

**REGULAR TOWN BOARD MEETING
11 WEST MILL STREET
BAYFIELD, COLORADO 81122
AUGUST 7, 2007 7 P.M.**

Board Present: Rick Smith, Carol Blatnick, Mayor James Harrmann, Tom Au, Daryl Yost, and Neil Hieb.

Staff Present: Justin Clifton, Town Manager, Pat Anselmo, Clerk, Joe Crain, Town Planner. Marty Zwisler was also in attendance.

Opening Ceremonies: The meeting was called to order by Mayor Harrmann at 7:05 p.m.

Approval of Minutes:

The minutes of June 26 needed to be corrected, Rick Smith was in attendance, Carol Blatnick was not. Carol moved to approve as corrected the minutes of the Town Board meeting held June 26, 2007. Rick Smith seconded. The vote was six in favor, motion carried.

The minutes of July 3, 2007 needed correction. On page two, the sentence above the last paragraph needs to read 'Carol asked Connie' and strike 'he asked Connie'. On the last page, 'Flewellen' needs to be changed to 'Lewellen'. Carol moved to approve the minutes of July 3, 2007 as corrected. Russ seconded. Tom abstained from the vote. The vote was five in favor. Motion carried.

Carol Blatnick moved to approve the minutes of July 12, 2007, as written. Rick Smith seconded. The vote was five in favor, Tom Au abstained. Motion carried.

Carol moved to approve as written the minutes of July 17, 2007. Niel seconded. The vote was six in favor, motion carried.

Niel asked 'are there any past litigation issues hanging out there?'

The minutes of the special meeting of the Town Board held July 18 were not ready for the packet.

Action Agenda #1:

Action Agenda #1: Approval of Bills:

Carol moved to approve the payment of bills as submitted. Rick seconded. Vote was six in favor. Motion carried.

Action Agenda #2: Town Updates:

Justin gave a general over view of all of the town update items. He solicited questions from the Board but none were expressed.

Action Agenda #3: Approval of Annual Renewal of a Liquor License for Wells Liquor:

Rick Smith moved to approve the annual liquor license renewal for Wells Liquor. Niel seconded. The vote was six in favor. Motion carried.

Agenda # 4: Water Tanks:

The information gleaned for the second water tank has been disappointing. The costs estimates are much higher than anticipated. The Engineer cautioned Justin about wanting to look at a concrete tank. Justin did not get estimates for both tanks up front. The steel tank has been partially designed. She (the engineer) stopped as soon as she got the cost

estimates. The geo tech study has been more costly. Ken Charles, DOLA, is offering to give the Town 50% of the costs. That leaves the Town with a short fall of \$114,000. Concerning the Towns grant request for tap fees at Fox Farm, they will pay for 32 units. It is a loan up front. This would require the town to pay for the money being fronted. The second tank will not be done by December. Construction will get pushed into next year.

Niel requested that there be more information on the costs. The cost for the first tank was less than what was anticipated.

Costs for earthwork, piping, etc. are not going to change substantially. The engineer was not sure about the remainder of costs.

The size of a 250,000 gallon tank, calculated at 1,000 gallons per home, would serve 250 homes. Justin said the concrete tank will be partially buried, therefore, it will not rise so high in elevation. He added that 250 homes is a conservative estimate, but it will be years out. Rick would like to stay with the 250,000 gallon tank, saying that if concrete is more logical, let's move forward with it. Costs now are going to be lower now than they will be in the future. Justin said the Town could use money from operations to pay for part of the capital. Daryl mentioned that water pressure of 45 psi is totally unacceptable. The engineer said this site is perfect for a concrete tank, even taking into consideration that a steel tank would be less cost. The engineer did her calculations based on data she received from Jim Flint.

Rick confirmed his stance that concrete is the most logical solution. Justin said that costs in a 'worst case scenario' will be \$673,000. This leaves a deficit of \$114,000 that the Town would have to come up with.

Russ, said that the town needs to get a good handle on how many homes will actually happen, if it will be 250 or ????????. Carol agreed, this needs more thought. Daryl asked if the Town could check into a two phase process.

Action Agenda #5: Annexation Highlands:

Joe Crain spoke regarding the Highlands. The information was placed in tonight's packets. There is both an annexation and a development agreement. This project first came in during 2006. Then the sanitation situation came into play. Jack Roe is asking for annexation tonight. He has no water rights. It is up to the board to decide what they will require as payment in lieu of water. Jack will be coming in on July 21 for approval of final plat. Justin visited with Jim Flint. The agreement currently calls for the town to buy the pipe, and Jack will pay for the installation. The zoning is contained in the annexation agreement. Justin reiterated Dirk's perspective. There should be .39 acre ft per unit. They came up with questions, would the payment in lieu of water be based on water supplied all year round, or just half the year.

Questions were posed, do you want a flat fee, an amount calculated on five years, for ten years. Do you want an HOA to pay an annual amount? Do you want a one time fee? If so, how do you want it calculated? Will it fall on the developer or the home owners?

Joe cautioned the Board to think of this as a precedent...it will happen a lot in the future. Carol said she opted to do nothing tonight. Russ asked if the annexation agreement hinges on this. Justin answered 'yes'.

Joe said the Payment In Lieu of Parks, \$776, will be required. And, if the sewer district wants their payment of \$1500 up front, that will be \$54,000 that will be due at the time of

filing the final plat. Mr. Roe is paying some of this by donating land, and doing some labor.

No other public comment was received

Jim Flint spoke up, saying that, in the fourth paragraph, it should be stated to say one house should be allowed on the parcel.

Joe suggested that the Board pass the annexation tonight contingent upon meeting the stipulations in the annexation agreement that will be brought back on August 21.

Paragraph #11 says the town does not warranty availability of water, per Justin. The town is not making any specific guarantee for water.

A person from the audience asked if there was a state statute that if you annex, you must provide them water, i.e., you can't create a lot unless there is water tap availability.

Russ moved to approve the annexation of Highlands, subject to meeting staff recommendations, as listed in the attending documentation. Tom seconded. The vote was five in favor, with Daryl opposed. Motion carried.

A short break was called at 9 p.m.

Action Agenda # 6: Public Hearing: Annexation & Minor Subdivision: Dave and Linda Hardy, 823 County Road 501. NW ¼ of the SW ¼ of Sec.2, T 34 N, R7 W, NMPM – Parcel # 567702400070:

This annexation agreement has not been completed by Dirk. It is for a minor subdivision. It was redrawn. In order to get utilities, the cost was going to run \$160,000. Dave is requesting annexation of the properties and approval of his continued use of septic and well. Staff recommends approval subject to the condition that he obtain a current permit for additional use. Joe Crain said there is no need for an SIA as there are no improvements associated with it. The annexation must be filed before the subdivision will be allowed. Tom wanted Dirk to double check the contiguity, he does not think it looks like 320 feet.

Dave Hardy was asked to speak, which he did. His intent is to put a house on the southern lot. There will be just one lot, one house. The owners will pay a proportionate cost of running the utilities across the highway when that time occurs. This will be reflected as a plat note. Public hearing closed.

Consideration: Carol moved to approve the annexation of the Hardy property subject to a draft by the town attorney as described, and conditions one thru three. Rick seconded. During discussion it was stressed that clarification be noted that extension of utilities is the responsibility of the owner, current or future. The vote was six in favor, motion carried.

Subdivision: Carol moved to approve the subdivision subject to the annexation being drafted by the town attorney that has been accepted by the board, with conditions 1 to 4, and that plat note be added, that the well and septic will be allowed until utilities are extended. When utilities are extended, the owner will pay the proportionate cost. Tom seconded. The vote was six in favor. Motion carried.

Action Agenda #7: Public Hearing, Old Mill Street Bungalows, 188 Mill Street, Rezoning From R-10 to Multi-family. Owner, Eula Roidman, Agent, Ron Broadhead:

This item had been continued previously, the Board wanted for a more complete Board to be present when the decision was made for Mill Street Bungalows. They also wanted to

give the Downtown Bayfield Association time to be notified and to respond. The Downtown Bayfield Association has responded and they did not have a problem with allowing this process to go through. The parking requirement would be 2 spaces per unit. If it is multi family, it will be 2.5 spaces per unit.

Ron Broadhead gave his presentation. He intends for it to have small cottages with a downtown look. David Black spoke. He said he is not against Ron's plan. He does believe it will present some engineering problems. He still feels it should be a Mill Street designation. He did emphasize that the board should have voted on this during the last meeting. He feels that the '-expletive-' Town Board wastes a lot of peoples time.

Public hearing closed.

Carol wanted to express thanks to Melanie and Mary and Todd for their response. Rick moved to approve the rezoning from R- 10 to Multi-family for 188 Mill Street. Tom seconded. The vote was four in favor, with Daryl and Niel voting in opposition. Motion carried.

Action Agenda #8: Recycling:

Justin said all the information is in the memo. He is looking for direction on whether to pursue the joint facility location. It would be limited to off business hours. The town would have to keep it manned and the county does not want it open during the week. It would be operational as a week- end site only. Rick says weekends would work. Justin said the site cost could be quite low. It may need a permit from CDOT. He plans on using four containers that are divided into three sections each. Daryl would like to see the county contribute in the costs. The Board gave nodding heads to Justin to continue negotiations with the county.

The Mayor requested a short break, and then asked to be excused for the evening. Rick Smith, Mayor Pro Tem, took charge of the remaining meeting.

Action Agenda #9: Consideration of Resolution #211, Mesa Park Grant:

Carol moved to approve Resolution #211, a resolution supporting the agreement between the Town of Bayfield and the State Board of the Great Outdoors Colorado Trust Fund. Russ seconded. The vote was six in favor. Motion carried.

Action Agenda #10: Discussion Regarding Water Billing:

Up until the present time, the Town utilities department has been dividing billing up for tenants occupying a single building, when the building has one meter. Justin wants to pass an ordinance stating that one meter will generate one bill, i.e., the bill goes to the owner. The Board gave nodding heads for Justin to proceed with this.

Action Agenda #11: Schedule Road Impact Fee Meeting:

The meeting to discuss the Road Impact fee will occur next Saturday. Justin asked the Board to mark it on their calendars.

Action Agenda #12: Schedule Meeting For Town Hall Materials Review:

Town hall materials were already discussed last Wednesday.

Action Agenda #13: Work Session:

Next Saturday there will be a work session to discuss water rights dedication and business incentives. It will last six to eight hours. Carol can't be there, she is interviewing teachers. Justin asked if they could start at 9 a.m. He will have pizza sent over for lunch.

Action Agenda # 14: New and Unfinished Business: Justin talked to the marshal about traffic safety. He looked into the cost of speed bumps and signs for the roads. Signs run about \$150, speed bumps do not work very well. They cost \$1500 each. Jim Harrington suggested putting more deputies on the roads, saturate the areas, this will help solve the problem of speeders. Russ said start with signs, and put Mountain View on the list. Then, move on to saturation. Neil said the problem on Meadows Circle is site distance. Justin will proceed immediately with signs.

Carol, Jim Harrmann wanted to ask about all of the pallets of tar that were left at the old public works shop. He wanted to be sure they would not disappear. Please talk with the public works staff.

The Board will talk about the water service district on Saturday.

Daryl asked about all the road cuts that are being done in town. Have these people obtained road cut permits?

Niel is to give addresses of lights that are not pointed downward.

The Roads on Mesa Meadows have bad spots. The patch spots are bad.

Daryl asked how Ron was going about adding chlorination at the new tank.

Rick will take the sewer Board chore, but asks to be excused from the planning commission.

Motion to adjourn, 10:10

Approved: