrigation ditches or other inaccessible areas; or
    - c. Dead or diseased plants have not been removed or replaced.
  - (8) The exterior of commercial establishments or multifamily buildings have not been maintained so as to present a neat and orderly appearance which is compatible with the area.

- (b) The items described herein are intended to allow for a reasonable method of controlling nuisances by providing notice of conditions that may constitute a nuisance, but are not intended to be exclusive of any other condition that constitutes a nuisance.

**Sec. 9-43. - Determination of violation.**

Whenever the town administrator or their designated agent is informed or otherwise determines that any premises or property within the town is alleged to be a nuisance, they shall cause an investigation to be made into the premises and shall make findings with reference to such investigation. If as a result of such investigation it is found that a nuisance does exist, a notice to abate pursuant to Sec. 9.45. shall be prepared by the town administrator or their designated agent.

**Sec. 9-44. - Abatement without notice on public property.**

In case of any nuisance in or upon any publicly owned property including public rights-of-way, or public grounds in the town, the town administrator or their designated agent may abate the same forthwith without notice.

**Sec. 9-45. - Notice to abate.**

If a nuisance has been determined to exist on any premise or property within the town pursuant to Sec. 9.43., a written notice to abate shall be prepared by the town administrator or their designated agent to include the findings required pursuant to Sec. 9-42. and shall also order and direct the owner of such property to abate such nuisance within ten (10) days from the date the notice to abate was sent. Such notice shall be mailed to the owner of record at the address reflected in the records of the county assessor via certified mail, return receipt requested.

**Sec. 9-46. – Failure to comply.**

If the owner of such property fails to abate the nuisance within the time provided within the written notice, the town administrator or their designated agent shall cause a citation or summons and complaint to be filed in the municipal court and to be served upon the owner of the subject property. Pursuant to provisions of this Article, liability for the failure to abate a nuisance from said premise or property shall rest solely upon the owner thereof. It shall not constitute a defense to any prosecution under the provisions of this Code that the property is occupied by an individual or individuals other than the owner thereof or that the owner has engaged the services of an agent for purposes of management of said property.

**Sec. 9-47. – Abatement by town.**

If the owner of the subject property fails to appear in response to the municipal court summons or citation or fails to comply with the orders of said court or, in those instances where the owner of the subject property cannot be found after the exercise of reasonable diligence, the town shall cause the abatement of such nuisance from said premise or property at the cost and expense of the owner of such property.

**Sec. 9-48. - Recovery of expenses.**

The owner of the subject premise or property shall be billed the actual cost to the town for such abatement of a nuisance. If the owner of the property fails to reimburse the town for the cost within thirty (30) days of the billing thereof, the town administrator or their designated agent shall cause a La Plata County Treasurer certified property tax lien to be placed against the subject property for the cost of such abatement.

**Secs. 9-49—9-69. - Reserved.**

**Section 3:** The Bayfield Municipal Code Chapter 9 Article IV. –Noxious Weeds should be added as follows:

**Sec. 9.80. – Definitions.**

The following terms used in this article shall have the following meanings:

*Control* means preventing a plant from forming viable seeds or vegetative propagules.

*Integrated management* means the planning and implementation of a coordinated program utilizing a variety of methods for management of noxious weeds, which methods may include but are not limited to education, preventive measure, good stewardship, and biological, chemical, mechanical or cultural control methods.

*Noxious Weed* means a plant species that is not indigenous to the state of Colorado, nor to the native plant community in which it is found, aggressively invades or is detrimental to economic crops or native plant communities, and is either poisonous to livestock, a carrier of detrimental insects, diseases, or parasites, or the direct or indirect effect of its presence is detrimental to the environmentally sound management of natural or agricultural ecosystems, and which is designated as undesirable by section 35-5.5-101 et seq., C.R.S. 1973, or by the advisory commission.

**Sec. 9.81. – Advisory commission.**

- (a) *Creation:* An advisory commission is hereby created, which shall consist of all members of the appointed planning commission.
- (b) *Powers and duties:* The commission shall recommend adoption of a noxious weed management plan to the board of trustees through a resolution that can be amended as needed. The plan shall include species lists in accordance with the state management objectives from the Colorado Noxious Weed Management Act, a county noxious weeds list, and include control methods for integrated management of noxious weeds in the town.

- (c) *Review of plan:* The commission shall review the approved management plan at least once every three years, and develop and recommend such amendments or changes as the commission deems necessary and prudent.

**Sec. 9.82. – Declaration of nuisance**

The town administrator or their designated agent shall enforce the adopted noxious weed management plan. The investigation, discovery and abatement of noxious weeds on any public or privately owned property shall abide by the nuisance abatement laws of the state and as provided in Article II of Chapter 9 of this Code.

**Sec. 9.83. – Powers and duties of board of trustees.**

The board of trustees shall have the following powers and duties with respect to the implementation and enforcement of the noxious weed management plan:

- (a) *Adoption of plan:* Upon recommendation from the commission, the board of trustees shall adopt the noxious weed management plan by resolution.
- (b) *Cooperation:* The board of trustees may resolve at any time to enter into intergovernmental agreements with the county or the state for implementation support of the management plan.
- (c) *Public lands:* The board of trustees shall comply with the management plan to control noxious weeds on all public property and public rights-of-way.

**INTRODUCED AND PASSED AS A RESOLUTION at a meeting of the Town of Bayfield Planning Commission on the 12<sup>th</sup> day of March, 2024.**

**Planning Commission Chair:**

\_\_\_\_\_  
Matt Nyberg

*Attest:*

\_\_\_\_\_  
Amber Lamb, Deputy Town Clerk

**Town of Bayfield  
Planning Commission Meeting Minutes  
February 13, 2024, Bayfield, Colorado**

**I. Opening Ceremony**

Chair Nyberg called the February 13, 2024, Town of Bayfield Planning Commission meeting to order at 6:30 p.m.

**Roll Call:**

Commissioner Bryan Gadd – Present  
Commissioner Cash Snooks – Present  
Commissioner Tish Nelson – Arrived at 6:33pm  
Commissioner Chris O’Shea Heydinger – Present via Zoom  
Mayor Ashleigh Tarkington – Present  
Chair Matthew Nyberg – Present

**Commissioners Absent:** Commissioner Jason Evans

**Staff Present:**

Nicol Killian, Community Development Director – Zoom  
Katie Sickles, Town Manager  
Jeremy Schulz, Public Works Director  
Amber Lamb, HR Director  
Kristin Dallison, Administrative Assistant

**Media Present:** None

**Pledge of Allegiance**

**General Public Input:**

Chair Nyberg opened public comment.

Kat Katsos (525 Dove Ranch Rd) – She has been reviewing our Land Use and Building Codes. She mentions climate change, fires, flooding, health and safety. Her concern is in our building code and having a requirement for “minimal” evidence for soil stability and erosion control. She wants the town to understand what types of soils we have for proper development and do more than what the minimal requirements would be. She wants the town to be able to hold the developer accountable to ensure the soil stability reporting is correct and follows the most up to date standards. She said that she would like to have more information in the code. She says that where she lives in Dove Ranch is on sinking soil. She would like a definition of erosion control and more detail in the code for our requirements.

Nicol Killian, Community Development Director responded to the questions posed. The Town of Bayfield requires a Geotechnical report for all developments. That is part of their job and they are the experts. They take on the responsibility for soil stability and findings. We also have the Colorado Geological Survey review all projects. Our building inspector does inspections.

Commissioner Gadd mentioned that developers and contractors are required to have zero discharge offsite when doing construction and how retention ponds make that possible. The property has to stay at or reduce the historic rate of drainage.

Kat Katsos – Follow up question. Wanted to reiterate this is loosely defined in our code and hard to find detailed information. It would be a benefit to the town to have more details in the code. Hard for a community member to decipher. How up to date are the reports that we have? She says that flooding has been an issue for our residents. Kat will follow up with Nicol Killian, Community Development Director, over phone or email about her concerns and get some more information about the process that is currently in place.

Chair Nyberg closed public comment.

**Disclosure of Conflicts of Interest:** None

**Approval of Agenda:**

Mayor Tarkington moved to approve the agenda for the February 13, 2024, meeting as presented.  
Commissioner Snooks seconded.

Vote:

Commissioner Gadd – Yes  
Commissioner Snooks – Yes  
Commissioner Nelson – Yes  
Commissioner O’Shea Heydinger – Yes  
Mayor Tarkington – Yes  
Chair Nyberg – Yes

**II. Public Hearing Agenda:**

**a. 2024-05 Orchard PUD Guide Amendment**

Nicol Killian, Community Development Director, presented the staff report provided in the packet and asked the board if they had any questions or comments.

Staff is recommending approval of the Orchard PUD amendment with the following finding and conditions:

Finding:

a. With the conditions below, the amendment, as submitted, is consistent with the intent of the Comprehensive Plan and all requirements of the Land Use Code.

Conditions:

1. Prior to the issuance of any new Building Permits, the Planned Unit Development Guide Agreement shall be finalized and recorded per LUC Sec. 4-6-B(4).
2. Prior to the issuance of any new Building Permits, the Subdivision Improvement Agreement shall be finalized and recorded per LUC Sec. 3-6.

Chair Nyberg opened the public hearing.

The applicant Andrew Klotz, was in the audience and said he would be happy to answer any questions. He said that they are making this decision due to parking and drainage.

Seeing no additional public input, Chair Nyberg closed public hearing.

**b. 2024-02 Flood Damage Prevention LUC Text Amendment & Resolution #2024-02**

Nicol Killian, Community Development Director, presented the staff report provided in the packet and asked the board if they had any questions or comments.



Staff is recommending approval of Resolution 2024-02 recommending the Board of Trustees adopt the Land Use Code Amendments for Article 9 Flood Management Prevention with the following findings:

- a. The Town has until April 25, 2024 to adopt the new FIS and FIRM, as required by FEMA, in order to continue to participate in the National Flood Insurance Program.
- b. The proposed Land Use Code Text Amendment is consistent with the intent of the Comprehensive Plan.

Commissioner O’Shea Heydinger had a question about a date on a document. The flood insurance document, Sec. 9-7. Basis for establishing the special flood hazard area. The date on the document is correct.

Chair Nyberg opened the public hearing. Seeing none, Chair Nyberg closed public hearing.

### **III. Action Agenda**

#### **a. Approval of January 9, 2023 Minutes**

Mayor Tarkington moved to approve the January 9, 2024 Minutes.  
Commissioner Nelson seconded the motion.

Vote:

- Commissioner Gadd – Yes
- Commissioner Snooks – Yes
- Commissioner Nelson – Yes
- Commissioner O’Shea Heydinger – Yes
- Mayor Tarkington – Yes
- Chair Nyberg – Yes

#### **b. 2024-05 Orchard PUD Guide Amendment**

Commissioner Gadd made a motion to approve.  
Mayor Tarkington seconded the motion.

Vote:

- Commissioner Gadd – Yes
- Commissioner Snooks – Yes
- Commissioner Nelson – Yes
- Commissioner O’Shea Heydinger – Yes
- Mayor Tarkington – Yes
- Chair Nyberg – Yes

#### **c. 2024-02 Resolution #2024-02**

Mayor Tarkington made a motion to approve.  
Commissioner Nelson seconded the motion.

Vote:

- Commissioner Gadd – Yes
- Commissioner Snooks – Yes
- Commissioner Nelson – Yes
- Commissioner O’Shea Heydinger – Yes
- Mayor Tarkington – Yes
- Chair Nyberg – Yes

**IV. Discussion and Adjourn**

- a. Update on Pet Licensing and Pet Stores – Nicol gave an update on the decisions and what staff had done in regards to the comments from the last Planning Commission meeting. Town Board approved on February 6 2024.
- b. February 20, 2024 Next Board of Trustees Meeting
- c. March 12, 2024 Next Planning Commission Meeting
- d. Adjourn

Mayor Tarkington moved to adjourn the February 13, 2024 meeting.  
Commissioner Snooks seconded.

Chair Nyberg adjourned the meeting at 6:58 p.m.

Approved:

\_\_\_\_\_  
Matthew Nyberg, Chairperson

Attest:

\_\_\_\_\_  
\_\_\_\_\_  
Town of Bayfield