

The Regular Meeting of the Meeker Town Board was held Tuesday, April 21, 2009 at Town Hall.

Members Present	Mayor	Etheridge
	Trustees	Omer Mills Halandras Waldref Gerloff
Members Absent	Trustee	Strate
Town Staff Present	Town Administrator	Day
	Town Planner	Smith
	Town Clerk	Cook
	Town Attorney	Viscardi
	Liquor Clerk	Sizemore
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times
	Gary McKinney	Gary's Smokehouse
	Avis Loshbaugh	Meeker Hotel & Café

CALL TO ORDER

Mayor Etheridge called the meeting to order at 7:00 p.m.

ROLL CALL

All Trustees present, except for Trustee Strate.

APPROVAL OF THE AGENDA

Mayor Etheridge asked if there were any changes to the agenda, with Town Administrator Day stating Item D, the decision concerning the approval of an ESCO would be rescheduled for another time due to bad weather and the interviews rescheduled for April 30, 2009.

A motion was made by Trustee Waldref to approve the agenda with the noted change, seconded by Trustee Halandras. All ayes, motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Mayor asked for comments, questions or revisions to the April 7, 2009 minutes with none noted

A motion was made by Trustee Omer to approve the April 7, 2009 minutes as presented, seconded by Trustee Waldref. All ayes, motion carried.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated April 21, 2009. She inquired about Item #10 ó Leak Survey under the Water Fund. Administrator Day responded that the Town has been hiring this company every three years to check the entire water system with its equipment, which includes a van filled with special equipment, which is much faster and more accurate than the Town's equipment, when checking the entire system. Mayor Etheridge inquired if the cost was \$4,534.66 with Day stating yes and that the Town had a much better (leak free) system since this work has been done routinely. Trustee Omer inquired if the work had been budgeted with Day replying yes. Trustee Gerloff inquired if there had been a comparison of the Town's equipment to the equipment used by Utility Tech, with Day explaining the Town's equipment works well but it would be very time consuming to check the whole system using what the Town owns.

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Trustee Mills inquired if the Town's equipment was for spot checks and to locate things that the Town knows or suspects are going wrong. Day replied that was correct.

Mayor Etheridge stated her other question regarded Item #11 ó Engineering Review of the new school, under the General Fund. She inquired if that was something done through a planning request, or had the school or Town requested it? Day explained the plans had been sent to the Town's engineer to review the storm water and floodplain issues (regarding the new elementary school site) and there would be more expenses for engineering reviews concerning this project. She said the school had recently submitted their conditional letter of map revision for the floodplain (concerning the structure that will be constructed in the Sulphur Creek flood way) which was being reviewed by the Town's engineer.

Trustee Mills inquired if the cost to the Town would be reimbursable or would it fall under the application fee? Day stated it would be up to the Board to decide as it is another governmental entity and in the past the Town had not charged governmental entities for those types of charges. Trustee Halandras stated from his experience, the Town will incur more review expenses. Day agreed and also explained that during construction of a school, the Town does not issue the building permit, due to a school falling under the State's jurisdiction. The State permits and performs all the building inspections and review of the construction plans, with the Town's job relating to the site plan, such as drainage, street issues, and floodplain. Trustee Halandras inquired if it the flood plain was on County property? Day explained, since the land is located within the Town limits, it is the Town's responsibility to review, even though the County owned the land. Attorney Viscardi stated the Town's Code requires a floodplain permit, which was mandated many years ago by the State and Federal governments. He stated since the Town's code requires a floodplain permit, the reason the Board will see more expense is due to the structure proposed to be built in Sulphur Creek, requiring the School to go through the Town's floodplain permit process as well as the letter of map revision process required by the Federal government. Trustee Mills wondered why the Town should incur costs for the school doing something. Trustee Mills stated it should state somewhere, i.e. in their application or something that they pay for these expenses. He stated the Town requires it of others, the School should pay as well. Day stated the Board could ask for a deposit to cover review costs. Planner Smith explained that the Rec. District had been required to deposit review funds, with Day stating the Town had to do a plans review and there were special inspections that had to be done (concerning construction issues) as the Town had no one with the expertise regarding swimming pools, (all discussed during the building permitting process). Trustee Omer inquired if it was part of the whole building permit process? Day stated that was correct, but in the case of school construction, the Town doesn't issue a building permit. She stated within State statutes, the construction process is handled totally differently with the only plans the Town reviews being the site plan for adequate parking, storm water retention and floodplain issues.

Trustee Gerloff inquired if the Schools engineers were State Certified, why did the Town have to incur more costs to the taxpayers for the Town's engineer to review something done by a State certified engineer and if there was a way to shift the liability to their engineer? Attorney Viscardi stated the Town doesn't rely on someone else's engineer to do the engineering on a project that the Town has to approve, permit and then take the liability for. He provided an example of a subdivision, stating an engineer may have designed the roads or storm sewers, but that doesn't relieve the Town of having due diligence in reviewing it and ensuring it meets Town standards and the Codes the Town has adopted and therefore taking the liability of insuring whatever is submitted to the Town, be it floodplain, design of a building, etc. is designed correctly. He stated generally those costs would have been paid and passed along to the permittee, but in this case, it is a Board decision. Trustee Omer inquired if the Town had a cost estimate as to how much more engineering reviews for those types of items for the project would be? Day stated she would work on getting an estimate. Mayor Etheridge inquired if there had been a discussion with the school district regarding the Town's engineer reviewing the plan, the associated cost and if they know the Town is doing it. Day stated yes, they know the Town is reviewing the plans, and the process. Mayor Etheridge inquired if there had been discussion of the school reimbursing the Town with Day stating no. Planner Smith stated schools being constructed go through a different process based on state statutes and don't fall into the

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category where the Town would start the discussions of agreements and review (where costs are normally discussed). Planner Smith stated the engineering cost on this month's voucher list had been incurred for review of the site plan and engineering aspects of what needed to be addressed (i.e. the water line being buried too deep, wrong type of pipe fittings, storm water, etc.) and it appeared there were encroachments or grading alterations on other individual's properties, not just the school property. She stated Mr. Hale (Mountain Cross Engineering) had provided a list of comments based upon the site plan, which had enabled the town and school district to fine tune some issues. She explained Mr. Hale is now reviewing the submittal for the Floodplain letter of map revision for technical details. Planner Smith stated once he gives the okay, the Town will be able to sign off and the school's engineer will be able to forward the document to FEMA. Trustee Mills stated he felt the school should pay for it and to be apprised of the costs incurred by the Town to be reimbursed. Mayor Etheridge asked if the Mountain Cross invoice should be removed from the current list of vouchers. Attorney Viscardi stated he didn't know if it would be fair to Mountain Cross Engineering and it might be more appropriate to approve it, pay it and ask for reimbursement. Trustee Omer inquired of Day, asking if in the past, the precedent had been not to pass these costs to governmental entities, except in the case of the Rec. District. Day stated she would do more research and convey that information to the Board.

A motion to approve the revised set of vouchers dated April 21, 2009 was made by Trustee Mills, seconded by Trustee Halandras. All ayes, motion carried.

Call to Todd Owen, Manager of the Walbridge Fund

Day stated Mr. Todd Owen managed the Walbridge Fund and had written a letter asking what do with the cash in the fund, and indicated he would like to speak to the Board regarding bonds and investments. Trustee Omer left the room due to conflict of interest. Day contacted Mr. Owen via phone and introduced the Board, and Mr. Owen thanked the Board for the opportunity to speak with them. He explained that handouts he had provided the Board and explained the items in detail. .

Mr. Owen stated he wanted to discuss a couple of items with the Board, with the first being the three things affecting the economy: inflation, unemployment and housing. Mr. Owen stated the thought was there wasn't going to be huge inflation, it's more deflation right now, with things getting cheaper instead of more expensive, and that unemployment was improving but nothing drastic. Mr. Owen stated the second would be the money currently in the money market fund. He stated his thought was money that would be put in bonds, for the longer-term. He stated the issue with that is if he is looking for bonds, he would be looking shorter term, five years or less. He also stated that sometimes the bonds were available for a week or two, and at times they were available for only a day. He stated the goal would be to get the bond that looked the best for the long term for the account.

Mr. Owen inquired of the Board if it was possible for him to give the Board a minimum rating on a bond, with a range of possibly two years, the Board and himself agreeing on a dollar amount for that purpose and then he could find bonds within that range? He stated for example if the Board wanted to buy four different bonds for \$100,000 in the four to five year range, he would send a letter to them of what he would like to purchase and then the Board could approve the purchase. Mr. Owen stated it wouldn't be a specific name necessarily but would be the description and the type of bond. Mayor Etheridge inquired if that would allow Mr. Owen the flexibility if something were to arise that day, to go ahead and purchase it. Mr. Owen stated yes, but he didn't want the Board to think "if they don't do this, it's gone," that isn't the focus. He stated it would provide him with a shopping list so when he does see something come available, which met 100 percent of the Board's criteria, whether it is length of authority, quality, or price, there wouldn't be anything outside of that range that he would give them, he could go ahead with those purchases. Mr. Owen stated for example they might pick off the first 100, he would write the Board a letter, stating here is what he would like to do (purchase) the Board could approve or not approve, and then move to the next group. He stated they would be in communication, but would give him a bit more flexibility.

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Mr. Owen stated at this time, they didn't need to add to their equity position, and there would be some stocks that probably would be dropped off the buy list and would send the Board a note, upon your approval we would like to sell this and buy this. He stated if they were correct in the thought that things would be improving at the end of the year, it would likely happen that interest rates would rise and they would be able to buy bonds with higher coupons as was his suggestion to the Board. He stated he would send a formal letter to the Board regarding his thoughts and what he would like to do. Consensus from the Board was to obtain more information to read and to discuss further before making any decisions.

PUBLIC PARTICIPATION

None

NEW BUSINESS

Request from GPMCK LLC dba Gary's Smokehouse for renewal of Hotel & Restaurant liquor license.

Administrator Day stated she would be handling the request as Liquor Clerk Kathy Sizemore had a conflict of interest. Day stated there had been 11 calls to the establishment, none related to alcohol and Staff recommended approval (Gary McKinney, owner was present).

A motion was made by Trustee Mills to approve the request for renewal of a Hotel & Restaurant liquor license for GPMCK LLC also known as Gary's Smokehouse, seconded by Trustee Halandras. All ayes, motion carried.

Request from the Meeker Hotel & Café LLC dba/The Meeker Hotel & Café for renewal of Hotel & Restaurant liquor license.

Liquor Clerk Kathy Sizemore stated Ms. Loshbaugh was present as the newly appointed manager for the Meeker Hotel & Café as approved by the State. She stated there had been 23 calls for service to the address, with none related to alcohol. She stated all paperwork and fees were in order, and Staff recommended approval.

A motion was made by Trustee Halandras to approve the request for Meeker Hotel & Café to renew their liquor license, seconded by Trustee Waldref. All ayes, motion carried.

Approval of verbiage revisions to CCOERA, regarding the Town's retirement plan, revisions requested by CCOERA.

Administrator Day stated every five years the Town is required to re-state its CCOERA plan and it has been restated exactly the same as in the past (such as percentage of retirement, etc). She stated the changes which are proposed are required due to revisions in State or Federal laws. She also stated Attorney Viscardi had prepared Resolution #3 to accept the new plan (as well as reviewed the plans). Day explained the Town has two plans, a general plan for which the police were on also, and another police plan, as they don't pay into Social Security. Trustee Omer inquired if the change had to do with funds contributed by employees that were returned to the plan.

Day stated no, it was the same as it always had been. She stated if someone was not fully vested quits, then a portion the Town has invested comes back to the Town. Trustee Omer inquired that if it comes back to the Town does it go towards future costs of the plan, with Day stating yes. Trustee Omer stated he was inquiring as Pioneers Medical Center had the same plan, but there was a new provision where you had to elect whether or not to return the funds to the plan or distribute them to participating employees. Town Clerk, Cook stated the Town's previous plan with CCOERA had been that it comes back to the Town, and have not elected to make a new election.

A motion was made by Trustee Halandras to approve Resolution #3, Series 2009, to restate the Town's CCOERA plan and participation agreement with the amendment, seconded by Trustee Omer. All ayes, motion carried.

Executive Session – Ownership and construction issues concerning a portion of Ute Road (the proposed

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elementary school access road intersecting with Sulphur Creek Road).

Administrator Day asked the Board to visit the Ute Road/Sulphur Creek Road area prior to moving into executive session. The meeting was recessed to go to the site at 7:45 p.m. The Board returned to Town Hall and reconvened the meeting at 8:04 P.M.

A motion was made by Trustee Halandras, seconded by Trustee Waldref to go into executive session to discuss ownership and construction issues concerning a portion of Ute Road (the proposed elementary school access road intersecting with Sulphur Creek Road, to have conference with the attorney for legal advice and discussions concerning negotiations, authorized pursuant to the following statutory sections, which apply to the above topics.

CRS section 26-4-402 (4) (b) "Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions." And section 26-4-402 (4) (3) "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and, instructing negotiators. All ayes, motion carried. The Board moved into their Executive session after a visit to the site.

Motion

The Board reconvened its regular meeting at 9:04 p.m. For the record, let it be stated that in the Board's executive session, Board members received some legal advice and discussed strategies for negotiations regarding ownership and construction issues about part of Ute Road and pursuant to those discussions it has been decided that the Town Board is willing to work toward ownership of a street, the construction of an access road from the Town owned road, Sulphur Creek Road to the new elementary school. The Board believes that there should be an intergovernmental agreement with terms acceptable to the Town regarding the construction of said access road and also to discuss other issues such as ownership transference, fiduciary agent, funding and having the street be constructed to Town standards. The Town is excited that the Town Staff can begin negotiations and discussions with other entities about the possible construction of the new access road, whether it be the current Ute Road or any other idea beyond that.

Attorney Viscardi asked if there were any Board members if there were any items discussed in executive session that were improper, that this was the time for the Board member to voice that concern. There was no response from the Board and the meeting was continued.

Discussion concerning traffic study including Ute Road and determining connecting safe routes for bikes and pedestrian traffic to the new elementary school.

Mayor Etheridge stated the purpose of this discussion would encompass any type of traffic study, the Town would be looking at Ute Road and potential design, Safe Routes to School, bike/pedestrian traffic, traffic flow to include the route from Market Street to Ute Road and surveying all the way to Sanderson/Shultz Drive. Mayor Etheridge inquired if that was the expanse of what to include in traffic study and if the Board wanted to move forward with a study. Day stated she and Attorney Viscardi had spoken with Stantec who had conducted the Town's traffic study on 5th and Market Street. She stated Stantec complimented the Town for being pro-active and stated they firm was willing to come to Meeker next week to look at the site and provide a proposed scope of work and a cost estimate. She said that Rob, from Stantec, had conveyed there might be CDOT issues due to the change of a major traffic route, impact of highway access. The discussion following included what to include in the study 2nd Street, where to put Ute Road, Safe Routes to School, costs and cost sharing with other entities. Attorney Viscardi stated Stantec had discussed models, etc, but they had stated they would look at the current school and the traffic generated there. He stated to try to pin it down without Stantec seeing it would be impossible until they visited the site. Board consensus was to have Stantec make the site visit. Day reiterated again that once Stantec comes next week, they would be able to tell the Town what the scope of the project should be and the information will be brought back to the Board.

MAYOR'S REPORTS

None

MANAGER'S REPORTS

Joint Meeting with Rangely and Rio Blanco County – Day stated the joint meeting between Meeker, Rangely and Rio Blanco County would be held on May 11, 2009 and inquired if the Board had any agenda items. Trustee Mills stated he would like to talk about Rangely's infrastructure and if they work with people to place the infrastructure, thus building diversity. Trustee Gerloff inquired if by May 11th would there be more information about the County's Master Plan. Day stated she didn't know, but would check. Trustee Gerloff stated it would be a good time to begin discussions. Mayor Etheridge stated the County could provide an update on the master plan. Trustee Omer inquired if there would be an update on the Housing Needs Assessment. Day stated the Town/County had finally received the award letter, but still do not have a contract. She stated she had spoken recently with Bill Whaley, and would get the contract to the Town as soon as he could, but there was a heavy load of work and couldn't give a date when the contract would be available. Trustee Omer inquired if it would be a few months out before it was commissioned, completed and reported, with Day stating correct. Trustee Omer stated once the results were out, it would be a huge interest to Meeker and Rangely and something to think about. He stated the Community Taskforce had asked the different work groups come together to discuss mutual interests such as healthcare, or law enforcement. He said maybe the first meeting could be used to identify what issues everyone can mutually work on.

Free Dump Day ó Day stated she had spoken with the County regarding a "free dump day." She stated the Town usually did the cleanup/fix-up for people 65 and older and there was a free dump day for everyone. She stated she had received an email from the County stating the Commissioners had decided to do it differently this year. Day stated the County will be sending everyone a voucher to be used sometime during the year for a free time when it is convenient for them to go to the dump during the year. She stated the County would also grant the Town a free day when the Town could pick up for handicapped and people over 65. She stated Public Works Superintendent Russell Overton would like to do that pick up May 15, 2009. Discussion focused on how beneficial it was to the Town, the benefits of the vouchers, and the County making the vouchers available at the County Offices in Rangely and Meeker for those who didn't receive one via mail.

Trash Pile ó Day stated there was a huge trash pile located on the County's property that had built up over the years which began when the Town purchased a wood chipper and the County allowed the Town to pile the chips there so people could pick them up. She stated over the years, it had been abused and is now a huge pile of manure, wood chips, branches and all sorts of junk. Day stated Bill Jordan had asked if the County could burn it. She stated the Town does not allow burning within Town limits, but have allowed the fire department to do trainings, which they might be willing to do. She stated there were many items that may smolder for a long time. Day stated Krule Construction had given the Town a brochure regarding an incinerator they had to burn such items, but it won't work in the Town's limits due to the Town's no burning code and further explained that Public Works, Overton had asked Krule Construction, who is doing the construction work for the new elementary school, for a cost estimate to haul and dispose of the pile. She said that Krule Construction had submitted a proposal at the cost of \$1,275.00. Day recommended the Town accept the proposal as it would take many loads for the Town to haul it away. She stated there were funds in the budget to pay for the service. Trustee Gerloff inquired if there was immediacy because there was a landfill south of Glenwood Springs that took various materials to generate fertilizer, and inquired if it would be an option to research and cost effective to haul it there. Day stated the pile is huge and had many materials in it and Mr. Overton had stated the only way the Town could load it was with a clam shell. She inquired if the Board wanted to defer and look at the Glenwood option? Discussion focused on the idea of Glenwood being good, but hauling it would be costly. Day stated the Board could take a couple of weeks to think it over. Consensus from the Board was to hire Krule Construction to get the work done.

Dog Kennels ó Day stated Building Inspector Carl Padilla had completed the kennels, except for the cover over the top. She stated when the Town received the dog doors; they purchased the type where the doors can be operated without getting into the kennel with the dog. She stated everyone expected the doors to have the little

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flaps on them, but they don't, and if flaps aren't purchased, the doors won't be able to be left open with wind, rain or snow being a problem inside the kennels, which was the purpose of purchasing the doors so the dogs could be either in or at their will. She stated Mr. Padilla had found some material for \$585.00 and he could make the dog doors which could be financed from a donation from the Clarks, in memory of Mary Clark, which was designated for the Animal Control facility. The Board concurred to have Mr. Padilla construct the flaps and use the donation from the Clarks for the project.

Quarterly Walbridge Payment ó Board consensus to table this item to next meeting.

ATTORNEY'S REPORTS

None

OTHER TOWN BOARD BUSINESS

ADJOURNMENT

Mayor Etheridge adjourned the meeting at p.m.

Mandi Etheridge, Mayor

Attest:

Lisa Cook, Town Clerk