

**TOWN OF JAMESTOWN
SPECIAL TOWN BOARD MEETING
MAY 16, 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:

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

SPECIAL ORDER OF BUSINESS:

Resolution 05-24, 2016 – Resolution Recognizing Mary Ellen Burch, Town Clerk, 1996-2016

Mayor Schoedinger reported to the Board that Mary Ellen received a final check earlier that day. She stated it would be nice to have a resolution of the board expressing appreciation for Mary Ellen’s work for the last 20 years as Town Clerk.

Vic Harris moved to approve Resolution 05-24 2016 – Resolution Expressing Appreciation for Mary Ellen Burch, Town Clerk, 1996-2016. Trustee Droste seconded.

Ayes: 5 (Trustees Donadio, Droste, Harris, Lucas, Yahnke)

Nays: 0

Abstained: 1 (Trustee Lenarcic)

The motion passed.

Mayor Schoedinger called for a motion to accept the resignation of Mary Ellen Burch, Town Clerk.

Trustee Droste moved to accept Mary Ellen’s resignation. Trustee Harris seconded.

Ayes: 5 (Trustees Donadio, Droste, Harris, Lucas, Yahnke)

Nays: 0

Abstained: 1 (Trustee Lenarcic)

The motion passed.

Appointment of Interim Town Clerk (and Delegation of Duties)

Discussion:

Mayor Schoedinger discussed with the Town Attorney that the Town has the authority to appoint an Interim Clerk. The Attorney’s guidance was that the person should not be an elected official since the Town Board oversees the Town Clerk. The Town Clerk can designate other people to help out with duties. She stated that Trustee Droste confirmed that taking Minutes more than he wants to take on. Erika Archer (Staff: Asst. Recovery Manager) has agreed to take over this duty. When Mary Ellen gave her two weeks notice, we had to begin transitioning immediately. In talking with Mary Ellen, it made the most sense to transfer a lot of those duties over to Chris Krolick (Staff: Finance Specialist) since they had already been working together on finances. Mayor Schoedinger asked the Board to appoint Chris Krolick as the Interim Town Clerk.

Trustee Lenarcic stated that he would like to see a legal opinion from the Town Attorney on the following concerns:

- 1) The Town Clerk is required to attend the meetings in order to attest to the resolutions, minutes and ordinances - and he doesn't know whether Chris intends to attend all of the meetings.
- 2) He believes it is a good idea for the Town of Jamestown to use a resolution rather than a motion for the appointment of Interim Town Clerk. When Trustee looked up what "Interim" is, he found an example from the Town of Nederland which appointed an Interim Marshall using a Resolution. The resolution pointed out the temporary, non-statutory, and at-will nature of the office.
- 3) He questioned whether the Interim Town Clerk and additional staff taking on responsibilities would be paid out of the Staffing Grant. If yes, why could Town not give Mary Ellen the same provision and asserted that she might actually still be here.
- 4) Also, if Town pays the Interim Clerk out of the Staffing Grant, would the State come back at some point to have Town pay the money back? Would it be unethical to do so?

Trustee Lucas commented that Chris is usually here. When he is not, the duties fall to Trustee Droste, the Town Clerk Pro Tem.

Trustee Donadio asked about the purpose of the discussion and feels the appointment under discussion is separate from Mary Ellen's leaving.

Trustee Lenarcic stated that he can't come up with a better plan. His biggest concern is where the money is coming from and wants an opinion from the Town Attorney.

Trustee Yahnke asked about the plan for listing the job for the permanent Town Clerk.

Steve Edelstein expressed a hope that the job would be filled by someone from the community – and that filling the interim position with someone locally could be an ideal training ground.

Mayor Schoedinger explained that since Mary Ellen's transition, the staff has worked closely with Mary Ellen to prepare a plan that they could effect immediately to transition 20 years of knowledge. To address Trustee Lenarcic's issues:

- 1) Chris does attend all of the board meetings. When he can't, the Town Clerk Pro Tem will.
- 2) In terms of "Interim", Chris has no interest in being the Town Clerk – and not even Interim Town Clerk for long. It makes the most sense, since many of their duties overlap. Other staff have helped with other duties – and have offered to continue to help on top of what they are doing.
- 3) Staffing Grant – she will check with DOLA to see if they have any problem with this.
- 4) In terms of filling a permanent position – The board has agreed to take an active role in the hiring of the new clerk by participating in a workshop in June to work through the roles and responsibilities and to create new efficiencies.

Mike Kent commented that the current staff is doing this job as a team and is already qualified to do it.

Trustee Donadio commented that she understands this to be “interim” and assumes the job would go to a community member. The Interim and Permanent Town Clerk are separate.

Trustee Lucas pointed out that staff is not getting additional money for the Interim role and responsibilities – they are taking on additional work for the same pay. Mary Ellen left for a lifestyle change, not because of the money. In addition, by law we have to post this position in the future. In the case of the Town Marshall, it’s not the same as a Town Clerk as a Marshall is not statutorily required. It’s not an option to sit around and wait for someone to be appointed.

Mayor Schoedinger stated it was the Town Attorney’s guidance to appoint an Interim Town Clerk at the next board meeting.

Steve Edelstein asked if Chris as the Interim Town Clerk would make more than he is already making?

Mayor Schoedinger stated that he would not.

Steve Edelstein asked where the money designated for the Town Clerk would go?

Mayor Schoedinger stated that it will stay in the General Fund and will be a savings for the Town.

Steve Edelstein asked when the Town could expect the filling of this [permanent] position.

Mayor Schoedinger stated that it’s up to the Board and that a Board Workshop has been tentatively planned for June to make these decisions. It could be posted soon after.

Trustee Donadio commented that Interim meant a short time.

Mayor Schoedinger reiterated that she doesn’t see it as a long process and that it will be up to the Board, as it is the Board’s responsibility to oversee the Town Clerk and the Town Clerk’s performance.

Trustee Droste asserted that it is not an easy job. If Chris and Erika are willing to do the job, he doesn’t know who else they could find to jump right in. He asked if a resolution is required for an Interim Clerk.

Mayor Schoedinger stated that it is not.

Trustee Droste asked if it’s against the Staffing Grant to give them more work without more money? And if not, then no need to make a mountain out of a molehill. In the long run, he hopes we get someone from the community, but in the short run, he doesn’t see why we shouldn’t proceed.

Mayor Schoedinger called for a motion to approve the appointment of Chris Krolick as Interim Town Clerk.

Trustee Lucas moved to appoint Chris Krolick as Interim Town Clerk. Trustee Donadio seconded. Mayor Schoedinger asked for further discussion:

Trustee Lenarcic stated that he doesn't insist on a resolution, and that he never thought Interim would be any more than Interim. He still has a hang-up about where the funding comes from and would like to see a deadline for us to get the job posted.

Mayor Schoedinger suggested that Trustee Lenarcic create that schedule.

Trustee Lenarcic stated that he would accept that.

Trustee Donadio asked for clarification whether Trustee Lenarcic was going to create the schedule or whether they were going to have a workshop to put the schedule together.

Mayor Schoedinger clarified that Trustee Lenarcic could pick a date when to have the workshop, and then put together the timeline beyond that.

Trustee Harris suggested that if Ken comes up with the timeline, then the Board could discuss that at the workshop. Also, he stated that he didn't think anybody at the table was under the impression that the Interim Clerk would continue his role for any extended period of time.

Mayor Schoedinger added, "Nor are they."

Mayor Schoedinger called for the vote. The vote was unanimous. The motion passed.

Presentation of Irrigation Ditch Design by RG & Associates

Presenters from RG & Associates, Rick Goncalvez (Project Manager) and David Boles, introduced the initial 40% design of the Irrigation Ditch project using a Powerpoint Presentation. They described the team as comprised of professionals, a local surveyor (Flatirons) and environmental firm to do environmental investigations and historic preservation. Geotech is helping with design. Hydroscreen is the designer on the intake system.

The problem: the floodwaters knocked everything away from the headgate. Their proposal was to revise the structure rather than put it back how it was, which would cost \$275,000. It includes a smaller intake, a headwall that goes below the level of the creek so you don't see it, and minimal debris removal. This results in smaller impact on environment and nearby residents. Under \$150K.

The biggest impact of the project is getting into the site, which would be with smaller construction equipment. They intend to use the same path that was used for the drop structure construction off the end of Ward St. for minimal impact: for example, would use rubber tires – no track hoes.

The proposed drop structure location was discussed: use an existing drop and install a stainless steel intake screen and concrete cut-off wall – minimal compared to a standard headgate. It also happens to be the same structure the Town uses in the water treatment plant.

Trustee Donadio asked whether the fact that we already have one helps them?

David Boles answered that it's a slightly different system and can't be seen under the water and smaller.

Corey Kirschner asked if they regulate flow remotely – or does someone have to go there to regulate?

David Boles answered this is low maintenance. It may have to be brushed off periodically.

Mayor Schoedinger stated that this system does not have these issues, whereas we had to do that with the last one. The old version was high maintenance – ice and / or debris would clog it.

Rick Goncalvez stated that the design allows the debris to travel on by without building up. Also, the ditch rider will be able to change the flow.

David Boles described the features of the new design (see presentation on site). The details include:

- Wall is below grade – not visible.
- New footprint since the old footprint was scoured out. Would have to remap to put back.
- Uses the existing rock base.
- The only machinery is coming up one road to the headgate itself – not through people's yards.

Rainbow Shultz asked if they would need to build a temporary road?

David Boles answered yes, but it must look like pre-construction when complete.

- The design is 40% complete now.
- The environmental investigations are moving forward, if the state feels comfortable with the scope change request ahead of FEMA's approval, they may move into final design
- They are awaiting a scope change review from FEMA.,
- When they hit 80% design, they will approach residents for revised easements.
- The Construction schedule will follow upon scope change approval.

Trustee Harris states the saving grace is that the cost is downward.

Mayor Schoedinger explained that the state works like this: if the cost or scope change isn't significant enough, they'll defer until close-out. The cost, the location, the scope are all factors.

Corey Kirschner asked how long the project would take once FEMA approves?

David Boles responded that it would probably be 6 weeks.

David Boles and Rick Goncalvez described that this project has less impact than the previous scope, and uses much less concrete. It will be relatively maintenance free.

Trustee Harris commented that it is an elegant design.

ACTION ITEMS:

Authorization of Chase Bank Account

Mayor Schoedinger explained that in Mary Ellen's absence, the Town needs to appoint a new representative. The Chase representative confirmed that the person may or may not be a signer on the account. Chris Krolick as Finance Specialist will prepare the checks. Mayor Schoedinger asked to please be authorized to be the representative at Chase.

Trustee Droste moved to appoint Mayor Schoedinger as the authorized representative for the Chase bank account. Trustee Donadio seconded. The motion passed unanimously.

Approval of Swanhorst and Company Letter of Engagement for 2015 Audit and Single Audit

Mayor Schoedinger explained that the current engagement letter is basically the same as the engagement letter from last year. The total amount to Swanhorst is expected to be between \$10-15K. Mayor Schoedinger stated that we haven't received a bill from last year, but it will be for the same amount.

Trustee Harris moved to approve the Swanhorst and Company Letter of Engagement for the 2015 audit and single audit. Trustee Yahnke seconded. The motion passed unanimously.

Approve or deny the Mercantile Cafe Hotel and Restaurant License

Mayor Schoedinger explained that the Town was required within 30 days of the Public Hearing to approve or deny the license. As further discussion from the meeting last time, Merc landlord Mike Kent and tenant Merc Owner Rainbow Shultz both agreed and have signed an agreement to allow mixed drinks to be served with meals with no "hard shots". Rainbow has also approved an agreement between the Town and the business, which basically says the licensee agrees that with respect to the license – spirits sold will only be mixed and up to no more than 4 varieties per day. The drinks must be premixed bulk batches made at back of house – not individually – and poured from premixed containers. There would be no shots sold, and liquor would be locked away during business hours. (Reference Agreement for details.)

Trustee Lenarcic asked if this satisfied Rainbow. Rainbow replied with an affirmative nod.

Corey Kirschner questioned whether this designation only affected alcohol sales and had anything to do with the occupancy of the building.

Mayor Schoedinger confirmed it is not tied to the building, but tied to the business. She then called for a motion to approve or deny the Merc Hotel and Liquor License.

Trustee Donadio read the verbiage provided for approval.

"I move that the Local Licensing Authority of the Town of Jamestown find that the applicant is of good moral character, that the inhabitants of the neighborhood desire the license be granted, that the

license will meet the reasonable requirements of the neighborhood, that all Town and state law requirements have been met and that, based on these findings, the Local Licensing Authority approve issuance of a hotel and restaurant license for Jamestown Mercantile Café, LLC at 108 Main Street, Jamestown, Colorado.” Trustee Harris seconded. Mayor Schoedinger called for a vote.

Ayes: 5 (Donadio, Harris, Lenarcic, Lucas, Yahnke)

Nays: 1 (Droste)

The motion passed.

Trustee Harris moved to close the liquor board hearing held over from the previous opening. Trustee Yahnke seconded. The motion passed unanimously.

Ordinance 05-01, 2016 Approving Vacation Ordinance for Kohlhaas Property

Mayor Schoedinger explained that Roger and Nancy’s closing went fine, but when they got to Matt and Julie’s the Title Officer pointed out that they needed a Vacation Ordinance. Trustee Harris then read the Ordinance in its entirety.

Trustee Harris moved to pass Ordinance 05-01, 2016 Approving Vacation Ordinance for Kohlhaas Property. Trustee Donadio seconded. The motion passed unanimously.

Award for the James .022 Engineering Services for Lower Main St. Crossing of James Creek

Mayor Schoedinger confirmed that a resolution would be on the next agenda, but that they need to first make an award. They received proposals from 3 firms and each was above the budget. Because it had to fall under the \$180K awarded by FEMA, they interviewed each of the firms, as authorized by the Board previously. Jen Lucas, Tara Schoedinger, Jennifer Aieta and Nina Andaloro comprised the interview team. The issues Jen and team addressed in the review:

- 1) Can you do this for under \$180K and what does it get us? Everyone said 60% design. It’s a complicated project – replacing the bridge is not an eligible activity as it wasn’t structurally damaged.
- 2) Environmental Issues
- 3) Hydrology and hydraulics components

Each firm did a great job. They were given 10 minutes to present and had another 15 minutes to ask questions of team members. **Rock Sol Consulting Group Inc.** is the panel’s recommendation as it has the most experience, had a community involvement approach, and superior knowledge pertaining to hydrology.

Trustee Droste moved to award the Jamestown .022 for Lower St. Crossing of James Creek to Rock Sol Consulting Group Inc. Trustee Yahnke seconded. Further Discussion:

Trustee Lenarcic asked if we could approve a resolution?

Mayor Schoedinger stated that it will be on the next agenda.

Trustee Harris asked if this selection is based on qualifications?

Mayor Schoedinger stated that they evaluated qualifications and asked them all to come within a price.

Trustee Harris asked if the figures on page 3 are not what they bid.

Trustee Lucas explained that was when they came back the second time.

The motion passed unanimously.

Award for the Environmental Inspection Purchase Order for HMGP Buy Out Properties

Mayor Schoedinger explained that they are awarding the Environmental Inspection Purchase Order for HMGP Buy out properties. Outstanding projects include demolition of 21 Ward St. and 59 Ward St., the removal of utilities (septic) at 34 Main St., as well as the capping of a well, property grading and erosion control and grass seed. The plan – after we get environmental clearance – is to divert as much material from the landfill as possible by inviting local insured contractors to salvage materials. After that, the demos will take place. An RFP is currently being advertised for this. First, however, an environmental inspection to check for asbestos must be performed. The Town received quotes according to the Purchasing Policy from environmental companies. The lowest cost bid was from Weecycle Environmental. Mayor Schoedinger requested a motion to approve an award to Weecycle.

Trustee Droste moved to award Weecycle Environmental Consulting, Inc. the Environmental Inspection Purchase Order for HMGP Buy Out Properties. Trustee Lucas seconded. The motion passed unanimously.

Update on Xcel LED program

Mayor Schoedinger explained that the Town asked Xcel if they will lower the lights. Xcel said they could not as it does not meet engineering codes and standards. No decision needed to be made.

Decision about where to allocate Juggernaut donation

Mayor Schoedinger stated the Board needs to decide where to allocate the Juggernaut donation of \$3531.01.

Trustee Harris stated that the original idea was that it would be for parks and trails. Since the Town maintains no trails, he proposed that the money be used for Town Square, since the GOCO grant will likely be insufficient.

Trustee Droste added that the project in the park approach has changed and that a lot of work will be done by volunteers. The money would be useful to purchase things like trees, rocks, and flowers.

Trustee Lenarcic asked if we had an idea of the shortfall.

Mayor Schoedinger answered that the project is about \$58K short with the Design-build approach. They met with Trustee Harris this morning to go over the RFP to understand what they put together and will start working on the infrastructure portion. They are looking at ways to cut down the cost and will get started on the topo survey first.

Trustee Lenarcic moved to allocate the Juggernaut donation to the Town Square project. Trustee Donadio seconded. The motion passed unanimously.

OPEN FORUM

Corey Kirschner expressed interested in the ditch project and wondered who else uses the ditch.

Mary Brown cited a few people.

Corey asked what the plan was beyond the ditch project?

Mayor Schoedinger answered that there is no plan and that he is welcome to work with Allan Mueller, Ditch Rider, to put one together.

Trustee Harris stated that there is a problem with the siphon up on 16th St.

Mary Brown asked if the recent 16th St. construction impacted the siphon?

Mayor Schoedinger answered that she didn't think so.

Mary Brown pointed out that both properties for demolition are on Ward St. and wanted to know if anything is planned on lower Main St.?

Mayor Schoedinger responded yes, that all of the properties (including 34 Main) will have utilities removed (Weecycle) – then salvaged, then demolition. The project includes above and underground, grading and erosion control, topsoil and seed.

Mary Brown asked if there was any opportunity to mitigate dead, large trees that are danger to surrounding properties.

Mayor Schoedinger responded probably not to fell them – but if she has concerns to send them to her.

Corey Kirschner asked what happens to those buy-out properties?

Mayor Schoedinger responded that they are open space in perpetuity. The community is talking about a community garden, a small memorial park, pocket parks, leasing to adjacent property owners, etc.

Corey Kirschner stated that he would like to see reforestation. He then asked where the water tank is located for the Tank Valve project?

Mayor Schoedinger responded that it is up Gillespie Spur. They are putting in a valve to prevent draining if sudden loss of pressure. She explained that the bids came in too high on the Tank Valve Project and the Town is in process of asking for more \$\$ and downsizing – more of an update at the next board meeting.

Corey Kirschner wanted to know if water meters are in the works?

Mayor Schoedinger responded that financially, it doesn't make any sense and that there is no source of funding.

Corey Kirschner asked if there were any future plans to replace the distribution system on Mesa St.

Mayor Schoedinger responded that sections of pipe replaced in the DOLA project were sections that weren't damaged by flood. They looked at stretches of lines that historically had breaks and fixed those - and to help the fire fighting capability. They also put in extra hydrants based on new codes.

ADJOURN

Trustee Droste moved to adjourn the meeting; this motion was seconded by Trustee Donadio. The motion carried unanimously and the meeting was adjourned at 9:00 PM.

Respectfully submitted by,



Chad Droste, Town Clerk Pro Tem

Approved,


Tara Schoedinger, Mayor