

**Town of Bayfield
Town Board Regular Meeting
February 16, 2010
1199 US Highway 160B Bayfield, CO 81122**

Town Board Members Present: Rick Smith (Mayor), Tom Au (Mayor Pro-Tem), Brandon Luter, Debbi Renfro, Gabe Candelaria, Dan Ford, Justin Talbot

Staff Present: Justin Clifton (Town Manager), Marianne Jones (Town Clerk), Chris Choate (Marshal), Elizabeth Jackson (Intern)

Media Present: Patrick Young (Durango Herald), Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:07 p.m.

Rick introduced Elizabeth Jackson, the Town's Management Intern.

Minutes: Tom made a motion to approve the minutes from the February 2nd, 2010 as submitted. Dan seconded the motion. All were in favor, motion passed unanimously.

Public Input: Joe Mozgai (402 Dove Ranch Road) stated that he is the secretary for the Bayfield Lions Club & asked about the schedule for the 4th of July.

Justin Clifton stated that the Board had made a decision to keep all of the festivities on the 4th of July instead of changing the date. However, Parks & Recreation Department has met with several area pastors and they would like to ask the Board to reconsider that decision. Justin Clifton said that he will put this item on the agenda for March 2nd for consideration by the Board.

Joe expressed that the Lions Club puts on the pancake breakfast every year on the day of the parade. It is their biggest fund raiser for the year and the club is worried that they are going to suffer a huge revenue loss if the parade remains on Sunday.

Barb Luebchow (1734 Highway 160B) expressed that she does not feel that Sunday is the right day for the festivities and the parade. She stated that she will come back on March 2nd to discuss this matter further with the Board.

Public input was closed.

Action Agenda Item #1: Approval of The Bills

Tom made a motion to approve the bills dated February 12th, 2010 as presented. Debbi seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #2: Town Updates

Gabe asked the status of decommissioning of the lagoons in Gem Village.

Justin Clifton answered that there hasn't been a lot of progress. The Town is currently working on revising the scope of work. Greg Brand with San Juan Basin Health has some issues with processing the sludge from the old lagoons at the new plant so that has to be reconciled before moving forward. The Town instructed the contractor to demobilize because the Town is not ready to move forward with the project at this time and it's possible that the Town will want to bid it out. Justin Clifton explained that this will be completed within the timeframes of the grant but he is not rushing it because he wants to make sure that it is done in the best possible way.

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Gabe asked if the property owners included in the eastside traffic study gave input on the uses that are being utilized to create the numbers in the traffic study.

Justin Clifton answered that the traffic study is mainly using existing zoning classifications or using the recently adopted east side comprehensive plan. Justin Clifton explained that the landowners included in that traffic study were given the spreadsheets and had some questions that needed to be clarified. He said that an email was sent out today to help answer those questions. He expressed that there may need to be a meeting held with the property owners to work out the final numbers in the traffic study.

Dan stated that the new recycling center only had 12 customers on the first Saturday; however, it had 33 customers on the 2nd Saturday. He expressed that he feels the center is getting off to a very good start.

Justin Clifton said that he had a phone conversation with Chante Palmer to work on coordinating recycling with the Bayfield High School. The Town is currently keeping track of whether the customers using the facility live within the Town or in the County. The Town is also monitoring the hours of the day that materials are being dropped off at the center.

Debbi commented that she thinks the Town needs to look a little more closely at the assumptions that are being made in the Traffic Study. She doesn't feel that the Town's population and potential future growth was taken into account in the numbers presented.

Justin Clifton answered that population wasn't taken into account nor was the amount of commercial activity the Town could sustain if there was limited residential growth. The numbers in the study were generated strictly by land uses and some assumptions. The clarification from the engineers was that this study represents a very conservative, worse case scenario report.

Brandon asked if there will be EPA quarterly testing when decommissioning the lagoons in Gem Village.

Justin Clifton answered that he does not know the answer to that yet. All of the EPA testing is administered through the State and Justin Clifton does not know yet which tests are going to be required. The Town has requested 2 years to implement a de-commissioning plan. The de-commissioning plan has been approved and the Town hopes to find out soon what the testing requirements are going to be for the project.

Gabe asked how many phases there are for Joe Stephenson Park.

Justin Clifton answered that there has been several iterations of the master plan.

Action Agenda Item #3: Public Hearing: Ordinance #351 – Adoption of Appendix B of The Fire Code

Justin Clifton gave his staff report. He explained that this item is an ordinance to adopt Appendix B of the International Fire Code. This ordinance contemplates that applicants who are denied building permits from the Fire Chief could come to the Board to seek recourse but only in very limited circumstances. There is a reference to section 1 a 3 to review the language concerning "alternative plans to meet fire flow." He explained that the Board has the option to broaden or narrow this language. Justin Clifton submitted a draft of the Ordinance to Rich Graeber, the Fire Chief who replied with a letter recommending that the language be narrowed. However, Justin Clifton stated that this type of language is usually a little more board in order to be cautious. He explained that nothing in the document entitles an applicant to any outcome with respect to fire flows or alternatives. The vulnerability in narrowing the "alternatives" language is that some applicants that the Board may want to hear from may be denied a hearing because they don't meet the criteria. Having this language slightly more broad is done with the understanding that the "Board review component" of this

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ordinance is more about due process for an applicant than it is justification for overturning the Chiefs recommendation.

Justin Clifton explained that the Fire Department does have some comments regarding alternatives. He stated that the intent of this section of the Ordinance is to find alternative ways to meet the intent of the code when there is a situation where there is a unique circumstance. The Town doesn't want to require an applicant to fix a problem that is going to be fixed in the imminent future. The Town had the option to exhaust all of the hypothetical circumstances that might occur or have a process in which to discuss all of those discuss those situations when they happen. He said that the Board review is intended to be that discussion board.

Justin Clifton stated that controversy regarding the Ordinance is the areas that are a little more open ended and open to interpretation. The Fire Department has submitted their comments regarding these areas. The Town's prevue was to establish the grounds for an appeal process. The grounds are set up to be reflective of the rare cases where an exception might be granted. The grounds have been narrowed to items that specifically address fire flow or fire safety and also have to do with construction. Justin Clifton explained that the Ordinance is a little bit broad but the Town wanted to keep it relatively broad so that it would allow for some flexibility. This will put a strict process in place but still allow the applicant the ability to come in front of the Board and present their case.

The floor was given to Rich Graeber, Fire Chief for Upper Pine Fire Protection District.

Rich stated that the Fire Department would like to have some criteria included in the Ordinance so that the Board can make a decision on any exceptions based on that criteria. He explained that Appendix B does not apply to single-family dwellings. It only applies to commercial buildings & developments. The Fire Department has a list of objections to the Ordinance. He explained that the unique construction portion of the Ordinance is the biggest area of contention. The Fire District would like to eliminate vagueness or ambiguity in an effort to diminish problems and confusion for applicants. The Fire District also feels that the area of the Ordinance pertaining to "reasonable time" also needs to be narrowed. The Fire Department would like this to be more clearly defined. The Fire Department is also concerned about the appeals board process and the review board process. The Fire Code Appendix A states that the Appeals Board needs to be made up of industry professionals and he doesn't feel that the Town Board should be set up as the Appeals Board. He feels that a separate board should be set up for appeals.

The biggest thing that is desired by the Fire Department is to provide an enhanced level of safety to Bayfield residents and patrons. Rich handed out some proposed language for the Ordinance. He asked the Board to consider including the proposed language in the Ordinance.

Dan asked if this proposed language would be included in the Ordinance.

Dirk answered that it would replace the language under section iii (d) in the Ordinance regarding unique construction materials, unique construction methods & other circumstances unique to the building or the property.

Rich also stated that he would like section iii (c) removed from the Ordinance completely because the code states that fire flow is what it is regardless of the buildings placement on the lot.

Dirk explained that it was always the intent that the review board would be different from the appeals board. The original motion only addressed setting up the review board, the issue of the appeals board still needs to be addressed.

He explained that the language regarding unique circumstances was drafted in an effort to accomplish what the Board wants and still maintain the integrity of the code. The Board wants the applicants to be able to present their case to the review board in the event that there is undue burden being placed on a project.

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Justin Clifton stated that he has no objections to the proposed language.

Dirk responded that he doesn't have a problem with the proposed language either. He also expressed that he doesn't have a problem with removing section iii(c).

Rick asked about the issue with the creation of the appeals board. He wanted to know if the Board needed to do a motion creating the appeals board along with the adoption of the Ordinance.

Dirk answered that it would be a good idea to have a plan in place if the need should ever arise requiring the appeals board. However, the appeals board is already in place through the International Fire Code. If the Town ever gets a request for an appeal, the Town will have to set up that board. Dirk explained that additional paperwork will be submitted to the Board regarding this item at a later date.

Rich stated that he would like to remove section iii (c) from the Ordinance because it is not within any code criteria as it is written.

Matt Koker (Riverside RV Park) stated that he is a member of Fire Board and was on the Fire Committee. He stated that he feels that the primary focus of this endeavor was accomplished. He feels that decisions on large projects need to include both the Town & the Fire District's Boards for determining what is best for the Town and how a project should be completed. He stated that he wants the Town to do what is best for businesses and bringing businesses into the Town while still creating balance in getting things accomplished in the best way possible. He doesn't feel that the Town will grow without balance. He wants to make sure that new construction meets fire flow requirements so that the Town is not moving backwards when new development occurs. He feels that the review process will help make the difference if there is an impasse regarding a specific development. He stated that this process has been very productive and will be very helpful in the future.

Hunter Swanson (524 Dove Ranch Road) said that he was also on the Fire Committee and stated that they recognized that it is the Board's responsibility and obligation to hear unusual cases with the advisement & consent of the Fire Board & the Fire Chief. He stated that the Town is very lucky to have such knowledgeable people and he feels that the creation of the Town Board as the review board will be a great tool for applicants who have unique circumstances that need to be considered. He encouraged the board to adopt the Ordinance.

Jeff Dyar (780 Westview Drive) said that he is the Board President for Upper Pine Fire District. He thanked everyone who was involved in the committed and feels that this type of process will set a higher standard for the future. He stated that he was proud to be a part of the committee that had such a great level of vision.

Public input was then closed.

Debbi suggested remove c & d from section iii and replace them with the proposed language submitted by Chief Graeber.

Justin Clifton & Dirk both stated that they did not have a problem with that change.

Justin Talbot asked about the reference to reasonable time.

Dirk stated that it is the Board's preference to put a time frame in the Ordinance.

Justin Clifton stated if there's going to be some definition to time it would have to be linked to a lot of other variables.

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Rick stated that reasonable time needs to remain somewhat vague and it can be more clearly defined in the Land Use Code. He explained that if a timeframe is determined it won't be applicable to each and every circumstance.

Gabe asked if wording that states reasonable time & conditions into the Ordinance in order to add some definition that captures all possible situations.

Dirk responded that he doesn't have a problem with that language.

Justin Talbot asked about the phrase in the adoption of Appendix B that states that it is being adopted as a mandatory standard for fire flows in the Town as per the Fire Code.

Rick responded that the Town still has to give applicants an option to take their case to the next level and ask for an exception.

Justin Talbot asked if the Town is going to require that new development put in adequate infrastructure from the beginning of development so that once fire flow is available the required infrastructure will already be in place.

Justin Clifton answered that there could be some intensive uses proposed in the commercial zones that still do not meet fire flow even if the lines are in place and they will have to use the alternatives methods. The intent is that new development will have to do more to provide fire flow on location; however, there still may be instances where some of the alternative measures will be required as well to meet the requirements of the code.

Rick clarified that c & d of section iii would be removed and the proposed language submitted by the Fire Chief will be inserted. 2nd change would be to add reasonable time, process & conditions to section iii (a).

Justin Clifton suggested including "reasonable time as determined by the Fire Chief, the Town Manager and the Building Official.

Tom asked what action needs to be taken regarding the appeals board issue.

Dirk answered that the appeals board will be on the agenda at the March meeting.

Justin Talbot stated that he would like to see all of the changes to the Ordinance before voting to approve it.

Tom said that he would like to see the revised version as well.

Rick suggested waiting until the next meeting to approve the Ordinance so that the Board can review all of the changes.

It was decided that a revised version would be brought back to the Board at the March 2nd meeting for approval.

Rick thanked the Fire Committee for their effort towards this project.

Action Agenda Item #4: Medical Marijuana Businesses

Justin Clifton gave his staff report. He stated there is a proliferation of medical marijuana dispensaries across Colorado. Although medical marijuana has been legal in the state of CO since 2000, dispensaries have begun to crop up in increasing numbers after Attorney General Holder directed federal law enforcement to defer to state laws concerning marijuana use.

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The Town received a business license request from a Durango based dispensary. When Town staff inquired with the business owner the Town was told that he requested the license because his business delivers product to Bayfield residents. He also said he was considering opening a location in Bayfield.

Justin Clifton stated that he has also been approached by Dave Anderson, who owns the shopping plaza at the end of Wolverine Drive to see if he could rent to a different interested dispensary. After review of the Land Use Code Justin determined that a dispensary could not be located in Bayfield by right. This was a difficult review as medical facilities are allowed in commercial zones by right as are retail sales businesses. Justin explained that he took the position that a dispensary is neither a bona fide medical facility nor a retail sales business. He informed Mr. Anderson that his interpretation of the Land Use Code would require a use by review. However, the next day a business submitted a business license application to locate within Mr. Andersons shopping plaza.

He explained that many communities have wrestled with regulations for dispensaries. Justin gave the Board members some summary information concerning the most common regulations created by other Colorado communities. He also gave them a copy of the entire ordinance for the Town of Breckenridge. This ordinance outlines the scope of some of the regulations being imposed. Greeley is the only community that has opted to deny licenses to dispensaries. Justin recommended that the Town seek legal advice in executive session to determine the best course of action. The Town could impose a temporary moratorium on new dispensaries for a period of 90 days to work out any regulations.

He explained that if the Town Board decides not to do anything on this item anyone that wanted to locate into Bayfield would have to go through a use by review with the Planning Commission. However, he explained that he thinks it would be beneficial to consider this item and decide if they want to allow this type of activity and under what conditions.

He explained that the Ordinance was written for 90 days; however, the Town could impose at any time and then lift it or extend it. He suggested creating a citizens focus group made up of patients, care givers, law enforcement, etc. He stated that other communities have come up with certain criteria for this type of business such as proximity to schools, hours of operation, names of the business, signage, etc. He stated that that staff doesn't have a recommendation on this item but feels that the best course of action would be to get input from the Board, the community and the applicants.

Dan asked why the Ordinance states 90 days.

Justin stated that 90 days is a boiler plate time frame. It gives the staff enough time to review this item thoroughly. However, if a decision was made by the Board earlier than that time frame, the moratorium could be lifted.

The item was opened to public comment.

Yvonne Lashmett (440 CR 232 #4) stated that her and her two partners are the applicants proposing to open a medical marijuana dispensary and healing center in the Bayfield Center Plaza. She handed out some legal information to the Board regarding her proposal. She stated that they have spoken to the other tenants in the plaza and the other tenants do not have a problem with this type of business being located in that building.

Justin Talbot asked if the marijuana would be grown & harvested in Bayfield.

Yvonne answered that they will be growing it themselves.

Dan asked about enhanced security at the location.

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Yvonne answered that that they will pattern themselves according to the Durango Ordinance that was passed in October. There will be video surveillance, audio, a locked safe that is bolted to the floor and an alarm system that will report to local law enforcement.

Dan asked if this type of dispensary is constitutionally legal

Yvonne answered that it is legal in Colorado but it is not federally legal yet.

Dan asked if she feels that this decision will be overturned.

Yvonne answered that she thinks that medical marijuana will probably be decriminalized because of the huge demand for it.

The item was opened for public comment.

Joe Mozgai (402 Dove Ranch) stated that it seems hard to believe that there's that many people who need this type of facility. He said that he is not against it or for it but he doesn't believe that there is that many people in need of this that would warrant two business licenses issued in Bayfield.

Chris Choate, the Bayfield Marshal stated that he has been having hypothetical discussions regarding this issue for awhile. He explained that it is a fairly typical practice to implement a moratorium until a decision is made. The reason for this is that there are a lot of gray areas & legislature in place right now regarding this item. He stated that the Marshals office strongly supports creating a committee of citizens to discuss this issue. This would allow unique concerns to be discussed and to receive public input. There are a lot of questions that need to be answered. The Marshals office doesn't intend to stand in the way of this business but they do think that Bayfield needs to come up with its own Ordinance or set of rules that govern this type of business. The Town needs some time in order to do that and the residents of Bayfield need to be given the opportunity to give their opinion.

Yvonne stated that they would be in favor of a citizen focus group because they want to do what is right for the Bayfield residents and they want to be a good neighbor.

Rick asked if the moratorium could be extended if they are unable to come to a decision within 90 days.

Dirk answered that it could be extended as long as the timeframe was reasonable. However, he feels that 90 days is sufficient to come up with all of the regulations and decisions needed. He recommended that if the Board thinks that it's going to take longer than 90 days to make that change to the Ordinance now rather than extending it later on.

David Wells (164 Los Pinos Drive) asked if they would still be subject to this moratorium since they had already submitted their business license application before the adoption.

Justin answered that the Ordinance was written specifically regarding the issuance of new business licenses so this business would be subject to the moratorium.

Dirk clarified that the language applies to the issuance of the business license and the operation of a business. Therefore, this business could not legally operate one of these businesses until a decision is made.

Public input was closed.

Justin Talbot made a motion to adjourn to executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) directly

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related to the moratorium ordinance and he requested that Justin & Dirk be included in the executive session. Tom seconded the motion. All were in favor, motion passed unanimously.

The meeting was called back to order @ 8:46.

Justin made a motion to approve Ordinance #352 imposing a temporary moratorium on the issuance of business licenses to or the operation of medical marijuana dispensaries, effective immediately until on or before the meeting on June 1st, 2010. Tom seconded the motion. All were in favor, motion passed unanimously.

Rick requested that Justin Clifton commission a committee that includes the applicants, the marshal, and concerned citizens that would like to participate.

Justin Clifton stated that he will also make sure that these meetings are advertised to the public.

Action Agenda Item #5: Street Inventory

Justin Clifton gave his staff report. He stated that he is presenting a street inventory to the Board with the anticipation of creating a street maintenance program. The goal of establishing a maintenance program is to better understand the true cost of the road infrastructure. This is very similar to the equipment replacement fund or the water and sewer rate studies that have been done. The goal is to avoid spending limited funds on lesser priorities or finding out what the true cost of maintenance is only after it's too late.

He submitted a very rough draft of a maintenance schedule that includes every road in Town in order of its ranking from worst to best. Every road has a basic maintenance schedule that includes a mill and overlay every 20 years and a chip and seal treatment every 5. The chip and seal treatment every 5 years is probably an ideal maintenance program and could be decreased; especially for roads with low traffic volumes. However, the mill and overlay every 20 years is probably pushing the useful life of busier streets. He pointed out that the preliminary annual cost to keep up with road maintenance is approximately \$500,000 per year. To generate this revenue from a monthly fee The Town would need to collect almost \$30 per household per month. A mill levy that would generate this much revenue from property taxes would have to be about double the current rate of 5.9% (therefore tripling the Town's property tax). He commented that he knows that this schedule creates some "sticker shock." There are some things that could make this look a lot better such as:

- The maintenance program represents a fairly "ideal" improvement schedule.
- Maintenance on low traffic volume streets could be much less
- There are other sources of funding that could be dedicated to this endeavor such as existing Capital Fund revenues and interest from the 160B money
- There are grant opportunities that could help defray costs

Justin Clifton stated that there are also circumstances that could make the cost of the road maintenance program go up such as:

- The Town will only add new roads. It's gone from about 10 miles of roads to 15 in just a few years. By the time the Town gets to the end of the 20 year maintenance schedule it could have 30-40 miles of roads; effectively doubling or even tripling the cost.
- The cost of oil is very volatile. If there is any truth to diminishing supplies of oil over the long run improvements could get very expensive.

Justin Clifton explained that the largest concern right now is that the Town has no dedicated source of funding for road maintenance. He explained that the reason this item was put on the agenda is to begin this conversation. He commented that the program is conservative but still aggressive in certain ways. He feels that

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the Town needs to create an actual maintenance schedule so that the Board is mindful of the investment that needs to be made each year. The staff has measured & rated every street and has determined the projected frequency of maintenance needed. There is a cost projection of \$400,000 per year that can be used as a target and there is a handful of ways that the Town can come up with this revenue such as a mill levy, a monthly fee, interest on the 160B money or grants. However, this schedule is set up to be the highest level of service but it will definitely preserve the investment. The reason for this robust maintenance plan is because if the damage is too bad it will require a total overhaul, and the price tag for that is substantial. This type of schedule will keep that from happening. He explained that he wanted to bring this to the Board to begin the conversation regarding road maintenance and allow the Board to start thinking about coming up with a funding source to cover these costs in the future. The Town needs to keep up on the maintenance so that the roads do not fall so far into disrepair that it causes an impossible situation. These types of analysis will give the Board the opportunity to look at long term plans for infrastructure based on real numbers.

Rick asked what the "S" stands for next to Mill Street on the spreadsheet presented to the Board.

Justin Clifton answered that it stands for reconstruction. He explained that Mill Street will probably have to be completely redone because it's in such disrepair.

Gabe asked if there are any projected growth rates. He wants to know how the additional streets will be added to the schedule as future growth occurs.

Justin Clifton answered that the staff has looked at the past 5 years and show the amount of growth.

Gabe stated that he would like to see the actual lane mile growth over a 20 year period.

Justin Clifton answered that he thinks that the growth pattern would be similar to the growth in the last 5 years. He said that he doesn't think that growth can be effectively predicted but staff could look at scenarios and come up with a best case, a worst case, & 5 scenarios in between. This would allow the Board to come up with an accurate cost comparison and a plan for funding sources.

Debbi commented that 2/3 of the roads are at a narrower street section than what she was trying to change the standard to at a previous meeting. She expressed that if the Town continues to keep the roads at a collector standard it will increase the road maintenance costs substantially in the future. She stated that if the Town drops the standard to a narrower road it will help reduce the amount of road maintenance and will give the residents safer roads.

Brandon asked if the hope for this plan is that it will alleviate major problems in the future such as a total reconstruction to other streets like the one that will have to occur on Mill Street.

Justin Clifton answered yes the hope is that this plan will eliminate having to do any extensive repairs because proper maintenance will have been performed on a yearly basis. He also stated that the new construction standards that were recently adopted will also help because the quality of the roads that are developed within the Town will be of a much higher quality. However, the Town does need to decide what type of funding source is going to be that is strictly dedicated to road & bridge.

Action Agenda Item #6: Opportunity Builders Request

Justin Clifton gave his staff report. He stated that Brad Elder (the developer of the Dove Ranch & Southviews Subdivisions) submitted a phase of the Southviews property called the "Mesquite" phase. The intent of this phase was to partner with Opportunity Builders, a builder who intended to develop a tax credit housing project. The tax credit project would basically be multi-family units that are means tested and rent controlled. Opportunity Builders was going to apply for numerous grants in addition to the actual tax credit in order to

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complete the project. The Town supported the developer by issuing letters of support for the project. The communication between the Town and Opportunity Builders was never very good. Justin Clifton was often approached at the final hour to complete documents. Opportunity Builders was not successful in its last attempt to secure the limited allocation of tax credits to complete the project and Justin Clifton assumed the project was not going to move forward.

As a result of this failed opportunity the Regional Housing Alliance (RHA) decided to be proactive in soliciting interest from other private partners who might be interested in similar projects. The RHA put out a Request for Proposal (RFP) to try and identify potential partners.

Recently Justin Clifton was called by Opportunity Builders who again expressed interest in submitting for funding. They asked that Justin Clifton write letters of support for the project again. However, Justin Clifton stated that he has considerable reluctance to do this. First of all, he already explained that he perceived a lack of strong communication the first time they worked together. The Town asked Jennifer Lopez of the RHA to help facilitate the process with Opportunity Builders and she was also continually disappointed with them. Secondly, Opportunity Builders was told to submit an RFP to the RHA so they could be compared to other private partners on an "apples to apples" basis. They were further told that they could not receive support from the RHA without going through this process. Despite the urging from Jenn Lopez, Opportunity Builders did not respond with a proposal but they still came to Justin Clifton requesting support. Justin Clifton said that he feels this is further evidence of the lack of clear communication and positive working relationship.

Justin Clifton asked the Board for direction on this issue. He explained that he is hesitant to support the project but that he does not want to refrain from giving support for the project if it is the Board's direction that it should be given. Justin Clifton also stated that he realizes that the developer of the property (Brad Elder) will also be impacted by this decision. However, the Town is not compelled to support anything in this case.

Justin Clifton commented that the Board if the Board decides to refrain from issuing a letter of support, it will most likely kill their application for the tax credit. If the Board is reluctant to totally close the door on this project Justin Clifton could issue the letters of support but inform the builder that they must address these items before moving ahead with the project.

Rick asked if there was a timeframe listed on the previous letter of support that was issued.

Justin Clifton answered that the letter of support was related to their CHFA application. They are requesting the same letters for this round of applications.

Rick asked if the Town gave any actual approvals.

Justin Clifton answered that there are some conceptual approvals but no formal ones yet.

Dan asked if this letter of support is supporting a particular organization or the communities need for affordable housing.

Justin Clifton answered that this letter of support is specifically for Opportunity Builders request to CHFA for a tax credit allocation. CHFA will not even review an application without the support of the local government so it's very important that Opportunity Builders have this letter if they are going to be awarded any of the tax credit funds. Failing to support their application will probably eliminate Opportunity Builders' ability to get any money.

Dan asked if the Town should be giving a letter of support when it hasn't actually worked with these builders and doesn't know whether their work is satisfactory or not.

Justin Clifton answered that RHA did a lot of due diligence on behalf of Opportunity Builders when the first letter of support was issued and the developer came to the Town Board stating that this was the builder that he

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wanted to work with and that was going to purchase his land for the project. Also, Opportunity Builders presented a very good case to the Board showing what they have built in the past and gave the Town a good picture of what they could perform. Therefore, the Town decided to go ahead and issue the letter of support. However, now that they have demonstrated that they are unable to communicate and have not followed through on their obligations there is a reason to question whether or not they would do satisfactory work in the Town. He thinks that it would be best to refrain from issuing another letter of support for this organization.

Rick commented that the Town is a member of the RHA for their help in these sorts of matters. A builder that is interested in acquiring these types of funds they need to go through the RHA's process and let them help in securing the funds. If the RHA is backing the project, the Town will give a letter of support.

Gabe recommended that the staff stay mute on the letter and the discussions for Opportunity Builders and they need to work through the RHA's process if they want any sort of support from the Town. The Board members agreed with this recommendation.

Action Agenda Item #7: Submittal Process

Justin Clifton gave his staff report. He stated that the Town has been in a long process of examining and overhauling the Town's development procedures from annexation to certificate of occupancy. The Town has adopted Construction Standards and is now finishing up Design Standards. There are still a lot of other details to work out including administration of these standards, creation of forms, checklists, enforcement policies and refinement of the Land Use Code. Debbi Renfro approached Justin Clifton about looking at the submittal process. She sees some odd requirements that cause her to think changes need to be made and Justin Clifton also feels that there is a lot of room for improvement in this area.

Justin Clifton stated that Debbi has provided some ideas for looking at the submittal process and possibly making changes. He clarified that he is seeking direction from the Board about consideration of the submittal process. He expressed that this area does need some attention but there is still a lot of items that need to be completed such as the Design Standards and the consideration of administration, enforcement etc. Ideally the Board can identify this as an area that needs work and it can be added to the list of items to address as long as it is noted that it may be many months before resolution.

The floor was given to Debbi Renfro.

Debbi stated that there is a great need for this to be addressed as soon as possible. She explained that the current process includes a sketch plan, a preliminary plat, and a final plat but these submittals are not clearly defined. She feels that the entire project needs to have some engineering at the beginning of the project to make sure that everything works together rather than doing all of the engineering phase by phase. There are some large subdivisions that have already been through the approval process and they have had very little to no engineering performed. These subdivisions could come in for approval on a small section of the subdivision without engineering to the whole subdivision and the Town will not know if everything will work together properly.

However, if a developer comes in and goes to the extra step of having everything already completely engineered during the sketch plan phase, she doesn't think that they should have to go through the preliminary plat phase. She thinks that they should be allowed to go immediately to final plat for each phase instead of going through three different approval processes. She recommended getting a committee together from Planning Commission, Town Board, possibly the new Town Intern Elizabeth, and some concerned citizens to look at the process and decide what changes need to be made. She feels that since the Town is going to own the infrastructure in the end, the Town should be making sure that they are getting a quality product from the very beginning of the project.

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Gabe stated that there are some confusing things in the process but this could cause the developers to endure a lot of upfront costs and might inspire developers to create smaller developments rather than large subdivisions so that they don't have such high costs. He stated that he is afraid that this decision might have an adverse effect rather than a positive one.

Debbi stated that the Town could require that they have to abide by these requirements and prove to the Town that the project infrastructure works.

Gabe asked if the Town would be burdening the annexation process to get the initial engineering done at the beginning of the process.

Tom answered that the Town will get better infrastructure if they make that requirement.

Rick suggested that Debbi head up a committee to go through the development process and make some recommendations for changes.

Justin Clifton commented that he would really like to see the design standards completed first and then create a committee to go through the development process.

Rick suggested creating the committee after the design standards are completed. The Board Members agreed with this suggestion.

Agenda Item #8: Monthly Reporting

Justin Clifton gave his staff report. He stated that there has been a long history of Department Heads issuing reports to the Board to make sure the Board is generally aware of what is going on in Town. These reports are varied in content and frequency over the years. The way things are reported to the Board has changed substantially over the years but Justin Clifton stated that he has never asked the Board their preference for the Department Head Reports. Gabe came in recently and requested all of the Department Head reports for 2009 and he noticed that there were a lot of reports that were missing and that they were extremely different in their content and formatting.

Justin Clifton asked the Board for some feedback concerning the usefulness of the reports and asked if there are any changes the Board would like to see that would make them more useful. Some suggestions include:

- Making the reports a standard template format for consistency
- Submitting reports more often to stay in touch
- Submitting reports less often to decrease the burden on staff
- Making changes to the content such as less statistics and more narrative of vice versa
- Making reports quarterly but having Department Heads attend those meeting to elaborate and answer questions

He expressed that these are just ideas for possible changes and asked for the Board's preference.

Rick stated that he thinks the reports are extremely useful. He said that he likes bullet points so that it is easy to pick up and read quickly.

Dan stated that he agrees. He thinks there should be bullet points that address areas such as budget, personnel, special projects, etc that includes a quick summary of how things are going in those areas.

Gabe suggested doing a "two week look ahead" that shows what is expected and what the goals are for the next few weeks. This would help the Department Heads to look into the future and make plans. He also suggested

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that it might also help communication between the Town and the Fire Department if the Town received a monthly report from the Fire Department as well.

Debbi stated that she likes the reports as they are and doesn't think that they could be put into a boiler plate form because they report totally different things.

Gabe stated that he doesn't think that all of the departments should have the same boiler plate form. He would just like to see each Department Head report be consistent and contain the same information each month.

Justin Clifton said that the reports haven't always been done every month. He stated that he wants to make sure that these reports are done every month by every department and that there is a specific format that is consistent each month.

Justin Talbot commented that Ron includes areas of concerns in his report and he suggested that he would like to see other department's areas of concern so that he knows what they are for each area of Town government.

Chris mentioned that the Marshals office always submits their report on the 2nd meeting of the month because they have to wait to get the statistical information for the reports.

It was decided to proceed to Action Agenda Item #10 before the Executive Session for Sunrise Estates.

Action Agenda Item #10: New/Unfinished Business

Justin Clifton stated that the County Commissioners are looking at two potential dates for Bayfield to hold the monthly Commissioner breakfast. He also reminded them that the petitions for Town Board Members are available and he encouraged the Board members to get the word out.

Gabe asked what the Town's time tracking policy for Town Employees.

Justin Clifton answered that the Town uses a timecard. However, Ron does keep track of job function in his department because so many of his employees' job duties are split up between different funds. Otherwise, there isn't a lot of time tracking. It was suggested that parks & recreation might need to also start tracking their time between parks & recreation but it is in the very early stages at this point.

Gabe asked if it is in the plan to go to an electronic tracking.

Justin Clifton answered that the staff has thought about electronic timecards a lot but haven't come up with a perfect solution yet. He expressed that he would like to address some other items first but this is on the list down the line.

Justin Talbot asked the status of the fiber grant.

Rick answered that the project was granted 3 million dollars which is only \$200,000 short of the requested amount. He stated that there will be a meeting on Thursday to discuss the particulars on the project. He told that Board that he will bring the possibilities back to the Board to discuss.

Justin Clifton said that it has been discussed to bring in a consultant to answer the Board's and the staff's questions on the project. The staff would like someone to walk them through the whole process from start to finish and needs some specific information that can only be answered by the consultants that know the answers.

Debbi asked about the potential of using existing fiber that is already available.

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Rick answered that the COG needs to figure out exactly what they want to do. The plan was to go get the funding for the project and now that it has been secured the COG will determine the best way to utilize those funds.

Brandon stated that he went to a Schroeder Ditch meeting and the ditch company is looking for guidance and the steps that need to be taken in regards to the Dove Ranch Subdivision and the issues that they are having with the ditch improvements.

Justin Clifton answered that the best solution would be for the ditch company to get involved in Dove Ranch's next submittal. The comments from the ditch company need to be really clear and document their requests and the improvements that they would like to be done. He suggested that they need to be involved from start to finish in the projects that affect their ditch and give really clear requests.

Action Agenda Item #9: Sunrise Estates

Dan made a motion to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and requested that Justin Clifton & Dirk be included in the executive session. Gabe seconded the motion. All were in favor, motion passed unanimously.

The meeting was adjourned.

Minutes were approved as amended on April 6th, 2010.

Approved:

Rick K. Smith
Mayor

Marianne Jones
Town Clerk