

Town of Yampa  
September 2, 2015 minutes

TOWN OF YAMPA  
SEPTEMBER 2, 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: Town Clerk (Clerk) Janet Ray

AUDIENCE PRESENT: Michael French and Bobby George

CALL TO ORDER

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

ROLL CALL

Board roll call was taken.

MINUTES

Consideration of approval of March 4, 2015 minutes

Trustee Lewis moved to approve the March 4, 2015 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

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

Clerk Ray reported that Engineer Randy Sackett is recuperating from his illness, but that he did not feel well enough to come to this meeting. He thanked everyone for the kind thoughts, prayers, and card. Clerk Ray reported that construction meetings were held August 11, 18 and 25 and the meetings alternated between Town Hall and the job sites. Engineer Matt Mielke is doing minutes and copies of those minutes will be provided to the Town Board and available to the public. The traffic control plan for the closure of Third Street/Watson Creek Trail is in place. The work will occur the week of September 14; no exact date that week is known yet. The Yampa Ranger District, Joel Harris and Travis & Stephanie Pinnt have the plan both verbally and in writing. The paperwork to receive the grant payments via ACH for the Small Communities grant was submitted. Consultant Jack Kirtland and Engineer Matt Mielke are working on the first certified Duckels payroll to make sure it is done correctly. The first pay request to Colorado Department of Public Health and Environment (CDPHE)/Colorado Water Resources and Power Development Authority (CWRPDA) was submitted and the Davis-Bacon certification was included, but not the American Iron and Steel (AIS) Certification as it should have been. The AIS Certification has since been submitted and will go in at the same time as the pay requests from now on. Clerk Ray noted that the pay requests will be available for review by the Town Board prior to them being submitted to the funding agencies. Mayor Yackey, PWS Berry, Engineer Sackett and Clerk Ray met with Barbara and Dick Palmer on August 26 to further discuss the Water Treatment Facility (WTF) easement and proposed new access agreement. A report on the meeting will go to Attorney Weiss soon so he can finalize the agreement. Clerk Ray said she is behind on preparing the required Energy Impact Assistance Fund (EIAF) financial reports that need to go to the Department of Local Affairs (DOLA) and she has made DOLA Regional Manager, Greg Winkler, aware of the fact that she will get them submitted as soon as she can.

#### Wastewater system improvements update

Clerk Ray reported that Civil Design Consultants (CDC) gave the Town the draft Preliminary Engineering Report (PER) for the wastewater system improvements and she sent that along with her report and the pay request to the state for the \$10,000 that was previously awarded to the Town for the PER. Clerk Ray said she did not know when the Town would know if the submittal was sufficient for the state to pay the \$10,000. There has still been no response from CDPHE regarding the modification form that was submitted on the wastewater permit.

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Royal Hotel fire clean up report and consideration of needed action including extention of fencing contract

Clerk Ray said she communicated with Mike Zopf, Routt County Environmental Health, after the Town's workshop 2 weeks ago to determine if there was any new information from the county regarding clean up of the site. Mr. Zopf emailed her that all options are still being discussed. He said that Routt County has been communicating with CDPHE regarding CDPHE's legal responsibility and the county is seeking a conference call with the Colorado Attorney General's Office. Routt County is still working to fully identify all potential options to stabilize the ash pile and develop better cost estimates for the full cleanup. He noted that all options have fairly significant costs and the county has no funding to resolve the problem. Clerk Ray said that she learned today that the county had put out a request for quotes (RFQ) for application of mag chlorine to the site; the due date for those proposals is September 4. The Routt County Commissioners are having a worksession on Tuesday, September 7 and invited a representative from the Town to attend. Clerk Ray will attend if no board members can. The contract on the fencing expires September 7 and Mayor Yackey has been in contact with American Fencing to determine pricing for a 6, 9 and 12 month contract extention, but he will not have answers until tomorrow. Following discussion Trustee Lewis moved to authorize Mayor Yackey to contract on behalf of the Town for the term that offers the best long term rate. Trustee Drust seconded the motion and the motion passed unanimously on voice vote. Trustee Drust asked what could be done to keep the fence upright as it is having a tendency to cave in on the south side. Following discussion, it was determined that the Town has some barrels or buckets that could be filled with sand and the fencing could be secured by ropes to those barrels or buckets to keep the fencing upright. PWA Samuelson will be asked to complete the process if he has time and can find the materials he needs as PWS Berry is out of town.

NEW BUSINESS

Discussion and consideration of signing Memorandum of Understanding (MOU) between Colorado Department of Local Affairs (DOLA), University of Colorado Denver (UCD), Colorado Center for Community Development (CCCD) and Town of Yampa for assistance in providing design and planning for town gateways and directional signage concepts and plan

Clerk Ray stated that the MOU and Scope of Services outline the process and what the end product of the study will produce. The cost of the project is estimated at \$4,900. The grant is for \$2,450 and matching funds in the amount of \$2,450 are being provided by Friends of Gateway Yampa, LLC. Trustee Lewis moved to approve the MOU between DOLA-UCD-CCCD and the Town of Yampa. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

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Consideration of sending flower barrel maintenance thank you – Janet Ray

Trustee Lewis moved to send thank yous to the volunteers who plant and maintain the town flower barrels and also Friends of Gateway Yampa, LLC who did the beautification work this past summer. Trustee Ashley seconded the motion and the motion passed unanimously on voice vote.

PUBLIC WORKS DEPARTMENT

Discussion of information on aerator motors and consideration of purchase

PWS Berry provided prices for the replacement motors for the aerators, but no detailed information, which the Town Board felt they needed before the order is placed. The prices are: Air-O-Lator Corp at \$2,310 plus shipping from Kansas City, Missouri and Munro Supply at \$1,747.80 plus shipping from Arkansas. Following a short discussion, Trustee Lewis moved to purchase one motor from Munro Supply if the motor is of equal quality to Air-O-Lator Corp. Trustee Drust seconded the motion and the motion passed unanimously on voice vote. Mayor Yackey noted that he would consult with Mr. Berry regarding details before an order is placed.

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

Code violations

Wyatt firewood structure – Clerk Ray reminded the Town Board that Bobby Wyatt who built a structure to cover his wood pile that encroaches into the 25 foot front yard setback and who was sent a letter requesting that it be removed, came to town hall after he received the letter and told her that he thought because he has some physical disabilities, is a veteran, and has limited income that the town should let the structure stay where it is. He further explained that other places let ramps be built in setbacks for house access for disabled persons and he did not see why this would be any different. He said he was going to get an advocate to take on his cause. Clerk Ray explained to him that she is not knowledgeable on ADA law and if he could bring her some information to confirm that he should be exempt from the zoning code, she would pass it on to the town board. Clerk Ray said she asked if the structure could be placed on the east side of the house, but he told her that he would have to take the wood through the house to the stove. Clerk Ray said she has not received any information nor has she heard anything further from him since that visit. Clerk Ray noted that the roof was removed from the structure, but the structure remains in the same location. Clerk Ray noted that there are locations on the property that the structure would not be in violation of the zoning regulations, but not on the west side of the property. Clerk Ray said she has asked Attorney Weiss for legal opinion regarding ADA regulations and the zoning code.

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On going business

Clerk Ray forgot to report to the Town Board at the August meeting that Routt County paid for the DOLA-EIAF Committee reception held in Steamboat Springs on July 21. The 2016 draft water/wastewater eligibility project list was received and reviewed for accuracy. The information Clerk Ray submitted was correct and she confirmed that to CDPHE. A Land Use survey was received from Colorado Municipal League (CML), which was completed and returned to CML. Clerk Ray noted that it was an update of a 2010 survey. A survey regarding byways was completed and returned to the State of Colorado. Work continues on the 2016 budget. Clerk Ray certified the ballot referendum to Routt County on September 1, 2015. Clerk Ray reported that while she was continuing to work on the move of the Heart Mountain School and Milner Hall, she was told that Barbara Palmer decided to keep the buildings. Since the buildings won't be moved, the Museum and Heritage Fund Advisory Board was made aware that the grant that had been awarded to the Town and Yampa-Egeria Historical Society to pay for a portion of the move would not be needed.

REPORTS OF COMMITTEES

Friends of Crossan's (FOC)

President Jeff Drust reported that research continues on getting the scope of work and budget in line to proceed with the project.

MEETING REPORTS

Colorado Department of Transportation (CDOT) Region 3 2015 Routt County Meeting

Clerk Ray passed around the booklet that CDOT representatives reviewed at the Routt County Commissioners meeting.

SCHEDULE WORKSHOPS AND/OR SPECIAL MEETINGS

Trustee Lewis moved to have workshops on September 9, 23 and 30 for budget work. Trustee Drust seconded the motion and the motion passed unanimously on voice vote.

BOARD MEMBERS AND AUDIENCE REQUESTS FOR AGENDA ITEMS FOR NEXT MEETING

Bobby George was present and stated that he wants to negotiate face to face with the town board, rather than a middleman or an attorney for the infiltration gallery property. He said that he could show the town board numbers of what the property is worth. Mayor Yackey stated that the Town Board had thought the Town already had a signed agreement with him. He agreed, but said that he took that agreement off the table when he heard what the Town

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paid for the water storage tank property. He went on to say that he was giving up 50 acres for 20 acres and that he does not believe that is fair to him. He repeated that he did not want a third party negotiator or a letter from the Town's attorney, he wants to deal face to face with the Town Board. It was explained to Mr. George that when the Town Board was told that he had withdrawn the previously negotiated agreement, they had voted to move forward with the eminent domain process.

#### READING OF CORRESPONDENCE AND REQUIRED ACTION IF ANY

Clerk Ray explained that the Town had received a letter from a customer who had been assessed a late fee on a water/sewer bill that he wanted removed. This was the July statement; which he explained he had paid on 8-1-15. He went on to say that it does not state on the statement that a 10% late fee will be charged. Clerk Ray said that the payment was received August 28. From the envelope, it appears the payment was sent with just the Town's name and PO Box, not the town, state or zip. It appears the payment was returned to the customer for a more complete address and then put back in the mail to the Town. This explains the time lag. Clerk Ray said that she does not know the legal facts regarding whether the late fee information must appear on the statements, and therefore has asked for a legal opinion from Attorney Weiss. Deputy Clerk Phillips is also working with the Town's software company to see if the late charge information can be added to the statements. Clerk Ray will report back to the Board when more information is available. Notification from CDPHE was received regarding a change in Fluoride testing. Previously, the Town had to sample once every 3 years and now the Town must sample once a year for Fluoride in the water. PWS Berry is aware of the change and told Clerk Ray that he had reported the change to the Town Board at a workshop. An email from Mike Zopf was received that stated after 38 years with Routt County Environmental Health he would be retiring at the end of September. Other correspondence was circulated. None required action.

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

The August financials and August invoices with completed vouchers were circulated for review. There were no questions. The August meter reading report was not available; it will be circulated at a later date.

#### 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 Ashley seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 8:53 pm.

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Thomas E. Yackey, Mayor

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Janet L. Ray, Town Clerk

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April 6, 2016