

Town of Yampa  
Special meeting minutes  
September 16, 2020

TOWN OF YAMPA  
SPECIAL MEETING MINUTES  
SEPTEMBER 16, 2020  
7:00 P.M.

Due to the Covid-19 pandemic the Board of Trustees will be attending both in person and via gotomeeting. In person attendance is limited per State of Colorado public health orders and masks are required. The public is encouraged to attend via gotomeeting. audience - please call 970-638-4511 prior to the meeting if planning to attend in person.

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**Access Code: 595-025-621**

**BOARD MEMBERS PRESENT:** Mayor Pro-Tem Mike Lewis, Trustee Stacey Geilert, Jeff Drust, and Crystal McLaughlin (attended virtually)

**BOARD MEMBERS ABSENT:** Mayor Robert Symons

**EMPLOYEES PRESENT:** Town Clerk (Clerk) Janet Ray, Deputy Clerk (DC) Nora Phillips, Public Works Assistant (PWA) Greg Samuelson

**AUDIENCE PRESENT:** Sheila Symons, Don Thayer, Machia Cox (Fire Chief of Yampa Fire District), Donna Corrigan, Noreen Moore

Call to order

Mayor Pro-Tem called the meeting to order at 7:00 pm

Roll call

Board Roll call was taken

Pledge of Allegiance

The pledge of Allegiance was recited.

Discussion with Yampa Fire Chief Ky Cox for possible consideration of granting an exception for requiring an automatic sprinkler system in the Bear River Condominiums building if Unit D becomes a residential unit (email thread in packet)

Yampa Fire District Fire Chief Machia (Ky) Cox spoke on this issue. He advised that he spoke with Donna Corrigan the owner of Bear River Condominiums regarding the consideration of granting an exception for requiring an automatic sprinkler system if they decide to add this 3<sup>rd</sup> unit. He advised that the Condominiums have fire safe walls. He feels that with the size of the room that there is adequate safety for human life with the way it is set up at this time. He also advised that he knows that in the future things can change and must be taken into consideration. He brought up that the Condominiums have life safety measures/initiatives in place for the building and the size of the units.

He advised that the Yampa Fire District has accepted the Routt County Fire Codes, however it comes back to the Yampa Fire District for a final review of exceptions.

Noreen Moore spoke regarding the letter from Town Attorney Bob Weiss. She doesn't feel he was aware of all the fire safety measures that have already taken place for the condominiums. In addition, they are in a very close proximity to the fire station.

Don Thayer (fire warning system installer) advised it is a modern addressable system. Each device has its own address. Older systems would have had all the first-floor devices and the second-floor devices are a zone. In this case every single device has its own description. Every unit has a smoke detector with a sounder, so that if there is a fire, all the sounders will go off. The whole building will go off if any smoke detector goes off. Each unit has 1 smoke detector and a horn strobe (flashing light and a sounder). The panel records everything. They are not currently being monitored by a central station. He advised that is one additional measure he would recommend. That he does recommend as even though the fire department is in close proximity, a monitoring system would have a 24-hour access to fire safety to hear the outside horn strobe. If no one hears or sees it, the fire department would not be called. If they looked into having a central station, it would dispatch emergency workers and the owner of the building to the situation.

Donna Corrigan advised that she certainly would want a monitored central station.

Noreen Moore requested a variance. She would like Town Attorney Bob Weiss to be notified of the fire safety measures that have been taken. She also advised that the fire walls, the code work and fire safety measures that have been done she feels strongly confident on that the work is highly sufficient for fire prevention or spread. Noreen Moore also wanted to be noted that the fire alarm in the units are so loud they could wake the dead. She would like to have a variance done to make it fire safety units should be considered.

Donna Corrigan advised that originally these units were not going to be residential units. They were all going to be businesses/retail spaces. She advised that people just kept coming to them because they had no place to live and that living units are needed in and around Routt County. After many people asked about if they will be providing living units, they decided to look into changing their game plan. She also questioned what the benefit of a fire sprinklers would be. She advised that she spoke with Don Thayer and he advised that it was to keep the smoke out, not necessarily stop the fire. It is to allow the person in the unit enough time to escape out of the room, which is the main benefit of the sprinkler system. She continued that fire sprinkler systems are hard to maintain. She advised per code they put back doors on the units. That gives

the resident 2, escape routes in a 1000 square foot area. These units also do not have any interior walls or separate areas. If the resident starts putting up partitioned walls in then the fire safety system has to be upgraded. Each space is to have its own smoke and carbon monoxide detectors. Noreen Moore agreed that when this project started, they really did feel there would be many takers for retail space. Their plan was more commerce for Yampa. However, there were no takers. They realized that it was over 2 years and still no takers on this. So, they decided to look into making some changes to the plan that they originally had.

Trustee Drust took a moment to read through the letter from Bob Weiss.

Donna Corrigan advised that Bear River Condominiums Insurance does not have any issue with the units to need a fire sprinkler system.

Donna Corrigan advised that Don Thayer had installed the current fire alarm system which was approved by the Yampa Fire Marshall. When Kent Foster asked to turn Unit D into a residential unit, she had Ky Cox (Chief of the Yampa Fire District) come over again to inspect the system of smoke and heat alarms, strobes, etc. Ky had indicated that he did not feel that the addition of another residential unit would require a sprinkler system, especially with the proximity to the fire station.

He did indicate that he would want the system monitored. Also, if any partition walls were to be built in any unit, he would require the installation of additional alarms. Since the addition of any interior walls would require a building permit, he indicated he would require additional alarms in interior rooms. All the common walls in the units were fire calked and inspected and were built as two-hour walls.

Noreen Moore advised that their first thought was there would be plenty of businesses/shops wanting to take use their space as a business front. However, they are not seeing the demand they expected. She advised that Bear River Condominiums held out as long as they could to avoid using these spaces as residential. She advised they waited at least 2 years with no commercial hits. That is when they decided to go with this new format.

Clerk Ray reminded that the Board members will be looking into any amendments to the building code in the next 2 months. If the Town Board decided to make a change to the code itself regarding the sprinkler system requirements this would be when it would happen. This is in regards if the board wants to make changes to the Code itself.

Trustee Geilert asked if there is a difference on fire sprinkler restrictions from a residential unit to a commercial unit, since Bear River Condominiums is a mix of both commercial and residential units. Donna Corrigan advised that it is meant mostly for residential units, people are actually living there. It is more of a time situation on how the unit is being used daily. Trustee Geilert mentioned if the Bakery did need a fire sprinkler system, it may be more cost effective to do that in all portions of the building. Noreen Moore advised that the way it works in a restaurant is that they have a fire suppression hood. This makes it not necessarily about sprinklers but cuts the fire out at that point it has started.

Mayor Pro-Tem asked Ky Cox how he felt about this talk since he is the Chief of Yampa Fire District. He advised that he doesn't think it should be done for just this situation. It should be modified for all situations that could occur in the future. If the Town Board is interested in growth, he feels this is the best way to do this to avoid redundancy for future growth.

The email from the Town Attorney Bob Weiss, it was recommended to amend the building code across the board and not to just make this a one-time situation to keep up with the growth of the Town.

Fire Chief Ky Cox did continue to advise that fire sprinklers do allow for more time for the residents to get safely out of the building. They also provide for additional time for the Fire District to get set up for the firefighting. He does agree with Bob Weiss, the Town Attorney in summary. If this is to be a change for the Bear River Condominiums not to need fire sprinklers, then to just make this change for all situations like this in the amendment of new the Building Code. Donna Corrigan advised that she found it interesting when she had a conversation with Todd Carr (Routt County Building Department) that he advised if they were replated as townhomes instead of a condominium, this would be an easier fix. She advised that would be much more work because these Condominiums have declarations already have been made. She was also confused as to is this discussion about life and safety or meeting the code. If it is the same building same units but to change the type of units they are classified, in short, changing the name of them and now they do not need a sprinkler system, makes no sense to her.

Clerk Ray advised that she does not know the difference between condominiums over town homes. She mentioned that this will be researched more for this situation and for the update of the Town of Yampa's municipal code. From a stand point of needing more housing in the county this is something she should be aware of. This kind of situation and allowing for the inclusion of this to the new building code may make a big difference for future requests. This is due to the lack of land in Yampa and lack of housing this is something that can really help the living situations in the Town of Yampa because the possibility of multiple unit properties could be more of an option.

Town Attorney Bob Weiss advised in an email that he recommends changing the code completely and not just this one time. Donna Corrigan brought up that she is aware that certain sections of the codes can be modified. For example, in certain sections of building codes, the separate entity can advise they are omitting something from the main code. Clerk Ray explained that the Board will be looking at the new Building Codes and any amendments that the Town of Yampa puts in there will be done at that time.

Trustee Geilert is concerned with if there was a fire and there were casualties, that not having the fire sprinklers could make the town liable. Clerk Ray advised that is why it would be best to adopt this as a new code and not make an exception. This from an insurance stand point would be preferred.

Noreen Moore asked if the Town Board if they would consider making this a variance for Bear River Condominiums not to need a fire sprinkler system for going from 3 units to 4. She is wondering if there is some caveat that can be done that the Town Board approve this for them with the understanding that the Building Code is not update at this time but will be updated in the next couple months. She is concerned at the process of looking into updating the Building Code would be very timely and they need to know if they have to install the fire sprinklers or not to keep their process moving. DC Phillips asked if a person wants just residential units and no commercial units, then would they require the fire sprinkler system also. Donna Corrigan speculated that she is not sure. She mentioned it could have something to do with the difference between Townhomes and Condominiums.

Trustee Geilert thinks the extra time that fire sprinklers could save for the residents, that should be considered. Donna Corrigan explained that the way the condos are set up. They had walls between the wooden structure are like an elevator shaft system. It should give 2-3 hours before the wooden structures would be affected. She advised there is one inch of dry wall, 6 inches of stud and additional fire safety measures.

Trustee Geilert advised that she does think the Town Board should grant this variance for the Bear River Condos. She feels that they have proven they have a decent amount of fire protection/suppression. However, she does think it should be required to have a monitoring system for every unit. Trustee Drust spoke of his concerns, he advised that he feels that the Town Board needs to find a way to help out Bear River Condominiums to have their issue resolved not needing a fire sprinkler system. Fire Chief Ky Cox explained how the monitoring system would work. He advised it will go through a company that will dispatch to Routt County that way Yampa will be notified of a fire, if they do not have any volunteers around, it would have already gone to another district because Yampa has a Mutual Aid Agreement with other fire districts for them to come assist if needed. It is key for it to go through Routt County Communications to have this be actioned on as fast as possible.

Don Thayer spoke regarding internet issues or hard phone lines for the emergency monitoring system. He advised they went with the internet process since internet was already set up. He advised there was no need to also purchase a land line phone. Trustee McLaughlin asked if there would be a contract yearly. He advised that it would be sent out yearly that it is continuously being monitored if the client asks for it. Trustee Geilert asked how often the system is checked on. He advised it is automatically checked every 24 hours.

Clerk Ray asked Donna Corrigan and Noreen Moore if the building permit shows that all the fire suppression system that was put in. They both did advise that it is in their building permit. A plan had to be submitted for the issuance of the permit. Fire Chief Cox did advise he has a copy of this in his file. She advised the Town needs to have a copy of all fire system information for any new or existing properties if they do move forward with this exception. It would be a good thing to have on file for liability purposes in the future. That would be a way to keep up with all that entails with the property.

Trustee Drust made a motion that Bear River Condominiums to allow more than 2 residential units that would require a sprinkler system with the caveat of having an emergency monitoring system required. Trustee Geilert seconded the motion. Motion passed on roll call vote.

Clerk Ray asked Fire Chief Cox if he would write a note on Yampa Fire District letter head that they do concur with the decision and it is still considered fire safe without the fire sprinklers. He advised he would do that.

Consideration of adopting Resolution 2020- 07 - a Resolution Authorizing an Investment Grade Audit and Energy Performance Contracting Project Proposal contract between Town of Yampa and McKinstry Essention, LLC (contract in packet)

Clerk Ray advised that she sent the contract to Town Attorney Bob Weiss. He advised that he is not familiar with these types of contracts. He is cautious to give legal advice on this. She did reach out to Winnie Delliquadri (city of Steamboat Springs) and Peter Brixius (manager of city of Craig) to see if they have had their attorneys review this contract. She advised she has not heard back from them yet. She will reach out to Routt County, Hayden and Colorado Municipal League (CML) also. Clerk Ray explained that she has reviewed the contract and she thinks from what she understands that the situation the Town is in is that if the Town does not go forward with the projects, that the Town would owe McKinstry Essention, LLC \$250.00. She explained that they have already done work on this project and more than likely over \$250.00 worth of work. She advised she would double check a couple more things but, if it is only \$250.00, she

feels it is worth the risk at this time. McKinstry Essention, LLC needs the contracts signed by September 23, 2020.

Clerk Ray explained to the Town Board that they can continue on with the contract with the caveat that she will continue doing the legal research on it and bring it back to the Board via email. Or she advised the Board can not sign it at this time, but she will have to go back to McKinstry Essention, LLC and advise that we will not have a signed contract by September 23, 2020.

Trustee Drust advised he feels that the Town should move forward with this contract with the caveat that it is only \$250.00. Clerk Ray advised that this is an energy performance contract that the Town of Yampa would not be putting in a substantial amount of money. She advised the concern is to make sure that is the case with this contract. She would be more comfortable having an opinion from an attorney. She did advise that this is a very simple contract. Trustee McLaughlin made a motion that the Town Board sign Resolution 2020- 07 - a Resolution Authorizing an Investment Grade Audit and Energy Performance Contracting Project Proposal contract between Town of Yampa and McKinstry Essention, LLC with the caveat that we have legal counsel advise that this contract will only have the Town of Yampa on the hook for \$250.00 at this time. Trustee Geilert seconded the motion. The motion passed on unanimous voice vote.

Consideration of adopting Resolution 2020-08 - a Resolution Supporting the Colorado River Water Conservancy District's ballot question 7a - Shall Colorado River Water Conservation District, also known as the Colorado River District, taxes be increased by an amount up to \$4,969,041 in 2021 (which increases amounts to approximately \$1.90 in 2021 for every \$100,000 in residential property value), and such amounts as are generated annually thereafter from an additional property tax levy of .248 mills (for a total mill levy of 0.5 mills) to enable the Colorado River District to protect and safeguard western Colorado (in packet)

Clerk Ray advised this was mentioned in a previous meeting. The Colorado River District is requesting the Town of Yampa's support for their ballot measure. Trustee Geilert made a motion to sign a Resolution Supporting the Colorado River Water Conservancy District's ballot question 7a - Shall Colorado River Water Conservation District, also known as the Colorado River District, taxes be increased by an amount up to \$4,969,041 in 2021 (which increases amounts to approximately \$1.90 in 2021 for every \$100,000 in residential property value), and such amounts as are generated annually thereafter from an additional property tax levy of .248 mills (for a total mill levy of 0.5 mills) to enable the Colorado River District to protect and safeguard western Colorado. Trustee Drust seconded the motion. The motion passed on unanimous voice vote.

Questions from Sheila Symons regarding Town Clerk/Treasurer position

Sheila Symons advised that she is willing to accept the salary that was offered for the Town Clerk/Treasurer position with a review in 6 months of a possible increase of salary. She asked the Town Board what their thoughts were on that process and the amount that was decided for a review after the 6-month period. Trustee Geilert advised what it would be is a review of job performance from the previous 6-months and then they will evaluate if a raise of pay is in order. Sheila Symons also wanted to know if the new PTO policy would be able to be included in to this job offer. She advised that she is aware it has been being worked on prior to her being hired. Trustee Geilert spoke and said she thinks that was something that the Board was in agreement with. Trustee McLaughlin advised she felt the same way and this year would obviously be prorated.

Sheila Symons asked also when her start date would be with the drug testing that she thought still needed to take place. She wasn't sure if she would be able to start prior to a negative drug test. Clerk Ray thought that the drug test would not be required. However, after further review Clerk Ray advised that it actually was a policy to have every employee be drug tested. Clerk Ray does not think that Sheila Symons would need to wait to start working however. Sheila Symons concern is to start getting trained as soon as possible since Clerk Ray will be a part-time employee as she phases into retirement full-time. Clerk Ray advised she will be around the office getting caught up with previous work that needed to be done. She said she would like to be able to get the municipal code updated and the records retention also along with training Sheila Symons.

DC Phillips asked to have the PTO policy information recapped. Clerk Ray advised that at the December 11, 2019 meeting, Mayor Symons had put some numbers together that still needed to be reworked. The meeting that took place and the numbers weren't reworked yet. There is some additional work that needs to be done to have this approved. Long and Short-Term disability is one of the things that needs to be discussed.

Clerk Ray gave a couple additional updates she wanted to mention that do not require action. She advised she referenced the Building Code Amendment, she has not gotten that copied for everyone yet, she will have that out to everyone soon.

She mentioned the new Health Insurance information. She hasn't had a chance to review that yet. She will get that copied and given to everyone soon.

Clerk Ray relayed that Donna Corrigan advised they have a new contract on the Yampa Valley Ranch that is for sale. It is supposed to close on October 15, 2020. Donna Corrigan has made the potential buyers aware that the Town's interest in the 3-acres for the wastewater treatment expansion. Clerk Ray and Donna Corrigan discussed the sewer line that is on Yampa Valley Ranch property, which Donna Corrigan advised the easement does not show up in the Ranch Title Commitment. Clerk Ray is working on that aspect. Clerk Ray is curious if the Town should do a letter of intent regarding the sale of the 3-acres and the fence. Donna Corrigan thought that would be a good idea. Clerk Ray wanted the board to be aware that the letter is written for the original owners of the Ranch right now. Clerk Ray will get that letter for the new

buyers to Donna Corrigan. She did mention that if in the original letter of intent, the bushes/trees that have not been discussed in that letter, she is not going to put it in the new letter. She advised it mostly talks about dollar amounts and the 3-acres and the fact that the Town will fence those 3-acres.

Discussion and possible consideration of process to fill the Mayor vacancy

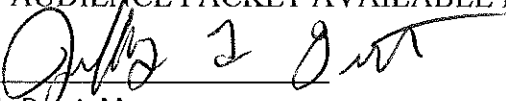
Clerk Ray had written correspondence with Bob Weiss. He advised as far as protocol, the Town can either name a mayor from the sitting Board and do advertisement for a Trustee. Or the Mayor position can be put out to Register Electors to see if there are any letters of interest. Mayor Pro-Tem asked Trustee McLaughlin if she would be interested in becoming Mayor and she advised that she does not want to be Mayor. Trustee McLaughlin asked Trustee Geilert if she would like to be Mayor and Trustee Geilert advised that she would be happy to be Mayor but that Trustee Drust is also interested. Trustee Drust spoke and advised that he feels he has proved his love of this town over the last 2 decades. He feels it would be the best interest of the town if he became Mayor.


Mayor Pro-Tem asked if the Board would be in agreeance for Trustee Drust to be Mayor. The Town Board is all in favor of Trustee Drust to become Mayor. Clerk Ray she would put this on the October agenda for appointing a mayor at that meeting.

Adjournment

Mayor Pro-Tem Lewis asked for further business, hearing none he called for adjournment. Trustee Drust made a motion to adjourn. Trustee McLaughlin seconded the motion and the motion passed unanimously on voice vote. The meeting adjourned at 8:27 pm.

AGENDA SUBJECT TO CHANGE 24-HOURS BEFORE SCHEDULED MEETING  
AUDIENCE PACKET AVAILABLE FOR REVIEW BEFORE THE MEETING

  
\_\_\_\_\_  
Jeffrey L. Drust, Mayor

Attest:  
  
\_\_\_\_\_  
Sheila Symons, Town Clerk

\_\_\_\_\_  
September 1, 2021