Regular Meeting

Hayden Town Council

May 21, 2020

Work Session

Staff & Councilmember Reports

Recreation
Josh Jones, Director Parks and Recreation: Soccer registration was sent out in hope that it works out. No Triple Crown this summer.

Police
Chief of Police Tuliszewski: Routt County working hand and hand for COVID19 testing. Emergency Management for the Town is good with PPE.

Public Works
Frank Case, Public Works Supervisor: Completing Utility locates. Construction picking up. Water Treatment Plant is at full capacity and a few items on punch list to resolve. Public Works starting on street striping. Final completion is July 3rd.

Planning
Mary Alice Page-Allen, Planning and Economic Development Director: working on a couple of site plans; Valley View, new construction, and Hayden Mercantile lumberyard. $31,000 awarded for the final award of the $100,000.

Administration
Mathew Mendisco, Town Manager: Really busy. Work schedule returning to normal. Working through our financial transition to in-house and local CPA, Emily Becker will do bank reconciliation, W-2s, review financial statements, and yea-rend reports. Public Works will not have seasonal hires and I am helping where needed. Josh is helping with his new role and one return employee plus one more summer hire. Routt County decided not to do their chip sealing program which we piggyback on; RC 53 was scheduled for maintenance and our bid came in lower than expected. Seeking one of the local companies to service the project. Harvest, Washington, Lincoln streets core samples taken. Hayden Center moving along with the architect.

Councilmembers

Staff reports will continue at the end of the meeting.

Mayor Redmond called the regular meeting of the Hayden Town Council to order at 7:30 p.m. Mayor Pro Tem McMurray and Councilmembers Engle, Gann, Meek, Hagins, and Wuestewald present. Also present were Town Manager, Mathew Mendisco, Town Clerk, Sharon Johnson, Police Chief, Greg Tuliszewski, Public Works Supervisor, Frank Case and Recreation Director, Josh Jones.

Opening Prayer
Mayor Redmond offered the opening prayer.

Pledge of Allegiance
Mayor Redmond led the Pledge of Allegiance.

Mayor Redmond addressed the Hayden Town Councilmembers regarding attendance to the meetings and noted that three consecutive absences from the
council meeting is grounds for removal or dismissal. This would be enforced going forward. Mayor Redmond accepted all councilmembers to comply.

Minutes –
May 7, 2020


Consideration of Bill
Payment Voucher dated,
May 11, 2020 in the
amount of $374,425.28


Public Comments

Amy Pederson, 304 Lilac. In past few weeks listening to reports, research. Do not want to complain. Next steps regarding COVID-19. Amy Pederson read a letter written to the Town Council regarding requesting variances to the Town of Hayden and the toll wearing masks and has had on the community both children and businesses. She addressed the recreational activities not available to youth and the need to review the needs of the Town of Hayden versus all of Routt County. She pointed out that the same Public Health representatives provided guidance for both Moffat County as well as Routt County and we have very different directives in our Public Health Orders. Asked for the community to have the ability for input into the decisions on the amendments to the future PHO.

Proclamations/ Presentations

None.

Consent Items


Review and consider approval of Perpetual Maintenance Easement for Routt County

Review and consider approval of IGA Regarding the Use of Refueling Facility with Routt County

Old Business

None.
New Business

OLD FARM VILLAGE

Mary Alice presented the staff report and the results of the Planning Commission decision. She noted that the Planning Commission met on April 30th, tabling the proposal for additional information, and then met again on May 14th. She stated that the Planning Commission forwarded a recommendation for denial with a split vote, adding that the staff report disagrees with this recommendation with findings that the project is in compliance with the Development Code subject to conditions of approval.

Walter Magill, Four Points Surveying and Engineering, stated that the proposal is an infill development backing to E Washington Street. He noted that it is a challenging to meet the development standards as the property is crossed by two ditches and is steep to the south. He stated that the proposal includes five-plex and six-plex buildings two and three stories in height accessed by a 40 foot wide roadway using the existing 20 foot alley and an additional 20 foot right-of-way dedication. He stated that they plan to develop the access roads within the existing 80-foot Oak Street and Ash Street rights-of-way with an internal emergency service turnaround. Mr. Magill stated that it will be a clustered high-density development that will have 60–70% of the site as open space. He noted that after the first hearing the plan was modified to move the buildings south 10 feet and maintaining a 30-foot setback from the Shelton Ditch, noting that such provides approximately 100 feet separation between the proposed buildings and those on E Washington Street.

Mr. Magill stated that the Planning Commission’s denial came with no criteria, and they are seeking feedback from the Town Council as they believe the proposal meets the Development Code without any variance. He continued that they believe the traffic will be limited as there is no thru-street, that there will be trails, a community garden, noting that they need to work with the ditch company for bridges and that clustering at one end serves to preserve a significant property for the community.

Public Hearing

Old Farm Village Subdivision Sketch Plan, a 38-unit residential subdivision development in the Residential High Density (RHD) zone district located generally south of Washington Avenue and west of Shelton Lane

The public hearing was opened at 7:53 p.m.

Tom Rogalski, 641 E Washington Street, stated that his main concerns include a dedicated alley becoming a street and the Residential High Density (RHD) zoning. He stated that those that have been there have rights too, and when he bought the property was zoned Open (O) and what was expected was backyard to backyard. He stated that that while the zoning allows 3-1/2 stories, the property owner previously assured that the buildings would not be that high, and now the development includes hardscape too. Mr. Rogalski stated that the code speaks to the preserving rights, views and privacy, adding that those that live there were there first and must be respected. He stated that the property was purchased knowing
the encumbrances, that they have no right to develop, and that the way things are designed doesn’t serve to integrate the community with people driving behind houses. He stated that there will be no opportunity to get to know neighbors, that they will face the open space, open space for them. Mr. Rogalski stated that there is language in the code to deny this application, adding that this development will destroy the nice cottonwoods in the area and that he planted his 23 years ago. He continued stating that if the Town Council doesn’t believe the existing residents should be protected, then it is moot. He stated that if the property is developed it should compare to the Riverbend development west of Steamboat Springs where the cabins could be scatter with a park on the north side, adding that such is what is supposed to happen with PUDs that are imaginative and creative.

Beverly Raper, Shelton Ditch and Walker Ditch, stated that she agrees what Mr. Rogalski and others have said that 3 stories doesn’t fit the home town atmosphere and it would be more appropriate at 1-2 stories versus the haphazard way things are built in Steamboat. She stated that she realizes Hayden needs to grow and there needs to be more businesses, but we need to look at the big picture. She stated that this proposal is unsightly and doesn’t fit with the Town’s farming and ranching, adding that the Town needs growth, but not this. Ms. Raper stated that the Shelton Ditch wants a fence along the easement for safety of children and animals and to keep the trash out of the ditch. She stated that the Walker Ditch is worried about damage to the ditch, particularly erosion potentially related to the community garden. She stated that there needs to be a discussion about bridging the ditch with the rest of the ditch board members, and anything that’s constructed needs to allow for cleaning of the ditch.

Grant Harris, 938 Dry Creek Road North, stated that he lives in Hayden and moved here a year ago. He stated that Hayden needs to grow, that many people are pushed out of Steamboat. He stated that this an opportunity to be seized and the Town should jump on it, that it will provide an affordable option that is 20 minutes from work which is the same amount of time it now takes to drive across town in Steamboat. He stated that if the application has met the requirements it should be allowed, that Hayden is a place for hard-working people, and as the Town grows there will also be more businesses and restaurants to serve the community.

Tammi Delaney, business owner at 198 E Lincoln Avenue, stated that in her previous Vision 2020 work the community identified that water is one of the things that is valued most, and that planning and zoning is a tool to guide where the community grows. She stated that the water and sewer analysis should be looked at carefully to assure that this is the appropriate place for this type of development.

Dallas Robinson, 300 S Spruce Street, stated that he is a former Councilman, owns a business in town, and is the 6th generation of his family to live here. He stated that he appreciates wanting to bring people to town, however it is the Council’s job to represent the current residents of this town, that folks are counting on Town Council to bring stability and protect their investments and homes, that people moved into the community and planned for certainty and invested in the vision. He stated that
they thought they could count on having and alley and backyards and the protection of their main investment. He stated that this development has extremely high density, much like the houses behind Redstone that people didn’t realize what that many people in that amount of space is like. He stated that it is Council’s responsibility to take care of people and his friends, that he is fighting for family, and that he is angry when the Planning Commission listens to the people and staff won’t back them. He added that this project will build tall fences versus short fences, and that the Town wants investment but it should be done respectfully and it is honorable to stand up for the people.

Jason Worrell, 371 Lake View, asked what rules are being broken or what variances are being asked for with this application.

The public hearing was closed at 8:18 p.m.

Councilmember Meek asked about the basis of the Planning Commission’s denial, that it doesn’t sound like that they were out of compliance. Mary Alice responded that there was no basis stated at the time of the motion for denial, however the Planning Commission minutes reflect concerns with the location of the roadway and the height of the buildings. It was noted that the RHD zone district permits buildings to be 3-1/2 stories or 35 feet in height.

Councilmember Gann asked about the vote on the rezoning approval in February, 2019 by Council.

Councilmember Hagins stated that when he saw this project he thought it was ridiculous. He stated that one opportunity was to get the ditches in culvert through property with proper screens and clean-outs. He stated that the project is unacceptable, that he previously envisioned duplexes but this proposal is a great wall, that it is not fair to the E Washington residents, will be an eyesore, and would like to see something different. He added that the proposal may follow everything, but that is no justification for the residents who live here. He stated that he thinks it is an opportunity to culvert the ditch versus fencing, he is against the building height, that the Town needs to take care of people and grow, but not like this.

Councilmember Wuestewald stated that he appreciated the comments regarding the ditch. He stated that the Town needs to meet the expectations of the past when it was annexed, and it’s wrong just because the look of it isn’t liked to say no, that if someone doesn’t like the look of it then they should buy the land. He stated that this has been known to be part of Hayden for a long time, and if it meets the requirements the developer of the project has done their job.

Mayor Pro Tem McMurray stated that, while she feels for those that have concerns for the project, if the codes have been met it seems wrong to say no and she agrees with Councilmember Wuestewald.

Councilmember Meek stated that anyone buying next to vacant annexed land
should expect development in the future. She stated that there are other buildings that are 3 stories in Town, and if the requirements are met then the Town should not say no.

**Mayor Redmond** stated that he is good friends with some of the people who have spoken out on this project, but when someone buys a property and meets the requirements, he doesn’t believe there is any right to turn the proposal down.

**Review and consider approval of Old Farm Village Subdivision Sketch Plan**

1. The proposal meets the standards of the Town of Hayden’s Development Code (Code), is in general conformance with the intent and purpose of the Town of Hayden Comprehensive Plan and preserves the health, safety and welfare of the citizens of the Town of Hayden.
2. The proposed improvement site for the residential units is appropriate as it avoids mapped Unstable Slopes and Potentially Unstable Slope areas on the property.
3. There is a need or desirability within the community for the applicant’s development and the development will help achieve a balance of land use and/or housing types in conformance with the applicable provisions of the Town of Hayden Comprehensive Plan and Hayden Development Code.
4. The configuration of the public open space property does not allow for three hundred (300) feet of street frontage due to the property’s environmental constraints, and a waiver of such standard is appropriate.
5. Given the small acreage for dedication for school site, fee in lieu is appropriate and such shall be paid in accordance with the provisions of Section 7.24.140, Hayden Development Code.

**Subject to the following conditions:**

1. All setbacks shall be determined by an approved Site Plan, and the Applicant shall submit such Site Plan with the preliminary plan application.
2. The following shall be included with the submittal materials for Preliminary Plan consideration:
   a. A Traffic Study completed by a qualified traffic engineer with the preliminary plat submittals;
   b. An engineering report that demonstrates the adequacy of the proposed dedication of water rights for the Town to supply future water demands of the project;
   c. An engineering report that demonstrates the adequacy of the Town’s sewage treatment and collection facilities for the project;
   d. A detailed drainage analysis prepared by a qualified professional;
3. In accordance with Section 11.4, Annexation Agreement, the Developer shall pay the West Routt Fire Protection District the amount of $100.00 per residential lot/unit ($3,800) prior to recording of any Final Plat for the development.
4. Plans submitted for preliminary plan shall show privacy fencing installation along the east line of the property.
5. Elevation and unit layout plans shall be included in the preliminary plan submittal; all setbacks shall be shown or noted for review and approval.
6. The trails and the southern 4 acres shall be dedicated as public open space.
7. Oak Street and Ash Street shall be developed to access the development in accordance with the Public Works Department and Hayden Development Code requirements and meeting all other applicable standards including a looped roadway system over Oak and Ash Streets and a Fire District-compliant turnaround.
8. The right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town. The Town Council shall determine whether the Town or a Homeowner’s Association will accept maintenance of the road right-of-way.
9. Street naming and property address numbering will be coordinated between the Applicant, Town of Hayden and Routt County.
10. All roadway improvements shall meet the standards for a Local Street as such is outlined in Section 7.24-.070(c)(i) and (iv), Local Streets.
11. Any accessible parking spaces shall be provided directly adjacent to accessible units and in accordance with the provisions of Section 7.24.080 of the Code.
12. Sidewalk plans meeting the standards of Section 7.24.090 of the Code, and any request for an exception to those standards, shall be included in the plans submitted with the preliminary plan application.
13. All infrastructure plans show that lines are located underground unless otherwise exempted by the Town Council or under the provisions of the Code.
14. The Applicant shall provide a proposal for the development and maintenance of the open space and trails acceptable to the Town.
15. The determination of the appropriate ownership structure meeting the standards of Section 7.24.120, Parks and Open Space shall be determined by the Town Council prior to the submittal of the preliminary plan application.
16. A fee-in-lieu for public school site equivalent to the standards of Section 7.24.140 shall be paid prior to the recording of the Final Plat.


Review and accept March 31, 2020 Financial Statements

Mathew Mendisco, reviewed the new format of the Financial Statements: We are right on target.

Pulled Consent Items

Staff and Councilmember Reports Continued
Councilmember Hagins thanked Town of Hayden staff for keeping going during this pandemic.

Executive Session

Adjournment
Mayor Redmond adjourned the meeting at 9:02 p.m.

Recorded by:

APPROVED THIS 4th DAY OF June 2020.

J. Timothy Redmond, Mayor

Sharon Johnson, Town Clerk

TOWN OF HAYDEN
INCORPORATED
MARCH 13, 1906

SEAL
COLORADO