

**TOWN OF YAMPA**  
**SPECIAL MEETING MINUTES**  
July 12, 2023 – 5:00 pm

**BOARD MEMBERS PRESENT:** Mayor Geilert, Trustee Lewis, Trustee Geanious, Trustee Williams, via Zoom  
Trustee Cave

**EMPLOYEES PRESENT:** Treasurer/Planner Mary Alice Page-Allen, Via Zoom Clerk/Administrator Sheila Symons and Deputy Clerk Amanda Laman

**AUDIENCE PRESENT:** Tillie Price, Maddi Arrowood, Chris Catterson, Heather Noyes Gregg, Jennifer Wellman, Janet Ray, Amy Golike, Surupreet Bajwa, Dan Nielsen and Ken Montgomery.

**1. Call to Order**

- \*Mayor Geilert called the meeting to order at 5:00pm
- \*The Pledge of Allegiance was recited
- \*Roll call was taken

**2. Audience Participation (5 minutes)**

There were no audience comments.

**3. 2022 Audit Presentation – Chris Catterson, CPA, Catterson & Company PC (45 Minutes)**

Chris Catterson with Catterson & Company PC presented and discussed his findings for the 2022 Audit.

**Motion**

Trustee Lewis made a motion to approve the Town of Yampa financial statements ending December 31, 2022. Trustee Geanious seconded the motion. The motion passed unanimously.

**4. Retail Liquor Store License – Yampa GS Liquor LLC dba Raise Your Spirits – 16065 SH 131, Yampa (30 Minutes)**

Treasurer/Planner Page-Allen explained that the Board had directed staff to process the Yampa GS Liquor LLC dba Raise Your Spirits license application noting that under the state statute guidelines for communities under 10,000 in population retail liquor stores must be spaced 3,000 feet apart. She stated that the town is only 1500 feet wide or other viable locations are too close to the school which effectively means Yampa is allowed only a single retail liquor store. Mary Alice explained that the existing license came available when Little Beaver's Liquor Store stated they had no intention of renewing the liquor license at which point the town could accept an applications. She stated that the Yampa GS Liquor LLC application was deemed complete on the 7<sup>th</sup> of June 2023 and was the first to be deemed such of the two applications received. She stated that staff then processed the application in accordance with the direction received from the Town Board that the application first deemed complete was to move forward. Mary Alice stated that notice of the public hearing was published and posted on the property, that staff also reached out to the Routt County Regional Building Department as there is a building permit required for the new wall that will be installed in the interior of the building, the Routt County Sheriff's Department and the Yampa Fire Protection District for any concerns they may have with the proposed license. She stated that the property is zoned commercial and what is being proposed is a use permitted by right. She noted that the building permit was approved subject to the final approval of the liquor license after this process is completed, that necessary fingerprinting has been undertaken which required the town to reinstate its Colorado Bureau of Investigation account. Referring to the information in the staff report, she identified the three different types of liquor licenses within town: a hotel and restaurant license (Antlers), and two fermented malt beverage and wine licenses for Montgomery's and the Sinclair. She noted that the Sinclair will surrender their malt beverage and wine license upon approval of the new Retail Liquor Store license. Mary Alice noted that the State law offers some guidance as far as what can be used following the public hearing as a basis for the Town Board's consideration for a Local Liquor License, adding that there needs to be a finding of good cause for approval or denial of any license.

- a. Public Hearing. Public hearing to accept public comments, petitions and/or remonstrances on a Retail Liquor Store License application for Yampa GS Liquor LLC dba Raise Your Spirits at 16065 SH 131, Yampa

Mayor Geilert opened the public hearing.

Mary Alice noted that written comments were received from Marissa Perry via email, noting that there were some factual errors in the email including that any action on this license application would take away Little Beaver's liquor license as it is the lack of this license being renewed that provides the opportunity for the license to be held by another.

Ken Montgomery asked why fingerprinting was not completed prior to the hearing. Mary Alice explained that the state's application states that such is not to be undertaken until it is submitted to the local licensing authority and the Town's CBI account was only reinstated July 2<sup>nd</sup>. She added that the fingerprinting has been completed and that the Town is just waiting to receive the report.

Heather Noyes Gregg commented that she feels that the Town is not supporting the direction provided by the upcoming Comprehensive Plan adoption by putting a new business on the highway as such goes against everything that the community had expressed wanting in the Comprehensive Plan that will be adopted later in the meeting. She stated that she was hoping the Town would direct any commercial businesses to the Downstairs District not be at the highway overlay, and that letting Little Beaver's sit empty defeats the whole purpose. She advised that she is a woman entrepreneur and would have loved to try to help Jessica Northrop (the daughter of the former owners of Little Beaver's) to own her own business. She stated that her main point is she doesn't want it to be on the highway, and she doesn't want people to stop and grab what they need and keep driving that instead she would like to see people to come Downtown to experience our town and to see underutilized sites become occupied. She has a deep concern about this placement of the new retail liquor store.

Mary Alice responded that the town is in an interesting spot between adoption of the Comprehensive Plan and an old town code that guides development in a form approved in 1972. She noted that this proposed use is not a new building but an expansion of the retail operations into an unused space within an existing building that has commercial zoning and such is a use by right per the current Municipal Town Code. She stated that there may be other situations between the adoption of the Comprehensive Plan and the rewrite of the Town Code that the Town Board will be faced with similar situations where under the letter of the law it will be difficult to say no. She added that the Comprehensive Plan is policy and the town code is the law.

Mary Alice referred to the applicable state statutes wherein the Town Board has to assess that the application meets the reasonable requirements of the neighborhood and the reasonable desires of the adult inhabitants of the said neighborhood and the premises of the business to be conducted and character are satisfactory.

No other written or verbal comments were provided. Mayor Geilert closed the public hearing.

- b. Discussion and consideration for approval of a Retail Liquor Store License application for Yampa GS Liquor LLC dba Raise Your Spirits at 16065 SH 131, Yampa

In round table discussion, the Town Board members noted that they believed that the criteria have been met for Yampa GS Liquor LLC dba Raise your Spirits.

#### **Motion**

Trustee Lewis made a motion to approve the Retail Liquor License Application for Yampa GS Liquors LLC dba Raise your Spirits with the conditions that the proposed interior facility improvements receive final approval from the Routt County Regional Building Department and that satisfactory CBI/FBI searches are received by the Town with the findings that

- a. The premises, business to be conducted and character of the applicant are satisfactory;
- b. The license will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants of said neighborhood; and
- c. The license will comply with the provisions of Title 44, Article 3, CRS and the Colorado Liquor Rules.

Trustee Geanious seconded the motion. The motion passed unanimously.

5. **Bond Counsel – Wastewater Collection and Treatment Facility Improvements (10 Minutes)**

Review, discussion and consideration for approval and acceptance of a proposal to engage Kutak Rock LLP as bond counsel to the Town of Yampa in connection with the financing of improvements to the Town's wastewater collection and treatment system.

Mary Alice stated that the Town has been working over the last year to undertake the necessary improvements to the collections and treatment for our wastewater system. Because time is of the essence for a question to be submitted on the November ballot it is necessary to get bond council on board now from a timeline perspective. She noted that there are several different steps incorporated into the proposal for services and the largest cost related to the ballot question will not be incurred if the question does not pass. She added that the costs outlined in the proposal are not-to-exceed amounts that make budgeting the costs easier.

**Motion**

Trustee Lewis made a motion to approve and accept the proposal to engage Kutak Rock LLP as bond counsel to the Town of Yampa in connection with the financing of improvements to the Town's wastewater collection and treatment system. Trustee Geanious seconded the motion and the motion passed unanimously.

6. **Municipal Advisor – Wastewater Collection and Treatment Facility Improvements (10 Minutes)**

Review, discussion, and consideration of approval and acceptance of a proposal to engage a Municipal Advisor by the Town of Yampa in connection with the financing of improvements to the Town's wastewater collection and treatment system.

Because there are many areas of concern for all involved (ballot question, USDA, Colorado Rural Water Power Development Authority (CRWPDA), Mary Alice stated that it is imperative to have some additional financial advice. She stated that she is recommending that the Town engage Hilltop Securities, noting that the Town has worked with them in the past on the solar project, and they are well regarded.

**Motion**

Trustee Lewis made a motion to approve and accept the proposal to engage Hilltop Securities as a Municipal Advisor by the Town of Yampa in connection with the financing of improvements to the Town's wastewater collection and treatment system. Trustee Geanious seconded the motion and the motion passed unanimously.

7. **CIRSA Insurance Carrier for Liability, Auto, and Property Insurance Implementation for August 1, 2023 Coverage (5 Minutes)**

a. **Bylaws, Acceptance of Property Casualty Quotation, and Acceptance of Prior Acts Coverage**

Trustee Lewis made a motion to approve and authorize to sign the Bylaws, Property Casualty Quotation and Acceptance of Prior Acts Coverage for Liability Insurance from CIRSA. Trustee Geanious seconded the motion. Motion passed unanimously.

b. **Resolution 2023-07**

Trustee Lewis made a motion to approve and authorize to sign Resolution 2023-07, A Resolution Designating the agreement for participation in coverage through CIRSA for liability insurance for the Town. Trustee Geanious seconded the motion. Motion passed unanimously.

c. **Resolution 2023-08**

Trustee Lewis made a motion to approve and authorize to sign Resolution 2023-08, A Resolution Designating the Commitment to the CIRSA Risk Control Standards. Trustee Geanious seconded the motion. The motion passed unanimously.

8. **Award of Tree Removal Work (5 Minutes)**

Review, discussion, and consideration for approval and acceptance of the proposal to engage with Gonzales Tree Services for the removal and maintenance of trees at Yackey and River Parks.

Mary Alice noted that Public Works personnel have identified additional tree work that needs to be undertaken and noted that staff is recommending that a not-to-exceed amount of \$10,000 be authorized.

**Motion**

Trustee Lewis made a motion to approve and accept the proposal to engage with Gonzales Tree Services for the removal and maintenance of trees at Yackey and River Parks (Conservation Trust Fund) and include the water-related trees also) not to exceed \$10,000. Trustee Geanious seconded the motion. The motion passed unanimously.

**9. Yampa Comprehensive Plan Adoption (20 Minutes)**

Kate Berg provided an overview of the process and changes that have been finalized since the last meeting in June.

**Motion**

Trustee Lewis made a motion to approve and authorizing the signing of Resolution 2023-06, A Resolution Adopting the 2023 Yampa Comprehensive Plan, and Certifying the Same. Trustee Geanious seconded the motion and the motion passed unanimously.

**10. Northwest Colorado Energy Initiative - Associated Governments of Northwest Colorado (AGNC) Request for Support from Yampa for Office of Just Transition (OJT) Grant Funds (10 minutes)**

Review, discussion and authorization for the Town staff to support the Associated Governments of Northwest Colorado's application to the Office of Just Transition for grant funding for the Northwest Colorado Energy Initiative. This request will only pass forward with 100% of all of the NWCDC's support.

**Motion**

Trustee Lewis made a motion to approve the Town staff to support the Associated Governments of Northwest Colorado's application to the Office of Just Transition for grant funding for the Northwest Colorado Energy Initiative for additional information only. Trustee Geanious seconded the motion and the motion passed unanimously.

**11. Consent Agenda (5 Minutes)**

- a. Ratify Constant Change Entertainment Contract
- b. Approval of June 21, 2023 and July 5, 2023 Minutes
- c. Approval of May 2023 Payment Approval Report

**Motion**

Trustee Lewis made a motion to approve the Consent Agenda as presented. Trustee Geanious seconded the motion and the motion passed unanimously.

**12. Staff and Board Member Reports/Updates (20 Minutes)**

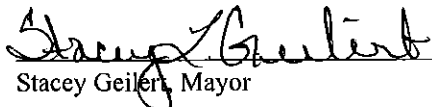
- a. Committee and meeting reports from Staff and Board Members
- b. Town Administrator/Clerk and Staff Reports

**13. Scheduled Meetings/Work Sessions (5 Minutes)**

- a. August 2<sup>nd</sup> – Regular Town Board Meeting
- b. August 16<sup>th</sup> – Budget Work Session
- c. September 6<sup>th</sup> – Regular Town Board Meeting

**14. Adjournment**

Approved the 2nd day of August, 2023.

  
Stacey Geiler, Mayor

Attest:

  
Sheila Symons, Town Administrator/Clerk