

**Town of Bayfield**  
**Regular Town Board Meeting**  
**March 20<sup>th</sup>, 2012**  
**1199 Bayfield Parkway Bayfield, CO 81122**

**Town Board Members Present:** Dr. Rick Smith (Mayor), Tom Au (Mayor Pro-Tem), Debbi Renfro, Justin Talbot, Ed Morlan, Gabe Candelaria

**Town Board Members Absent:** Dan Ford

**Staff Present:** Chris La May (Town Manager), Dirk Nelson (Town Attorney), Marianne Jones (Town Clerk), Ron Saba (Director of Public Works), Erin Dunavant (Finance Director)

**Media Present:** Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:03 p.m.

**Minutes:** Tom made a motion to approve the minutes from the March 6<sup>th</sup>, 2012 Regular Town Board Meeting as presented. Justin seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** None was offered so it was immediately closed.

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

Justin made a motion to approve the bills dated March 16<sup>th</sup>, 2012 as presented. Gabe seconded the motion. All were in favor, motion passed unanimously. Tom abstained from payment to Pinnacle Surveying.

**Action Agenda Item #2: Town Updates**

Debbi mentioned that the memo received from Chris states that to open the CDOT Environmental Impact Study could cost between \$100,000 and \$200,000. She asked who would pay that money and if the Westside property owners would be contributing.

Chris answered that CDOT's position is that they think the Town should pay for it. However, he does think that the Town would need to have a conversation with the property owners to find out if they think it would be advantageous to them to contribute towards that endeavor. The cost is really the crux of the issue at this point.

Debbi responded that she thinks the property owners should put in some equitable contribution into that matter and it should not all be paid by the Town. She also stated that there has been a full master drainage plan done for the entire subdivision of Dove Ranch (including all phases). She explained that as long as a new developer does not change the master plan, they shouldn't need to do any additional drainage engineering. Debbi then asked if the way the Dove Ranch Homeowners Association dissolved was a legal action.

Dirk answered that he hasn't reviewed all the documents yet but he thinks that there might be some issues with the dissolution of the HOA. He is going to look into it further.

Debbi expressed that she is concerned about the impacts the dissolution could have on the Town and asked Dirk to make sure that the Town is protected.

Dirk explained that once the HOA is disbanded the common elements that were dedicated to the HOA become property of all of the homeowners. The Town could possibly step in and make necessary repairs if needed, but it could be difficult to get all the signatures needed to do that. Dirk stated that his biggest concern right now is the drainage.

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Rick asked who is going to do the things that were originally assigned to the HOA.

Dirk answered that it was the property owners that voted to dissolve the HOA and therefore, they should know that it means that certain services will no longer be provided. He said that the biggest question is whether or not the Town is obligated to take over any of those responsibilities. Dirk is concerned that the homeowners might become upset when things aren't being done and they might put some political pressure on the Town to do them even though it is not required. However, the Town is not obligated to take over the maintenance of those items because it was not a part of the Subdivision Improvement Agreement.

Rick expressed that he is more concerned about the drainage. He wanted to know the Town's liability if one property owner changes the drainage on their property and causes a change in the entire subdivision.

Dirk answered that he doesn't think it will change the Town's liability very much. Whatever rights the Town had to do maintenance before the dissolution will remain in place and the Town will be able to make the repairs needed. However, the Town will be dealing directly with the homeowners instead of the HOA as originally intended.

Gabe asked if the Town took over any of the duties of the HOA.

Dirk answered that the Town is not involved but has some concern over the impacts of the dissolution.

Gabe stated that eventually the property owners are going to complain and expect the Town to take over those common elements.

Dirk responded that he feels that the duties of the HOA now fall to the homeowners in the subdivision. Once an HOA is dissolved, the common elements are owned by the landowners and they are responsible for them.

Chris mentioned that a big concern that staff has is the alley's that are not dedicated to the Town. He is concerned that the homeowners will want the Town to maintain or repair them if they begin to deteriorate in the future.

The Board requested that the staff research this further and figure out the best course of action.

**Action Agenda Item #3: Road Runner Transit Update**

Chris introduced Peter Tregillus with SUCAP who requested to be on the agenda to give a quarterly update on the Road Runner Transit System.

Peter stated that the Roadrunner Transit System is operating within the confines of the budget that they were given. He expressed that it has been difficult due to the cutbacks made in the 2012 budget cycle but they are making it work. He stated that they are going to have a new vehicle on the road very shortly. It was funded by federal & state funds and will help with significant repairs costs that they are having with the older bus it is replacing. The ridership has dropped because they have eliminated one of the runs that they had in 2011. However, they have seen an uptick in ridership during the month of March due to high gas prices. They are also doing more advertising than they were previously.

Debbi asked if he has done a survey to determine the number of riders that actually live within the Town of Bayfield limits.

Peter answered that they have not done that survey.

The Board expressed that they would like to have that information.

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Peter explained that the application for funding on transit is due in April for 2013. They plan to submit a proposal that keeps the schedule the same as it is now. However, they are going to request additional funds from the Town of Bayfield in order to take their transit director of driving and put him back into his director position. They are proposing an increase to transit management expenses, marketing & promotion, & training in the new budget. They will be submitting the exact same budget to La Plata County, the Southern Ute Tribal Council & the Ignacio Town Board.

Ed asked about the subsidiary amounts from Bayfield.

Peter answered that they are requesting \$15,000.00 from Bayfield and are budgeting \$15,000.00 in fare revenues from Bayfield as well.

Ed asked if the buses are going to be equipped with wi-fi.

Peter answered that they are working on that but are having difficulty getting responses from AT&T.

Eileen Wasserbach (SUCAP) mentioned that the decrease in funding that Bayfield did for the 2012 budget decreased the Transit's overall budget by \$50,000 because of the matches associated with the donations. She noted that if the Town agrees to increase their amount by \$6,000.00 for 2013, the transit budget will increase exponentially. She explained that the return on the dollar is very high because of the way that it's leveraged.

Peter & Eileen thanked the Board for their time.

Chris reminded the Mayor that the Planning Commission Chair, Michelle Nelson was in attendance and available to give a Planning Commission update.

The floor was given to Michelle Nelson.

Michelle Nelson stated that the Planning Commission approved a Use By Review for 637 Colorado Drive. The Use By Review will allow the owner to remodel the building from office suites to multi-family studio apartments. It was subject to some conditions for parking, fire code & site specific items regarding trash, etc. They also had an applicant appear at the meeting that was interested in putting a temporary food truck on Colorado Drive. The Planning Commission determined that the request doesn't fit under the Ordinance regarding RV's as dwelling units because of the commercial nature of the business. The Planning Commission took the position that they would like to possibly grant a special temporary permit for the business while an ordinance addressing this type of use is drafted and approved. However, they requested direction from the Board on the matter.

**Public Hearing: Ordinance #369 – Amending Sections of The Municipal And Land Use Code Of The Town of Bayfield To Allow For Accessory Dwelling Units (ADU's) in Residential Zoning Districts**

Rick opened the public hearing.

No public input was offered so it was immediately closed.

**Public Hearing: Ordinance #370 – Amending Sections Of The Land Use Code of the Town of Bayfield To Allow For Short Term Use Of Recreational Vehicles In Certain Zoning Districts**

Russell Dean (1126 N. Pinon Circle) stated that he is in support of the Ordinance as it is written.

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Jill Shockley (1131 Pinon Circle) requested that the Board consider a longer amount of time that people can use their RV's as dwelling units. She thinks that 14 days would be much more reasonable than the 7 days listed in the ordinance. She expressed that she doesn't think a visit with family or friends shouldn't be limited by government. She explained that she thinks the permitting process and the other regulations outlined in the ordinance are fair but she thinks that the timeframe should be longer.

No additional public input was offered so the public hearing was closed.

**Action Agenda Item #4: Consideration of Approval of Ordinance #369 – Amending Sections of The Municipal Land Use Code Of The Town of Bayfield To Allow For Accessory Dwelling Units (ADU's) in Residential Zoning Districts.**

Chris gave his staff report. He stated that at the November 1, 2011 Board of Trustee meeting, staff inquired if the Board of Trustees was interested in allowing Accessory Dwelling Units within the Town of Bayfield. The Board requested staff explore the allowance of Accessory Dwelling Units in the Town of Bayfield. At the November 8, 2011 Planning Commission meeting, the Planning Commission was presented with summary information regarding Accessory Dwelling Units. The Planning Commission determined that the allowance of Accessory Dwelling Units was worth considering and directed staff to prepare a draft ordinance for discussion. At the December 13, 2011 and January 10, 2012 Planning Commission meetings, the Planning Commission was presented with a draft of an Ordinance that would amend the Bayfield Land Use Code to allow for Accessory Dwelling Units. The Planning Commission provided input and suggested changes to arrive a final Ordinance.

Chris explained that he is presenting an ordinance for approval. Since this is a change to the Land Use Code, a public hearing is required before the Planning Commission and Board of Trustees.

The Planning Commission conducted a public hearing on March 13, 2012 and recommended, on a 4-0 vote, that the Board of Trustees approve the Ordinance amending the Land Use Code to allow for Accessory Dwelling Units.

The argument for ADU's is that with changing demographics (i.e. caring for elderly parents, more grandparents assisting with children rearing) a mother-in-law apartments or unit might assist in those efforts. The argument against ADU's is that they might infringe on the lifestyle anticipated when you buy a single family dwelling (i.e. your next door neighbors house may become a bit more active, with more vehicles, visitors, etc...).

The Planning Commission reviewed the publication developed by Municipal Research and Services Center of Washington and visited the following items before arriving at a final ordinance.

- Owner Occupancy Requirements
- Size
- Attached or Detached Units
- Occupant Restrictions
- Number of Occupants
- Parking
- Design Appearance Standards.
- Minimum Lot Size
- Density Controls
- Age of Home
- Length of Residence
- Recording Requirements
- Utility Service Requirements

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- Maximum Number of ADU's per Lot
- Automatic ADU Ordinance Review
- Periodic Reports on ADU Applications
- Illegal ADU's

Major issues discussed included:

- Whether the use should be reviewed administratively or required to go through a more public process (i.e. Use by Review with the Planning Commission).
- Whether ADU's should have separate water and sanitary sewer services.
- How best to address existing ADU's.
- Whether a document should be recorded to indicate ADU allowance.

Chris recommended approval of the Ordinance Amending Sections of the Municipal and Land Use Codes of the Town of Bayfield to allow for Accessory Dwelling Units in the Residential Zoning Districts.

Debbi asked Michelle about the process the Planning Commission used to come up with this final document.

Michelle answered that the Planning Commission spent several months going through documents and sorting through what they felt fit for the Town.

Gabe stated that he thinks the Planning Commission did a very good job on this ordinance.

Gabe made a motion to approve Ordinance #369 amending sections of the Municipal Land Use Code of the Town of Bayfield to allow for accessory dwelling units (ADU's in Residential Zoning Districts. Debbi seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #5: Consideration of Approval of Ordinance #370 - Amending Sections Of The Land Use Code of the Town of Bayfield to allow for Short Term use Of Recreational Vehicles In Certain Zoning Districts**

Chris gave his staff report. He stated that at the October 18, 2011 Board of Trustee meeting staff requested some clarifying language on the prohibition of RV's in the Town of Bayfield. The concern was that enforcement was a challenge, in that the prohibition was based on the Land Use Code's silence, rather than clear language prohibiting the short term use of RV's. The Board requested that staff work with the Planning Commission to provide clarifying language.

The matter was brought before the Planning Commission on November 8, 2011 and a draft ordinance was presented to the Planning Commission on December 13, 2011. Planning Commission discussed the ordinance and mad further edits on January 10, 2012.

Chris explained that the proposed ordinance attempts to address the temporary use of recreational vehicles for uses other than storage.

Since the ordinance will amend the Land Use Code, a public hearing is required before the Planning Commission and Board of Trustees.

The Planning Commission, after public hearing, on March 13, 2011 voted 4-0 to recommend approval of Ordinance clarifying the short term use of RV's.

Discussion leading up to the Ordinance included the following items:

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- Rather than outright prohibit them, limit the period of use.
- Relocation of RV to another parcel (30 day cooling period).
- Concerns about competing with the RV Park.
- Concerns about Public rights-of-way, parks, and property.
- Concerns about Sanitary Sewer connections.
- Visibility and site line protections.
- Permitting and fees.
- No prohibition against RV storage.

Chris recommended approval of the Ordinance Amending Sections of the Land Use Codes of the Town of Bayfield to allow for Short Term Use of Recreational Vehicles in Certain Zoning Districts.

Rick explained that the Town Board does not want to take business away from the RV Park which is why they decided on 7 days rather than a longer timeframe.

Debbi asked how the no-parking on public rights-of-ways will be enforced.

Dirk answered that the Marshals Office can write a parking ticket to any offender that park in the Town rights-of-way.

Tom made a motion to approve Ordinance #370 amending sections of the Land Use Codes of the Town of Bayfield to allow for Short Term Use of Recreational Vehicles in Certain Zoning Districts. Debbi seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #6: Discussion and Possible Action: Temporary Food Truck, Trailers & Carts**

Chris gave his staff report. He stated that the Happy Cow Food Shack submitted a business license application to the Town to serve food in a converted travel trailer at the corner of Colorado Drive and Mountain View. Staff denied the application based on the following:

- The Town of Bayfield Land Use Code allows for the use of travel trailers in the manufactured home park (MHP) and manufactured home subdivision (MHS) zoning districts for residential purposes; but in all other zoning districts a travel trailer may not be used for any purpose. In this instance the request to place a travel trailer for delivery of food services on a property zoned business (B) would not be allowed.
- The travel trailer would need to become a permanent "structure" in the business (B) district, in order for the structure to be used for food preparation and delivery. The Town Land Use Code defines a structure as something affixed to the ground by footings, foundations, post or lamps. So, to be permanent, it would have to be placed on a permanent foundation to avoid being considered temporary. Unfortunately, in consultation with the Town Building Official, a travel trailer will not be able to meet the Town Building Code (2003 IBC) regardless of what foundation is utilized.

The applicant came before the Board of Trustees, under unscheduled public comment on March 6, 2012. The applicant was directed to the Planning Commission, as they were conducting a public hearing regarding the use of RV's. Applicant provided comment at the Planning Commission Public Hearing on March 13, 2012 and requested the Planning Commission approve the use. Planning Commission determined that the intent of the RV Ordinance related to short term use for lodging purposes, was significantly different than use of a trailer for food services and were two distinct issues. Planning Commission supported the issuance of a temporary use permit to allow the Happy Cow Shack to occupy the spot in the interim, while the Planning Commission worked on drafting language to address temporary vendor carts, food trucks, food trailers, etc.

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Chris explained that he has reviewed the land use code and determined that the issuance of a temporary use permit for a use that is not allowed is problematic. He said that while the Town of Bayfield desires to attract new business, the allowance of a food trailer either on a temporary or permanent basis, may set precedent. There is also concern that allowing a food cart, food truck, or food trailer to locate in Bayfield places existing food service providers at a disadvantage. The "Brick and Mortar" restaurants typically have greater overhead and therefore more costs.

Chris consulted with the City of Durango Planning Department to determine how they had handled the location of the Happy Cow Food Shack and were informed that they allowed through their Special Use Permit process, and they simply continued to extend the permit. Additionally, they were in the process attempting to address this vary issue, and provided me with the staff work that had been conducted up to this point.

Chris asked the Board to give him some direction on how they would like to move forward with this request.

Rick asked about restroom facilities.

Chris answered that if there is seating for customers it is required that you have restroom facilities for them. They have proposed to put in a porta-potty on the site location.

Debbi asked if they would be tying onto Town water.

Chris answered that they plan to tie into Town water & sewer. The Town code allows for a change of use to which would allow the Town to review the plant investment fees that was paid initially to see if it is sufficient.

Debbi asked for details about the trailer and how long they plan to keep the trailer in that location.

Applicant Darel Ransford stated that everything in the unit is up to code. However, a trailer is not framed like a house so it does not meet the international building code. They would like to keep the temporary structure in that location for 2 years. They hope to be financially sounds enough to build a permanent structure within that timeframe.

Gabe stated that he thinks the Town should encourage new businesses interested in coming into the Town. He thinks the staff should modify the vendor code to allow this sort of use.

Ed stated that he thinks the staff should research this further but doesn't think the Town should issue a permit without more details.

Rick asked if the Board is inclined to request staff to come up with language for a change to the Land Use Code to allow for this type of use on private property on a temporary basis so that this type of business is allowable under the code.

Gabe answered that he thinks this will not be the only time that this sort of business makes a request of the Town and he thinks it needs to be addressed and resolved now. He expressed that he prefers to bring businesses into the Town.

Tom agreed.

Debbi stated that she is concerned about the sewer and asked that Ron give his input on the matter. She also thinks that there should be some sort of open-ended agreement that allows the Town to take action in the event of substantial citizen complaints. She also expressed that 2 years is a long time and she would want to see something happen within that time frame rather than have the business come back for an extension once the deadline is up.

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Justin stated that he would like to deal with the matter one way or another. However, he is not a fan of allowing a porta-potty on the property. He would really like for the applicant to come up with a better option. He agreed that he would like to see the Town have an agreement regarding complaints so that the Town has leverage to deal with them. He also wants more detail on the impact to the water & wastewater systems.

Applicant Paula Ransford stated that their usage history shows that they use 5 gallons of water per day. She doesn't feel that the business will have a huge impact on the Town systems.

Justin expressed that he wants to make sure that the ordinance is very clearly written and outlines responsibilities.

Ed added that he also wants to staff to look into this matter further. He also noted concern regarding allowing the temporary structure to be in place for 2 years. He wants to make sure that something is done to make it permanent before the 2 years is up so that they are not requesting an extension.

Michelle explained that the Planning Commission recommended granted a temporary permit to the applicant for 180 days. This would give the staff & the Boards enough time to draft, review & adopt an ordinance regarding this use. They also recommended that it would be a good idea to put a restriction that the permit had to be renewed every 6 months with a cap of 2 years.

Chris added that the applicants would also be required to meet all aspects of the ordinance once it is approved & adopted. They would not receive any sort of grandfathered status.

Gabe stated that he thinks allowing a temporary permit for 6 months will give the Town some information regarding this type of business.

The Board instructed staff to draft a temporary permit for the Happy Cow Food Shack to be discussed further at the April 3<sup>rd</sup> Board Meeting. They clarified that they wanted language in the temporary permit stating that the applicants would have abide by all rules & regulations outlined in the ordinance once it is approved.

They also requested that the staff begin drafting an ordinance for review & approval by the Bayfield Planning Commission and Town Board.

**Action Agenda Item #7: Consideration Of Purchase Or Tractor, Boom Mower & Implements**

Chris gave his staff report. He stated that over the last several weeks Public Works has been getting quotes for the purchase of a tractor and attachments. The 2012 Budget includes \$90,000 for a tractor and boom mower. Public Works contacted two local vendors that gave quotes: Southwest Ag and John Deere of Cortez. Public Works also searched on-line. The price was to include tractor and boom mower as a package deal. When Public Works discovered the pricing, they asked to include a broom attachment, as well as a new 3 point mower.

The following summarizes the quotes received. Public Works did not find any deals to match on-line.

Tractor & Boom Mower:

SWAG	\$69,389.28
John Deere	\$76,326.81

3 point pull behind mower:

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With the purchase of a new tractor, the current 5 foot unit, that is 7 years old, is too small for the new tractor. Therefore, staff recommends in addition to the purchase of the tractor, the Board authorize the purchase of a new 3 point pull behind mower from SWAG. This unit would also provide more efficient operations by cutting the mowing time by approximately 40 to 50 %.

The boom mower is for edge of roads, hill sides, etc. not for large flat fields such as at the Water Plant. Public Works would give the existing smaller 3 point mower to Parks and Recreation, as it is well suited for their smaller tractor. Cost of the 3 point mower is \$3,882.75.

Broom attachment:

Additionally, the old Town sweeper has quit working and it is well beyond its useful life. This leaves staff with only a backhoe sweeper, which is designed for small clean ups, and therefore, time intensive. Staff is requesting the purchase of a broom attachment from SWAG for the tractor in order to sweep streets without curb and gutter. Public Works would continue to utilize the other backhoe sweeper on streets that require the hopper for pickup. The impact from the purchase would result in equipment and man hour savings. Additionally, the purchase will be very useful for Bayfield Parkway. Cost of the Broom attachment is \$5,100.

Total Cost for all equipment needed \$78,372.03.

Chris recommended the purchase of the tractor, boom mower, three point pull behind mower, and broom attachment from SWAG in an amount not to exceed \$78,372.03.

Ed made a motion to approve the purchase of the tractor, boom mower, three points pull behind mower, and broom attachment from SWAG in an amount not to exceed \$78,372.03. Justin seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #8: Consideration of Purchase of Line Painter**

Chris gave his staff report. He stated that the 2012 Budget includes \$15,000 for a line painter. The Public Works Department researched and compiled quotes for the replacement of a line painter for striping roads.

Staff looked at a couple of options, one being a pickup mounted unit, which is more suited for long stretches of highway and would not work for painting parking space lines, cross walks, etc...

The other option staff looked at was a push unit that is hooked onto a driving unit, like half a riding mower. This unit would allow driving capabilities for long stretches, but can be uncoupled from the driving unit, and used to do parking space lines, crosswalks, etc.

The Public Works staff reviewed these options and believes that the second option is the best option. In addition, the second option is significantly less cost. The pickup mounted unit start at \$37,000 for this type of equipment.

The following prices are for the unit and no spare parts:

Rae Products Inc.	\$13,470.86
Ennis Paints	\$13,273.25
Portland Compressor	\$13,400.60

Ennis Paints provided the lowest quote and is the Town's supplier of line paint.

Total price including spare parts \$13,682.62.

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Chris recommended approval of the purchase of line painter and spare parts from Ennis Paints in an amount not to exceed \$13,682.62.

Justin made a motion to approve the purchase of the line painter and spare parts from Ennis Paints in an amount not to exceed \$13,682.62. Debbi seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #9: Liquor License Renewal – Bayfield Liquor**

Marianne gave her staff report. She stated that Bayfield Liquor is requesting approval of their liquor license renewal. The Town has not received any complaints regarding this business.

Ed made a motion to approve the liquor license renewal for Bayfield Liquor. Gabe seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #10: New/Unfinished Business**

Gabe mentioned that he will be out of Town a lot during the next couple of months and will try to attend as many meetings as possible.

The meeting was adjourned @ 8:36

*Minutes approved as submitted on April 3<sup>rd</sup>, 2012.*

**Approved:**

\_\_\_\_\_  
Rick K. Smith  
Mayor

\_\_\_\_\_  
Marianne Jones  
Town Clerk