

Town of Yampa
August 5, 2015 minutes

TOWN OF YAMPA
AUGUST 5, 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: Michael French, Ben Grush and Ken Montgomery

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

None

AUDIENCE PARTICIPATION – SCHEDULED ITEMS

Presentation on hunters' dumpster for 2015 season

Ken Montgomery presented the information he had gathered to do the hunters' dumpster this year. Waste Management would do it, but Mr. Montgomery felt the cost was too high. Aces High said no. Twin Enviro would do it, but they only want to leave the roll off for 21 days, so it would probably need to be done in two segments one for archery-muzzle loading between Sept 9 and 30 and a second for the rifle seasons between Oct 10 and Nov 10. Mr. Montgomery said he has five to six pretty firm business/individuals to pay for it and possibly 5 more. With the information that he has so far, he thinks the cost will be between \$50 and

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\$100 per business/individual. The roll over would be on Van Camp Cabins property. The Board will consider this request under new business.

OLD BUSINESS

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

Clerk Ray reported that Engineer Randy Sackett fell ill while vacationing in Europe. He is home and doing well, but will be limited on his work availability for an unknown amount of time. Civil Design Consultants' (CDC) Mary Andre and Matt Mielke will continue his work. CDC's report was at the town board members seats for tonight's meeting. On July 8, Randy Sackett, Eric Berry, and Janet Ray met with Forest Service personnel, including Janet Faller, regarding the acquisition of 3rd Street and to confirm that the Forest Service had access to their property during the pipeline installation. That same day there was a meeting with Tawnya Reitz of Colorado Department of Public Health and Environment (CDPHE) regarding the Small Communities grant. She went over the quarterly reporting and reimbursement of costs forms. That afternoon the pre-construction conference was held. On July 13 and 14 Randy Sackett, Tom Yackey and Janet Ray attended the Routt County Commissioners' workshop and regular meeting, respectively, for the Town's request for the water tank special use permit and the water tank site exemption plat. Both were approved. Also on July 13 Mayor Yackey, Al Snyder, Fish & Cross Ranch, attorney Bob Weiss, realtor Troy Brookshire and Clerk Ray met at the Land Title office for the documents signing for the water tank property purchase. The Routt County Board of Adjustment hearing was the evening of July 13 for the Town's request for a setback variance for the expansion of the water treatment facility, which was approved. The water tank property closing was July 15. Yampa Valley Electric Association has been working at the Water Treatment Facility (WTF). The permit numbers for the various aspects of the project are as follows: Special Use Permit 2015-027 for the Water Tank, Administrative Permit for the Waterbody Setback PP2015-016, and Administrative Permit for the WTF PP2015-017. Barbara Palmer requested some changes to the easement and access agreement, which have been made. Bob Weiss will complete the final documents after he receives the legal descriptions prepared by surveyor, Skidge Moon. Ms. Palmer is still reviewing the Agreement and Grant of Construction Access and Staging Area License. She remains very concerned with the heavy truck traffic on the access road into her property off of County Road 7 and a satisfactory solution to her concerns is still being negotiated. Mayor Yackey and PWS Berry have worked extensively on the traffic control plan for Third Street/Watson Creek Trail so the plan will be satisfactory to the Forest Service, Travis and Stephanie Pinnt, Joel Harris with the dog kennel and Al Snyder at Fish & Cross Ranch.

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Wastewater system improvements update

There has been no feedback on the permit modification form that was returned to CDPHE. The Town and CDC will need to follow up with CDPHE in August to determine if sufficient work has been done on the Preliminary Engineering Report (PER) for the state to reimburse the Town the \$10,000 awarded for the PER.

Royal Hotel fire clean up report and consideration of needed action

Clerk Ray reported that the Town of Yampa's deadline to have the Royal Hotel site covered was August 1 and the Routt County Commissioners acting as the Routt County Board of Health gave Mr. Ager an August 1 deadline for submitting a plan to mitigate the conditions on the property as outlined in the May 7, 2015 CDPHE letter to Mr. Ager. At this time, the site has not been covered. Mr. Ager sent Mike Zopf, Routt County Environmental Health, an email stating his plan to have the water turned back on and keep the debris and dust down until he could figure out what to do with the burned up hotel debris, which he wants to clean up. The Clerk understands that Routt County did not feel that that was an adequate mitigation plan. Clerk Ray said she does not have a recommendation from the Town's attorney Bob Weiss, but given the information at the Town Board's disposal at this time, it appears that the Town should continue working with the state health department and county on a solution. Trustee Drust moved to continue working with CDPHE and Routt County Board of Health regarding clean up of the Royal Hotel property. Trustee Lewis seconded the motion and the motion passed unanimously on voice vote. Clerk Ray reported to the Board that the Town received the reimbursement from Routt County for the fencing in the amount of \$511.28.

NEW BUSINESS

Consideration of Ordinance No. 2015-02 – an ordinance amending currently effective building codes, previously adopted by Town of Yampa to conform to the International Building Code, 2009 edition, specifically the collection of fees therefore; repealing all conflicting ordinances; providing for severability; and providing an effective date

Chief Building Official Ben Grush was present to discuss this proposed ordinance that reduces building permit and plan review fees by 10%. Following discussion, Trustee Lewis moved to approve Ordinance No. 2015-02 an ordinance amending currently effective building codes, previously adopted by Town of Yampa to conform to the International Building Code, 2009 edition, specifically the collection of fees therefore; repealing all conflicting ordinances; providing for severability; and providing an effective date. Trustee Drust seconded the motion and the motion passed on the following roll call vote: Drust – yes, Lewis – yes, Yackey – yes, Ashley – yes.

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Consideration of approval and signing of Intergovernmental Agreement (IGA) between Routt County, Colorado, Routt County Clerk and Recorder and Town of Yampa for the administration of their respective duties concerning the conduct of the coordinated election to be held on November 3, 2015

Clerk Ray explained that in order for the Town of Yampa to have a question on the November 3, 2015 general election ballot, the Town needs an IGA with Routt County which outlines the duties of all parties and how the cost of the election is determined for all parties. Trustee Lewis moved to approve and authorized Mayor Yackey to sign the IGA with Routt County.

Consideration of Resolution No. 2015-06 – A resolution of the Board of Trustees of Yampa, Colorado, correcting Resolution 2015-04 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 reestablish its legal ability to provide cable television service, telecommunications service, and/or advanced service, either directly, or indirectly with public or private sector providers

Clerk Ray explained that after the Town of Yampa had approved Resolution 2015-04 regarding the ballot question, Routt County Manager Tom Sullivan communicated to her that after further research by Routt County, they made some changes to their own resolution. Clerk Ray studied both Routt County's changes and also studied the Town of Oak Creek's resolution. Clerk Ray said that following that review there were aspects of both resolutions that she was not comfortable with and she asked Attorney Weiss to review them, which he did. He made some minor changes, but nothing that changed the intent of the resolution or the ballot question. The revised resolution is what the Town Board will consider now. Following the explanation, Trustee Lewis moved to approve Resolution No. 2015-06, a resolution of the Board of Trustees of Yampa, Colorado, correcting Resolution 2015-04 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 reestablish its legal ability to provide cable television service, telecommunications service, and/or advanced service, either directly, or indirectly with public or private sector providers. The motion was seconded by Trustee Drust and passed unanimously on the following roll call vote: Lewis – yes, Yackey – yes, Ashley – yes, Drust – yes.

Consideration of engaging Attorney Donald Ostrander as eminent domain counsel for acquisition of infiltration gallery property

Clerk Ray reported that Town attorney Weiss recommended Donald Ostrander as eminent domain counsel for acquisition of the infiltration gallery property. Mr. Weiss has worked previously with Mr. Ostrander. He is located in Denver. His municipal rate is \$275/hr. Clerk Ray said she has no cost estimate for total hours needed to accomplish the acquisition. Following Clerk Ray's report, Trustee Lewis moved to engage Attorney Ostrander as eminent

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domain counsel for acquisition of the infiltration gallery property. Trustee Drust seconded the motion and the motion passed unanimously on the following roll call vote: Yackey – yes, Ashley – yes, Drust – yes, Lewis – yes.

Consideration of eminent domain action for acquisition of infiltration gallery property

Mayor Yackey asked if any word had been received by Town staff or the Town's attorney regarding Mr. George moving forward with the real estate exchange for the Town to acquire the infiltration gallery property. Clerk Ray reported that no word had been received from either Mr. George or his attorney, Mr. Sawyer. Following discussion, Trustee Lewis moved to proceed with eminent domain action for acquisition of the infiltration gallery property. Trustee Drust seconded the motion and the motion passed unanimously on the following roll call vote: Ashley – yes, Drust – yes, Lewis – yes, Yackey – yes.

Consideration of contributing to cost of hunters' dumpster for 2015 hunting season

Clerk Ray stated that \$250 was budgeted for the hunters' dumpster. Trustee Lewis moved to contribute to the cost of the hunters' dumpster for the 2015 hunting season at a cost equal to the other participants, but not to exceed \$250. Trustee Ashley moved to second the motion and the motion passed unanimously on voice vote.

Consideration of 4th of July thank yous

Trustee Lewis moved to send 4th of July thank yous to the 4th of July Committee, Mrs. Meadows, Sheriff's Department, Forest Service and Yampa Fire Department and others if needed. Trustee Drust moved to second the motion and the motion passed unanimously on voice vote.

PUBLIC WORKS DEPARTMENT

Town Shop roof

PWS Berry reported that there is a small leak in the town shop roof. The roof repair is under warranty and Craig Haverley will repair it when he has the time.

Wastewater nutrient testing results

The wastewater nutrient test results were in the board and audience packets. There was discussion, but no action needed to be taken.

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Vacation request for Sept 1-6, 2015

PWS requested to take vacation from September 1 through 6. Mayor Yackey asked if PWA Samuelson was available to cover and PWS Berry said yes. Trustee Lewis moved to approve PWS Berry's vacation request for September 1 through 6. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

Ongoing work

PWS Berry reported that he had changed out a couple of water meters. He and PWA Samuelson had been cutting grass. The 3-way signs that went missing on the stop signs have not been found so replacements will need to be ordered. PWS Berry said he is checking on motors for the aerators to see if he can find somewhere to have them rebuilt or if cost wise, it would be more feasible, to purchase new ones. PWS Berry will report back when he has more information. Problems with the fire hydrant in the River Park were discovered when there was a gas spill at Kum & Go. PWS Berry said he would look at it, get what he needed to repair it and get it repaired as soon as possible. There is another hydrant in the vicinity to use if needed while this one is out of commission.

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

Code violations

The alleged code violation referenced in the Walker complaint regarding the marijuana grow on Clifton had not been resolved because Clerk Ray said that she had still been waiting on a recommendation from Attorney Weiss; however, Mr. Cardenas who owns the property asked Clerk Ray to report to the Town Board that the renter has moved out and the property is back on the market and there is no longer marijuana being grown there.

Clerk Ray reported that Bobby Wyatt had built a structure for firewood that is not 25 feet from the property line which is the setback requirement for R-1A – single family residential zoning. A letter was sent requesting that it be moved out of the setback and a copy of the regulations was sent with the letter.

On going business

Clerk Ray reported that Christopher Endreson from Colorado Center for Community Development (CCCD) is scheduled to be in Yampa on Wednesday, August 12, 10:30 to 12:30 to discuss a possible scope of work for the community development planning research team for the signage plan.. Town Board and staff have started on the 2016 budget. The Clerk is working on the filing. There have been two reports of vandalism, Mrs. Meadows on August 3rd at her property and Onika Meyer on August 4th at the Oak Tree Inn; these are the report

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dates, not the dates of the vandalism. Clerk Ray encouraged both parties to call the Sheriff's Department. She will put a paragraph in the August newsletter making people aware that there have been problems and encouraging people to report any suspicious activity to the Sheriff's Department. The election classes that Clerk Ray attended July 16 and 17 in Grand Junction were worthwhile.

REPORTS OF COMMITTEES

Friends of Crossan's (FOC)

FOC President Jeff Drust reported that the auction was successful; per Noreen Moore over \$7,800 was made. Boettcher Foundation awarded the project \$20,000. Work continues on getting the scope of work and budget in line.

4th of July Committee

Committee President Tom Yackey reported that it was a successful year although he wasn't as pleased with the fireworks as in years past. He said that the eastern star chapter is considering the purchase of a storage shed that would house the 4th of July supplies. The tents that are currently stored at the Masonic Hall take up a lot of space in their cloak room. More will be reported on the storage shed when it is known.

MEETING REPORTS

Department of Local Affairs (DOLA) – Energy Impact Assistance Fund (EIAF) Grant Committee reception

Mayor Yackey, Trustee Drust, and Trustee Lewis attended the reception held July 21 in Steamboat Springs for the DOLA – EIAF Grant Committee. The reception was well attended and it was good to be able to thank some of the committee members who have been instrumental in approving Yampa's grant requests.

Yampa/White Green Basin Roundtable

Trustee Drust's report was in the board and audience packets. There were no additional questions for Trustee Drust.

Museum and Heritage Fund Advisory Board

Trustee Lewis reported on the meeting held July 28 where the capacity building grants were reviewed. The Town of Yampa has 2 grants. One is for the moving of the Heart Mountain School and Milner Hall and the other is for the preparation of the construction documents for Crossan's. If the projects aren't completed by October, the Town will need to reapply for the

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funds. Trustee Lewis also reported on the projects of other entities which included Hahn's Peak Area Historical Society, Hayden Heritage Center, Historical Society of Oak Creek and Phippsburg, and Historic Routt County.

Northwest Transportation Planning Region

Clerk Ray's report was in the board and audience packets and the backup paperwork was circulated to the board members.

Flat Tops Trail Scenic and Historic Byway (FTTSHB)

Clerk Ray reported that on July 27, Judy Walden, Rita Herold, and herself traveled the byway to a kickoff meeting in Meeker for the signage assessment project. The assessment will be done on September 16. A pre-assessment meeting will be held in Yampa on September 15 and the post assessment meeting will be held in Meeker on September 16. Ms. Walden's company will prepare the report, using the information gathered in September along with other research. Ms. Walden suggested that the Town and the other organizations involved in the Crossan building should be thinking about interactive displays and a way to download information about the byway, etc. on smart phones or other mobile devices as that will be the way to keep up with the most up to date technology for both travelers and residents.

SCHEDULE WORKSHOPS AND/OR SPECIAL MEETINGS

Trustee Lewis moved to have workshops on August 19 and 26 on the budget. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

BOARD MEMBERS AND AUDIENCE REQUESTS FOR AGENDA ITEMS FOR NEXT MEETING

None

READING OF CORRESPONDENCE AND REQUIRED ACTION IF ANY

Correspondence was circulated. None required action.

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

The July financials and invoices with completed vouchers were circulated for review. There were no questions. The June and July meter reading reports were circulated for review.

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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 Drust seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 9:31 pm.

Thomas E. Yackey, Mayor

Janet L. Ray, Town Clerk

March 2, 2016