

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

**Town Board Members Present:** Trustee Dallison, Trustee Davenport, Trustee Nelson, Trustee Nyberg, Trustee Polites, Trustee Sanders, Mayor Salka

**Town Board Members Absent:**

**Staff Present:** Chris La May (Town Manager), Jeff Robbins (Town Attorney), Kathleen Cathcart (Town Clerk), Joseph McIntyre (Marshal)

**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 June 21, 2016 as presented. Trustee Davenport seconded.

All were in favor.

Motion passed unanimously.

**Approval of Bills:** Trustee Davenport made a motion to approve the bills dated June 22 through June 30, 2016, including the additional bill to Comdata sent by email. Trustee Nyberg seconded.

Roll call: 7 – 0 (Trustee Nelson recused herself from voting on the payment to Bayfield Auto Care)

Motion passed unanimously.

**General Public Input:** Mr Teddy Jack, 542 W. North Street, wanted to publicly thank Marshal McIntyre for his assistance with an issue he had at his residence.

**Award Recognition:** Town Manager La May and Mayor Salka presented Town Clerk, Kathy Cathcart, Sergeant Dan Cyr and Sergeant Dan Abdella with 5 Year Appreciation Awards.

Town Manager La May stated that the Bayfield Marshals Office was recently recognized by the Colorado Association of Chiefs of Police and given the American Spirit Award for the State of Colorado. Town Manager La May read his letter of support regarding Marshal McIntyre and the Bayfield Marshals Office.

Marshal McIntyre stated that, two weeks ago, he attended the Colorado Association of Chiefs of Police Annual Conference, in Grand Junction. In April of 2016, Marshal McIntyre on behalf of the Bayfield Marshals Office submitted an application for the C.A.C.P. American Spirit Award. He accepted this award on behalf of his department at the Annual Conference. Marshal McIntyre gave a brief description of what it took for his department to win this award. He thanked Town Manager La May, former Mayor Dr. Rick Smith, Upper Pine Fire Chief Bruce Evans, Kathy Morris with San Juan BOCES, Troy Zabel Bayfield School District Superintendent, Leon Hanhardt Bayfield High School Principal and Sheryl Kaufman Bayfield High School Dean of Students, for their letters of support. Marshal McIntyre presented each member of his department the C.A.C.P American Spirit Award.

**Town Updates:** Town Manager La May stated that the 4<sup>th</sup> of July was an extremely successful event.

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**Public Hearing**

**1. Lot 8, Mountain View Subdivision (AKA 675 E. Colorado Drive)-Request For Change In Land Use To Busienss (B)**

Town Manager La May stated that the applicant, Pine River Trading Company, in addition to lease of property at 42456 U.S.Highway 160, owns the property located at 675 E. Colorado Drive (Lot 8, Mountain View Subdivision). Lot 8, Mountain View Subdivision currently is classified as R-40 Single Family Residence. Pine River Trading has begun using the lot for storage of motor vehicles and power sports equipment associated with the company's pawn operations at 42456 US. Highway 160. The Town notified the owner that the use of property at 675 E. Colorado Drive was not consistent with the allowed uses in the R-40 Single Family Residence land use classification. Property owner subsequently applied to the Town to change the land use classification of the property to Business (B) in order to continue using the property for storage of vehicles. Pine River Trading Company, under Pine River Motor Company, holds a State of Colorado dealer's licenses for used motor vehicles and used power sports equipment. According to the State of Colorado Department of Revenue both licenses are active. The licenses are for the location at 42456 US Highway 160, and therefore, transactions must take place at that location. 675 E. Colorado is used for storage of the vehicles and transactions are not permissible at that location. Application for change in Land Use Classification was filed and fees were paid May 13, 2016. Agency comments for change in land use classification were sent to referral agencies on May 20, 2016. Responses received are summarized as follows:

**1) La Plata Electric Association**

No objection.

**2) Upper Pine River Fire Protection District**

No concerns.

**3) Black Hills Energy**

No comments received.

**4) USA Communications**

No comments received.

**5) CenturyLink Communications**

No comments received.

**6) Bayfield Public Works**

Water meter needs to be relocated at the owner's expense, as it is not traffic rated and at present location could be damaged from vehicle traffic.

**7) Bayfield Marshal's Office**

No issues.

**8) La Plata County – Planning**

Provided project is consistent and compatible with Comprehensive Plan and Land Use Code, no specific comments.

**9) Bayfield School District**

No comments received.

**10) Colorado Department of Transportation**

No concerns about this proposed rezoning. At such time the applicant may request any use other than the proposed storage lot, CDOT would wish to review a full Access Permit Application.

The property is in the existing Town limits. The Bayfield Comprehensive Plan does not identify future land use within the Town limits; however, reclassification of Lot 8, Mountain View Subdivision to Business (B) appears to be consistent with the character of the neighborhood. The property directly east of Lot 8, Mountain View Subdivision, is zoned Business (B). The property directly west is classified as Transitional (T) and allows for business uses. The future Land Use Map identifies properties further east as General Commercial. Finally, the Business (B) land use classification is consistent with property fronting US Highway 160. Vehicle sales and services, self-service storage use, retail sales and services are all permitted uses in the Business (B) land classification. Outside storage of boats and campers is an allowed accessory use in the Self-Service Storage

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use category. Vehicle storage is an accessory use in the Vehicle Sales and Service use category; and storage of goods is an allowed accessory use in the Retail Sales and Service use category. In accordance with Section 7-9 of the Bayfield Land Use Code, any change in use must meet the parking requirements of the Land Use Code. Every lot used as a public or private parking area will be developed and maintained to minimum requirements, which in addition to dimensional standards, includes prohibition of backing from parking lot into public street, circulation isles, clearly marked entrances, paved parking areas, and buffer to residential property. Alternatively, parking provisions may be waived by commission, by resolution. Changes to the property surface (i.e. pavement) would require engineered grading and drainage plan and report, which would likely require storm water facilities. The request to change land use classifications was noticed in the Pine River Times May 27, June 3, June 10, and June 17, 2016 editions of the Pine River Times. Applicant was responsible to provide notice to property owners within 200 feet of the property. Public Hearing was noticed for the June 21, 2016 regularly scheduled meeting. The applicant was not able to attend and the public hearing continued to July 5, 2016. The Board of Trustees shall hold a public hearing in accordance with the public hearing procedures outlined in Section 3-3 of the Land Use Code. The Planning Commission was asked to consider the physical arrangement of the project, compliance with the Town's Comprehensive plan, Town policies and public testimony at a public hearing held Tuesday, June 14, 2016. The Planning Commission was asked to consider the following criteria in its action on the application:

- (1) Was the existing land use district adopted in error?
- (2) Has there been a change of character in the area?
- (3) Is there a need for the proposed uses within the area or community or will there be benefits to the community?
- (4) Are the proposed uses compatible with the surrounding area or uses?
- (5) Will there be adverse impacts from the allowed uses and can these impacts be adequately mitigated?
- (6) Are adequate public facilities and services available to serve development for the type and scope of uses suggested by the land use district category?
- (7) Is the proposal in conformance with the intent, policies and requirements of the Bayfield Comprehensive Plan?
- (8) Is the proposal solely to provide special privileges to a single piece of land that is surrounded by properties with other land use district designations?

Staff recommended the Planning Commission recommend the Board of Trustees approve Ordinance 399, an Ordinance Rezoning certain Property within the Town of Bayfield to Business (B). However, put property owner on notice that the property will need to comply with Section 7-9 of the Bayfield Land Use Code related to off-street parking and Section 5.1 of the Town Infrastructure Design Standards related to Storm Drainage Systems. Following the public hearing, the Planning Commission moved to recommend the Board of Trustees approve Ordinance 399, an Ordinance Rezoning certain Property within the Town of Bayfield to Business (B) with staff recommendations regarding Section 7-9 of the Bayfield Land Use Code related to off-street parking and Section 5.1 of the Town Infrastructure Design Standards related to Storm Drainage Systems. Motion passed unanimously 5 - 0. The Town Board shall consider the physical arrangement of the project, the recommendations of the Planning Commission and any public testimony. The Town Board shall by motion either approve or deny the request and shall include, if applicable, the reasons for denial. Staff recommends approval of Ordinance 399, an Ordinance Rezoning certain Property within the Town of Bayfield to Business (B).

Mr. Dennis Larson stated that he appreciated the Board's consideration. He stated that in the future his family would like to build on this property to accommodate their Pawn Shop. The property is currently being used for storage. He also stated that he would like to forego the drainage requirements until new construction on the property begins.

Town Manager La May requested that his staff report be included in the Public Record.

The Public Hearing was closed.

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**Action Agenda Item #1: Consideration Of Approval Of Ordinance 399, An Ordinance Rezoning Certain Property Within The Town Of Bayfield To Business (B)**

Trustee Polites made a motion to approve Ordinance 399, an ordinance rezoning certain property within the Town of Bayfield to Business (B). Trustee Dallison seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #2: Presentation Of The Financial Statements For Fiscal Year Ended December 31, 2015**

Town Manager La May stated that the Local Government Audit Law (Section 29-1-601 et seq., C.R.S.) requires Colorado local governments to have an annual audit of their financial statements. The law states that the audit must be performed by an independent Certified Public Accountant (CPA) and be in accordance with generally accepted auditing standards. The Town has a contract with Hinton Burdick CPA's and Advisors for independent audit services. Chad Atkinson, CPA with Hinton Burdick CPA's and Advisors will present the 2015 Financial Audit.

Mr. Chad Atkinson gave a Power Point Presentation outlining the completed 2015 Financial Audit.

Trustee Nelson made a motion to to accept the audit report for the fiscal year ending December 31, 2015. Trustee Nyberg seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #3: Consideration Of Approval Of Resolution 369, A Resolution Of The Town Of Bayfield Appropriating Money To The Transportation And General Funds For Purpose Of Monitoring And Maintenance Of Newly Proposed Wetland And Southwestern Willow Flycatcher Habitat**

Town Manager La May stated that the Town has received the 404 Nationwide Permit for the Bridge Replacement Project from the US Army Corp of Engineers (USACE). The Permit requires the Town to mitigate for impacts to waters of the U.S. by purchasing 0.19 acres of wetland credits and 232 of stream habitat at the Animas River Wetlands; constructing 0.23 acres of palustrine scrub shrub / palustrine emergent wetland and enhancement of 0.09 acres of palustrine emergent wetland within an offsite preserve; and to restore, monitor and maintain 0.77 acres of temporary impacts to waters of the U.S. on the project site. The first requirement to purchase wetland credits was accomplished in October of 2015. The remaining requirements to construct and enhance wetlands and southwestern willow flycatcher habitat will be completed during the bridge replacement project. The Nationwide Permit requires a financial assurance to ensure that the wetlands and habitat are indeed created, but also maintained. This may be in the form of a bond, but as a public entity, the USACE in accordance with C.F.R. 332.3(n)(2) financial assurances may be in the form of legislative appropriations for government sponsored projects, subject to the approval of the U.S. Army Corp of Engineers, District Engineer. U.S. Army Corp of Engineers has reviewed and accepted the attached resolution as an appropriate financial assurance. The financial assurance needs to be provided to the USACE prior to construction. Staff recommends approval of Resolution 369, A Resolution of the Town of Bayfield Appropriating Money to the Transportation and General Funds for Purpose of Monitoring and Maintenance of Newly Proposed Wetland and Southwestern Willow Flycatcher Habitat.

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Trustee Davenport asked how this \$50,000.00 would fit within the parameters of the Transportation Fund.

Town Manager La May stated that because the impacts are from a transportation project the funds can be utilized from the Transportation Fund.

Trustee Dallison made a motion to approve Resolution 369, a resolution of the Town of Bayfield appropriating money to the Transportation and General Funds for purpose of monitoring and maintenance of newly proposed wetland and Southwestern Willow Flycatcher Habitat. Trustee Nelson seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #4: Consideration Of Approval Of Change Order No. 1 To 2016 Waterline Replacement Project To Extend Project Additional 850 Linear Feet**

Town Manager La May stated when the contract was initially awarded to Canyon Construction for the Waterline Replacement Project on South Mesa Avenue, it was discussed that because their bids were so competitive and that there would be remaining grant funds available we could possibly extend the project an additional 850 feet to complete the line to the end of the street. FEI Engineers have almost completed the design for the extension of this project, to the end of Mesa Avenue. The contractor is prepared to continue moving down Mesa Avenue at this time. The engineer has provided a cost estimate of approximately \$165,000.00. Staff is asking for authorization to move forward with the project and bring back the documents for an official execution of the Change Order at a later date. Staff is asking for an amount not to exceed \$180,000.00 to complete the waterline down Mesa Avenue.

Trustee Polites asked if the entire \$180,000.00 would be coming out of grant funds.

Town Manager La May stated that \$30,000.00 would be grant dollars.

Trustee Davenport asked if the Board was to approve staff's request, when would the contractor complete the project.

Town Manager La May stated that he would estimate completion by mid August. Staff's goal it to be complete before school starts.

Trustee Polites made a motion to authorize Town Manager La May to execute Change Order No. 1 to the 2016 Waterline Replacement Project to extend the project an additional 850 linear feet, in an amount not to exceed \$180,000.00. Trustee Davenport seconded.

Roll call: 7 – 0

Motion passed unanimously.

**Action Agenda Item #5: Board Reports (SWCCOG, LPCEA, RHA, SWTPR, Region 9, Other)**

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

Trustee Nelson stated that SWCCOG will meet later in the week.

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Trustee Davenport stated that RHA will meet in August.

Town Manager La May stated that SWTPR will meet in August.

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

Trustee Dallison stated that the Senior Board will meet next week.

Mayor Salka stated that LPCEA is still discussing the Business Park Study, High Speed Internet and the Airport Expansion.

**Action Agenda Item #6: Unfinished Business**

Town Manager La May stated that new Town Brand will be released at the next Downtown Block Party on July 21, 2016.

Mayor Salka thanked everyone that helped with the July 4<sup>th</sup> event.

Meeting was adjourned at 8:07 pm.