

Town of Yampa regular meeting minutes  
February 7, 2018

TOWN OF YAMPA  
FEBRUARY 7, 2018  
YAMPA TOWN HALL

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

BOARD MEMBERS ABSENT: None

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

AUDIENCE PRESENT: Steve Whittall

Call to Order

Mayor Tom Yackey called the meeting to order at 7:00 pm.

Roll Call

Board roll call was taken.

Approval of Minutes

Consideration of approval of October 25, 2017 special meeting and January 3, 2018 regular meeting minutes

Trustee Lewis moved to approve the October 25, 2017 special meeting and January 3, 2018 regular meeting minutes, Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

Audience participation – Non-agenda items

None

Audience participation – Scheduled items

None

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Old Business

Water system improvements update and consideration of any needed approvals (if any)

Clerk Ray reported that she sent the quarterly report on January 16<sup>th</sup> for the Small Communities Grant, No. 15 FECA 79270, for the pretreatment building and transmission line replacement. She requested an extension to the interim deadlines for the pretreatment building design and transmission line design, which was approved. The interim deadlines for the pretreatment building and transmission line design were extended from February 1, 2018 to March 30, 2018. Regarding the Access Road, Civil Design Consultants (CDC) has determined that the road can be located where Barbara Palmer has requested or at least very close. CDC engineer, Mike Beurskens, is doing an exhibit showing proposed access road, existing water line, proposed water line and fencing for Palmers to review. The fully executed Department of Local Affairs (DOLA) grant extension was received from the State on January 16, 2018, extending the grant deadline to September 30, 2018. Clerk Ray reported that the Town received the tax bill for the infiltration gallery property for the portion of year that the property was still owned by Bobby George. The Town received credit at the closing for the taxes, so it is the Town's responsibility to pay the taxes.

Wastewater system improvements update and consideration of any needed approvals (if any)

The permit modification request was signed by Mayor Yackey on January 2 and sent to the Colorado Department of Public Health and Environment (CDPHE) on January 4. Clerk Ray said she has no estimated date of when the town will hear on approval of the modification request. The Preliminary Needs Assessment (PNA) and Preliminary Engineering Report (PER) were sent to CDPHE by CDC on January 5. There is a hard copy here at town hall and Clerk Ray has it electronically upon request. The Preliminary Effluent Limits (PELs) application was submitted December 7, 2017 and CDPHE then let the Town know the cost for the application, which is \$4,200.00 and that check was sent January 4, 2018 to CDPHE. CDC still needs the information from years 2013 through 2017 to do the operations and maintenance cash flow projections that CDPHE needs. Deputy Clerk Phillips has done most of the work on the information, but Clerk Ray says she believes there is a little more work to finish it up. PWS Berry reported that Matt Mielke, CDC, informed him that a class B wastewater license was going to be necessary for the wastewater plant after the improvements are completed and the system is up and running, which is anticipated to be the end of 2019. PWS Berry said that he currently has a class D license, so he will have to obtain a class C license and then a class B license. A person is not allowed to skip the class C, to go directly to class B, but must do them sequentially. He said there are three testing cycles a year and he thinks the next one is midsummer of 2018, but that a person might need signed up by March 1; he'll research it.

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Crossan's update and consideration of any needed approvals (if any) and Friends of Crossan's committee report

Trustee Drust reported that the stairwell siding is being constructed. Trustee Drust had an invoice that was given to him earlier today by John Dobell from Steamboat Lock & Key, the locksmith who had done some work on the front door. The amount is \$305.00. Discussion was had regarding who's responsibility it is – town of Yampa or Friends of Crossan's and it was determined that it is the town's. Trustee Lewis moved to pay the invoice and Trustee Ashley seconded the motion and the motion passed unanimously on voice vote. Trustee Drust said it is time to move items out of the upstairs including the wood cook stove, other stoves and the clawfoot tub. Trustee Drust reported that they can put the items into Dobell's trailer, but the trailer is probably going to need to be a little bit in the right of way of First Street. Following discussion, Trustee Lewis moved to approve the trailer setting in the right of way of First Street until the construction is finished. Trustee French seconded the motion and the motion passed unanimously on voice vote. Trustee French stated that he has about half of his garage that could be used for storage if necessary.

Yampa Home Simple Planned Unit Development (PUD) update and consideration of any needed approvals (if any)

Mayor Yackey noted that Attorney Weiss is planning to call in to report to the town board on the Yampa Home Simple meeting that he had with Mr. Whittall, Ms. Olive and Clerk Ray on January 29<sup>th</sup> and to discuss with the town board how to move forward. Mayor Yackey said we would continue with agenda items while waiting for the call.

Yampa Beautification Plan a/k/a Yampa Downtown Enhancement Plan update

Clerk Ray said that she received comments from Trustees Lewis and Drust and she had her own comments that she sent to Chris Endreson, Technical Assistance Coordinator, Colorado Center for Community Development, for him to pass on to the students. She noted that comments can still be sent in while the students continue work on the plan.

Proposed water/sewer ordinance update and noting of comments (no action will be taken on the proposed update at this meeting)

Clerk Ray reported that she has not received any comments from the public between the time of the public meeting held January 24, 2018 and tonight. Deputy Clerk Phillips did review the proposed ordinance and suggested that there should be a fee for preparing and posting the door hanger that informs the customer the water is about to be shut off for non-payment. Following discussion, it was agreed to add the door hanger fee to the ordinance with the charge being \$20.00. At the town board seats was a copy of an information sheet Clerk Ray would like to include with the February newsletter that details the changes to the water/sewer ordinance. Audience member, Steve Whittall said that he was not in favor of tripling the tap

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fees because he did not think that it was conducive to bringing in new business, especially when there had been no taps sold in the last five years. Mr. Whittall also voiced concerns that the plans for the wastewater plant had not had sufficient time for review before moving forward with the design that was chosen. He stated that he thought the monthly increases to both the water and sewer rates was too much. He also noted that in his research, it appears that the projections are for a 1.5% population increase yearly, which he does not believe Yampa has realized.

### New Business

#### Consideration of Mayor signing Yampa Signature Sheet certifying the Highway Users Trust Fund eligible mileage for 2017 - no changes

Clerk Ray explained that each year the town must certify the eligible mileage, i.e., the number of roads that the town has in order to continue receiving Highway Users Trust Fund dollars. In 2017, Yampa had no changes to the road system. Trustee Lewis moved to accept the report of no changes to the road system and approve Mayor Yackey signing the signature sheet so stating. Trustee Ashley seconded the motion and the motion passed unanimously on voice vote.

#### Consideration of Resolution 2018-02 – A resolution to cancel April 3, 2018 election

Clerk Ray explained that there was one candidate for Mayor, there were two trustee seats up for election and two candidates for those seats, no write in candidates and no other ballot questions for the election, therefore, the election can be cancelled. Trustee Lewis moved to adopt Resolution No. 2018-02 – a resolution to cancel the April 3, 2018, municipal election in the Town of Yampa. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

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

Clerk Ray explained that the lease on Diane Mahoney's garage expires February 28, 2018. The garage is where the items are stored that came out of Crossan's before the rehabilitation began. If renewed, the lease will expire in February 2019. There is some speculation that the garage can be emptied prior to that date, especially with Yampa-Egeria Historical Society having purchased two storage sheds and the fact that some items stored in the garage will be re-located back to the Crossan building when construction is completed. However, at this time, no one can give an estimate of when that might occur. Ms. Mahoney has voiced her willingness to consider letting the town out of the lease early if the garage is emptied prior to the end of February 2019. The second consideration is that Friends of Crossan's has agreed to pay the storage until the construction at Crossan's is complete and ready for items to go back in the building. Yampa-Egeria Historical Society purchased the two storage sheds, but

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did not budget funds to pay for the garage storage. Clerk Ray asked if the Town would consider paying the storage between the time the Friends' obligation ends and the end of the lease. Maximum dollars out of pocket should be around \$1,400.00. Ms. Mahoney will leave the price the same, which is \$175 monthly, payable quarterly. Trustee Lewis moved to renew the lease for storage for the Crossan's M & A Market contents through February 28, 2019 and pay for the storage between the time that Friends of Crossan's is finished with their obligation and the end of the lease if necessary. Trustee Ashley seconded the motion and the motion passed unanimously on voice vote.

Yampa Home Simple Planned Unit Development (PUD) update and consideration of any needed approvals (if any)

Attorney Weiss noted that he was calling in to the meeting to review what took place at the January 29<sup>th</sup> meeting with himself, Mr. Whittall, Ms. Olive and Clerk Ray and to discuss with the town board, next steps in the PUD process. He briefly reviewed the work that planner, Peter Patton, town engineers, CDC, fire department and town staff had done thus far and discussed what appears to be an impasse between what CDC believes they need, to offer the opinion that the project is feasible at the suggested location and what Mr. Whittall believes he should have to provide to get input from the town board, planning commission, and the public on the project. The town board had at their seats tonight, an email from Laura Olive, a partner in the project, requesting an opportunity to present the Yampa Home Simple concept to the Yampa town board and/or planning commission, at a meeting open to the public, that will be a work session and not a formal public hearing on the project. The meeting would allow them to gather feedback that would then allow them to modify the project to address any issues and gauge interest in the project from the standpoint of the public, town board and planning commission. Ms. Olive noted in her request that after the first work session, a second work session might be requested to review any modification to the concept incorporating the feedback from the first work session. She also pointed out that both she and Mr. Whittall understand that in no way, would this meeting or meetings (i.e., work sessions) be construed as a tacit approval of the project, but would open conversation and give them some needed feedback and input so they could make modifications to the plan before they engage in additional expense for professionals to finish the feasibility and then move forward with submitting for approval. Attorney Weiss verbalized that he is concerned about the town board putting forth a plan to the public, that they don't have professional confirmation is feasible at the proposed location – he believes it puts the town board in an awkward position and is poor business practice. He does understand that Mr. Whittall and Ms. Olive do not want to keep putting money into a project that may not be wanted, but questions how people can decide if it is wanted without documentation that the project is feasible at the proposed location. Mr. Weiss remains firm in his belief that the town board, planning commission and public need verification from a professional, i.e., engineer that the project is feasible in the proposed location and that life safety issues can be met. Following the telephone call with Mr. Weiss, Clerk Ray stated for both Mr. Whittall and the Town Board that Mr. Whittall would provide a letter from a Colorado licensed engineer stating that

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the project at the proposed location is feasible. Both Mr. Whittall and the Town Board agreed and said they understood. Mr. Whittall said that he thought he was at least a month out from providing the letter. Clerk Ray said it would probably take a minimum of four to six weeks for the notifications to the public of the work session, 8 weeks maximum. Mr. Whittall said that he wished Mr. Weiss would have spoken to the development of Roselawn Avenue and First Street. He said he would be doing some engineering on both streets in the summer of 2018 because it benefits the property in general and access to it. He said he has been and will continue talking to his neighbors about it. He noted that he is talking about a 24 ft right of way, not 60.

#### Public Works Department

#### Consideration of Eric Berry's attendance at 2018 Colorado Rural Water Association annual conference February 12-15, 2018

Trustee Lewis moved to approve PWS Berry attending the 2018 Colorado Rural Water Association annual conference February 12 through 15. Trustee French seconded the motion and the motion passed unanimously on voice vote.

#### Consideration of appointment of Eric J. Berry as voting delegate to Colorado Rural Water Association annual meeting

Trustee Lewis moved to appoint PWS Berry as Town of Yampa's voting delegate to the Colorado Rural Water Association annual meeting. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

#### January 2018 nutrient testing results

The January 2018 nutrient testing results were in town board and audience packets. PWS Berry noted that the report form that must be used and submitted to CDPHE by April 15 on the results is now available on CDPHE's website. There were no questions on the testing results.

#### Routt County All-Hazards Multi-Agency Coordinating Advisory Group meeting report

PWS Berry reported that he attended the Routt County All-Hazards Multi-Agency Coordinating Advisory Group meeting on January 31<sup>st</sup>. He said that this first meeting was an organizational meeting that mainly involved the emergency services agencies. In addition, a location for Routt County's emergency operations center was discussed, along with training. The Stagecoach Dam Functional Exercise After Action Review and Improvement Plan, the Hazard Mitigation Plan update and the Routt County Emergency Operations Plan update were discussed. PWS Berry said that he thought the only

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involvement he would have would be if there were an emergency in Yampa that involved him as Public Works Superintendent.

#### Ongoing work

PWS Berry reported that he had been helping Clerk Ray with spreadsheets and numbers for the water and sewer ordinance update. He and Public Works Assistant, Greg Samuelson, have been doing equipment maintenance. PWS Berry said he plans on getting the Christmas decorations down soon and he is still working with Short Arc Welding Services as to when they want the street light pole, so they can begin repairs. He reported that the gate work for Fish & Cross is done. Clerk Ray stated that several air bag recall notices for the Dodge truck have been received; PWS Berry said he would get it scheduled for repair soon.

#### Clerk's review of possible code violations (if any) and required action (if any) and report of on-going business

#### Code violations

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

#### Ongoing business

Clerk Ray said that she is finishing up the November 1 regular meeting and still needs to do the 3 November special meetings and the December 6 regular meeting minutes to be caught up. The audit meeting attended by auditor Chris Catterson, Trustee Lewis, Deputy Clerk Phillips and Clerk Ray went well and Ms. Phillips and Ms. Ray are putting together the information needed for audit. The letter from the Colorado Water Resources and Power Development Authority (CWRPDA) regarding the loan covenant compliance was discussed and Mr. Catterson will do follow up with CWRPDA. W2s were sent to employees, the Social Security Administration and State of Colorado and 1099's were sent as well by the January 31, 2018 deadline. Regarding the April municipal election, because the election will be cancelled, the transition meeting from the outgoing board to the incoming board can take place at the April meeting. Clerk Ray said she still needs to complete the reconciliations before the Town can receive the State Historic Fund reimbursement via Historic Routt County and the Friends of Crossan's reimbursement.

Kasey O'Halloran was hired for the part-time clerk position and will start next Monday, February 12<sup>th</sup>.

#### Reports of Committees

None

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Meeting Reports

Routt County Regional Building Department Oversight Committee meeting

Clerk Ray circulated the documents received and reviewed at the January 17, 2018 meeting. There was no discussion.

Museum and Heritage Fund Advisory Board report (MAHFAB)

Trustee Lewis reported that the January 30, 2018 meeting was to review 2017 financials and 2018 budgets for the museum entities. All museum entities were approved by MAHFAB. The approval recommendation will move forward to the Board of County Commissioners. The next MAHFAB meeting is scheduled for April 24, 2018.

Schedule Workshops and/or Special Meetings

No workshops or special meetings will be scheduled at this time; Mayor Yackey will call as needed.

Board Members and audience requests for agenda items for next meeting

None

Reading of Correspondence and required action if any

Correspondence was circulated for review. None required board action.

Review financials, December and January meter reading reports and January invoices/vouchers

The financials were in town board and audience packets for review. The December and January meter reading reports and the January invoices with completed vouchers were circulated for review.

Reading and Payment of Bills

Clerk Ray read the bills. Trustee Lewis moved to pay the bills, Trustee Drust seconded the motion and the motion passed unanimously on voice vote.



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Adjournment

The Mayor asked for further business, hearing none he called for adjournment. Trustee Lewis moved to adjourn, Trustee Drust seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 10:06 pm.

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Thomas E. Yackey, Mayor

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Janet L. Ray, Town Clerk

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April 4, 2018