

**Town of Bayfield  
Regular Town Board Meeting  
May 5, 2015  
1199 Bayfield Parkway, Bayfield CO 81122**

**Town Board Members Present:** Trustee Davenport, Trustee Nyberg, Trustee Salka, Trustee Sanders, Mayor Smith

**Town Board Members Absent:** Trustee Nelson, Trustee Morlan

**Staff Present:** Chris La May (Town Manager), Kathleen Cathcart (Town Clerk), Dan Abdella (Corporal), Erin Dunavant (Finance Director), Jeff Robbins (Attorney)

**Media Present:** Carol McWilliams with the Pine River Times

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

**Approval of Minutes:** Trustee Nyberg made a motion to approve the minutes from April 21, 2015 as presented. Trustee Salka seconded.

All were in favor.

Motion passed unanimously.

**Approval of Bills:** Trustee Salka made a motion to approve the bills dated April 22 through April 30, 2015, including the bills sent in an email today, as presented. Trustee Davenport seconded.

Roll call: 5 - 0

Motion passed unanimously.

**General Public Input:** Carol McWilliams stated that she was afraid that the proposed marketplace in the Town Hall parking lot would take away from events such as Heritage Days.

**Proclamation – National Police Week:** Mayor Smith read the proclamation and formally designated the week of May 10 through May 16, 2015 as National Police Week in the Town of Bayfield, Colorado.

**Town Updates:** Town Manager La May suggested having a joint workshop with the Town Board and the Planning Commission, to discuss a coordinated Land Use IGA with La Plata County and the extension of the LAPLAWD water line through our service area. The Board agreed to hold a workshop on Tuesday May 26, 2015 at 6:00 pm.

**Public Hearing:**

1. Porter Annexation, Subdivision and Land Use Designation

Town Manager La May stated that tonight the Board is being asked to consider the annexation of property from the unincorporated La Plata County into the Town of Bayfield, giving the property its initial zoning classification and then subdivide the property upon annexation. Notice of this Public Hearing was published April 3, 2015, April 10, 2015, April 17, 2015 and April 24, 2015 in the Pine River Times. The property includes one in-town lot and four lots in unincorporated La Plata County. After annexation the applicants would like to vacate lot lines and create two lots both located in town. Requests for Agency comments were sent to referral agencies on March 20, 2015. All comments have been included in tonight's packet. The Bean Ditch Irrigation Company is requesting a recorded description easement of twenty feet for the irrigation ditch. The Town of Bayfield is requesting a twenty foot sanitary sewer easement and La Plata Electric Association is requesting a twenty foot easement, 10

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feet on each side of the existing power line. Mr. Porter has expressed a desire to change some of language in the agreement to limit La Plata Electric Association's ability to install power poles on his property. Upon annexation the applicant is required to dedicate to the Town water rights sufficient to offset the expected amount of water usage for domestic and irrigation purposes or pay a cash in-lieu fee. The Porters would prefer to pay the cash in-lieu fee, in the amount of \$1,113.00. The Town also requires a dedication of 0.4 acres/unit or a Park in-lieu fee of \$776.00 for newly subdivided lots. The Porters would prefer to pay the cash in-lieu fee. The zoning of the property will be R-10. This zoning does not allow for the raising of livestock. The Porters are requesting that the Annexation Agreement include language allowing for the continued use for livestock until the adjacent properties in unincorporated La Plata County annex. In accordance with State Statute notice has been given to the Board of County Commissioners, the School District, the La Plata County Attorney and Upper Pine Fire Protection District. The annexation application is in conformance with the Town's Comprehensive Plan.

Mr. Porter stated that he started the process of annexation to cleanup his property lines after he discovered his inability to refinance his property with its current boundaries. He also stated that he would like to continue to raise animals on his property, until the time comes that the surrounding county properties annex into the Town of Bayfield.

There were no comments from the public and the Public Hearing was closed.

**Action Agenda Item #1: Consideration Of Ordinance 390, An Ordinance Of The Town Of Bayfield, Colorado Annexing Certain Territory To The Town Known As The Porter Annexation**

Town Manager La May stated that the Annexation Agreement and the Annexation Plat are fine. The easement language in the Subdivision Plat needs to be changed. Staff is recommending approval of Ordinance #390 approving the annexation.

Trustee Nyberg made a motion to approve Ordinance #390, an ordinance of the Town of Bayfield, Colorado annexing certain territory to the Town known as the Porter Annexation. Trustee Salka seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #2: Consideration Of Approval Of Final Plat For Porter Subdivision**

Town Manager La May stated that there are two changes that need to be considered. The plat as it currently reads has a 15 foot sanitary sewer easement. The Town would like that to be a 20 foot sanitary sewer easement. At this time there are no power poles on the property, only areal lines above. Mr. Porter would like to have some ability to negotiate with LPEA if there comes a time that they wish to install poles on his property. Staff is suggesting that we provide the easement for operation and maintenance, and remove the words referring to installation, construction or reconstruction.

Mayor Smith asked if the Board could include an exclusion of additional poles on the property.

Attorney Robbins stated that it is not customary but it can be done if that is the pleasure of the Board.

Mr. Porter stated that he understands the need for the easement. He is just trying to protect his property by having the ability to negotiate if the need arises to install a pole.

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Attorney Robbins stated that there is a possibility that LPEA already has a prescriptive easement on this property. Narrowing the easement on the plat will not override the prescriptive rights that have already been established. Attorney Robbins suggested adding a simple statement such as; this easement does not grant LPEA the right to place a pole therein.

Trustee Salka made a motion to approve the final plat for the Porter Subdivision to include changing the sewer easement from fifteen feet to twenty feet and include the exclusion of no power poles on the property.

Attorney Robbins stated that he would like the language to state that this easement does not grant LPEA the right to place power poles within its boundaries.

Trustee Davenport seconded the motion.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #3: Consideration Of Approval Of Appointment Of Tish Nelson To The Bayfield Planning Commission**

Mayor Smith stated that he is seeking the Boards approval of his appointment of Tish Nelson to the Planning Commission.

Trustee Davenport made a motion to approve the Mayors appointment of Tish Nelson to the Town of Bayfield's Planning Commission. Trustee Nyberg seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #4: Consideration Of Use Of Town Parking Lot For Bayfield Marketplace**

Town Manager La May stated that he received a letter from Linda Stolz requesting the use of the Town Hall parking lot for the Bayfield Marketplace. This would be an arts and crafts event to be held every Saturday. Staff has contacted CIRSA, our insurance provider, and they have stated that it is always best to have an entity carry their own insurance and list the Town of Bayfield as an additional insured. This maybe cost prohibitive since there is not a single entity using the facility, in which case the Town is covered by our own insurance the vendors would not be covered in the event something happened. A Transient Dealers license and a special event sales tax license would be required of all vendors. Staff feels that is an opportunity to bring more people into the downtown area.

Mayor Smith stated that he believes this is a step in the right direction. He also stated that he would like to see the Board exclude the Saturday of July 4<sup>th</sup> and Heritage Days, September 26<sup>th</sup>.

Trustee Nyberg made a motion to approve the use of the Town Hall parking lot for the Bayfield Marketplace, excluding Saturdays July 4<sup>th</sup> and September 26<sup>th</sup>. Trustee Salka seconded.

Attorney Robbins stated that he would like the motion amended to insert the words consistent with the narrative provided by Ms. Stolz, so that we have parameters around what the use will be.

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Trustee Nyberg amended his motion as per Attorney Robbins request. Trustee Salka seconded the amendment.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #5: Consideration Of Approval Of Contract For Water Treatment Plant Upgrade**

Town Manager La May stated that he had provided the Board with a letter from the Engineer. The Water Plant Improvement Project is to upgrade and expand the Water Treatment Facility. These improvements are being paid for by LAPLAWD. As part of our agreement LAPLAWD will be the Owner's Rep. on the project and upon completion they will convey the Water Treatment Plant to the Town of Bayfield. Five bids were received for this project ranging from the base bid of \$7,062,131.00 to \$8,606,900.00. The low bid is from Integrated Water Services. Staff has contacted references, checked qualifications and is recommending award of the contract to Integrated Water Services.

Trustee Salka made a motion to approve the award of the contract for the Water Treatment Plant Upgrade to Integrated Water Services. Trustee Davenport seconded.

Roll call: 5 – 0

Motion passed unanimously.

**Action Agenda Item #6: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)**

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

Town Manager La May stated that the SWCCOG report was included in the packet.

Mayor Smith stated that LPCEA will meet next week.

Trustee Davenport stated that RHA will meet tomorrow.

Trustee Salka stated that SWTPR will meet on June 5<sup>th</sup>.

Trustee Sanders stated that Region 9 had sixteen business inquires and approved three new loans.

Carol McWilliams stated that the Senior Board will meet next Wednesday.

**Action Agenda Item #7: New/Unfinished Business**

Town Manager La May stated that breakfast with the County Commissioners will be on June 11, 2105.

Mayor Smith stated that CML will be holding a meeting at the Durango Rec Center on May 12, 2015.

Meeting was adjourned at 7:52 pm.