

Town of Yampa
June 3, 2015 minutes

TOWN OF YAMPA
JUNE 3, 2015
YAMPA TOWN HALL

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

BOARD MEMBERS ABSENT: None

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

AUDIENCE PRESENT: Bill Ager, Chris Catterson, Donna Corrigan, Peter Flint,
Michael French, Michelle Mahosky, Randy Sackett,
Jan Symchych

CALL TO ORDER

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

ROLL CALL

Board roll call was taken.

MINUTES

None

AUDIENCE PARTICIPATION – NON-AGENDA ITEMS

Michelle Mahosky with Friends of Gateway Yampa was present to suggest that the 1st flea market date would be August 22 in the southeast corner of River Park and the 2nd would be September 19 in the area of the Wasinger building and Montgomery's and the Town Board saw no problem with either date or location.

AUDIENCE PARTICIPATION – SCHEDULED ITEMS

2014 Audit Presentation

Auditor Chris Catterson reviewed the draft audit with the town board and audience and answered questions.

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Consideration of acceptance of 2014 audit

M/S Trustees Lewis, Drust to accept the 2014 audit and the motion passed unanimously on voice vote.

OLD BUSINESS

Treatment plant improvements and additional water storage tank update and consideration of any needed changes or approvals

Engineer Randy Sackett, Civil Design Consultants (CDC) reported that the amendment to the Energy Impact Fund grant was fully executed on June 2, which means the Town is able to move forward on the Water Treatment Facility (WTF) and Water Storage Tank (WST) project. Mr. Sackett said that Duckels had informed him that they will not be looking at any increases to prices due to the fact that there had been delays in ordering because of what they felt was uncertainty regarding funding as he had indicated at the special meeting on May 27. CDC had recommended that Duckels begin submitting submittals so CDC could begin to review them, which Duckels agreed to. Submittals are shop drawings, cut sheets, equipment, materials, etc. that need reviewed by CDC prior to work being done. The only item coming up that would be an additional cost at this time is the electrical (\$6,500), but no decision needs to be made by the town board on that this evening as we are waiting for more information. CDC also suggested that Duckels begin looking at long lead time items related to the American Iron and Steel Act and CDC suggested that they be reviewing the contract, bonding, etc. No items with long lead times have been identified at this point. Mr. Sackett reviewed the calendar that was given out at the May 27th special meeting and said that everything has occurred between May 27 and today that was identified on the calendar.

Mr. Sackett reviewed the various Notices of Award that were prepared. The first one is a combination of Schedules A & B and totals \$2,707,941.00. The next two are separate Schedules A & B. Schedule A is for the Water Treatment Facility Improvements in the amount of \$1,426,500.00 and Schedule B is for the Water Storage Tank Improvements in the amount of \$1,281,441.00. Mr. Sackett also prepared Notices of Award in reduced amounts that show the reduction in time and materials if the town wants to approve that way. Mr. Sackett stated that he did not advise doing this, although it might better satisfy the funding agencies, the reduced bids would not total Duckels bid, which could complicate the process both currently and in the future. If the notices of award are approved at the amounts Duckels bid, it does not obligate the town to spend those monies, but would keep the process simpler and give the town more flexibility in the process. Following Mr. Sackett's update, the Town Board then proceeded with consideration of issuance of the notices of award.

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Consideration of issuance of Notice of Award for Bid Schedule A: Water Treatment Facility Improvements (tabled from May 27, 2015 special meeting)

Trustee Lewis moved to issue the Notice of Award for Bid Schedule A: Water Treatment Facility Improvements in the amount of \$1,426,500.00, which was tabled from the May 27, 2015 special meeting. Trustee Ashley seconded the motion and the motion passed on the following roll call vote: Lewis – yes, Yackey – yes, Ashley – yes, Drust – yes, and Estes – yes.

Consideration of issuance of Notice of Award for Bid Schedule B: Water Storage Tank, Waterline & Control Valve Vault (tabled from May 27, 2015 special meeting)

Trustee Lewis moved to issue the Notice of Award for Bid Schedule B: Water Storage Tank, Waterline & Control Valve Vault in the amount of \$1,281,441.00, which was tabled from the May 27, 2015 special meeting. Trustee Drust seconded the motion and the motion passed on the following roll call vote: Yackey – yes, Ashley – yes, Drust – yes, Estes – yes, and Lewis – yes.

Treatment plant improvements and additional water storage tank update and consideration of any needed changes or approvals continued

Mr. Sackett stated that the next step will be for Duckels to accept the notices of award, sign and return them. Duckels will prepare a contract, obtain a payment bond and a performance bond, which Mr. Sackett said, the Town might want Attorney Weiss to review. On the administrative side, CDC will prepare an amendment to the agreement between the Town and CDC on the construction phase of the water treatment facility and water storage tank and a proposal for the pretreatment building and alternate access road work that they will do.

The mandatory pre-construction meeting is tentatively scheduled for the 1st of July, but feedback from CDPHE indicates it may need to be changed by a day or two. During the construction period, there will be regular meetings with the contractor, some of which will probably be at town hall and some held at the job sites. CDC personnel that have been and will continue to be involved with the project are Randy Sackett, Mary Andre, Matt Mielke and Randy Hurley. Mr. Sackett also acknowledged how much assistance PWS Berry has been and will continue to be during the construction period. Mr. Sackett reported that he will be gone the last 2 weeks of July and 1st part of August, but the project will be well covered with other CDC personnel.

Clerk Ray reported that the fully executed copy of the Small Communities Grant contract has not been received back from CDPHE yet. Mr. Sackett noted that Tawnya Reitz, CDPHE Project Manager wants to meet with both Clerk Ray and himself regarding the grant and that will occur when she comes for the pre-construction meeting. The resolution that the Town will need to approve to purchase the water storage tank property is not yet finished, but will

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be by the next meeting. Routt County needs a Statement of Authority that Mayor Yackey has the authority to sign for the Town and it will also be available for consideration at the next meeting. If it is determined that the closing could take place on the water storage tank property prior to the next town board meeting, Mayor Yackey said he would call a special meeting to consider both the resolution to purchase and the statement of authority. The Town has not received back the signed contract on the infiltration gallery property and Attorney Weiss will follow up with Mr. George's attorney, Michael Sawyer. Janet Faller, U.S. Forest Service, who is working on the Third Street property acquisition has told Clerk Ray that she wants to meet with U.S. Forest Service engineers, Randy Sackett (CDC), Town of Yampa personnel and the new Yampa Ranger District Ranger on the site of the proposed Third Street property acquisition in the coming weeks so all parties know exactly where everything is located and what property we are looking to acquire.

Review & discussion of Yampa Water Treatment Facility agreement

The draft water treatment facility agreement between Barbara Palmer and the Town of Yampa was in the town board packets for review and comment. Ms. Palmer had requested some revisions. The Town Board had no suggested changes so the Mayor and staff will continue working with Ms. Palmer and Attorney Weiss to move the agreement from a draft to a final document ready for execution. The question was asked about where the proposed new access road to the water treatment facility would be. The proposed location was explained as well as possible, but noted that it is still very preliminary because there still need to be discussions with the county and further discussion with Ms. Palmer. Adjacent property owners, Donna Corrigan, Peter Flint and Jan Symchych, noted that they would still need access to ditches and were told that the Town, Attorney Weiss, and CDC are aware of that and taking it into consideration.

Wastewater system improvements update

Clerk Ray reported that the Town sent CDPHE a response to the compliance letter that the Town received from them. CDPHE in turn sent an email with a permit modification form that the Town needs to complete and return to them. Clerk Ray said that the form has not been returned yet, but that it should be completed and returned in the next several days.

Royal Hotel fire clean up report and consideration of needed action

Bill Ager was present and reported that the property had not been properly insured. He said that he was not in a financial position to clean up the property the way he was being told it would need to be done, especially the asbestos. Mr. Ager said he did not have a problem with the property being fenced if all parties (whomever that includes) can come to agreement. Mayor Yackey said he called three companies to get prices for fencing. He said that he thought it would go from Voorhees' property line on the north, south on Lincoln and around the old sidewalk (not the asphalt parking area) east to the property line, north

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between the post office and Royal Hotel property and then west along the back property line of the Royal Hotel. Mr. Ager agreed with that scenario and said that he would be in the metro area next week and could pick up the fencing. At this time, Mr. Ager had to leave the meeting as he had another obligation. The Town Board continued the discussion and following that discussion, Trustee Ashley moved to send a letter to Building Official, Ben Grush, Routt County Regional Building Department, as drafted by town attorney, Bob Weiss, acknowledging that the Town believes the property constitutes a dangerous building and requesting Mr. Grush to issue a Notice and Order to require demolition be completed and the site cleaned up and fenced to be secured against entry. Trustee Lewis seconded the motion. The motion passed 4 to 1, with Trustee Estes casting the no vote. Trustee Estes explained that he has a business relationship with Mr. Ager and does not feel he can cast a yes vote to the motion. Due to having a business relationship with Mr. Ager, Trustee Estes was asked if he should recuse himself from discussion and voting on the matters with the Royal Hotel and Mr. Ager. Trustee Estes agreed that he should and stepped down from voting on matters related to the Royal Hotel. Following that action, Trustee Ashley restated the motion and Trustee Lewis seconded it. The motion passed unanimously on roll vote. Trustee Ashley moved to send a letter to Reno W. Ager stating that the Royal Hotel property must be fenced by June 12, 2015, that if clean up can not happen immediately, that the Royal Hotel site be tarped by August 1, 2015 and that complete clean up be done by October 30, 2015 or sooner if required by the state. Trustee Lewis seconded the motion and the motion passed on roll call vote. Mayor Yackey has been researching the cost of construction fencing and the Routt County Commissioners had as well. Routt County said the county would pay the rental for 3 months from American Fencing Company. Trustee Ashley moved to give Mayor Yackey the authority to decide on which fencing company to use after his research is complete and after speaking with the Routt County Commissioners as to whether their offer stands if American Fencing is not the least expensive, without bringing it back to a vote by the Town Board. Trustee Lewis seconded the motion and the motion passed unanimously on voice vote. Trustee Ashley moved that a letter be sent to the Routt County Commissioners thanking them for their offer of payment for the 3 month rental and requesting the payment. Trustee Lewis seconded the motion and the motion passed unanimously on voice vote. Trustee Estes returned to his seat to participate in the remaining business of the meeting.

Routt County May 16th clean up day—adopt a highway program report

Thank you to volunteers who were Brian Ashley, Eric Berry, Gary Burkholder, Jeff Drust, Michael French, Noreen Moore, Jim Price, Tillie Price, Janet Ray, Richard Sutton and Tom Yackey. There were approximately 14 bags of trash.

Discussion of flower barrels and town clean up day

Michelle Yackey will do the flower barrels in River Park, Teri Lynch will do the Post Office, Cindy Wren will do the museum, Nora Phillips and Eric Berry will do Town Hall, Ken and Cindia Montgomery will do the County Road 7 sign. Clean up day is scheduled with Twin

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Enviro for June 20. They will bring a 30-yard roll off. Montgomery's General Merchandise will take the vehicle batteries, Scott and Tammy Delto with SRC Recycle and Refuse will take the recyclables. There is an additional \$100 charge to have the roll off delivered and picked up on Saturday. Following discussion, Trustee Lewis moved to pay the additional charge, Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

NEW BUSINESS

Consideration of proposed Resolution No. 2015-04 – Referred Ballot Question

Trustee Lewis moved to adopt Resolution No. 2015-04 – a resolution of the Board of Trustees of Yampa, Colorado, concerning the submission to the registered electors of Yampa, Colorado, a referred ballot question at the November 3, 2015, general election regarding whether the Town may re-establish its legal ability to provide cable television services, telecommunications services, and/or advanced services, either directly, or indirectly with public or private sector providers. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

PUBLIC WORKS DEPARTMENT

May 2015 wastewater nutrient testing results

The May 2015 wastewater nutrient testing results were in the board and audience packets for review. There were no questions for PWS Berry.

May 2015 water testing results

The May 2015 water testing results were in the board and audience packets for review. There were no questions for PWS Berry.

2015 Consumer Confidence Report (in packet)

The 2015 Consumer Confidence Report was in the board and audience packets for review. There were no questions for PWS Berry.

Ongoing work

PWS Berry reported that PWA Samuelson has been grading streets. Trustee Estes asked if the potholes at the intersection of Main and Third Street could be fixed. PWS Berry said that he has some patching material and had it on his schedule to do the patching tomorrow. The mag chloride application is scheduled for tomorrow. The streets to be done are: Moffat,

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Rich, Terhune, First and Second streets between Main and Rich and all streets between Terhune and Roselawn.

Clerk Ray asked for clarification regarding PWA Samuelson's on-call compensation. PWS Berry had been gone to a Colorado Rural Water Association meeting and had left on a Thursday and had come back on a Friday. He said that he had asked PWA Samuelson if he was going to be around and PWA Samuelson had said yes, but that it had not been explained to him that he was on call. PWA Samuelson had thought he should not get compensation as he did not know he was on call. Clerk Ray stated that PWA Samuelson had not had to be called into work, but that office staff would have called him if something had come up. PWA Samuelson said that he thought the on call was just for the Colorado Rural Water Conference and Clerk Ray said that she thought it was for any time that PWS Berry was unavailable and PWA Samuelson was covering the job. Mayor Yackey said that he had interpreted it the same way and other board members agreed. Clerk Ray said that she would have something on a future agenda to clarify protocol.

PWS Berry was asked if they could get some of the potholes on other streets taken care of as well. PWS Berry said yes. On the gravel streets, it was mentioned that a slope to the streets rather than graded flat would help. PWS Berry said that PWA Samuelson was going to be working on the streets in the coming days and when he did, there would be better slope to the streets.

Mayor Yackey stated that he had been up to the water treatment facility and was concerned with how soft the meadow was and what damage might be done with equipment or vehicles going in. He noted that the access road seemed to be getting wider with time. He mentioned to PWS Berry that walking into the facility when possible, rather than driving, might cut down on the damage. He said that he understood that the traveled portion of the meadow (the area considered the road way) would need to be upgraded with gravel being added before construction begins and also understood that the road way was to be returned to its pre-construction status after construction was completed and the alternate access road was in place.

CLERK'S REVIEW OF POSSIBLE CODE VIOLATIONS (IF ANY) AND REQUIRED ACTION (IF ANY) AND REPORT OF ON-GOING BUSINESS

Code violations

The only code violation that Clerk Ray knows about at this time is the Walker complaint on the marijuana grow on Clifton. Her understanding is that the Sheriff's Department report went to Attorney Weiss today and that the Town should have Mr. Weiss's recommendation for moving forward soon. Clerk Ray noted that there had been some question on whether the work at the Wasinger building needed a permit and that she had not had the opportunity to speak with the Routt County Building Department about that yet. Donna Corrigan did tell

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Clerk Ray that Noreen Moore is working with the building department regarding what does and does not need a permit and that the current work does not. Clerk Ray said she would confirm that with the building department.

On going work

Clerk Ray said she returned the paperwork to the state for the Crossan's grant, but has not received the fully executed contract back yet. The property, liability, & automobile insurance renewal questionnaire was completed and returned to the Town's agent on May 28th, prior to the June 1st request date.

REPORTS OF COMMITTEES

Friends of Crossan's (FOC)

FOC President Jeff Drust reported that a grant in the amount of \$10,000 from El Pomar was received in support of the renovations to the market. Details on the scope of work and budget for this phase are still being fine tuned. Clerk Ray reported that per the requirements of the DOLA grant for the construction documents, they have to be at 90% completion, which they are so the Town is in compliance with that grant at this time.

4th of July Committee

Committee President Tom Yackey reported that the plans are coming along. The fireworks are ordered. Pastor Van Gorden is organizing the barbeque lunch again this year. There had been discussion of how to keep the public and the participants at the horse polo separated and Ryan Parker is going to work with Tammy Delto on a solution.

MEETING REPORTS

South Routt EDC

Trustee Lewis reported on the May 18th meeting. No one applied for the EDC scholarship. Because Friends of Gateway Yampa LLC is working as a subcommittee to SREDC, the SREDC Board decided that they should review the checking account statements monthly to verify the Friends activities. The next SREDC meeting is scheduled for June 22.

Museum & Heritage Fund Advisory Board

Trustee Lewis reported on the May 13 meeting. Hahn's Peak Historical Society submitted an application to construct one outhouse to replace 2 failing outhouses and Hayden Heritage Center submitted an application to renovate the museum's east courtyard in order to relocate

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the Burroughs Doghouse Cabin and the Hayden jail to the property. Both applications were recommended for approval to the Routt County Commissioners.

Bear River Reservoir

Trustee Drust reported on the May meeting. Currently, Matt Blankenship is the ditch rider and Bruce Sigler is back up. 4 directors' positions were up for reelection and all retained their seats. The assessment will remain at \$3.50/share. Preparing an emergency action plan for the reservoir has been recommended.

SCHEDULE WORKSHOPS AND/OR SPECIAL MEETINGS

No workshops or special meetings were scheduled.

BOARD MEMBERS AND AUDIENCE REQUESTS FOR AGENDA ITEMS FOR NEXT MEETING

None

READING OF CORRESPONDENCE AND REQUIRED ACTION IF ANY

A referral agency notice of application was received from Routt County Planning Department for co-locating of 3 panel antennas, 3 remote radio units, 1 COVP, and 1 microwave dish on an existing telecommunications facility. The Planning Commission meeting is July 2, 2015 at 6:00 pm. Comments are requested by June 24, 2015.

The next Energy Mineral Hearings are July 21-23, 2015 in Steamboat Springs. A reception on July 22nd has been requested so the Committee and new Executive Director can meet the community. Routt County Manager Tom Sullivan has asked if Yampa would like to participate in the reception. Cost to participate would be minimal. The Board agreed that they would like to participate.

Other correspondence was circulated. None required action.

REVIEW FINANCIALS (IN PACKET), METER READING REPORT AND MAY INVOICES

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

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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.

ADJOURNMENT

The Mayor asked for further business, hearing none he called for adjournment. Trustee Lewis moved to adjourn, Trustee Ashley seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 10:37 pm.

Thomas E. Yackey, Mayor

Janet L. Ray, Town Clerk

February 3, 2016