



**AGENDA
HAYDEN TOWN COUNCIL MEETING
THURSDAY, NOVEMBER 19, 2015
7:30 P.M.**

HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

WORK SESSION 7:00 P.M. – 7:30 P.M.

1. STAFF REPORTS

REGULAR MEETING – 7:30 P.M.

1a. CALL TO ORDER

1b. OPENING PRAYER

1c. PLEDGE OF ALLEGIANCE

1d. ROLL CALL

2. CONSIDERATION OF MINUTES

A. Regular Meeting November 5, 2015

Page 2

3. CONSIDERATION OF BILLS

A. Consideration of payment bill vouchers dated November 17, 2015

Page 5

4. PUBLIC COMMENTS

5. PROCLAMATIONS/PRESENTATIONS

6. CONSENT ITEMS

A. Consideration to approve Hayden Parks and Recreation Facility Use Agreement

Page 10

B. Consideration to approve Resolution 2015-01 entering into an easement grant and agreement with the Rebecca Ann Wattles living trust and the Town of Hayden

Page 14

7. OLD BUSINESS

8. NEW BUSINESS

A. Decision: Resolution 2015-32 a Resolution of the Town Council for Hayden, Colorado amending the refuse and recycling collection contract with Waste Management.

Page 25

B. Decision: Resolution 2015-33 a Resolution setting the time and place of a Public Hearing on the proposed budget and capital program for the Town of Hayden, Colorado for the 2016 Budget Year.

Page 28

C. Public Hearing: To consider approval of a site plan for an RV park on the Routt County Fairgrounds

D. Decision: Consideration to approve Resolution 2015-36 a conditional use permit for a recreational vehicle park at the Routt County Fairgrounds

Page 30

9. PULLED CONSENT ITEMS

10. STAFF AND COUNCILMEMBER REPORTS (CONTINUED, IF NECESSARY)

11. EXECUTIVE SESSION

12. ADJOURNMENT

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.

Staff & Councilmember Reports

Greg Tuliszewski reported that Mark Berkley has moved to fully Reserve Officer status as of November 6, 2015.

Sharon Johnson updated the Councilmembers on Tax Certifications for 2015, Sales Tax Licenses Renewals, and the End of Year Employee Appreciation Dinner is December 11, 2015. Town Hall administration is working on the post-election requirements and preparing for the special election January 26, 2016. We have received a call requesting a copy of the ballot question to begin campaigning.

David Torgler reported on the signage for nuisance signs regarding air brakes and CDOT will have the signs available and ready for installation in the next couple of weeks. CDOT is challenged with funds availability for projects and most of the revenues received will be going towards the 1-70 viaducts. Greg Winkler was here from Department of Local Affairs reviewing progress of Seneca Hill and is pleased with the substantial completion of the project. Greg suggested a formal groundbreaking with DOLA as a partner in June 2016. Christmas Tree lighting will be Saturday November 28, 2015 and preparation to realign the lights and star will be Saturday, November 14, 2015. We will be adding an additional tree at the Gibbons residence.

Staff reports will continue at the end of the meeting.

Town Clerk Sharon Johnson called the regular meeting of the Hayden Town Council to order at 7:30 p.m. With Mayor Haskins and Mayor Pro Tem Robinson absent Councilmember Hagins moved to nominate Councilmember Johnson as chair for the meeting. Councilmember Redmond seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Hagins – aye. Motion carried. Councilmembers Johnson, Hayden, Redmond, and Hagins present. Also present were Town Manager, David Torgler, Police Chief, Greg Tuliszewski, and Town Clerk, Sharon Johnson.

Opening Prayer Councilmember Redmond offered the opening prayer.

Pledge of Allegiance Councilmember Johnson led the Pledge of Allegiance.

Minutes – October 15, 2015 Councilmember Hagins moved to approve the minutes of the Regular Town Council Meeting held on October 15, 2015. Councilmember Redmond seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Hagins – aye. Motion carried.

Consideration of Bill Payment Voucher dated November 2, 2015 Councilmember Hayden moved to approve the bill payment voucher dated November 2, 2015 in the amount of \$285,760.55. Councilmember Johnson seconded. Roll call vote. Councilmember Hagins – aye. Councilmember Redmond – aye. Councilmember Hayden – nay. Councilmember Johnson – aye. Motion carried.

Proclamations/ Presentations None.

Draft minutes subject to editing and approval prior to becoming official record.

Public Comments **None.**

Consent Items

**Liquor License
Renewal: Bills
Sooper and YVRA
Way Station
Special Event
Permit:
HHS Booster Club** **Councilmember Hagins moved to approve the consent items. Councilmember Redmond seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Hagins – aye. Motion carried.**

Old Business **None.**

New Business

**Discussion: Small
Communities Water
and Wastewater
Grant for Golden
Meadow Pumping
Station back-up
generator** **Hayden Town Council directed Town Manager, David Torgler to continue forward with the grant submission and return with a resolution to approve the grant, if received.**

**Discussion: Request
to increase garbage
rates** **Hayden Town Council directed Town Manager, David Torgler to proceed with a resolution to be approved at the next regular Town Council meeting.**

**Decision:
Consideration to
approve Res 2015-31
a Resolution for the
Town of Hayden,
Colorado relating to
amending a deferred
compensation plan
by providing
individual retirement
accounts (IRA's) for
the Town of Hayden
employees** **Councilmember Hayen moved to approve Resolution 2015-31 a Resolution for the Town of Hayden, Colorado relating to amending a deferred compensation plan by providing individual retirement accounts (IRA's) for the Town of Hayden employees. Councilmember Hagins seconded. Roll call vote. Councilmember Hagins – aye. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Redmond – aye. Motion carried.**

**Decision:
Consideration to
accept a Bargain &** **Councilmember Redmond moved to approve a Bargain & Sale Deed for the part of the Spencer Annexation (0.04 acres more or less) currently owned by Oliver Keith Spencer that extends out**
Draft minutes subject to editing and approval prior to becoming official record.

Sale Deed for the part of the Spencer Annexation currently owned by Oliver Keith Spencer that extends out onto RCE 53/Poplar St.

onto RCE 53/Poplar St. Councilmember Hayden seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Johnson – aye. Councilmember Hagins – aye. Councilmember Hayden – aye. Motion carried.

Pulled Consent Items None

Staff and Councilmember Reports Continued

Executive Session

**Adjournment
Recorded by:**

Councilmember Johnson adjourned the meeting at 7:56 p.m.

Sharon Johnson, Town Clerk

APPROVED THIS 5th DAY OF November, 2015.

James M. Haskins, Mayor

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
12134	A-1 Collection Agency, LLC	NOV2015	Garnishment	11/01/2015	23.09		
		OCT2015	Garnishment	10/01/2015	23.09		
Total 12134					46.18	.00	
1000	A-1 LIQUOR	571702	Halloween Dance	10/27/2015	174.97		
Total 1000					174.97	.00	
7480	Accutest Mtn States, Inc.	DX 68672	Water Testing	10/26/2015	224.00		
Total 7480					224.00	.00	
1200	Bear River Valley Co-Op	093737	Streets Fuel	10/12/2015	51.85		
		10252015	Streets Fuel	10/25/2015	283.03		
			Streets Fuel		230.60		
			Parks - Fuel		124.37		
			Parks - Fuel		40.89		
			Parks Trails - Fuel		25.44		
			Parks Equipment Exp - Fuel		21.25		
			Water Dept Vehicle Expense - Fuel		219.78		
			Sewer Vehicle_Fuel		262.87		
			PD Vehicle Expense - Fuel		627.26		
Total 1200					1,887.34	.00	
12157	Boston, Sandra	11052015	Education Reimbursement	11/04/2015	94.84		
Total 12157					94.84	.00	
7900	Browns Hill Engineering &	10474	Seneca Hill Service Work Oct 12-16	10/23/2015	4,079.80		
		10498	WTP Service work Oct 19-23	10/30/2015	3,090.38		
Total 7900					7,170.18	.00	
1400	Caselle Inc	68851	Support Contrat Dec 2015	11/01/2015	532.33		
Total 1400					532.33	.00	
1650	CEBT	0007027	Sewer Benefits - Nov	11/10/2015	1,179.19		
			Streets Benefits - Nov		2,561.61		
			Water Benefits - Nov		1,855.21		
			Parks Benefits - Nov		2,080.76		
			Sewer Admin Benefits - Nov		924.92		
			Water Admin Benefit - Nov		1,323.42		
			Admin Benefits - Nov		3,557.01		
			PD Benefits - Nov		6,089.42		
Total 1650					19,571.54	.00	
3770	CenturyLink	1356797468	PD Phones 77563308	11/03/2015	30.24		
		3058OCT15	Water Phones_3058	10/25/2015	52.58		
		3741OCT15	Admin Phones_3741	10/25/2015	435.92		
		4330OCT15	Sewer Phones_4330	10/25/2015	54.15		
Total 3770					572.89	.00	
12074	CliftonLarsonAllen LLP	1129136	Accounting services Sept 2015	10/26/2015	4,762.75		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 12074					4,762.75	.00	
2250	Fisher Scientific Company LLC	5303899	Sewer Lab Equipment	10/20/2015	460.29		
Total 2250					460.29	.00	
3870	Grainger Inc	9868599086	Streets - Multimeter	10/15/2015	314.10		
		9871116381	WTP - Electric parts	10/19/2015	6.15		
		9878303172	Town Hall - Lightbulbs	10/27/2015	65.74		
Total 3870					385.99	.00	
11507	Gray, Jake	2026.09	Utility Deposit Refund	10/28/2015	11.47		
Total 11507					11.47	.00	
12221	Hale, Michelle	697.13	Utility Deposit Refund	11/03/2015	41.18		
Total 12221					41.18	.00	
2580	Hayden Merc	01-241533	Budget Lunch	10/27/2015	26.74		
		02-264337	Harvest Festival	10/10/2015	24.92		
		03-247810	WTP - Supplies	10/16/2015	4.98		
		03-250111	Recreation - Snacks	10/21/2015	21.53		
Total 2580					78.17	.00	
11494	Hellyer, Donna	750.02	Utility Deposit Refund	10/28/2015	23.92		
Total 11494					23.92	.00	
2680	ICMA Membership Renewals	194036	Membership Dues	10/27/2015	698.97		
Total 2680					698.97	.00	
12096	JVA, Inc	57862	WTP Improvements	10/26/2015	3,880.00		
		57863	2017 Road Improvements	10/26/2015	640.00		
		57864	Wagner Equipment	10/26/2015	2,068.00		
Total 12096					6,588.00	.00	
1240	Matthew Bender & Co Inc	76305104	Police Department Manuals	10/19/2015	325.11		
Total 1240					325.11	.00	
8920	Murdoch's Ranch & Home Craig	146507/19	PW Clothing Allowance	11/06/2015	29.98		
		C89142/R	PW Clothing Allowance	11/07/2015	65.00		
			PW Clothing Allowance		5.00		
			PW Clothing		30.00		
Total 8920					129.98	.00	
4060	Murray Dahl Kuechenmeister	12670	Marijuana issues	10/31/2015	94.28		
Total 4060					94.28	.00	
4230	Redmond Mechanical Services	053169	Remove & Replace water meters	10/29/2015	170.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 4230					170.00	.00	
2065	Routt County Auto Parts	0065-350530	PD - Vehicle Maint Wiper blades	10/10/2015	30.89		
		0065-350531	PD Vehicle Expense - Fluids	10/10/2015	26.70		
		0065-350532	PD Vehicle Expense - Fluids	10/10/2015	22.90		
		0065-351062	PD Vehicle Expense halogen capsule	10/27/2015	13.51		
		0109-350164	WTP - Wire connectors	10/01/2015	6.74		
		0109-350301	WWTP - Trash bags	10/05/2015	21.49		
		0109-350322	Streets - Tools	10/06/2015	41.18		
		0109-350362	Streets - Tire machine parts	10/07/2015	14.69		
		0109-350379	Streets - Ratchet Strap	10/07/2015	44.99		
		0109-350545	Shop - Antifreeze	10/12/2015	6.58		
		0109-350580	Parks Ranger tail lamp lens	10/13/2015	46.49		
		0109-350581	Parks Ranger lightbulbs	10/13/2015	7.28		
		0109-350637	Streets - Tools	10/14/2015	49.99		
		0109-350667	Streets - Vehicle Expense Antenna	10/15/2015	16.99		
		0109-350672	Streets - Chain Roller	10/15/2015	19.49		
		0109-350807	Streets - Tools	10/19/2015	15.99		
		0109-350861	Streets - Tools	10/20/2015	6.99		
		0109-350873	Parks - Vehicle fluids	10/20/2015	43.14		
		0109-350902	Streets - Tools	10/21/2015	56.49		
		0109-350942	Golden Meadows R&M - Lite Rag	10/22/2015	23.95		
		0109-350943	Golden Meadows R&M - Dust pan	10/22/2015	5.19		
		0109-351021	Streets - Fuel tank	10/26/2015	40.93		
		0109-351025	Parks - Snowmobile spark plug	10/26/2015	9.16		
		0109-351035	Streets - Credit	10/26/2015	60		
		0109-351036	Shop - Hose & connectors	10/26/2015	85.49		
		0109-351139	Parks - Tractor blade	10/29/2015	13.98		
Total 2065					670.62	.00	
12155	Salazar, Andrea	11092015	Election Judge Training	11/09/2015	57.50		
Total 12155					57.50	.00	
1770	Schmueser Gordon Meyer, Inc.	0-411.008-26	Managerial Services	09/22/2015	1,673.75		
		0-414.008-27	WWTP OUTFALL PROJECT	10/27/2015	3,057.53		
Total 1770					4,731.28	.00	
4880	Sprint	8280746-020	Sewer Cell Phone	10/29/2015	58.71		
			Streets Cell Phone		107.03		
			Water Cell Phone		71.10		
			Admin Cell Phone		51.94		
			HPD Cell Phone		264.47		
			Recreation Cell Phone		51.94		
			Public Works Tablet		19.00		
			Public Works Tablet		18.99		
Total 4880					643.18	.00	
10530	Staples Advantage	3281902724	Adm Office Supplies	10/24/2015	156.67		
Total 10530					156.67	.00	
6210	T & H Parts Inc	1826-337947	Streets Vehicle - Transfer tank	10/26/2015	349.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 6210					349.00	.00	
2185	The Embroidery Shoppe LLC	5627	HPD Uniform Town hall uniforms	10/21/2015	160.00 182.00		
Total 2185					342.00	.00	
3710	Town of Hayden	108 01OCT15	DRY CREEK PARK_1208.01	10/31/2015	37.58		
		15 01OCT15	Shop Utilities_15.01	10/31/2015	110.11		
		135 01OCT15	POLICE STATION_2035.01	10/31/2015	63.50		
		136 01OCT15	DRY CREEK PARK BUILDING_2036.01	10/31/2015	82.77		
		144 01OCT15	VISTA VERDE PARK_2044.01	10/31/2015	37.58		
		146 01OCT15	LAKE VILLAGE PARK_2046.01	10/31/2015	37.58		
		166 01OCT15	RV DUMP STATION_2066.01	10/31/2015	73.38		
		131 01OCT15	3RD STREET PARK_231.01	10/31/2015	68.33		
		132 01OCT15	Water Plant_232.01	10/31/2015	59.24		
		155 01OCT15	Sewer Plant_355.01	10/31/2015	55.63		
		134 01OCT15	MAIN STREET PARK_534.01	10/31/2015	68.33		
		161 01OCT15	SUELLEN BALLFIELD_761.01	10/31/2015	37.58		
		92 01OCT15	Town Hall_92.01 80% Rec Utilities_92.01 20%	10/31/2015	62.52 15.63		
		94 01OCT15	Shop/KeyPump/RVDump Utilities_94.01	10/31/2015	279.05		
		96 01OCT15	NEW BALLFIELD_96.01	10/31/2015	37.58		
Total 3710					1,126.39	.00	
7070	USA BlueBook	775826	WTP LAB EQUIPMENT	10/13/2015	98.58		
		782785	WWTP - Parts	10/21/2015	250.51		
		783759	WTP - Parts	10/22/2015	126.47		
Total 7070					475.56	.00	
8740	Visa	11022015	Streets - R&M Hiway Bar Streets Vehicle Maint - Cook Ford Rec - Harvest Festival Pumpkins Rec - Basketball Clinic Judicial - Education Postage Admin Office Supplies Election Judge Training Admin Supplies PD Travel - Credit PD - Education PD - Dept Meeting PD - Meeting with Town Hall PD - Lunch meeting PD - Notary Renewal PD - Utility table PD - Meals OCPO Application OCPO Application Postage Admin Office Supplies Pre-employment screening Pre-employment screening PD - Meals Postage	11/02/2015	73.72 405.97 1,300.00 182.88 216.00 300.00 99.90 44.40 37.34 44.80 16.00 51.00 45.00 36.00 10.00 168.00 40.00 60.00 60.00 15.99 28.77 6.85 6.85 40.00 6.74		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 8740					3,206.61	.00	
3880	Wagner Equipment Co	'04C0285724	Parks Equipment - parts	11/02/2015	44.49		
Total 3880					44.49	.00	
7580	Wagner Rents	342054-0001	Water R&M - parts	11/05/2015	889.60		
Total 7580					889.60	.00	
9960	Warning, Tanya	NOV2015	Janitorial Services - Nov	11/05/2015	340.00		
Total 9960					340.00	.00	
10600	Waste Management-SBS #001-8552	42962-25359	Residential Trash Service - Nov	10/28/2015	75.00		
		10012015	Residential Trash Service - Oct	11/02/2015	11,560.42		
Total 10600					11,635.42	.00	
12167	WEX Bank	42813941	PD Vehicle Expense - Fuel	10/31/2015	388.14		
Total 12167					388.14	.00	
6085	Xerox Corporation	082118127	ADMIN COPIER/PRINTER	11/04/2015	271.60		
		082118128	ADMIN COPIER/PRINTER	11/04/2015	277.40		
Total 6085					549.00	.00	
12133	Xylem Water Solutions USA, Inc	3556864283	WTP Improvements	10/15/2015	4,040.00		
Total 12133					4,040.00	.00	
4010	Yampa Valley Electric	1802OCT15	Street Lights 1510001802	10/29/2015	2,054.85		
Total 4010					2,054.85	.00	
4245	Zirkel Wireless, LLC	112457	WTP_Wireless 4377	10/25/2015	46.00		
		112458	Water Internet Acct 4378	10/25/2015	46.00		
Total 4245					92.00	.00	

Total Paid: -
Total Unpaid: 75,836.69
Grand Total: 75,836.69



Town Council Agenda Item

MEETING DATE: November 19, 2015

AGENDA ITEM TITLE: Hayden Parks and Recreation Facility Use Agreement

AGENDA SECTION: Consent Agenda

PRESENTED BY: Jill Delay, Recreation Coordinator

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW:

The Hayden School District desires to use the Dry Creek Park walking path and pavilion on November 28, 2015 to host a *Turkey Trot 5K Run*. The Town Attorney has reviewed and approved the form of the facility use agreement. The Recreation Coordinator has reserved the park for this event and recommends its approval.

RECOMMENDATION:

To approve the Hayden Parks and Recreation Facility Use Agreement between the Town and Hayden School District to use Dry Creek Park's walking path and pavilion on November 28, 2015 for a Turkey Trot 5K Run.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation.

HAYDEN PARKS AND RECREATION FACILITY USE AGREEMENT

This Hayden Parks and Recreation Facility Use Agreement (the "Agreement"), dated as of NOVEMBER 13, 2015 is between The Town of Hayden, Colorado ("Town"), and HAYDEN SCHOOL DISTRICT. ("Facility User").

Recitals

A. Town owns and schedules the use of Dry Creek Park facilities and amenities located 513 South Poplar Street in Hayden, Colorado.

B. Facility User desires to use the following: DRY CREEK PARK WALKING PATH AND PAVILLION (the "Facility") on NOVEMBER 28, 2015.

C. Town is willing to permit the use requested by Facility User as described above subject to the terms and conditions of this Agreement.

Terms and Conditions

1. Permitted Use: Subject to full compliance with the other terms and conditions set forth herein, Facility User shall be permitted to use the Baseball Fields: DRY CREEK PARK WALKING PATH AND PAVILLION on the following date: NOVEMBER 28, 2015 for the following purpose: TURKEY TROT 5K RUN. Facility User shall not make use of the Facility for any other use and shall not permit others under their control or with their permission to do so. Facility User shall use only that portion of Dry Creek Park necessary for the permitted use.

2. Portable Toilets: The Facility User is responsible for supplying, at Facility User's sole expense, portable toilets in compliance with Appendix C, of the Minimum Plumbing Facilities of the Uniform Plumbing Code **when applicable**. As required, the Facility User will supply a minimum of one (1) water closet per one (1) to one-hundred (100) males and a minimum of two (2) water closets for one (1) to fifty (50) females and one portable lavatory or handwash station for each sex.

3. Cleaning of Facility and Damage to the Facility: The Facility User shall leave the Facility and Dry Creek Park in as good a condition at the end of Facility User's use as it was at the beginning of such use, normal wear and tear excepted. Facility User shall clean the Facility and Dry Creek Park if they become dirty or littered during their use by Facility User. Facility User shall also be responsible for the costs of any repair to the Facility or Dry Creek Park resulting from damage occurring during Facility User's use of the Facility. In the event that Town is required to repair damage which is the responsibility of the Facility User, Town shall be entitled to recover such costs from Facility User. If Facility User has given

a security deposit for the use of the Facility, Town may deduct the cost of such repairs from the security deposit. The Facility User shall be required to deliver a security deposit of \$200 to the Town Parks and Recreation Coordinator at the same time that the Use Fee is due.

4. Indemnity: Facility User shall indemnify, defend and hold Town harmless from any and all claims, injuries and damages arising from the use of the Facility by Facility User pursuant to this Agreement, including attorney fees incurred by Town in defending any such claims, except from claims, injuries and damages arising from the, reckless or intentional acts of Town and its employees, officials and agents.

5. Security: Town shall not be required to provide security for Facility User's use of the Facility as a part of this Agreement.

6. Nondiscrimination: Facility User shall not discriminate against any person on the grounds of race, creed, color, national origin, sex, handicap or disability in connection with any activity conducted by Facility User in the Facility or on the Facility pursuant to this Agreement.

7. Payment of Charges: Facility User shall pay all charges from Town within 30 days after billing from Town to Facility User. Any monies not paid when due shall accrue interest at the monthly rate of 1 ½ % (18% per annum) until paid.

8. Attorneys Fees: In the event either party to this Agreement brings suit to enforce or interpret any portion of this Agreement, the party substantially prevailing in such action shall be entitled to recover all costs incurred in such action, including without limitation reasonable attorney's fees.

9. Venue and Choice of Laws: This Agreement shall be governed by and construed in accordance with the internal laws of the State of Colorado without reference to choice of laws rules. The parties agree that venue in any action to enforce or interpret this Agreement shall be in the District Court in the Fourteenth Judicial District for the State of Colorado.

10. Entire Agreement: This Agreement shall be binding on and inure to the benefit of the parties hereto, their respective successors and assigns, and shall not be deemed to be for the benefit of or enforceable by any third party. This Agreement constitutes the entire agreement between the parties concerning the use of the Facility by the Facility User and may not be amended except by a written document executed by all parties hereto.

Facility User

Town of Hayden, Colorado

11/17/2015

By: *Phil Kason*
Hayden School District

Attest: 11-17-15

By: _____
Mayor, Town of Hayden

By: _____
Town Clerk, Town of Hayden



Town Council Agenda Item

MEETING DATE: November 19, 2015

AGENDA ITEM TITLE: Resolution 2015-01 approving an *Easement Grant and Agreement (Trust to Town)* with the Rebecca Ann Wattles Living Trust and the Town of Hayden

AGENDA SECTION: Consent Agenda

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW:

Mrs. Wattles is willing to grant the Town easements for the Town's Water Treatment Plant uses and distribution lines presently lying upon and under real property owned by the Rebecca Ann Wattles Living Trust. Sam Barnes, the Town Attorney and others have been working to define the easements and agree on the uses as stated in the Easement Grant and Agreement. The agreement is now ready for consideration and approval by the Town Council.

RECOMMENDATION:

Approve Resolution 2015-01.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation.

RESOLUTION 2015-01

A RESOLUTION OF THE TOWN COUNCIL FOR HAYDEN, COLORADO ENTERING INTO AN EASEMENT GRANT AND AGREEMENT WITH THE REBECCA ANN WATTLES LIVING TRUST AND THE TOWN OF HAYDEN

RECITALS

1. The Rebecca Ann Wattles Living Trust (Trust) has agreed to and signed the Easement Grant and Agreement (Trust to Town) (Agreement) attached hereto as Exhibit A indicating the Trust is willing to accept the terms and conditions as set forth in the attached Agreement.
2. The Town of Hayden (Town) desires to obtain easements, for exclusive and non-exclusive purposes as described in the attached Agreement, from the Trust for various purposes including but not limited to parking, construction, repair, maintenance and replacement of water plant facilities, construction, repair, maintenance and replacement of water intake structure, construction, repair and replacement of water and sewer lines over, across and under real property owned by the Trust.
3. The Trust agrees to grant to the Town, its agents and assigns, for exclusive and non-exclusive purposes as described in the attached Agreement, to, through, over, under, and across the Premises for parking, construction, repair, maintenance and replacement of water plant facilities, including the water vault, construction, repair, maintenance and replacement of water intake structure, construction, repair and replacement of water and sewer lines and utility easement over, across and under the Premises for the benefit of the Town, its successors and assigns.

NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL AS FOLLOWS:

Section 1. The Town Council desires to enter into an Easement Grant and Agreement (Trust to Town) as described in Exhibit A attached hereto.

Section 2. The Town Council hereby authorizes the signature of the Mayor on the Easement Grant and Agreement (Trust to Town) and any other legal documents necessary to approval of Agreement as approved by the Town Attorney.

Section 3. The Town Council hereby directs the Town Clerk to record this executed Resolution and executed Easement Grant and Agreement (Trust to Town) and attached hereto as Exhibit A.

Section 4. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, APPROVED, AND RESOLVED THIS 19th DAY OF NOVEMBER, 2015.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk

EASEMENT GRANT AND AGREEMENT
(TRUST TO TOWN)

THIS AGREEMENT, made this _____ day of October 2015, between Rebecca Ann Wattles, as Trustee of the Rebecca Ann Wattles Living Trust dated November 22, 2002, and any amendments thereto (the "TRUST"), Grantor, whose mailing address is P.O. Box 1191, Hayden, CO 81639, ("Trust"), and Town of Hayden, a Colorado home rule town ("TOWN") whose address is P.O. Box 190, 178 West Jefferson Ave, Hayden, CO 81639,

RECITALS:

1. TRUST owns and has title to the real estate located in the County of Routt, State of Colorado, described in Exhibit 1, attached hereto and incorporated herein by this reference (the ("Trust Property")); and,
2. TOWN owns real property used for the TOWN's water plant, described in Exhibit 2, attached hereto and incorporated herein by this reference; (the "Town's Benefitted Property").
3. TOWN desires to obtain two easements from Trust for various purposes including parking, construction, repair, maintenance and replacement of water plant facilities, construction, repair, maintenance and replacement of water intake structure, construction, repair and replacement of water and sewer lines over, across and under that certain real property described in Exhibit 3 as 3A and 3B, attached hereto and incorporated herein by this reference, and as depicted on Exhibit 4 attached hereto and incorporated herein by this reference; (collectively the "Premises").

NOW THEREFORE, the parties hereto, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and of the mutual covenants, agreements, conditions and stipulations herein contained, it is mutually covenanted, stipulated and agreed by and between the parties as follows:

1. **Trust Grant (3A)**. TRUST hereby grants to TOWN, its agents and assigns, an exclusive easement in, to, through, over, under, and across that portion of the Premises described in Exhibit 3 as 3A (the "3A Premises") for parking, construction, repair, maintenance and replacement of water plant facilities, including but not limited to a water vault, construction, repair, maintenance and replacement of water intake structure, and for installation, repair and maintenance of utilities over, across and under the 3A Premises for the benefit of TOWN, its successors and assigns.
2. **Trust Grant (3B)**. TRUST hereby grants to TOWN, its agents and assigns, a non-exclusive easement in, to, through, over, under, and across that portion of the

Premises described in Exhibit as 3B (the "3B Premises") for construction, repair, maintenance and replacement of water and sewer lines and facilities, including but not limited to a water vault and metering facilities and for installation, repair, replacement and maintenance of utilities over, across and under the 3B Premises for the benefit of TOWN, its successors and assigns.

3. Appurtenant Easement. It is further understood and agreed that the easements granted herein are to be held by the Town, its successors and assigns, as appurtenant to the TOWN Property. The servient estate is the Trust Property. The dominant estate is the Town's Benefitted Property.
4. Indemnification. Except as otherwise provided for herein, each party agrees to indemnify and hold the other party harmless from and against any and all liability for injury and damage to the other's real or personal property, or to any person or persons, in the event such injury or damage shall result from, arise out of, or be attributable to any action on or over the Premises, including but not limited to, the operation, use, surveying, construction, repair, and maintenance by the benefited parties in using the Premises.
5. Authorized Parties. TRUST represents and warrants that the undersigned Trustee has the full authority to transfer the easements described herein.
6. Governing Law. The laws of the State of Colorado shall control the interpretation of this Agreement. Any litigation brought to enforce the provisions of this Agreement shall be brought in a court of competent jurisdiction in Routt County, Colorado, and the substantially prevailing party in such litigation shall recover from the other party reasonable attorney fees and costs incurred by the prevailing party in such action.

IN WITNESS WHEREOF, the parties have caused their respective officers to set their hands and seals below, upon the day and year first above written.

TRUST

By: Rebecca Ann Walth
Trustee

NOTARIZATION APPEARS ON FOLLOWING PAGE

STATE OF COLORADO)

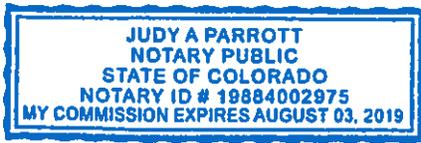
SS.

COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 11th day of November 2015 by Rebecca Ann Wattles, Trustee of the Rebecca Ann Wattles Living Trust dated November 22, 2002.

WITNESS my hand and official seal.

(SEAL)



Judy A Parrott
Notary Public
My commission expires: 8-3-2019

TOWN

TOWN OF HAYDEN

By: [Signature]
Mayor

Attest:

Town Clerk

State of COLORADO)

)ss.

County of ROUNTT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015 by _____ as Mayor and _____ as Town Clerk for the Town of Hayden, a home rule town.

Witness my hand and official seal.

My commission expires:

Notary Public

EXHIBIT 1

WATTLES TRUST PROPERTY

A tract of land located in portions of SE1/4 SE1/4 Section 4, portions of the SW1/4 SW1/4 Section 3, and in portions of the NW1/4 Section 10, all T6N R88W, 6th P.M., Routt County, Colorado, being more particularly described as follows: BEGINNING at the GLO Brass Cap at the SE corner of said Section 4: thence N89°11'28"W along the North line of a parcel of land described in Book 638 at Page 813 of the Records of Routt County, a distance of 312.55 feet to a point on the centerline of that drainage easement described in Book 503 at Page 347, records of Routt County; thence N02°36'10"W along said centerline a distance of 4.97 feet; thence, leaving said centerline, N08°38'04"W a distance of 261.22 feet to a fence corner; thence N60°18'59"E, along a fence line, a distance of 163.18 feet; thence, continuing along the fence line, N29°17'20"E a distance of 631.87 feet to a point on the Southerly line of that parcel described in Book 731 at Page 185, records of Routt County, also being the centerline of the Yampa River, (November 2, 1996); thence S57°05'30"E along said centerline of the river and said Southerly line of the parcel in Book 731 at Page 185, a distance of 41.21 feet; thence, continuing along said centerline and Southerly line, S67°20'20"E a distance of 400.17 feet; thence, continuing along said lines, N85°06'17"E a distance of 345.55 feet; thence, along said lines, N49°42'34"E a distance of 68.25 feet; thence, leaving said centerline and southerly line, S01°20'46"E a distance of 109.52 feet, to a point on the Northerly line of that tract described in Book 440 at Page 379 records of Routt County, (Town of Hayden Water Treatment Plant); thence S67°04'19"W along said Northerly line of said tract in Book at Page 379, a distance of 38.78 feet to a point on the Easterly line of that tract described in Book 254 at Page 192, Records of Routt County; thence N01°40'00"E along said East line, a distance of 34.68 feet to the Northeast corner thereof; thence S88°20'00"W, along the North line the said tract, a distance of 300.00 feet to the Northwest corner thereof; thence S01°40'00"W, along the West line of said tract, a distance of 68.69 feet, to a point on the Northerly line of that parcel described in Book 440 at Page 379; thence S88°39'14"W, along said Northerly line, a distance of 64.45 feet to the Northwest corner thereof; thence S01°20'46"E, along the West line of said parcel, a distance of 244.33 feet to the Southwest corner of said parcel; thence N88°39'14"E, along the Southerly line of said tract, a distance of 400.31 feet, to the Southeast corner thereof; thence S14°11'03"E a distance of 407.61 feet to a point on the South line of said Section 3; thence S89°52'02"E, along the Section line, a distance of 1613.70 feet to a point on the Westerly Right-of-Way line of Routt County Road No. 183, (Shelton Lane); thence S00°31'26"W along said Right-of-Way a distance of 528.83 feet to a point on the Northerly Right-of-Way line of the Railroad; thence S80°22'03"W, along said Northerly Right-of-Way, a distance of 2439.09 feet, to a point being the Southeast corner of that parcel of land described in Book 638 at Page 813, Records of Routt County; thence N00°46'30"E along the east line of said parcel, a record distance of 940.70 feet and a measured distance of 942.57 feet, to the Northeast corner of said parcel; thence N89°11'28"W, along the North line of said parcel, a distance of 225.42 feet to the POINT OF BEGINNING, containing 52.86 acres, more or less, subject to any easements or restrictions of record, if any.

Basis of Bearings – The monumented North line of the NW1/4 of Section 10, the NW corner of Section 10 being a GLO Brass Cap and the N1/4 corner being an aluminum cap PLS #12881 – S89°52'02"E

EXHIBIT 2

TOWN OF HAYDEN PROPERTY

Book 440 Page 379

A tract of land located in the S1/2 SW1/4 of Section 3, Township 6 North, Range 88 West of the 6th P.M., bounded by a line described as follows:

Commencing at the Southwest Corner of said Section;

thence North 48°05'30" East, (the South line of the SW1/4 of said Section 3 being taken as East) a distance of 679.59 feet to the true point of beginning;

thence North 1°28'44" West a distance of 175.00 feet;

thence North 88°31'16" East a distance of 273.91 feet;

thence North 66°56'21" East a distance of 135.93 feet;

thence South 1°28'44" East a distance of 37.57 feet;

thence North 51°55'27" East a distance of 121.42 feet;

thence North 27°25'27" East a distance of 246.59 feet;

thence North 3°28'27" East a distance of 106.85 feet;

thence North 45°12'27" East a distance of 309.77 feet;

thence South 89°51'33" East a distance of 700.96 feet;

thence South 0°08'27" West a distance of 20.00 feet;

thence North 89°51'33" West a distance of 692.69 feet;

thence South 45°12'27" West a distance of 293.88 feet;

thence South 3°28'27" West a distance of 103.47 feet;

thence South 27°25'27" West a distance of 255.17 feet;

thence South 51°55'27" West a distance of 140.62 feet;

thence South 1°28'44" East a distance of 231.84 feet;

thence South 88°31'16" West a distance of 400.31 feet;

thence North 1°28'44" West a distance of 69.32 feet;

to the true point of beginning.

Book 254 Page 192

A one acre tract of land located in the SW1/4 SW1/4 of Section 3, Township 6 North, Range 88 West of the Sixth Principal Meridian, being more particularly described as follows: Beginning at a point on the South Bank of the Yampa River from which point the Southwest corner of said Section 3, bears

S 39°0' W 898 feet thence running S 1°40' E 145.2 feet, thence N 88°20' E 300 feet, thence N 1°40' W 145.2 feet, thence S 88°20' W 300 feet to the point of beginning.

DOWLING LAND SURVEYORS, LLC
P.O. BOX 954
HAYDEN, COLORADO 81639
(970) 276-3613
Fax (970) 276-4695
dowling@plotz.biz

EXHIBIT 3A

TOWN OF HAYDEN WATER PLANT EASEMENTS (WATTLES TO TOWN OF HAYDEN) FEBRUARY 2, 2015

A tract of land located in portions of the SW1/4 of Section 3, T6N R88W, 6th P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at the Northwest Corner of that Parcel of land as described in Book 440 at Page 379, records of Routt County, (Town of Hayden Water Treatment Plant), from which the Southwest Corner of said Section 3 bears S 38°41'23" W a distance of 804.19 feet; thence N 0°03'41" E a distance of 95.26 feet, to a point on a Southerly angle point of that Parcel of land as described in Book 731 at Page 185 (Centerline of the Yampa River as noted in said document); thence N 85°06'17" E along the Southerly line of said parcel a distance of 345.55 feet; thence continuing along said Southerly line N 49°42'34" E a distance of 84.99 feet; thence departing said Southerly line S 46°05'21" E a distance of 119.99 feet, to a Northerly angle point of that Parcel as described in Book 440 at Page 379; thence S 52°03'25" W along the Northerly line of said Parcel a distance of 121.42 feet; thence N 1°20'46" W along the Easterly line of said Parcel a distance of 37.57 feet; thence continuing along the Northerly line of said Parcel S 67°04'19" W a distance of 38.78 feet, to a point on the East line of that Parcel of land as described in Book 254 at Page 192; thence N 1°40'00" W along the East line said Parcel a distance of 34.63 feet, to the Northeast Corner of said Parcel; thence S 88°20'00" W a distance of 300.00 feet, to the Northwest Corner of said Parcel; thence S 1°40'00" E along the West line of said Parcel a distance of 68.69 feet, to a point on the North line of that Parcel described in Book 440 at Page 379; thence S 88°39'14" W along the North line of said Parcel a distance of 64.45 feet, to the POINT OF BEGINNING.

AND

A tract of land located in portions of the SW1/4 of Section 3, T6N R88W, 6th P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast Corner of that Parcel of land as described in Book 440 at Page 379, records of Routt County, (Town of Hayden Water Treatment Plant), from which the Southwest Corner of said Section 3 bears S 66°37'07" W a distance of 989.92 feet; thence N 72°45'53" E a distance of 83.44 feet; thence N 23°58'01" E a distance of 107.59 feet; thence N 5°15'14" W a distance of 196.03 feet, to an angle point on the Southerly line of said Parcel; thence S 52°03'25" W along said Southerly line a distance of 140.62 feet; thence S 1°20'46" E along the Easterly line of said Parcel a distance of 231.84 feet, to the POINT OF BEGINNING.

Bearings based on the monumented South line of the SW1/4 of Section 3, the Southwest Corner being a GLO Brass Cap and the South ¼ Corner being an Aluminum capped rebar PLS #12881 – S 89°52'02" E.

wattles-town plant easm 2-2-15.doc



DOWLING LAND SURVEYORS, LLC
P.O. BOX 954
HAYDEN, COLORADO 81639
(970) 276-3613
Fax (970) 276-4695
dowling@plotz.biz

EXHIBIT 3B

TOWN OF HAYDEN WATER AND SEWER LINE EASEMENT
(WATTLES TO TOWN OF HAYDEN)

JANUARY 26, 2015

A tract of land located in portions of the SW1/4 of Section 3 and in portions of the NW1/4 of Section 10, all T6N R88W, 6th P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at a point on the South line of said SW1/4 of Section 3, from which the Southwest Corner of Section 3 bears N 89°52'02" W a distance of 285.65 feet and the Northeast Corner of that Parcel of land described in Book 638 at Page 813, records of Routt County, bears N 89°52'02" W a distance of 60.22 feet; thence N 0°50'11" E a distance of 8.91 feet; thence N 66°33'18" E a distance of 16.22 feet; thence N 21°33'18" E a distance of 556.07 feet, to a point on the West line of that Parcel of land as described in Book 440 at Page 379; thence S 1°20'46" E along the West line of said Parcel a distance of 77.10 feet, from which the Southwest Corner of said Parcel bears S 1°20'46" E a distance of 71.38 feet; thence S 21°33'18" W a distance of 489.82 feet, to a point on the South line of said Section 3, from which the Southwest Corner of Section 3 bears N 89°52'02" W a distance of 326.81 feet and the Northeast Corner of that Parcel of land described in Book 638 at Page 813, bears N 89°52'02" W a distance of 101.38 feet; thence S 21°33'18" W a distance of 285.74 feet, to a point on the East line of said Parcel; thence N 0°46'30" E along said East line a distance of 84.56 feet, from which the Northeast Corner of said Parcel bears N 0°46'30" E a distance of 181.45 feet; thence N 21°33'18" E a distance of 169.66 feet; thence N 0°50'11" E a distance of 23.51 feet, to the POINT OF BEGINNING.

Bearings based on the monumented South line of the SW1/4 of Section 3, the Southwest Corner being a GLO Brass Cap and the South 1/4 Corner being an Aluminum capped rebar PLS #12881 - S 89°52'02" E.

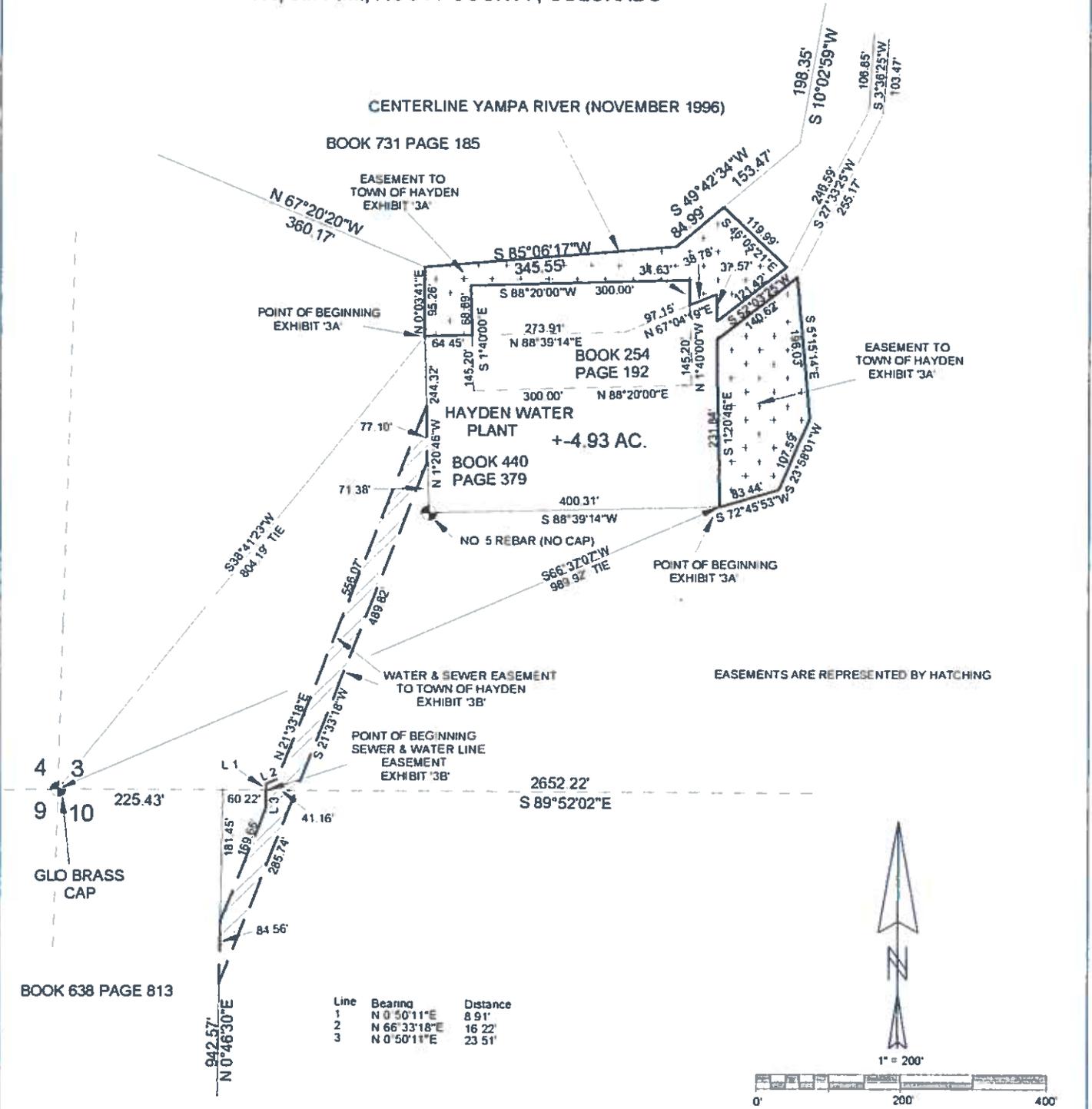
wattles-town w/ easm 2-2-15.doc



Gordon R. Dowling
PLS #30090
1/22/15

EXHIBIT 4

PORTIONS OF THE SW1/4 SECTION 3 & THE NW1/4 SECTION 10
T6N R88W, 6th P.M., ROUTT COUNTY, COLORADO



NOTICE According to Colorado Law, you must commence any legal action based on any defect in this survey within three years after you first discover such defect, in no event may any action be commenced more than ten years from the date of certification shown hereon

TOWN OF HAYDEN EASEMENT LOCATIONS					EXHIBIT 4		DOWLING LAND SURVEYORS, LLC P.O. BOX 954 HAYDEN, COLORADO 81639 (970) 276-3613 dowling@plotz.biz
					SW1/4 SECTION 3 NW1/4 SECTION 10		
SCALE					T6N R88W, 6th P.M., ROUTT COUNTY, COLORADO		
1" = 200'	GRD	DATE 1/26/15	REV 2/4/15	FILE WATLES.M			



Town Council Agenda Item

MEETING DATE: November 19, 2015

AGENDA ITEM TITLE: Resolution 2015-32 a Resolution of the Town Council for Hayden, Colorado amending the refuse and recycling collection contract with Waste Management.

AGENDA SECTION: Consent Agenda

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: Not preferred

BACKGROUND REVIEW:

At the November 5, 2015 Town Council meeting Councilmembers heard a request from Waste Management of Colorado’s Municipal Representative Lance Benninghoff a request to increase the rates for refuse and recycling by one percent (1%) per month, per customer. The current contract, effective through November 1, 2018, includes all single family residences and multi-residential units of five (5) and less within the Town.

According to the contract between the Town of Hayden and Waste Management:

VI. RATES FOR COLLECTION AND DISPOSAL OF GARBAGE AND RECYCLING MATERIALS:

- a. For any services required to be performed under this Contract, Contractor shall not charge any amount in excess of the rates fixed hereunder until or unless such rate or rates are modified by action of the Town Council.
- b. For refuse and recycling materials collected and disposed of in the manner herein provided, the Town wishes to accept Waste Management’s bid for the following services:

One monthly fee for weekly curbside collection and disposal of refuse and every-other-week recycling material collection including a satellite recycling collection site within the Town.

\$17.60 per month, Single family

\$12.85 per month, West Routt Housing/Qualified Senior Citizens

This rate shall be in effect until November of each year this contract is extended at which time the Contractor shall provide evidence to demonstrate any increases in the cost of providing service to the Town. The Town shall reserve the right to approve any further increases not to exceed thirty-five (\$0.35) cents per month per year. The evidence can include and is not limited to CPI increases as reported in the West Urban Consumer Price Index, costs associated with disposing of refuse at approved landfills or transfer stations, fuels costs, etc.

RECOMMENDATION:

At the November 5th meeting Town Council members recommended approval of this rate increase request that will be formalized by adoption of Resolution 2015-32.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation.

As presented at the November 5, 2015 meeting, the current rates for refuse and recycling have been in effect for the Town since January 1, 2014. Waste Management is seeking an increase of \$0.18 per month (increased to \$17.78 per month) per home for residents, discounted for senior resident households, and equals approximately one percent (1%). The City of Steamboat Springs does not provide refuse or recycling services. Checking with Waste Management the fees charged Steamboat residents are: a one-time \$35 account set-up fee, a one-time \$30 fee to deliver trash and recycling containers, a \$96 per quarter fee (\$32.00 per month) for one 96-gallon refuse container (similar to the container provided Hayden residents) and one 96-gallon recycling container. In addition Steamboat residents are charged a fuel and environmental fee that is currently \$36 per quarter (\$12.16 per month). Steamboat residents pay \$44.16 per month plus the one-time charges. The City of Craig provides garbage service without curbside recycling; residents pay \$ 20.00 per month for this service. Craig does have a drop-off site for recycling.

RESOLUTION 2015-32

A RESOLUTION OF THE TOWN COUNCIL FOR HAYDEN, COLORADO AMENDING THE REFUSE AND RECYCLING COLLECTION CONTRACT WITH WASTE MANAGEMENT

RECITALS

1. On September 2, 1986 the Town of Hayden and A.C.E. Sanitation entered into an agreement for the collecting and disposing of all solid waste generated within the Town and Section XI.2 of that agreement provided that A.C.E. Sanitation could assign the Contract only with the prior written consent of the Town and that Waste Management of Colorado, Inc. acquired A.C.E. Sanitation and the Town of Hayden, per Resolution 1987-05 approved the assignment of the Contract held by A.C.E. Sanitation to Waste Management of Colorado, Inc.
2. Since the approval of the contract assignment in 1987 the Town and Waste Management have agreed to extend and/or amend the solid waste services contract multiple times through Motions, and on October 7, 2010, the Town Council and Waste Management further extended solid waste and recycling services by agreeing to a two (2) year contract, commencing on November 1, 2010, for the collection and disposal of refuse and the collection and recycling of recycling materials from all single and multi-residential units of five (5) units or less.
3. On September 6, 2012, per Resolution 2012-18, the Town of Hayden and Waste Management extended the contract for two years to November 1, 2014.
4. On September 4, 2014, per Resolution 2014-27, the Town of Hayden and Waste Management extended and amended the contract for four (4) years to November 1, 2018 when the Town of Hayden and Waste Management contract will terminate.
5. Per the contract, Article VI. *Rates for collection and disposal of garbage and recycling materials*, the Town Council considered a rate increase request equal to one percent (1%) per customer per month from Waste Management at their November 5, 2015 meeting.

NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL AS FOLLOWS:

Section 1. The Town Council desires to amend the current contract between the Town of Hayden and Waste Management, Section VI.b., by increasing the monthly fees by one-percent (1%). The amended fees shall become effective November 1, 2015 and will be:

\$17.78 per month, Single family

\$12.85 per month, West Routt Housing/Qualified Senior Citizens

Section 2. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, APPROVED, AND RESOLVED THIS 19th DAY OF NOVEMBER, 2015.

ATTEST:

James M. Haskins, Mayor

Sharon Johnson, Town Clerk



Town Council Agenda Item

MEETING DATE: November 19, 2015

AGENDA ITEM TITLE: Resolution 2015-33, A Resolution setting the time and place of a Public Hearing on the proposed budget and capital program for the Town of Hayden, Colorado for the 2016 Budget Year

AGENDA SECTION: New Business

PRESENTED BY: David Torgler, Town Manager

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW:

Section 8-5 of the Town's Home Rule Charter requires that a public hearing on the proposed budget and capital program shall be held by the Town Council after receipt of the proposed budget. Notice of the time and place of this public hearing shall be published at least one (1) time at least ten (10) days prior to the hearing. State law, Section 29-1-108(2) and (3), C.R.S. requires that the mill levy be provided to the County Commissioners for certification no later than December 15th annually. Approval of Resolution 2015-33 setting the Public Hearing time and place will allow for publication on November 22, 2015, meeting the Town Charter requirements for the budget public hearing to be held and for the budget and mill levy to be considered for adoption at the December 3rd Town Council meeting. Adoption of the budget and mill levy at the December 3rd Town Council meeting will meet the State requirements without holding any special Town Council meetings.

RECOMMENDATION:

To approve Resolution 2015-33 a Resolution setting the time and place of a Public Hearing on the proposed budget and capital program for the Town of Hayden, Colorado for the 2016 Budget Year.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation.

Changes have been made to the proposed 2016 Budget per the direction of the Town Council during the recent budget workshops. An updated version of the budget, dated 11-19-15, is available at the Town Clerk's office and at the Hayden Public Library for viewing by the community.

RESOLUTION 2015-33

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE PROPOSED BUDGET AND CAPITAL PROGRAM FOR THE TOWN OF HAYDEN, COLORADO FOR THE 2016 BUDGET YEAR

RECITALS

1. Pursuant to the Town of Hayden Home Rule Charter, Sections 8-4 and 8-5 the Town Manager has prepared and submitted to the Town Council a proposed budget, capital plan and accompanying message providing a budget and financial plan for all Town funds and activities for the years 2016 - 2018.
2. The Town Council has met with the Town Manager and senior staff to review the proposed budget and financial plan.
3. Pursuant to the Town of Hayden Home Rule Charter, Section 8-6. Budget Hearing, a public hearing on the proposed budget and capital program shall be held by the Town Council after receipt of the proposed budget. Notice of the time and place of such hearing shall be published at least one (1) time at least ten (10) days prior to the hearing and shall state that copies of the proposed budget and the proposed capital projects programs are available for public inspection in the office of the Town Clerk.
4. Pursuant to the Town of Hayden Home Rule Charter, Section 8-7. Town Council Action on Budget, the Town Council shall adopt the budget by resolution on or before the date provided by law for certification of the ad valorem property tax levy. Per Section 29-1-108(2) and (3), C.R.S. the deadline for certification of a mill levy to the County Commissioners is December 15th annually.

NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL AS FOLLOWS:

- Section 1. A public hearing on the proposed 2016 budget and capital program shall be held by the Town Council on December 3, 2015, 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.
- Section 2. The Town Clerk shall cause to be published a notice of said public hearing stating the time and place of such hearing at least one (1) time at least ten (10) days prior to the hearing and shall state that copies of the proposed budget and the proposed capital projects programs are available for public inspection in the office of Town Clerk.
- Section 3. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution.
- Section 4. This Resolution shall be in full force and effect upon its adoption.

PASSED, APPROVED, AND RESOLVED THIS 19th DAY OF NOVEMBER, 2015.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk

RESOLUTION 2015-36

A RESOLUTION OF THE TOWN COUNCIL FOR HAYDEN, COLORADO APPROVING A CONDITIONAL USE PERMIT FOR A RECREATIONAL VEHICLE PARK AT THE ROUTT COUNTY FAIRGROUNDS

RECITALS

1. Routt County has proposed to use Routt County Fairground property for the placement of nine (9) Recreational Vehicle (RV) hookups. The intent with this RV park is that it will operate as an element of the fairgrounds site.
2. The Routt County Fairgrounds Master Plan Update from 2010 shows ten (10) RV hookups generally located in the same area as the nine spaces are proposed.
3. The subject property is zoned O – Open Space. Surrounding properties are also zoned O, with the exception of properties north of Poplar that are zoned MHR (Mobile Home Residential).
4. RV Park approvals require following the Town’s Conditional Use Permit (CUP) process, Chapter 18-03.070 of the Hayden Town Code, including notice to nearby property owners and the holding of a public hearing by the Hayden Town Council.
5. On October 29, 2015 the Town of Hayden’s Planning Commission reviewed the CUP application and made the following findings regarding the proposed RV Park, which consists of 9 RV pad sites at the fairgrounds as shown on the site plan:
 - A. The use will satisfy the zoning code requirements.
 - B. The use will further the Comprehensive Plan.
 - C. The use will be adequately served by all utilities, as long as the proposed pre-treatment operates as proposed.
 - D. The use will not alter the basic character of the zone district.
 - E. Efficient traffic circulation will be present with this use.
 - F. Potential negative impacts have been addressed by the application.
 - G. All necessary permits will be obtained by the applicant.
6. At the Planning Commission’s October 29, 2015 meeting, having made the above findings, the Planning Commission recommended approval of the CUP subject to the following conditions:
 - A. The Floodplain identified on this property needs to be adequately addressed.
 - B. Drainage plan complying with Town requirements shall be submitted, reviewed and approved.
 - C. Only the RV Park area is being reviewed as part of this application.
 - D. Landscape plan shall be submitted which meets code requirements.
 - E. Fire Department requirements per section 16.10.130 shall be met.
 - F. Plans and specs for water and sewer service which meets code requirements shall be provided.
 - G. Lighting plans need to be provided and compliant with the Town Code.
 - H. Provide “will serve letters” from all utilities.
 - I. Cleveland Avenue and S. 1st Street Right-of-Way vacations have been approved by the Town Council.

J. Development of the site shall not begin until items A - I above have been completed.

NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL AS FOLLOWS:

Section 1. That the Town Council held a public hearing on the proposed RV Park conditional use application at 7:30 p.m. on the 19th day of November, 2015.

Section 2. That the Town Council approves the Conditional Use Permit subject to the following conditions:

- A. The Floodplain identified on this property needs to be adequately addressed.
- B. Drainage plan complying with Town requirements shall be submitted, reviewed and approved.
- C. Only the RV Park area is being reviewed as part of this application.
- D. Landscape plan shall be submitted which meets code requirements.
- E. Fire Department requirements per section 16.10.130 shall be met.
- F. Plans and specs for water and sewer service which meets code requirements shall be provided.
- G. Lighting plans need to be provided and compliant with the Town Code.
- H. Provide "will serve letters" from all utilities.
- I. Cleveland Avenue and S. 1st Street Right-of-Way vacations have been approved by the Town Council.
- J. Development of the site shall not begin until items A - I above have been completed.

Section 3. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, APPROVED, AND RESOLVED THIS 19th DAY OF NOVEMBER, 2015.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk

Advertising Summary

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 Craig Daily Press



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 Email: Andrea Salazar
 andrea.salazar@haydencolorado.org

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Description	Start	Stop	Insertions	Total
Steamboat Pilot & Today	10/25/15	10/25/15	1	16.90
Steamboatpilot.com	10/25/15	08/24/16	305	0.00
Bold Charge				0.00
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Total:				16.90
Prepaid:				0.00

Total Due: \$16.90

11670-1
 TOWN OF HAYDEN
 NOTICE OF PUBLIC HEARING
 10411773

The Town of Hayden Town Council will hold a public hearing on Thursday November 19, 2015 at 7:30 p.m. at Hayden Town Hall, 178 West Jefferson Avenue, Town of Hayden, County of Routt, State of Colorado:

Purpose: To consider approval of a site plan for an RV Park on the County Fairgrounds site. Nine total spaces would be provided, with no individual unit allowed to stay longer than 14 days. The subject property is located south of Poplar Street at 1st Street, west of the Exhibit Hall in the O (Open District) zone.

Applicant: Jill Delay on behalf of Routt County

Owner: Routt County

Greg Thompson, Consulting Planner
 Town of Hayden, Colorado

Published in the Steamboat Pilot & Today
 Publication Date: October 25, 2015



Town of Hayden
Planning Commission
Staff Report

Project: Recreational Vehicle Park Review
Address: 365 South Poplar Street
Applicant: Jill Delay on behalf of Routt County
Prepared by: Greg Thompson, AICP Hayden Consulting Planner
Meeting Date: October 22, 2015

Process: Recreational Vehicle Park Reviews use the Conditional Use Permit process. - The requirements for the review of a conditional use permit are found in Chapter 18-03.070 of the Hayden Town Code.

The subject property and application shall require a meeting before the Planning Commission and a public hearing with the Town Council.

Background

The Routt County Fairgrounds Master Plan Update from 2010 shows 10 RV hookups generally located in the same area as the 9 proposed spaces are. The County is interested in applying for a GOCO grant to allow for the development of this accessory use. Code section 16.10.010 spells out the development requirements for an RV park. The intent with this park is that it will operate as an element of the fairgrounds site. According to the code, people would not be able to stay here longer than 2 weeks.

Zoning and Land Use

The subject property is zoned O – Open Space. Surrounding properties are also zoned O, with the exception of properties north of Poplar that are zoned MHR (Mobile Home Residential).

The adjacent land uses include:

North: Single-family residential

South: Dry Creek, Park

East: Exhibit Hall

West: Single-family residential

Compliance with Review Criteria

Section 16.03.070.C lists the criteria used to evaluate conditional use permits.

1. *The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.*

Staff comment: For all practical purposes, the proposal can and will meet this requirement. There is a variety of information that needs to be submitted to the town for review and approval. For example, as part of this review, it was determined that right-of-way needs to be vacated in this area. It is expected that the identified issues will not dramatically alter the proposed site layout as shown. No variances have been applied for.

The proposal complies with this criterion.

2. *The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Hayden Comprehensive Plan.*

Staff comment: The Hayden Comprehensive Plan really does not state with any clarity how to address the expansion of the uses in the fairgrounds. However, this use is in accord with the adopted Master Plan for the Fairgrounds

The proposal complies with this criterion.

3. *The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.*

Staff comment: It is expected all utilities will be able to be provided to the site in a manner that will be sufficient for each of them. Since this has yet to be confirmed, a condition of approval is proposed to ensure this has been met.

The proposal complies with this criterion.

4. *The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.*

Staff comment: This application for a RV Park area is in accord with the existing 2010 Fairgrounds Master Plan Update and has been anticipated to be developed in the location shown for at least the last 5 years.

The proposal complies with this criterion.

5. *The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.*

Staff comment: An existing access point onto Poplar Street would be used to provide access to this use. As landscaping plans are generated, the applicants will need to ensure good site distance views are provided.

The proposal complies with this criterion.

6. *Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:*
 - a. *Traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.*

Staff comment: With the addition of this use in this area, there will be a variety of different impacts than before. However, these impacts were envisioned as part of the 2010 Update to the Master Plan. The applicants have proposed a wooden fence on the west side of this area to buffer the residential use immediately to the west.

The proposal complies with this criterion.

7. *The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.*

Staff comment: Since this site is shown as being in the floodplain, a permit will be required to be obtained to allow this development to occur in this location.

The proposal complies with this criterion.

Public Input

While no Planning Commission notice is required, appropriate notice will be provided for the Town Council meeting, including, a notice sent to property owners within 150 feet of the property, a sign posted on the property and a public notice placed in the newspaper identifying what is proposed. No comments or concerns have been received from the public about the proposed RV Park.

Recommendation

Based on the above observations and findings of compliance with the Town Codes, staff recommends the Planning Commission make the following findings regarding the proposed RV Park, which consists of 9 RV pad sites at the fairgrounds as shown on the site plan:

1. The use will satisfy the zoning code requirements.
2. The use will further the Comprehensive Plan.
3. The use will be adequately served by all utilities, as long as the proposed pre-treatment operates as proposed.
4. The use will not alter the basic character of the zone district.
5. Efficient traffic circulation will be present with this use.
6. Potential negative impacts have been addressed by the application.
7. All necessary permits will be obtained by the applicant.

And approve the proposed RV Park with the following conditions:

1. Floodplain needs to be adequately addressed.
2. Drainage plan complying with Town requirements shall be submitted, reviewed and approved.
3. Only the RV Park area is being reviewed as part of this application.
4. Landscape plan shall be submitted which meets code requirements.
5. Fire Department requirements per section 16.10.130 shall be met.
6. Plans and specs for water and sewer service which meets code requirements shall be provided.
7. Lighting plans need to be provided and compliant with the Town Code.
8. Provide will serve letters for all utilities.
9. Cleveland Avenue and S. 1st Street Right-of-Way vacations have been approved by the Town Council.
10. Development of the site shall not begin until items 1 – 9 above have been completed.

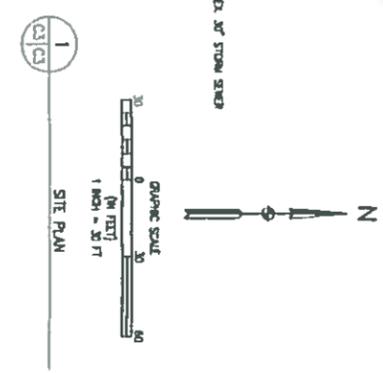
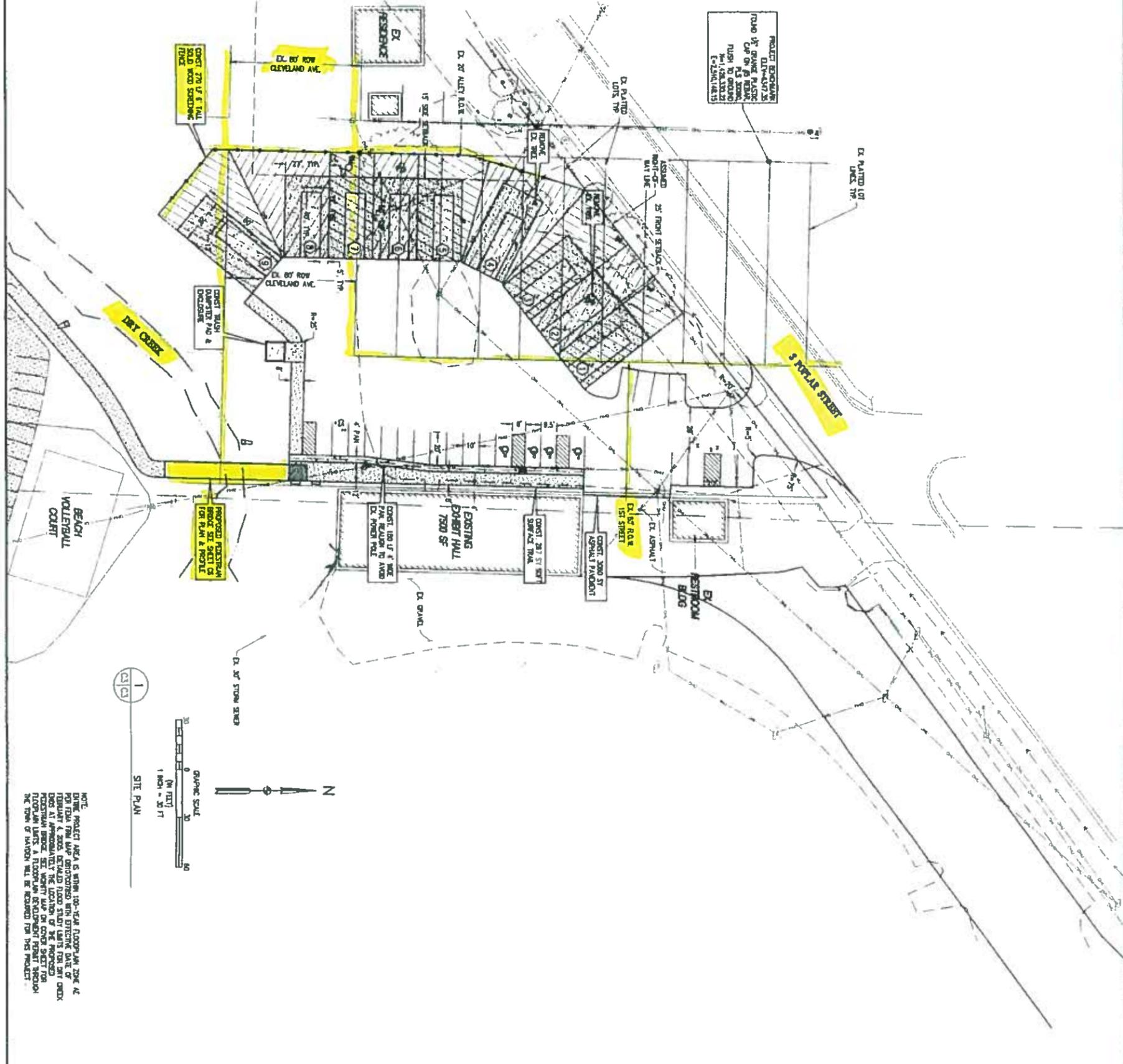
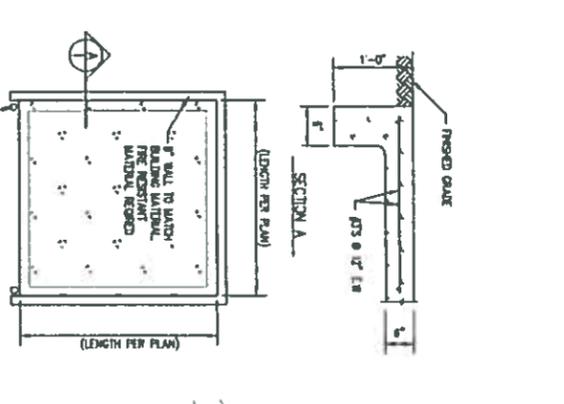
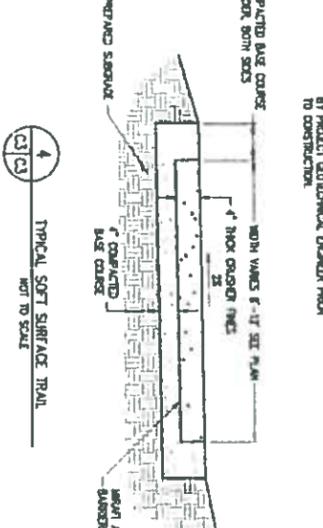
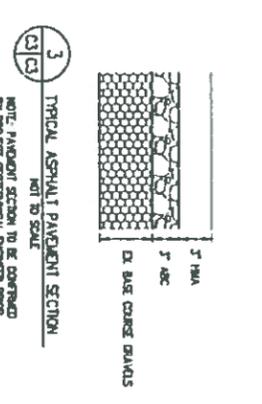
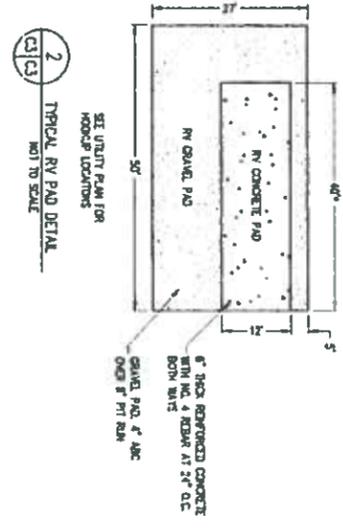
Attachments

Site Plan
Narrative

16.10.10. Fire Prevention and Protection

- A.** All recreational vehicle parks shall comply with the current West Routt Fire District codes.
- B.** Hand fire extinguishers of a type approved by the West Routt Fire District shall be maintained in effective working order and located in convenient places in the ratio of one (1) to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Chief of the West Routt Fire District
- C.** No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the West Routt Fire District. No open fires are allowed.
- D.** Fire hydrants shall be located so that every site within the park can be reached with three hundred (300) feet of hose or as approved by the West Routt Fire District.

NOTE: THE MIN. REQUIRED LENGTH OF THE CONCRETE PAD IS 30'. AN ADDITIONAL LENGTH OF 5' IS SOON PROVIDED TO MEET THE REQUIREMENT THAT ALL PADS ARE AT LEAST 5' FROM THE EDGE OF THE INDIVIDUAL SITE DOES AND TO PROVIDE A PAVED SURFACE CONNECTION TO THE EDGE OF PROPOSED ASPHALT PAVEMENT.



NOTE: EXISTING PROJECT AREA IS WITHIN 100-YEAR FLOODPLAIN ZONE AS PER FEMA FIRM MAP DATED/REVISED WITH EFFECTIVE DATE OF FEBRUARY 1, 2008. DETAIL FLOOD STUDY LIMITS FOR DRY CREEK FLOODPLAIN ZONE ARE SHOWN ON THE PLAN. THE TOWN OF HAYDEN HAS A FLOODPLAIN DEVELOPMENT PERMIT THROUGH THE TOWN OF HAYDEN WILL BE REQUIRED FOR THIS PROJECT.

ROUTT COUNTY		ROUTT COUNTY		BASELINE	
TOWN OF HAYDEN FAIRGROUNDS RV & PEDESTRIAN IMPROVEMENTS POPLAR STREET SITE PLAN		REVISION DESCRIPTION	PREPARED BY DATE	DESIGNED BY	ENGINEERING PLANNING SURVEYING
		ADDRESS TOWN COMMENTS	CSR 10-15-15	CSR	410 OAK ST • PO BOX 7105 • STEAMBOAT SPRING, CO 80477
				CSR	P. 970/7825 • F. 303/482604 • www.baselineco.com
				JMM	

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