

Town of Yampa minutes
February 4, 2015

TOWN OF YAMPA
FEBRUARY 4, 2015
YAMPA TOWN HALL

BOARD MEMBERS PRESENT: Mayor Tom Yackey, Mayor Pro-Tem Mike Lewis,
Trustees Brian Ashley, and Jeff Drust

BOARD MEMBERS ABSENT: Tom Estes

EMPLOYEES PRESENT: Public Works Superintendent (PWS) Eric Berry and
Town Clerk (Clerk) Janet Ray

AUDIENCE PRESENT: Jill Andrews, Don Asta, Donna Corrigan, Christie
deGanahl, Joseph Edwards, Kelsi Edwards, Daniel
Espinoza, Scott Gill, Judy Golightly, Daniel Kelly,
Martha King, Cindy Montgomery, Ken Montgomery,
Terri Northrop, Louis Phillips, Randy Sackett, Jerry
Smith, Doug Tussey, Audrey Walker, and Howard
Williamson (note: names taken from sign in sheet)

CALL TO ORDER

Mayor Yackey called the meeting to order at 7:03 pm.

ROLL CALL

Board roll call was taken.

APPROVAL OF MINUTES

Consideration of approval of January 7, 2015 meeting minutes and January 28, 2015 special
meeting minutes

M/S/P Trustees Lewis, Drust to approve the January 7, 2015 regular meeting and January 28,
2015 special meeting minutes.

AUDIENCE PARTICIPATION – NON-AGENDA ITEMS

None

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AUDIENCE PARTICIPATION – SCHEDULED ITEMS

Proposed daycare at South Routt Early Learning Center

Kelsi Edwards was present to inform the Town Board and audience that she and others are working with the South Routt School District to establish a daycare center at the South Routt Early Learning Center. The program would initially be for 2½ to 6 year olds, hours would be 7:00 am to 6:00 pm, Monday through Friday, year round. The South Routt School District board will hear the request at a school board meeting scheduled for Tuesday, February 17, 2015, 7:00 pm at South Routt Elementary. Ms. Edwards stated that it is especially important for anyone interested in using the daycare to attend the school board meeting to show support for the idea. Ms. Edwards also reported that there is an effort underway to provide infant and toddler care in Oak Creek.

OLD BUSINESS

Treatment plant improvements and additional water storage tank update

Engineer Sackett, Civil Design Consultants (CDC), reported that the bid package has been advertised. There is a pre-bid meeting at town hall and a walk through of the water treatment plant and tank site on February 11. The bid was in the legal notices of the Steamboat Pilot on February 1 and will be in the February 8th edition as well. Bid opening is scheduled for February 27th at CDC's offices in Steamboat Springs. CDC is concurrently working on an engineer's opinion of probable construction costs. The bid form is broken out into Schedule A – water treatment plant improvements and Schedule B – water storage tank. This was done so that if the tank project needs to be delayed, it can be without affecting the plant improvements. Attorneys, Bob Weiss and Ward Van Scoyk, are preparing the bid documents. Mr. Sackett told the board and audience that the small communities grant application for the design and construction of the pre-treatment building was awarded. A reminder that this funding will not cover the cost of the new access road. The fully executed Special Use Permit for use of the Third Street property was received. Keesha Cary with the Forest Service will be following up with Clerk Ray regarding next steps in the acquisition of the property. A fully executed contract for the purchase of the storage tank property was received February 2nd. Copies of the contract on the infiltration gallery were sent January 5th to Bobby George for himself, Rita Nelson and Mr. George's attorney to review. Mr. George's attorney was out of the country, due back January 28th so there will be some delay there. The contract was also given to Ron Nielsen and Megan Knott at the Colorado Cattlemen's Agricultural Land Trust for review. Troy Brookshire is working on getting the title commitments for the infiltration gallery and the exchange parcels. Mr. Brookshire and Mr. Sackett are working on the subdivision exemption paperwork with Routt County for the infiltration gallery parcel and water storage tank property. Mr. Weiss is preparing the new access road documents and the agreement for the town to use the existing road for the construction of the water treatment plant improvements that Barbara Palmer has requested.

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A set of the plans and specifications will be delivered to the Forest Service for their review as it relates to the water storage tank.

Wastewater Treatment Plant

The small communities grant application to fund the preliminary engineering report (PER) for the wastewater plant was not approved so other sources of funding will be pursued.

NEW BUSINESS

Consideration of approval of Ordinance 2015-01 – An ordinance amending Title 17 of the Municipal code regarding the regulation of marijuana cultivation for personal and medical use in residential structures and lots

The Clerk read a letter received via email from Karen Tussey reiterating her opposition to the proposed ordinance. The Clerk read a petition and the signers' names on the petition which was presented this evening opposing the proposed ordinance. There were 42 signatures on the petition, 39 signers live within the town limits, 3 signers live outside town limits. Jill Andrews, Audrey Walker, Donna Corrigan, Scott Gill, Joe Edwards, Cindy Montgomery, Kelsi Edwards, Chris deGanahl, and Jerry Smith spoke in favor of the proposed ordinance or voiced their concerns with no regulations or growing marijuana in greenhouses, etc. 5 persons are town residents. 1 has a business in town and 3 live outside town limits. Marty King, Dan Kelly, Danny Espinosa, and Judy Golightly spoke in opposition to the ordinance and specifically asked for easing the restrictions on growing marijuana in greenhouses. These 4 persons are town residents and all 4 also signed the petition. Resident Don Asta stated that he is not speaking for or against the ordinance, but that people need to realize that the state left it to the town boards to manage marijuana within their town limits and that he believes that is what this town board is trying to do. Trustee Ashley asked what the town board options are regarding the proposed ordinance. Clerk Ray stated that the board can vote to pass the ordinance, the board can vote to not pass the ordinance, or the board can vote to table a decision on the ordinance if they want to consider changes. Trustee Drust said that his concerns with allowing marijuana growing in greenhouses is the security and the odor. Trustee Ashley asked what would be the effect of growing 12 plants in a greenhouse? Various answers were given and the thought that perhaps more research needs done on growing marijuana in greenhouses was voiced. Trustee Lewis questioned what the cost of building a permanent greenhouse with a filter or fan would be. He said he understood the rights of the people wanting to grow marijuana, but he thought there was also an obligation to protect the people who have to be around marijuana growing that don't want to have to deal with the odor. Trustee Ashley said he would be in favor of modifications to the ordinance that would allow for an approval system for a greenhouse design and yearly permitting.

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Following discussion, Trustee Lewis moved to approve Ordinance No. 2015-01 – An ordinance amending Title 17 of the Municipal Code regarding the regulation of marijuana cultivation for personal and medical use in residential structures and lots. Trustee Drust seconded the motion and the motion passed on the following roll call voice: Ashley – no, Drust – yes, Lewis – yes and Yackey – yes.

Consideration of approval of renewal for Flattop Liquor, LLC dba Flattop Liquor for retail liquor store license (tabled from January 7, 2015)

Because of the fire destroying the Royal Hotel where Flattop Liquor was located, Clerk Ray had contacted the State Liquor Licensing Division regarding renewal of this license and the State said that the renewal could be filed to “keep the licensee alive” for a period of 1 year. Clerk Ray said that she made Nicole Ager aware of the State's position and Ms. Ager had emailed that they would like to renew; however, there was paperwork that was needed from Ms. Ager for the Town Board to consider renewal and that paperwork had not been received. Following discussion, Trustee Lewis moved to table consideration of approval of renewal for Flattop Liquor, LLC dba Flattop Liquor one more month, to the March 4, 2015 meeting. Trustee Drust seconded the motion and the motion passed on voice vote.

Consideration of approval of renewal for Little Beaver's Liquor, Inc. dba Little Beaver's Liquor Store

Clerk Ray reported that the paperwork is in order and the fees have been paid and Clerk Ray said that she is not aware of any violations. M/S Trustees Lewis, Drust to approve renewal of Little Beaver's Liquor, Inc. dba Little Beaver's Liquor Store and passed on the following roll call vote: Drust – yes, Lewis – yes, Yackey – yes, and Ashley – yes.

Consideration of approval of renewal for Kum & Go LC dba Kum & Go #900

Clerk Ray reported that the paperwork is in order and the fees have been paid and Clerk Ray said that she is not aware of any violations. M/S Trustees Lewis, Ashley to approve renewal of Kum & Go, LC dba Kum & Go #900 and passed on the following roll call vote: Lewis – yes, Yackey – yes, Ashley – yes and Drust – yes.

Consideration of approval of extension of lease for storage for Crossan's M & A Market with Diane Mahoney

M/S/P Trustees Lewis, Ashley to approve the extension of the lease for storage for Crossan's M & A Market with Diane Mahoney by the Town of Yampa. (Note: funding for this lease comes from Friends of Crossan's M & A Market Committee and not from Town of Yampa funds.)

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PUBLIC WORKS DEPARTMENT

Nutrient testing results

The nutrient testing results were in the board and audience packets. There were no questions.

Yampa River watershed meeting report

PWS Berry's report was in the board and audience packets. Mr. Berry made some comments regarding his report.

Ongoing work

PWS Berry reported that he had a leak in the pit where the altitude valve is located at the water treatment plant, which he repaired February 3rd. Minimal snow removal has taken place. PWS Berry and CDC Engineer, Matt Mielke, are going to tour Kremmling's wastewater plant on February 10th. The tour is to view the bio domes they have installed to control the ammonia levels to see if they might work for Yampa's plant.

CLERK'S REVIEW OF POSSIBLE CODE VIOLATIONS (IF ANY) AND REQUIRED ACTION (IF ANY)

Clerk Ray reported that no new violations have been reported to her.

REPORT OF ON-GOING BUSINESS

The Post Office hours change February 9 to 1:00 to 5:00 Monday through Friday; Saturday 8:30 to 10:30. Clerk Ray said she and Todd Hagenbuch accompanied Nancy Kramer when she met with Routt County Commissioners requesting \$5,000 for the Northwest Colorado Cultural Heritage Program. The commissioners approved \$2,000, noting that the request was out of cycle and early in the year. Clerk Ray said she continues to work on the ordinance that is needed for the elevator inspections and that she hasn't made much progress. W2s were completed and given to the employees. The Pinnacol (workman's compensation) audit was completed and returned. The Source Water Protection Program grant contract with the State of Colorado was received, executed and returned to the state. Clerk Ray said she has not put together the information that Colleen Williams, who will prepare the Source Water Protection Plan, needs to begin her work on the plan. Clerk Ray said she needs two file cabinets, one of which needs to be locking.

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REPORTS OF COMMITTEES

Friends of Crossan's M & A Market Committee (FOC)

Committee Chair Drust reported that the State Historic Fund grant for \$200,000 was awarded to us. Chairman Drust said that Architect Jan Kaminiski and Contractor John Dobell need pictures of when the stairwell and back shed addition were still attached to the building. Mr. Berry said he would see what photos he had and Hildred Fogg and Rita Herold were also suggested as sources. Town Board and staff need to begin looking at the plans as well, which Clerk Ray will plan to coordinate.

MEETING REPORTS

South Routt Economic Development Council

Trustee Lewis reported that the EDC is regrouping as some officers and members have resigned or are leaving the area. The EDC will not do the Taste of South Routt this year. They also moved some of their funds from the checking account to a certificate. The next meeting is February 9th at Flattop Ranch Supply in Phippsburg.

Yampa/White/Green Basin Roundtable – Jeff Drust

Trustee Drust had a draft of the minutes from the January 14, 2015 meeting and the vacant at-large position was discussed.

Museum and Heritage Fund Advisory Board (MAHFAB)

Trustee Lewis reported that at the February 3, 2015 meeting the 2015 budgets and 2014 financial statements for the various museum entities were approved.

Northwest Transportation Planning Region

Clerk Ray's report was in the town board and audience packets and the back up materials were circulated for review.

Routt County Building Oversight Committee

Clerk Ray reported that the feasibility of charging permit fees based on travel time was discussed. Chief Building Official, Ben Grush had taken data from the slowest and busiest months of 2014 and put dollars to the information; however, Commissioner Corrigan was not satisfied with the methodology used to determine the data and asked for a full 12 months of data so changes to the process were not voted on at this meeting.

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SCHEDULE WORKSHOPS AND/OR SPECIAL MEETINGS

Clerk Ray noted that the Source Water Protection Plan meeting is scheduled for February 18th. No workshops or special meetings were scheduled.

BOARD MEMBERS AND AUDIENCE REQUESTS FOR AGENDA ITEMS FOR NEXT MEETING

Trustee Ashley asked if there is a time line for clean up of the Royal Hotel. Mayor Yackey said that a foreclosure notice on the property was in the legals of the Steamboat Pilot. At this time, no one knows much about what will happen with the property. There were no items brought up for next month's agenda.

READING OF CORRESPONDENCE AND REQUIRED ACTION IF ANY

Correspondence was circulated; none required action.

REVIEW JANUARY FINANCIALS, METER READING REPORT, AND INVOICES

The January financials and invoices with completed vouchers and the January meter reading report were circulated for review. There were no questions.

READING AND PAYMENT OF BILLS

Clerk Ray read the bills. M/S/P Trustees Lewis, Drust to pay the bills.

ADJOURNMENT

The Mayor asked for further business, hearing none he called for adjournment. M/S/P Trustees Lewis, Drust to adjourn. The meeting adjourned at 9:50 pm.

Thomas E. Yackey, Mayor

Janet L. Ray, Town Clerk

May 6, 2015