

**TOWN OF JAMESTOWN
SPECIAL TOWN BOARD MEETING
MAY 2, 2016 MINUTES**

Mayor Schoedinger called the meeting to order at 7:00 PM. Present at roll call were Trustees Jen Lucas, Heather Yahnke, Carolyn Donadio, Chad Droste, Vic Harris, and Ken Lenarcic.

Approval of Agenda:

Mayor Schoedinger added an Executive Session to consult with the Town Attorney in regard to the liquor license review.

Trustee Droste moved to approve agenda as amended seconded by Trustee Donadio. Unanimous vote for approval.

The approval of April 4 Minutes was tabled.

ANNOUNCEMENTS

Mary Ellen announced that she will be leaving her position as Town Clerk in mid-May for an opportunity in Aspen, CO.

Mayor Schoedinger told the Board that, per State Statutes, the Board will need to appoint an interim town clerk until one is hired. During the next few weeks, the Board will work on a job description for the clerk position. She told the Board that the staff (Chris, Erika, Millissa, and Chuck) was covering many of the tasks until the transition to the new clerk was made.

COMMUNITY UPDATES

Mayor Schoedinger made a presentation of recent community updates. She noted that the community updates will be done at the beginning of the first BOT meeting of every month and that the regular monthly community meetings and the newsletter were being phased out. She said that there would be periodic community meetings covering special topics as needed. She also noted that the Town website was compromised and a new version was being built and populated.

The first update was the transition of Nina Andaloro who would be now working for Town Engineer Jennifer Aieta but will continue to work on projects for the town through ACE. The other updates included the departure of the Mennonite Disaster Services; the progress of the Flowers, Zupko, Gosbee, and Kohlhaas/Constantine homes; information on the Left Hand Watershed Oversight Group / Boulder County designs for James Creek and Little James Creek restoration and associated community meeting; the status of the Drainage and Stormwater Management Plan grant; details on an upcoming Aging in Community get-together; and information on the infrastructure projects including the Andersen Hill road/bridge/wall/landscaping, water tank improvements, back-up water supply, the irrigation ditch, lower Main Street bridge, Gillespie Gulch, and the James Canyon road construction.

Trustee Harris conveyed that the Town Square Phase 1 contract for excavation was awarded to Colt & Steel and a kick-off meeting was scheduled.

Wendy Stokes shared information about the Town Square Phase 2 project and process for the contracting. She said that there were two proposals received. According to the committee's evaluations of the proposals, it appeared that one proposal did not meet the requirements while the other did appear to be adequate. She asked the Board to allow the committee to meet with the preferred bidder, Carden and Company / Green Pro, to negotiate the services. (This action would take place later in the meeting.) She also told the Board that committee member Martine volunteered to be the park arborist.

Mary Brown conveyed that the Aging Well in Community group had a meeting scheduled for May 7, 2016.

In terms of the Long-Term Recovery Plan Implementation Update, Trustee Lucas stated that Community Garden group were looking at a fall garden crop and, in the meantime, were looking at soil testing to address septic and mining concerns. Mayor Schoedinger stated that they can contact EPA on past testing. She also stated that the group was also working with Left Hand Brewery on the Howlett property.

Barb Lenarcic updated the group on the LUHAC. She stated that the group was working on a community survey on accessory dwelling units that would be conducted in May.

For the water system update, Tim Stokes stated that there was a meeting being scheduled to address State parameters for NTUs. He said that the new filtration system was working well. He stated that, due to overused resources, the pump house would be put on hold; the committee would continue to look into a deep well. He also conveyed that CU will do research study on the performance of the bio-layer (schmutzdecke) that does the filtering.

Trustee Harris stated that the Phase 1 of the Town Square / FEMA work included the replacement of the path that got washed out in Elysian Park.

Trustee Lucas stated that she was meeting with Julie Constantine to transfer the road and bridge committee lead.

Mayor Schoedinger added updated on elevations of select buildings as well as the demolition and grading of buy-out properties.

OLD BUSINESS

Juggernaut

Jonathan Bartsch gave an update on the Juggernaut. He said that it was decided that a race would not be held this year but, if, in the future, the Town wanted to hold a race, the Boulder Track Center would be open to discuss possibilities. He said that there may be a possibility that a race would be held at Cal-Wood or Balarat but it was still being discussed. He told the Board that the proceeds from 2015 were in a check made out to the Town.

Mayor Schoedinger thanked Jonathan and stated that the Board will discuss the fund allocation at a future Board meeting.

Clerk Report

Mary Ellen Burch stated that the 2014 audit was submitted and the Town received \$31,596 in property tax revenue that included funds from October through December up to date. Of the fund received, \$10,000 was returned from general funds back to savings which were used to cover costs for the first quarter as well as the truck payment (\$9,670). The report, the budget to actual, the check register, and the water budget was included in the Board packet. She stated that she needed authorization from the Board for a letter of engagement with the Swanhorst to begin the 2015 audit. That authorization would be included on the next agenda.

NEW BUSINESS

Resolution 05-22, Series 2016 Approving a Jamestown Land Use and Housing Advisory Committee

Barb Lenarcic stated that the LUHAC was asking to modify the resolution that enabled the LUHAC. The modification was to change the number of committee members from “eleven” to “up to sixteen”. No other modifications were being proposed.

Trustee Lenarcic motioned to approve Resolution 05-22 Series 2016. The motion was seconded by Trustee Donadio. The motion passed unanimously.

Appointment and approval of LUHAC members (2016 – 2018 term)

Barbara Byrnes-Lenarcic shared the membership applicants of the 2016 – 2018 LUHAC with the Board:

Sterling Bennink	Quinter Fike	Roger Loving
Mary Brown	Anne Hasse	Jennifer O’Brien
Jim Burleson	Steve Jewell	Randy Oxley
Lucille Burleson	Mike Kent	John Watts
Auguste Bussian-Watts	Matt Kohlhaas	
Barbara Byrnes-Lenarcic	Nancy Loving	

Vic Harris moved to appoint and approve the LUHC members for the 2016 – 2018 term. Trustee Yahnke seconded the motion that passed unanimously.

Xcel Energy Street Lighting Program Information

Millissa berry, Town Planner, stated that Xcel Energy has a program to replace (at Xcel’s cost) the existing vapor street lights to LED lights which save energy and do not produce uplight (International Dark Sky compliant). She also noted that the color of the light would be different as well as a more focused the light distribution.

In response to a question from Mike Kent on getting a smaller, pedestrian-scale light design along Main Street, Ms. Berry said that she would look into the cost of such a project.

Mayor Schoedinger stated that this may be a two phase approach where the lights are replaced then, if determined necessary, consider lowering some of the lights. She also noted that the Town needed to determine which lights currently worked or not.

Trustee Donadio expressed concern over the light trespass caused by the current lights. Mayor Schoedinger stated that the new light system is designed to have a more focused light spread. She acknowledged the differing attitudes toward the street lights as well as a potential liability if certain street lights were removed.

Ms. Berry stated that she would ask Xcel about the potential of lowering lights and the cost per pole and check with the Town Attorney on liability. She would bring the results back to the Board at a later date and noted that the Town had until the end of the year to make a decision.

Local Liquor Authority

At 8:20 PM, Mayor Schoedinger moved to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS 24-6-402-4 b. Trustee Harris seconded the motion that passed unanimously.

Mayor Schoedinger called the meeting back to order at 8:48 PM. Mayor Schoedinger stated that the executive session had been concluded and that the participants in the executive session were: Town Clerk Mary Ellen Burch; Town Attorney Melinda McCulley; Trustees Harris, Lucas, Droste, Yahnke, Donadio and Lenarcic; and Mayor Schoedinger. She asked, for the record, that any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go to executive session occurred during the executive session or that any improper action occurred during the executive session in violation of the open meetings law state her or his concerns for the record.

After seeing none, Mayor Schoedinger re-opened the public hearing. She called for member discussion or comments on whether to approve, deny, or request more information.

Trustee Lenarcic stated that, at the public hearing, there were some conditions that the applicant was willing to place on the liquor license including not selling shots and that the liquor would be only be sold pre-mixed cocktails. He stated that some participants at the hearing were comfortable with the said conditions, however, the Board has found out that these conditions could not be enforced.

Trustee Donadio stated that if the conditions could not be enforced, the community should know and be able to reconsider because this may open a door that might not be closed in the future.

Trustee Droste stated that he was concerned that future owners of the establishment would be able to operate a full bar and it was his feeling that a full bar was not desired in the community. He stated he would like more time to get more input from the community that had not attended the prior public meeting.

Mayor Schoedinger stated that the Attorney clarified options for the decision: to approve it, to deny it; to approve with agreements although those agreements may not be defensible in the future if ever challenged. She noted that the State Statute does not support speculation as a reason for denial or conditions of agreement. She stated that hearings can be held in the future to address violations and public concerns of disturbing the welfare of the community and overselling; the Authority's remedies could include suspension or charge a fine in lieu of the suspension. However, she said that revoking the entire license would be unlikely. She also noted that a hearing could be held at the time of renewal; that at time of transfer, a hearing is not held and the items reviewed are moral character and eligibility of applicant. She stated that another form of enforcement can be a private agreement between the land lord and tenant. She said that the Authority can ask for more information from the applicant such as circulating a petition.

Trustee Donadio stated that she did not need additional information from the applicant. She stated that it was important for the community to know that there are actions that can be taken for bad behavior/disturbance.

Trustee Lucas stated that her interpretation of the Statutes was that it was difficult to rectify a situation that goes bad; temporary suspensions could be applied but once the door is opened, it could be pushed against but not close it. She continued to say, that at the same time, she was in favor of a business getting to do what it needs to do. She also noted that the majority of people at the hearing supported it.

Trustee Harris stated that he would like an agreement with the Authority and the applicant to frame the concerns even though it may not be enforceable in court. He stated that he hoped that the agreement would be a signal to future owners of what the community attitude was.

Trustee Lenarcic stated that he wanted to keep in mind that the Mercantile has been in business with a liquor license for a long time with very few complaints and that he trusted the current owner.

Trustee Droste stated that he still had concerns and that a number of people have expressed concern outside of the twelve people that have attended the hearing.

Trustee Lenarcic reminded Trustee Droste that the testimony of the hearing is what should be considered and not ex-parte conversations.

Trustee Lucas asked if the agreement was as enforceable as the licensee allows it to be. Mayor Schoedinger stated that, if the Authority were to force it and suspend the licensee, that could be challenged and then the Authority would likely not be supported in court.

Roger Loving asked if the liquor license goes with the applicant or the business. In response, Mayor Schoedinger stated that it was both but the business and applicant can be transferred.

Mike Kent stated that he was willing to add an addendum to the lease to include the conditions. He said stated that the Board need not validate moral-ness if the Authority did not want to. He also offered to include parameters in a sale if the building or business is sold.

Trustee Harris replied that the Statutes define what moral character is.

In response to a question from Trustee Lenarcic, Mr. Kent stated that the lease currently has parameters on the business operations.

Rainbow Schultz stated that she had more questions than comments. She stated her intention was not to cause issues and bad behavior. She asked how the license applied to a new building owner or business. She also inquired if there was a way to limit the transfer of the license.

Mayor Schoedinger replied that a new business establishment that meets the criteria to hold a hotel and restaurant license, the license can be transferred if the new owner meets the eligibility to hold the license. She stated that conditions had to be linked to the criteria for a license and not something outside the Statutes.

Trustee Donadio stated that it may be better to table the decision until an agreement can be prepared by the Attorney.

Mayor Schoedinger closed the public hearing at this time with it to be continued at the next meeting.

Town Square Design Contract

Mayor Schoedinger stated that two bids were received for Town Square and that the Parks Committee determined one to be more adequate than the other. She said that the Parks Committee was asking the Board to move forward with negotiations with the applicant, return to the Board at the May 16 meeting with an update, and also to be allowed Rebuild Jamestown funds if needed in those negotiations.

Trustee Droste moved to allow the Parks Committee to begin negotiations for the Town Square project. Trustee Yahnke seconded it and the motion passed unanimously.

2016 Resolution 04-17 James.022 HMGP Engineering Services for Lower Main Street James Creek Crossing Project Award 2016

Mayor Schoedinger stated that three proposals were received and all exceeded the budget. She said that all three of the firms could do sixty percent design within the budget. She asked the Board to allow the interview team to move ahead with discussions with the three applicants then bring an update to the Board at the May 16 meeting. The Board agreed.

Annual Spring Clean Up Day

Trustee Lenarcic stated that the County will not provide funds to cover the trash haul for the annual spring clean-up day. He said that there was a budget of \$730 granted for actions other than the trash

such as recycling and the trash bins would cost the Town between \$1,600 and \$2,000. He added that other issues were a location for the event, the timing, and the canyon road construction challenging services. He stated that the fire department was planning to burn the slash pile on the 14th of May. He stated that he hoped to see if a fall clean-up day was feasible and also if the \$730 can be applied to another related effort.

COMMITTEE REPORTS

Mayor Schoedinger stated a written summary of the committee reports will be included in future board packet.

Erika Archer stated that the City of Boulder's Zero Waste Ordinance is going into effect on June 1 and all businesses within the City of Boulder are soon going to be required to add composting bins.

Trustee Yahnke stated that a successful EMS event occurred.

Trustee Droste stated that he planned on planting the flag pole at the cemetery when weather improved.

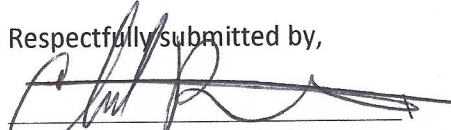
Trustee Donadio asked about the art, index cards, and bees in Town Hall.

Trustee Lenarcic reiterated that the Left Hand Watershed Oversight Group meeting in May will be re-scheduled.

ADJOURN

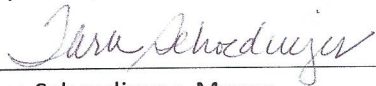
Trustee Lenarcic moved to adjourn the meeting; this motion was seconded by Trustee Harris. The meeting was adjourned at 9:00 PM.

Respectfully submitted by,



Chad Droste, Town Clerk Pro-tem

| Approved,



Tara Schoedinger, Mayor