

**Town of Bayfield
Regular Town Board Meeting
April 5, 2016
1199 Bayfield Parkway, Bayfield CO 81122**

Town Board Members Present: Trustee Morlan, Trustee Nelson, Trustee Nyberg, Trustee Salka, Trustee Sanders, Mayor Smith

Town Board Members Absent: Trustee Davenport

Staff Present: Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Michael Goldman (Town Attorney), Joe McIntyre (Marshal), Erin Dunavant (Finance Director)

Media Present: Carol McWilliams with the Pine River Times

The meeting was called to order @ approximately 7:00 p.m.

Approval of Minutes: Trustee Nelson made a motion to approve the minutes from March 15, 2016 as presented. Trustee Morlan seconded.

All were in favor.

Motion passed unanimously.

Trustee Salka made a motion to approve the minutes from March 17, 2016 as presented. Trustee Nelson seconded.

All were in favor.

Motion passed unanimously.

Approval of Bills: Trustee Nelson made a motion to approve the bills dated March 16 through March 31, 2016, to include the Comdata bill received by email today. Trustee Salka seconded.

Roll call: 6 – 0 (Mayor Smith abstained from voting on the bill from Data Safe Services)

Motion passed unanimously.

General Public Input: No comments.

Town Updates: No comments.

Public Hearing:

1. Consideration Of Ordinance 396, An Ordinance Of The Board Of Trustees Of The Town Of Bayfield, Colorado, Amending The Land Use Code With A New Section Establishing Requirements For Use Of Property For Short Term Rental In The Town Of Bayfield

Town Manager La May stated that Ordinance 396 would allow for vacation rentals in the Town of Bayfield. When Downtown Colorado Inc. conducted their assessment of Downtown Bayfield last year, they suggested that the Town consider vacation rentals, to help with the shortage of lodging. Staff has received one application for a vacation rental unit. This application has been difficult to process, since our Land Use Code was not prepared for this type of use. This subject was discussed earlier by the Board of Trustees then passed on to the Planning Commission. The Planning Commission has been working for approximately four months on the ordinance to allow for vacation rentals in the Town of Bayfield. The ordinance includes:

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1. Allowance of Vacation Rentals in all residential zoning districts (R-10, R-20, R-40, LDR, MDR, HDR, MF, MHP, and MHS) or mixed use districts (i.e. TC or MS).
2. Initial application would be handled as a Use by Review, with Planning Commission review. Annual renewal permits would be issued administratively. If staff believes there are issues with the Vacation Rental, they may deny the annual renewal. Owner may appeal to the Planning Commission.
3. Number of allowable units ties to 3% of total assigned water taps. Town currently has 1,035 (i.e. 3% provides up to 31). With growth, this number allowed increases.
4. Requires smoke detectors in each bedroom, which is current building code requirement.
5. Uses maximum occupancy to control number of vehicles rather than requiring a certain number of off-street parking spaces. Single Family residences are required to have two off-street parking spaces under current code. If a 4 bedroom home is rented, you could potentially have 10 occupants, which might include more vehicles than the two provided parking spaces, however if property has a garage, then there might be additional parking available. A three bedroom home could provide 8 occupants. Staff felt that requiring additional parking spaces could potentially negatively impact the single family character of the property and/or neighborhood.
6. Owner or owner's representative must live in La Plata County and provide contact information.
7. No outdoor signage associated with vacation rentals. Staff has had one person suggest that in the Town Center and Mill Street zones, signing should be allowed.
8. If the primary use of the building is commercial, the vacation unit rental shall comply with the international building code. If the primary use of the building is a one or two family residential dwelling, the vacation unit rental shall comply with the international residential code.

The Planning Commission conducted a public hearing on the proposed ordinance March 8, 2016. After no public comment, the Planning Commission unanimously recommended the Board of Trustees approve Ordinance 396, amending the Land Use Code with a new section establishing requirements for the use of property for Short Term Rentals in the Town of Bayfield. After the Planning Commission meeting, it was brought to staff's attention that Section 5.B Occupancy needed clarification. Staff has changed the language to better clarify occupancies of structures by others during short term rental periods.

Trustee Sanders asked if this ordinance would supercede subdivision requirements regarding vehicles and trailers.

Town Manager La May stated that this ordinance will not supercede HOA Covenants.

Mayor Smith opened the hearing for public comment.

Ms. Brenda Lee, 158 West North Street, stated that she is the applicant for the vacation rental. Ms. Lee thanked Town Manager La May and his staff for their assistance during this application process.

Mrs. Jackie Morlan stated that she would like to encourage the Board of Trustees to approve Ordinance 396. This will help move the Town of Bayfield forward.

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2. River Bank Subdivision – Final Plat

Town Manager La May stated that the Board of Trustees have seen the preliminary and sketch plans for the River Bank Subdivision. The Board will now be asked to approve the Final Plat. Staff is recommending approval.

Mayor Smith opened the hearing to public comment.

Mrs. Phyllis Ludwig, 9205 CR 501, stated, that as the plat shows, the Bean Ditch runs through part of the River Bank property. The ditch company is concerned that the portion of the ditch that runs through the property will become a playground for children.

Action Agenda Item #1: Consideration Of Ordinance 396, An Ordinance Of The Board Of Trustees Of The Town Of Bayfield, Colorado, Amending The Land Use Code With A New Section Establishing Requirements For Use Of Property For Short Term Rental In The Town Of Bayfield

Trustee Morlan made a motion to adopt Ordinance 396, an ordinance of the Board of Trustees of the Town of Bayfield, Colorado, amending the Land Use Code with a new section establishing requirements for use of property for short term rentals in the Town of Bayfield. Trustee Nelson seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #2: Consideration Of Approval Of River Bank Subdivision – Final Plat

Mayor Smith stated that he thinks it is nice that the Town has moved forward with property acquisition and development that will expand the Town parks.

Trustee Nelson made a motion to approve the River Bank Subdivision – Final Plat. Trustee Nyberg seconded.

Roll call: 6 – 0

Motion passed unanimously.

Action Agenda Item #3: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)

Town Manager La May stated that there was not a quorum for the SWCCOG meeting. There was however discussion regarding the Broadband Planning Grant and talk about membership and the desire to get Montezuma County, the Southern Ute and Ute Mountain to join the SWCCOG.

Trustee Salka stated that the LPCEA discussion was about creating a committee for the Air Park Agenda.

Town Manager La May stated that RHA will meet tomorrow.

Town Manager La May stated that SWTPR will meet Friday.

Trustee Sanders stated that Region 9 will meet in three weeks.

Trustee Nyberg stated that the Planning Commission will meet next week.

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Action Agenda Item #4: Unfinished Business

There was no unfinished business to discuss.

Action Agenda Item #5: Recognition Of Mayor Dr. Rick Smith and Trustee Ed Morlan

Trustee Morlan stated that it has been an honor and a pleasure to serve on the Board of Trustees. He stated that he has served under five Town Managers and has seen a lot of changes.

Mayor Smith thanked the Board of Trustees for serving. He thanked the staff for the jobs that they do. He thanked the public for trusting him to serve as Mayor for the past eight years.

Town Manager La May thanked Mayor Smith and Trustee Morlan for their service to the Town of Bayfield.

Town Manager La May presented Mayor Smtih and Trustee Morlan with t-shirts and appreciation plaques.

Marshal McIntyre presented Mayor Smith and Trustee Morlan with "Get Out Of Jail Free" cards and Police Whistles.

Action Agenda Item #6: Mayor & Board Of Trustees – Oath Of Office

Town Clerk Cathcart swore Matthew Salka into office of Mayor.

Town Clerk Cathcart swore Kristin Dallison into office of Trustee.

Town Clerk Cathcart swore Matthew Nyberg into office of Trustee.

Action Agenda Item #7: Appointment Of Mayor Pro-Tem

Town Manager La May stated that after the Biennial Election the Board of Trustees is asked to appoint a Mayor Pro-Tem.

Trustee Sanders nominated Michelle Nelson for the seat of Mayor Pro-Tem. Trustee Nyberg seconded.
Roll call: 5 – 0

Motion passed unanimously.

Action Agenda Item #8: Appointment Of Ex Officio Planning Commission Member

Town Manager La May stated that the Planning Commission is made up of seven members, which includes the Mayor and one Board of Trustee member.

Trustee Nelson nominated Trustee Nyberg as the Ex-Officio Member for the Planning Commission. Trustee Dallison seconded.

Roll call: 5 – 0

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Motion passed unanimously.

Action Agenda Item #9: Appointment Of Town Clerk, Town Treasurer, Town Attorney, Town Marshal, Town Judge, Town Manager, Public Works Director

Town Manager La May stated that as the new sitting Board of Trustees you are asked to appoint a Town Clerk, Town Treasurer, Town Attorney, Town Manager, Public Works Director, Town Judge and Town Marshal.

Trustee Nelson made a motion to appoint Kathleen Cathcart as Town Clerk. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Dallison made a motion to appoint Erin Dunavant as Town Treasurer. Trustee Nelson seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Nelson made a motion to appoint Jeff Robbins as Town Attorney. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Dallison made a motion appoint Chris La May as Town Manager. Trustee Nelson seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Nelson made a motion to appoint Joseph McIntrye as Town Marshal. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Dallison made a motion to appoint Ron Saba as Public Works Director. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Trustee Nelson made a motion to appoint Jim Casey Town Judge. Trustee Nyberg seconded.

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Roll call: 5 – 0

Motion passed unanimously.

Action Agenda Item #10: Consideration Of Appointments To La Plata County Economic Development Alliance, Regional Housing Alliance, Southwest Regional Transportation Planning Commission, Region 9 Economic Development District, And Southwest Colorado Council Of Governments

Town Manager La May stated that it is customary for the new Board of Trustees to determine who will sit on the Boards of LPCEA, RHA, SWTPR, Region 9, SWCCOG and the Senior Board.

The Board agreed:

Mayor Salka will remain as the Town's representative to the LPCEA Board.

Trustee Davenport will remain as the Town's representative to the RHA Board.

Town Manager La May will remain as the Town's representative to the SWTPR Board.

Trustee Sanders will remain as the Town's representative to the Region 9 Board.

Trustee Nelson will remain as the Town's representative to the SWCCOG Board.

Trustee Dallison volunteered to be the Town's representative to the Senior Board.

Action Agenda Item #11: Set Date For Board Orientation And Workshop

The Board agreed to not set a date for the Board Orientation and Workshop, until the vacant seat has been filled.

Action Agenda Item #12: Consideration Of Approval Of Resolution 364, A Resolution Of The Town Of Bayfield, Colorado Finding Substantial Compliance And Initiating Annexation Procedures For The Lirot Annexation

Town Manager La May stated approval of this ordinance says that the application is complete and is in substantial compliance and that the Board has agreed to start the annexation process. This property is north of Town on the west side of County Road 501. This property was approved for annexation, under the old owner, but conditions were never met so the process was never completed. The resolution also sets the Public Hearing for May 17, 2016.

Trustee Nelson made a motion to approve Resolution 364, a resolution of the Town of Bayfield, Colorado finding substantial compliance and initiating annexation procedures for the Lirot Annexation. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

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**Action Agenda Item #13: Consideration Of Approval Of Use Of Town Property For Bayfield Association
For The Advancement Of Music (BAAM)**

Town Manager La May stated that this event has been held the last two years in Eagle Park. This serves as a fundraiser for the Bayfield Association for the Advancement of Music. This organization is requesting a Special Event Liquor License. As part of that license process they are required to have the property owners permission to use the property and obtain a Special Event Liquor License. Staff is recommending approval.

Town Attorney Goldman stated that with the Governmental Immunity Act changes, the insurance requirement minimum should be changed to \$350,000.00 / \$900,000.00.

Trustee Nelson made a motion to approve the use of Town of property for the Bayfield Association for the Advancement of Music, according to staff recommendation including changing the insurance minimums to \$350,000.00 / \$900,000.00. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #14: Consideration Of Donation Of In-Kind Services To The Bayfield Association
For The Advancement Of Music (BAAM) Special Event June 25, 2016**

Town Manager La May stated that because BAAM is a non-profit organization, they have asked the Town to consider waiving the cost of the park rental fee for the event. They have also asked that the Town provide some barricades, volleyball nets and trash cans.

Trustee Nelson made a motion to approve in-kind services to the BAAM Special Event on June 25, 2016, with a request of the event coordinator to list the Town of Bayfield as a sponsor. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #15: Consideration Of Agreement For Professional Service Between Town Of
Bayfield And Russell Engineering**

Town Manager La May stated that the Town requested proposals for planning service assistance and received two proposals by the Wednesday February 24 deadline. Proposals were received from Nancy Lauro with Russell Engineering and Jack McGroder. After reviewing the proposals and meeting with the individuals, staff is recommending moving forward with a Professional Services Agreement with Russell Engineering.

Trustee Nelson made a motion to approve the Agreement for Professional Services between the Town of Bayfield and Russell Engineering. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

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**Action Agenda Item #16: Consideration Of Approval Of Task Order #1 With Russell Engineering –
Amendment To Bayfield Comprehensive Plan**

Town Manager La May would like to have Russell Engineering move forward with amending the Town of Bayfield's Comprehensive Plan in order to move forward with a coordinated Land Use IGA with the County.

Trustee Nelson made a motion to approve Task Order #1 with Russell Engineering in an amount not to exceed \$8,160.00. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

Action Agenda Item #17: New Business

Town Manager La May stated that he has received a request from resident Josh Joswick, to have the Mayor sign on a letter that is regarding BLM Oil and Gas Regulations for flaring and venting. The staff does not have a strong recommendation either way.

The Board agreed that they did not have enough information on this subject and would prefer to not sign this letter.

Meeting was adjourned at 8:22 pm.