

**TOWN OF YAMPA**  
**TOWN BOARD REGULAR MEETING MINUTES**  
**September 6, 2023 – 6:00 pm**

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

**BOARD MEMBERS ABSENT:** Trustee Lewis

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

**AUDIENCE PRESENT:** Gene Sanders, Amy Kindsvater, Sheriff Doug Scherar, Ryan Parker, Janet Ray, Ken Montgomery, Diane Mahoney, Brian Ashley, Via Zoom Chris Manzanares

**1. Call to Order**

- a. Mayor Geilert called the meeting to order at 6:12 p.m.
- b. Roll Call was taken
- c. Pledge of Allegiance was recited.

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

Please limit comments to 5 minutes. The Town Board will take comments under consideration but will not make any decision or take any action at this time. Anyone who would like to address the Town Board concerning any agenda item will be given the opportunity to speak for up to 5 minutes at that time.

**3. Routt County Sheriff's Department Update – Doug Scherar, Sheriff (20 Minutes)**

Sheriff Scherar advised of an incident that happened a couple of weeks ago, stating it was rumored to be a house invasion or burglary. He stated that the people involved have a history in Oak Creek and Yampa and he is aware of why that would cause more skepticism. He noted that it was determined that this was a Facebook hoax and they legitimately thought they had rented the property. Sheriff Scherar said that it ultimately resulted in a trespassing charge.

Sheriff Scherar responded to questions about extra patrol in Yampa only, noting such would be difficult as there are only 3-4 deputies that cover the entire County. He did advise that they adhere to their 2001 contract provisions of providing at least 10 hours a month, adding that they are typically present in Yampa for an average of 40-100 hours a quarter. He stated that they also have a School Resource Officer (SRO) in South Routt for a certain number of hours a week, and all in all, the Sheriff's Department does have a presence as much as they can and feel they do respond to all calls in a timely manner. Sheriff Scherar noted that the Town and County are operating under a 20+ year-old contract with rates that are 20+ years old too. In response to a question about why the SRO hours are logged as Town of Yampa patrol time, he advised that is when they are patrolling before and after school for traffic mitigation.

**4. Ordinance 2023-03 – Mahoney Road Vacation (15 Minutes)**

Mayor Geilert opened the public hearing to consider public input on a proposal from Diane Mahoney to vacate a 3.41-foot wide strip of Third Street in Yampa directly adjacent and to the north of Lot 16, Block 7, Norvell Addition to the Town of Yampa equaling 0.01 acres. Planner Page-Allen reviewed the packet information, noting that state statute requires that the Town Board hold a Public Hearing for road vacations and secondarily for the ordinance regarding any approval of the vacation. She noted that the owner's buildings encroach onto the 3.41-foot-wide strip proposed to be vacated. She added that adjacent property owners were notified, along with local agencies including Public Works, Yampa Valley Electric Association (YVEA) and the Fire Department. She stated that YVEA did comment that there are overhead power lines that appear to encroach into the 3.41-foot-wide strip and recommended that a utility easement be reserved in any approval of the road vacation.

Ms. Mahoney discussed the basis for her request, adding that she would like to be able to have title to the property occupied by the buildings she owns and such will clean things up if she ever decides to sell.

Ryan Parker, 221 E Second Street, asked what history has shown for other road vacations and whether in the past payment was required. He stated that a precedent should not be set if no payment is required from Ms. Mahoney that will influence future similar requests. He added that he would like to see consistency throughout the Town

in these matters. Planner Page-Allen advised that there have not been many road or right-of-way vacations recently, noting that the numerous similar requests she has handled typically do not require compensation or purchase. Mr. Parker commented that he was also concerned that this may encroach into the alley or on his property. Ms. Page-Allen advised that the proposed vacation would not affect another property besides Mahoney's. Mr. Parker asked if charging Ms. Mahoney for the 3.41-foot-wide strip was an option. Planner Page-Allen advised that it is typically not handled in that manner, and she is aware of only two situations in the last twenty years where compensation for a situation like this was required. She referenced the state statute and explained that a road vacation and the ownership of the property subsequent to vacation occurs by operation of law versus being a fee simple land purchase. She added that the Town Board can use their discretion to ask for compensation. In response to a question regarding what would happen to the many other building encroachments throughout Town, Ms. Page-Allen explained that, while the Town has the right to request removal, these encroachments are allowed to continue until such time as they are removed and any new construction would need to meet property setbacks.

Brian Ashley voiced his concern on the vacation of the road adding that the road curves towards his house because Ms. Mahoney has landscaping that encroaches into the platted road. Ms. Page-Allen noted that if there was damage caused by a plow truck to the the landscaping, it would be not be considered property damage due to the landscaping encroaching into the roadway. Mr. Ashley stated that he thinks as precedence it would be wise to consider compensation for the property Ms. Mahoney would gain with approval of the vacation. Planner Page-Allen did advise that this portion of the land being mentioned to vacate was not self-imposed.

There was discussion between Board members and those in attendance about how would that 3.41-foot-wide strip be valued if compensation was required. Discussion points included requiring an appraisal, using the pricing for for-sale vacant property in Town, or using the Routt County Assessor's valuation. Ms. Page-Allen noted that if the Town required compensation for the road vacation that the funds would only go to the General Fund in response to a comment that the Town needed funding for water and sewer capital projects.

In response to a question from the Board, former Town Clerk Janet Ray stated that in her tenure here, no compensation was ever received for any past road vacations.

No further public comments were made.

Mayor Geilert closed the Public Hearing.

Round table discussion from all Town Board members took place. The general consensus of the Board was that if the Town decides to start charging people for proposal such as this, it is best addressed with requirements contained in future code updates.

Trustee Cave made a motion to approve and authorize the signing of sign Ordinance 2023-03, An Ordinance Vacating a Portion of Third Street Located North of Lot 16, Block 7, Norvell Addition to the Town of Yampa, Routt County, Colorado. Trustee Geanious seconded the motion and the motion passed unanimously.

**5. Ordinance 2023-04 – Title 17, Zoning Ordinance, Amendments (10 Minutes)**

Mayor Geilert opened the public hearing for the consideration of the Planning Commission's recommendation on Ordinance 2023-04, An Ordinance Amending and Modifying Title 17, Zoning, Yampa Municipal Code, at Section 21.04, Planning Commission, and Section 22, Fee Schedule for Enforcement and Administration of Zoning Ordinance; Repealing All Conflicting Ordinances; and Providing an Effective Date.

Ken Montgomery suggested some wording of the Ordinance be changed. He also asked questions on the fees and conditional uses that are proposed to be deleted. Ms. Page-Allen explained that the fees are adopted by a resolution by the Board of Trustees, and these specific items were missed in the changes that were implemented previously.

No further public comments were made.

Mayor Geilert closed the public hearing.

There was discussion between the Board and staff regarding input received about the term of the Planning Commission member appointments specifically regarding changing the term to four (4) years and that initial terms should be staggered to assure that there was continuity of the membership.

Trustee Geanious made a motion to approve and authorize the signing of Ordinance 2023-04, An Ordinance Amending and Modifying Title 17, Zoning, Yampa Municipal Code, at Section 21.04, Planning Commission, and Section 22, Fee Schedule for Enforcement and Administration of Zoning Ordinance; Repealing All Conflicting Ordinances; and Providing an Effective Date with amendments to Section 17.21.04(A)(i) removing the word "policy" and to Section 17.21.04(D) changing the term to four (4) years with the initial appointments being staggered. Trustee Cave seconded the motion and the motion passed unanimously.

**6. Resolution 2023-07 – 2023 Budget Supplemental #1 (10 Minutes)**

Mayor Geilert opened the public hearing on 2023 Budget Supplemental #1.

Ms. Page-Allen explained that this proposal is in follow-up to the last budget work session's direction to moved forward with increasing the General Fund budget by \$141,367 and the Water and Sewer Enterprise Fund by \$32,046 to expend grant funding received by the Town not anticipated at the time of initial 2023 Budget adoption.

There were no public comments.

Mayor Geilert closed the public hearing.

Trustee Cave made a motion to approve and authorize the signing of Resolution 2023-07, A Resolution to Adopt Supplemental 2023 Budget Appropriations to Defray Expenditures in Excess of Amounts Budgeted – General Fund & Water and Sewer Enterprise Fund. Trustee Williams seconded the motion and the motion passed unanimously.

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

- a. Approval of August 2nd and 16th, 2023 Minutes
- b. Approval of July Payment Approval Reports

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

**8. 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

Ms. Page-Allen reminded those in attendance that Community Support Grant applications are due on September 8<sup>th</sup>.

Ms. Page-Allen gave an update on the renovation, updates to funding, and investments in the museum that she is working on with the Yampa Egeria Historical Society (YEHS). She noted that the renovations related to doing investigatory work at this time are about \$6500 and to get the renovations going before the snow begins it is imperative to get this rolling to avoid any additional damage over the next winter. She noted that YEHS has been awarded \$2000 in Town grant funds so this would leave \$4500 for the Town to bear. She asked for direction from the Board as to undertaking this expense in 2023, noting that there are other options to find additional funds but their timeliness would put things on hold until next year. It was noted that per the lease with YEHS, the Town has the responsibility to take care of the outside of the building. Ms. Page-Allen stated that approving this would require a supplemental budget approval. In response to a question from Mayor Geilert, Ms. Page-Allen stated that the General Fund can bear this expense in 2023. The consensus of the Board was to move forward with the supplemental budget request with a 20% increase to consider potential cost overruns at the next meeting and public comment can be considered at that time.

**9. Scheduled Meetings/Work Sessions/Events (5 Minutes)**

- a. September 8th @10:30 a.m. Dedication Ceremony of the Craig Regional Solar Utility Project
- b. September 13th @ 5:00 p.m. Regional Transportation Meeting at Oak Creek Town Hall
- c. September 16th @ 10:00 a.m. Coffee with the Mayor at Yampa Garage Biscuits and BBQ
- d. September 20th @ 6:00 p.m. – Town Board Meeting

- e. October 4<sup>th</sup> – Town Board Meeting Cancelled
- f. October 11<sup>th</sup> @ 6:00 p.m. – Town Board Special Meeting
  - ii. 2021 Building Code Presentation & Ordinance Consideration
  - iii. 2024 Budget Presentation

**10. Executive Session (15 Minutes)**

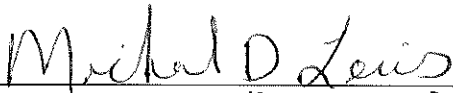
Trustee Williams made a motion to enter Executive Session to discuss and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to CRS Section 24-6-402(e) – Infrastructure Repairs took place. Trustee Cave seconded the motion and the motion passed unanimously.

At the conclusion of the Executive Session, Mayor Geilert stated that nothing but the subject matter shown for the Executive Session was discussed and no decisions were made. She asked if there was disagreement from the Board members, and there was none.

**11. Adjournment**

Trustee Geanious made a motion to adjourn the meeting. Trustee Cave seconded the motion and the motion passed unanimously to adjourn at 8:16 pm.

Approved the 20<sup>th</sup> day of September 2023.

  
~~Stacey Geilert, Mayor~~ Michael D. Lewis

Attest:

  
Sheila Symons, Town Administrator/Clerk

