

Town of Yampa minutes
Regular meeting March 6, 2019

TOWN OF YAMPA
MARCH 6, 2019
YAMPA TOWN HALL – 101 MAIN STREET
CROSSAN BUILDING-2ND FLOOR

BOARD MEMBERS PRESENT: Mayor Robert Symons, Mayor Pro-Tem Mike Lewis, Trustees Brian Ashley, Jeff Drust and Crystal McLaughlin

BOARD MEMBERS ABSENT: None

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

AUDIENCE PRESENT: Tim Corrigan, Beth Melton, Doug Monger, Ken Montgomery, Tom Sullivan and Dan Weinheimer

Call to Order

Mayor Symons called the meeting to order at 7:05 pm.

Roll Call

Board roll call was taken.

Minutes

Consideration of approval of minutes – regular meeting September 5, 2018, special meeting September 12, 2018, and special meeting November 28, 2018

Trustee Lewis moved to approve the September 5, 2018 regular meeting, September 12, 2018 special meeting, and November 28, 2018 special meeting minutes. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

Audience participation – Non-agenda items

None

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Audience participation – Scheduled items

Routt County Board of County Commissioners annual visit

The county commissioners, county manager and county assistant manager were present to give a report on happenings in the county and to address any concerns or questions the town board and audience might have. They reported that the Combined Law Enforcement Facility (CLEF) was on schedule and under budget. There has been a new accounting system put in place for the county, they spoke about legislative issues that could affect northwest Colorado. The Colorado Water Plan was discussed and how uses in the remainder of the state and the lower basin states affects northwest Colorado. The shortage of infant and toddler care providers was discussed. The overuse of Buffalo Pass and expanded use of the forest has been a topic of conversation between the county and the forest service. Commissioner Melton is attending Steamboat Springs Chamber meetings and reiterated that with the county's involvement in the organization economic development in the municipalities can possibly be assisted by the Chamber. Census 2020 was mentioned and the importance of an accurate count. It was stated that a Census 2020 Committee will probably be formed and that Clerk Ray will probably be receiving an email about it and the commissioners are encouraging the municipalities to participate with the county. The county is currently updating the Hazardous Mitigation Plan and it was noted that Yampa is participating in that with PWS Berry attending the meetings. The commissioners were brought up to date on the status of both the water treatment facility improvements and the wastewater facility improvements. The lack of quality broadband and cell service were touched on. Yampa Valley Electric Association's efforts on the broadband were mentioned. It was noted that United States Department of Agriculture (USDA) funding might be available for expansion of service.

Old Business

Water system improvements update and consideration of any needed approvals including Civil Design Consultants (CDC) Yampa Water Transmission Line Replacement proposal

Clerk Ray reported that Randi Johnson-Hufford and the contract department at Colorado Department of Public Health and Environment (CDPHE) are working on the amendment to the Small Communities Grant (SCG) to reallocate the funds from the pretreatment facility to the transmission line. \$77,938.06 has already been paid on the pretreatment facility, \$177,542.57 was paid to complete the water treatment facility improvements, \$27,093.07 is allocated for the transmission line design, which breaks down to \$21,500 for the remaining work plus \$5,593.07 which has already been paid, leaving \$667,426.30 available for construction. Regarding the schedule in CDC's proposal, they listed authorization to proceed by March 7th which is too soon, but should be able to proceed in the next 2 to 3 weeks. The design work will be done from March to June 2019, with the project ready to bid by June 2019. CDC shows construction in July/August 2019 and that needs changed to

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September if possible, to avoid Bobby George's haying season, with substantial completion in October 2019, with final completion May 2020, and project closeout by June 17, 2020. The SCG extension to 6/17/2020 is already in place. Clerk Ray said that she has not contacted Barbara Palmer nor Bobby George regarding the project, although Ms. Palmer does get the newsletter so she knows the Town is making the change. Mr. George probably does not. Trustee Lewis volunteered to speak with Mr. George. Clerk Ray said it would be best to know what the Town might be looking at cost wise if the hay crop is damaged and an agreement in place prior to beginning the work. She will speak with attorney, Bob Weiss, about drawing up an agreement. The Town will also be responsible for the cost of revegetating the hay meadow after the project. PWS Berry said there are several large rocks still present from when the transmission line was installed in the 1970's that should be cleaned up during this project. Clerk Ray said that she does not yet have answers regarding when the mesa was flooded to recharge the infiltration gallery. Clerk Ray said that she contacted the forest service regarding the purchase of Third Street and they have made no progress on their end; therefore, the Town needs to renew the special use permit. The efforts by the Town to purchase Third Street are so the water line and south half of the street will be on town property and not forest service. The special use permit allows the water line to be located on forest service property in the interim. The Town Board reviewed and discussed CDC's proposal regarding the water transmission line replacement. Trustee Lewis moved to approve and authorize Mayor Symons to sign CDC's proposal for the water transmission line replacement noting two changes in the schedule, the first being the authorization to proceed date of March 7 as CDPHE will need 2 to 3 weeks to complete the work on the grant amendment and the construction of the transmission line will be in September if possible rather than July/August 2019 and still stay on schedule. Trustee McLaughlin seconded the motion and the motion passed unanimously on voice vote.

Wastewater system improvements update and consideration of any needed approvals
(Yampa SCG 2016 Extension in packet)

Clerk Ray reported that Assistant Clerk O'Halloran has communicated with realtor Troy Brookshire to try to get pricing for the 1 to 3 acres south of and adjacent to the wastewater treatment facility. Donna Corrigan suggested appraiser Lori Elliot might be able to assist as well. No answers have been received. On March 1st, the Town received the Department of Local Affairs (DOLA) grant award letter for the wastewater plant design and engineering alternatives analysis. Clerk Ray, Greg Winkler, DOLA, Mary Andre, CDC, have a teleconference tomorrow morning regarding the project. Randi Johnson-Hufford, Colorado Department of Public Health and Environment (CDPHE) is processing the extension of the wastewater small communities grant. Clerk Ray reported that Matt Mielke and Mary Andre had a conversation with Terry at Stantec (subcontractor with engineering expertise on the wastewater plant improvements) and he said that they are receptive to limiting their role and reducing their scope of work to time & materials for a lump sum to be determined at a later date as they would like to stay involved with the project. The Town Board can decide on that when more information about what the project will involve is known. The permit

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renewal was submitted to CDPHE and Clerk Ray communicated that information to Greg Winkler at DOLA. Trustee Lewis moved to approve the extension request in the grant application Statement of Work. Trustee Ashley seconded the motion and the motion passed unanimously on voice vote. Trustee Ashley moved to approve the date changes outlined in the deliverables in the Statement of Work. Trustee McLaughlin seconded the motion and the motion passed unanimously on voice vote.

Crossan's update and consideration of any needed approvals

Clerk Ray reported that the Town received invoice no. 5720 dated 3/5/19 in the amount of \$3,412.43 for labor and parts to repair the boiler, gutter and snow fence labor and materials and labor and materials on the chimney caps. Mayor Symons questioned why the Town was charged for 3 chimney caps when there are only 2 chimneys. Clerk Ray did not have an answer. Trustee Drust explained the boiler repairs. Clerk Ray was directed to get an answer from Mr. Dobell regarding the chimney caps prior to the April town board meeting. Trustee Lewis moved to table a decision on paying Invoice No. 5720 dated 3/5/19 until the April 3, 2019 town board meeting. Trustee McLaughlin seconded the motion and the motion passed unanimously on voice vote.

Design criteria guidelines follow up

Clerk Ray reported that she received a response from attorney, Bob Weiss, in which he said he did take a brief look at zoning powers of statutory towns and that §31-23-301(5)(b) appears to allow such authority; however, he did not find case law to back up his thoughts and he would need to do more in-depth research to give a more decisive reply. Mr. Weiss also had concern with some of the language in the draft ordinance and the review process outlined in the draft. Clerk Ray said that she informed Noreen Moore of Mr. Weiss's response, which Ms. Moore shared with the design criteria group. Clerk Ray has brought this back to the town board to ask how they want to proceed. Discussion confirmed that it would be a waste of time for someone to rework the ordinance until the town board has a better idea as to their regulatory control. Clerk Ray was instructed to have Mr. Weiss do more in-depth research on the town board's regulatory rights and Clerk Ray will do further research through the Colorado Municipal League's Clerks' List Serve.

Stillwater Ditch update and consideration of any needed approvals

Clerk Ray reported on an update from Andi Schaffner that explained that she and Rick Milway met with Tom Sharp and Ken Brenner, Upper Yampa Water Conservancy District (UYWCD) on February 26, 2019. Following that meeting, the ditch owners are ready to hire an attorney to draw up a contract to take to UYWCD. When a draft is prepared, it will be circulated to all ditch owners. Clerk Ray had asked how payment to the attorney would be figured, i.e., would it be divided among the ditch owners equally, by percentage on the shares owned, or some other calculation. Ms. Schaffner said that she wasn't sure, but that

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with the town's small number of shares, they aren't expected to pay anything at this time. Mayor Symons asked what the monetary value of the town's shares are. Clerk Ray does not know. Following discussion, Trustee Lewis moved to table a decision on providing a monetary contribution to draft the contract until the cost estimate is received. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

New Business

Town of Yampa reaffirmation of Northwest Transportation Planning Region (NWTPR) Intergovernmental Agreement (IGA) participation and approval of NWTPR Memorandum of Understanding (MOU) between City of Steamboat Springs and Colorado Department of Transportation (CDOT)

Trustee Lewis moved to reaffirm Town of Yampa's participation in the IGA for a regional planning commission for transportation planning, specifically the Northwest Transportation Planning Region and approval of the MOU between the City of Steamboat Springs and CDOT to provide secretarial support, meeting space, etc. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

Public Works Department

First Quarter 2019 water testing results

The test results were in town board and audience packets for review. There were no questions.

January 2019 nutrient testing results

The test results were in town board and audience packets for review. Mayor Symons commented that the numbers seem to be up compared to last year and PWS Berry agreed, but didn't have an explanation. He reminded the town board that the testing must be done and the results reported to CDPHE, but that there are not standards that have to be met yet.

Report on 2019 Colorado Rural Water Association annual conference

PWS Berry reported on the conference where he took several classes to maintain his certification, visited vendor booths with products that might help the town and attended the annual meeting.

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Report on March 1, 2019 Northwest Colorado Council of Governments Water Quality/Quantity Committee meeting (NWCCOG-QQ)

PWS Berry reported on the QQ Committee meeting he attended. At the meeting, there was discussion with the new Colorado Department of Natural Resources Director, Dan Gibbs, and updates on the Colorado River Cooperative Agreement implementation, “Waters of the US” 2019 Proposed Rule, water quality, and the legislative session.

Ongoing work

PWS Berry said they had been plowing snow, fixing equipment and he completed the wastewater permit renewal and submitted it.

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

Code violations

Clerk Ray reported that she has not received any new code violations since the last meeting, nor has she made any progress with the code violations that have been previously reported.

Report of on-going business

Clerk Ray said that the remaining 2018 minutes and January 2019, in draft form, have been given to Deputy Clerk Phillips to proofread, but not in time for her to have them back for this March meeting. Both Clerk Ray and Deputy Clerk Phillips have been preparing for the audit. The community survey is ready to go in paper form with the March newsletter and billing and Assistant Clerk O’Halloran has it ready for the website. Clerk Ray reported that the information Charlene Regan needed from the town related to placing a dwelling unit on the triangle shaped piece of property on the northeast side of the highway, behind the CDOT property that is within town limits was sent to her.

Reports of Committees

None

Meeting Reports

Northwest Transportation Planning Region report

Clerk Ray had written reports for the town board and audience packets and she passed around the materials used during the meeting. In addition to the report, Clerk Ray said that it was announced that they had pulled the funding for design and engineering for Highway

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131 shoulders through Oak Creek Canyon because of cost. Clerk Ray said she did not know who made that decision and will do further research. She did note that although she was not in attendance at the last meeting, there was no mention in the minutes of discussion at the TPR meeting. Clerk Ray also noted that there is now a list of NWTTPR projects that will be ongoing. She made copies for the town board so they could see the list as compiled so far and encouraged them to add projects if they thought of any. She noted that when thinking of projects think freight, safety, multi-modal, economic development, transit, mobility, congestion and so on.

South Routt Economic Development Committee (SREDC)

Trustee Lewis reported on the meeting held February 28th. They will award a \$500 scholarship to a graduating Soroco senior again this year. They will have election of officers in August and will revive the website. The next meeting is Thursday, April 4, 6:00 pm, Travel Lodge conference room in Yampa.

Schedule Workshops and/or Special Meetings

The joint workshop with the Yampa Fire Protection District is scheduled for March 13th at Town Hall on Lincoln Street. Workshops or special meetings will be called if and as needed for March 20 and 27.

Members and audience requests for agenda items for next meeting

Ken Montgomery asked Clerk Ray if she was aware that for alcohol to be consumed on public property, a designated place such as one of the parks needs to be named in a resolution. Clerk Ray pointed out that currently, Yampa has a law that alcohol cannot be consumed on public property at all so she will do some research and the town board will need to decide what they want to do. This will likely need to be an agenda item later than the April meeting.

Mayor Symons asked for discussion of the ATVs/UTVs being allowed on town streets to be an agenda item for the April meeting.

Reading of Correspondence and required action if any

The Community Agriculture Alliance's Ag Appreciation week is March 18th and the Ag Appreciation breakfast is March 20. Trustees Ashley and Lewis said they would attend again this year. Clerk Ray noted that there is a cost of \$6.00 per person to attend this year. CDOT's annual visit to the Routt County Commissioners is June 11, 11:00 am during the Commissioners' regular meeting. Other correspondence was circulated for review. None required board action.

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Review February financials (in packet), February meter reading report and February invoices/vouchers

February financials were in town board and audience packets for review. The February meter reading report and the February 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 McLaughlin seconded the motion and the motion passed unanimously on voice vote.

Adjournment

Mayor Symons asked for further business, hearing none he called for adjournment. Trustee Lewis moved to adjourn, Trustee McLaughlin seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 10:45 pm.

Robert A. Symons, Mayor

Attest:

Janet L. Ray, Town Clerk

May 1, 2019