

**THE TOWN OF BAYFIELD
REGULAR MEETING OF TOWN BOARD
11 W. MILL STREET, BAYFIELD, COLORADO 81122**

NOVEMBER 20, 2007 7 P.M.

Town Board Present: Rick Smith, Russ Jones, Carol Blatnick, Mayor James Harrmann, and Tom Au. Daryl Yost and Niel Hieb were absent.

Staff Present: Pat Anselmo, Clerk, Joe Crain, Planner, and Dirk Nelson, Town Attorney. Justin Clifton, Town Manager, is on vacation. Marty Zwisler, project manager, was also present.

Media: Carole McWilliams, Pine River Times.

Planning Commission: Robert Picolli, Chair, Bill Miller, Pamela Smith.

The meeting was called to order by Mayor James Harrmann at 7:02 P.M.

The meeting was opened for public input. Teddy Jack was present to speak to the Board about a letter he had received from Town staff concerning parking of personal vehicles on the town's right of way in the 'snow removal' zone. He felt that he was the only person in town to receive the letter. He was assured by the Board that this was not the case. There are several residents who have equipment and trailers parked on the towns rights of way.

Dirk said the Model Traffic Code addressed parking on a permanent basis in public rights of way.

No other comments were received. The meeting was closed to public input.

Agenda Item #1: Approval of Bills:

Carol moved to approve the payment of bills as presented. Russ seconded. The vote was four in favor, motion carried.

Agenda Item #2: Planning Commission Report: Pamela gave the Planning Commission report, due to absence as a result of illness of Robert Piccoli. Jeff and Cheryl Bynum have requested a change in zoning for their property located at 42811 Highway 160 East, which has been, up until recently, an assisted care facility. This property, although annexed in 2004, is still on well and septic. San Juan Basin Health issued a conditional permit for the continuance of use of the sewer lagoon until March 31, 2010, based on the (then) existing use. The lagoon is located on the property. Any change in use would have to go back to them for their o.k. There are several other issues relating to this particular property, in addition to San Juan Health's involvement. Jeff is considering selling the property. The anticipated use would be a location on which to build a Post Incarceration facility. Jeff agreed that he would have to look to CDOT for access requirements, and also San Juan Basin Health for their o.k. The Planning Commission was reminded that this is a request to change the use to business.

Infrastructure is an issue. The land will not be connected to the Town water any time soon and the Sanitation District let him know they would not be able to give him service. The vote was three to three, resulting in no recommendation to the board. The Planning Commission voted unanimously to continue the weed control proposal until the December meeting.

Agenda Item #3: Town Updates:

Town Hall: Marty explained that the Value Engineering and Add Alternates will be covered during Agenda Item #4.

Senior Center: Information concerning the Seniors Center is detailed in his written report. Wanting to make sure the Board was advised, Marty relayed that during the soils testing (which consisted of 30 test holes, 6 feet deep, and ten feet long) they discovered this property was as contaminated as that which was found at the town hall site. He was hoping he could report that the soil was not contaminated. Unfortunately, this is not the case. The county used this as a maintenance shop. Used oil was discarded by spreading it on the ground around the outside of the old building. In circumstances when they finished any road jobs, they would dump asphalt chunks, cement chunks, and other unwanted waste in low areas. This will present some issues when construction is started if it is not removed beforehand. The test holes exposed indications that there was chemical contamination. It still needs to be determined how much. The remediation may cause unanticipated negative financial repercussions.

Almost the entire site has had asphalt on it at one time or another. Over time the asphalt has been covered by gravel, so it was not evident at first glance.

Sport Park: Marty had nothing to report on the Sports Park.

Agenda Item #4: Town Hall Discussion Regarding Value Engineering & Add Alternates Presented by Marty Zwisler:

Value Engineering: Marty provided a list of Value Engineering items that he is recommending or specifically not recommending. He asked that the Board please review the list and ask questions. The choice on the paneling will not enhance acoustics. The board room needs to have materials that will promote sound wave refraction.

The choice he made on the electrical service (down grade from 480v to 208v), does not affect the elevator. The original mechanical design did not require 480v electrical equipment. The end result is that the Town can have a better building and not require HVAC equipment transformers that the 480 would have necessitated. Marty explained that choosing 208v is a win-win situation. Russ is in favor of Marty's recommendations. Marty is also suggesting that ½ "conduit be installed where allowed by code instead of the ¾ "specified originally.

Marty also recommends the use of mulch and seed instead of sod, it will cost much less. Carol asked about the cable company's willingness to bury their lines. Marty spoke with them several times. They told him it was not an issue to bury the lines. Russ asked why this (burying the phone and electric) is so expensive.

Marty explained that 60% of the cost is for burying the lines, they need three different lines. They have to bore under Highway 160 B, cut across West Mill Street, then they must cross West North Street. Anytime Fiber Optic is involved, it is pricey. But, he assuaged, 'when the building is done you will not have to look at overhead lines'. They

can bore the electric and phone lines at the same time. He is recommending \$98,000 worth of budget cuts, and is asking the Board to consider putting \$52,000 in to bury the phone and electric lines.

Rick moved to instruct Marty to proceed with his Value Engineering recommendations for savings, with the exception of the conduit. Russ seconded. The vote was four in favor. Motion carried.

Rick then moved to take the recommendations for Add Alternatives that Marty has suggested which included burying the phone and electric lines. Russ seconded. The vote was four in favor. Motion carried.

In conclusion, Marty explained that the lead time on the (outside) stone is 12 weeks. He would like for a final decision on the color. They decided on the caramel.

Agenda Item #5: Public Hearing Rezoning From Multi-Family to Business, Jeff & Cheryl Bynum – 42811 Highway 160 East- Sunflower Estates:

Joe Crain addressed the Board. The area being proposed was annexed into the Town in 2004. As a part of the annexation agreement, there was a requirement for a 30 foot dedication for a right of way to be used for access. This land is across the highway from the Shell station. Jeff's dedication of a reserved right of way is the only one that has been recorded thus far.

There was also to be a dedication by Mr. Byrd for 30 feet of right of way. This has not happened. Mr. Fleming was to also to provide a dedication of land, he has not.

The property was zoned multi-family. Bynums are currently using access from Highway 160, and that access is controlled by CDOT. They (CDOT) will control the intensity of use. Until the new intersection is constructed, commercial use will be limited due to CDOT access restrictions. The comp plan shows this property is to be used for retail business to generate taxes. The well and septic is controlled by San Juan Basin Health. Jeff can utilize them until 2010. Any change of use may necessitate modification of the structure.

They are now considering placing a post incarceration facility at this location. The code only allows certain uses, this facility would be considered a business.

The Town marshal commented that if a post incarceration facility goes in, he wants to be involved in the planning stages. Sex offenders would not be allowed in. The Sanitation District indicated they do not have lines to service the property. They could therefore not service this. Since public infrastructure is not in place, this is a major concern. Staff recommendations reflect that business use may be allowed, but with the following restrictions: (1) any commercial entity using the current access to Highway 160 B must receive approval from CDOT. 2) Any commercial use using the current septic lagoon waste water system must receive approval from the San Juan Basin Health Department 3) Any institutional use associated with post-incarceration must obtain a "Use Permitted on Review" from the Town of Bayfield prior to occupancy. A 'use by review' would be tailor-made, listing hours of operation, etc.

Jeff was invited to speak. He said they have not been able to make a financial success of the property using it as an assisted care facility. He says his facility is fully equipped for the post incarceration facility. He and Cheryl are at a brick wall. They cannot find any other alternative use available. He knows that any future business may have to wait for infrastructure to come to their location. The Sanitation Board told him they could not

take on service for his current operation. He also confirmed that ‘You can’t put an intersection there unless you do away with the lagoon’. They want to find a buyer that can put the land to good use. Joe added, Goff Engineering had done a schematic on this area. They came up with a 60 foot right of way. This would be ok for an arterial road. Joe quipped ‘If they had done their home work, (Joe checked the public way standards) any major arterial necessitates an 80 feet right of way. Byrd was to dedicate 40 feet and Bynum was to give 20 feet. Rights of way are just that. There would be no space for any land use other than that covered by asphalt. The entire 60 feet would be used for the asphalt road. It will have to be very wide where it comes into the highway. Dirk confirmed that a dedication of a right of way gives the town the right to use the property for purposes of streets. Even if the property is zoned business, it has limited commercial value because of the restrictions on the access.

Dirk added, ‘the specifics of the situation would require a lot of review before the facility (post incarceration) could go into the location. The land use would have to reflect restrictions on the plat to protect the town in the future. Use by review is a planning commission decision. All owners within 200 feet are involved. Unless the properties submit an appeal, the Planning Commission decision stands.

Rick Smith re-inforced ‘stick with the code!’

No highways or streets are included in the 200 feet.

The Mayor opened the public hearing. No one had anything to say. Jeff did comment that the post incarceration facility is the hot button for real estate value. They will provide ministry service, giving people a hand-up. This also provides individuals a way to get back into the community to carry on a productive life. There is a huge need for this service. They would not be on parole, nor would they include sex offenders.

No other comments were given. The Mayor then closed the public hearing.

Consideration: Carol cautioned, this property should be commercial. It would be much more valuable if generating (sales) tax.

Rick made a motion to follow staff’s recommendations and approve the change in designation from multi- family to business with the three conditions as stated. Russ seconded. Rick amended his motion to include a notation to the business designation, that it must be reflected on the recorded document as noted and passed on to whoever may purchase the property, and that the property would fall under the ‘use by review’ restrictions. Russ accepted the amended motion. The vote was four in favor, motion carried.

A five minute recess was called at 8:15 p.m.

The meeting reconvened 8:25 p.m.

Agenda Item #6: Request For An Extension Of Vested Rights, The Highlands @ Dove Ranch Subdivision, Parcel # 5677-011-00-0022:

Joe Crain brought this matter to the attention of the Board. The Board approval of the final plat for The Highlands at Dove Ranch is only valid for 90 days. It will expire at 12:00 midnight tomorrow. This is according to the Bayfield Land Use Code Section 3-4 (3). In order to keep the approval in place, it will be necessary for the board to approve an extension. Jack Roe is requesting a 180 day extension, to expire in May of 2008. Jack is attempting to arrange a regional detention system to contain the increased run-off from

his development. Jack was, according to the original agreement, to dedicate land for the water tank. The town wants to build the tank the first of next year.

Dirk has been dealing with Jack's attorney. Mr. Roe will be responsible for construction of the road to the water tank as well. The road for access to the tank must be completed by March 30, 2008. It must be able to accommodate construction equipment and cement trucks. It is imperative that the tank site, and the access and water line easements be granted immediately and recorded at the County. As soon as the plat is recorded, the tank site is to be dedicated and deeded to the town. The extension requested is only good if the conditions are met.

Mr. Roe is to put (pay for) the water line down to the Dove Ranch line. The Town would be given all the lines, the easements, and the property for the tank.

Joe reinforced that 'If he does not meet the conditions, there are no vested rights. Mr. Roe is dead in the water'.

Jim Flint remarked, the town would have all the easements and would have the tank site. Rick said 'we don't have the lines.....the agreement is not signed. If we don't have the lines, we can't use the tank. The agreement is not worth the paper that it is written on unless it is signed by November 30, 2007'. Joe replied, if he doesn't do what is expected, there is no subdivision at all. The final plat was good for 90 days.

Russ Jones moved to grant Jack Roe an extension of vested rights to The Highlands @ Dove Ranch until the next meeting of the Town Board, which will be midnight of December 4, 2007, contingent upon meeting staff recommendations as presented. If the conditions are not met, Jack does not have a subdivision. During discussion Russ amended his motion to reflect that staff recommendations not be included. Rick seconded. During discussion it was mandated that Jack must sign an agreement that he will put in the (water) lines. The vote was four in favor. Motion carried.

Agenda Item #7: Public Hearing for 2008 Final Budget.

The Mayor opened the public hearing for the 2008 Budget at 8:40 p.m. David Black spoke regarding his concern about several line items. No other public comments were received. The public hearing closed.

Agenda Item #8: Resolution # 212 – Adoption of the 2008 Budget:

Rick moved to approve Resolution #212, a resolution adopting a budget for the Town of Bayfield, Colorado for the calendar year beginning on the first day of January 2008 and ending on the last day of December 2008. Carol seconded.

The vote was four in favor, motion carried.

Agenda Item # 9: Resolution #213 – Setting Of Mill Levy for 2008:

Rick moved to approve Resolution # 213, a resolution to set the mill levy for the year 2008 to help defray the costs of government for the Town of Bayfield, Colorado for the 2008 budget year. Carol seconded. The vote was four in favor. Motion carried.

Agenda Item # 10: Ordinance #325 – Appropriation of 2008 Budget:

Rick moved to approve Ordinance 325, an ordinance appropriating sums of money to the various funds and spending agencies in the amounts and for the purpose as set forth below, for the Town of Bayfield, Colorado, for the 2008 Budget Year.

General Fund	2,182,123.00
Conservation Trust	474,601.00
Debt Service	215,486.00
Sanitation District	492,689.00
Sanitation Capital	6,217,500.00
Gem Village Sanitation	51,400.00
Capital Improvement	2,392,323.00
Water Fund	756,573.00
Water Capital Fund	929,668.00
Garbage Fund	127,219.00
Police Pension Fund	4,015.00
Building Reserve	3,567,792.00

Carol Blatnick seconded. The vote was four in favor. Motion carried.

Agenda Item #11: Ordinance #326 – Adoption of 2007 Supplemental Budget:

Rick moved to approve Ordinance #326, an ordinance appropriating supplemental sums of money to the various funds and spending agencies in the amounts and for the purpose as set forth below, for the town of Bayfield, Colorado for the 2007 budget year.

General Fund	2,202,595.00
Debt Service Fund	228,352.00
Conservation Fund	598,045.00
Sanitation District Fund	198,267.00
Capital Improvements	1,416,208.00
Water Fund	1,933,350.00
Garbage Fund	119,819.00
Police Pension Fund	3,733.00
Building Reserve	2,267,792.00

Carol seconded. The vote was four in favor. Motion carried.

Agenda Item #12: New/Unfinished Business:

Carol was concerned about the amounts that have been spent so far, ‘does Justin talk to the department heads?’ Pat answered, ‘Yes, each department head is given copies of the financial statements as soon as they are finished each month’. Justin reviews the line items with the department heads.

Carol reaffirmed her concern, ‘some line items are over considerably’.

Tom asked about the letters that were sent out asking people not to park in public rights of way.

Carol asked about the Christmas party. Pat replied that it is scheduled for Dec 14, dinner is at 6:30 p.m. The party is scheduled to be held at the Lions Club. The Board and the Planning Commission are invited. Brenda is to send out invitations.

Rich Lawson was questioned about the money coming in for the K-9 dog. He replied it was going good.

Herm asked who will take care of the dog. Rich said he would. Carol suggested that they ask the Rotary for money for this project. Herm thought the cost of the dog would run about \$1,000. Richard replied 'The cost will be \$13,500 plus training, plus the cost of an additional vehicle. Pat reminded the Board that anyone caring for the dog would by law need to be paid for boarding the animal. Rich said pay could be worked out for a monthly stipend, ½ hour a day perhaps.

Motion to adjourn 9:10